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Mvimbi, Ayanda

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THE POST- APARTHEID SOUTH AFRICAN STATE AND THE ADVANCEMENT OF GENDER EQUALITY: THE EXPERIENCE OF THE NATIONAL GENDER MACHINERY

Ayanda Mvimbi

A thesis submitted to the Department of Political Science, Faculty of Humanities, University of the Witwatersrand, Johannesburg, in fulfilment of the requirements for the degree of Master of Arts.

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ABSTRACT

This study seeks to contribute to feminist analysis of whether the post-apartheid South African state represents a model of how the state can advance gender equality. The study analyses the institutional mechanisms that have been put in place by the South African government aimed at advancing gender equality. It focuses on the Office on the Status of Women (OSW) as the entity established within the government to steer the national gender programme. The role of the OSW is to coordinate the National Gender Machinery (NGM) as well as to define and develop a gender mainstreaming strategy for government. The study evaluates the assertion that South Africa serves as a model for advancing gender equality is justified, by exploring whether the country has overcome the problems associated with national gender machineries globally or whether it has reproduced them. It points to the fact that the location of the Office on the Status of Women in the Presidency is strategic as it is at the centre of government machinery.

The study argues that the value of this has, however, been hampered by various factors. The OSW's location in the Presidency has not provided it with the political leverage required to enforce gender equality. There are four indicators that show that this has not happened. First is the limited accountability measurer to enforce the fulfilment of existing commitments in government and between the NGM and civil society organisations. This has limited the OSW's effectiveness. Secondly, the gender mainstreaming strategy is largely undefined. There is a lack of clarity about the roles of the NGM institutions, which tends to lead to duplication of roles as well as limited strategic reinforcement. The OSW has also been weakened by limited strategic relationship with civil society organisations. Thirdly, the OSW has had to operate on a limited budget. This has limited what it has been able to achieve. Lastly, the National Gender Policy Framework for Women's Empowerment and Gender Equality, the policy document developed under the auspices of the Office on the Status of Women, is a relatively weak policy framework for conceptualising women's subordination, as well as articulating the overall goal of gender equality. It is further weakened by the fact that it not enforceable; thus government entities cannot be held accountable for not implementing it.

Key words: state feminism, National Gender Machinery, feminist interest, gender equality, gender mainstreaming

This thesis is submitted for the degree of Master of Arts in the Department of Political Science, Faculty of Humanities, University of the Witwatersrand, Johannesburg. I declare that it is my own work and has not been submitted before for any other degree or examination in any other university.

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Ayanda Mvimbi

1 July, 2009.

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ACRONYMS AND ABBREVIATIONS

ANC	African National Congress
BPFA	Beijing Platform for Action
CASE	Community Agency for Social Enquiry
CODESA	Convention for a Democratic South Africa
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CSW	Commission on the Status of Women
CSOs	Civil Society Organisations
CGE	Commission on Gender Equality
DAW	Division on Advancement of Women
GAD	Gender and Development
GEAR	Growth Employment and Redistribution Macro-Economic Strategy
GMS	Gender Management System
JMC	Joint Monitoring Committee on the Improvement of Quality of life and Status of Women
IDASA	Institute for Democratic Alternatives in South Africa
NGOs	Non-Governmental Organisations
NGPF	National Gender Policy Framework
NMGs	National Gender Machineries
OSW	Office on the Status of Women
RDP	Reconstruction and Development Programme
NGM	South African National Gender Machinery
SANGPF	South African National Gender Policy Framework for Women Empowerment and Gender Equality
SAWID	South African Women in Dialogue
SAP	Structural Adjustment Programme
UN	United Nations
UNDHR	United Nations Declaration on Human Rights

UNECOSOC	United Nations Economic and Social Council
UNWCW	United Nations World Conference on Women
WBI	Women's Budget Initiative
WID	Women in Development
WNC	Women's National Coalition
WCEE	Women's Charter for Effective Equality

Chapter 1
Introduction

South Africa has been hailed as a success and international showcase for the formal measures it has put in place to promote gender equality. These include its Constitution, an enabling legislative and policy framework and efforts to ensure a high number of women in decision-making positions (Hassim,2003aa), including in ministerial positions and in large numbers in parliament (Mtintso,1999; Meintjes, 2005). In addition, the government has put in place an integrated National Gender Machinery consisting of the Office on Status of Women in the Presidency, the Joint Committee on the Quality of Life and Status of Women (a parliamentary body) and the Commission on Gender Equality (a statutory body). The multi-layered national mechanism for promoting gender mainstreaming and gender equality is considered a good model for strengthening national machineries (United Nations Economic and Social Council Report, 2005). These measures would definitely appear to support the claim that the South African government is committed to promoting gender equality.

However, there is an extensive debate on whether the post-1994 South African state should be seen as a model for how to use the state to advance gender equality. A number of South African feminist scholars have argued that the record of success is mixed. While there has been some progress in terms of representation of women and access to political positions, there is also stagnation in political will and policy implementation (Gouws, 2005b; Hassim, 2005; Meintjes, 2005; Holland-Muter, 2008). This study is located squarely within these debates on the extent to which the state can be a partner in feminist efforts. The study assesses whether the South African model has overcome the problems associated with National Gender Machineries[1] (NGMs) globally or whether it has reproduced them.

Gender inequality and women's disempowerment are pervasive global problems. Since the early 1960s, women's movements all over the world have highlighted the poor conditions and situation of women who, it is argued, have been left out of the mainstream development agenda. Recognising the marginalisation of women's interest in government institutions,

[1] National Gender Machineries refer to agencies devoted to women's policy issues established in various forms, including women's desks, fully -fledged ministries of women affairs etc.

after strong lobbying by women activists the First World Conference on Women in 1975[2] called for the establishment of NGMs for the advancement of women[3]. It was argued that creating policy institutions would enable women's interests to be articulated at the highest level of policy-making. The institutions, it was believed, would allow for women's interests to be articulated and to be taken account of by the state. They called on governments, particularly member states of the United Nations (UN), to take decisive action to address gender inequalities through a range of institutional interventions that included new policy commitments and dedicated public resources as well as new structures within the state. Governments and donors responded to this by creating what came to be known as NGMs, dedicated bodies within the state for formulating policies to empower women. This model was widely promoted as a mechanism for engaging the state on the project of gender equality. The UN recognised NGMs as central institutions within government structures through which the project of improving the quality of life and status of women could be managed politically. NGMs have been adopted across the UN member states and are firmly embedded in both donor and women's movement agendas as part of the platform on which to build democratic and accountable states.

However, when NGMs are assessed, there are indications that they have not necessarily been successful in ensuring effective attention to gender equality by the state or in translating into a "power advantage" for women (Hassim, 2006:240). Rather, they have been co-opted by popular interests (Alvarez, 1990) or suffered because of marginalisation of women's rights by the state, both at institutional and conceptual levels (Ali, 2002). The rhetoric by governments in advancing gender equality does not seem to translate into real and meaningful gains. As will be established in Chapter 3, the NGMs have been unevenly successful. One of the reasons for this is that NGMs focused only on women's marginalisation and not on changing the discriminatory practices, rules and culture that perpetuate discrimination against women (Goetz, 1995, see chapter 3).

Feminist scholars and activists have argued that these policies focused on the integration of women into existing development frameworks instead of addressing structural gender inequalities including unequal power relations. Despite the spate of new departments and

[2] The United Nations First World Conference on Women was held in Mexico in 1975. It spearheaded what became known as the United Nations Decade for Women (1976-1985) and the adoption of National Gender Machinery institutions later endorsed by governments.
[3] The 'advancement of women' is a phrase that will be used throughout this thesis. It is understood to mean any efforts aimed at addressing discrimination against women on political, social or economic grounds.

offices within governments, feminist scholars and activists scepticism of governments has grown. Governments' commitment to addressing women's marginalisation has started to be doubted.

Early feminist scholarship on the state tended to be characterised by a dichotomy between those who saw the state as a primary site of activism and those who treated it as irretrievably oppressive of women (Waylen, 1996). However, the decades in which there was intense engagement with the state in several parts of the world, especially in the social democracies, produced a very different scholarship. The theoretical influences of post-structural feminists as well as the experiences of Nordic and the Australian countries have contributed to new perspectives that examine states in their historical contexts. As I outline these in chapter 2, this literature highlights that, under the right conditions, the state can be receptive to agendas of gender equality (Pringle and Watson, 1992; Stetson and Mazur, 1995; Waylen, 1996; Hassim, 2003b; Gouws, 2005b). These conditions include the presence of a highly mobilised women's movement, a feminist agenda for equality, and allies within the state. This literature treats the state as an agglomeration of interests and institutions, some of which may be marshalled in support of feminist policy demands, rather than as a homogeneous entity (Pringle and Watson, 1992). There is recognition that the process of how power is constituted and shifted within the state, which is often characterised by contradictory interests, makes it possible to achieve some gains for gender equality (Waylen, 1996; Gouws, 2005b). The fluidity of these spaces within the state means that they can be shifted either way depending on the political leverage of the interest groups.

Focus of the study

The study seeks to contribute to feminist debates on the nature of the state in South Africa by focusing on whether the South African National Gender Machinery (NGM) is a vehicle for advancing gender equality. The concept of state feminism is used in the study to describe the creation of formal institutional and policy mechanisms that represent women's interests within the state. The study contributes to the body of knowledge on whether the South African model can be advanced as a mechanism to achieve gender equality. The study looks at the NGM model with a particular focus on the Office on the Status of Women (OSW), assessing whether the assertion that the South Africa model of NGM is a successful model for promoting gender equality is justified and whether it has overcome the problems associated with NGMs globally or has reproduced them.

One of the key limitations of this study is that it does not comprehensively assess the NGM model. In order to do so, one would have to analyse all the pillars and mechanisms of the model including the representation of women; all the institutional mechanisms created to advance gender equality; and the legislative reforms that have been put in place. It would also require an assessment of the impact of the creation of these mechanisms on the lives of marginalised women. This study has the more limited goal of conducting a case study to investigate whether the creation of special institutions of the NGM for the representation of women in government is effective. A related and secondary objective is to examine the South African government's interpretation of gender mainstreaming as an approach to integrating women's interests in the policy-making process.

In order to explore these broad questions, the study focuses on the OSW, regarded as the apex of the NGM (South Africa National Gender Policy Framework, 2000). The specific focus is on how the OSW contributed to an effective NGM. It also examines the South Africa National Gender Policy Framework for Women's Empowerment and Gender Equality (referred to in this study as the National Gender Policy Framework) which was developed in 2000 as a central strategy "outlining South African Government's vision for gender equality and for how it intends to realise this ideal" (South Africa National Gender Policy Framework, 2000: 1). It does this by examining the roles and responsibilities of the OSW as outlined in the National Gender Policy Framework (NGPF) and the relationships outlined in the Gender Management System (South Africa National Gender Policy Framework, 2000). The study draws on Goetz's distinction between vertical linkages within the state (the proximity to power in the central directorate), and horizontal linkages between different sectors responsible for policy implementation (Goetz, 1995). To assess the South African government's approach to women's empowerment and to achieving gender equality, it will examine the provisions of the NGPF which was developed by the OSW.

South African National Gender Machinery Model

The study focuses on the South African model of promoting gender equality which was established between the period of transition to democracy and the new democratic dispensation. This model, designed by South African feminist scholars and activists, is composed of three main aspects: it has a large number of women in senior decision-making positions; a supportive constitutional and legal framework is in place; and the country has

established integrated national gender machinery. These formal mechanisms have demonstrated a clear political goal with regard to state driven gender-equality programmes. South Africa is considered well advanced in terms of institutional development, and many scholars regard the South African state as having created a perceived impression that it is open to advancing women's interests (Longwe, 1995; Beall, 2000; Gouws, 2005b; Hassim, 2003a; Holland-Muter, 2008). According to Hassim, the incorporation of women as an interest group in the policy-making process instituted a "gender pact' in South Africa (Hassim, 2003a:298).

The period of transition to democracy in South Africa provided an unprecedented opportunity for engagement by women with the state on how it would address gender inequality and the structural discrimination against women. As the country was gearing up for a new dispensation that would lead to the democratic order, women's rights activists including academic scholars, representatives of civil society organisations and political party representatives engaged in the reform process to make demands for gender equality to be recognised as a goal. The transition process revealed the challenges that women activists had to overcome to push the state to take women's interests into account. Hassim states that the Women's National Coalition (WNC) developed a voice in national politics that was stronger than before (Hassim, 2006:212). For example, during the transitional period of new democratic dispensation the Congress for a Democratic South Africa (CODESA), the WNC ensured the inclusion of the principle of non-sexism in the Constitution when it challenged the attempt by traditional leaders to exclude customary law from the Bill of Rights (Albertyn, Goldblatt, Hassim, Mbatha and Meintjes, 1999).

The 1995 Beijing Conference, which was the Fourth United Nations Conference on Women, has particular significance in the South African struggle for gender equality. It provided the conditions in which various women's organisations and women activists in government institutions were united by a common commitment to address gender inequality. The Beijing Platform for Action (BPFA), adopted at the conference, gave impetus to the South African government to speed up the process of creating the NGM and reviewing existing gender discriminatory legislation. The South African government's inaugural participation in a UN conference on women was an important symbol of the international acceptance of the new democracy and a marker of the extent to which the country was set on a progressive path.

The enabling environment for gender equality was an outcome of tireless activism by organised women's organisations contending for political space for feminist goals. However, the formal recognition of gender equality by the new state was not only a response to international pressure. These demands had been made by women's movements within the country for many years and had been represented in the constitutional negotiations by the WNC. The WNC was an alliance of a wide range of women's organisations that sought to ensure women's participation in the negotiations around the transition from apartheid to democracy (Hassim, 2006:13). Furthermore, within the dominant political party, the African National Congress[4] (ANC), women activists had extracted commitments to gender equality in advance of the 1994 elections. The result of this activism at local and international levels was the creation of institutional and policy mechanisms within state institutions to represent and promote women's interests within the state.

Feminists, and women's rights and gender scholars and activists, in South Africa have long expected and accepted the state-centred approach through which changes aimed at equality takes place (Hassim, 2003a; Gouws, 2005b). The build-up process to a state-led gender project was a consultative one, involving women's organisations' active participation. During the transition period, the WNC, a coalition of more than 80 civil society organisations and representing more than two million women across the country, was seen as a mechanism to ensure women's concerns, and interest remained visible during the transition process. Its emergence was welcomed as it was viewed as a broad autonomous federation and forum to articulate non-partisan gender intentions at the time (Hassim, 2006). Its strength resided in its ability to strategically position itself as the voice of organised women and to cut across political lines and social cleavages (Meintjes, 2005). The WNC remained a consistent voice during the negotiation process and demonstrated that strategic alliances could influence the state's position on gender equality (Cock, 1991; Meintjes, 1996; Beall, 1997). The work of the WNC culminated in the development of the Women's Charter for Effective Equality (1994), which outlined a new vision for women's empowerment in the new South Africa.

The struggles waged by the WNC contributed significantly to public debates on gender in the transition period and provided the impetus to drive the gender equality agenda. The Women's Charter for Effective Equality (WCEE) became a political rallying point in the 1994 election process, with the WNC demanding that political parties integrate the needs and

[4] The African National Congress is one of the oldest liberation movements in South Africa, which is now the majority political party in government since 1994.

interests of women into their election manifestos (Hassim, 2003a; Gouws, 2005b; Meintjes, 2005). Women's lobby groups in South Africa were calling for the establishment of national machineries, understood as being policy institutions aimed at representing women's interests within government. This was in addition to other demands that would ensure women's interests were promoted by the state, and was a result of the new acceptance by women's rights activists that the state was important in addressing women's subordination (Hassim, 2006).

The South African transition to democracy brought about a number of significant changes. Hassim (2003a) argues that the transition period was symbolised by the creation of a rights-based 'liberal democratic state', which provided space for feminists to claim for equality in ways that shifted from the previous nationalist formulations of women's roles. This allowed feminists and women's rights activists to articulate their demands and institute their claims. Gouws (2005b) supports this interpretation, suggesting that this period created the opportunity and structure for women to move their interests onto the political agenda after previously being subordinated to the national liberation struggle. One of the outcomes of this activism was the representation of women in both senior government decision-making positions and high level political positions in parliament and in the ruling party. The representation of women increased through the ANC's use of the 30% quota system for women on its party list. During the national elections held in 2004, the representation of women in National Parliament increased to almost a third. At senior government level, that is political representation of women in the Cabinet, women occupied 42, 8% of deputy ministerial positions and 47, 65% of ministerial positions.

In addition, South African Constitution, recognised as being one of the world's most progressive and comprehensive, affirmed gender equality as a fundamental right. The Constitution of the Republic of South Africa, enacted in 1996, guarantees equality for all, irrespective of gender, class race and sexual orientation (Constitution, 1996, sec (9) subsection 1-5). This has led to the development of many progressive policies and legislation in line with constitutional rights, such as the Domestic Violence Act of 1998, the Termination of Pregnancy Act of 1998 and the Equality Act of 2000. The reforms in the policy-making cycles and the manner of policy-making have also created an environment in which civil society, including women's organisations, can engage with the state in a relatively structured and considered manner.

The gains described above did not only come about as a result of the government's political goodwill. They were born out of intensive struggle by women activists aimed at ensuring that a women's rights agenda was central to the new democratic order. The intense lobbying by feminist activists before and after the first democratic elections brought about the institutionalisation of these demands, at least on paper (Hassim, 2006). These changes demonstrated how a strong movement outside the state can advance the cause of gender equality by channelling feminist demands to engage with the processes and spaces of the state.

Although women's demands and claims are reflected in institutional positions, there appear to be counter-forces not receptive to the women's rights agenda. This means, as Goetz (1995) argues, that institutions are gendered at their inception, with severe implications for women. 'institutional rules, structures, practices and the identities of the agents which animate them may continue primarily to serve the political and social interest which interest were designed to promote in the first place' (Goetz,1995:16). In this context, the women's status is conceptualised as being reproductive work in the private sphere, particularly in the home setting, while men are promoted as public sphere actors (Goetz, 1995; Moser, 1995). The division of labour between men and women, a practice dating back for centuries, is reproduced in the day-to-day management of business within these institutions. These practices, which reinforce women's subordination politically, socially and economically, are easily translated to other areas of work such as in the making of new laws or decisions about how government spends resources and what gets prioritised.

The formal mechanisms described above appear to have a limited political goal with regard to gender equality (Hassim, 2005). Mtintso (1999) states that while the strategy employed by the government to increase the representation of women has been important it does not, on its own, guarantee either participatory or transformative gender relations. For this to happen, Goetz and Hassim argue that the goal of representation should be to ensure effective participation of women which guarantees interest articulation and representation of women's interests (Goetz and Hassim, 2003). Gouws (2005b) also states that the Constitution creates a belief that gender equality is strongly enforced and central to the political agenda, but that rights provided in the Constitution are abstract and focus on individual rights as opposed to changing the position of women in society (Gouws,2005a). While the lack of resources to implement policies have been found to have a negative effect on their successful implementation (Vetten, 2005; Holland Muter, 2008), the policy framework and Constitution

have nevertheless resulted a form of feminism within the state that is important in creating an enabling environment for challenging women's subordination (Hassim and Meintjes, 2005).

The question asked by many women's rights activists, feminists and feminist scholars has been whether the institutional mechanisms created to promote gender equality in South Africa, including the increased representation of women in leadership positions, would progressively translate into real political and material gains for marginalised women. The global discourse on women's rights has begun to illuminate some of the challenges that have been experienced in translating these achievements into gains (Pringle and Watson, 1996; Goetz, 1995; Stetson and Mazur, 1995; Waylen, 1996). Studies on the representation of women in decision-making, both internationally and locally, illustrate that simply adding women to senior government positions or political leadership is insufficient to advance gender equality (Phillips, 1993; Mtintso, 1999). The extent to which this is the case in South Africa is a matter of interest for this study.

Recent analyses on the performance of the post-apartheid state on gender equality have concluded that progress has been mixed (Hassim, 2003a; Gouws,2005b; Meintjes, 2005; Vetten, 2005, Public Service Commission Report, 2006; Asmal Report, 2007; Hassim, 2006; Holland-Muter, 2008). However, these studies have not necessarily looked how far the creation of NGM in government is an example of how the state can drive the gender equality project and lead to increased attention to the empowerment of women and the goal of gender equality.

In the case of South Africa, the relationship between state commitments to gender equality, and the impact of these commitments, is a particularly challenging example of how to employ the state to advance gender equality (Gouws, 2005b; Hassim, 2006). What has been the impact of advanced institutional and policy design on the lives of women for whom these mechanisms are intended to improve the quality of life and status in society? The South African model has been advanced as an example on how to use the state to promote gender equality. Despite this, questions have been raised about the need to distinguish between putting in place institutional and policy mechanisms which create a framework of engagement, and the direct impact on women's lives (Gouws, 2005a; Hassim, 2006).

This study reflects on whether the establishment of institutional mechanisms has translated into the inclusion of feminist or women's rights demands within the South African state, or whether there has been continued marginalisation of women's rights issues. Examples are drawn from the South African literature on how organised women's movements can influence demands (Hassim, 2006; Meintjes). The case of the WNC in South Africa during the transition period is an example of this. However, the question is whether the political conditions that allowed this to occur prevailed after 1994 and thus whether the NGM was able to articulate and defend women's rights within the new democratic state.

Explored in Chapter 5 are the key indicators of the assertion that the NGM provides a good example of how the state can be used to advance gender equality. Four indicators are assessed. First is the integrated nature of the NGM, which has presence in all key structures of the state including government, an independent constitutional body, a parliamentary body and civil society organisations (Albertyn, 1999; Hassim, 2003a; Gouws, 2005b). It was believed that the integrated nature of the NGM would create a strong accountability mechanism to gender equality commitments both within the state and for women's interest organisations outside the state. Second is the location of the OSW in the Office of the President. This was assumed to provide the unit with sufficient political authority and leverage to represent the interest of women, as well as promoting accountability to gender commitment in the allocation of resources and in effective implementation (Ofei-Abeogye, 2000). The study tests the assumption that establishing the NGM in the Presidency, the highest political office in the country, gave the mechanisms political weight and authority within government and a framework for accountability to gender equality by government. It assesses whether this institutional arrangement enabled and facilitated the necessary institutional access in the process of decision-making and allocation of resources and ultimately advanced the project of gender equality in South Africa.

Thirdly, the study assesses the conceptualisation of women's marginalisation and the gender mainstreaming agenda of the South African government. The OSW was tasked with the responsibility of developing a national gender policy which would outline the South African government's vision on gender equality. The development of national gender policy mechanisms is important for two reasons: it is the process of embedding the principle of gender equality within the government process and it outlines key analysis, an implementation framework and indicators of progress. In Chapter 6, the provisions of the National Gender Policy Framework are outlined in detail.

Lastly, the study looks at the important relationship between the OSW and women's interest groups outside the state. This relationship is regarded as critical in it provides political leverage and legitimacy (Stetson and Mazur, 1995; Ofei-Aboagye, 2000; United Nations Economic and Social Council report, 2005). This study assesses whether the OSW agenda has been politically driven by women's organisations outside the state and explores the extent to which the OSW has formed or developed strategic relations with these organisations.

Research Questions

The study thus examines whether the state structures and agencies aimed at promoting gender equality (the national gender machinery in government) offer access for feminist interventions, understood in this study to mean activities aimed at articulating and representing women's interests. The study explores the effectiveness of the machinery by focusing on the following questions:

- Does the creation of special policy institutions to represent women's interest in the state enable effective access for women to decision-making in the public sphere? Do different groupings of women have differential access to these structures based on political connections and social economic resources?
- Does the NGM in South Africa have the political authority to represent the interests of women that may run counter to the dominant interests of the state? Does the machinery have the bureaucratic authority to shape policy implementation?
- Although the NGM is formally accountable to the government, it is politically driven by women's organisations outside the state? How does the national gender machinery negotiate these dual mandates of accountability?

Methodology

This study uses qualitative methodology in collecting and analysing data, and employs a variety of methods. The combination of methodologies used in the study is consistent with broad feminist goals and ideology. It applies a feminist approach to the methodology which takes into account the hierarchical power relations between men and women and integrates diversity by ensuring that the voices in the interviews reflect the diversity of race, ethnicity,

class, sexual orientation and age (Oxfam Gender and Development, 2007). It is critical to consider these differences as they influence who has access to information, and who does not, who is considered discriminated against and acknowledged and who is not. Moreover, as a feminist who works in development it is of critical importance that the power relationships and biases that the researcher brings into the research process interview setting are considered and that the researcher is conscious of the potential bias.

The study uses a combination of research methods including semi structured individual interviews, document analysis and observation of the NGM.

Case Study analysis

The study is exploratory and descriptive, and employed a case study methodology. It looked the Office on the Status of women in its entirety. This includes its role as the peak of the National Gender Machinery in South Africa as well as its key functions and roles outlined in the Cabinet Memorandum and the NGPF.

Document analysis

A range of policy documents, progress reports and research reports were gathered and analysed. The documents included the Women's Charter for Effective Equality (1994); the National Gender Policy Framework on Women Empowerment and Promoting Gender Equality(2000); National Gender Audit Reports conducted by the OSW from 2000 to 2006; the National Gender Machinery Summit Report (2001); the Report of the Ad-Hoc Committee on the Review of Chapter 9 and Associated Institutions (2006); the Public Service Commission Report (2006); Annual Reports of the Presidency (Office on the Status of Women), 2003-2007; parliamentary briefings by OSW, 1998-2007; South African Government reports on the Beijing Platform of Action and Convention on the Elimination of Discrimination Against Women from 2000-2008; selected Annual Reports of the Commission on Gender Equality; the Joint Committee on the Improvement of the Quality of Life and Status of Women reports' from 2000-2007 and the Department of Water Affairs Gender Mainstreaming Policy (2006).

Interview Analysis

The study made use of semi-structured interviews with two people who had worked and currently worked within the in the NGM and with seven people who are working in women's rights and other civil society organisations. The individuals from civil society organisations interviewed included organisations in urban areas, mostly in Johannesburg and Pretoria, and one in rural provinces. Most people were in a director position, and some were researchers who had written on the NGM while others had not. The interviews mainly explored the roles and functions of the NGM structures with regard to what works and what does not; how things could be improved; their own experiences of interacting with the NGM; and an analysis of how the OSW has implemented the gender mainstreaming strategy. The interview schedule is attached as Appendix 1.

It was the researcher's intention to interview the office bearers of the OSW. However, this did not happen because of time limitations and the unavailability of the key people. Several attempts at written, telephone and verbal communication with former directors of the OSW were made. When they were not available during agreed times, time did not allow for the rescheduling of the meetings to later dates. However, the researcher attended meetings where representatives of the OSW made presentations on the work of the structure.

Data analysis was approached through a process of description, analysis and interpretation as suggested by Wolcott (1994). Wolcott asserts that applying this methodology allows the researchers to remove themselves from the subject they are studying and provide an objective analysis of the issues (Wolcott, 1994). Topics under which the data are presented may have been informed by the author's biases.

Researcher's participation and observation in meetings.

The researcher also participated in an Institute for Global Dialogue (2005) event held in Johannesburg with the aim of creating a platform for debate and dialogue on the disjuncture between international instruments and national implementation in sub-Saharan Africa; and identifying strategies as researchers, activists and government officials to bridge these gaps. The Eastern Cape and Gauteng government provincial OSW and some government department gender desk representatives participated in the meetings. This gave the researcher an opportunity to talk to other experts who have done work with the South African

NGM and who have worked in NGM institutions and on gender mainstreaming in South Africa and in the rest of the continent. In this forum, the writer gathered views from a mixed audience of academics and policy-makers who reviewed experiences of national gender machineries in the region. A presentation by Professor Amanda Gouws on assessing the national gender machinery in South Africa was also made.

Towards the end of 2008 the researcher attended a NGM meeting called by the Presidency. The purpose of the meeting was to focus on the review of institutional mechanisms for advancing gender equality in South Africa.

The research takes the form of a case study of the South African National Gender Machinery (NGM) with a particular focus on the Office of the Status of Women (OSW), which is located in the Presidency. According to Walcott (1994), a case study methodology is best suited for this type of study as it is ideal for studying an entity or organisation. This case study is chosen because the OSW, the entity being studied, fits the profile of an organisation. In addition, the OSW has the primary responsibility for implementing and monitoring gender mainstreaming within government. Using a case study methodology is advantageous in that it provides an opportunity to outline the structure and function of the OSW as an organisation, and its functions, roles and responsibilities. The OSW is the government entity in government regarded as the nerve centre of the South African NGM and thus has overall responsibility for ensuring a functional South African NGM. In addition, the OSW was mandated with the responsibility of developing a gender programme that includes the National Gender Policy Framework. Thus, to study an entity that provides insight into whether the South African NGM has been effective in ensuring that the state pays sufficient attention to gender equality fits the requirement of the study. I outline the key roles and functions of the OSW in Chapter 5 and discuss the National Gender Policy in detail in Chapter 6.

The case study of the OSW, as one of the institutions of the NGM, focuses on the institutional design of the national gender machinery in government, the development of the NGPF which is the central document articulating the government policy position on how it advances women's interests, and how gender mainstreaming is understood by government. The study assesses the conceptualisation of gender mainstreaming within government as articulated through the NGPF. This outlines the country's vision for gender equality and how

it intends to realise this ideal, and is a key policy strategy underpinning gender mainstreaming (South Africa National Gender Policy Framework, 2000).

Chapter Outline

Chapter 1

This chapter provides the context for the study and locates it within current feminist academic debates. It outlines the creation of the special institutional mechanisms developed to represent women's interests and advance gender equality and locates these within current feminist debates on state feminism. The chapter outlines the process of articulating gender equality commitments from the period of transition to democracy to the period after democracy. It explores the main question of the study which is; many international actors regard South Africa as a model for how the state-centred approach should be used to promote gender equality.

Chapter 2

This chapter explores the key feminist debates on whether the state can be an effective vehicle through which to advance change. The notion of state feminism contradicts the idea that simply increasing the number of women in government automatically translates into a shared understanding of women's interests within the state. The chapter locates debates on how the state itself has been understood by different groups of feminists. It explores the implications of the state being viewed as a patriarchal tool, or a neutral set of institutions, or a coherent reflection of class, imperial power, or a disparate set of rules and procedures.

An associated debate in this chapter relates to the different ways in which women's needs and interests have been understood in this context. This chapter notes that within the United Nations system the state has been a central focus of action, and it explores debates on why the NGM was promote as a mechanism for engaging the state.

Chapter 3

Chapter 3 describes the emergence of the NGM approach and their formalisation in the UN system. The chapter explores what feminists in the UN hoped the NGM would achieve and what the actual experiences have been, particularly in Africa. It discusses the process that led to the adoption of the gender mainstreaming strategy during the Fourth World

Conference on women and the commitment to strengthen the NGM. It then explores why feminists in 1995 continued to pursue NGMs when there has been sufficient evidence to show that it was a failing strategy. The chapter explores the conditions in which the South African NGM was developed, and looks at whether the wave of optimism during the period of transition to democracy offered new hope that, rather than a new set of strategies, what was required was a commitment to the existing strategy. The chapter questions whether the South African experience strengthens the view that South Africa was a beacon of hope that the state could be an effective vehicle for advancing gender equality.

Chapter 4

Chapter 4 explores gender mainstreaming as a contested approach. It reviews and analyses the process of gender mainstreaming as a strategy associated with NGMs and as a political and technical process which requires a range of strategies to make it effective. This chapter argues that although the gender mainstreaming strategy is a globally developed strategy, it is implemented unevenly in different locales, largely due to what form of gender equality is being mainstreamed. The chapter concludes with an analysis of how this approach is understood and implemented in South Africa.

It outlines the international debates and tensions between different types of feminists in and around the UN and reviews the Gender and Development (GAD) approach that was promoted by a more radical section of the global women's movement.

Chapter 5

Chapter 5 questions why South Africa followed a modified version of the NGM and describes the particular model developed and followed by the state. The chapter examines the strengths and weaknesses of the formally constituted South African model. In doing this, it explores whether the national gender machinery in government enabled effective access for women to decision-making in the public sphere. Do different groupings of women have differential access to these structures based on political connections and social economic resources? Does the NGM in South Africa have the political authority to represent interests of women that may run counter to the dominant interests of the state? Does the machinery have the bureaucratic authority to shape policy implementation? While the chapter acknowledges that the NGM is formally accountable to the government, it concedes that it is also politically driven by women's organisations outside the state. It examines how the national gender machinery negotiated these dual mandates of accountability.

Chapter 6

Chapter 6 discusses the National Gender Policy Framework for women's empowerment and demonstrates how gender mainstreaming has been interpreted in the context of the South African government. It presents the country's national priorities on promoting gender equality and clarifies key strategic objectives of the gender mainstreaming project. It reveals the extent to which the state has been able to determine and decide upon priorities within the gender mainstreaming process.

The chapter assesses whether the national gender policy is influential or consistent with feminist thinking. I use Jahan's distinction between a gender mainstreaming approach that integrates gender concerns within existing development approaches which it terms integrationist, and that which transforms the existing development framework through a gender lens (Jahan, 1995). The chapter assesses whether the National Gender Policy Framework is transformative or integrationist.

Chapter 7

The chapter draws key conclusions that have emerged from an analysis of South Africa's experience by reflecting on the question whether the state can be a useful vehicle through which to advance gender equality. It discusses the South African experience based on the study findings. The study concludes by assessing the implications of the findings for current debates on the future of NGM and for global strategies.

Chapter 2 - The state as a vehicle to advance change for gender equality

Introduction

This chapter assesses key feminist theoretical debates on whether the state can be an effective vehicle for advancing change towards furthering women's status and quality of life. There has been reluctance by feminists to engage with the state because of the belief that the state is inimical to feminist interests. As Gouws states, those who have supported the state have done so on the basis of a history of engaging in civil society politics (Gouws, 2005b). Part of the reason has been the failure of the state in demonstrating political will for advancing women's interests. The initial state responses to the marginalisation of women focused on integrating women into existing development frameworks. This practice attracted criticism from various feminist activists and scholars who argued that the trickle-down development approach to women's subordination was not working (Kabeer, 1994; Moser, 1995; Pearson and Jackson, 1995). The chapter focuses on the extent to which the state, with its diverse nature, has opened up for influence to feminist goals and interests. In this chapter, the use of feminist goals to achieve gender equality is examined in the context of transforming social power relations in its broader sense. The debates on the state's ability to advance women's status and improve their quality of life arose in recognition of the fact that there have been various formal commitments made by governments through the UN governance system (see Division for the Advancement of Women, Commission on the Status of Women, Convention on the Elimination of All Discrimination against Women (1979), and the Beijing Platform For Action (1995).

Research in industrialised countries on whether 'national policy machineries' (referred to in this study as National Gender Machineries) contribute to gender equality highlighted the fact that the institutionalisation of feminist interests signifies the possibility of the state's willingness and openness to serve as a vehicle for gender equality (Stetson and Mazur, 1995). Stetson and Mazur however caution against a universal definition of feminism, as it is a diverse phenomenon (Stetson and Mazur, 1995). In the research they conducted in European countries, they assessed the capacity of the NGMs to influence policy-making and the extent to which they developed strong relations with advocacy organisations outside the state. In this regard, they conclude that states can advance feminist political goals. They further argue that "those institutions (gender machineries) established with a mandate to focus directly on women's status have the capacity to turn leaders' attention, in some cases for the first time, to laws and regulations that can change the status of women in relation to

men" (Stetson and Mazur, 1995:272). They demonstrate that NGMs can be useful vehicles for facilitating a feminist vision within the state and thus for achieving women's interests.

The perception of the state has been influenced by different ideologies including radical feminism in essentially male dominated and patriarchal state forms in North America (Rankin and Vickers, 2001). In New Zealand and Australia, by contrast, the 'femocrat' strategy was coined to describe feminists who took up women's policy positions in government in the 1970s (Sawer, 1995; Rankin and Vickers, 2001).The femocrats who operated in government networks considered themselves as the voice of the women's movement in the absence of a unified women's movement outside the state (Rankin and Vickers, 2001). In some parts of Africa, the focus has been on advancing the liberal feminist goal of creating opportunities or space for women within the state (Mama, 2000. See Chapter 3 for more discussion on this).

Over the past decades, women's rights activists have been responsible for groundbreaking global and local efforts to ensure that the state effectively took into account feminist interests in promoting gender equality (Stetson and Mazur, 1995). Feminist literature on the state has reaffirmed the central role of the state in advancing women's interests in some quarters, while in other instances the state has been implicated in perpetuating discrimination (Kenway, 1990; Pringle and Watson, 1992, Goetz, 1995, Stetson and Mazur, 1995; Waylen, 1997). Despite many advances and the intentions of the state to advance women's concerns, the state's openness to gender equality still remains under scrutiny from women's rights activists. This is due to the fact that it has not always translated gains into meaningful improvements of women's lives in the private and public spheres of society.

The extent to which the state can be seen a vehicle for change for advancing gender equality is a matter of debate amongst feminist scholars. The multiple understandings of the nature of the state have consequences for how feminists and women's rights activists choose to engage with the state. For some, the state is viewed as an entity promoting particular interests other than those of women. Others see it as a space open for influence by lobby outside groups, including women's interests groups. Connell (1987) argues that the state is a node of internally differentiated structures and processes. While some feminist activists affirm the state's role in advancing gender equality, the greater challenge to contend with is what this means in practice.

Feminist scholars and activists alike have thus begun to question the state's ability to effect changes for women's interests (Stetson and Mazur, 1995). Questions about the state's capabilities of acting in feminist interests have framed the central questions in this study, which looks at the conceptualisation of women's marginalisation and how the state chooses to respond to it. The central issue is whether women's marginalisation is understood in the context of mainstream development, and thus whether the challenge is to integrate women into existing development frameworks (Jackson and Pearson, 1995) or whether a complete overhaul of existing framework is needed to bring about new practices that take into account transformed gender relations (Goetz, 1995). Drawing from the literature, this chapter assesses the ability of the state to further women's interests.

The chapter addresses this question by exploring how the state itself has been understood by different types of feminist. The central claim in this debate is whether the state acts as a single entity in society in defence of its own interest, or whether, as post-structuralist feminists suggest, the state should be viewed as a node where interests are constituted and not merely represented (Pringle and Watson, 1992). An associated debate relates to the different ways in which women's needs and interests have been understood and constructed within the state machinery. This debate about women's interests illuminates the contribution of the state to creating gender equality. The questions to be addressed are how women's needs and interests are constituted and represented in the state, and for whose benefit. Do women's policy units, in their different formations, have the ability to influence state agendas for the benefit of women, thus making the state a central node for achieving gender equality?

In this chapter, I argue that the state's ability to advance gender equality depends on various aspects such as openness to influence by lobby groups outside the state, the ideologies that dominate it, and the strength of the women's movement outside the state. As shown in the research done in industrialised countries, the establishment of NGMs provides an opportunity to turn the state towards acting in the best interests of women by facilitating state feminism. If the right political conditions exist for NGMs to perform their role effectively, they have a better chance of ensuring that feminist goals are strongly embedded in the government policy agenda.

Crucially, policy outcomes of the state depend on the interests constituted within the state. As argued by Gouws "for groups to share in policy outcomes their interest needs to be articulated, constructed and maintained within the state" (Gouws, 2005b:73). It is the

combination of the aforementioned factors that demonstrate state commitment to provide space for meaningful engagement with non-state actors in order to bring about real changes. Feminist scholars of the state have argued that in order for the state to be an effective vehicle for advancement of women's interests, it is dependent on two key variables. Firstly, there must be conceptual clarity on the gender equality goal that is being pursued (Stetson and Mazur, 1995). Secondly, the state's role should be enhanced by building a strong relationship with active women's movements outside the state to ensure that the gender equality goal remains central within the state agenda and is not easily relegated to secondary status (Stetson and Mazur, 1995). I support these arguments, and supplement them by adding that a fundamental principle should be to provide clear checks and balances for the state in pursuing feminist interests. The state has the main responsibility for delivering to social justice including gender justice, and interest groups have to guard and defend their interests within the state.

Different understanding of the state by feminists scholars

Ham and Hill (1984:9) define the characteristics of the state to include "legislative bodies including parliamentary assemblies and subordinate law making institutions; executive bodies, including government bureaux and departments; judicial bodies; principal courts of laws - with responsibility for enforcing and through their decisions develop the law. State institutions are a set of formal mechanisms located at various levels of governance including national, provincial and local government level." NGM institutions form part of this formation and operate within this bureaucratic framework.

State institutions draw their culture from predominant cultures, and these inform their rules and ways of working. In patriarchal societies, organisations are shaped and modelled by male values and attitudes, recreating gender hierarchies and inequalities. Tamale (1999) defines patriarchy as male dominance within specific cultural and historical arrangements. Globally, women have limited autonomy and patriarchal culture and rules serve men's interests (Karam, 1998; Kardam, 1998; Tamale, 1999). Corroborating this, Goetz (1995) argues that in patriarchal societies bureaucracies and other related organisations are gendered in terms of culture, rules and outcomes which favour men over women. Goetz (1995) further notes that institutions have not necessarily been appropriate for men either because they continued to shape their interest in limiting ways. The pursuit of gender justice

implies that women's concerns should be central in all institutional and organisational of change processes.

State institutions are set up as political bodies, which determine state action with regard to the policies and programmatic frameworks for addressing the marginalisation of women. Until recently, state institutions were not necessarily associated with women or feminism. Randall (1987) explains that states are a formation of politics and that politics are overwhelmingly male-dominated, whether the criterion is numbers, positions in the hierarchy, policy outcomes or impact they have in any society (Randall, 1987). The disregard for women as citizens is an indication of the extent of women's marginalisation in society.

The consequence of this constitution of the state is the misrepresentation of women's identity which is framed in relation to their dependency on men, neglecting the power relations between men and women, which contribute to this dependency. As Mazur and Stetson note, welfare states tend to serve women as beneficiaries of services rather agents of their change (Stetson and Mazur, 1995). The role of national gender machineries is to support activities that are aimed at mobilising women to articulate their own policy demands (Stetson and Mazur, 1995).

The absence of activism and agency denies women their right to full citizenship. Lister distinguishes between citizens as rights bearers and as agents, with specific reference to participation. She argues that the process of engaging people in policy decisions affirms their rights to be citizens. She goes further to state that this in itself is not simply an outcome of whose interests are served by the state, but the process of how these interests are constructed. Citizenship appears as a discourse of masculinism; a universal notion applied to an abstract disembodied individual who is male person (Lister, 1997). Put simply, it refers to how the state responds to its citizens by focussing on male interests as if women do not exist. What Lister outlines is relevant in examining the state's role in engaging with its citizens for the purpose of promoting gender equality.

Feminism, which has been used as a framework to critique the state's role in promoting gender equality, is a diverse movement aimed at raising women's social status (Randall, 1987). The understanding of what this actually entails is different in different contexts, with various implications for how the state is understood. As will be discussed, feminists and women's rights hold different views on the nature of engagement with state.

To initiate this discussion it is important to review international debates centred on how feminists influenced by varied ideologies understand the state. The chapter explores conceptualisations of the state: as patriarchal tool; as a relatively neutral set of institutions; or as a coherent reflection of class or imperial or racial power; or as a disparate set of rules and procedures. This section focuses on understanding women's marginalisation and gender inequality by different feminist strands and what they see as the role of the state in addressing these forms of marginalisation. It highlights how the strategies that have been supported by different feminist ideologies to advance women's interests influence the nature of engagement with the state. Within each ideological framework, it assesses how South Africa fits into the typology.

Liberal feminist on the state

Liberal feminists perceive the state as a social authority, highlighting the right of women to influence through participation in state policy formation. Their argument is premised on a liberal rights framework. In this, the state is understood to be a neutral set of institutions from which gender equality can be advanced while simultaneously having the potential to perpetuate women's discrimination. The state largely views women as imperfect citizens who are simply denied rights and opportunities. The state, in this view, is central to strategies aimed at achieving gender equality in that it gives women opportunities and individual rights (Pringle and Watson, 1992; Bearley, 1999). This form of feminism is reformist in practice and does not propose a total overhaul of the existing system that perpetuates unequal power relations (Bearley, 1999). As Schneider (1991) argues, the focus on rights creates a situation where women are dependent on the state as recipients as opposed to active agents.

The state is understood to have no bias against women or men. There is an assumption that men and women are the same and that women should be able to do what men are able to do. This form of feminism discounts or does not acknowledge the socio-economic and others forms of inequalities that prevent women from being able to do what men are able to do . While the state largely views women as not fundamentally different from men, liberal feminists believe that the major challenge is that women are still denied the opportunities and rights that men have. For liberal feminists, the challenge is to ensure equal rights for women. The strategy that they have employed has been to focus on institutionalising the

rights of women within the state's legislative framework. The state is regarded as central in protecting individual women and improving their lives by enshrining their rights (Schneider, 1991).

Liberal feminism, considered the dominant form of feminism, has been an influential proponent of the Women in Development (WID) approach as a strategy for achieving women empowerment, precisely because of their emphasis on access to opportunities and rights within the state. This strategy, they believe, will position women on an equal basis with men. Their view of women is that of a disenfranchised and vulnerable group without rights. Their main intervention has focussed on protecting women and improving women's lives. They call for equal access to decision-making, women's rights to welfare and put emphasis on equal opportunities for women.

Liberal feminists support the view that the state can be made women friendly. Thus, their strategies have centred on attempts to place women in positions of power through representation and influence in electoral politics, bureaucratic levels and other public offices. The focus is on the rights of women, protection of rights and equal opportunities, including equal voting, and putting in place legislative and policy measures to promote women's rights. The NGMs are also a result of the liberal strategy for addressing women's marginalisation as they focus on creating spaces for women to articulate their interests within the state.

This strand of feminism concerns itself with formal equality rather than substantive equality, which questions unequal power relations between men and women. The fundamental differences of experiences between and within women and men are ignored because liberal feminism constructs universal unified political subjects and argues that equality between men and women can be achieved through legal and policy reforms (Pringle and Watson, 1992). Liberal feminism fails to acknowledge diversity amongst women, since their strategies for addressing women's subordination focus on representation of women and the absence of laws that protect women. This approach neglects any analysis of class, race or other diversity amongst women. In addition, the focus on individual rights and not on challenging the existing inequalities within a socio-economic and political stratum is a key limitation of this approach. Pringle and Watson (1996) see the focus on rights as posing difficulties because rights construct universal subjects and fail to acknowledge any diversity amongst groups of people.

In South Africa, the post apartheid state has advanced liberal goals such as increasing the number of women in decision-making positions and putting in place policies and legislation aimed at promoting and protecting the rights of women (see for example the Constitution, 1996; Domestic Violence Act (1998), Equality Act (2000)). There are early indications that these measures have not yielded the results envisaged, resulting in many questions about the translation of this into broader political gains for women. This study assesses the implication of the state liberal agenda for the state's ability to advance gender equality

Radical feminists on the state

Radical feminism originated during the period known as the second wave of feminism[5]. The central point of emphasis in radical feminism is on women themselves uniting for their own liberation. In this school of feminism, the state is essentially regarded as male-dominated and patriarchal, serving the interests of men.

Radical feminists have defined male privilege over women as the fundamental division in society, above all other differences such as class or race. Their analysis is that the sexual division of labour between men and women underpins and reinforces the systematic male dominance referred to as patriarchy. Humm (1989) describes a patriarchal society as a system of male authority which oppresses women through its social, political and economic institutions. She argues that in historical terms patriarchal society exists in capitalist, socialist or any other form of state. Extending this argument, she states that patriarchal societies draw their power from men's greater access to resources and that men are rewarded inside and outside the home (Humm; 1989). Radical feminism argues that in order to achieve any form of redress for women and to achieve gender equality, there needs to be an overhaul of the system, thus changing rules and practices that favour men. They argue that reorganisation of the patriarchal system to suit women is short-changing women and their interests.

Radical perceive the patriarchal state as shaping women's inequality. It thus cannot be regarded as an ally in struggles for women's emancipation. Men and the state formation are intimately linked. An alliance with the state is seen as an alliance with the system that promotes men's interests and negates those of women. Radical feminists disregard the state

[5] Second wave of feminism refers to a period of feminist activity in the early 1960's.

as a site for transformation, rather forming allies with women's movements not associated with the state. They believe that they will better serve women's interests by not being caught up in the bureaucratic state which serves patriarchal interests.

Because state and institutions exist in and draw on dominant cultures which inform their rules and ways of working, in patriarchal societies organisations are shaped and modelled through male values and attitudes that recreate and reproduce the gender hierarchies and inequalities dominant in that society. The nature of the patriarchal state makes it an institution that perpetuates the unequal power relations between men and women, with men playing a dominant role (Molyneux, 1994). Radical feminists argue that the state is a social actor in its own right and not merely a vehicle for social actors. In essence, the state is linked irredeemably with patriarchy, as state politics and administrative arrangements are overwhelmingly seen to reflect the interests of men (Kenway, 1990). Connell contests this view, arguing that the state is a social process or a particular moment in larger social processes (Connell, 1995).

Radical feminists criticise the state for its role in sustaining patriarchy (Kenway, 1990). They refute the claim that the state is open to demands for gender equality. Radical feminists have continued to seek alternative ways of engaging with the state which are not necessarily reliant on state mechanisms to promote gender equality. The state is not seen as having the capacity or the political will to effect change, neither is it seen as a vehicle to achieve gender equality.

In South Africa, there is a relatively marginal grouping which operates within this framework. In the early 1990s, radical feminism was articulated strongly by white feminists who were working in the violence against women sector (Hassim 2006). There was a remarkable shift in this approach post-1994, due the fact that there was a belief in the potential of the state to effect change.

Socialist feminist on the state

Socialist feminism was inspired by Marxist theory on class struggles. Using insights from radical feminism, they moved beyond the abstract individual and made a connection between the state and social structure. They argued that people are linked to the state

through being members of a certain class. They also recognised the differences between the sexes, due to unequal power relations could not simply be reduced to issues of class.

Socialist feminists have criticised the liberal feminist approach of the state, arguing that the focus on rights, protection and equal opportunities diminishes the ability of women's rights activists to be active agents of change. They argue that strategies that employed by liberal feminists such as equal voting power do not necessarily translate into equal political power for women. Their main criticism is that liberal feminism focuses on individual power thus prohibiting any analysis of class or race differences amongst women.

The shift towards analysis of the state is an important advance from liberalism. Socialist feminism uses class-based gender relations, more than the gender division of labour between men and women in general terms, as categories of analysis. They extend their argument by stating that the gender division of labour is problematic in the labour as well as in the reproductive sphere. They argue that women are ultimately oppressed by capitalism (Bearley, 1999).

Socialist feminists argue that the state serves the interest of capital and creates and reproduces patriarchal relations, thereby perpetuating women's subordination (Kenway, 1990). Men are dominant over women, while women are either excluded from the productive sphere, or designated to the reproductive sphere of the economy with no formal recognition.

This strand of feminism does not emphasise female solidarity and welcomes the contribution of sensitive men. Socialist feminism recognises women's contributions inside and outside the household, and focuses on women's agency as a fundamental principle for change. Similarly to the radical feminists, they accept that patriarchy operates everywhere. The difference is primarily the absence of class analysis.

Pringle and Watson (1992) have criticised socialist feminist theorists for assuming that the state has an objective existence. They concede that the state plays a key role in organising power relations in any society, including relations of gender (Pringle and Watson, 1992). However, they argue against the view of socialist feminists that the state serves the interests of capital. They caution against the view that the state is a single unit with a single purpose (Pringle and Watson, 1992). In South Africa, socialist feminists have largely been

associated with women's struggles within the trade union movement and have been influential in positioning the interests of women as workers.

Post-Colonial feminist on the state

Post-colonial feminism is a strand of feminism, which looks beyond male domination and equal opportunities for men and women as it focuses on particular intersections of class, race and colonial forms of domination with the oppression of women. It is argued by postcolonial feminists that the state creates racial domination which recreates different forms of gender inequality amongst men and women. The state is seen as a racist entity. Gender inequality and race are understood to be intrinsically linked to imperialist forms that are embodied in the nature of the state. The colonisation effect reproduces forms of women's marginalisation, which are only characters of post colonialism. In essence, racism shapes women's experiences in a particular manner.

The post-colonial feminists challenge the emphasis on patriarchy and the notion of shared women's interests (Hassim, 2006). The post-colonial literature on feminism, which has strong resonance to the South African context, perceives the states as a racist entity (Randall, 1991; Mohanty, 1997; Waylen, 1995; Rai, 1997). The African continent, which has been at the receiving end of colonial rule, is marked by a high level of marginalisation and poverty, with women at the bottom end of this marginalisation. Post-colonial theorists argue that racism has contributed to the shaping of women's marginalisation in this context.

Within post colonial states, women's issues have not been prioritised. This is because within the liberation movements, gender equality was simply inserted into the ideological framework of protecting the national interest through nationalist discourse. One of the strategies promoted has been to ensure numerical representation of women in these structures, or worse, absolute marginalisation of women in political participation. However, these strategies disregarded the culture and the goal envisaged within this particular ideological framework; and as shown by the case of South Africa, it has not led to effective participation of women (Albertyn, 1999; Mtintso, 1999; Hassim, 2006).

Post-Structuralist feminist on the state

The starting point for post-structuralist feminists is the rejection of women as a homogenous group. Their analysis relies on understanding how power and powerlessness shape state interests as opposed to focusing on issues of race, class, sex or ethnicity. They argue that there is no unified central position of the state and that spaces of influence and positioning issues are fluid, opening the state for feminist influence (Pringle and Watson, 1996). Waylen states that post-structural feminists hold the view that the state cannot be seen as a cohesive structure but should be viewed as a differentiated set of institutions and agencies (Waylen, 1998)

The post-structural feminist theorists of the state perceive the state as a series of arenas, where interests are constituted and not merely represented and do not serve the interests of any particular grouping (Pringle and Watson, 1996; Gouws, 2005b). According to Gouws, the state should be viewed, "as a historical product of collection of practices and discourses" (Gouws, 2005b: 73). It cannot be said to be regarded as an institution which solely is responsible for perpetuating discrimination but a product of a particular historical and political conjuncture (Waylen, 1998). It is seen as a site of struggle with a degree of autonomy which varies over time, but can also be permeated (Waylen, 1998). Given this consideration, Gouws states that the outcomes of policy decisions by the state are dependent on interests constituted within the state (Gouws, 2005b). She states that for this to be possible, interest groups need to be "articulated, constructed and maintained within the state" (Gouws, 2005b:73).

Post-structuralist feminists argue that the state is a contradictory set of institutions. These are not uniformly resistant to feminist interests. Indeed, in some circumstances, the state is a place where women's interests can be strengthened through women's entry in positions of power. The extent to which feminist or women's rights activists have had an access to influence state policy actions for their own benefit is an area of contestation.

The post-apartheid state in South Africa has demonstrated that the state is open to influence by strong women's movements such as the Women's National Coalition (WNC) which can assert their claims. In the period of transition, women's movements organised and developed the Women's Charter for Effective Equality (WCEE) which articulated women's aspirations for a new democratic state. Women's movements demanded that these interests

be articulated within the state, and as a consequence the Constitution affirmed the right to equality and many other progressive gains as mentioned in Chapter 1. The question is whether these demands were maintained and sustained within the state. Did the South African National Gender Machinery defend these gains?

How women's needs and interest have been understood within the state

State and gender relations

Recognising that state institutions play key roles in constructing gender relations, it is critical to understand how women's needs and interests are constituted. In seeking to understand the constitution of interests within the state, it is important to assess the state's understanding of gender and how gender equality is understood within this context. If we accept that the state plays a role in constructing and shaping gender relations through policy processes, it legitimises the gendered divisions of labour. Gouws (2005b) argues that the organisation of power relations determines how women are constituted as subjects as well as citizens. It is in this process that the state legitimises or redresses unequal power relations between women and men through policy and legislative measures, and the practices and beliefs it consequently promotes.

Waylen argues that the state should be seen as a site of activism, embedded within other social processes. The author points out that the extent to which society is gendered and divided by inequalities will be reflected in the state (Waylen, 1998). Waylen opposes the view that the state actively creates power dynamics within society and argues that it merely reflects what already exists.

While Waylen's view has merit, I argue that the role of the state is to shape and formalise these unequal power relations in society by regulating it through policy formulation and other state actions. The state is the custodian of the beliefs and practices that either promote or challenge discrimination and, depending on the decisions that are made in policy frameworks, sanctions them. This study argues that the state has the main responsibility for promoting social justice and by implication gender justice. How this is done and, for whose benefit, is the key question.

Should people accept then that the state is a neutral entity, or are there implicit values that the state upholds and implicitly protects through policy measures that it puts in place to redress social injustice? As Waylen (1995) argues, the state does not necessarily consciously serve any particular interest. However, it can be argued that the process followed by the state to determine which interest it wants to prioritise and pursue reveals its inherent bias in favour of a particular ideology. If there is no force to challenge this bias, the state can continue to function as if it is normal to disadvantage women.

Waylen is clear that the state's relation to gender relations is not fixed but evolves over time. It is dialectic and dynamic (Waylen, 1998). As state institutions can shape and reproduce forms of gender relations and gender inequality, these and other inequalities such as class and race are concealed within the state through the same dynamic process. This analysis is significant as debates on gender and the state have been excluded from much of the international literature, and because it has particular resonance with the South African context. If the state is an important site of activism, it can offer an opportunity to recreate and alter gender relations.

Women's interests

Women's interests have been at the forefront of debates on whether the state can be an effective vehicle to advance change. Central to these debates is a critical understanding of what women's interests are. The notion that sex can be used as a sufficient basis to determine women's interests assumes common interests amongst women, and has been criticised (Molyneux, 1998). Molyneux underlines this by stating that various factors contribute to the construction of women's interests. She states that "women's interests were seen as historically and culturally constituted, reflecting, but not reducible to, the specific social placement and priorities of particular groups of women; they were also seen as politically and discursively constructed" (Molyneux, 1998).

This has led to two interpretations of interests. The first involves a separation of gender interest from women's interest, with gender interest being defined as those that are generated from social relations (Molyneux, 1995). The second distinction is the classification of women's gender interests (Molyneux, 1995). There is also an ongoing debate amongst feminist scholars on whether rights, needs or interests should be used as part of the

discourse on gender equality (Gouws, 2005b). This is a critical framework for determining how women's interests and needs have been understood.

A useful starting point is to distil the political contentions in relation to women's needs and interests. As shown above, different feminist stands have conceptualised women's interests differently. As a result, a variety of strategic visions have been implemented. Molyneux (1995) refers to how women' movements have mobilised in particular ways around women's interests, resulting in simplified models applied in a schematic way. Initially, women's interests were conceptualised on the basis of sex (Molyneux, 1995). In this framework, the underlying assumption was that of universal women's interest.

Feminist literature highlights the fact that women's interests, though perceived as universal, are diverse, and different strategies are required to achieve women's empowerment. As shown above, different feminist movements entered the space, defining what they saw as the problem and identifying new forms of inequality which needed to be addressed. This created confusion about what needed to change, often pitting sets of interests against each other when different policy approaches were put in place to advance women's interests. The emergence of Women in Development (WID) and later Gender and Development (GAD) are examples of these contesting policy approaches.

The central questions pursued in this section are the politics involved in the articulation of women's diverse interests (Molyneux, 1995), who articulates these interests and how and what are the implications of this. To a considerable degree, this articulation reveals how women's interests are understood within the state.

Molyneux (1995) provides a useful framework which distinguishes between different interests of women. She categorises these into two sets of interests: practical and strategic gender interests. Practical interests, she argues, are derived from the gendered division of labour, while strategic interests focus on the long-term goal of addressing systemic unequal power relations and the practical issues arising mainly from women's experience of existing inequalities. There is recognition that in order for change to happen, the more immediate needs of women need to be addressed without losing the strategic focus on changing long-term women's status. Molyneux concedes that it might be difficult to translate this distinction into practice. The distinction between these different interests can be translated into the

practical interests as bad and the strategic interests as good. Thus, they are seen in a hierarchical order whereas both they should be addressed simultaneously.

In an ideal way, the distinction offers some theoretical clarity on the processes that need to happen before gender equality is achieved. This occurs in two phases, which are interchangeable and are part of the strategy aimed at improving the quality of women's lives, targeting the practical needs of women with a longer-term goal focusing on the status of women to achieve gender inequality. What needs to be explored is what contributes to these contradictions. This, Molyneux argues, is the task of feminism, which is to examine the intimate relationships between different aspects of how politics, economics and social spheres of specific societies relate and how these perpetuate unequal power relations which impact on transformation. This analysis will provide clarity on what needs to be done and what strategies should be employed to pursue these objectives (Molyneux, 1995).

Moser (1993) provides insight into this by expanding on Molyneux's differentiation of interests, preferring to refer to needs rather than interests. Within this framework, she makes a particular point about the needs of women being different from those of men as a result of their triple roles (reproductive, productive and community work) and their subordinate positions in relation to men (Moser, 1993). For this reason, it is necessary for women's inequality to be addressed through an immediate response that changes their position or quality of life and status in society. Policy mechanisms must respond to their needs as people responsible for caring for their children and as people who largely have responsibilities within the home.

The debate on whether to refer to needs or interests remains unresolved among various theorists. Moser is adamant that interests should be identified by women themselves, (Moser, 1993). Jonasdottir appears to agree with this by suggesting that needs are defined by experts, while interests suggest the presence of agency on the part of women (Jonasdottir, 1988). Pringle and Watson (1996) concur by arguing that needs are subjective and constructed to universal subjects while interests are constructed within different sites of the state based on what women want. The key issue in this debate, then, is about whether the state should address long-term or short-term needs of women. Feminists promote the use of interests while within the liberal state in particular the rights language is used based on the needs.

Hassim (2006) however argues that the inclusionary approach, which refers to immediate needs, is limited as it focuses on practical gender interests characterised by women's marginalisation from the political arena. Importantly, she points out that these are not mutually exclusive. Rather, the short-term and long-term goal of gender equality must address the practical and strategic needs of women and should be seen in the context of a continuum of women's struggles for full citizenship (Hassim, 2006).

Hassim's analysis is significant as she shows how these interests may vary between historical forms and their presence in a single movement at a particular moment with different sectors pursuing practical interests and others demands a radical shift in the position of women in society (Hassim, 2006). The distinction between different interests and their conceptualisation has political implications for women's agency and the understanding of gender equality. It is important to explore these tensions which will be discussed in detail in Chapter 4 as they are translated into competing priorities within the state. The question is whether the conceptualisation or constitution of women's interests by the state results in the depoliticisation of feminist goals.

The formulation of women's interests is at best problematic because sexual differences are seen as a sufficient basis for assuming common interests. Molyneux (1995) states that in some instances the women's movement has defined women's interests, but in other cases others they have been defined on their behalf. What then are the political implications involved in the articulation of interests?

The state's role in defining women's interests has been scrutinised by feminist scholars and activists as there are doubts about the ability of the state in advancing women's interests to effect gender transformation (Gouws, 2005b). Gouws (2005b) further states that the process of constituting women's interests within the state is gender mainstreaming. It is the extent to which gender equality concerns are taken into account in policy formulation. In this section, it is important to look at how the state has understood women's marginalisation. Has this resulted in them being framed as having rights, needs or interests and what are the implications of these varied interpretations?

Indications are that the two dominant strategies influenced by the liberal rights discourse demonstrate how women's interests have been framed within the state. Discussed below are examples of representation of women by women representatives in senior decision making

positions and through the establishment of national gender machineries. These strategies have been employed by the state to articulate and represent women's interests.

Liberal rights framing women's needs and interests

In formal terms, the framing of women's needs and interests within state institutions is done through the provision of equal opportunities and rights. This is largely influenced by the liberal rights discourse which provides universal rights to everyone and no one in particular, and through which individuals claim their rights through engagement with the state. Governments, through the UN, have adopted the Universal Declaration of Human Rights (UNDHR) which amongst other provisions enshrines the right to gender equality (see Universal Declaration of Human Rights). The adoption of the UNDHR preceded numerous other mechanisms guaranteeing host of rights to individuals in national states. These include the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and recently in the continent the African Charter on Human and People's Rights of Women.

It is within this framework of rights that women's needs and interests are defined and understood. It is the universal formation of these rights that poses the greater challenge, when rights are made available to everyone but still have to be meaningful to individuals in different contexts and contribute to the transformation of society.

Feminist scholars question the ability of the liberal rights discourse to facilitate women's interests (Gouws, 2005b) as the provision of rights to individuals does not necessarily guarantee access to those rights.

Representation by women

Another strategy that seeks to ensure that the state is responsive to women's interests is the numerical representation of women as both policy-makers and decision-makers in government bureaucracy. As stated, this strategy is influenced by a liberal feminist discourse underpinned by the assumption that once women are represented in decision-making or policy institutions this will translate into the representation of women's issues within the state. It is assumed that women representatives will know and understand what other

women want from the state and will be in a position to represent their interests. As evidenced in the literature, this strategy is not only flawed, as women are not a homogenous group, but also undermines women's agency (Phillips, 1993; Mtintso1999).

The success of any form of women's representation as a strategy lies in the extent to which women in state structures are able to forge strong linkages with women outside formal structures to influence policy positions for their own gain. This is not only a logical policy process but is central to the debate on how interests are constituted within the state. The key contention is that putting women into decision-making structures of the state overcomes the problem of understanding and consulting women on their interests is a fallacy.

As discussed earlier, liberal feminist strategies on women's representation responded to the political exclusion of women in decision-making. This was not only problematic but also compromised what could be achieved. The liberal feminist strategy on its own has achieved little in terms of ensuring that women's agency, and women themselves are central to the political agenda of state. Thus this approach, though recognised as an important strategy, has not achieved what is intended (Phillips, 1997; Mtintso, 1999).

In cases where this has worked well as indicated by the Australian model of state feminism known as the 'femocrat model', it is grounded in the strong relationship between women inside and outside the state (Sawer, 1995). In the early 1970s, a strong relationship developed between the Australian women's movement and the Whitlam Labour government. Policy-making structures were created at the centre of government, with feminist bureaucrats considering themselves as having authority to speak on behalf of women. Sawer (1995), an Australian scholar, has argued that Australian women created a model for women's representation that has not been implemented anywhere else in the world.

The model involves three elements: firstly, ordinary citizens are involved in political processes through voting which forces Australian women to join political parties; secondly, it expands power by enforcing international treaties to promote corporative states; and lastly, it increases the number of women bureaucrats in state institutions who consider themselves the voice of the women's movements (Sawer, 1995). Pringle and Watson (1992) argue that the Australian feminist interventions have opened the public service to women and created bureaucratic structures which reflect changing community needs (Pringle and Watson, 1992).

The femocrat model has however presented two problematic areas. Firstly, similar to what has been shown above there is a tendency to regard female bureaucrats as mediators of the interest of all Australian women. This is because of the fact that public servants were recruited directly from women's organisations and enjoyed considerable legitimacy. Secondly, the changing political system meant that female bureaucrats could not be as responsive as they wanted to be to women outside the state thereby straining the relationship with those women. This resulted in conflicts among femocrats, women politicians and women's organisations over who was best placed to represent their interests. The changes brought about by external factors influenced the relationship between movements outside and within the state. This to a large extent influenced the strategies for engaging the state (Sawer, 1995, Rankin and Vickers, 2001). This scenario is relevant for South Africa.

Mtintso argues that women's interests may be mutually inclusive however they are not the same. The unequal gender power division of labour is a universal phenomenon that impacts negatively on women. Diverse interests are informed by different experiences of class, race, geographical location and sexual orientation amongst others. It can be argued that there are no universally shared interests among women. Mtintso (1999) disputes the notion of shared interest amongst women.

State as the central in efforts aimed at advancing gender equality.

Since the first UN women's conference held in Mexico in 1975, there have been significant institutional debates on state feminism. Despite political commitments to reverse the marginal status of women, feminist scholars have questioned the state and its contribution to the reproduction of women's subordination. Historically, the state has not been entirely successful in recognising women in policy responses and institutional design. Consequently, there are divergent views on what the state needs to do to achieve gender equality. These views range from scepticism of state institutions perceived to be adverse to women's interests to an acknowledgement of the evident contradictions that exist within the state. The latter highlights the need for devising strategies that should be employed to change from within. Even though the state is seen as playing a role in reproducing gendered outcomes which impact negatively on women (Goetz, 1995), there is some commitment to work from within to bring about change.

Following intense lobbying by the women's movement for the state institutions to intervene and effect real change in ensuring the advancement of women, a myriad of significant policy mechanisms have been put in place to promote women's dignity, equality and freedom. In the 1960s, the UN established the Commission on the Status of Women (the women's policy unit within the UN) to promote a women's agenda, and recommended that governments establish women's policy machineries such as NGMs. The establishment of the national gender machineries during the first UN Women's Decade (1976-1985) for Equality, Development and Peace reaffirmed the role of the state after a decade of global activism challenging women's subordination. Explicit commitments were made by governments. A range of instruments was subsequently developed on an incremental basis by the UN. These included a commitment by member states to establish NGMs. There was recognition of the fact that the institutionalisation of women's interests in mainstream politics was an essential strategy to address women's concerns.

The first World Conference on Women held in 1975 called for the establishment of national machineries. The first UN Decade for Women witnessed significant political changes for the women's movement. These changes in turn resulted in a number of states setting up NGMs as policy institutions to advance women's interests (Commission on the Status of Women Report, 1985)

These developments were later reinforced in the 1985 Nairobi Conference on Women and the 1995 Beijing Conference on Women (Forward Looking Strategies Report, 1985). This marked a major victory for women's movements and was regarded as one of the major governmental achievements of the UN Decade for Women.

NGMs are institutional mechanisms intended to open up the state to a consideration of women's interests. Central to the establishment of national machinery is their ability to negotiate the diverse interests of women in particular without compromising them. In order for this to happen, it is essential for national machinery institutions to establish a strong relationship with civil society groups outside the state. This ensures that their mandate is politically driven by women outside the state. NGMs play a critical role in creating spaces for women's movements to influence government policy. In countries with weak civil society organisations, these may be the only institutions in a position to articulate women's interests (Hassim, 2003a).

The main purpose of national policy machineries is to advance women's interests. Women's policy institutions are regarded as contributing to the institutionalisation of feminist interests within the state as mechanisms to ensure that gender inequality is addressed. NGMs (used interchangeably in this section as women's policy institutions) are in principle set up to represent women's interests against dominant interests of the state.

The establishment of these policy institutions is widely recognised as state feminism (Stetson and Mazur; 1995). However, there is disagreement as to whether state feminism really contributes to the state's advancing of women's concerns (Rankin and Vickers, 2001; Stetson and Mazur, 1995).

State feminism in this chapter is understood to mean what Gouws (2005b) defines as the opening up of formal spaces in the state for influence by women outside and inside the state for the benefit of women's interests with the aim of achieving substantive gender equality. The representation of women's interests within the state assumes two strategies: firstly, formal structures within government such as ministries for women and women's desks mandated to further the aims of women's empowerment (Stetson and Mazur 1995); and secondly the establishment of gender mainstreaming policy mechanisms aimed at achieving women's empowerment and gender equality.

The constitution and design of women's policy institutions within state institutions has been a subject of debate for many years. The main contestation, at least for feminist scholars and activists, has been whether these institutions have the authority to represent women's interests against the dominant interest of the state (Stetson and Mazur,1995;Rankin and Vickers, 2001, Ofei-Abeogye, 2000; Hassim,2003a; Gouws,2005b).Through these institutions, women's activists are in positions which allow them to influence political processes of the state by drawing attention to policy interests that will affect women's status positively. However, there are questions about whether the institutional make-up of the national gender machineries or the policy mandates enable them to further this goal.

Research in industrialised countries confirms the existence of state feminism as described here. Four key attributes of state feminism are identified (Stetson and Mazur, 1995). First is the presence of centralised cross-sectoral approaches to converting gender equality into mainstream policy, represented by multi-policy strategies employed by the state to promote

women's interests. Second is state willingness to promote gender equity agendas with limited pressures through an inherent political commitment within the state to pursue this goal. Third is the recognition of the state as the central node, through which gender equality can be achieved, with the state perceived as a major actor and a vehicle for social change. Lastly it is the presence of a vibrant, autonomous and diverse women's movement participating actively and independently from formal state structures which challenges the hierarchy of the various political processes (Stetson and Mazur, 1995). This autonomous and diverse movement guards against state dominance in protecting or favouring a particular political interest and promotes participatory engagement with the state by diverse interests groups outside the state.

Stetson and Mazur (1995) argue that when these conditions exist an enabling environment is created to introduce gender equity principles within the state, and state feminism becomes a reality. However, they caution that in the absence of these factors, women's policy institutions will struggle to push the agenda for women's interests.

Stetson and Mazur (1995) identify one of indicators of state feminism as being when the state is accepted and recognised as a central actor for advancing change. However, as is evident from feminist literature, varied interpretations of the role of the state influence the extent to which it is seen as legitimate in this role. The next section explores these debates in more detail.

Waylen (1995) has explored the viability of state feminism within competitive electoral politics in a number of Latin American countries. This work has relevance to the South African context because of the nature of the country's electoral system. Through a case study Waylen examines the Chilean Women's Bureau established during the process of democratisation and consolidation by the incoming civilian government. She also explores the relationship between different women's movements, the state and political parties.

She tests the notions that the state is not a fixed entity serving particular interests and that it has no particular relationship to gender relations .A key finding of the study is that the state has become an arena for gender struggles. She observes that in the case of Chile feminist movements have lost some leverage within government because in the process of transition they became less active (Waylen, 1998). This resonates with the South African experience and is worth exploring further.

While it is widely accepted that women's movements and political parties are critical to entrenching state feminism, their effectiveness is largely influenced by other factors. These include the ability of women within these structures to negotiate between their party interests and their feminist's interests (Gouws, 2005b). On the one hand, they must strengthen their influence by building strong relationships with women outside the formal state (Phillips, 1993; Waylen, 1998; Gouws, 2005b; Hassim, 2006). On the other, they must interact with the state institutions while managing these external relationships, so that the gender equality agenda can be kept alive. Gouws (2005b) points to the reliance by women outside the state on using the formal spaces within the state to promote their interests in policy-making, thus employing a liberal approach for advancing gender equality. It is important to assess how the NGM in South Africa has promoted this dual accountability to both women outside the state and within government. This will be discussed further in Chapter 5.

The varying feminist accounts of how different states understand women's interests and how they take them on board are crucial to developing an understanding of the state's function. Feminist activists suggest that women's interests should be defined by women themselves. Thus, the role of the state is to create spaces for the articulation of these interests. It is not enough just to provide rights, create institutions or put women in high decision-making structures. In this approach, the state does not make decisions on women's behalf but listens to them and makes decisions based on what they express as their needs. The approach includes and promotes participation and creates an enabling environment for the state to advance women's interests. It increases its ability to listen to the voices of its citizens and promotes agency, thereby strengthening accountability to its citizens. In contrast, when top-down approaches are used, women's citizenship is denied as their interests are determined either by elected women representatives or state bureaucrats.

According to Goetz (1995:5), the fact that social institutions and development organisations continue to produce gendered policy outcomes, which can be limiting or outright disadvantageous for women, justifies the need to interrogate patterns of administration and rule from a feminist perspective. Agency is critical in guarding the feminist interest within the state.

In addition, national machineries should have a level of authority that will enable them to represent the interest of women within the state. In order for national gender machineries to

be effective, the first UN conference recommended that they be located at the highest decision-making level with sufficient resources to enable them to carry out their mandate. The experience of national gender machineries will be discussed in Chapter 3.

South Africa post apartheid state

Recent feminist debates, particularly in South Africa, have highlighted the state as the focal node through which change can be achieved (Hassim, 2003b; Gouws, 2005b; Waylen, 1998; Pringle and Watson, 1995). There is a recognition however that the ability of the state to achieve this largely depends on how it uses its power to constitute the interests it seeks to address. How power is constituted and shifted within the state, which is often characterised by contradictory interests, provides opportunities to achieve some gains (Gouws, 2005b; Waylen, 1998). Gouws however argues that while there was always acceptance of the state as a vehicle to achieve gender equality the space has not always been viewed as women friendly (Gouws, 2005b).

The establishment of institutional mechanisms for women's advancement is regarded as a good indicator of the state's commitment to gender equality. The institutions and policy frameworks symbolise a statement of commitment by government to the ideals of gender equality. This, according to Hassim (2006), also reflects the extent to which the state is open to the participation of women and new mechanisms for engagement.

According to Hassim (2005), in South Africa women's organisation in the period of transition to democracy aligned themselves with progressive global thinking to engage the state as a key locus for the redress of gender inequalities. There was great optimism about the state's potential to bring about change. However, as the literature shows, what gets achieved eventually depends on the type of change envisaged and the theoretical frameworks within which the state operates. South Africa's transition to democracy reaffirmed the state as a locus of activity to advance gender equality, while at the same the global economic changes minimised the state's ability to advance the project of social justice.

The impact of global political and economic developments cannot be underestimated. In South Africa, this had a huge impact as it led to a drastic macro-economic policy shift from one couched in the language of reconstruction and development to what many political scholars have characterised as a neo-liberal agenda. The neo-liberal state has components

of a welfare state, a capitalist state and a liberal state. International research has highlighted the devastating effects that the neo-liberal state has on women as they transform conditions of capital and gender relations of paid and unpaid work (Bezanson, 2007:1)**.** Research highlights the welfare state's role in institutionalising the role of women as mothers and workers without challenging the unequal power relations that contribute to women's subordination (Stetson and Mazur, 1995). In effect, men's role is left intact in particular in the public sphere, and while women can access some social assistance their position in the public sphere remains unchanged. The dependency of women on men is largely perpetuated by a welfarist approach to addressing women's subordination.

However, the South African strategy of pursuing legal changes and integrating women into the public sphere through representation has been also criticised. The criticism is centred on the fact that the number of laws passed and numbers of women in political decision-making structures do not translate directly into challenging women's subordination. Given what has been described above, the South African state appears to be in a political quandary regarding how the state will effect change for women's gain. Chapter 6 assesses the implications of these for policy formulation, and the implications for women's interests and the gender equality agenda as they are articulated in the national gender policy framework.

Conclusion

I have argued in this chapter that feminist debates on the state have moved away from a perspective of regarding the state as static entity. There is more emphasis on the changing nature of the state. The emphasis is on the changing relationship between the state and citizens, and how feminist movements may maximise these spaces for their gain. The organisation of power in the state does not necessarily serve the interests of any particular interest group. The struggles engaged in at different levels and in different spaces within the state have the potential to shift policy outcomes. However, these need to take cognisance of often complex and contradictory mandates which are part of the state formulation. The dominant discourse may influence the choices the state makes. Often, if the women's rights agenda is not seen as a priority it will be relegated to a lower status unless there is mass uprising from organised women's movements with sufficient political leverage to shift state power.

It is important to examine how state power and authority influences the outcomes of what the state prioritises, and to explore how power within the state is constructed and can be reconstructed to take into account the interest of women. This entails challenging the division of labour between men and women. How this division of labour shapes the reconstruction of power in the state is of critical importance to understanding how the gendered division of labour is translated into policy mechanisms intended to address discrimination on the basis of gender.

The creation of policy institutions has the potential of turning the state into a space where activists can use to advance feminist goals (Stetson and Mazur, 1995). A key intervention to achieve this is to put in place policy mechanisms to redress gender-based inequalities. Policy mechanisms articulate what the state understands as gender inequality and what it seeks to achieve. The extent to which policies are able to address women's interest depends on how well they are conceptualised. The ideological context in which the state operates has a bearing on what will be achieved. The challenge is how much of a force are non-state actors in influencing and shifting the state's agenda. The political ideology within which the state operates has the potential to recreate or address gender-based inequalities. These debates have a bearing on the effectiveness of the state

Chapter 3 - Emergence of the National Gender Machinery Approach

Introduction

This chapter examines the global strategy devised by the United Nations (UN) under pressure from the global women's movement to establish women's policy units, referred to in this chapter as the National Gender Machineries (NGMs).The chapter describes the emergence of the NGM approach and explores what feminist activists were hoping to achieve through it. It further describes practical experiences of the NGMs, with a particular focus on African institutions. It explores the emergence of the global women's movement around the UN which criticised the mere reduction of gender issues in development which led to the adoption of gender mainstreaming as a strategy to strengthen the NGMs despite evidence that it was a failing strategy. It explores the debates on why feminists continued to pursue NGMs while there was so much evidence that it was a failing strategy. It provides a historical overview of the period of transition to democracy in South Africa and argues that the post-apartheid euphoria around the state offered hope that change could be achieved using the state as a vehicle for achieving gender equality.

South African women's rights activists had identified the state as the locus through which gender equality was to be achieved (Hassim, 2006). As the African National Congress (ANC) was perceived to be the government in waiting, its policy and political commitment articulated in the Reconstruction and Development Programme[1] (RDP) was widely regarded as its election manifesto. It was felt that when the new government came into power it would create an enabling environment which would open up the possibility for the state to be used to advance feminist gains. Feminist demands, such as recognition of gender inequality were reflected in the Constitution and put in place through legislation such as the Equality Act (2000) and the Termination of Pregnancy Act (1998). Many women's rights activists who were active in the Women's National Coalition (WNC) and had been instrumental in developing the Women's Charter for Effective Equality (WCEE) were now occupying

important positions within government. Feminist activists, alongside women's rights and academic scholars applauded the new democratic state for putting in place an integrated NGM. However, as will be discussed in Chapter 5, the question to be addressed is whether the new institutions lived up to the expectation that they would influence and maintain attention to women's interests by the post-apartheid state.

Emergence of the National Gender Machinery

The UN Commission on the Status of Women defined national gender machinery institutions as agencies responsible for the advancement of women's interests (Stetson and Mazur, 1995; Council of Europe Handbook on National Gender Machineries, 2001). It stated, "a single body or complex organised system of bodies, often under different authorities, but recognised by the government as the institutions dealing with promotion of the status of women", (Council of Europe Handbook on National Gender Machineries, 2001:5). NGMs have been established in various settings as single or integrated structures tasked with promoting women's interests. The establishment of NGMs was largely influenced by a shift in how discrimination against women was understood. The creation of separate institutions to deal with women's discrimination was centred in the Women in Development (WID) approach. Traditionally, discrimination against women and women's subordination were based on assumptions that women's marginalisation was due to the fact that they did not actively participate in development. The fact that the existing institutional rules and cultures were inimical to women's concerns was not an issue that was considered in policy pronouncements.

As discussed in Chapter 2, the establishment of the NGMs was largely influenced by the liberal discourse of creating equal opportunities for women during a period dominated by the WID policy approach which, as will be shown in Chapter 4, was largely criticised for focussing on the marginalisation of women. The initial intention of introducing NGMs was to give women a voice within state bureaucracy. Whether the goal of institutional transformation was intended is debatable.

Studies suggest that in some instances the NGMs have been successful in representing women's interests by relying on two strategies. The first involves the articulation of women's interests in the form of a policy framework, while the second relates to ensuring that

women's interests are guarded within the state by providing the institution representing women's interests with sufficient political authority (Stetson and Mazur, 1995).

There is recognition of the critical role played by NGMs but also of the fact that despite political rhetoric by governments on women's empowerment, by the late 1960s very little had changed for women. As will be stated in Chapter 4, earlier policy approaches were entrenched on the notion that development itself was unproblematic and sought to integrate women into existing policy frameworks (Pearson and Jackson, 1995). Calls for the establishment of institutions which would open spaces for women to influence the state from within became more urgent. Despite scepticism amongst some feminists who argued that this approach would continue to pursue the liberal goal of gender equality, there was a push from a new force of activists who opted for a state driven change.

By the 1970s women's activists became more vocal in their critique of poor performance of governments. They pointed out that despite the prominence given to women's equality by governments; there was little evidence of change in the quality of women's lives. The focus was on women's subordination in isolation from any strategies aimed at transforming institutional norms and practices that perpetuated women's discrimination. A critical concern was the absence of women's representation in the bureaucracy of the state and policy formulation (Moser, 1993; Kabeer, 1994; Moser 1994; Razavi and Shahra, 1995; Pearson and Jackson, 1995)

Analysis of the situation by feminists and women's rights activists revealed that women as a group were marginalised both by how women's marginalisation was conceptualised and the extent to which they had a voice or the absence of the voice in institutions. Firstly, at an institutional level there were no specific mechanisms in the government bureaucracy mandated to deal with women's discrimination. This was problematic, as in most instances women's issues were subsumed within national interests and neglected. Secondly, there was no conceptual clarity on the nature of gender inequality pursued, and how it needed to be addressed. Women were largely identified in terms of their role as mothers, restricting interventions to social welfare concerns.

Using this analysis, the strategies employed by the state were found to be limited in that they did not successfully enable women's interests to be articulated with state processes.

Women's movements in the 1970's began to initiate the idea of feminist activism within the state as the way to address the marginalisation of women. It was largely believed that creating policy institutions with sufficient power within governments created the potential for the state to act on behalf of women's interests. This was envisaged to achieve two things. First, it would ensure that women's interest were strongly embedded in the state machinery through policy mechanisms or national machineries, and second, these policy institutions would provide spaces for women activists outside the state to have access to arenas of power (First World Conference on Women Report, 1975; Commission on the Status of Women Report, 1975, Stetson and Mazur, 1995).

As stated in Chapter 2, the First World Conference on Women (FWC) held in Mexico in 1975 culminated in what became known as the first Decade for Women (1976-1985) and gave prominence to demands for the establishment of national machineries. It appeared that the work done by women's rights to ensure the establishment of national machineries had brought some results. National and global women's movements demanded that governments demonstrate their political commitment to advancing women's empowerment beyond political rhetoric. The demand for equality and justice for women brought about a recognition that women's needs had not necessarily been taken into account by the state.

The FWC was a significant political milestone as the debates on the marginalisation of women and the role of the state in reversing endemic inequalities became a central focus. The FWC called for the establishment of national machineries for the advancement of women modelled by the standards of the UN's own institutions devoted to women's policy concerns: the Commission on the Status of Women (CSW) and its administrative arm to strengthen its capacity the Division for the Advancement of Women (DAW).

The call to establish women's policy mechanisms within the state was endorsed by participating governments, providing a firm basis for the translation of these commitments into practise. It is important to note that South Africa did not participate in the FCW as it was banned from participating in any UN forum at the time.

The proposal for the establishment of national machineries was vigorously put forward by the UN and formally endorsed by governments in 1975. The event signalled a victory for women's activists; it was an affirmation of the possibility that the state could be influenced

from within. By the end of the UN first decade for women in 1985, 127 member states had established different forms of women's policy mechanisms (Commission on the Status of Women Report, 1985). These institutions had varying political significance in different countries and included women's desks, ministries, agencies, committees, focal points and other innovations.

The most important achievement of the first UN decade for women was the opportunity to reinforce state accountability to women's interests. The establishment of institutional machineries specially dedicated to women's policy interests can be seen as a translation of state accountability into practise. National machineries are structures created within the state to promote state feminism (Gouws, 2005a). State feminism, as discussed in Chapter 2, takes the form of the representation of women in the state that enables them to influence policy-making processes and provide political space for women outside the state to engage with these processes (Stetson and Mazur, 1995; Rankin and Vickers, 2001; Gouws, 2005b). The UN modelled NGMs as a mechanism to promote state-led feminism.

As will be discussed later in this chapter, the initial conception of these policy mechanisms did not clearly articulate their form, structure, role or function. As a consequence, they were isolated within government bureaucracy and only focused on women's projects.

Recognising these policy and structural tensions, the Nairobi conference focused on setting a global agenda for what was needed to advance women's concerns. The Nairobi Conference on Forward Looking Strategies for the Advancement of Women upon review of the UN decade for women once again endorsed the NMG strategy. The 1985 Nairobi Conference, the second world conference on women, was attended by 157 countries. The conference reflected on the obstacles to improving the status of women and provided space for women to articulate their concerns about the role of the state in advancing women's interests.

While the established NGMs were found to be in disarray and to have made little progress in meeting their mandates, the conference urged governments to establish policy machineries and to ensure that they were properly resourced.

The conference adopted the Nairobi Forward Looking Strategies for the Advancement of Women, which provided a mandate for governments, as stated in the UN Report (Para, 1985:57):

> "To put in place appropriate government machinery for monitoring and improving the status of women where it is lacking. To be effective, this machinery should be established at the highest level of government and should be ensured of adequate resources, commitment and authority to advice on the impact on women in all government policies. Such machinery can play a vital role in enhancing the status of women, inter alia, through dissemination of information to women on their rights and entitlements, through collaborative action with various ministries and other government agencies, and with non-governmental organisations and indigenous women's societies and groups."

Institutionalisation of the gender machinery was one of the first steps in building a critical mass of influence within the state. The establishment of national machineries illuminated important dynamics in the relationship between state bureaucracy, gender equality and women's agency. Some of these contentions will be discussed later in this chapter.

Preceding the 1995 fourth world conference, there was heightened criticism of the effectiveness on NGMs as a strategy. The central criticism was that the performance of NGMs was not consistent with their intended purpose. Women's movements and activists including scholars began to question the strategy used by NGMs. They were largely seen as perpetuating women's discrimination by failing to change the status of women. The integration of women into existing development frameworks was found to ineffective in challenging the fundamental unequal power relations understood as the basis of inequality between men and women (Pearson and Jackson, 2000). The limited success of NGMs coupled with the failure of states to implement the UN CSW recommendations was perceived by many feminist activists to be problematic. The emerging global women's rights movement problematised unequal power relations between nation states, between women and men.

The Division on Advancement of Women of the UN had begun to analyse the performance of the national machineries in different countries. Their findings pointed to gaps in relation to

their location, structure, approach and relations with government and civil society organisations (Division on Advancement of Women Report, 1995). The findings of the research fed into the Beijing conference discussions on the NGMs and the development of platform of action on institutional mechanisms.

The Beijing Conference, the third UN World Conference on Women, was held in 1995. One hundred and eighty three countries participated, making it the largest conference the UN had ever held. The conference was regarded as a historic moment for the development of national machineries. This was because women's activism had gained unprecedented momentum as a result of pressure from national movements coupled with monitoring by international agencies.

The Beijing Conference adopted the Beijing Declaration and Platform for Action (1995) which, *inter alia*, acknowledged the establishment of national machineries in almost every member state and urged the design, promotion, monitoring, evaluation and mobilisation of support for policies that promote the advancement of women (Beijing Platform of Action Declaration, 1995). The element of the Beijing Platform for Action (BPFA) most relevant to this study was the adoption of the gender mainstreaming strategy and the commitment made to strengthening of national gender machineries.

The Beijing Conference as a result sought to provide much needed clarity on the role, structure and functions of national machinery. NGMs began to be seen primarily seen as catalysts for change rather than as implementers (Beijing Conference Report, 1995). An acknowledgement of the need to refocus national gender machineries followed criticism from women activists who cited the poor quality of life and status of women globally.

Against the backdrop of poor institutional performance, governments continued to be urged to strengthen the NGMs at Beijing. Gender equality issues were only addressed in silos and the focus was largely on women's marginalisation. There was less emphasis on transformation of institutions themselves and on other government structures. This scenario was primarily as a result of how national machineries were positioned structurally.

This revolution brought about the adoption of the BPFA during the Beijing conference which included institutional mechanisms for the advancement of women which were given a specific mandate to implement a gender mainstreaming[1] mandate, which will be discussed in Chapter 4. The mandate of NGMs was "to design, promote the implementation of, execute, monitor, evaluate, advocate and mobilise support for policies that promote the advancement of women" (Beijing Platform for Action Declaration, 1995: para 196. It is important to assess how NGMs have performed in relation to this. After the Beijing conference, NGMs were created as an integral part of government and many countries took measures to strengthen them.

Experiences of National Gender Machineries

The period after the Nairobi conference was one of reflection amongst many scholars and activists on the performance of the NGMs. A review of the performance of the NGMs showed interesting findings in relation to how they operated within state bureaucracy. The findings highlighted the main challenges of NGMs which related to their location, the structure of the NGMs within state bureaucracy, clarity on their mandate, their relationship to government institutions, their relationship to women outside the state and their approach to advancing women's empowerment (Ashworth,1994). The Beijing conference took into account experiences of NGMs and sought to strengthen the position and mandate of these institutions to strengthen their ability to act as catalyst for promoting gender equality.

Scholars and activists have begun to synthesise the key issues that are critical in contributing to effective and functional NGMs (Stetson and Mazur, 1995). For the purpose of this paper the researcher will group these under the themes of accountability, agency and autonomy.

Kardam (1995) argues that gender accountability is essential to the effective functioning of national machineries. If these institutions are to be instrumental in addressing the diverse interests of women and men and mediating social relations between the sexes, then they need to have a source of power in order to protect women's interests and be in a position to demand accountability. The establishment of a meaningful sustained dialogue with actors outside the state is essential in mediating the various interest groups, thus promoting women's agency. An NGM's unwillingness or inability to sustain this dialogue with civil society can be calamitous, as it cannot fulfil its mandates and the reason for its existence is

no longer compelling. NGMs should promote agency and provide political leadership, which enables them to drive a political agenda. The question is how, in the absence of a weak women's movement outside the state, does one create political leverage for the project of gender equality?

On another level, the autonomy of the NGMs within state bureaucracy is critical because it provides it with political authority. When their autonomy is weakened, their ability to influence change is compromised. When this happens, national machineries fail to represent the interests of women that may run counter to the dominant interest of the state. As a result, they cannot influence policy positions and women's interests continue to be marginalised. The following discussion on the experiences of the NGMs centres on the key concepts I regard as key in identifying effective NGMs**.**

Experience from Industrialised Countries

A comparative study by Stetson and Mazur focusing on 14 industrialised countries in North America and Europe demonstrates uneven success in the performance of national machineries (Stetson and Mazur, 1995). In advanced industrialised societies such as Australia, NGMs focussed on creating space for women by giving them a voice and representation (Seidman, 2003; Sawer, 1995; Gouws, 2005a). Furthermore, they emphasised that integrated models were more successful than isolated structures. The study looked at the extent to which national machineries in industrialised countries were able to influence feminist policy and their relationship with women outside the state (Stetson and Mazur, 1995).

Stetson and Mazur (1995) have characterised the performance of NGMs into four categories. These vary from high to low levels of state feminism characterised by high influence in terms of state commitments and providing access to feminist groups and those on the opposite side to this. States which were perceived to have high levels of state feminism had, by implication, high performing machineries. There were also strong relations with women outside the state who were able to influence policy (Stetson and Mazur, 1995).

Stetson and Mazur (1995) concluded that women's policy machineries are most effective when the state is defined as a site of social justice and has the structural capacity to institutionalise new demands for equality. The existence of widely supported feminist

organisations that challenged sexual hierarchies through both radical politics from outside and reform politics in unions and parties from the inside also impacted positively on the effectiveness of the NGMs. They argued that the absence of these conditions contributes to the inability of national machineries to influence policies which ensure that women's equality goals are taken into account. While the existence of national machineries creates an enabling environment, there are questions about whether they result in the achievement of gender equality goals.

Sawer (1995) writing on the Australian experience states that the major achievement of the Australian Office on the Status of Women was the institutionalised feminist presence it created. This model served as a reminder to policy-makers that good policy must consider the needs of women as well as men (Sawer, 1995). The Australian approach promoted the femocrat model, a term used to describe feminists who took up women's policy positions that were created inside government bureaucracy. The key lesson from this model is that in the absence of an umbrella women's organisation the network of femocracts around the country facilitated the representation of women's interests (Rankin and Vickers, 2001).

The Canadian experience, where women's machineries (Canadian Advisory Council on the Status of Women Canada) have existed more than five decades, has led to disillusionment about their effectiveness from some quarters (Geller-Swartz, 1995). The lack of political will and inadequate government policies were the source of great disappointment with the performance of the NGM (Geller-Swartz, 1995:41). Geller-Swartz (1995) concludes it is only when "there are right conditions which include a new government, a sympathetic minister, international pressure and effective lobbying by women's groups" that these structures have a chance of succeeding.

Experiences of the National Gender Machineries in Africa.

The experience of industrialised states mentioned above differ from that of post-colonial African states where national machineries operated in particular socio-economic and political contexts. In Africa, like most third world countries, the post-colonial effect on state institutions which led to their indebtedness and cuts in social services is important to recognise. The limited resources to create a stable socio-economic environment for all

citizens was a challenge in itself. The introduction of Structural Adjustment Programmes[6] (SAP) in some countries had devastating impacts on women in particular. In this context, the NGM faced enormous challenges in that they needed to be vigilant and guard the interests of women in the context of competing priorities of the state.

This section examines the experiences of African NGMs in relation to five key areas, which have been identified by research done in the continent on the performance of national gender and the effectiveness of national machineries (Kapere, 2000; Mensah-Kutin, 2000; Zimbabwe Women's Resource Centre and Network, 2000; Ofei-Aboagye, 2000; Mama, 2000; Wangusa,2005; Warioba,2005). These are: structure and location in government, mandates, relations with government and civil society organisations, and the approach they used to address women's marginalisation. These will be discussed in detail below.

Research indicates that the establishment of national machineries in most African countries was imposed by donors. In other instances, they were as a result of 'projects' by politically elite groups such as president's wives (Mama, 2000). Consequently, these projects were not necessarily driven by a political demand of national women's movements. This is in contrast to countries outside Africa where women's movements demanded political accountability from their governments by lobbying for the establishment of these institutions (Hassim, 2006). The circumstances that informed the establishment of the NGMs influenced how they were set up and how they operated within the state. The mobilisation of women outside the state has had a strong influence on how national machineries are seen as a political project. Governments are forced not only to recognise the presence of women's movements but also to be accountable to them (Goetz, 1995).

By 1991, over 50% of African countries had established national machineries. Francophone countries recorded the highest number of ministries, desks or units responsible for women's affairs. However, despite this progress there was still no clear framework for how these institutions should be structured in terms of their location, mandate and or what they should do to ensure they met their objectives (Ofei-Aboagye,2000)

[6] Structural Adjustment Programmes were loans provided to the countries in South (developing countries) by the International Monitoring Fund and the World Bank.

The manner in which these institutions were conceptualised point to an understanding of national machineries as being separate institutions whose main task was to promote and integrate women's rights in government politics. It was only in 1995, during the African Platform of Action[1] in preparation for the Beijing conference, that clarity began to emerge on what the national machineries were intended to do. At the Dakar Conference on Beijing NGMs were defined as "Institutions or formal entities recognised by governments and entrusted with particular responsibility for the advancement of women and the elimination of all forms of discrimination against women" (Dakar Platform of Action, 1994: 2)

This definition was widely interpreted, and resulted in a number of different formulations of the institutions that were set up.

Structure and Location

The NGMs were established in various formats and in different locations. NGMs were located at the highest level of government machinery in the office of the Presidency in countries like South Africa and Zambia. Canada, Denmark, New Zealand and Mozambique established fully fledged ministries responsible for gender and women's affairs, which were a central node for coordination of other policy issues. Countries such as Australia, Sweden and the Netherlands opted for departmental units within the government bureaucracy.

In its recommendations, the CSW states that national machineries should be established at the highest political office to provide them with authority (Commission on the Status of Women Report, 1975). This recommendation, however, is based on many assumptions including that the institutions, by virtue of being in the nerve centre of government, would have political clout and access to the political authority and resources required to fulfil their task. There is also an assumption that they have sufficient power to influence the government agenda. The nature of the structure that is established is equally important. The presence of the machinery in all areas of the state is intended to support their mandate and influence accountability.

On the African continent, national machineries were established in a variety of structures and located under various authorities. In most instances, NGMs were located in sector

ministries or were shifted from one ministry to the other. Tsikata states that in one country the location of the NGM shifted six times between 1975 and 2001(Tsikata, 2000).The shifting of the NGMs appeared to be linked to their political relevance within the bureaucracy of the government of the day. For example, in Zimbabwe, the NGM was established in 1980 as the Ministry of Community Development and Women Affairs. The unit was then moved to the Ministry of National Affairs, Employment Creation and Cooperatives. Recently, the institution has been called the Women in Development Unit and is located in different sections of government (Zimbabwe Women's Resource Centre and Network, 2000).

Work undertaken by the Zimbabwe Women's Resources and Network (2000) to assess the performance of national machineries in Zimbabwe identified a number of advantages and disadvantages regarding the location of the NGM. The location of the NMG within a ministry has its advantages. Firstly, it has access to resources; as a ministry, it is entitled to a budgetary allocation. Secondly, the focus was not only coordination of activities of government ministries, departments and non-governmental organisations but had dedicated capacity for the implementation of programmes aimed at advancing gender equality. The disadvantage was that there was lot of duplication of functions of other ministries. This was as a result of unclear roles and responsibilities between key role players tasked with the implementation of gender equality programmes (Zimbabwe Women's Resources and Network, 2000; Warioba, 2005). While the NGM has a complementary role to that of other government structures and ensures that mainstreaming gender is owned by everyone, the lines of responsibility are not always clear in practice. Operating as a unit within a department posed difficulties, in particular to accessing funding and limited capacity to monitor, (Zimbabwe Women's Resources and Network, 2000).

Ghana was one of the first countries to establish a NGM, known as the National Council on Women and Development (NCWD). This was initially located in the Ministry of Foreign Affairs and later in the Office of Mobilisation and Social Welfare. This shift created confusion amongst many civil society actors about role and status of the organisation as a government agency. There were consequently calls for a Ministry to be established, as it was felt that this formulation would be in a better position to mainstream gender. Some critics however felt that this approach was limiting, arguing that it would contribute to the marginalisation of women's issues. The Ministry approach was seen as possibly bringing about the

'ghettoisation' of women's issues while at the same time being able to access the resources required (Tsikata, 2000).

The National Gender Machinery in Zambia was established as a three–tier structure a national, provincial and district levels. The centre of the NGM which serves as a secretariat is the national Gender in Development Division, a cabinet structure in the office of the President and a parliamentary committee. The Zambian case is an interesting one, as the women's league of the dominant political party, the United National Independence Party, was established within the national machinery in 1975. In terms of the criteria for successful NGMs, in this instance influence and political authority, this was very problematic as women who were not members of the political party did not have access to the NGM and were not part of consultation processes on policy issues. This example reflects the experience of NGMs in many countries where they lacked the necessary political autonomy and often ended up vying for political patronage (Chisala and Nkonkomalimba, 2000)

Studies in Botswana, where the NGM was established in 1981 and upgraded to a full division ten years later, have raised interesting issue regarding the question of structure and location of the NGM. In 1996, the structure was changed to a Women's Affairs Department within the Ministry of Labour and Home Affairs. The location of the NGM in Botswana reveals that the government's bureaucratic hierarchical structure is unsuitable for NGMs, as it causes undue delays, resulting in ineffectiveness. The levels of authority afforded to the NGM in terms of its location does not correlate with its lack of performance. The NGM has limited engagement with the women's movement, has limited authority and its political clout does not translate into the prioritisation of gender issues (Dambe, 2000).

These studies reveal that the location of national gender machinery is a politicised issue. Their location in the highest office such as the presidency does not guarantee political influence within the state bureaucracy. Instead, national machineries have been largely open to political manipulation and as Ofei-Aboagye (2000) suggests, the location of NGMs in the President's office "would be regarded as giving the NM an ' insider track '- easier access to presidential attention, access to privileged information and resources, with the benefit of being given more importance and recognition" (Ofei-Aboagye, 2000:14). However, she states that this does not always works to their advantage as they are often expected to

return favours and attention. The majority of NGMs, although located at the highest level, still had limited authority in relation to other state institutions. This impacted negatively on their ability to monitor and be held accountable, as they did not have sufficient power to oversee the government's action (Ofei-Aboagye, 2000).

Their limited access to resources had a crippling effect on the ability of NGMs to perform their functions. The integration of a NGM into the state apparatus placed it in a more competitive space with other marginalised constituencies such as the youth and disabled people (Gouws, 2005a) and further hampered their performance.

Their mandate, as will be discussed later on, could easily be changed depending on the political interest of the government of the day. This raises questions about the degree of commitment that governments have towards ensuring the success of the NGMs. Research in various African countries highlights the lack of a strong political commitment to the work of NGMs. This placed strain to the NGMs structures and caused them to underperform (Chisala and Nkonkomalimba, 2000; Dambe, 2000; Meena, 2000; Mensah-Kutin, 2000; Ofei-Aboagye, 2000). The co-option of the NGMs by the political agendas of the government of the day has become commonplace.

There are also indications that many national machineries were co-opted by what Chisala termed as the "first lady syndrome", NGM structures established as projects of first ladies, which led to the establishment of parallel structures also claiming to represent women's interests even in international forums such as the UN (Chisala, 2000; Mama, 2000).

Mandates

The most dominant and contested areas of debate about the existence of NGMs relates to their mandates. In most countries, national machineries were established as a result of external forces including the UN and external donors. The financial support, and endorsement and promotion of the NGMs as a method to achieve gender equality, led directly to the establishment of NGMs by governments. Thus, NGMs were not necessarily a political project defined at local level and politically driven by women's rights activists inside the country. There was not necessarily a demand from organic women's movements in particular countries,

The CSW recommended that governments should simplify and clarify mandates where necessary, in consultation with NGMs and women's organisations, to assign responsibilities for gender issues and ensure that they were supported by resources throughout government (Commission on the Status of Women Report, 1975)**.**

However, two decades later, the Beijing Platform of Action report (Beijing Platform of Action Declaration Report, 1995) noted that despite the progress made in the establishment of national machineries by various governments, their mandates were still unclear. The report highlighted that some of the problems experienced by the NGMs were a direct result of lack of a clear, consistent agenda responsive to the needs of women (Ofei-Aboagye, 2000). A contributing factor was that the NGMs were "established with rather broad terms of reference". The lack of specific direction regarding proper agenda and 'blue prints' for NGMs increased their vulnerability to changing political winds (Ofei-Aboagye, 2000:16). NGMs become vulnerable to changing governments or political priorities because they do not stand out on their own with their own mandate (Ofei-Aboagaye, 2000).Compounding this was the absence of demands from active women's movements within countries. As a result, the work of the NGMs was perceived as a policy process which relied on UN policy frameworks, rather than an organic process which was politically driven by women's movements and other interest groups at local level.

One consequence resulting from this which continues as a normal practice the sole focus on writing national reports to the UN, which are often written by consultants with no involvement by women's movements themselves. Accountability to the citizens of their countries, and to women and women's movements in particular, does not appear to feature high on their priorities.

The reliance of NGMs on the UN women's rights frameworks such as the Convention on Ending All forms of Discrimination Against Women (CEDAW) and Beijing Platform of Action to define their mandates is problematic. While CEDAW and other international and regional frameworks provide important guidance, they are not specific to local conditions. The important issue is to ensure domestication of these international instruments to better suit local conditions. In terms of the UN instruments, individual countries and NGMs are required

to input country-specific information which they then must prioritise. These priorities then inform the mandates of NGMs.

As is demonstrated in the literature, national machineries have not been able to define clear mandates and in most instances they a lack a clear and consistent agenda (Ofei-Aboagye, 2000). Ofei-Aboagye states that “lack of clear mandates and understanding of the pertinent issues for the way forward and turf battles with governmental or non-governmental bodies have also hindered the effectiveness of the NGM ...”(Ofei-Aboagye,2000). This lack of clarity has contributed to their inability to devise strategies that would enable them to organise and present cohesive interests within state institutions.

Given competing priorities within the state, the unclear mandates of the NGMs directly contributed to the depolitisation of feminist issues. This in turn undermined the NGMs and their ability to pursue feminist interests. It was therefore impossible for them to challenge dominant male biased attitudes within government bureaucracy. When NGMs are unclear about their roles and functions, their central mandate becomes vague. NGMs were often regarded as the institution dealing with women’s issues and not primarily seen as active agents or catalysts for change whose role it was to challenge unequal power dynamics within the state. This is evident in the lack of political considerations by NGMs on what the impact of structural adjustment programmes and the introduction of poverty alleviation programmes are on these institutions’ ability to pursue feminist interests. The absence of this analysis leads to them pursuing a watered-down version of gender equality, which focuses on eradication of poverty as opposed to challenging unequal power relations.

Relations with other Governments institutions

The primary purpose of national machineries is to ensure that they have a strong voice from within the state. It is critical that they participate in decision-making structures. In order for this to happen, the interests of women must be reflected within different sites of the state, ensuring that these interests are reflected in all state policy positions.

As a mechanism to facilitate representation of women’s interests, the UN requires governments to facilitate the formation of an inter-ministerial committee or sector-based working groups, chaired by national government. This is to ensure that national machineries

have sufficient political authority to guarantee the representation of women's interests that may run counter the dominant interests of the state. NGMs must therefore maintain their political autonomy in order to ensure that they are not swayed by competing political agendas.

The experience of most national machineries in achieving this overarching layer of responsibility and accountability indicates that their intentions have been hampered by communication problems within and between governments. The lack of clarity about responsibilities and roles between different actors has largely contributed to the problem (Ofei-Aboagye, 2000)

In addition, most personnel working for national machineries have been employed at a lower level than that of decision-makers. This has led to these officials being undermined or not participating in critical forums where decisions are taken. As a result, their level of influence to demand any form of accountability has proven to be a challenge (Ofei-Aboagye, 2000).

Relations with civil society organisations outside the state

A study done by Wangusa in Uganda highlighted more collaboration among non-governmental organisations (NGOs) than between NGOs and NGMs (Wangusa, 2000). From NGO's perspective, the relations was not well coordinated and linked. Ofei-Aboagaye (2000) affirms this by stating that NGMs should be in a position to reach out and be inclusive of other players. She states that this is how they derive legitimacy from the ability to identify with and satisfy the women on whose behalf they are supposed to work: "while authority through legal backing is useful, power through networks and linkages is critical for NGMs survival" (Ofei-Aboagye,2000,14).The relationship with civil society actors provides national gender machineries with legitimacy. The absence of meaningful engagement between women's movements and NGMs is one of the primary reasons for their failure. Warioba writing about the experiences of NGMs in South African Development Corporation region stating that the role of national mechanisms in promoting gender equality highlighted one of the gaps and challenges as "limited coordination between national gender structures and women's or gender Non Governmental Organisation" (Warioba, 2005).

Ofei-Aboagaye (2000) argues that it is important for national machineries to be able to influence government sufficiently, as well as to reflect the concerns of civil society and other key interest groups who are not part of the government bureaucracy. She further argues that the paucity of authority and insufficient links to civil society create further obstacles, which NGMs on their own cannot overcome. This is because civil society organisations can express demands that are often regarded as radical, but are useful to challenge governments to do more in the interests of gender equality. This then creates the opportunity for national machineries to increase their political leverage within the state.

Civil society organisations play a critical role as watchdogs who demand accountability from government. This is channelled through the agency of women's groups outside the state who collectively support the NGMs in their pursuit for gender justice and to an extent provides space for women's organisations to influence the state political agenda.

As evidenced by research done by Chisala and Nkonkomalimba (2000), weak or dwindling women's movements have had a negative influence on the effectiveness of NGMs. In the context of a weak women's movement, NGMs receive little if any political support from women outside the state. For example, in a study conducted on Zambia's NGM Gender and Development Division, it was reported that while the NGM has the capacity to coordinate activities, unless there are strong women's movements who have strong relations with NGMs, their success is limited (Chisala and Nkonkomalimba, 2000).

National Gender Machineries not yet a force for freedom

The ultimate role of the NGMs is to influence policy positions of governments that are aimed at promoting the status of women. As has been suggested earlier in this study, it is important for national machineries to be able to include and protect these interests without co-opting and dominating them.

There are several factors which influence the state's ability to serve the interest of women. The first is that women are often used as the subject of policy and not seen as agents for

change. The conceptualisation of gender inequality and gender mainstreaming by the NGMs is important. They tended to focus on welfare issues and traditional women's projects (Ofei-Aboagye, 2000).

Historical factors have a bearing on how states politically respond to the problem of gender inequality. As has been stated elsewhere in this study, postliberation movements have largely ignored the gender question during liberation struggles (Hassim, 2006). Their primary focus was to overpower the colonial state. The gender question was to be addressed only once the emancipation of the nation is achieved (Erlank, 2005; Hassim, 2006)**.** The positioning of post-liberation movements has influenced how women's rights have had an impact on the construction of gender struggles. Walker argues that to a large extent this has contributed to gender being seen as part of the mainstream development (Walker, 2005). Ofei-Aboagye (2000) states that the establishment of NGMs in Africa has ranged between fear of feminism to trivialisation of women's issues (Ofei-Aboagye, 2000:8)

Colonialism, and more recently globalisation, has had a devastating impact on countries in Africa. The introduction of structural adjustment programmes in particular have been largely viewed as having reversed the gains made in addressing gender equality for women and resulted in a setback for poor women. Women's interests have been traded off for what are perceived as key priorities by governments, such as ensuring economic growth. Women and poor women in particular have borne the brunt of these priority shifts as the emphasis of government has shifted to fulfilling international obligations posed by financial institutions. Third world countries were suddenly in a Catch 22 situation between ensuring access to socio-economic rights for citizens and fulfilling the obligations to funding institutions. NGMs were operating in an environment of structural adjustment programmes which demanded governments in third world countries to cut public spending (Ofei-Aboagye, 2000). Cuts in social spending resulted in an increased burden for women as they had to complement these services with unpaid labour, while NGMs struggled with sufficient resources to perform their functions.

Given these conditions, NGMs in Africa find themselves severely undermined through a range of political, institutional and financial constraints that limit their effectiveness. These

include how NGMs have positioned themselves in relation to the conceptual shifts from related to a movement from the WID, to a GAD approach.

Although national reports from countries presented at the Beijing+10 Conference, which reviewed the implementation of the Beijing Platform of Action review, acknowledged that significant gains had been made, they also exposed the serious challenges faced by efforts aimed at achieving gender equality and ensuring effective NGMs (Beijing +10 Conference Report, 2005). Reports revealed that cultural norms and practices that discriminate against women remained endemic and at odds with legislation and the aims of the NGMs. For example, Mungwa (2005) cites the Cameroonian experience whereby a girl-child is expected to eventually marry. The matrimonial customs and laws overshadow girl-children's rights, and women are considered their husbands' property (Mungwa, 2005).

The dominance of cultural practices and beliefs which undermined women impacted negatively even on senior representatives of government who were supportive of women's rights. Even though women's seniority and representation within governments has increased remarkably, it has had little impact on the quality of life for poor women throughout Africa. While NGMs have assisted in creating bureaucratic representation for women, they have failed to open up spaces within institutions for feminists outside the state to meaningfully engage in policy debates (Goetz, 1998).

The main achievement of national machineries in Africa relate to their visibility, status, outreach and coordination of their respective activities. Gender mainstreaming has also been widely acknowledged as an effective strategy for enhancing the impact of policies that promote gender equality. It has resulted in the incorporation of a gender perspective in all legislation policies, programmes and projects. Despite their limited financial resources, the machineries have made a significant contribution to the development of human resources in the field of gender studies, and have also contributed towards the generation and dissemination of data disaggregated by sex and age, gender-sensitive research, and documentation.

South African National Gender Machinery

The conditions that the South African NGM was developed in differ in some respects from those of other African countries (Hassim, 2003a; Gouws, 2005a). As discussed earlier, the circumstances under which NGMs in some parts of Africa were established impacted on their success. The South African National Gender Machinery (NGM) was born out of a consultative process which formed part of a negotiated settlement which was part of the transition process towards democracy. The concept of representation of women's interest within the state was included in constitutional negotiations.

In the period post-1994, there was a significant shift from oppositional politics towards an acceptance of the state as an entity through which change could be achieved (Hassim, 2006). Women's movements embraced the new state as more open to influence on ensuring that women's interests were addressed. This optimism reflected global sentiments on the state as a site of activism permeable to women's interests (Hassim, 2006). The presence of the Women's National Coalition provided South African women's rights activists with a sense of euphoria and a belief that the state was central to delivering on feminist demands outlined in the Women's Charter for Effective Equality.

Feminist and women's rights movements in the country endorsed the state-centred approach as one through which gender equality would be advanced, and which would be more effective than elsewhere in Africa (Hassim, 2003b; Gouws, 2005a). The ANC, considered to be the front runner in the new democratic dispensation, assumed that once it was in possession of state power it would automatically create an enabling environment for social change, including women's rights. Given the optimistic sentiment that dominated the country at the time about the openness of the state to advancing gender equality, the women's movement believed that the state could be used as a vehicle to advance change.

The NGM appeared to have benefited from global debates on the effectiveness of national machineries. South Africa drew lessons from international experience, particularly relating to less effective national machineries. As stated, a number of factors were identified as affecting the effectiveness of the NGMs including their location within government bureaucracy, poor relations between women inside and outside the state, and unclear mandates which resulted in the pursuit of narrow interests for women.

One of the most significant factors, which are critical for this study, is that in South Africa it was assumed that positioning of national machineries in relation to government bureaucracy directly influenced their ability to influence government policy positions due to increased political leverage.

During the transition period in South Africa, the women's movement developed a strong voice in articulating women's concerns in order to ensure that they became central in the new state agenda. There was a greater awareness of the dangers of relying solely on the political will of the state to advance gender equality. The women's movement sought to formalise the state's willingness to advance gender equality through the establishment of formal mechanisms. A critical lesson that informed this positioning was an awareness that political liberation movements often change when they assume power, and as a consequence their political agenda changes. South African feminists and women's rights activists were all too aware that often women's concerns become depoliticised and remain between political rhetoric on the one hand and a public relation exercise embarked upon by politicians on the other. As one[1] participant observed in a national gender machinery meeting said, "governments have the ability to walk right and talk left when it comes to gender".

South Africa's ratification of CEDAW in 1994, and later its participation in the Beijing conference, provided a sense of urgency for both the women's movement and government to put in place mechanisms to guide the process of advancing women's interests in South Africa. As Hassim states, "The Beijing process provided an impetus for activists to mobilise and lobby government for the implementation of gender equality goals" (Hassim, 2006:212). There were several critical moments of mobilisation, both internally and externally, by women's rights activists. In the period before the unbanning[1] of political parties, women activists from inside South Africa and those in exile participated in the Malibongwe conference. This was a part of a critical process which initiated discussions about the expectations of women regarding the new democracy and mechanisms needing to be put in place to promote and protect women's interests.

All of the factors described above contributed to the euphoria about the new state and its role in advancing gender equality. Women activists began to mobilise to identify what new institutions should be put in place. What were the priorities and how would they be

achieved? These questions and others were critical for the women's movement. Unlike most countries in Africa the process was not driven by the first ladies (Beall, 2000, Mama, 2000; Hassim, 2006). Rather, there was consensus over the dangers of externally driven institutional change and emphasis was placed on the need for women in government and civil society organisations to be given space to drive the process (Albertyn, 1999; Mama, 2000; Gouws, 2005a; Hassim, 2003a).

In 1992, after the unbanning of political parties by the apartheid government, the Institute for Democratic Alternatives (IDASA) and the Gender Research Unit from the University of Natal, mobilised women from different non-governmental organisations, research institutions, and political parties to discuss in detail the institutionalisation of women's interests in the new democratic dispensation (IDASA Conference Report,1992). This meeting produced concrete proposals on how a possible institutional arrangement would work in the formal government bureaucracy. The proposals included three elements of a framework that would ensure women's interests are incorporated into the state. These included the representation of women in decision-making positions, a clear programme of action, policies, a legislative framework and the establishment of national gender machinery (IDASA Conference Report, 1992).

However, the meeting did not produce consensus on the structure of the women's national policy institute. Discussions drew on several institutional models that had been set up in the wake of the first UN decade for women. In reflecting on the experiences of other NGMs, women activists sought to establish a set of mechanisms and procedures that would ensure gender equality (Hassim, 2006). They identified three strategies in pursuit of their goal: the first sought to ensure women's participation in decision-making, the second related to accountability of state structures to women outside the state, and the last was to ensure the structure would be non-partisan and would guard against co-option. These three guiding principles began to illuminate some of challenges involved in deciding on a suitable structure. It was evident that a broader mechanism was needed rather than a single institution with a narrow focus, as had been established in some countries in the form of a women's desk or a unit.

Two priorities emerged from these debates that needed to be considered when establishing the NGM. These were to ensure that the structure had sufficient political authority and that

there was both horizontal and vertical accountability. There were two schools of thought relating to the nature and structure of national machinery. On one hand a women's ministry. gained momentum as some sections of the women's movement believed this would have substantial powers to decide political priorities and have access to resources. However, this was not popular amongst many civil society actors, academics and women's rights activists. Drawing from the experiences of other NGMs, it was believed that a single structure would not necessarily assist in addressing gender equality (Hassim, 2006).

On the other hand, a proposal for a multiple set of institutions which would create mechanisms for women within and outside the state was put forward. Some women activists were wary of a ministry which had the potential to be a large and inefficient bureaucracy which would marginalise women's issues (Hassim, 2003a). A single ministry was also felt to be in direct contradiction with the principle of gender mainstreaming as activists wanted to ensure the structure would have presence in all nodes of the state, government and civil society.

From these discussions within the different section of the women's movement and government a new consensus emerged on an integrated NGM structure. Albertyn developed the concept of an integrated 'package' of NGM structures and mechanisms at all levels of government and within civil society organisations (Albertyn, 1999). Hassim states that feminists and women's rights activists believed that a better institutional design, which would be supported by strong women's movement outside the state, would guard women's interests (Hassim, 2006).

In an attempt to ensure that the structure of the machinery would respond to women's interests above partisan politics, emphasis was placed on creating multiple sites of activism, which would ensure mechanisms of accountability to women's organisations (Hassim, 2003a). Women's organisations generally favoured a NGM whose proposed structure would include mechanisms at different levels of parliament and government, an independent constitutional body and a vibrant civil society (Hassim, 2003a; Albertyn, 1995a). Women in South Africa also wanted to formalise these commitments and reduce dependency on political will (Hassim, 2006).

However, this proposal was not formalised. It was assumed that the integrated structure would exist inside government, the state and parliament and would interact with women outside the state. The NGM that was eventually established comprised institutions within government, parliament, and statutory bodies. It was not formally constituted within civil society.

The Commission on Gender Equality (CGE), an independent statutory body, was established in terms of the CGE Act 39 of 1996. The CGE's main tasks are to monitor and evaluate government and the private sector, public education, and inform and make recommendations to government about laws, policies and programmes (CGE Act no 39, 1996). It also resolves disputes through mediation and conciliation, investigates inequality and commissions research on topical gender-related issues. In theory, the CGE has all the constitutional powers to promote government's accountability. On paper and in practise, however, it can only make the recommendations it deems necessary (CGE Act no.39, 1996).

The second institution established is the Joint Parliamentary Committee on the Improvement of the Quality of Life and the Status of Women, which was initially established as an ad hoc committee but later became a fully-fledged parliamentary committee.

Lastly, a Cabinet Memorandum of 1996 provided the impetus for the creation of the Office on the Status of Women (OSW) located within the Presidency. It provided for the establishment of gender focal points (GFPs) in national departments (Cabinet Memorandum Number 3, 1996). The national GFPs have a replica set of institutions in eight provincial premiers' offices and provincial departments. Gauteng is the only province that has not formally established the OSW structure, even though a unit drives the functioning of gender mainstreaming from the Premier's office. Conspicuously absent is the absence of these mechanisms at local government level.

It was assumed that representation of women outside the state would be led by Women's National Coalition (WNC) which had been regarded as an autonomous federation, providing a forum for the articulation of non-partisan gender interests at the time. The strength of the WNC was that it was able to strategically position itself as the voice of organised women across political lines and social spectrums. It remained a constant voice during the negotiating process and clearly demonstrated that political leverage could be increased through strategic alliances (Cock, 1991; Meintjes, 1996; Beall, 2000). The expectation was

that strong links between the NGM and the women's movement would increase the political authority of the structure (Beall, 1997; Goldman, 2000; Hassim, 2003b; Albertyn, 1995a; Gouws, 2005a; Meintjes, 2005).

The struggles waged by the WNC contributed significantly to the gender discourse in the transition period and provided an enabling political environment to drive the gender equality agenda. However, the WNC disintegrated after 1994. As a result, there was no independent women's movement to drive the political agenda of the SAGNM from the outside. Sector-based women's organisations, located at national, provincial and local levels began to mushroom. The impact of this shift in the women's movement on the functioning of the NGM will explored further in Chapter 5.

Early indications of the performance of NGM emerged in 2001 during the National Gender Summit which was organised to review the progress made by the institutions. The process originated out of a perceived need to assess progress by the institutions within the NGMs. The NGM structures viewed this as an opportunity to account for progress. NGM institutions identified the need to promote consultation with civil society organisation and wanted to receive direction from the women's movement on future strategies to achieve gender equality (First National Gender Summit Report, 2001). Participants at the Gender Summit acknowledged that there had been progress since the establishment of the formal gender equality mechanisms in the form of NGMs. However, there was a "perceived lack of political will manifested by the government in challenging and dismantling the dominance of patriarchy in society" (First National Gender Summit Report, 2001). This perception was a result of apparent inadequate budget allocation to the work of NGMs, including revelations of disparities in funding of the CGE in comparison with other statutory bodies such as the Human Rights Commission (HRC). The Gender Summit also revealed that there was lack of clarity amongst the three structures of the NGM concerning areas of responsibility (National Gender Machinery Summit Report, 2001). There had also not been any meaningful interaction between the women's movement and the national machinery due to the collapse of the women's movement (Hassim, 2003a; Serote, 2003).

The National Gender Summit was a significant political milestone in the history of the NGMs. It followed a process designed to promote accountability of the policy institutions to constituencies outside the state. It was also an important political process aimed at deepening democracy. The extent to which this opportunity was maximised by both the

NGMs and civil society organisations is however debatable. The final statement and resolutions of the national gender summit provided a renewed sense of hope and vigour. The process had the political support of women outside the state, even though it appeared to be fragmented. The strengths and weaknesses of the South African national gender machinery will be discussed further in detail in Chapter 5.

Conclusion

This chapter has described the emergence of the NGM which it states was an attempt aimed at representing women's interests within state institutions. The chapter has stated that, since the first world conference in Mexico in 1975, the UN adopted this approach formally as a mechanism aimed at driving the project of gender equality within the state.

However, the chapter has noted that over three decades the success of NGMs has been uneven, with limited success. The problems associated with the performance of NGMS relate to limited political commitment by governments; limited resources; levels of authority within government bureaucracy; weakened relationship with women outside the state; and unclear mandates. Their failure to pursue the agenda of women's interests coupled with structural problems led to women's movements demanding a change of approach to one that would ensure that their work would contribute towards transformation and would take social relations into account. This resulted in the adoption of gender mainstreaming in 1995 as a strategy closely linked to the functioning and performance of national gender machineries.

Post-1995, the success of NGMs has been varied as shown in this chapter. One of the contributory factors has been limited understanding of the gender mainstreaming mandate which will be discussed in Chapter 4.

The chapter has stated that the NGM in South Africa was developed under different conditions to the rest of the NGMs on the African continent. The period of transition presented many opportunities and a belief that the state could be a vehicle to advance gender equality. Chapter 5 will assess if this has been the case.

Chapter 4 - Gender Mainstreaming as a Strategy Associated with National Gender Machineries

Introduction

"*When it comes to gender mainstreaming, we have our bibles yet different scriptures and sermons but what we do not see is the converted masses that support the word of gender equality and prepared to be disciples of gender justice in all respects*[7]"

This chapter explores the gender mainstreaming strategy adopted by governments at the United Nations Fourth Conference on Women (UNFCW) held in Beijing in 1995. The strategy is the internationally agreed upon and official policy framework on how governments intend to advance gender equality and women's empowerment. Central to the gender mainstreaming approach is the principle of putting women and gender equality at the centre of development (Beijing Platform for Action Declaration Report, 1995).

While it is agreed that within the principle of gender mainstreaming there needs to be transformation, there is no consensus on how this should take shape. Some feminist scholars and activists see it as taking place within existing developmental frameworks considered inimical to women and their concerns for gender equality (Moser and Moser, 2005; Youngs, 2005; Mukhopadhyay, 2006). In this regard, the focus is on mainstreaming women and their specific concerns resulting in special projects, programmes and policies. Others argue that the focus should be on mainstreaming gender through gender analysis aimed at the transformation of social relations and challenging the view of the unequal power relations between men and women, which is understood to be the basis of women's marginalisation and a major obstacle to sustainable development (Jahan, 1995; Razavi and Miller, 1995b; Bwambale, 2005; Rees, 2005). Others view gender mainstreaming as a mechanism to transform institutional structures of government and the state (Goetz, 1995).

[7] Interview 4

Gender mainstreaming was also conceptualised as a strategy that would provide the women's policy institutions within government with a clear ideological framework and sufficient authority to influence governmental internal bureaucracy and policy strategies for the advancement of women (United Nations Economic and Social Council, 1997). The National Gender Machineries (NGMs), institutions were mandated to develop and implement a gender mainstreaming strategy within their individual government sphere they operated within (Beijing Platform for Action Declaration Report, 1995). In practice, gender mainstreaming entailed reshaping of the internal institutional patriarchal cultures, rules, ideas, beliefs and practices as well as programmatic responses for the advancement of women (Beijing Platform for Action Declaration Report, 1995). In turn, feminist movements and scholars alike hoped that gender mainstreaming would translate into meaningful gains in changing the quality of life and status of women. It was understood that this would entail questioning inequalities that existed in all spheres of political, economic and social life (Moser, 1994; Goetz, 1995). However, recent literature on gender mainstreaming points to the fact that it is conceptualised and implemented in a varied and uneven manner (Porter and Sweetman, 2005, Walby 2005; Mukhopadhyay, 2006). This is despite acknowledgement of the significant strides in better analysis of women's marginalisation. There is a recognition that overall performance of gender mainstreaming in addressing gender equality has been limited.

In exploring the gender mainstreaming approach, the chapter discusses the two major approaches which preceded it namely Women in Development (WID) and Gender and Development (GAD). It highlights key feminist debates from the period during the early 1960s when feminist scholars began to question the limited visibility of women in mainstream development. It traces international policy development on addressing women's marginalisation up to the period when gender mainstreaming was adopted by the United Nations (UN) member states in 1995. It highlights the activism by women's movements and the tensions that existed between and within the UN process on appropriate policy approaches required to achieve gender equality and women's empowerment.

Throughout the history of the United Nations World Conferences on Women (UNWCW), there have been significant milestones where commitments to achieve gender equality,

albeit contested, were agreed upon. The lack of consensus was mainly due to different understanding of what constituted women's marginalisation and what were the best strategies to address these. Through the UN system, member states adopted policy measures which sought to address women's marginalisation. The purpose of this chapter is to discuss gender mainstreaming as the strategy more associated with National Gender Machineries (NGMs). The adoption of gender mainstreaming was intended to strengthen the position of NGMs. The chapter questions whether gender mainstreaming achieved this. Lastly, it draws lessons for the South African contexts.

According to many scholars, gender mainstreaming marked a shift in governments' ideology, at least in theory, on addressing women's discrimination (Jahan, 1995; Moser,1995).The adoption of gender mainstreaming marked a shift in policy approach from focusing on women's marginalisation to placing women at the centre of development and institutional priorities (Mukhopadhyay, 2006). In theory, this entailed the conceptualisation of women's marginalisation which brought about a new understanding and awareness of the need to rethink institutional practices and programmes, taking into account women's marginalisation. In essence, there was recognition that the fundamental basis of women's subordination was unequal power relations between men and women. This gave rise to new strategies which shifted the focus from separate women's policy units and women's projects to strategies that questioned the gendered nature of institutional policies, practises, rules and norms. The initial policy approaches adopted by governments had emphasised the inclusion of women in development. However, they ignored the essential relational subordination between men and women (Razavi and Miller, 1995b).

Central to the critique of earlier strategies was that governments regarded mainstream development as unproblematic, and the recipe for addressing women's subordination was simply to integrate women into development. This gave prominence to what became known as WID approaches (Kabeer, 1994). Feminist scholars and activists later argued against this approach stating that the focus on integrating women in gendered development would not automatically lead to the achievement of gender equality (Lotherington, 1991; Jahan, 1995; Moser, 1993; Kabeer, 1995; Moser and Moser, 2005). They further argued that the separation of women's empowerment from the mainstream agenda created an impression of

separate development for women which would not result in challenging unequal power relations and the attainment of substantive equality for women (Lotherington, 1991; Moser, 1993; Jahan, 1995; Kabeer, 1995; Moser and Moser, 2005).This form of gender mainstreaming became known as an integrationist approach. Jahan (1995) states that "a good example of the 'integrationist' approach is the practice of designing WID 'components' in major sectoral programmes and projects". Women are 'fitted' into as many sectors and programmes as possible, but sector and programme priorities do not change because of gender considerations (Jahan,1995:13).Goetz has argued that earlier WID did not alter unequal power relations between men and women (Goetz, 1995).

This chapter strengthens the view that gender mainstreaming is an internationally agreed strategy that is highly contested in feminist theory and practise (Walby, 2005). The researcher agrees with the feminist scholars' analysis that gender mainstreaming is universally contested, and that there is no consensus about what it has managed to achieve (Eveline and Bachi: 2005; Kehler and Rao; 2005; Porter and Sweetman; 2005; Rees: 2005, Walby: 2005). I argue that this phenomenon is a direct result of the varied understanding of gender equality that informs gender mainstreaming in different contexts.

First, I argue, that there has been a lack of clarity on the nature of gender equality that informs gender mainstreaming. Secondly, the chapter asserts that gender mainstreaming has been largely a technical process rather than a political one and women's agency has been severely undermined. It is argued that this is primarily because, as suggested by Baden and Goetz, the institutionalisation of gender runs the risk of being depoliticised and the central focus becomes just numbers, the numbers of women in government, the number of policies put in place etc. (Baden and Goetz, 1995). I agree with Baden and Goetz's argument that the process of institutionalising gender in a state bureaucracy instead of it being a political process means that the technical process results in its being stripped of its political content (Baden and Goetz, 1995). Lastly, the chapter argues that the relationship between global commitments and national commitments is complex with regard to enforcing accountability and leveraging power for change. The development of policy commitments at United Nations level undermine national states' authority to effect change. Governments end up being accountable to the United Nations rather than to citizens that put them to power.

The researcher argues that gender mainstreaming as a strategy has the potential to enforce accountability to gender equality and achieve transformation, but that this cannot be achieved without changing institutional culture and practises. If this can be achieved, the state could be brought closer to addressing women's interests.

From integrating women to tackling social relations

Prior to the adoption of gender mainstreaming, there were two major policy responses aimed at addressing women's marginalisation. Firstly, in the early 1960s the focus was on women in the context of their reproductive roles. Due to increased pressure from women's movements, this strategy was later refined by integrating women into development under the auspices of WID. When the radical section of the women's movements started to question the fundamentals of development and whether they had the capacity to create an enabling environment for women's empowerment, this led to a new movement which promoted addressing social relations between men and women as a tool to promote gender equality under the GAD. Gender mainstreaming was a strategy borne out of the analysis of the preceding two strategies.

Since the early 1960s, feminist movements and activists criticised the predominant development discourse pointing out that mainstream development policies were not taking into account women's experiences (Moser, 1993; Jahan, 1995; Kabeer, 1994). Since then, gender mainstreaming was aimed at redressing unequal power relations between men and women as a means to achieve gender equality gender inequalities (Moser, 1993; Jahan, 1995; Kabeer, 2003; United Nations Economic and Social Council Report, 1995). The critique of earlier feminist analysis centred on the fact that government's development efforts totally ignored women's subordination.

The first United Nations Development Conference, a pathfinder for post war reconstruction, was conspicuously devoid of any mention on women as a constituency (Kabeer, 1994; Pearson and Jackson, 1995). The conference focused on increasing economic disparities between industrialised nations and developing countries, mostly colonial states, and their impact on poor women (Visvanathan, Duggan, Nisonnoff and Wiegersma, 1997). The first development decade was an important period aimed at ensuring economic development which would ultimately benefit the poor and enhance the development of poorer nations. For

many feminist activists, the absence of women in policy responses was an anomaly in that there appeared to be no analysis of how the growing inequalities were impacting on poor women given their status in society (Visvanathan, 1997).

The mainstream development influenced by modernisation theory strategy centred on the 'trickle down' of economic prosperity to women. The key criticism of this strategy was the lack of any attempt to challenge unequal power relations between developed countries and developing countries, and the same was true for power relations between men and women (Beneria and Sen, 1997). Evidenced by literature, neo-liberal policies have witnessed a widening gap between rich and the poor nations. Third-world post-colonial countries were forced to reform their economies in order to meet international obligations. This led to the introduction of a Structural Adjustment Programme (SAP) in the form of conditional grants by both the World Bank (WB) and the International Monetary Fund (IMF). This led to a decline in provision of social services and saw the introduction of privatisation as one of the fundamental features of this period (Pearson and Jackson, 1995). These political and policy changes had a profound effect in particular on the situation of women in third world countries, which resulted in widening inequality gaps, both in economic and social terms, between men and women (Snyder and Tadesse,1997). It was during this period that the fundamental principles of economic development were being scrutinised, and the plight of women gained momentum**.** The fundamentals of existing development frameworks were scrutinised from a feminist perspective and many questions arose about whether gender equality was possible through existing development frameworks (Young, 1997).

The welfare approach was a prominent during this period, and sought to address the marginalisation of women in the context of their role in the reproductive sphere, as mothers and carers. The interventions perpetuated the survival of the traditional family structure with provision for nutrition and child health, thus sustaining the role of women in the reproductive sphere. The approach did not question the sexual division of labour between men's productive sphere and women's reproductive sphere. In fact, it was entrenched more in societal culture. Feminists commented on the lack or limited analysis of women's disempowerment in the private setting (Kabeer, 1995). Mainstream policy makers, rather than questioning women's marginalisation in the private sphere, put in place policy measures aimed at supporting women in their reproductive roles. Though this was often undermined as an important intervention, it was critical to support women in their role as

mothers. The acceptance of the man as the economic provider, leader and the decision-maker was the norm, and was the major shortcoming of this approach (Kabeer, 1994)

It is during this period that the work pioneered by a Danish economist Ester Boserup provided the first analysis of the impact of first world policy approaches to development centred on trickle-down strategies (Visvanathan, 1997; Pearson and Jackson, 1995). Boserup's analysis challenged the assumption that women would benefit from their husbands' situation. Instead, it revealed that the benefits were not trickling down to women as they appeared to be losing their status due to social inequalities between them and men. Her analysis provided an insight on how unequal power relations between men and women were widening in social as well as in economic settings due to employment policy approaches. The effect of this was a shift from welfarist interventions to equity approaches (Bulvinic; Moser, 1994).The essence of this approach marked efforts in many developing countries to bringing women into productive settings whilst still reaffirming their role in the reproductive sphere as carers of the families. What emerged was the inclusion of women in economic systems, and through necessary legal and administrative changes the extension of their rights. Although it recognised women as mothers, and thus beneficiaries of development and but did not necessary regard them as agents of change. It sought to meet the strategic needs of women by giving women political and economic autonomy. However, although this reasoning was popular with feminist activists, it was unpopular with most governments and encountered resistance. There appeared to be lack of support from governments and development agents for the demand for equal opportunities with men and as a direct consequence the emphasis changed to the goal of meeting basic needs (Visvanathan, 1997).

The work of Boserup though regarded as a critical milestone in improving policy responses to women's discrimination encountered criticism in particular by feminist scholars from the South. The central criticism was that her analysis neglected to challenge the dominant development paradigm, which was the fundamental problem, as it perpetuated inequalities within and amongst different nations and groups (Razavi and Miller, 1995b). Feminists from post-colonial backgrounds criticised the analysis for ignoring the post-colonial feature of development and the impact it had on both women and men in developing countries (Sen and Grown, 1987). Feminists from the South also challenged the notion of development as the mainstay for women's empowerment, which was the basis for Boserup's analysis (Sen and Grown, 1987). They argued that Boserup's work highlighted gender inequality in Third

World countries as a fundamental issue in the division of labour across regions and countries. In her analysis, they argued, she focused on the productive sphere of women's lives and neglected other contextual issues, in particular the impact of post-colonial features of third world countries. The criticism was centred on the fact that economic marginalisation had a negative impact on women. The social and political relations between men and women and countries across the spectrum could not be ignored (Sen and Grown, 1987; Mohanty, 1997).

What emerged during the second Development Conference was the first official document with a mere reference to women (Visvanathan, 1997). This resulted in a policy strategy which sought to integrate women into existing development frameworks (Visvanathan, 1997). The brief mention of women signalled the first attempt by governments aspiring to act on women's marginalisation, though it was still perceived as insufficient. The official document encouraged member states to integrate women into development strategies. The shift signalled a change in the policy approach of governments and brought about an awareness of the plight of women's marginalisation. However, the new insight indicated a limited understanding of women's discrimination. This was evidenced by strategies that were put in place which sought to integrate women into an existing development framework (Razavi and Miller, 1995a). Governments demonstrated an unwillingness to question how the mainstream development principles were perpetuating women's discrimination (Baden and Goetz, 1995; Razavi and Miller, 1995b; Moser and Moser, 2005). In essence, emphasis focused on getting women to fit into the existing development frameworks as opposed to challenging the existing discourse to be responsive to women's concerns (Razavi and Miller, 1995a).

The United Nations Third World Conference on Women was preceded by the first decade for women from 1976-1985. After conference, held in Nairobi in 1985, gender mainstreaming gained moment in the development sphere. Previously during the First World Conference on Women which heralded a groundswell of campaigning by women's movements, it was a point which enabled the plight of women marginalisation to be highlighted across the globe. There was growing consensus from women's rights activists on the need for world leaders to take into account women's concerns. It began to stir up the debates and challenge the dominant development discourse and the patriarchal influences which perpetuated women's discrimination. The post-war period in the early 1960's reconstruction phase revealed development principles perceived by women's rights activists as an exclusive process, which

did not take into account women's concerns in any substantive way (Pearson and Jackson, 1995). During this period, the issue of women's marginalisation and the need for governments to act decisively was placed on governments' agendas. What emerged were the first policy approaches adopted under the auspices of Women in Development (WID). WID strategies aimed at addressing women's marginalisation based on the understanding that women needed to be included in development, but did not take into account women's relational subordination which was the fundamental problem (Razavi and Miller, 1995a).

The establishment of NGMs since 1975 did not appear to have brought fundamental changes in women's status as they continued to implement special projects for women. The institutions implemented policy measures aimed at tackling women's subordination separate from the mainstream agenda and typically income-generation projects for women dominated the strategies employed. Some feminist scholars criticised NGMs for failing to challenge the dominant culture and practices that perpetuated women's marginalisation (Goetz, 1995). As shown in Chapter 3, NGMs had limited capacity to influence the agenda of government in any meaningful way as they did not have bureaucratic authority (Goetz, 1995). The establishment of NGMs revealed contradictions in the nature of gender equality that was being pursued (Razavi and Miller, 1995b).

During the same period, feminist scholars began to challenge the notion that mainstream development could create an enabling environment to address women's structural inequities (Razavi and Miller, 1995b). These debates questioned the thinking that the solution seemed to be merely focusing on the integrating of women into the existing development framework (Pearson and Jackson, 1995). The new analysis that emerged problematised mainstream development. Feminist scholars and activists argued that simply integrating women into existing development frameworks without addressing the unequal power relations was problematic (Moser, 1995; Jahan, 1995). They further criticised a liberal centred approach, stating that extension of rights does not equal to gender equality (Jackson and Pearson, 1995). Though addressing women's marginalisation only was recognised as an important step, it was also argued that mainstreaming women only would not result in changing their status in society (Jackson and Pearson, 1995). The critique of WID approaches provided opportunities for new analysis which focused on women's marginalisation beyond gender divides. The work was pioneered by feminists largely influenced by Marxist and post-colonial theoretical backgrounds, advocating the analysis of class, race and the post-colonial influence on women's subordination (Young, 1992; Visvanathan, 1997)

During the same period, there was growing criticism amongst some feminist of the role of the state in promoting gender equality. There were questions about whether the state could be the vehicle to advance gender equality by putting in place appropriate policy measures that took into account women's interests. A related issue was whether this could be achieved through existing development frameworks or whether a set of principles needed to be introduced to create an enabling environment for the achievement of gender equality (Goetz, 1995). There was contestation amongst feminists themselves with divergent views on policy solutions. There was criticism of the state on the one hand and a more welcoming engagement with it on the other (Baden and Goetz, 1995).

Since there was no consensus amongst activists themselves, scepticism on the role of the state increased. Radical feminists in particular maintained that the state as a patriarchal entity served only men's interests, while new emerging feminist groups saw the state as an open entity which could be influenced from inside. The key strategies employed by feminists varied from choosing to disengage with the state and using tactics that would change the state from within, by engaging constructively with the state. Within the opposing spectrum of ideas, there were women's rights activists who thought that the state was pursuing a liberal agenda with strong emphasis on paper rights, and thus focused on the extension of rights for women. In post-colonial states, the central issue was managing the impact of structural adjustment programmes which had devastating consequences for women.

In the 1980s, feminist development practitioners working in the Gender and Development (GAD) arena introduced the principle of social relations as central to analysis of gender inequality (Kabeer, 1995) and a critique of existing development frameworks particularly by women from the south (Sen Grown, 1987; Mohanty, 1991). Development policies were criticised by post-colonial feminists who argued that they furthered the needs of imperial states rather than marginalised women (Sen and Grown, 1987)**.** They criticised the policies of the state for neglecting the plight of poor nations and raised concerns about the unequal economic and political power relations between developed and poor nations which had a devastating impact on women from developing countries (Sen and Grown, 1987). They also argued that these policies had a direct bearing on developing countries' political commitment and ability to advance women's rights (Sen and Grown, 1987). The interconnectedness of political, economic and social unequal power relations within and between nations had a direct bearing on the nature of inequality that existed between men and women.

Feminists begun to call for gender analysis of social relations inspired by Kabeer's work and ultimate empowerment of women spearheaded by Moser (Jackson and Pearson, 1995). GAD was seen as an alternative to WID with its focus on social relations and critique of development frameworks and was believed to be in a better position to bring about changes in women's status (Visvanathan, 1997; Moser, 1995; Youngs, 2005, Walby, 2005). In a way, it engineered the exploration of gender equity within development processes and goals (Walby, 2005).

The 1980s, which coincided with the second Decade on Women, saw the emergence of the Gender and Development (GAD) approach; a strategy associated more with gender mainstreaming. It was perceived as an alternative to the WID approaches and was born out of reflection and analysis of the WID strategies and other strategies that had been employed. For the first time, the social relations of gender analysis rooted in socialist feminist framework were brought into the mainstream (Kabeer, 1995). Young (1980) states that the objective of feminist analysis is to develop better analytical and conceptual tools for the development of a theory of social relations which would encompass not only economic relations of society but has been called relations of everyday lives". GAD also made a shift in feminist politics and reflected more concerns by socialist feminists and opened new ways of engagement. The multi faceted approach opened up spaces for a deep analysis looking at capitalism, patriarchy, racism and feminist identifying opportunities to engage with formal policies and make strategic interventions (Kabeer, 1995). With the emergence of GAD, it became a political imperative to engage with state policies and the new thinking on how to engage with the state for effective gains.

Social feminist scholars provide analysis that of the GAD approach by offering a holistic perspective of viewing women's inequality from a perspective that encompasses all aspects of women's lives (Pearson and Jackson, 1995)**.** GAD presented two notable strategies. Firstly, it was an attempt to incorporate gender analysis in the planning of all development interventions through increased understanding of men and women's roles and responsibilities by including women in economic development (Kabeer, 1994). Secondly, it was also a recognition of promoting women's agency by ensuring their meaningful participation in development processes (Moser 1989; Moser, 1993). However, in some circles the transition from WID to GAD was symbolised by the replacement of the word

women with gender, with no tangible benefit to women. This was because the conceptual shift from WID to GAD was not always consistent in practice (Walby, 2005).

The main difference between the GAD and WID approaches was that women in the GAD approach were part of the decision-making processes. The GAD approach also rejected the public/private dichotomy and paid special attention to the oppression of women in their private lives. GAD acknowledged the effects of structural inequalities brought by capitalist and colonial systems, and the extent to which they exacerbated gender inequalities. The emphasis on the necessary role of the state to promote women's emancipation distinguishes it from the WID approach (Young, 2000). It promoted the idea of women themselves as agents of change and the need to mobilise for more effective political action, as well as for structural changes which would strengthen women's position in society.

Kabeer, in her analysis of the WID approach, clarifies this central problem by stating that women were not totally ignored by policy makers in the first decade, but rather they had been brought into development policy on very sex-specific terms (Kabeer, 1994). WID was grounded in modernisation theory, which wrongly assumed that women were not integrated into the process of development (Visvanathan, 1997). Women were, and largely continue to be, perceived as recipients of development rather than as agents of change in their own right. Kabeer argues each of these responses represented a set of priorities informed by an analysis of how women's concerns were to be taken into account in development (Kabeer, 1994). In practise, the application of these strategies was almost as if they were mutually exclusive. It was a case of choosing one strategy over the other. They were not necessarily regarded as part of the same process aimed at addressing women's marginalisation that could happen simultaneously.

The most dominant approaches of WID were the welfare and efficiency also regarded least progressive when it came to addressing women's marginalisation and promoting gender equality (Kabeer, 1994). The basis of WID approaches was that it dealt with women's marginalisation in isolation and to a large extent distorted the experiences of women and as Mohanty argued in particular for women from the [1]third world countries (Mohanty, 1991). WID approaches drew a distinct contrast between the aspirations of liberal feminist approaches to development and post-colonial feminists in relation to the women's equality goal.

In essence, GAD offered more than just conceptual clarity. It was the recognition that the project of gender equality required more than a technical process. In a way, it highlighted the political process which should be linked with efforts from the 'ground to achieve gender equality'. There needed to be strong movements able to articulate the issues and influence political processes**.** Under the auspices of GAD, the empowerment approach put more emphasis on grassroots organising, with the underlying assumption that women could contribute to development as opposed to what development could do for women (Moser, 1993). Women's subordination was contextualised not as resulting only from male oppression but also from colonial and neo-colonial oppression (Moser, 1993). Moser's analysis has more political resonance with Third World women than the offerings of the liberal approach. However, the key strategies employed within the GAD framework namely the efficiency and empowerment approaches, though they succeeded in bringing analysis of social relations into the mainstream development, in practise experts still spoke on behalf of women rather than creating spaces for them to engage with processes and promote accountability.

The limitations of the GAD approach were instrumental in the conception of the gender mainstreaming strategy. This brought clarity on unequal gender relations between men and women, and marked the rebirth of a new form of gender mainstreaming. The focus became unequal power relations between men and women rather than on women. It was a strategy that would ensure that women's as well as men's concerns and experiences were integral to all measures aimed at promoting gender equality.

Kardam (1994) suggests that a total overhaul of existing systems, structures, policies and ideologies was required for this agenda to succeed. She further points out that it is a rigorous framework, that the conditions for success are hard to achieve and that the enforcement of what is agreed upon requires clear accountability. Service providers have to be motivated to deliver the desired type and level of performance. She sees accountability as a mechanism through which a relationship is regulated between principals and agents, in which the former must create a system in which they can obtain the information required to monitor performance and create the necessary incentives and sanctions so that agents meet their obligations (Kardam, 1995). The political leverage described by Kardam is critical to promoting women's interest within the state. It was believed gender mainstreaming could enhance the level of accountability to women because it was to bring about new sets of rules.

Transformative agenda

The 1990s marked a growing consensus around gender mainstreaming and it appeared that a momentum for this approach was developing amongst feminist scholars and women activists**.** Feminist scholars had asserted this position before the origins of gender mainstreaming were located in the contexts of feminist work within development in which various ways of including gender equality objectives were explored (Kabeer, 1994; Moser, 1993). Gender mainstreaming lobbied for by the women's movement activists started to question the impact of development policies on women. The strategy was later adopted at the UN Fourth World Conference on Women in Beijing, 1995. The conference was itself a momentous milestone and aimed at ensuring that women empowerment was central to the state agenda. Gender mainstreaming was a direct attempt by feminist activists to broaden the mandate of gender equality beyond women's policy units which were largely seen as reversing the gains and further marginalising women's issues (Baden and Goetz, 1995).

The debates centred on the nature of ideological frameworks that would address women's marginalisation and discrimination and not just apply cosmetic changes to women's subordination (Goetz, 1995). Addressing women's inequality would need to go beyond focusing on women's economic marginalisation and social relations to a total overhaul of existing institutional frameworks (Goetz, 1995). This was understood to mean employing strategies that make fundamental changes and bring about transformation of institutional culture and practices as well as policies (Goetz, 1995).

Literature on national women's machineries tasked with the project of gender mainstreaming indicated that their effectiveness was depended on the level of influence within state bureaucracy (Stetson and Mazur, 1995).This was to be achieved mainly through strengthening their level of influence to effect change from within. National machineries needed to have a strong influence to represent and promote women's interests against other competing priorities of the state. It is in this framework that they would be in a position to effect institutional changes to the culture, norms and rules of institutions thereby achieving transformation (Goetz, 1995). It was a direct challenge to the understanding of discrimination

against women through men's lenses, whereby men's rules were accepted as the norm and transformation meant women adhering to these rules (Goetz, 1995). However, it should be noted that there was intense opposition to the new thinking by the UN member states. They were not particularly receptive to this new thinking, which appeared to be gaining momentum amongst women's movements all over the world (Baden and Goetz, 1995). The global women's movement was instrumental in bringing about the changes.

The gender mainstreaming strategy ensured that gender equality objectives were taken into account at two levels: at an institutional level and an operational level. In this regard, gender mainstreaming was understood to be a tool that would bring about far-reaching makeovers of institutions insofar as they would take women's interests into account. The strategy was not to make women adapt to institutions so that their needs were met but rather to change the institutions in order to create an enabling environment for the achievement of gender equality goals. The move was inspired by deep political concern with existing institutionalised gender inequalities that were seen to be widening with devastating consequences for women. This was a recognition that women's discrimination was still evident despite the political rhetoric about women's empowerment by governments which was devoid of any meaningful content (United Nations Decade Report, Economic and Social Council Report, 1995).

The conference adopted the Beijing Platform for Action (BPFA) which sought to mainstream gender in twelve critical areas of concern (Moser and Moser, 2005). These included poverty, human rights, economy, violence against women and armed conflict, institutional mechanisms, and the girl child. The areas signalled that gender was no longer going to be dealt with in isolation but across socio-economic and political themes understood to be at the centre of women's discrimination (Beijing Platform for Action Declaration Report, 1995). Gender mainstreaming was regarded as a central strategy of the BPA for advancing gender equality and equity (Beijing Conference Report, 1995). More importantly it was the identification of strengthening institutional mechanisms known as the Gender Management System (GMS) which was developed as an effective means of mainstreaming gender in national governments and civil society organisations. GMS is defined as a network of structures, mechanisms and processes put in place within an existing organisational framework to guide, plan, and monitor and evaluate the process of mainstreaming gender in all areas of the organisational work in order to achieve greater gender equity within the context of development (Common Wealth Report, 1995).

The adoption of the BPFA marked a shift from the previous strategies because it brought forward the analysis of unequal power relations at different levels with the adoption of gender mainstreaming. The shift entailed conceptual clarity on how gender inequality was understood. Former strategies, such as the WID, which put women's marginalisation at the centre of analysis, as opposed to the GAD, which prioritised social relations (Kabeer,1995), had not focused on institutional mechanisms as a site of change as much as did gender mainstreaming strategy. The shift could be characterised as moving away from integrating women into existing development frameworks to interrogating the gendered nature of these frameworks. Gender mainstreaming is about assessing the impact of unequal gender power relations between men and women at all levels.

In this way, it was understood that in order to achieve gender equality the power imbalance and how it perpetuates existing inequalities (whether social, economic or political) needs to be the starting point at both the institutional and programmatic level. Most importantly, this was envisioned to be a process rather than an end in itself. The process would evolve into the attainment of substantive equality.

The BPFA was a critical framework for four reasons. It outlined the strategic objectives and actions in relation to the twelve critical areas. For the first time, there was agreement on a detailed framework about what needed to achieved, how that needed to be done and what actions needed to be taken. It also put an emphasis on the role of government as having the primary responsibility to promote equality between men and women. With varied understandings on the role of the state amongst different feminist activists, there was a high level of consensus on the role of the state in advancing gender equality. Within the framework, it was largely agreed that the state is a neutral tool that can be marshalled for women's interests. Feminist movements needed to devise strategies that would ensure that women's interests were central to the state agenda, through influencing the state from within using the national machinery institutions. The BPFA broadened the agenda of gender equality goals and its relevance across all the twelve sectors. This meant that the agenda of the national gender machinery institutions was not only on women's marginalisation in isolation from the factors contributing to it.

Lastly, it outlined the role and responsibility of non-governmental organisations or women's movements outside the state to facilitate the delivery of these objectives by holding their

governments accountable. They were a critical cornerstone of the BPFA that would ensure the successful implementation of the commitments made by governments. However, despite these sentiments, the main challenge seemed to lie in the practical implications and what the nature of gender equality was that was envisaged (Beijing Platform for Action Declaration, 1995).

Despite their initial objections, the UN member states signed the BPFA agreement. The final text adopted contained a broad definition of gender which became highly politicised (Baden and Goetz, 1995). By committing to the agreement, member states provided an impetus to ensure that all persons, including women, should be in full enjoyment of their human rights. These commitments are underpinned by the recognition that inequalities between men and women in different contexts remain major obstacles to achieving the goal of gender equality (United Nations Report, 1995).

Gender mainstreaming

The first formal version of the definition of gender mainstreaming was by the United Nations Economic and Social Council (ECOSOC):

> *'Gender mainstreaming is a process of assessing the implications for women and men of any planned action, including legislation, policies and programmes in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality (ECOSOC Report 1997, p.28*).

The definition put forward by the UN is comprehensive and espouses the argument put forward by Eveline and Bachi stating that it should be dependent on the understanding of gender equality (Eveline and Bachi, 2005). However, the formal endorsement of gender mainstreaming terminology after its formal endorsement by governments revealed the different understandings of gender equality itself. For instance, the Council of Europe

defined gender mainstreaming as “The organisation, improvement, development and evaluation of processes, so that a gender equality perspective is incorporated into all policies at all levels and at all stages, by the actors normally involved in policy making” (Council of Europe Report, 1998: 3). The African Commission’s definition of gender equality is couched in a manner that explicitly prioritises post-colonial effects other then women's interest (Mukasa, 2008). The difference is whether the emphasis is on both men and women or gender equality perspectives or on other socio-economic and political issues that might contribute to discrimination against women or if it is the combination of all. The concept of gender remains highly contested in policy and practice across the globe.

In general terms, the definitions of gender mainstreaming adopted by UN member states appeared to adhere to the one put forward by the United Nations focusing on both women’s and men’s concerns. The broad definition of gender as a concept would have several implications in practice. The dilemma is always on whether to focus on women or men or both and what this means for policy priorities.

This diverse understanding of gender mainstreaming revealed varied understandings of gender equality by government institutions. Consequently, different approaches of gender mainstreaming were implemented. (Walby, 2005), drawing lessons from work done with governments from the European Council, appears to suggest that the varied definitions of gender mainstreaming were influenced by different understandings of what gender equality was being mainstreamed. The implications of this different understanding in different contexts are of particular interest (Walby, 2005). Countries adopted various policy frameworks, influenced by the extent to which they were aligning themselves to a particular context which had resonance to them and would determine the form of gender equality to be implemented. In essence, the questioning of principles that underpin the strategies reveals the diversity of this understanding. However, it would not be fair to position gender mainstreaming in one direction, as Walby conceded that it is applied differently in diverse contexts (Walby, 2005).

Gender mainstreaming was initially conceptualised by feminists as a tool to advance women’s status in society. However, the language used in the final text defining gender mainstreaming adopted in the Beijing conference was ambiguous in referring to women and men in general terms. The text referred to addressing men’s as well as women’s concerns in addressing gender inequality. The ambiguity in the final text was a direct result of a lack of

consensus on what gender equality meant for men and women. From these debates emerged a theory, which was correct in essence, that gender was not only about women but about men as well. While this is true, it is centred on what Pearson refers to as 'biological essentialism' about the understanding of gender focussing on biological differences rather than the social construction of gender. This has not been resolved in the analysis of how gender equality manifests itself (Baden and Goetz, 1995; Pearson and Jackson, 1995). Although women's subordination and discrimination was common knowledge to many, what got lost in the process when referring to gender mainstreaming in theory and practise was reference to the unequal power relations between men and women when translating this into policy.

Gender mainstreaming involves the process of institutionalisation or mainstreaming gender concerns within an institution or organisation. Institutionalisation and mainstreaming are often used interchangeably (Byrne, Laier, Baden and Marcus, 1996; Goetz, 1997; Moser, 1995). However, mainstreaming is regarded as a more comprehensive practice which is inclusive of institutionalisation (Mukhopadhyay, 2006). The process entails putting in place institutional mechanisms such as the Gender Management Structure (GMS), policy mechanisms and implementation processes such as gender training and gender analysis. These should culminate in an evaluation of what has been achieved for the purpose of forward planning. This process includes incorporating gender equality goals into administrative, financial planning, staffing and other organisational procedures.

With the establishment of the GMS system, gender mainstreaming is the responsibility of certain individuals within an institution instead of becoming everyone's responsibility. This raises questions about the extent to which the gender focal points were able to shift the mindset within an institution be ensuring that everyone takes responsibility. Research conducted on focal points indicate that these units, similar to national gender machinery, should have a level of authority and influence within institutions in order to for them to be effective.

Literature on most European countries indicates that recent approaches to gender mainstreaming involve not only multiple levels of governance but also multiple shifts in governance (Council of Europe Report, 1998). State institutions often overlook this shift that needs to happen and as a consequence gender mainstreaming becomes the responsibility

of one technical person or department that does not necessarily have the political influence to make meaningful decisions. Gender mainstreaming may therefore fail.

Rosario cites from the Philippines experience on gender mainstreaming, that internal consistencies between gender perceptions within a particular state and its developmental bureaucracy are barriers to the goal of promoting women's interests in development (Rosario, 1995). To many feminist scholars, the new human rights framework was instrumental in recognising that women's rights were also human rights (Baden and Goetz, 1995. However, when this was translated into the gender equality debates it was taken in its literal meaning of referring to both men and women or referring to women only. The broad framework of what gender equality entailed concealed women's marginalisation. The implications of the strategies adopted were as a consequence not far-reaching enough to enable a situation where substantive equality could be achieved.

Gender mainstreaming in practice

After the gender mainstreaming strategy was adopted, governments began to develop policies that would articulate their visions of achieving gender equality. The gender mainstreaming strategy aimed at ensuring that women's as well as men's concerns and experiences were integral to the design, implementation, monitoring and evaluation of all legislation, policies and programmes to effect change and benefit both sexes (Kabeer, 1996; Moser, 1995;Longwe,1995). However, gender mainstreaming did not necessarily imply a focus on women or men only projects. What this meant is of particular interest for this study.

The question that has dominated feminist literature is what the critical contribution of gender mainstreaming strategy in feminist politics has been, in particular as it relates to the effectiveness of the state in addressing gender inequality. The key issue that needs to be explored further is what the impact of gender mainstreaming in changing women's lives for the better has been. More relevant for this study is what has informed the gender mainstreaming strategy and whether that has any potential to challenge existing unequal power relations between women and men .

This study acknowledges that the introduction of the gender mainstreaming strategy produced contradictions and tensions in the gender and development spectrum. Gender mainstreaming became a new and contested form of feminist politics in both policy and practice (Walby, 2005). Walby states that while it is an internationally pursued agenda, it is not uniformly developed and is even implemented at different levels in the international, regional and national development lexis (Walby, 2005).

In the 1990's, gender mainstreaming became a dominant theme in gender and development policy (Baden and Goetz, 1995). As stated by Walby, gender mainstreaming involved new forms of political practise and alliance. These took the form of the election of women representatives to political decision making structures, the development of specialised women's policy units within states (discussed in Chapter 3) and a concerted effort to ensure that there was expertise in the organisation of state (Walby, 2005). The presence of these different mechanisms marked a new form of engagement with the state, a shift on gender equality imperatives and a new definition or redefinition of new forms of politics.

Feminist theory poses key challenges to the gender mainstreaming agenda (Walby, 2005). The BPFA ensures that the establishment of gender analysis as a tool for understanding the how women and men's relationship to each other contributes to the inequalities. The BPFA highlighted twelve critical areas that were seen as key to challenging discrimination against women. The gender mainstreaming strategy formally adopted as part of the BPFA was an extension of the GAD relational concept, as well as a strengthening of earlier WID initiatives. Walby argues that it was intended as a way of improving the effectiveness of mainline policies by making visible the gendered nature of assumptions, processes and outcomes (Walby, 2005).

International experience after the Beijing conference on gender mainstreaming reveals that the strategy has not been successful overall. Although strides have been made, the goal of transformation is still a distant one (Cornwall, Harrison and Whitehead; 2004). The limited success of gender mainstreaming reveals as much about the design of the strategy itself than the success related to the actual implementation of the strategy. The tension underlying the understanding of what gender mainstreaming entailed have led to different forms of gender mainstreaming or approaches being implemented (Jahan, 1995; Moser, 1995; Moser and Moser, 2005; Sweetman and Porter, 2005; Walby, 2005).

There is consensus amongst scholars that gender mainstreaming is a contested strategy in policy, and its translation into practise has revealed interesting dynamics. There has been remarkable progress on gender mainstreaming though overall its success has been limited. In this section, I unpack three key issues that appear to have contributed to its limited success. The first issue is the implementation of varied gender mainstreaming strategies in various settings due to varied understanding of gender mainstreaming(Eveline and Bachi, 2005; Walby 2005). Second is the issue of gender mainstreaming as a technical process versus a political process. Thirdly, the section will focus on the implications of global strategies such as gender mainstreaming for ensuring accountability of national states.

I argue that different understanding of gender equality, as it is informed by gender mainstreaming, has led to the different approaches of gender mainstreaming. The actual process of translating gender mainstreaming into practise has been mainly a technical one, devoid of any political participation and engagement by women outside the state. This is evidenced by the mainstreaming gender guides that have been developed over time. Gender mainstreaming instead of being a political process with spaces for activism has became 'a pick and go guide to gender mainstreaming' which ended up focusing on instrumental issues such as numbers and policies that are often meaningless to the entire institution implementing the gender mainstreaming strategy. The third argument is that gender mainstreaming is a global strategy which draws it relevance from a national level. The researcher argues that the relationship between global rights and how they fit into the national context is not a neat one as it relates to the promotion of accountability and has political implications. These three issues will be explored in detail below.

Tension between different forms of gender equality being mainstreamed

The tension between different forms of gender equality being mainstreamed has led to different approaches of gender mainstreaming being implemented. Lack of understanding of the distinction between gender equality, a goal of achieving equality between men and women, and gender mainstreaming as a process to achieve gender equality, exacerbates this. The main limitation appears to be that gender mainstreaming is regarded as an end in itself and not a process to achieve gender equality**.** Gender equality becomes one goal while gender mainstreaming becomes another.

The understanding of gender equality appears to be the starting point for resolving these tensions. Eveline and Bachi (2005) suggest that gender mainstreaming is dependent on various understandings of gender relations and how these interact with national socio-economic and political contexts. The diverse understanding of gender has had a direct impact on the implementation of gender mainstreaming which has led to different models of and approaches to it.

Feminist literature has distinguished between different forms of gender mainstreaming in practice. Although gender mainstreaming was flouted as a shift from women-only projects to a focus on unequal power relations between men and women, in practise this shift has not been as evident as it is on paper (Rees, 2005; Moser and Moser,2005; Walby, 2005). There are nuances that have not been addressed in theory which are underpinned by the understanding of gender equality itself (Pearson and Jackson, 1995). From the literature on gender mainstreaming, there appear to be three key starting points which have informed different approaches. The literature highlights diverse understandings of gender equality by different actors, including within governments and among social scientists and activists (Rees, 2005).This results in different forms of gender mainstreaming being implemented translating into policies and programmes targeting both men and women in a vague manner, or totally ignoring men by focusing on women only.

Central to the problem of the policy and practise is an understanding of gender equality which simply deduces that all women are the same; while existing male norms which influenced institutions remain standard (Walby, 2005).The extreme is the replacement of women with gender with no in-depth analysis of the policy implications of the interventions. In rare circumstances, gender analysis has been used as a lens to assess the implications of policy measures and programme strategies for both men and women. Further use of this analysis has led to extending it by asking whether it is men or women who benefit and who loses in policy interventions (Kabeer, 1994; Moser, 1995). It is this analysis that results in good implementation of gender mainstreaming strategies. However, gender analysis has not been uniformly applied as evidence on the implementation of gender mainstreaming strategies suggest.

The first approach of gender mainstreaming which signals absence of gender analysis is what has became known as the integrationist approach. Jahan defines this form of gender mainstreaming as simply attempting to integrate women into existing development

frameworks (Jahan, 1995). The understanding of gender equality which informs this strategy suggests a particular understanding of women's inequality. Women are perceived as a homogenous group, treated as the same across nations, class and race (Pearson and Jackson, 1995). The literature defines this understanding of women's inequality as based on sameness (Rees, 2005). In this regard, the assumption underpinning strategies to address marginalisation is that women have uniform and similar needs and interests.

This form of gender mainstreaming relies on putting in place gender focal points, which is an extension of national gender machineries and representation of women in decision-making positions. This strategy has been complemented with higher levels of political and bureaucratic representation of women in decision-making structures. However, as argued elsewhere, increasing number of women into these structures does not necessarily translate into meaningful representation of women's interests in policy decision spaces.

Most scholars have concluded that this form of gender mainstreaming has not performed well. Instead of advancing women's empowerment; it did the opposite by entrenching women's inequality. The policy strategies employed within this approach were seen by many feminist scholars and activists not to have gone far in addressing women's inequality. Their argument was that even though institutions have changed the outlook in numerical terms with the presence of women, they have retained existing cultural practice rules that discriminate against and undermine women. Without a fundamental change, thorough-going transformation is not possible (Goetz, 1995).

Central to the criticism of this approach is that this form of gender mainstreaming strategy has not made any remarkable progress as it has retained the initial WID focus by focusing on the marginalisation of women. The approach has been criticised for its failure to tackle unequal power relations between men and women. Similarly to earlier WID, the integrationist approach had managed to put the women's agenda high on the developmental agenda, but failed to challenge their subordinate position in society. The main problem with the WID-centred strategies was that women's marginalisation became the starting point as they failed to analyse the source of their marginalisation. In this analysis, the structural and systematic discrimination of women is not dealt with appropriately. Porter and Sweetman argue that integrationist approaches to gender mainstreaming seek to integrate women's concerns in the existing development framework without challenging the culture and the rules that perpetuate discrimination of women. They further state that this strategy amounts

to a recipe in which an extra ingredient is added: “add women and stir” (Porter and Sweetman, 2005:2). WID-centred approaches on gender mainstreaming do not provide political space for changing gender relations. Women are occupied with projects that have no consequential benefits to them.

The second challenge linked to the understanding of gender equality has led to the second approach to gender mainstreaming (Walby, 2005). Rees defined this as tinkering with gender equality (Rees, 2005). In this approach, the focus shifts to equal treatment of men and women and uses the status of men as the point of comparison. The aim is to bring women’s rights up to the same levels as those of men, while not challenging the status quo. This approach is problematic in that it does not challenge unequal power relations between men and women (Rees, 2005). Instead it focuses on women and men and questions the practises that afford men privilege over women.

Despite widely accepted terminology that includes the understanding of the language of gender roles and relations in understanding gender equality, there is largely still confusion on what is the bench-mark for gender equality. In this approach, men’s status is used as the yard stick for equality. As Goetz has argued elsewhere, institutions have not been right for men either and that is the reason it is important to have a total overhaul of the whole system to achieve true transformation (Goetz, 1995).

This approach is not only problematic because it uses men as the accepted benchmark but it also creates confusion about the definitions of gender. Gender became about women, and thus the emphasis getting women the same privileges as men and not necessarily changing the basis for unequal power relations between men and women. There is still confusion about the difference between gender and women. The one often replaces the other. In other cases, there is a drawing of the literal meaning of what gender is. Saying that gender is about women and men speak volumes about this confusion. Kabeer (1994) states that this confusion has been used as an excuse to disregard measures intended to benefit women. The limited conceptualisation of gender equality confines the effectiveness of gender mainstreaming. This is usually due to what has been termed by Rees as ‘over genderisation’ by simply referring to gender as both men and women, when emphasis is on sex status rather than the relation between them. On the one hand it is disadvantaged by exclusion (Rees, 2005) while on the other by inclusion.

The third approach to gender mainstreaming is more evident in theory than in practice. Feminist scholars have termed this approach 'transformative' (Jahan, 1995). It focuses on changing the systems and structures that underpin women's marginalisation. Unlike the two previous approaches, this form of gender mainstreaming goes beyond focusing on practical needs of women and seeks to meet strategic needs by changing women's status in society. It recognises the need to transform the core of the institutions to be responsive to gender equality. Feminist scholars such as Jahan have advanced this form of gender mainstreaming as an agenda-setting approach, which they argue will transform the existing developmental agenda. This begins with a gender analysis of the inequalities between men and women (Jahan, 1995).

This approach is in line with feminist literature on gender mainstreaming which argues that for gender mainstreaming to succeed there needs to be a total overhaul of the system (Goetz, 1995; Kardam, 1998). State institutions are gendered institutions with cultures, rules and policies favouring men over women (Goetz, 1995). Goetz argues that in order to achieve gender equality, institutions needs to service the needs of women as well. For this to happen, she argues there needs to be questioning of rules and structures that serve the interests of men in these institutions (Goetz, 1995).

Technical versus Political process

After its adoption, gender mainstreaming soon became an accessory of bureaucratic practices and processes of institutions. Consequently, a number of manuals or guiding documents on 'how to do' gender mainstreaming were developed by various institutions such as governments, non-governmental organisations, research institutes and the United Nations. A web search of existing toolkits on how to implement gender mainstreaming resulted in more than 40 000 hits. However, this popularity of gender mainstreaming does not match popular engagement by women outside the state thereby increasing political ownership and accountability.

Rosario points out that mainstreaming gender in institutions is difficult, as state structures are diverse entities. Individuals who work in these institutions have different perspectives of and interests in development and therefore respond differently (Rosario, 1995). However, Pringle and Watson highlight the successes of female bureaucrats in Australia who have managed to involve women outside the state (Pringle and Watson, 1992). Overall, the

emphasis is on the commitment to broader consultation with representatives of civil society and the need for women in bureaucratic institutions to strengthen their interaction with women in CSOs (Alvarez, 1995; Beall, 2000; Goldman, 2000; Hassim, 2003b).

The central theme is what needs to be done to enforce political will. Moser states that these key components assist in ensuring that gender equality becomes a political process within any institution, as opposed to an exercise in goodwill or a technical process (Moser and Moser, 2005). The distinction here is the focus on the agency of women as opposed to deeds of a good heart. The impact of this is that gender becomes a technical process, focusing on technical issues, and in the process loses its political content as a struggle that needs to evolve to ensure transference of power.

Global versus National linkages

Gender mainstreaming is a global strategy put forward by the United Nations and endorsed by governments in 1995. The endorsement of the strategy by governments was a sign of their political commitment. However, the measure of the success of this political commitment is the extent to which they adhere to the agreed-upon goals and targets, and subsequently how this impacts on the lives of women by improving their status.

The first critical step is the ratification and or signing of international agreements. The second is the domestication of commitments in national contexts. The third stage is assessing the impact of the commitment by establishing whether the state has managed to achieve the set goals. The BPFA was adopted and signed by governments in 1995 similarly with other global or regional commitments through supra-national institutions such as the United Nations and the African Union. After this followed the translation of what the strategy means at national levels, which is the process of domestication.

In line with this, various governments started to develop tailor-made gender mainstreaming policies, putting in place other relevant legislation, policies and structure to match the implementation of their gender mainstreaming strategy. On a five-year basis, they would then report to the United Nations Commission on the Status of Women on the progress made in achieving gender equality and adhering to international conventions. This is done in the form of a report which is tabled before the Commission on the Status of Women Committee. The report focuses on whether there was a ratification of what had been

achieved or of it just accepted governments' word as gospel. Secondly, what was the extent to which movements outside the state were able to engage with the reports submitted by governments and what were the outcomes of that process consultation process? Hence, these are held in parallel. However, there are doubts about whether the contents of the report reflect the *status quo* or are seen by governments as a public relations exercise**.** Indications are that there is minimum engagement and consultation with civil society organisation on the contents and findings of the reports.

The literature indicates that monitoring the implementation of global commitments at national level is a challenge because of the absence of spaces for women outside the state to engage with formal processes. Therefore, global commitments are as good as the paper they are written on, and enforcing their implementation at national level is a huge challenge. The implementation of the BPFA has suffered the same fate with limited ability to enforce accountability. Governments would report to the United Nations Committee on Women on what they had done but there appeared to be no substantial engagement with women outside the state on the actual content of what had been put forward as key achievements and challenges. The whole process is fraught as there was no verification and legitimate participation by the women's movements.

Walby stated that the globalised nature of gender mainstreaming has far-reaching implications for local feminist movements in that it becomes something that is out of their reach (Walby, 2005). Gender mainstreaming was developed as a global strategy, drawing from trans-national processes, agencies and politics and often challenging the traditional focus on national processes (Walby, 2005). The universal language on rights discourses and language often loses its critical national political context. The implications of this are varied, as it hides political meaning of universal rights and strategy when they interact with often different political, social and economic conditions and in particular when it comes to accountability. The key limitation appears to be limited or lack of accountability measures at national level with strong emphasis on accounting to supra-national bodies.

Furthermore, gender mainstreaming as a trans-national project has been affected by this phenomenon. Duyvendak asserts this by stating that the development of gender mainstreaming has not been centred in nationally based processes (Duyvendak, 2000). The process of transferring these to national contexts may involve a process of coercion or obligation (Walby, 2005). The researcher would further argue that it might also involve a

process of rejection of the imposition, as it may be seen as a contradiction to fundamental values or principles espoused in a particular context. For countries in the South, the association of gender with western imposition as it has been argued with global policy frameworks such as the Convention to End Discrimination Against Women (CEDAW) creates scepticism about what is meant in an African context. The fact that women from different parts of the world have different interests and use the spaces to highlight their issues make this even more complicated. It became a contestation of views about what was critical for women from the North as well as women in the South. Contributing to this was the different understanding and analyses of the problem of gender equality, which led to different conceptual frameworks and thus different policy choices.

This phenomenon poses policy and practise tensions between global, regional and national levels of governance. Understanding policy development processes from a local perspective that has a global bearing is complex. However, whether these policies remain the same or adapt to a certain context the fundamental principles that underpin them should not be significantly altered from what they are intended to do. The work done within the European Union has revealed these dynamics of a global strategy, but has not evenly developed. This results in uneven implementation (Walby, 2005). In particular it raises questions about the relationship between developing countries as sites in the development of different types of gender equality policies. In addition, the question remains whether in the process of domestication of these international and/or regional conventions they remain the same or hybridised when they interact with local conditions (Walby, 2005)

Conclusion

This chapter has presented policy approaches that have been adopted and implemented by governments since the 1960s up until the adoption of the gender mainstreaming approach. It has also provided an analysis of the gender mainstreaming strategy adopted during the Beijing process in 1995. It highlights the emergence of the WID approach in the early 1970's as well as presenting evidence that development policy responses to poor women's conditions had great limitations by continuing to focus mainly on their reproductive roles of caring and on integrating women into economic systems. It has presented arguments challenging the discourse that development would trickle down to the poor and in particular to women. The researcher acknowledges that WID, as argued by Kabeer, managed to put

the “women’s agenda” onto the development agenda but as many have argued it failed to challenge the subordinate position of women in society.

It acknowledges the contribution of some sections of the women’s movement aligned to the belief that gender equality could be achieved through state processes and actions. In this, it acknowledges the developments of the second half of the 1970’s through the United Nations. The period marked different policy approaches to address women’s marginalisation including Women in Development (WID) and Gender and Development. It acknowledges that the emergence of Gender and Development (GAD) as an alternative to WID marked a shift in policy response. This is inspite of the confusion of what this shift actually meant in practice. This strategy for the first time introduced gender analysis and brought the social relations between men and women into the mainstream. Most importantly, GAD promoted the idea of women as agents of change and the need to mobilise for a more effective political voice which would strengthen women’s position in society

The gender mainstreaming strategy has experienced across intense criticism. Many activists and professionals have been baffled by its implementation and have concluded that it has failed. The extent to which this conclusion is reasonable is matter of debate in various academic quarters. It requires interrogation of the achievements of gender mainstreaming as well as where the challenges lie. The strength of gender mainstreaming is its association with national machineries. However, as discussed in Chapter 3, national machineries have continued to experience problems related to their political legitimacy. This results in technocrats implementing very often with unclear goals about what is sought to be achieved. In theory, there is a strong attempt to reject the association of WID activities, yet in practice the opposite is true.

Consequently, there has been varied implementation of gender mainstreaming project. This has resulted in incremental gains and uneven impact. Most of these are a result of the lack of clarity on what gender mainstreaming means in practice. Feminist activists and gender development practitioners have spent more than a decade attempting to explore what this means in practice. It has been a period of trial and error that has delayed women’s advancement and the achievement of gender equality.

In South Africa, the Beijing process was the point of heightened consciousness for women’s rights from township shebeens (bars) to city pubs. Beijing became a catchphrase almost

synonymous with women and their newfound rights in the post-apartheid era. In most setting whether it is academic fora or social setting a woman would not challenge discrimination or raised any issues concerning her rights without it being linked to the much Beijing conference. There appeared to be a spirit of rebellion against what Beijing represented. In a sense it was more the perceived threat of what liberated women were capable of. Some men did not perceive this as an opportunity to transform social relations rather it was seen as women wanting to take over from men, in other words a swap of gender relations.

For the aforementioned reasons and many others, the Beijing period seemed like an opportune time for the government to engage with citizens and promote the gender equality agenda. However, the process of definition and institutionalisation of gender equality and the implementation of gender mainstreaming occurred five years later with the development of the National Gender Policy Framework for Women Empowerment and Gender Equality (2000).

The 1995 Beijing Conference has a particular significance in the South African struggle for gender equality. It provided an enabling environment in which various women's organisations and women activists in government institutions were united by a common commitment to address gender inequality. The BPFA adopted at the conference provided an impetus to the South African government to speed up the process of creating a national gender machinery and to review gender discriminatory legislation. The South African government's participation for the first time in a conference on women was an important symbol of the international acceptance of the new democracy and a marker of the extent to which the country was set on a progressive path.

I reassert the key contestations and arguments on gender mainstreaming and assess the implications of this in the South Africa context. It is evident from the arguments that gender mainstreaming is contested policy and strategy in many respects. Although gender mainstreaming was a victory for feminist and international women's movements, its content and practice remained a contested issue. The question that will be pursued further in Chapter 6 is what are the implications of this in South Africa by assessing has been the understanding of gender equality that informs the South African gender mainstreaming strategy.

Chapter 5 -The South African National Gender Machinery

Introduction

The South African National Gender Machinery (NGM) is understood in this chapter to be a set of coordinated structures within government and other state structures which aim to achieve equality for women in all spheres of life (Handbook on National and Provincial Machinery for advancing Gender Equality, undated). The components of the NGM that will be discussed in this chapter include the Office on the Status of Women (OSW), located in the Presidency and at various levels of government (National, Provincial and Local), the Joint Monitoring Committee on the Improvement of the Quality of Life and Status of women (JMC) in Parliament, the Commission on Gender Equality (CGE), an independent statutory body, and independent civil society defined here as a loose structure of formal and informal organisations outside the formal state.

The chapter offers an explanation for why South Africa followed a modified version of the NGM as conceptualised by the UN. It does this by exploring debates among scholars and women's rights activists under the auspices of the Women's National Coalition (WNC), and political movements particularly within the African National Congress (ANC) on the establishment of the NGM. It examines the diverse views on appropriate structural mechanisms to bring about gender equality, institutional transformation and improve the status of women. The chapter explores the principles which informed the establishment of the NGM and examines the elements that would be required to make the NGM a catalyst for women's emancipation and gender equality.

It then describes in detail the final South African NGM model that was later endorsed and implemented. The chapter assesses its strengths and weaknesses in government as well as the extent to which the institutional design advanced women's interests within the state. In doing so, it explores what has worked and what has not worked in relation to how the institutions of the NGM fulfilled their mandates, roles and functions. The focus of the study is on the Office on the Status of Women (OSW) which is the coordinator of the NGM and located in government.

The strengths and weaknesses of the South African NGM are analysed by assessing:

- the South African state's role in promoting gender equality

- whether the NGM had the political authority to represent the interests of women that may run counter to the dominant interest of the state
- whether the NGM had the bureaucratic authority to shape policy implementation on how it negotiated its dual accountability both horizontally and vertically to the state and women outside the state and
- whether the NGM enabled effective access for women to decision-making in the public sphere.

The chapter concludes by focusing on the strengths and weaknesses of the NGM and the implications for government policy and practice.

Recent studies have assessed the extent to which the NGM has been effective in carrying out its mandate to facilitate gender transformation and promote gender equality (Gouws, 2005a; Public Service Commission, 2006; Asmal, 2006; Holland-Muter, 2008). The impact of advanced institutional design for gender equality came under heavy scrutiny from different quarters including academics and women's rights activists (Gouws, 2005b; Holland-Muter, 2008). The question they have explored is what has been the nature and impact of advanced institutional design aimed at addressing gender discrimination. Gouws (2005b) asserts that the problems of the NGM originate from its integrated nature which has resulted in overlapping mandates. Supporting this assertion, Holland-Muter states that there was confusion amongst NGM about roles and responsibilities (Holland-Muter, 2005).

The chapter analyses the performance of the NGM against the key international debates on NGMs by exploring whether the country has overcome the problems associated with NGMs globally or reproduced them. The NGM model has been advanced by many international actors as a model for how to use the state to advance gender equality (Gouws, 2005b).

Given the NGM's broad mandate and the overlapping roles and responsibilities of different structures within the gender machinery, determining criteria to assess it is particularly challenging. An analysis of the NGM is best conducted by measuring the performance of each of the three institutions in relation to their mandates, roles and functions. However, this analysis goes beyond the scope of this study, which instead focuses on the national machinery within government and its experiences of working in an integrated way to advance women's concerns and promote gender equality.

The chapter argues that the strength of the NGM model derived from its integrated approach which differed from the single structure promoted by the UN and implemented in most countries. This approach, according to international scholars Beall (2000) and Goetz (2005), provided the NGM with added advantage over its counterparts. The integrated nature of the NGM infused it with institutional authority due its presence in various spheres of the state. As stated, the NGM is located within government, within constitutional bodies, parliament, and is loosely constituted within civil society organisations. Women's rights activists and scholars alike believed that because the project of gender equality was not confined to one particular unit, and had a presence in different components of the state; it would be more likely to be successful (Hassim,2003;Gouws, 2005a).

However, a closer analysis of the model reveals gaps in the state's capacity to promote gender equality. It is argued that the advanced nature of the model did not necessarily translate into strong political authority to defend the rights of women against the dominant agendas of the state. The chapter argues that the main weakness of the NGM has been its limited ability to assert its authority within government. To a large extent, this has been due to weakened capacity to work across and with civil society organisations outside the state. Although it can be argued that this as a result of the absence of an organised and unified women's movement, the limited engagement with a constituency outside the state on different issues has been a key weakness. The chapter will unpack the nature of the achievements and limitations of the NGM in detail by providing examples and a theoretical framework that could be useful for further analysis.

Why South Africa followed a modified version of National Gender Machinery model

Seidman (2003) asserts that national machineries in advanced industrialised societies focus on giving women a voice and representation. In post-colonial societies, they tend to be oriented towards mobilising individual women to ensure their participation in gender projects (Seidman, 2003; Gouws, 2005b). These institutions deal with women as recipient of services rather than as agents of change. The implication of this approach is that instead of acting as catalysts for change, they become service providers. This, Seidman argues, puts a double burden on the structures.

The process through which the NGM was established was informed by international debates on the relevance and performance of these institutions globally. There was global consensus

on the need for institutional mechanisms tasked with the mandate of advancing women's empowerment and working towards achieving gender equality. South Africa had benefited from these international debates. Its first official participation in the international community through the United Nation's (UN) women's conference was after the first democratic elections in 1994, during the Fourth UN World Conference on Women held in Beijing in 1995.

The Beijing conference was a critical moment for women's rights globally as it generated a renewed focus and marked the beginning of a new chapter to achieve gender equality. The review of NGMs at the Beijing conference highlighted the limited ability of the institutions to reach their objectives as they were hampered by insufficient authority, unclear mandates and limited resources to implement gender equality goals (United Nations Economic and Social Council Report, 1995).The performance of NGMs was further compromised by weakened connections with women outside the state. Research on NGMs in countries such as Chile and Australia suggests that women outside the state should drive political authority from below (Waylen, 1995). The experiences of NGMs in the rest of the African continent were also indicative for the NGM. The strategic partnerships with women outside the state provide NGMs with support and legitimacy. The question is whether this principle carried through into the post-1994 state.

The Beijing Platform for Action called on governments to create national machineries at the highest levels of the government with clearly defined mandates and authority and provided with adequate resources (Beijing Platform for Action Declaration, 1995). It also urged governments to ensure that the NGMs had the ability and competency to influence policy, and formulate and review legislation (Beijing Platform for Action Declaration, 1995). These proposals culminated in the adoption of the gender mainstreaming approach by governments through the UN system regarded as a policy framework central to the mandate of NGMs which would lead to the transformative agenda within state institutions.

The Beijing conference was a turning point for the NGMs as there was recognition that without strengthening national machineries and a focus on transforming existing systems by addressing the unequal power relations between men and women, the goal of gender equality was a distant one. The conference provided greater clarity about what was required to advance gender equality by governments. It also marked a moment in the struggle for

women's rights when there was greater acceptance by women's rights activists that gender equality could be achieved through the state.

As noted in the Beijing +10 reports, focusing on a decade review of Beijing Platform for Action Commitments held in 2005, NGMs did not succeed in promoting women's rights through state apparatuses. As discussed in Chapter 3, some of the problems they experienced related to the negative political environment that did not allow them to exercise their authority, promote accountability both horizontally and vertically and garner political support and resources to implement their mandates (Beijing + 10 Report, 2005). An analysis of the strengths and weaknesses of the NGM can shed light on whether it has overcome these problems or whether they have been reproduced.

The international debates on the role of the state in effecting gender equality inspired the establishment of national gender machinery in South Africa. In the period prior to the new dispensation, debates on what mechanisms should be put in place to advance gender equality intensified within women's movement circles as it was apparent that the new democratic government would be open to women's influence. The space was opened up for up for women's rights activists to initiate debates on what structural mechanisms would enhance open engagement with the state to the benefit of women's interests. The period signalled a new sense of hope and belief that the state was committed to the advancement of women. The policies of the African National Congress (ANC), assumed to be the majority party within the new government, strengthened this view. In the period of establishing the NGM, there was also a belief that South Africa being a miracle democracy with perceived high level of political commitment to gender equality by political leadership was going to be different and would overcome the problems associated with NGMs globally.

According to South Africa feminist scholars, the country created an enabling environment through putting in place institutional and policy frameworks (Hassim, 2003a; Gouws, 2005a). Recent analysis of the NGM confirms that their establishment was an indication of the state's willingness to advance gender equality (Hassim, 2003a; Gouws, 2005b, Meintjes, 2005). The creation of spaces in which policy positions to advance women's interest could be influenced by women themselves created the perception that the state was open to women rights interest groups (Hassim, 2006). The build-up process to South Africa's democracy was a consultative one in which women's organisations actively participated. This phase was

characterised as one in which women's voices were unified through the creation of a vibrant women's movement.

Prior to 1994, the African National Congress Women's League (ANCWL) was seen as a strong movement influencing the process of gender transformation in the country (Albertyn, 1995a; Beall, 2000). The emergence of the Women's National Coalition (WNC) was welcomed as it was viewed as a broad autonomous federation which provided a forum for the articulation of non-partisan gender interests. The WNC campaign to institute women's interests within the state, waged prior to the democratic election, culminated in a strategy document known as the Women's Charter for Effective Equality (WCEE) which shaped the country's political discourse on gender equality. The WCEE outlined key demands which affirmed women's autonomy in the new democratic dispensation. The policy framework was built on two ideals: the representation of women in the decision-making sphere, and ensuring that they had a voice in the new democracy (Gouws, 2005b).

The WCEE articulated the nature of the protection and promotion of women's rights and provided a framework of rights envisioned in the new democratic order. It stipulated that policy institutions representing women's interests would be put in place to drive the agenda of the state. These institutions, in consultation with the women's movement outside the state, would translate the WCEE aspirations into a feasible policy and programmatic framework. The strength of the WNC was that it was able to position itself strategically as the voice of organised women across political lines and social spectrums. It therefore remained a constant voice during the negotiating process and demonstrated that political leverage could be increased through strategic alliances (Meintjes, 1996; Cock, 1997; Beall, 2000).

At a conference organised by the Institute for a Democratic Alternative for South Africa (IDASA) in 1992, there seemed to be wide consensus amongst women's rights activists and scholars on the need for an integrated structure of the NGM (IDASA Conference Report, 1992). Albertyn describes the national gender machinery as an integrated 'package' of structures and mechanisms at all levels of government and within civil society organisations (Albertyn, 1995ba). The process of these discussions evolved into an ANC policy conference in 1993, an international forum exploring international models on advancing gender equality. At this conference, various models for the NGM were scrutinised to ascertain which would be more appropriate for South Africa (IDASA Conference Report, 1992).

The women's movement activists and academics debated the pros and cons of an appropriate structure which would promote women's interests and accountability (Albertyn, 1995a). There were divergent views on what form the structure would assume in government. Proposals varied from an integrated package of institutions within the state (Albertyn, 1995a) to a separate ministry for women (Mabandla, 1994). It was argued that the advantage of the former was that it would ensure that the principle of gender mainstreaming cut across state institutions, thereby ensuring that women's concerns were not limited to a single unit. The women's ministry, it was believed, would have direct power and authority in terms of the allocation of resources as it would operate as a government department. There was no consensus amongst women's activists in the country on what the institution should look like, except that it should have sufficient authority to support the demands of the women's movement. However, the women's ministry proposal was viewed with caution as it was not seen as an appropriate mechanism to implement gender mainstreaming across government departments. It was concluded that a women's ministry would marginalise women's issues, thus defeating the logic of ensuring that gender equality was centralised in the overall government agenda (IDASA Conference Report, 1992).

Ultimately, there was agreement to ensure that women's issues were not politically marginalised by instituting a women's ministry but rather to make certain that gender equality was mainstreamed across the state machinery in line with the principles of gender mainstreaming. This thinking informed the approach that was taken in creating and establishing a South Africa version of the NGM and led to putting in place of the NGM model. The NGM was unique in that it did not follow the UN model but diversified by ensuring that it assumed presence at different arms and levels of the state. The process of instituting the NGM emphasised the creation of multiple sites of activism which would ensure mechanisms of accountability to women's organisations (Hassim, 2003a). These favoured NGM structures at different levels of parliament and government, an independent statutory body and a civil society movement (Albertyn, 1995a; Hassim, 2003a).

The question for this study is whether this presence in different levels of authority (Executive, Constitutional Chapter 9 and Parliament) translated into increased authority for the NGM to enforce and promote gender equality within government bureaucracy. The question was how this structure facilitated accountability within government and outside government to civil society organisations.

The first democratic parliament of the Republic of South Africa had an unprecedented representation of women in senior decision making positions. The extent to which the numerical presence of women translates into meaningful gains for women was questioned (Mtintso, 1999). The proffered approach was one of institutionalising women's interests with less reliance on quantitative representation of women over a more institutionalised approach to promoting gender accountability to women's interests. This extends to the need for institutional mechanisms specifically dedicated to addressing women's interests within state institutions. There is recognition that reliance only on individual representation is not viable. While there is an acknowledgement that women occupy senior decision-making positions in numbers, it is also agreed that this alone does not necessarily translated into meaningful political gains for women as a constituency. The establishment of the NGM was regarded by feminist scholars and activists as a more meaningful way of representing women's issues within the state (Hassim, 2003a; Gouws, 2005b; Holland-Muter, 2008). Gouws (2005a) refers to the setting up structural nodes such as the NGM as a process of institutionalising women's interests.

The NGM was viewed as a mechanism to overcome the problem of limited representation of women's interest based on political patronage. In addition, it would have agreed roles and responsibilities to be held accountable for. What was critical therefore was not the mere presence of women in political decision making spheres, NGMs were set up as a mechanism aimed at creating spaces for women outside the state to articulate, demand for the state to address their issues. The articulation of interests through NGMs was envisaged to continue, while ensuring that mechanisms such as policies, procedures and resources to promote and protect women's interests within the state were maintained. The ultimate measure of the success of this strategy would be to determine the extent to which women, as a constituency, would be able to engage with policy institutions. This would include the ability to participate, have access to information and influence government decision-making. It would also be the extent to which the institutions would have the political authority to push the women's rights agenda within the state and strengthen accountability for women's rights.

South Africa National Gender Machinery

This section describes the NGM. Holland-Muter (2008) describes the NGM as an extensive and sophisticated structure. The establishment of the NGM was a victory for feminist activists. According to Hassim, it symbolised a marker of democracy that took into account women's rights at the core institution of the state within the Presidency (Hassim, 2006). The

structure crystallised the aspirations of the women's movement in many respects. It embodied constitutional obligations and dedicated institutions intended to contribute to gender equality in the new democracy. The legal institutional mechanisms put in place were aimed at ensuring the representation of women's interests within the state in order to influence policy decisions and positions of the government of the day.

Despite delays in setting up the institutions, the establishment of the mechanism was a watershed moment in the struggle for women's rights in South Africa. The Commission on Gender Equality (CGE) was set up two years after the first democratic government came into being. Its establishment took longer due to delays in processing the legislation governing it (Meintjes, 2005). Activists, academics and the media rationalised the delays as teething problems of the new democratic government. Women activists, although sceptical, demonstrated a degree of patience, trusting that the government was indeed committed to change.

The NGM drew its political and administrative strength from various constitutional provisions. The existence of the NGM within various spaces within the state (Parliament, the Presidency and government departments) provided a way of ensuring that there were sufficient checks and balances for ensuring political independence and authority. The location of the NGM was in different arms of the state including Parliament, the Executive and within national, provincial and later local government spheres and constitutional bodies. It was the mandate of government to implement the gender mainstreaming agenda, the parliamentary body would enforce accountability and the constitutional structure would guard the rights of women and protect their interests as enshrined in the Constitution (see Constitution of the Republic of South Africa, 1996).

Significantly absent from the structure was the formalised representation of civil society organisations. This was despite a call by women's rights activists to prioritise the involvement of these organisations in the development of policy and the implementation of programmes. International experience showed that NGMs cannot shift policy agendas for women without the support and participation of organs of civil society. In theory, strong women's organisations would strengthen the NGM in promoting accountability. The role of the NGM was later defined in the South Africa National Policy Framework for Women's Empowerment and Gender Equality to develop the capacity of civil society organisations (referred in this chapter as the National Gender Policy Framework, 2000).

The institution established in government was the Office on the Status of Women (OSW). It was initially located in the Deputy President's office and in 1999 was moved to the centre of power in the Presidency. The structure of the OSW was replicated in all provinces in the Offices of the Premiers[1], except in Gauteng province, as well as in most government departments. The parliamentary body initially constituted as an *adhoc* committee in Parliament later assumed the full status of a parliamentary committee: the Joint Standing Committee on the Improvement of the Quality of Life and Status of Women (JMC). Lastly, the Commission on Gender Equality (CGE), a Chapter 9 constitutional structure, had constitutional powers and a mandate. All these institutions formed the loosely connected NGM. They had different but interconnected mandates.

The Joint Standing Committee on the Improvement of the Quality of Life and Status of Women

The Joint Standing Committee on the Improvement of the Quality of Life and Status of Women (referred to here as the Joint Committee) is located in the legislative arm of the state. It was established in August 1996, initially as an *ad hoc* committee, and later became a permanent parliamentary committee.

The Joint Committee's main responsibility is to monitor and oversee progress in improving the quality of life and status of women. It is required to monitor progress towards the gender equality commitments made by the government in ratifying and signing international conventions. This includes promoting the South African government's adherence to the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) and the Beijing Platform for Action (BPFA). The Joint Committee has the constitutional power to explore progress in achieving these conventions, either by commissioning research or calling relevant stakeholders including the Executive and government ministers to account for progress on agreed deliverables. In some instances, this entails holding public hearings with external stakeholders and calling on ministries or departments to account for their progress in realising these commitments (Joint Committee Report 2001).

The Joint Committee also has a role as the 'gender police' of legislation developed in parliament, ensuring that law-makers include a gender perspective in all legislative processes. To fulfil this mandate, the Joint Committee analyses existing and proposed

legislation, budgets and policies to ensure that they address gender concerns. As with all parliamentarians, the Joint Committee's role extends beyond making legislation to ensuring that the legislation is effectively implemented. It is therefore also responsible for monitoring government departments regarding how the implementation of legislation impacts on women. It can use its constitutional power to call on government and Chapter 9 institutions to account for their progress. The committee is also expected to consult with public constituencies on the impact of government and other state institutions on their lives.

The Joint Committee is comprised of parliamentarians from different political parties. The dominant party in the committee is the ANC, the majority party in parliament since 1994. Members of Parliament (MPs) are assigned to the committee based on a combination of their expertise, interest and as mandated by their own political parties. There is no clear criterion beyond this combination of factors, and there is little clarity as to which is the most critical one. According to an interviewee, "Joint Committee members join the committee on the basis on their interest and commitment on women's issues rather than being political deployees" (Interview 4, 2006). An interesting issue is that there appears to be no indication that political parties consciously appoint strategic people to this committee as opposed to other committees, which are considered politically important. It seems that either committed feminists or activists within the party volunteer to join the committee.

The Joint Committee's leadership is determined by majority votes in the committee. It has had four chairpersons since 1994, all of whom have been ANC members. The first chairperson, Pregs Govender, was a well-known feminist activist who resigned shortly after the controversial defence budget vote[1] in 2002. The second was Ms Priscilla Themba, the previous deputy chairperson, who served for two years after Ms Govender's resignation, and the third chairperson Ms Storey Moratua, who has served from 2004 till the present.

The Joint Committee started well with the Women's Budget Initiative (WBI) initiative. This was a joint research initiative developed in 1995 by the Joint Committee and national civil society organisations such as the Community Agency for Social Enquiry (CASE), the Institute for Democratic Alternatives for South Africa (IDASA), and the Law, Race and Gender project at the University of Cape Town (Govender, 1996). The primary objective of the WBI was to provide a disaggregated gender account of statistical data on the impact of government expenditures. This would ensure that the implementation of initiatives focused on bringing about gender equality was based on key targets and indicators (Budlender,

1996). As the state budget reflects what the state prioritises, it was hoped that the research would reveal the impact the government budget had on women and men. All this spending would be monitored, and progress would be reported to parliament (Govender, 1996). However this was discontinued.

The WBI was initially supported by the Treasury, the government institution tasked with allocating state resources to the various state organs. However, as useful as it was, the WBI was only in operation for three years and was later abandoned at a national level and resurfaced at provincial (Gauteng) and local levels (Vetten, 2005). Its success depended on an effective OSW, a strong parliament and an organised civil society (Govender, 1996). However, there is no evidence to suggest that the OSW used its power to rescue the WBI process. Furthermore, as parliament has limited constitutional powers to influence or amend budgets, the Joint Committee could not use its influence or lobby parliament to take up the issue. Civil society was already fragmented and did not have sufficient political leverage to influence the process either. This meant that valuable information on the impact of the state budget on women was no longer available to influence policy.

The Commission on Gender Equality

The CGE was formed in 1997 and is an independent statutory body established in terms of the Commission on Gender Equality Act Number 39 of 1996. It forms part of the state's Chapter 9 constitutional institutions, which support constitutional democracy and have substantial powers to protect, promote and monitor different aspects of rights embodied in the constitution. The CGE has the specific responsibility to apply its constitutional power to promote and protect gender equality by monitoring, evaluating, promoting and making recommendations about laws, policies and programmes to government, resolving disputes and investigating inequality.[1]

The establishment of the CGE was clouded with political controversy, as it did not enjoy the privileges provided to its counterpart Chapter 9 institutions. The CGE suffered severe resource constraints, including the lack of sufficient funds to set up offices, employ staff and obtain basic equipment such as telephones. Women activists were outraged and accused the state of applying double standards in its commitment to gender equality. The discrepancies in the funding allocation to the CGE compared to other Chapter 9 institutions have not been sufficiently explained by the Treasury. It is unclear whether funding to

Chapter 9 institutions is determined by the level of importance attached to the institution by the Treasury. Similar institutions with the same mandate for other constituencies were sufficiently resourced while a body tasked with promoting and protecting gender equality was struggling for resources. If this assertion of linking allocation of resources and political commitment is correct as it has been suggested by women's rights activists, one could deduce that less importance was attached to the work of the CGE initially. The allocation of lesser resources in comparison to other counterpart institutions appeared to be communicating government's limited understanding of the role of the CGE. To a certain extent, it can be argued that it was also an indication of the political significance attached to this institution. For many women's rights activists, this was an indication of the relegation to a secondary status of gender equality issues in the country.

The CGE is composed of Commissioners, senior staff bureaucrats and officials. Commissioners are the political heads of the CGE and are appointed by parliament before they are approved by the President. Women activists raised concerns about the implications of political appointments of the Commissioners by Parliament as the role of CGE was expected to be an independent body in circumstances where party loyalty, rather than independence, was dominant. Though there was no reason to mistrust state commitment to gender equality and respect for independence of institutions, this caution against political appointments at the time was a matter of principle because it would guarantee accountability extended to the highest office if necessary. There were questions as to whether it was possible to extend accountability to the appointee, and in this case the President of the Republic. Many scholars have questioned this phenomenon, arguing that the Commissioners should not be appointed by the President as they will be holding the Office of the President accountable for the implementation of the gender equality programme (Meintjes, 2005).

An analysis of the CGE presents a similar scenario (Meintjes 2005). In 2002, then outgoing chairperson of the Commission on Gender Equality, Thenjiwe Mtintso, highlighted two pertinent issues for the future of the institution. The first related to the CGE's independence, authoritativeness and appropriate leadership; the second concerned the extent to which the governing party could influence appointment to independent bodies such as the CGE (Meintjes, 2005). Her comments highlighted the possibility that political loyalty and commitment could override the needs and interests of the new constitutional body, having

either a negative impact on the extent to which the CGE is able to represent women's interests, particularly when they contrast with dominant state interests (Meintjes, 2005).

The Office on the Status of Women

The OSW is the only office within government set up to implement a gender mainstreaming agenda. Established as part of the NGM, the formalisation and establishment of the OSW was engineered by the Cabinet Memorandum of 1996 (No 3 of 1996, 27 June 1996, File No 13/1/1/1) (OSW, 2004). The OSW was set up to implement gender mainstreaming projects within government through facilitation, monitoring and implementation. The main brief was to develop a national gender policy. The key operational framework, in the form of the *National Gender Policy for Women's Empowerment and Gender Equality,* was finalised and proposed for adoption by Cabinet in December 2000. It made specific recommendations for the necessary processes and mechanisms for gender mainstreaming to take place at national and provincial levels. The local government level, which is a sphere closer to grassroots women's organisations, was not included in the initial structures of the NGM (Office on the Status of Women Report, 2004).

The OSW forms part of the integrated NGM in South Africa, which includes the parliamentary committee, the Joint Committee on the Improvement of the Quality of Life and Status of Women and the statutory body the Commission on Gender Equality. The OSW is regarded as the apex of the NGM, mandated with the coordination role (National Gender Policy Framework, 2000). The OSW is located in the Presidency at a national level, within Premiers' offices at provincial level and Gender Focal Points[1] (GFPs) located within government departments at national, provincial and local government levels. The primary role of the OSW is to develop and maintain the national gender programme, develop national action plans for gender mainstreaming within government structures, support government departments and public bodies to mainstream gender in all policies and programmes and monitor the implementation and progress of gender mainstreaming (Office on the Status of Women, 2003; Centre for Applied Legal Studies Report, 2003/2004).

While GFPs are responsible for ensuring the internal transformation of the civil service, ensuring gender representation and mainstreaming gender in department policy and implementation of programmes, the structure within the Presidency (OSW) has the responsibility for developing and implementing the gender mainstreaming agenda within

government at both national and provincial levels (Albertyn, 1999). The South African gender mainstreaming strategy, as outlined in the National Gender Policy Framework (NGPF), is aimed at integrating gender into all government policies and programmes (National Gender Policy Framework, 2000). For the past 14 years, the political head of the unit was the former Minister in Presidency, Mr Essop Pahad, replaced by. Dr Manto Tshabalala Msimang in September 2008.

At provincial level, the OSW structures located in the Premiers' offices are replicas of the national office structure. All eight Premiers' offices have provincial OSWs, except Gauteng, which has a Gender Unit. There are GFPs at the state organ level, in both national and provincial government, established in most national government departments responsible for implementing gender mainstreaming. GFPs were established at a local level in 2003. All structures draw on support from the national OSW in terms of their functions, and staff are recruited based on their professional expertise and interests. The role of GFPs is to ensure the effective implementation of the National Gender Policy Framework, and to assist in the formulation and implementation of effective action plans to promote women's empowerment and gender equality in the work of government departments.

The assumptions behind the establishment of the NGM were that, with the OSW situated in the Office of the President, it would have political weight and facilitate institutional access to the process of decision-making and advance the project of gender equality. The CGE was developed with a constitutional mandate. Many gender activists within the women's movement perceived the move as a strong commitment by the current government to improve the lives of poor women and address gender inequalities. The assumption was made that many women activists in government would ensure that the institution would be more responsive to the situation of women in the country.

The OSW's main function and responsibilities are to:

- develop and maintain the national gender programme
- develop national action plans or frameworks for mainstreaming gender in government
- support government departments and public bodies to mainstream gender in all policies and programmes, and to promote affirmative action within government
- monitor the implementation and progress of gender mainstreaming

The Gender Focal Point's responsibilities include ensuring the internal transformation of the civil service to ensure gender representation, and mainstreaming gender in departmental policy and programmes.

Assessing the strengths and weaknesses of the South African National Gender Machinery in government

To assess the strengths and weaknesses of the NGM in South Africa, with a particular focus on the OSW, this section will use the framework developed by Stetson and Mazur to assess the effectiveness of national gender machinery institutions (Stetson and Mazur, 1995). The section will focus on the ability of the national gender machinery to promote accountability at vertical and horizontal levels, access and engagement by civil society, and the extent to which the structure has the political authority to represent women's interests against the dominant interests of the state which have negative impact on women.

Post-1994 state policy commitments to gender equality

The post–1994 South African state successfully put in place policy frameworks and institutional mechanisms for the purpose of achieving gender equality. As stated earlier, it endorsed amongst others, international instruments such as CEDAW, the BPFA, regional commitments and protocols such as the Dakar Platform for Action, African Charter on Human and People's Rights and the Rights of Women in Africa, and recently the Southern Africa Development Community Gender Protocol.

The country's Constitution through the Bill of Rights also strengthened government frameworks for effective equality. The Constitution acknowledges that the foundation of a democratic state is founded on the values of human dignity, the achievement of equality and freedoms, non-racialism and non-sexism. South Africa's Constitution has been hailed as one of the most progressive globally in that gender equality is a central fundamental principle in promoting human rights (Hassim, 2003a; Gouws, 2005b; Holland-Muter, 2008). The Constitution states that no one should be discriminated on the basis of their gender, race, class or sexual orientation (Constitution of the Republic of South Africa, 1996). In addition, the country has put in place a myriad of progressive policies and legislations, including the Equality Act of 1998; the Domestic Violence Act of 1998, the Maintenance Act of 1998, and the Termination of Pregnancy Act of 1998.

All these policy commitments indicate an intention by the government to address gender inequality. In addition, the government put in place the South African National Gender Policy Framework for Women's Empowerment and Gender Equality (SANGPF) in 2000, espousing core principles in ensuring that gender equality remains in the business of government (SANGPF, 2000). At the formal level, the South African government has demonstrated political will to promote gender equality, but as Mukasa states it has fallen short of demonstrating the same political will in ensuring that the mechanisms to do this are effectively implemented (Mukasa, 2008). The provision of an inadequate budget and a lack of skilled human resources to implement its gender programmes (Holland- Muter, 2008) have contributed to ineffective implementation.

The SANGFP, although adopted by Cabinet in 2000, is an informal document which articulates the government's gender mainstreaming approach. The National Gender Policy Framework is a framework of priorities for addressing gender inequalities in South African political, social and economic policy. The OSW developed the policy framework in 2000. In essence, it articulates government's vision on gender equality and women's empowerment. The development, coordinating and implementation and oversight of a gender policy framework are the core mandate of the OSW.

The fact that the policy is an informal framework weakens its potential to enforce accountability in promoting gender equality within government. Bafana Kumalo supports this view: "The National Gender Policy is an optional document that is not enforceable. It simply makes recommendations on what needs to be done but does not oblige government departments to implement any of the recommendations" (Interview with Bafana Kumalo, 2008). There is no mechanism to enforce compliance (see Chapter 6).

It is not the intention or the scope of this study to measure the impact of the policies and mechanisms described above on the lives of marginalised women. What the study seeks to highlight is a disconnect between the political commitment by the post-1994 state in advancing gender equality by putting in place policy and institutional mechanisms while neglecting ensuring the effectiveness of these. A recent concern by some South Africa scholars and activists is that these progressive steps are beginning to be undermined by the lack of political will such as allocation of resources and limited accountability in promoting gender equality (Hassim, 2003a; Gouws, 2005a; Vetten, 2005; Holland-Muter, 2008). There

is recognition that making commitments is one thing; the translation of these commitments into meaningful practice is another. The implementation of existing legislation raises concerns about government's commitment to gender equality.

Political authority

The emphasis on the influence or political authority of the NGM is critical in assessing its strengths and weaknesses. Political authority, in this context, is understood to mean the political power that lies in the ability of political actors to define the terms of discourse in their own terms (Fierlbeck, 1995). In other words, political power refers to whether these institutions have legitimate power to shape policy outcomes and processes and ensure that women's interest are taken into account. The interest of this study is to assess the factors that contribute to a strong or weakened political authority of the NGM structures in government. It assesses the implications of this in the overall performance of the NGM. The first point was to explore the indicators of political authority. The international literature has indicated that NGMs draw their political authority from being located in highest level of decision making (Nairobi Forward Looking Strategies, 1985; Stetson and Mazur, 1995, Ofei-Abeogye, 2000).

The South African National Gender Policy Framework mentions the location of NGM as a central issue (South African National Gender Policy Framework, 2000). In highlighting the status and location of the NGM, it refers to the commitments entered into by the South African government by signing the Beijing Platform for Action (BPFA). The National Gender Policy Framework has made reference to giving the machinery a clearly defined mandate and authority (South African National gender Policy Framework, 2000:26). In addition, the allocation of adequate resources and ensuring the ability and competence of the machinery to influence policy and to formulate new legislation are mentioned as specific criteria (SANGP, 2000).

The question assessed in this study is whether the location of the machinery in the Presidency and within provincial governments has increased the political authority of the NGM. In addition, the question is asked whether political authority has translated into adequate allocation of resources. These two factors are critical indicators of the extent of political authority of NGM to represent women's interests that run counter to the dominant

interests of the state. They also can indicate the extent to which the NGM has the bureaucratic authority to shape policy implementation.

The National Gender Audit conducted in 2000 made recommendations about the rank and location of GFP. The report highlighted the need to regulate the location of GFP within government departments (South African National Gender Policy Framework, 2000). It further recommended that the GFP should be located in the Office of the Director General, who is the Chief Accounting Officer within departments and has the ultimate responsibility for departmental deliverables (South African National Gender Policy Framework, 2000). In addition, it was recommended in the audit that the GFP should be appointed at director level with appropriate skills for gender mainstreaming.

A national audit conducted in 2002 revealed that 24 out of 25 departments responding to the survey by OSW had put in place GFP (National Gender Audit Report, 2000). However, the survey showed that only 8% of departments had complied with the recommendations in the National Gender Policy Framework (National Gender Audit Report, 2000). The setting up of the GFP varied from just one individual to an entire unit. A minority of departments had exceeded the requirement. The Gender Audit conducted in 2006 showed uneven compliance. Out of the 32 government departments that participated in the audit, 31 indicated that they had appointed GFP. However, the location varied with the majority not reporting directly to the Director General (Pahad, 2007). Pahad (2007), addressing a high level meeting on gender mainstreaming, stated ”At the operational level, it is critical to have well resourced, strategically located gender focal points within departments”. He asserted that full compliance was essential for effective gender mainstreaming in the public service. The Public Service Commission Report has revealed that GFPs have been appointed at more junior levels than was recommended (Public Service Commission Report, 2006). These impact on the project of gender mainstreaming. Giving a briefing report to the Portfolio Committee on the Quality of Life and Status of Women, the OSW stated ”Gender mainstreaming is not included in any departmental planning, monitoring and budgeting processes apart from ensuring that employment equity targets are met. To achieve gender equality, government must embark on a rigorous gender mainstreaming strategy. To this end, much of the responsibility for planning and implementing effective and innovative strategies for the promotion of women's empowerment and gender equality will rest equally with key structures of the National Machinery” (Office on the Status of Women Report,

August 2007). In the same meeting, it was mentioned that the OSW did not have the institutional capacity to deliver on their mandates (www.pmgorg.za/minutes/20070821).

Closer analysis of the location of the GFP reveals varied degrees of political authority. For example, the physical location of the OSW within the Presidency does not necessarily provide it with the political strength to enforce the implementation of policies promoting gender equality, as the responsibility for implementation lies within different government departments over which the office has no authority (Office on the Status of Women, Annual Report, 2007). The findings of the national gender audits are a clear indication of limited authority. The relationship between OSW and the national, provincial and even local OSW is a difficult one. While the OSW has the overall responsibility to oversee the implementation of the national gender programme, it does not have direct authority over what happens at different levels except to provide guidance and give advice. This lack of authority limits what the OSW can enforce to ensure implementation.

The head of the OSW is appointed at a director's level. The OSW provides advisory services to the government, ministry and Presidency. However, the head of the OSW is expected to account to parliament and other constituencies rather than the minister. There do not appear to be obvious mechanisms to ensure that the Director of the OSW can influence the policy agenda when either the Director General or the Minister disagrees with particular policy positions. The fact that the OSW has an advisory role means it has no decision-making powers. This weakens its capacity and authority to influence policy positions (Albertyn, 1999; Centre for Applied Legal Studies, Annual Report, 2003/2004).

This view was supported by an interview with Bafana Kumalo who stated that the gender focal person in the Presidency is appointed at Director level and cannot influence other departments as she has no political influence (Interview with Bafana Kumalo, 2008). He further stated that this problem is common across government departments as there are only three departments which have the GFPs at Chief Director level (Bafana Kumalo, 2008). This was confirmed by OSW stating that if GFP are not senior enough within departments they do not have the authority and ability to influence policy decision making, priorities and resources (Office on the Status of Women Gender Audit Report, 2002).

For departments which have appointed gender focal persons at senior levels, their gender focal persons have access to high level meetings and have influence on strategy and

allocation of resources. Departments that have failed to appoint senior staff in gender focal positions have limited the functions of GFP. In the interview with Bafana Khumalo, he highlighted that during the Mashabane sexual harassment case in the Department of Foreign Affairs, the gender focal person who was appointed at a junior level could not deal with case. It was the responsibility of the gender focal person to address or respond to the issue, but the accused in the Mashabane matter was a fairly senior staff member and the gender focal person did not feel well suited to hold him accountable for the violation (Interview with Bafana Khumalo, 2008). While it can be argued that because the case was highly politicised, even a senior gender focal person would not have been in the position to deal with the case, the point is that had the gender focal person been more senior, she or he would have had some influence in terms of ensuring that the department was accountable in its actions. At the time, the department did not even have a sexual harassment policy in place.

There are also indications that gender mainstreaming has been misunderstood in government (Public Service Commission Report, 2006). This might be as a result of GFP gender focal persons not having sufficient political weight within departments to influence policy directions and hold people accountable. It has also emerged that a number of GFPs do not have the necessary gender mainstreaming experience or skills (Albertyn et al, 1999, Public Service Commission Report, 2006). The result is that gender mainstreaming is left "to be an act of goodwill by an individual who heads the departments and no one is held accountable" (Interview 4; 200 6). In addition, some of the gender focal person's are not clear about their role and functions (Public Service Commission Report, 2006). Given these limitations, it is impossible for GFPs to assume any measure of authority.

The OSW's work in the Presidency as in most departments has not necessarily enjoyed priority status and has shared its space with other priority issues. The Minister in the Presidency responsible for gender is also accountable for the work of the youth and disability sectors. The practical implication is that the work of the OSW on gender equality competes with other priorities located in this office which also has resource implications as they are bound to be competing for resources. In addition, the problem is not only the competition and sharing of resources but the conceptualisation of gender (see Chapter 6). The Presidency Financial Officer admitted to Parliament that there was no clear criterion on how the OSW budget was determined (Parliamentary Monitoring Group Report, 2007). The OSW has been operating on an average budget of about R1m per annum. The limited allocation of

resources and minimum accountability demonstrate limited authority of these OSW and GFP structures.

Given this scenario, it is clear that the location of the OSW in the Presidency does not necessarily translate into its ability to exercise political authority. The political authority lies with the Minister who may or may not decide to pursue a policy position that would challenge the dominant interests of the state. The Minister and the Director General in the Presidency are custodians and principal champions of the national gender programme as they have overarching responsibility for accountability (National Gender Policy Framework, 2000). Similarly in departments, the Director General has the overall responsibility for the implementation of gender work. In the context of competing government priorities, the ability of the GFP to shape government priorities and ensure that gender equality becomes a central goal is limited.

Research indicates that the extent to which the NGMs can access bureaucratic authority to implement the policies depends on their ability to exercise political authority (Ofei-Aboagye, 2000; Third World Network Reports, 2000). In instances where they have gained or demonstrated political authority, NGMs have been able to strategically position themselves and influence policy implementation, such as the process of developing the Domestic Violence Act. However, when Parliament refused to cost the budget to show how much the implementation of the Act would cost, their level of influence declined. This was despite the repeated calls from civil society organisations for Parliament to cost the implementation of the Domestic Violence Act (Interview 4, 2006).

Accountability

Accountability is a dual process. This section on accountability looks at the extent to which the NGM has been accountable on gender equality work as well as how the national machinery has performed in promoting gender equality within in government. To investigate this, the study examines the relationship between political office bearers and decision-makers and civil servants who are the implementers of policies. It draws on Goetz's (2005) distinction between vertical linkages within the state and the proximity to power in the central directorate, and horizontal linkages between different sectors responsible for policy implementation. It also looks at the extent to which the NGM is politically driven by women‘s

organisations outside the state. In this it assesses how the supposed partnership between the NGM and women's rights organisations has enhanced accountability.

Accountability is a concept which resonates within democratic practices. According to Rai (2003), NGMs must be accountable to the women's movement and gender interest groups outside the state. Accountability entails the ability of stakeholders to have access to information and the willingness of state institutions to engage with those outside the state (Walby, 2003). Kardam's (1995) analytical framework, which suggests that there are conditions which limit as well promote gender accountability in different agencies, is useful in providing an analysis of accountability of the NGM. Kardam defines gender accountability as the responsiveness to women's interests and the incorporation of gender sensitive policies, programmes and projects into institutions.

Kardam (1995) explores organisational goals, procedures, and staffing. She assesses whose priority they are advancing and the support they receive from top officials in designing projects. She examines the political commitments of all stakeholders where there are options of 'exit and voice' (means of engagement) to determine whether democratic accountability exists. Kardam notes the discourse underlying particular gender policies and examines how stakeholders define gender issues and on what basis resources are allocated to women. She states that all these factors combined influence the gender policies' outcomes in the context of competing priorities (Kardam, 1995).

Gouws (2005a) states the South Africa NGM has two responsibilities of accountability. The first one involves being accountable to government for delivering on gender equality and the second is accountability to civil society organisations (CSOs). Holding government accountable for gender involves ensuring that the Constitution is upheld, and policies and procedures developed, put in place and adhered to by demanding progress on agreed priorities. Within the NGM, this layer of accountability occurs at different levels.

Within government, the OSW has a responsibility for developing a gender mainstreaming policy, a national action plan defining national priorities, and indicators to measure progress and success (SAGNP, 2000). These are mechanisms for accountability and also ensuring that sufficient guidance is provided to individual departments. The OSW has developed the South African National Framework for Women's Empowerment and Gender Equality (see Chapter 6 for more discussion). However, it has failed to develop a national gender

mainstreaming strategy. This has had a negative impact on the implementation of gender mainstreaming within government. The Public Service Commission Report (2006) report stated " the focus on employment equity targets as only indicator for gender mainstreaming presents serious limitations to gender empowerment and gender equality". The development of a gender mainstreaming strategy would have enhanced gender mainstreaming within government.

In 2005, the OSW developed a national action plan. However, this was not formally adopted by government. The absence of a gender policy framework and a national action plan makes it impossible for the OSW to hold government accountable. The Public Service Commission released in 2006 has indicated that there is uneven understanding of gender mainstreaming within government (Public Service Commission Report, 2006). As highlighted by Bafana Khumalo, the existing framework does not provide any accountability measures (Interview with Bafana Khumalo, 2008). The OSW admitted that departments consider the National Gender Policy Framework as not enforceable (National Gender Machinery Meeting, 2000)

As indicated earlier, the second layer of accountability is to civil society organisations. Being accountable to civil society organisations involves what Fierlbeck (1995) refers to as a providing a 'context of choice', which is the expression of women's interests through which women determine their political interests. Studies conducted on NGMs demonstrate that engagement with civil society organisations provides them with legitimacy which contributes to more effective NGMs (Third World Network, 2000). The National Gender Policy Framework has acknowledged this as well by stating "national machinery alone cannot shift public policy agenda for women without the participation of civil society organisations" (SANGPF, 2000:32). The policy further acknowledges the responsibility of OSW to empower and provide capacity to civil society organisations. The presence of a strong women's movement is essential for effective machinery (SANGPF, 2000). In 2003, the NGM created the National Gender Forum (NGF) which was an attempt to involve civil society organisations in the work of the NGM. The NGF is a co-ordinating forum between structures of the NGM including CGE, the Joint Monitoring Committee and civil society organisations (Gouws, 2005a). It is coordinated by the OSW on a quarterly basis. However, as Gouws (2005a) has observed, the NGF does not hold regular meetings and it is usually only attended by organisations based in Gauteng and Cape Town. There are only three national organisations reported to be attending the NGF meetings. The key other civil society partners participating in the NGF are the Progressive Women's Movement (an association of

women's rights activists and mostly aligned to the African National Congress) and South African Women in Dialogue (SAWID). SAWID is the brain child of the former first lady, Ms Zanele Mbeki, which has mobilised community groups. There are indications that in various provinces there are coordinating forums of SAWID at provincial level. It has been difficult to access information about which provinces have functioning provincial and coordinating structures and which have not established these forums. In an interview with Jessie Nhlapho, a woman's rights activist and the director of a local organisation based in Qwaqwa in the Free State, she stated that the structures of the NGM are not visible (Interview with Jessie Nhlapho, 2008). She further stated that the SAWID was more visible that the NGM.

According to Jessie Nhlapho, South African Women in Dialogue (SAWID) has been successful in doing what NGM failed to do by engaging more with rural women (Interview with Jessie Nhlapho, 2008). However, she did state that of the three structures, the CGE was more visible, interactive and supportive of their organisational work, sometimes providing feedback on legal issues (Interview with Jessie Nhlapho, 2008). Some women's rights activists have however argued that SAWID has managed to attract resources that enabled it to consult extensively with women even at grassroots level. The NGM has been unable to do this mainly due to limited resources allocated to the unit to implement its mandate. It is dependent on outside donors to implement some of its programmes. Although it has not been a focus of this study, it might be interesting to explore why SAWID managed to attract resources more than the OSW.

The interview with Bafana Khumalo supports this view when he states that the relationship between CSOs and the NGM has not worked well (Interview with Bafana Khumalo, 2008). He says that the lack of coordination has undermined effective participation by civil society. He also raises pertinent questions about resource implications asking "Where do the civil society organisation draw resources to participate in the NGM?" (Interview Bafana Khumalo, 2008). He argues that the few CSOs who are able to participate in NGM meetings are well resourced and urban based, whereas those who are not able to participate are rural based organisations (Interview with Bafana Khumalo, 2008). The majority of the organisations which have access to the structures and processes of NGM, are urban based and are politically connected and resourced organisations such as the Progressive Women's Movement[8] and SAWID. It is evident that participation in this structure is important for CSO.

[8] Progressive Women's Movement was launched on in 2005 in an attempt to revive a women's movement in South Africa.2008.

Organisations that have participated in these forum have found them useful and beneficial (Interview with Delphine Serumaga, 2008). Delphine Serumaga, director of People Opposing Women Abuse based in Johannesburg, confirmed that they have on several occasions formed strategic partnerships with OSW in international forums such as United Nations Commission on the Status of Women meetings (Interview with Delphine Serumaga, 2008). She further stated that they formed part of the formal government delegations and provided input on the content of the South African government reports (Interview with Delphine Serumaga, 2008). Forming strategic partnerships with a few organisations does not absolve the OSW from developing a strategy to engage with broader civil society organisation and implementing that. At this stage, there are questions about this but this has not translated into a formidable strategy.

The OSW does not have a sufficient budget as they are struggling with five staff members who have many responsibilities and have to multi-task. Meaningful engagement with civil society organisations is quite a challenge (Interview Bafana Khumalo, 2008). The OSW has not had sufficient interaction with women outside the state, which has severely weakened and compromised its performance.

The OSW has also acknowledged that relationship and collaboration with CSO is problematic (National Gender Machinery meeting, 2008). One of the key causes it attributes to this limited interaction with CSO is the absence of the umbrella organisations. According to the OSW, the fragmentation of civil society organisations contributes to limited coordination and accountability to CSO (National Gender Machinery meeting, 2008). The absence of movement potentially presents challenges for OSW with regard to deciding who to consult with about what issue. South Africa had a strong women's movement. The WNC, which formally represented this constituency prior to the first democratic elections, collapsed due to the changing political formulation in South Africa and the fact that many of its leaders moved into formal government positions (Hassim, 2005). The WNC had unprecedented success in sustaining a diverse women's movement in South Africa across political affiliation and sectors. The demise of the WNC and the mushrooming of many uncoordinated sector-specific civil society organisations depending on funding to function proved to be a challenge. Civil Society Organisations spent most of their time accessing funds and implementing programmes supplementing state failure in the provision of services. There remained limited capacity to engage with the state on the political front in an organised

unified manner. Most of the activism demonstrated by civil society organisations shifted to technical research and inputting into policy reforms mainly by advocacy organisations with less emphasis on popular mobilisation. This is not intended to discount the importance of policy lobbying but merely highlights shifts in patterns of engagement with state from a mass based movement in the period of transition to a an 'elite' fragmented engagement in the new democratic dispensation .

Access to resources appears to be one of the key factors in determining the ability of the NGM to be accountable to civil society organisations (Office in the Status of Women Annual Report, 2007). In the 2006/7 annual budget, OSW was allocated a budget of R2.3m. OSW has acknowledged that the limited budget had serious constraints and implications on the OSW ability to fulfil its mandate (National Gender Machinery, 2008). Part of this unfulfilled mandate was to strengthen CSO by providing support for capacity. With limited resources, it is difficult to pursue this role which could be the reason why the more organised movements such the Progressive Women's Movement and SAWID have easy access. However, working with key partners has opened OSW to the criticism of being biased and engaging with 'preferred' partners (Interview 4, 2006). There are still questions to be asked about limited participation of CSO or any efforts to support an independent movement not linked to any particular political affiliation.

The National Gender Summit, held in August 2001, was the first meeting organised to review the performance of the NGM. The meeting sought to evaluate progress on the implementation of the NGM. There was a strong presence of CSOs, although they were not representing a unified movement. Organisations that attended the summit on an individual basis were not delegated by a women's movement; they were only accountable to their own organisations. Many were critical of the NGM lack of accountability to civil society. There was particular criticism from the former first lady, Zanele Mbeki, from the South African Women's Initiative on Development and Minister Manto Tshabalala, the then Minister of Health and now Minister in the Presidency responsible for gender (National Gender Summit Report, 2001). They criticised the NGM for failing to protect and promote women's interests in the new democratic dispensation (National Gender Summit Report, 2001).

The establishment of the OSW impacted on its ability to have close links with grassroots organisation. The initial setting-up of the OSW was located both at national and provincial levels. It was only in 2006 that there was a presence at local level government level. Even

this was not formally constituted; instead it was the appointment of gender focal points who had their other full time jobs. In the Musunduzi municipality for instance the gender focal points was also personal assistant to the Mayor (Musunduzi Municipality Report, 2005). The absence of vibrant mobilisation and engagement with local based initiatives is a huge concern relating to the ability of the OSW to promote accountability to CSOs. Local based communities and women are the most vulnerable statistically due to limited information and poor access to services. The OSW should be providing support in organising and mobilising local structures. Failure to do this is a mockery of OSW responsibility to support CSOs.

Clarity on Roles and Responsibilities

As acknowledged at the 2001 National Gender Summit, horizontal linkages also appear to be complicated because of overlapping mandates. The Public Service Commission Report (2006) confirmed this, stating that there is a lack of a clearly defined institutional framework to ”facilitate the attainment of the vision of gender mainstreaming”, and roles and responsibilities within the NGM need to be clarified. Gouws, (2005a) and Holland Muter (2008) have also highlighted this as one of the fundamental problems of the NGM.

A related problem is the institutional design, particularly with regard to the lines of accountability. According to the Constitution, NGM structures are governed by the separation of powers of state functions (Constitution, 1996). The principle underlying the separation of powers is the avoidance of concentrating too much political power in a single institution (Venter & Landsberg, 2006). This is done to protect freedom and to avoid tyranny. Venter and Landsberg (2006) acknowledge that in practice, separation of power is difficult to manage. For example, Essop Pahad, formerly the Minister in the Presidency was accountable for the work of the OSW. He was also a member of Cabinet, which falls under the executive arm of government and is accountable to Parliament, where the other structures such as the Joint Committee are located. The extent to which Parliament was able to hold him as a Minister accountable is of interest. Minutes of the Joint Committee in the period from 2000 to 2007 reflect either the Chief Director or the OSW Directors accounting to Parliament in most instances, rather than the Minister taking leadership on this. The OSW is the political responsibility of the Minister and the director of the OSW only plays an advisory role. By his admission, the Minister has admitted that there was a problem of lack of compliance with regard to promotion of gender equality (Pahad, 2007). Several national gender audit reports conducted from 1998 to 2006 have highlighted compliance in ensuring

that GFP are located at a senior level to be a huge problem within government departments. This has implications for the ability of gender focal persons or units to enforce accountability in promoting gender equality. Given this, the minister should have played a more visible leadership role in enforcing accountability within government.

In addition, the OSW has the primary responsibility of co-ordinating the NGM and ensuring a gender programme (South African National Gender Policy Framework, 2000:27). Coordination with other gender machinery counterparts has been done through the National Gender Forum as well as other national meetings focusing on the function and progress of NGM. During the gender summit in 2001 to review progress of the NGM, coordination between these structures was raised as a concern (National Gender Summit Report, 2001). According to the study conducted by the Public Service commission on gender mainstreaming initiatives in the public service, the NGM, despite being acknowledged as a best practice model, has been rendered ineffectual (Public Service Commission Report, 2006). It highlights the lack of communication, resources and an integrated co-ordination framework with clear lines of communication and accountability as the main contributors to its poor performance (Public Service Commission Report, 2006). Supporting this view, CGE commissioner Bafana Khumalo said that the NGM does not have a well coordinated approach to collaborating on issues or concerns (Interview with Bafana Khumalo, 2008). To illustrate this point, he cited an example of when the CGE was giving its report to Parliament in the Portfolio Committee on Justice. Members of the Joint Committee did not attend these briefings due to other commitments (Interview with Bafana Khumalo, 2008). This, he argued, indicates lack of coordination and communication rather than an unwillingness to coordinate. He acknowledged that coordination among and between the structures of the NGM has been difficult (Interview with Bafana Khumalo, 2008).

Accountability to global commitments

The OSW is responsible for reporting on South Africa's compliance with international instruments. However, according to Commissioner Khumalo, for the past two terms of reporting the OSW has not formally requested inputs for the report from other NGM institutions (the CGE and Joint Committee). He states that there has been reluctance to expose weaknesses of government in effectively addressing gender equality. The OSW did not produce the two previous reports on progress to the implementation of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) supposed to be

submitted to the United Nations Commission on the Status of Women (UNCSW). This lack of compliance did not cause any revolt either from the CSO or senior government leadership (Interview, 9, 2008). This makes the process of government adherence and accountability on international instruments a non-significant process (Interview 9, 2008). The failure to consult with other NGM counterparts on progress on adherence on international instruments presents serious limitations to the whole process of promoting accountability to gender in South Africa. In September 2008, however, the new Minister in the Presidency held a consultation with all partners, including civil society organisations, donors and NGM partners on the CEDAW report to be submitted to the UNCSW. Khumalo asserts that this was a significant shift which might indicate openness and willingness by government to be held accountable on the promotion of gender equality (Interview with Bafana Khumalo, 2008).

Overall accountability between NGMs within government departments has been a challenge, although it should be acknowledged that there have been good practices as well. The process of developing the Domestic Violence Act was inclusive and a good example of women's effective access to decision-making. It used the strength of women in the Joint Committee, the CGE and women outside parliament from diverse backgrounds including reassert institutions, national advocacy and campaigning organisations and grassroots organisations (Interview 4, 2006).

The level of accountability to women outside the state has been varied. Some civil society organisations have had access to effectively participate in government's decision-making processes. They have been able to attend meetings and participate in the formal government delegations to the UNCSW annual meetings and critically engage with government reports (Interview with Delphine Serumaga, 2008). Delphine Serumaga cites this as example of strategic partnerships between NGM structures and civil society organisations which could enhance accountability. In addition, civil society organisations have also had the opportunity to contribute to the development of policy and legislation in Parliament by making written or verbal submissions. Whether this has been meaningful and has brought about the requisite change is not clear. One interviewee highlighted the difficulties in contributing to the development of the recently enacted Sexual Offences Act of 2007 stating "It took the Portfolio Committee on Justice more than eight years to finalise the sexual offences bill and none of the structures of NGM proactively challenged and held the South African parliament for this delay" (Interview 9, 2008). It was mostly a group of civil society organisations who constantly raised this issue of high levels of sexual violence in the

country and the implications of not having legislation that protected the rights of women (www.oneinnine, org)

Women's differential access to South African National Gender Machinery processes

The nature of participation of CSOs in the NGM structures in government has been covered extensively in the section on accountability. This section seeks to look specifically at the implication of differential access to NGM by CSOs. This is important because there is consensus that NGMs should be politically driven by women's organisations outside the state. This section assesses who has most influence and access in shaping the agenda pursued by NGM. In doing this, it looks at what are the criteria for having access to NGM for people working in these structures and people who have access to participate in them. The question also arises whether different groupings of women, with different political connections and social and economic resources, have differential access to the NGM structures. In countries such as Zambia, political connectedness appears to be one of the criteria that enabled access for women to participate in NGM (Chisala, 2000, Ofei-Abeogye, 2000).

There are three levels of access to NGM. The first is based on political appointment of representatives such as Commissioners and Members of Parliament. The second level is through employment and thirdly through a process of engagement and participation in these structures. All of these are critical in determining whose interests are represented by the structures and for whose benefit. This is important as international literature has highlighted that these structures can be manipulated for political gains other than for the benefit of women (Ofei-Aboagye, 2000).

Representatives of the NGM are a combination of political appointees (members of Joint Committee), independent commissioners appointed through the Chapter 9 Institutions Act and civil servants who are appointed on the basis of their expertise. This representation is a combination of feminists, women's rights activists, gender experts, government, bureaucrats and politicians. The public service report highlighted that even though recommendation was made to appoint gender focal persons who have knowledge and experience on gender a majority demonstrated limited understanding of gender and gender mainstreaming (Public Service Commission Report, 2006). There are examples of gender focal persons being gender experts but these are in the minority (Interview 9, 2008).The Commissioners are

nominated by the public and voted in and appointed by parliament for a five-year term. Some media commentators have pointed out that all the CGE chairpersons since its inception have been members of the ruling party. This might be insignificant; however it could be interpreted as a way of ensuring biased political accountability and might impact on the structure's ability to exercise its full political mandate of holding and demanding accountability from government . No evidence is available for this study to suggest that this is the case.

There is no question about the political loyalties of the Joint Committee members as its members are drawn proportionally from political party lists. The ANC, which has been the majority party since 1994, has thus had the largest representation of MPs in this committee. All Joint Committee chairpersons have been ANC members. The decisions made by the committee are based on majority votes which are influenced by party votes. Members of the committee might be feminists who are willing to protect feminist interests; however, decisions are not generally based on individual views but rather on party political decisions which might or might not support feminist interests. Two examples of this are the process of putting in place the Termination of Pregnancy Act of 1998 where the party voted in support of the bill and thus protected the right of choice for women. However, an unusual African National Congress (ANC) political practice emerged during this vote which allowed members of the ANC who had either religious or cultural reservations to opt out of the voting process. The second process involved the voting process during the Customary Land Bill[1] debate. Women's rights activists highlighted the impact on women of allowing chiefs to decide on the allocation of land in rural areas. However, the ANC voted for the passing of the bill despite this concern.

As assessment of whether access by women outside the NGM structures is based on political connection and social and economic resources shows an interesting pattern. As shown above, access to the structures of NGM is based on a combination of factors which include political affiliation, expertise on gender and unclear criteria for other civil servants. Whereas access for women outside the state does not necessarily seem to be determined by political affiliation, structures participating in the National Gender Machinery meetings have strong political connections. The organisations that participate and engage with NGM are well resourced national organisations, advocacy and research organisations that are able to pay for travel, present papers and make inputs into policy proposals. Poorly resourced grassroots organisations who do not have capacity to engage in policy processes have had limited engagement with these structures either through the NGF, briefing to the

Joint Committee or participating in conferences and events. Records of the parliamentary monitoring group (see www.pmg.org.za) show that most contributors to policy reform debates are national organisations mainly based in Cape Town or Johannesburg. Local organisations outside these big cities have had limited access in influencing policy directives or decisions. There is no evidence to suggest that the NGM has proactively reached out to these organisations to ensure that their concerns and voices are heard. This raises concerns about the limited role that the NGM has had in promoting women's agency in the new democracy, and particularly about the ability of women's policy institutions to reach out to marginalised constituencies from the rural outskirts and whether they have made appropriate attempts to reach out to these areas. More importantly, it reveals the limitations of the NGM in rethinking new strategies and creativity to promote women's agency in the absence of a unified women's movement in spite of the well-known limitation posed by lack of resources.

Conclusion

The South African post-apartheid state is considered open to gender equality. The new democratic dispensation brought a sense of euphoria and hope as the first democratically elected leaders of the government in an unambiguous manner committed government to ensure the advancement of women. In his inaugural speech, Mr Nelson Rholihlahla Mandela, the first democratic President of South Africa, stated that the country would not be free unless all its women were free (Nelson Mandela Speech, 1994). This served as an inspiration to the women's movement and was an affirmation for many South African women activists. This political statement was followed by a myriad of interventions aimed at promoting the status of women in the form of policy mechanisms, the establishment of institutional mechanisms and increasing the number of women representatives in government as ministers, members of parliament and senior government bureaucrats. The unprecedented representation of women in senior political positions and government positions signalled a commitment by the state to gender equality. However, this has become one of the dominant strategies and has revealed the limitations in representing the interests of women.

The new government appeared to have taken into account some of the international debates about the need to create a state as a vehicle to achieve gender equality. In part, this included creating policy measures which would drive this process. As discussed in this chapter, this led to the establishment of NGM in various sites of government. The key

question in this chapter is whether the NGMs that represent women's interests in the state enabled effective access for women to decision-making in the public sphere and defended the interests of women in government.

The establishment and performance of the NGM has brought uneven results. While there has been a concerted attempt to ensure that institutional mechanisms are in place to ensure gender equality, these structures are limited in their impact because of a lack of resources and an ambiguous understanding of their roles and responsibilities and duplication of mandates. Research has revealed that a lack of coordination, limited communication and limited resources are key issues contributing to poor performance of these institutions. The research also points to weaknesses of a technically driven process as opposed to a politically driven process. The relationship between the NGM and independent civil society has been a missed opportunity in that the NGM did not use the political support by women outside the state to their benefit.

The strength of the NGM is its presence in all sites. However, its performance has been severely compromised. The OSW was also tasked to develop a gender mainstreaming agenda within government, though it has failed to do this; but it has managed to put in place a framework for women's empowerment and gender equality. Chapter 6 will provide an analysis of the National Gender Policy Framework as adopted in 2000.

Chapter 6 – The Post-Apartheid State and gender mainstreaming

Introduction

Chapter 6 explores the South African post-apartheid state's response to gender inequality by examining the provisions of the South African Gender Policy Framework for Women's Empowerment and Gender Equality (SAGPF) developed in 2000. The chapter discusses the SAGPF as an example of how gender mainstreaming has been interpreted by the South African government. The SAGPF articulates the South African government's vision for gender equality and states how it intends to achieve this ideal. The Office on the Status of Women (OSW), discussed in Chapter 5, was established to develop and implement a gender mainstreaming strategy for the purpose of achieving women's empowerment and gender equality in government. The chapter explores the conception of gender within government. In doing so, it traces key debates on gender during the liberation struggle, with a particular focus on the African National Congress (ANC) policies as a precursor to formal state policies post-1994. It examines the key policy undertakings of the post apartheid state, with a specific focus on the South African National Policy Framework for Women's Empowerment and Gender Equality (referred to later in the chapter as the National Gender Policy Framework) as the policy framework developed by the Office on the Status of Women during the period of conducting this study. It will pay particular attention to the text, objectives, definitions and priorities of the National Gender Policy Framework.

It must be noted that the chapter does not evaluate the implementation of the National Gender Policy Framework but rather provides an analysis of its key provisions. In outlining the key provisions, goals, objectives and principles of the National Gender Policy Framework, the chapter assesses the extent to which it is influential and consistent with feminist thinking on women's empowerment and the goal of achieving gender equality. The conceptualisation and understanding of gender, gender equality, transformation and accountability is of crucial importance to this study. It draws on Jahan's (1995) theoretical formulations on gender mainstreaming and assesses whether the gender mainstreaming provisions as outlined in the National Gender Policy Framework are transformative or integrationist. The chapter concludes by providing the implications of the policy underpinnings of the National Gender Policy Framework with regard to the South African state's ability to drive the gender equality objective.

Gender discourse during the liberation struggle

The apartheid state successfully entrenched inequality based on race, gender, class and sexual orientation in South Africa. It regulated this though legal and policy mechanisms. In particular, racial classification was used to influence levels and quality of service provision. The consequence of this practice disenfranchised the majority of citizens, particularly African women. For instance, the provision of financial support to indigent mothers and their children was on the basis of colour (Gender Advocacy Report, 1999). The limited provision of child care increased the burden of caring by women without any support from the state (Gender Advocacy Programme Report, 2000).

In addition to socio-political oppression, women in South Africa also suffered at the hands of their partners and cultural and other traditional practices such as religion which perpetuated discrimination against women. While racism shaped the position of African women in a negative manner, it is equally true that their intimate relationships subjected them to violence. The unequal power relations between them and men were influenced by socio-economic status, culture and religion (Erlank, 2005). In this framework, African women suffered a triple burden of oppression based on class, race and gender. This is the context of inequality in which the South Africa liberation movements operated and needed to respond to.

The African National Congress's response to women's oppression reveals interesting dynamics. These are more about how it conceptualised women's marginalisation than what was put in place to address it. As a liberation movement, the struggle against racial domination was at the forefront of the party's liberation struggle. The understanding of how other socio-economic inequalities including traditional, religious including gender intersected with the racial framework is of interest for this chapter. In most instances, this complex relationship which shaped women's discrimination and subordination was often simplified. Gender inequality (sexism) was often pitted against racism leading to the failure to interrogate the underpinning unequal power relations between men and women. Racism was characterised as the 'big' struggle, while sexism was viewed within the liberation struggle as one that would benefit from overcoming racism. The anti-racism struggle was stronger and seen as more urgent and more legitimate during the time of the liberation

struggle. The African National Congress's (ANC) primary purpose was to overthrow the racist apartheid regime, and issues of gender equality were pushed to the periphery**.**

The ANC prior to 1990 focused primarily on dismantling of the apartheid regime and the struggle against racism was at the forefront of the liberation struggle This is despite the fact that there is an assertion by the ANC that the struggle for women's emancipation was always an integral part of this struggle (Mayibuye Report, 1995). Women's liberation was implicitly concealed within the framework of nationalism which characterised the broad principles of the liberation struggle. It emphasised that liberation from all other forms of inequality, including gender inequality, would follow (Hassim, 2006). It was therefore evident that feminists' struggles and the achievement of substantive equality would have to be fought in different spaces outside the nationalist agenda.

The political agenda as set out by the liberation struggle foregrounded the urgency of overcoming racism; the focus on women's emancipation would intensify post-liberation. The first priority was addressing racism; and addressing sexism was believed it would follow suite (Mayibuye Report, 1995). Feminism was not seen as part of the South African landscape, and was viewed as a 'foreign' western concept that had been imported (Hassim, 2005). However, Erlank (2005) states that some concessions were made with the liberation struggle as what was termed as the gender struggle, consciously or unconsciously, assumed a secondary status (Erlank, 2005). There was no consensus on where gender equality demands should feature, in particular within the ANC. It was believed that once the struggle against racism was won, the benefits would translate into the emancipation of all oppressed people, including women. This was despite the fact that the experience of other countries had shown that the emancipation of women was not a by-product of the struggle for democracy (Erlank, 2005; Hassim, 2006).

South African women's rights activists, some of whom were members of the ANC, were conscious of these dynamics within the party but sought to entrench gender equality demands as part of the struggle for freedom, justice and dignity. A specific focus on the ANC as the current majority party in government reveals interesting tensions. Erlank (2005) suggests that these tensions include the framing of gender within a developmental framework thereby delinking it from feminist concerns. Erlank argues that the emphasis was on radical, structural change intended to overturn the systematic legacy of apartheid. The strategies employed in this regard foregrounded the creation of a black middle class, totally

ignoring the plight of economically marginalised women (Erlank, 2005). As mentioned earlier, efforts to address racism took precedence over working towards gender equality and women's marginalisation was understood in the context of poverty and deprivation and not as based on unequal power relations between men and women.

Erlank identifies a second tension within the ANC. She writes, "projection of itself as a modernising force is reflected in gender concerns which locate gender in development with consequences for what is possible in terms of substantive gender equality" (Erlank, 2005:195). She argues that viewing gender as a development issue places emphasis on addressing women's poverty and putting in place anti-poverty policy initiatives (Erlank, 2005). Many feminists argue that this approach results in an assumption that poverty, and not the subordination of women and unequal power relations, is the cause of gender inequality (Razavi and Miller, 1995a). This criticism originates from feminist critiques of the Women in Development (WID) approach. Feminists were concerned that making gender a development project negates the focus on transforming and challenging unequal power relations.

During the period of the liberation struggle, women's concerns were framed as gender concerns as opposed to feminist concerns (Erlank, 2005). Women's oppression was framed in the context of nationalism. The nationalist discourse relegated women's interests to secondary status, after national interests. Feminists' interests were concealed within anti-colonial and anti-racism struggles which were considered to be the most important barriers for the nation to overcome. However, there were examples of feminist politics when women challenged the racist regime on sexist practices on the political, economic and social front such as the 1956 protest against pass laws. There were some ANC feminist activists who challenged the party rhetoric and political choices. However, the articulation of the liberation struggle was the acceptance of the patriarchal women who needed to be economically liberated, while still being deeply entrenched in a patriarchal culture and protected by 'their' man. Hassim (2006:28) states that during the liberation struggle the "ideological framework within which women were mobilised was generated by nationalism rather than feminism". Erlank (2005:200) further states that the "ANC black nationalism viewed its role as the destruction of apartheid as opposed to the eradication of class-gender based social inequalities". Hassim points out that there was a distrust of feminism within the ANC on the basis that it did not encompass African women's experiences (Hassim, 2006), implying that it

only applied to Western countries. Erlank states that this has caused reluctance on the apart of the ANC to engage with feminism (Erlank, 2005).

The conceptual understanding of what entails women' inequality and the struggle to overcome it was a central tension during the liberation struggle. Gender equality appeared to be a safer terminology than reference to feminist struggle. Gender equality was assumed to be encompassing of men as well, and there was a lot of assertion that gender was not only about women. The literal translation of this was targeting both men and women without a clear conceptual of the intersection of race, class, geographic location, sexual orientation with unequal power relations between men and women. This is despite the fact that women's activism has always been a feature of struggles in South Africa, and the pivotal role played by the women's movement in the struggle against apartheid which distinguishes South Africa from other African countries (Gender Advocacy Programme Report, 2004). The women's movement in South Africa recognised that the struggle for women's emancipation needed to be waged against three fundamental and intersecting causes of women's oppression: racism, unequal power relations between men and women, and class inequalities. This analysis is important in that it emphasises the intersectionality of these key factors, not focussing on one at the expense of the other. Feminist activists understood this analysis to be at the centre of women's discrimination. What was not clearly pronounced was discrimination on the basis of sexual orientation, age and disability even amongst women's movements. Discrimination on the basis of sexual orientation and to some extent disability was always subsumed under the generalised understanding of women's oppression which was more associated with poverty. There was a strong emphasis on understanding relations between men and women as the source of women's discrimination with other structural inequalities.

Although the focus on racism is justifiable, it often excludes other forms of inequalities such as gender, sexual orientation and economic status. This phenomenon often presents policy tensions, as the question that is posed in the policy development processes is whether gender or racism should take precedence, or whether these cannot be responded to in an intersecting manner and include other forms of inequalities such as sexual orientation. The key question is: what are the policy implications of addressing these forms of marginalisation in an intersecting manner? How and what would the policies focus on and prioritise? As Pethu Serote, director of the Gender Education Network and Training Network states, "If no strategies are put in place to deal with intersections, this would work to further disadvantage

those who are in the dominated groups, that is black, working class women and advantage the dominant groups, that is white, middle class men" (Gender Advocacy Programme Report, 2006).

Translating broad commitments in the context of varied interests and forms of intersecting inequalities in policy is a challenge. Within the broader transformation agenda, there was an attempt to compartmentalise issues and address them in isolation from one another. Part of the problem was the limited analysis of the fundamental causes of women's oppression. Another was the dominant political discourse that sought to ignore women's interests by promoting national interests as opposed to feminist interests. This led to the conceptualisation of the homogenous 'man' and 'woman' in policy provisions. This was a direct consequence of the policy failing to provide for and understand the intersecting forms of marginalisation. This has led to men being treated the same as well as women being regarded as people with similar experiences.

The struggle against racism in South Africa was informed by the notion of the 'rule by the majority for the majority'. This was how democracy was understood. Deeply embedded in these struggles was the notion of redressing the inequalities suffered by the black majority as a consequence of repressive apartheid policies. The translation of this task into formal government processes appeared to be the most challenging. The conservative understanding of gender inequalities within policy discourse exacerbated the difficulties. Any policy aimed at ensuring the redress of gender inequalities needs to take into account the factors associated with being a woman, being an African and being poor. Equally important is the consideration of women from across the social and political range that have been historically marginalised in that they have been sidelined in decision-making and leadership positions in the public and private domains.

Any efforts aimed at tackling women's marginalisation need to take into account both groups of women described above, partly because of what Erlank (2005) characterises as the vagueness in translating gender equality commitments. Gender inequality is regarded by the ANC as an issue that should be addressed through development framework which removes it from the feminist agenda. In this regard, Erlank highlights the failure to take into account unequal power relations between men and women, and to emphasis equal rights and representation. Formal rights are "necessary but do little to address issues of

substantive gender equality" (Erlank, 2005: 202), as opposed to the lives of the poor majority of women in the country.

Emphasis on apartheid's racist legacy has translated into broad policy commitments such as the Black Economic Empowerment[9] (BEE) policy, which in practise fails to address the inequalities that exist and instead exacerbates them, and in some cases furthers the economic marginalisation of African women (Erlank, 2005). Furthermore, as government's achievements with regard to women's advancement has produced more liberal political gains, such as political representation and putting in place policy and legislative measures (Erlank, 2005), their vagueness with reference to what gender equality is espoused contributed to the difficulty in interpreting them into day to day processes, in particular by officials who are not sufficiently trained on gender issues. Furthermore, the notion of participation has not been sufficiently interrogated particularly around who contributes and shapes policy priorities. As a result, there is a gap between the intentions of policy and the actual implementation thereof.

The focus on the representation of women in government bureaucracy and senior decision-making positions has been another prominent strategy. The Equality Act (1998) sought to redress inequality and create equal opportunities for men and women within government departments. The key weakness of this approach is that there was no analysis of which women or men are targeted and what the reasons are, as suggested in the framework of gender analysis by Moser (Moser, 1995). As a consequence, the implementation of the Equality Act has favoured white women more than black women (Ndashe, 2004). The implementation of affirmative action has resulted in white women occupying high levels of employment as opposed to their black counterparts (Public Service Commission Report, 2006). This is a clear indicator of the lack of understanding of women's discrimination using the intersecting framework of class, race and gender more evident in the post-apartheid era.

In addition, the ANC's commitment to gender equality was not always integrated across programming and" women's rights were an add on" (Walker, 2005: 300). Walker highlights this by providing an example of how the ANC dealt with the contentious issues of the two distinct constituencies, women and traditional chiefs, which often clashed and had diverging views on whether gender equality or cultural rights should take precedence (Walker, 2005).

[9] Black Economic Empowerment is a policy adopted by the new government which sought to redress racial inequalities

According to Walker, these tensions were demonstrated in two critical developments which revealed the extent to which they were heavily contested by interest groups from either side. The first was the process of developing the Communal Land Rights Act and the second the 2004 Constitutional Court judgement on women's inheritance rights (Walker, 2005). Policy debates were centred on what was regarded as undemocratic practices by women's rights activists, which endorses the powers of traditional leaders to undermine rural women autonomy over access to communal land. Walker (2005) argued that these practices would fail to secure women's tenure rights and significantly undermine the role played by common property resources in the achievement of livelihoods by the rural poor (Walker, 2005). These traditional practices would create policy tensions on issues relating to gender equality and culture as evidenced in the discussions on the Communal Land Bill (Ndashe, 2005).

Post Apartheid State and gender equality policy measures

The famous 1994 inaugural speech made by the first democratically elected President, Mr Nelson Mandela, outlined the intention of the new post-apartheid state. He stated that the country would never be free until all women were free (Mandela, 1994). This section focuses on the meaning embodied in this statement and how it has translated into government policy frameworks.

The commitments made by the new government largely reflect a liberal view of addressing gender inequality. This understanding is largely influenced by how gender inequality is conceptualised in the post-apartheid state. In this framework, there is reliance on the provision of equal opportunities and individual rights as opposed to the political project of transformation. The entry point is the women in parliament, the liberal constitution, particularly its provision of universal rights liberal rights and the legislative framework (Erlank, 2005; Gouws, 2005a; Meintjes, 2005; Hassim, 2006). Hassim (2003a) describes the process of incorporating gender interests within the transition process towards democracy as a commitment by the state to address gender equality referred as the "gender pact" (Hassim, 2003a:211). She substantiates this by stating that the state put in place policy and institutional mechanisms intended to promote gender equality. This she argues is an indication of the state's commitment to gender equality (Hassim, 2003a).

The Bill of Rights in the Constitution (Act 108 of 1996) is the cornerstone of the post-apartheid state's approach to gender equality. It guarantees and affirms the right to equality. The supremacy of the rights is enshrined by the Constitution of the Republic of South Africa, which states that "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" (Chapter 2, Constitution, 1996).

The putting in place of the Constitution also affirmed the millions of women who put forward their demands for a better South Africa through the development of the Women's Charter for Effective Equality in 1992 (WCEE). The Constitution also enhances the development of progressive gender legislation and policy in different areas (Hassim, 2003a; Gender Advocacy Programme, 2004; Gouws, 2005a; Holland-Muter, 2008). However, there is evidence that the constitutional provisions and legal framework aimed at promoting gender equality present challenges with regard to how they are translated into practise and their impact on ordinary women's lives.

Constitutional provisions provide government with the impetus to ensure the promotion and protection of the right to equality, including gender equality, by ensuring legislation and policies aimed at redressing any form of inequality or discrimination faced by women. This includes amongst others the Employment Equity Act No. 55 of 2000 and the Domestic Violence Act No. 116 of 1998. As evidenced by research, there are gaps in translating these paper rights into specific remedial measures to challenge discrimination of women when it comes to the Domestic Violence Act of 1998 (Vetten, 2005). Furthermore, there has been a tension between the interpretation of rights and the provisions intended to promote gender equality and other rights such as customary rights (Mbatha, 2004). Walker (2005) argues that how the state addresses tensions between ideals of gender equality and customary practices is far from clear. There are tensions within the Constitutional framework of rights as customary rights clash with gender equality provisions.

The post-apartheid state's implementation of the policy commitments have had its own challenges. Although the state is at the centre of transformation and service provision in the democratic dispensation, reality proved otherwise. The state was failing in its role to be the primary driver of delivery. According to the government's 10-year review report (RSA Government Ten-year Review Report, 2004), even though there were gains in the

attainment of democracy post-1994, there were also significant challenges. Two main challenges had a direct bearing on how the new state could respond to women's marginalisation. The first was the institutional transformation to serve the interests of the majority of the people. In its gender non-specific terminology, the report highlighted areas that would enable the state to achieve this goal (RSA Government Ten-year Review Report, 2004). The related challenge was the introduction of new policies that would be in line with the new constitutional framework of rights.

The second challenge was how to respond to the legacy of apartheid legacy while also dealing with new challenges presented by the integration of the country in a rapidly changing global environment (Government Ten year Review Report, 2004). The growing inequalities as a result of previous apartheid policies and the impact of post-democracy economic and political reforms contributed to perpetuating women's oppression and presented policy challenges on how these would be prioritised. This highlighted a need for a clear conceptual framework on what was being addressed. The intersection of gender, race and class presents a clear case for addressing unequal power relations. Baden and Goetz state that the emphasis should be on unequal gender relations and inequality, rather than women, in the South African context (Baden and Goetz, 1995). There is a consensus that African rural women in South Africa are the most marginalised, are mostly poor and are affected by the twin pandemics of HIV and AIDS and gender violence (Baden, 1998). Therefore the focus in understanding women's discrimination should be on the intersection of race, class, gender and geography and other forms of marginalisation.

Mtintso agrees that the analysis of the intersectionality of race, class and gender resonates for South Africa as it allows for an in-depth analysis of inequalities that exist (Baden, 1998; Mtintso, 1999). However, the understanding that women are the most marginalised should not necessarily mean that women only should be the target of policy and programmatic interventions. What is required is an understanding of this source of marginalisation and measures aimed at addressing them. The interest of this chapter is whether the conceptualisation of women's oppression and measures to address it has been consistent with feminist debates that addressing women's marginalisation in isolation is ineffective. The question that is explored in this chapter is how women's oppression has been conceptualised in the national gender policy framework.

The purpose of this chapter is not to evaluate the impact of the National Gender Policy Framework on these issues. It explores how women's subordinate position has been understood and articulated in the National Gender Policy Framework (2000), drawing on studies on gender policies in South Africa.

The process of developing a gender mainstreaming mandate in South Africa

In December 2000, the Presidency proposed the adoption of the National Gender Policy Framework to the Cabinet. The policy framework was developed by the Office on the Status of Women in 2000, through a consultant. The document provides a situational analysis and problem statement, vision and principles for gender equality, institutional framework; proposed inter-sectoral coordination framework and process of gender mainstreaming, monitoring and evaluation, resources and carrying the process forward (National Gender Policy Framework, 2000). It states that the quest for gender equality in South Africa is located within the context of human rights, which foregrounds the acceptance of equal and inalienable rights of all women and men.

The development of the National Gender Policy Framework was informed by principles drawn from various national and international women's rights frameworks. These included the Reconstruction and Development Programme (RDP), the Women's Charter for Effective Equality, the National Policy for Women's Empowerment, the Convention on the Elimination of all forms of Discrimination Against Women (1979) and the Beijing Platform for Action of the Fourth World Conference on Women in 1995 (National Gender Policy Framework, 2000). The National Gender Policy Framework's strength appears to be its ability to draw from a range of global and local human rights instruments.

The Framework is a direct result of activism by the women's movement in South Africa. During the transition period, a broad autonomous movement developed the Women's Charter for Effective Equality which articulated the interests that women wanted the new government to address. The formal process of institutionalising these interests in the new democratic dispensation was regarded by women's rights activists as a mechanism to hold government accountable on the promotion of women's rights and gender equality.

The process of developing the National Gender Policy Framework was closely linked to the overall South African transition progress to a new democratic state. There was an ambition

on the part of the new government that the state would play a central role in achieving social justice. It is in this context that the development of an agenda for women's empowerment and gender equality was located. The new democratic state perceived its role as central to ensuring advancement of women.

There were at least four attempts to develop policy frameworks that would articulate state commitment and aspirations to address gender equality. A brief description of the processes that led to the development of the policy documents follows.

The first initiative happened during the transition period and was driven by women activists and civil society organisations outside the state. In the early 1990s, women within the ANC under the auspices of the ANC Women's League (ANCWL) and broader political and social formations began to mobilise around how the new government should include gender equality objectives. Related to this was how the new state would address in formal terms women's subordination. Various debates took place in the 1990s during national and provincial workshops, seminars and conferences which unpacked women's interests and how the state should respond to empowering women. The process culminated in the development of a policy document which became known as the National Policy for Women's Empowerment (1990).

The second process was the development of the Women's Charter for Effective Equality (referred to in this chapter as well as the Women's Charter), which was a set of demands developed by the Women's National Coalition (WNC). As discussed in previous chapters, the WNC, formed in 1992, was instrumental in influencing the democratic state agenda by outlining a set of priorities that the state needed to pay attention to.

Through participatory means and broad consultation, the WNC developed a Women's Charter, which was to become a cornerstone and a critical point of reference for advancing gender equality in South Africa. It foregrounded the vision of women's rights in South Africa and, as discussed in Chapter 5, provided a framework of rights which needed to be translated into clear policies and programmes that would affect women's quality of life. The process of developing this framework was characterised by meaningful political participation of a broad mass of women from diverse backgrounds across political lines, geographical location and so on. The women's charter served as a blueprint for women's interests in the

country. It informed how women's rights were to be framed in the new Constitution put in place in 1996.

Erlank (2005) characterises the Women's Charter, from the perspective of early 1990s, as an effective blueprint for measuring gender equality. However, Hassim has argued that one of the main failures of the Women's Charter was its limitation in dealing with the power imbalances in women's lives (Hassim, 2003a). In this, Hassim refers to the fact that the Charter did not explicitly address unequal power relations between men and women as a foundational principle. According to Albertyn and Hassim, one of the key failures of the Charter was the lack of recognition of unequal power relations as they manifest in the private sphere (Albertyn and Hassim, 2004). As a result, the Charter was characterised by fundamental contradictions within the movement which led to a series of compromises between what feminists within the movement hoped and the views of other interest groups.

The third process took place just after 1994 in the form of the Reconstruction and Development Programme (RDP), which was described by the then President Nelson Mandela as coherent, viable and widely supported (Reconstruction and Development Programme 1995: Preface). This process was informed by the RDP White Paper, the Reconstruction and Development Gender Policy. The RDP was an integrated, coherent socio-economic framework and an official government policy. It undertook an initiative to promote gender equality and produced what Goldman (2000) describes as a lengthy empowerment strategy (Goldman, 2000). The RDP was regarded by many actors as an effective blueprint for achieving social justice and articulating the role of the state in addressing gender equality.

Although this was not an official document, in that Cabinet had not formally endorsed it, it was nevertheless presented by South African representatives to the Beijing Conference as an official policy of the RDP process and an as incipient gender policy. As stated previously, the 1995 Beijing Conference had particular significance for the South African struggle for gender equality. It was also an important marker of how national and international struggles for women's rights were linked. The Beijing Conference marked a period during which women's rights were endorsed as human rights at a time when there was a global backlash against feminism and women's rights. What emerged from the Conference ultimately was a watered-down version of gender equality with less emphasis on transforming unequal gender relations and a strong emphasis on addressing women's poverty (Erlank, 2005).

Despite this, gender concerns were crafted within state-driven development initiatives in South Africa (Erlank, 2005). The new democratic dispensation brought about significant economic changes. A new economic policy framework was introduced. The Growth, Employment and Redistribution (GEAR) macro economic framework which was later adopted, formally replaced the RDP. The RDP document was perceived by many as a progressive document in the way it centralized the state role in achieving transformation. GEAR was considered by its critics to be a neo-liberal document which delegated the state's role in achieving social justice including gender justice. The priorities of the new government shifted and there was less allocation of resources to social spending (People's Budget Report, 2003). The burden of provision of services was shifted from the state to communities and poor working class African women were affected the most (Peoples Budget Report, 2003). The commitment to addressing socio-economic exclusion and promotion of women's rights was consequently weakened.

The fourth initiative preceded the establishment of the OSW in the Presidency, initially located in the Deputy President's office from 1997. One of the primary mandates of the OSW was to develop a national gender policy and to shape the gender mainstreaming agenda within government. The first attempt was the employment of a consultant on a short-term contract basis to assist with developing the gender policy in collaboration with the Commonwealth Secretariat and other non-governmental organisation experts. The final document was never made public. The OSW then sourced the services of a local consultant and a well-known feminist activist and gender specialist, Nozipho January-Bardill and a UN Economic Commission on Africa consultant. This led to the development of the National Gender Policy for Women's Empowerment and Gender Equality in 2000. The development of the national gender policy framework was significant in that it provided a formal framework for crafting gender transformation in the new democratic dispensation (Goldman, 2000).

Many women activists described the process of developing the National Gender Policy Framework as a technical process, which did not involve any meaningful grassroots participation of women. The final document was never officially published. Many non-governmental organisations (NGOs) are not aware of its existence and the implication that it has on their work (Interview 4, 2006).

After the one consultative meeting held with a few NGOs, including women's organizations and other components of the national machinery and government representatives, the document was again embargoed, preventing wider consultation. Insiders who participated in the meeting claim that there was no consensus on priorities and language used and on the fact that there was no meaningful participation with civil society (Interview 4, 2006). The document was later proposed by the Presidency for adoption by the Cabinet. However, since 2000 the National Gender Policy Framework has never been adopted as an official policy framework of the government, nor does it have any legal status. In essence, it remains a draft policy which makes its implementation in government strategy and policy positions optional. The legal status of the National Gender Policy renders it ineffective as there are no ramifications for lack of implementation

Furthermore, women's activists on a broader level have criticised the process by which the National Gender Policy Framework was developed, arguing that there was insufficient consultation with women outside the state. One interviewee indicated that the National Gender Policy Framework is an OSW document, rather than a government one, because of the lack of sufficient participation and engagement of key stakeholders in the development process and finalisation of the project (Interview 2, 2006). Hassim has also stated that the drafting of the National Gender Policy Framework was a closed process and few people had access to the document (Hassim, 2003a:327). The lack of ownership of the document by women outside the state has potential implications for its effective implementation. "Clearly, if women outside the state do not have sufficient knowledge and understanding of the NGPF, they cannot support policy institutions within the state to drive women's agenda from within. It is a lost opportunity" (Interview 4, 2006).

Despite the controversies surrounding the development of the National Gender Policy Framework, it was regarded by some women's rights activists as a significant step by the new government towards advancing women's emancipation and promotes gender equality. It provided a framework for ensuring that there was a gender mainstreaming agenda within government (Goldman, 2000). Important for the purpose of this chapter, it also provided a framework on how gender equality was understood by the post-apartheid state.

Overview of South Africa's National Policy Framework for Women's Empowerment and Gender Equality

This section examines the National Gender Policy Framework as the government's key gender mainstreaming strategy, and assesses key provisions underpinning the policy document. It then provides an analysis of its key provisions by providing an overview of the South African National Gender Policy Framework.

The National Gender Policy Framework provides the country's vision and plans for achieving gender equality through a framework of broad guidelines (National Gender Policy Framework, 2000). The main purpose of the Framework is to establish a clear vision and framework to guide the process of developing laws, policies, procedures and practices which will serve to ensure equal rights and opportunities for women and men in all spheres and structures of government as well as in the workplace, the community and family (National Gender Policy Framework, 2000).

In providing a contextual framework, the conceptualisation of rights is located in the acknowledgement of institutionalised racism which determines the extent to which people can access their full human rights and gain access to services (National Gender Policy Framework, 2000). In stating the problem which the policy is attempting to address, the policy makes mention more prominently of racism rather than gender inequality as key determinants of the ability of citizens to access their respect and dignity. "Respect for the dignity of individuals was determined by the colour of their skin and, further within the various racial groupings, by their gender designation" (National Gender Policy Framework, 2000:1). This is a theme that cuts through the document which makes the policy look one set up to address racism rather than gender inequality. The framing of women's marginalisation in the context of racism was historical. Hassim (2003) states, "women's subordination and exploitation in South Africa was seen as part of the overall system of capitalist and racial domination".

The policy sets out guidelines for South Africa to take action to remedy the historical legacy of the apartheid regime by defining new terms of reference for people interacting with each other in both the private and public spheres (National Gender Policy Framework, 2000). It proposes that gender issues should be prioritised by being at the centre of the government agenda and not relegated to secondary status: "A move away from treating gender issues as 'something at the end of the day's business" (National Gender Policy Framework, 2000:1). The principle carried through by this sentiment is that gender equality will be at the centre of the transformation process within all the structures, institutions, procedures, practices and

programmes of government, its agencies and parastatals, civil society and private sector (National Gender Policy Framework, 2000). One of the key mandates of the new democratic government was to implement the transformation agenda by overcoming the legacy of racism from apartheid (RSA Government 10-Year Review, 2004). With gender being at the centre of transformation project for the new dispensation, it was unclear how this actually meant in both policy and practice.

While there is urgency expressed in the policy to address gender inequality, the goal still remains very broad and vague. The Framework identifies 13 main challenges facing women in South Africa and groups them into themes. These are the legal framework; poverty; health; violence against women; housing; welfare; land and agriculture; environment; economy; power and decision making; information and communication technologies; women's human rights and institutional mechanisms (National Gender Policy Framework,2000:9-19). Successfully translating these into practice would be the main indicators of government's commitment to women's empowerment and gender equality (National Gender Policy Framework, 2000).

In addressing these challenges, the policy seeks to:-

"create an enabling framework to guide the process of developing policies, procedures and practices which will serve to ensure equal rights and opportunities for women and men in all spheres and structures of government, as well as in the workplace, the community and the family " (National Gender Policy Framework,2000:20).

The policy outlines the principles underpinning its vision and mission, including equality between men and women; recognition of differences and inequalities amongst women; recognition of women's rights as human rights; customary practices as subject to gender equality; and mainstreaming gender equality (National Gender Policy Framework, 2000). The indicator for measuring progress in each area of work is based on creating opportunities and putting laws in place. Most of the indicators used in the section on principles are very broad and not measurable in terms of impact. Interestingly, the indicators measuring gender mainstreaming include resource allocation to programmes geared towards gender mainstreaming and putting in place policies and programmes aimed at mainstreaming gender equality (National Gender Policy Framework).

The framework for implementation of the policy includes the institutional framework which is tasked with three main objectives. These include: achieving gender equality for women as participants, decision-makers and beneficiaries in the political, social, economic and cultural spheres of life; prioritising the needs of those women who have benefited least from the system of apartheid; and transformation all national, provincial and local institutions by mainstreaming and integrating issues of women's empowerment and gender equality into their work (National Gender Policy Framework, 2000:26).

Most importantly, the NGPF outlines an integrated co-ordination framework and a process for gender mainstreaming. This section provides a detailed analysis of institutional mechanisms responsible for gender mainstreaming and outlining their responsibility. The responsibility of the OSW is to establish a Gender Management System (GMS) (See National Gender Policy Framework).The GMS has four pillars. These include an enabling environment which include political will; structures responsible for implementation including OSW; a mechanism which outlines tools such as gender analysis; and processes which include developing a national action plan and mainstreaming plan (National Gender Policy Framework, 2000:44). The identified pillars for the implementation of a successful gender mainstreaming agenda are critical.

The purpose of gender mainstreaming is perceived as both an internal and external process. The internal processes include promoting women's empowerment and gender equality in internal employment policies and practices (National Gender Policy Framework, 2000:40). The external mainstreaming process is seen as promotion of women's empowerment and gender equality in service provision (National Gender Policy Framework, 2000:40). Raising public awareness is regarded as both an internal and external gender mainstreaming objective. It sets out the skills required and concludes with outlining the monitoring and evaluation and resources required.

The policy identifies short term and long term priorities which will facilitate the process forward. These include the development of a national action plan in the short term. In the medium term, the policy seeks to develop a gender mainstreaming strategy which will support the implementation of the action plan. The long-term goal is the enactment of the national action plan (National Gender Policy Framework, 2000). To date, none of the documents (gender mainstreaming strategy and national action plan have been put in place.

The National Gender Policy is further weakened by the absence of action plans and clear targets or objectives (Holland -Muter, 2008).

The Framework sets out the key assumptions which underpin the strategy, and reveal how gender equality is conceptualised. It acknowledges that although South Africa is a middle income country[1], the majority of South Africans live in abject poverty or in fear of becoming poor (National Gender Policy Framework, 2000). What the policy does not explicitly acknowledge is the fact that it is not only abject poverty but high levels of inequality between and within groups that characterise South Africa. It acknowledges the inequalities that exist and prioritises meeting basic needs. It rationalises the prioritisation of basic needs approach as a strategy that should inform addressing women's poverty. To respond to these challenges, it proposes to advance basic needs which are closely linked to what is referred to as practical needs by feminist scholars (Molyneux,). The key challenge as pointed out by Walker on the Department of Land Affairs Gender Policy is that practical needs are solely defined in relation to women (Walker, 2005).

A basic needs approach measures absolute poverty and attempts to define minimum resources necessary for long term physical well being such as water, food, clothing etcetera (http://en.wikipedia.org/wiki/Basic_needs). The Framework states, "the "women's empowerment" approach tends to focus more on practical needs which in themselves are complementary to the "basic needs" approach reflected in the situational analysis", (SANGPF, 2000: ii). In essence, provision of basic needs is linked to contribution to women's empowerment and this is an indication of how women's marginalisation is conceptualised as deprivation as opposed to structural inequalities (National Gender Policy Framework, 2000). Achieving women's empowerment is linked to addressing women's practical needs which is viewed as a precondition of attaining strategic needs: "the focus on women's empowerment in this document affirms the satisfaction of 'basic needs' ('practical needs') as a necessary precondition towards the identification and attainment of 'strategic needs' (National Gender Policy Framework, 2000:ii). This presents one of the major contentions in feminist debates of presenting pitting strategic against practical needs and not regarding them as strategies that could be employed simultaneously (Kabeer, 1994).

The basic needs approach defines the absolute minimum resources essential for long term sustainability. It therefore focuses on food, sanitation and water among other necessities. The prioritisation of basic needs renders the National Gender Policy Framework ineffective

as a policy document merely seeking to address the practical needs of women. Although the focus on practical needs is critical, it is insufficient to change or transform unequal power relations between men and women, which is the source of women's disempowerment.

The Framework is aligned with relevant international, regional and national policy frameworks on gender equality, such as CEDAW (1979) and the BPFA (1995). In addition, it draws from South African national frameworks such as the Reconstruction and Development Programme (RDP) and the Women's Charter for Effective Quality (2002). The Framework intimates that gender mainstreaming should be driven across sectors rather than be sector-driven. It draws on the BPFA as an analytical tool because of its comprehensiveness. In this regard, and selects the 27 sectors of the South African government that are most relevant, so as to reinforce the inter-sectoral approach. However, the development of a specific sector policy that addresses the specific issues is left to individual departments, which are perceived to have intimate knowledge of the context. This measure is taken to preclude centralisation of development and implementation of the policy within the OSW. Centralisation, it is argued, would marginalise gender programmes in line departments and thus defeat gender mainstreaming principles, which are a gender mainstreaming principle, understood as the total integration of gender issues within a department. However, as international experience has demonstrated, in the case of gender there needs to be both institutional and political accountability. In the absence of this, the implementation of policy mechanisms becomes an optional process with no consequences for lack of implementation.

The document embraces the UN understanding of women's rights as human rights. It affirms that the customary, cultural and religious practices that are prevalent in South Africa are subject to the right to equality. It states that affirmative programmes prioritising women's needs should be developed and implemented, and that economic empowerment of women should be promoted. The document emphasises policies and practices that will impact on women's ability to access basic needs, the economy and decision-making. It notes the need to identify key legislation that will contribute to the empowerment of women.

The National Gender Policy Framework outlines key challenges facing South Africa that are paramount to achieving a society free of racism and sexism such as unequal power relations (though not explicitly mentioned), poverty, globalisation, HIV and AIDS, violence against Women, access to basic services, employment, land, and economic empowerment (National Gender Policy Framework, 2000). The policy acknowledges that these issues have

compelling gender dimensions which should be addressed to attain gender equality. Its key strategies focus on resource allocation and changing how people relate to each other (National Gender Policy Framework, 2000). However, the policy does not reflect on the structural causes of these inequalities, which are fundamental to understanding women's inequality.

In addition to identifying the key challenges facing South Africa, the principles and guidelines outlined in the NGPF are important in understanding how gender inequality is conceptualised. The central driving principle of the national agenda was the integration of women's concerns into the national transformation agenda, which included the non-sexism and non-racialism principles entrenched in the Constitution. The policy also states that there should be an understanding that women are not a homogenous group. This principle is a cornerstone of all policies and programmes aimed at gender equality as it ensures consideration of diversities such class, race, sexuality and disability.

According to the Framework, the NGM and in particular the OSW is the driver of the implementation of the National Gender Policy Framework on Women's Empowerment and Gender Equality. It makes reference to the Nairobi Forward Looking Strategies of 1985, "which called for appropriate government machinery for monitoring and improving the status of women... where it is lacking" (Nairobi Forward Looking Strategies Report, 1985) and the BPFA which linked gender mainstreaming with the establishment of national machineries with clear mandates, authority and sufficient resources.

The BPFA called for the creation of national machinery at the highest levels of government for the advancement of women (Beijing Platform for Action, 1995). In addition, it calls on governments to ensure that the machinery have the ability and competence to influence policy and formulate and review legislation. The National Gender Policy Framework has developed specific objectives which include "to set appropriate priorities, targets, the time frames and performance indicators, conduct a gender analysis of existing policy" (National Gender Policy Framework, 2000:1). To date, in 2008 a gender mainstreaming policy has not been developed and there are no clear targets that government is working towards this.

The Framework calls for an "efficient machinery be set up at national and provincial levels and in public and private organisations to ensure that the policy is implemented" (National Gender Policy Framework, 2000:25). It states that adequate structures and resources are

critical for ensuring successful implementation. In addition, training is regarded as critical to enhancing knowledge, skills and attitudes in gender analysis, as is collaboration amongst key stakeholders. This is endorsed by the policy. However, recent research conducted by the Public Service Commission has highlighted that there is lack of clearly defined institutional frameworks necessary to facilitate the attainment of the vision of gender mainstreaming (Public Service Commission Report, 2006). The report makes specific recommendations that the national structures established to promote women's empowerment and gender equality need to be strengthened in order to provide the support and services required by government departments in implementing and monitoring gender mainstreaming (Public Service Commission Report, 2006). It alludes to the fact that there is a lack of knowledge about gender mainstreaming in most departments and across all levels, despite its being an essential requirement for all government officers (Public Service Commission Report, 2006).

The National Gender Policy Framework outlines an integrated and coordinated framework and process for gender mainstreaming including a coordination framework, which regards the OSW as the apex of the NGM in South Africa (National Gender Policy Framework, 2000). The OSW has a quality control responsibility of the entire programme while day to day management of the work rests with Gender Focal Points and provincial OSWs. In outlining roles and responsibilities, the policy is silent on where the overall political responsibility of gender mainstreaming lies. This is despite a mention that "The Presidency is accountable for the delivery of the National Gender Programme" (National Gender Policy Framework, 2000 pg). However, on the function of each key structure in the Presidency, including the Minister in the Presidency, Director General in the Presidency and OSW, no clear accountability lines are mentioned.

The gender mainstreaming process is centred on three main interventions. These are the promotion of women's empowerment and gender equality in service provision, regarded as external transformation; raising public awareness about gender in dealing with clients and stakeholders in the private and community sectors, including internal and external transformation; and the promotion of women's empowerment and gender equality in government internal employment policies and practices (National Gender Policy Framework, 2000). Nothing in the key interventions highlighted by the framework specifically focuses on institutional culture as part of internal transformation.

The policy further outlines the four pillars of the Gender Management System (GMS) which includes an enabling environment, gender management structures, gender management processes and a gender management system mechanism (National Gender Policy Framework, 2000). The main thrust of the policy framework appears to be creating an enabling environment to facilitate the full development of individual potential, working towards the achievement of equality of opportunity and equal treatment. The Framework expands on this by stating that equal opportunities will extend to access and share of employment, services and resources. The mention of equal treatment is qualified by stating that it does not necessarily imply the treatment of all men and women in exactly the same way but acknowledges that it entails the distinct needs of different categories of women and men (National Gender Policy Framework, 2000). The policy states that this might necessitate special programmes for the case of women and men with disabilities. It is not clear what are the criteria used to determine this category of special programmes. The approach reveals that gender is not understood as a consequence of unequal power relations between men and women. Instead of its being a transformational issue," it gets grouped with other issues which are considered marginalised" (Interview 3, 2005). Gender equality is not seen as core principle that needs to be reflected in all policy commitments.

It is stated in the policy that the pillars of the GMS will be informed by a National Gender Audit, and coordination will be enhanced by skilled personnel. Chapter 5 has shown that the national gender audit process was undermined by lack of implementation of recommendations. The key skills identified are gender policy analysis, understanding of gender mainstreaming, coordination and planning, advocacy, liaison networking and capacity building. While training is regarded as central to the implementation of the National Gender Programme, how political will, which is critical in the implementation of this programme, will be enhanced is not clear.

The National Gender Policy Framework includes a section dedicated to monitoring and evaluation which it proposes be done on an annual basis. It identifies short and long term indicators, with the former focusing on the extent of institutionalisation of a gender perspective in sectoral policies and the latter being the long term impact of the policy on gender equality (National Gender Policy Framework, 2000). Despite not having developed specific gender policies for different sectors, the Framework has developed generic indicators (National Gender Policy Framework, 2000). One of the indicators was the development of the national action plan.

The Framework concludes with a section on resources but does not mention the specific costs of implementation. It mentions that the costs involved will need to be incorporated into existing departmental budgets. The policy further states that this will be achieved through re-prioritisation of spending and efficiency savings. It is stated that resources required to implement the policy should be incorporated in the formal budgetary process (National Gender Policy Framework, 2000). The Chief Financial Officer from the office of the Presidency admitted to parliament that the allocation of resources to the OSW was a guessing exercise (Parliamentary Monitoring Group Report, 2007)

Location of gender equality in the post apartheid state

According to Moser, it is critical to understand how organisations understand the concept of gender equality (Moser, 1995). Furthermore, it is critical to understand the process of institutionalisation of gender concerns within an organisation (Moser, 1995). This section provides an analysis of the conceptualisation of gender equality in the post-apartheid state as reflected in the National Gender Policy Framework. It is important to explore how gender inequality and women's subordination are understood, and what strategies have been put in place to address these. The chapter assesses how gender inequality has been conceptualised in the SANGPF by linking these to current feminist debates on gender equality. It extends this analysis to how the concept of gender equality is understood and defined, and what the implications of this are. The key issue explored is whether definitions of gender equality or women's empowerment refer to retaining the patriarchal women's identity, or whether there is real intention to change the structural inequalities that lead to women's oppression.

Gender equality as a goal and male standards as the norm

The SANGPF defines gender equality as follows: "The concept of gender equality as is used in this framework takes into account women's existing subordinate positions within social relations and aims at the restructuring of society so as to eradicate male domination. Equality is understood to include both formal equality and substantive equality not merely simple equality to men" (National Gender Policy Framework, 2000:21iv). Albertyn (1999) defines substantive gender equality as a process that is aimed at ensuring that both women and men get the same opportunities and benefits in social, political, economic and cultural

life (Albertyn, 1999). This definition acknowledges women's subordinate position in relation to men, and puts emphasis on the eradication of male domination. The vision of gender equality, as articulated in the National Gender Policy Framework, is based on a society in which women and men are able to realise their full potential and to participate as equal partners in creating a just and prosperous society for all (National Gender Policy Framework, 2000). However, the strategies that are used to achieve this are less clear. There is reference to a set of principles underpinning the gender policy which include, "equality between women and men" (National Gender Policy Framework, 2000:21). Thus the understanding of gender equality is influenced by liberal underpinnings of creating opportunities and rights for the homogenous woman.

The indicators for measuring the programme's application include access to resources on an equal basis with men and sharing resources in all aspects of their social, economic, political and cultural experiences on an equal basis with men. The policy limitation in this regard is the failure to interrogate male standards as the norm. The policy demonstrates a limited understanding of gender equality and women's empowerment. In most instances, women's empowerment remains defined within the ambit of maleness. There is implicit acceptance of male values and positions as the norm. The focus on gender equality puts emphasis on measuring equality with existing male standards rather than focusing on creating a society whereby unequal power relations are changed. Key performance indicators to measure progress towards gender equality include, "The extent to which women participate in political decision-making," (National Gender Policy Framework, 2000: X). The focus becomes the numerical representation of women in decision making and not meaningful participation and representation of their interests.

No clear sexed beings defined in the policy

The policy refers to achieving gender equality between men and women. It is unclear who the policy is targeting and on what basis. The focus appears to be on ensuring that men and women are visible so that no one is left out (Walker, 2005). The ambiguity of the policy's language is problematic as it strives to use the acceptable language of 'both men and women'. Gender is either equated with both men and women or women. It is unclear under which circumstances it refers to both men and women and when it refers to women. The section highlighting challenges facing South Africa makes specific reference to the situation

of women as it relates to poverty, globalisation, violence against women and HIV and AIDS. Despite explicit acknowledgement of women's conditions as a consequence of unequal power relations between men and women, the interventions that are proposed do not specifically target women's subordination. The emphasis is on the achievement of equality for women as active citizens, decision-makers and beneficiaries in the political, economic, social and cultural spheres (National Gender Policy Framework, 2000). This is a result of what Walker terms, 'the slippage from gender to women' (Walker, 2005). In this regard there is no clear basis or criteria that determine when the policy is targeting gender, what is gender and when it is focusing on women and what is the underlying basis.

Although the Framework is concerned with gender, it focuses however on issues concerned with women and their empowerment (National Gender Policy Framework, 2000). It is not clear how the policy intends to address the persistent culture that shapes unequal power relations which contributes to women's disempowerment. The focus appears to be on women's marginalisation only. The criticism of this is that it does not lead to transformation of unequal power relations between men and women. There is a tendency in the document to refer to gender as if it were identical to women, or to collapse or make reference to both men and women at the same time: "Ensures equal rights and opportunities for women and men in all spheres and structures of government, as well as in the workplace, the community and the family" (National Gender Policy Framework, 2000:4-5). Although the policy makes an explicit acknowledgement that gender is not about women only, it does not provide sufficient explanation on why the focus is on women. The historical legacy of apartheid appears to be the dominant causal factor of women's discrimination (National Gender Policy Framework, 2000).

Women as a homogenous group

Although it makes a disclaimer about women not being homogenous group, the policy document does not explain in detail which women are being referred to all the time. There is a broad, vague reference to women such as, "The constitution acknowledges that to promote the achievement of equality, measures designed to protect or advance categories of persons disadvantaged by unfair discrimination. Women comprise such a group of persons who, because of unfair discrimination, require special legislative and other measures to facilitate the achievement of full equality as citizens of South Africa" (National Gender Policy Framework, 2000, 2000). In this definition, one is not certain whether the

definition of women appears to be normative and excludes issues of identity such as sexual orientation. There is overt acknowledgment of class identify than there is for sexual orientation. According to one interviewee, the NGM has not taken the issues of hate crime against lesbians seriously (Interview with Susan Mutter Holland, 2008). There are no specific measures in the policy that have been put in place to address such crimes. This is despite explicit mention under the 'principles' that women differ according to factors such as race, disability, class, culture, religion, sexual orientation and geographic location (National Gender Policy Framework, 2000,2000).

The policy clearly states that it needs to target women but not which women, and why those women in particular need to overcome historical imbalances and how this should be done. Rather there is a blanket reference to women, who are assumed to have similar needs and interests. The strategies that are employed focus on equal rights and decision making strategies discussed below. Under the monitoring and evaluation section, the primary indicators included are:

- Women's enhanced access to resources for economic development
- Women's earning power and their involvement in the economy
- Reduction of women's vulnerability to social injustice such as poverty, HIV/AIDS and violence
- The extent to which women participate in political decision-making
- A change in attitude to women and enhanced recognition of the value they add to
- society
- Women's access to professional opportunities (National Gender Policy Framework, 2000, 2000:47).

However, while the participation and representation of women in decision-making is important, a focus on solely this strategy is short-sighted and has serious shortcomings. It underscores the impact that patriarchy as a system plays in perpetuating the structural inequalities between women and men (Walker, 2005). The strategies that are employed simply put women in positions of power without creating an enabling environment that would ensure their effective participation. The consequence is that while institutions and governments succeed in having a critical mass of women, the impact of their numerical presence is not necessarily translated into meaningful gains for women. This is what Gqola

terms as a “contradiction at the heart of South African democracy” (Gqola, public seminar; 2008).

The contradiction that Gqola refers to is at the centre of the national debate on the nature of unequal power relations between men and women in both the private and public spheres in South Africa. This is because of the intersection with other forms of inequalities such as race, class, disability, sexual orientation and the fact that these diversities define the extent to which people are able to enjoy the fundamental human rights enshrined in the Constitution.

Equal opportunities and equal rights

The SANGPF outlines the development of laws, policies, procedures and practices that will guarantee rights and opportunities for women and men. The Framework promotes human rights for all, recognises diversities, positions women’s rights as human rights and states that customary, cultural and religious practices are subject to the right to equality. It also focuses on the public/private divide, integrity, affirmative action, economic empowerment and mainstreaming gender equality (National gender Policy Framework, 2000). The SANGPF indicates the achievement of equality for women as active citizens, decision-makers and beneficiaries in the political, economic, social and cultural spheres of life as key priorities (NGPF, 2000). The emphasis here is on the liberal project of providing equal opportunities and rights. As stated earlier however, women are treated as a homogenous group. It is hoped that the provision of equal opportunities and treatment will be translated into the achievement of substantive equality. As argued by many scholars however, representation and legislative frameworks are limited in addressing the issue of substantive equality (Mtintso, 1999; Erlank, 2005; Gouws, 2005a; Hassim, 2006).

The policy is underpinned by the liberal view that promotes individual rights without necessarily making provisions to address structural inequalities that exist. The vision and mission of the policy state that it is to “create an effective enabling framework to guide the process of developing laws, policies, procedures and practices which will serve to ensure equal rights and opportunities for women and men in all spheres and structures of government as well as in the workplace, the community and the family” (National Gender

Policy Framework, 2000, 2000: 41). The goal appears to be the provision of equal universal rights to both women and men. This is not only problematic; it also conceals women's subordination in relation to men.

As Erlank (2005) argues, this ambiguity in addressing both men and women relates to the emphasis on liberal political gains for women's advancement, including the representation of women in political decision-making positions and legislation aimed at promoting the rights of women. The strategies that are employed focus on increased representation of women in decision-making, a strategy that has been criticised for assuming that women are all the same and that the representation of women will automatically lead to improvement in the lives of all women (Phillips, 1993; Mtintso, 1999). Both Phillips and Mtintso have highlighted the limitation of this approach as it does little to address issues of substantive gender equality. The focus on individual women, rather than the system of oppression, is a fundamental limitation. The Constitution provides universal rights to everyone but it is still dependent on the individual to access these rights. Hence, in the NGPF, gender equality is defined in terms of equal opportunities to men.

Gender Equality versus racism

The Constitution enshrines the rights of women and recognises the intersection of other forms of inequality including race and class. South Africa's first progress report on the BPA states that the gender programme was developed and implemented within the context of a national transformation process aimed at creating a non-sexist and non-racist society (South Africa First Progress Report on BPFA Report, 2000). However, the NGPF has a stronger emphasis on racism. Erlank (2005) argues that this is a result of the assumption by the ANC that addressing racial inequality will consequently address gender inequality. This fails to acknowledge that gender oppression can exist independently of racial oppression (Erlank, 2005).

Linked to this is the problematic notion of equating racism with sexism which has been influenced by the ANC ideology as a liberation movement which sought to overcome racism. As a result, women's rights issues are not framed as feminist concerns but are couched in the language of broader development goals. The language of women's rights is hidden in broader assertions about the national democratic revolution, transformation and the

eradication of racism. There is no attempt to challenge existing development frameworks as a basis for women's oppression.

Poverty as the source if inequality

The policy links women's oppression with poverty, but does not state why women are poor. This approach is in line with anti-poverty approaches adopted under the Women in Development approach. In this framework it is poverty, rather than subordination, that is viewed as the source of inequality (Erlank, 2005). The policy focuses on achieving welfare provisions; representation of women in all spheres of life, policies and programmes; increased numbers of women in decision-making and in public service; and resource allocation for mainstreaming gender equality (National Gender Policy Framework, 2000). Welfare provision is identified as key in addressing women's poverty. This reflects a feminist concern pointing out to an increasing understanding of women's subordination beyond being seen only as welfare issue. In this the solution in policy provision appears to be increasing welfare provision while unequal power relations remain unchallenged.

Gender mainstreaming in South Africa, integrationist or transformative?

As discussed in Chapter 4, gender mainstreaming in practice exists in two forms (Jahan, 1995). The first originates from efforts aimed at promoting the rights of WID during the UN's first Decade for Women. The rationale is framed on the integration of women and men into existing development frameworks (Jahan, 1995). This integration, according to Kabeer (1995) and Elson (1991), is superficial and does not challenge fundamental causes of women's marginalisation or challenge the unequal gender relations between men and women. As discussed in Chapter 5, this approach impacts little on achieving gender equality. The emphasis is on women's immediate survival needs, focusing on their immediate needs and not on strategic needs. The various WID approaches, such as the welfare, anti- poverty approaches, largely resemble the integrationist approach.

The second form of gender mainstreaming is a progressive one, which seeks to support and encourage women's agency to shape their development needs. Jahan (1995) suggests that the integrationist approach could be replaced by a more transformative gender mainstreaming that would seek to carve spaces for development and re-shape them. Most

importantly, it would be informed by an understanding that gender relations and other intersecting diversities, such as class and race, are the starting point. This requires analysis and understanding, which will then inform policy priorities (Jahan 1995).

A transformative gender mainstreaming approach uses different strategies to achieve the goal of gender equality. This includes, where necessary, developing women-only projects (answering their practical needs), but also ensuring that women's long-term benefits (strategic needs) are central to the development agenda. The nature of development should promote inclusion and participation of women in development processes (Jahan, 2005). The key is that while this approach recognises the needs arising from women's positioning due to the sexual division of labour, it also works towards transforming unequal power relations and changing the women's status in society. This analysis draws from Molyneux's (1986) distinction between women's interest as either strategic or practical gender interests. These different interests can help to formulate the specific needs that must be addressed by policy and programme mechanisms. Kabeer (1994) argues that the separation of interests and needs is critical for planning purposes. Gender interests are defined as interests that women and men develop in the context of their social positioning in society.

Women's interests vary across different contexts as well as within the same context due to social, cultural, or economic and other variables. The distinction between practical and strategic gender is critical to understanding policy-making and must be is crafted within the theoretical debates around gender policy development. Strategic gender needs consider the subordination of women to men, and identify the key issues relating to the structure and nature of the relationships between men and women. Practical gender needs are based on existing socially acceptable roles and do not seek to change the status quos. Central to a transformative gender mainstreaming approach is the participation and meaningful contribution of women in ensuring that their needs are taken into account. It also needs to ensure that the needs identified are most relevant to women. The promotion of gender equality is based on targeting both short-term, practical needs and the underlying causes of structural inequalities.

Gender mainstreaming in the SANGPF is defined as a goal-orientated process that recognises that most institutions, consciously and unconsciously, serve the interests of men. It encourages institutions to adopt a gender perspective in transforming themselves and

promotes the full participation of women in decision-making so that their needs move from the margins to the centre of development planning and resource allocation (National Gender Policy Framework, 2000).

The South African mainstreaming strategy is aimed at integrating gender into all government policies and NGM institutions. The OSW, in particular, is seen as a vehicle for achieving the goal of gender mainstreaming in government. The main strategy is the integration of gender into all government policies. This might explain why government has been successful in promoting the representation of women at both decision-making and civil servant level, but has done little in improving the lives of poor women (South African 10-year Review Report, 2004).

The development of the NGPF was preceded by the implementation of good examples of gender mainstreaming processes that were aimed at transformation. The Women's Budget Initiative (WBI) is an internationally acclaimed model of gender mainstreaming and was discussed in Chapter 5. The initiative was a response to the need to ensure that the new government could show the impact of interventions aimed at women.

The WBI in its attempt to examine the gender impact of key aspects of the total budget on welfare, education, work and housing was a good example of transformative gender mainstreaming. The analysis provided useful information on the gendered nature of the allocation of resources, who benefited and who did not. However, as mentioned in the previous chapter this tool was dropped with not much explanation. The point therefore is that the problem with gender mainstreaming is not necessarily lack of ideas about what to do, but rather lack of commitment to advance women interests.

The South African National Gender Policy's strategy on gender mainstreaming rests on three pillars. The first seeks to promote women's empowerment and gender equality in ensuring service provision. The second raises public awareness about gender in dealing with service recipients who the majority are women and other stakeholders, and the third emphasises that women's empowerment and the promotion of gender equality could be achieved through internal employment policies (National Gender Policy Framework, 2000).

There is an interesting feature that reveals the integrationist nature of the National Gender Policy. In measuring long term indicators, the policy makes specific reference to societal attitudes, beliefs and cultural practices which affect women negatively. Short term indicators measure individual capacity building, human resource management and the development of institutional mechanisms and process. A closer analysis of the indicators is even more interesting. For example, the short term indicator for the target of increased representation and/or access to management and leadership for women include, “increased proportion of women in senior government positions”. The long term indicators are very similar: “increased representivity of women, especially at professional and managerial levels”. There is no indication of progression or an attempt to move beyond the numerical representation of women to demonstrate change of attitude and cultural practices in this regard. With this particular target, which is located in the WID framework, the policy falls short of addressing the strategic gender interests of women in decision-making.

The NGPF states, "Given high levels of inequalities which pertain to the South African context, the focus on women’s emancipation in this document affirms the satisfaction of ‘basic needs’ as a necessary precondition towards the identification and attainment of strategic needs” (National Gender Policy Framework, 2000). This suggests that the WID approach informs the key focus of this policy which it is hoped will result in the achievement of the gender equality goal.

Formal equality versus substantive equality

The National Policy is framed within the constitutional provisions guaranteed by the Constitution of the Republic of South Africa. As Gouws (2005b) has stated, the South African constitution a liberal document offers universal rights which can be accessed by individuals. Manicom (2005) states that the Constitution provides the opportunity for substantive equality and does not only focus procedural equality (Manicom, 2005). It is couched in the liberal rights framework which guarantees rights as long as citizens claim them through engagement with the state. Manicom argues that there is less value placed on community and collective needs. She argues that collective needs only are taken seriously when they are taken to the courts (Manicom, 2005). The main criticism of the liberal rights framework is that while rights are made available to everyone, not everyone can necessarily enjoy them. The South African state appears to have advanced liberal rights by putting in place an arena of policy mechanisms to address discrimination and marginalisation of women. In a way it

has managed to institutionalise some interest, which as discussed in Chapter 2 is an indication of state willingness and openness to serve as a vehicle for advancing gender equality.

Policy as an accountability measure

The key provisions of the National Gender Policy Framework are not enforceable. For instance, the development of the NGPF appears to have largely used a top-down approach. Abrahams (2004) argues that top-down developmental assumptions and utilitarian approaches to women's public participation continue to inform the development of gender policy in the Third World (Gender Advocacy Programme, 2004). These are reflected in the highly prescriptive language of the policy and the divorcing of policy from practise (Gender Advocacy Programme, 20004). The extent to which the South African NGPF reflects this criticism is a matter of interest for this chapter. As earlier indicated, the process of developing the final policy was insufficiently inclusive. That has resulted in limited awareness about its provisions and as a consequence civil society organisations hardly use it as an accountability measure. The manner in which the NGPF was developed is an indication of a trickle down approach to women's subordination. Many scholars have argued that this approach does not work (Kabeer, 1994; Moser, 1995; Pearson and Jackson, 1995).

In outlining the situational analysis and problem statement, the NGPF provides "a global view of the critical issues that impact on South Africa's progression towards gender equality" (National Gender Policy Framework, 2000). These, it argues, originated from the legacy of apartheid which created structural inequalities manifesting in policies and programmes which impacted on women's lives. The policy document identifies a range of gender-related challenges that the new government needs to overcome to advance women's interests. Although it claims that it draws largely on previous mechanisms such as the Women's Charter and RDP, the development of the first national gender policy was a lost opportunity. This is because there was no proper consultation and engagement with women on what their aspirations and interests were.

It should be acknowledged that the government has already put in place progressive legislation to promote equality between women and men regardless of race, class, disability and sexual orientation, which protect the interests of women and men in the family, criminal justice system, employment, health and education (National Gender Policy Framework,

2000). The policy identifies key themes such as women and poverty, education, health, violence against women, housing, welfare, land rights economy environment, power and decision making, information and institutional mechanisms (National Gender Policy Framework, 2000). A striking element of the analysis of women's needs and interests is the universal approach to them, which assumes that women are a homogenous group. This is despite the fact that South Africa has diverse socio-economic conditions, which makes the generalisation of these experiences problematic, particularly in relation to policy formulation.

The policy document further states that specific sectoral issues will be addressed in particular sector policy documents. This prevents the gender equality agenda from changing rules that shape or contribute to various forms of inequalities. It removes it from day-to-day issues such as goals, staffing and procedures. Goetz (1995) emphasises this point by stating, “There is a need to interrogate patterns of administration and rule from a feminist perspective”. Shifting the responsibility to sectoral departments was not going to result in sudden consciousness of key implementers, challenging women’s subordination.

As one interviewee pointed out, what could not be done in the President’s office had no chance of surviving at departmental level (Interview no 4, 2006). This refers to the location and authority of gender focal points (GFPs) at departmental level. While some of the departments have had some successes, others developed gender mainstreaming policies that do not relate to the departmental objectives or priorities, rather treating the gender mainstreaming project as a separate project (Holland-Muter, 2008). The OSW in the President’s office has, in theory, more political authority to enforce processes and influence agendas, ensuring that gender mainstreaming is at the centre of departmental plans. However, the absence of a national action plan which would outline clear targets weakened the SANGPF as a policy document. Shifting the gender mainstreaming agenda to sectoral departments removes the institutional authority which makes gender equality a central programme. The OSW has limited staff and does not have the capacity to monitor implementation at departmental level. In addition, the structural make up allows for shifting of responsibility with no clear accountability lines (Interview 2, 2006).

Gender policies are critical documents in all types of institutions as they craft the institution’s vision for gender equality. Gender policies communicate institutional priorities on how they seek to address gender inequality. However, Afshar (1987) states that in Third World countries, the impact of gender policies have been insignificant compared to other

mainstream development policies. This has been a common feature of many development discourses, where gender policies have failed dismally to respond to women's marginalisation. This is due to the fact that they are not integrated into mainstream policies. This is exacerbated by the fact that there are no appropriate budgets for their implementation.

Although there is an intention to prioritise gender concerns in the policy framework, "not wanting to treat gender issues as 'end of the day' business", the nature of its design suggests that it is not a central document. There is no mechanism to ensure that gender will not be relegated a secondary status. This problem is demonstrated in Walker's (2005) paper on assessing the Department of Land Affair's gender policy document. She suggests that although this policy expresses consistent commitment to gender equality, it is very general and does not provide guidance on decisions that shape land reform (Walker, 2005). Similarly, the National Gender Policy espouses commitment to gender equality but does not provide guidance on how what needs to be done in achieving gender equality.

As stated by Vetten, the Domestic Violence Act was weakened by the fact that it was not allocated resources for implementation and the National Gender Policy Framework has suffered a similar fate. Vetten (2005:292), referring to the Domestic Violence Act of 1998, argues that "Budgets reflect government policy priorities and are a useful barometer of the extent to which political commitments are translated into fiscal commitments". She further states that the failure to support national and constitutional commitments with budgetary commitments represent one aspect of a weak political accountability to women (Vetten, 2005).

Conclusion

This chapter has provided an overview and analysis of the South African National Gender Policy Framework on Gender Equality and Women's Empowerment (2000). The central issue that the chapter has examined is whether the policy is consistent with feminist thinking or not. In doing this, it explored the understanding of gender equality and women's empowerment which are central for the Framework. Rather than focusing on an evaluation of the policy, it has focused on analysing its key provisions.

The Framework is a key strategy document developed by the Office on the Status of Women to craft government strategy to promote gender equality. While the previous chapter looked at the institutional mechanisms and the extent to which they have enabled women's rights to be at the centre of the post apartheid state, this chapter focuses on how this inclusion has been facilitated on a conceptual level.

It is evident that the post- apartheid state has relied on the liberal approach to promote the rights of women in South Africa. This has been done through various mechanisms including constitutional provisions, legislative frameworks and the representation of women in decision-making positions. As argued in this chapter all these strategies are critical, but limited in ensuring attainment of substantive equality.

The manner in which the National Gender Policy Framework has been conceptualised has been critiqued by feminist scholars and activists for a number of reasons. The first relates to the policy's attempt to address gender through a developmental approach which delinks gender with feminist concerns. This was largely influenced by the framework which the ANC used to understand women's oppression

Secondly, the shift from the ideals of the Reconstruction and Development plan to the adoption of the new macro-economic framework meant that the social justice ideals were watered down. This shift witnessed the emergence of a liberal understanding of political gains. The emphasis become more about individual women and how they would access their rights through law making processes, or be represented in decision making systems, with less focus on challenging the political discourse that was oppressive to a majority of women.

The National Gender Policy Framework for Women is a weak policy document primarily as a result of how gender inequality is framed. The policy is located within a WID framework with strong inclination to either define women's subordination in the context of the ANC national democratic revolution or as struggle to overcome racism. The fact the implementation of the policy is not budgeted for, demonstrates limited political will and as suggested by Vetten (2005) weak political accountability to women. The South Africa Gender Policy became a new addition to a museum of well written policies that do not offer the women of South Africa much except the promise of substantive equality.

Chapter 7- Conclusion- Post-apartheid state mixed fortunes on advancing gender equality

Introduction

This chapter draws conclusions from the South African experience of using the state as a vehicle to advance gender equality, and outlines theoretical implications of that. It reflects on the central question raised in this study about the assertion that the South African National Gender Machinery (NGM) provides a good model for state-driven interventions on gender equality. It restates arguments raised in the previous chapters. It presents the main conclusions drawn from the study, and then highlights areas for further exploration in relation to the state's role in advancing gender equality. It concludes by reflecting on the implications of this study for the current debates on the NGM and the global community.

Main analysis and arguments

The study examined the strengths and weaknesses of the South African National Gender Machinery in government, the Office of the Status of Women. It also assessed how gender mainstreaming has been interpreted by the South African government using the National Gender Policy Framework for women's empowerment and gender equality.

Chapter 1 introduced the research question noting that South Africa has been perceived as an as an international success story in relation to how to use the state as a mechanism to achieve gender equality. The chapter noted the international literature on the use of the state to achieve gender equality and the initial South African literature on the NGM. It explored the period of transition to democracy and the opportunity that it created for feminist and women's rights activists in South Africa to institute their claims within the state. The chapter acknowledged the critical role played by women's rights activists in demanding that the new government recognise and promote gender equality and described the mechanisms that were put in place by the post-apartheid state to represent women's interests. It noted that the South African model is very broad and thus the focus of this study would be limited to the institutional mechanisms in government. With regard to the focus on the Office on the Status of Women, its location in the Presidency provides a useful case study for assessing whether this has translated into a political effectiveness. The OSW is mainly responsible for developing and implementing a gender mainstreaming mandate within government and for

coordinating the NGM. It was primarily responsible for the development of the South African National Gender Policy Framework for Women's Empowerment and Gender Equality. The focus on the Office of Status of Women enriched the research process by providing it with interesting information on of putting in place institutional mechanisms including policy mechanism to advance the interest of women in the post apartheid South Africa.

Chapter 2 located the study within theoretical debates on whether the state can be an effective vehicle through which to advance change. It presented main themes and concepts which framed the study. The chapter noted that the state is a contested terrain for feminist scholars and activists and there is no consensus on its acceptance as a vehicle for advancing women's interests. The chapter noted varied understandings of the state by different feminist strands which they argued that the state is either a patriarchal entity; or a neutral set of institutions; or a reflection of class. It discussed recent examples or models on the state that have been used in different countries and contexts to support the promotion of women's interests. The chapter argued that the state does not necessarily serve any particular interests be it man, class or women. However, it is accepted in the chapter that the state actively reconstructs unequal power relations between men and women. It further stated that the openness of the state to influence by actors outside the state, which could be used to advance women's interests where these interests as Gouws(2005b) has stated that they can be articulated, constructed and maintained. To achieve this, however, there is a need for a strong relationship between state and non-state actors, political commitment and fully resourced institutional mechanisms dedicated to promoting women's interest.

It further noted that within the United Nations formal processes, the state is seen as a central focus of action. This led to states adopting different strategies to advance gender equality. The changing role of the state as understood by varied feminist scholars has evolved from one where it is not viewed as central in the promotion of gender equality to an understanding that the state is not a fixed entity that serves particular interests but rather that interests are constituted within the state (Pringle and Watson, 1992). This understanding of the state has led to different strategies which reveal how women's needs and interests have been understood within the ideology of the state. The chapter stated that the representation of interests within the state was a contentious issue in feminist literature. It asked whether the focus should be on needs, interest or rights, and noted that the focus has direct implications on women's agency.

Chapter 3 explored the emergence of the National Gender Machinery (NGM) in 1975, the same year which the United Nations General Assembly declared as the International Year on Women and Development. In addition, the UN dedicated a decade between 1976 and 1985 to highlighting efforts aimed at ensuring the improvement of the status and rights of women. It highlighted the main strategies brought about during the decade for women which included the promotion of representation of women into decision-making in various levels of government machinery. The NGMs were central in effecting representation as they were conceptualised as institutions within government structures that would have the dedicated capacity to promote women's interests. However, decades later there were indications of uneven success of NGMs across the globe. Reviews undertaken just before the Fourth World Conference on Women in Beijing in 1995 indicated these weaknesses. The reviews revealed that NGMs did not have sufficient political power, were unclear about their mandates and had inadequate resources to contribute to the advancement of gender equality (United Nations Economic and Social Council Report, 2005). In addition, the performance of NGMs was negatively impacted by their failure to forge strategic relationships with civil society organisations (Economic and Social Council Report, 2005). The weak relationship of NGMs with women outside the state in turn limited the political authority of these structures (Ofei-Abeogye, 2000). The recognition of the poor performance of NGMs, with strong lobbying from women's rights activists, resulted in a decision being made during the Beijing Conference to strengthen the institutions. The Beijing Platform for Action noted that although there was progress in that NGMs were established by almost all member states, the problems associated with unclear mandates, lack of adequate resources, lack of training and lack of data for planning remained persistent.

The chapter highlighted the emergence of a global women's movement which brought attention to the need to interrogate unequal power relations as the fundamental source of women's inequality. There was recognition that the NGMs would not be in a position to achieve their mandate without tackling the cultural practices and norms that perpetuated discrimination against women within institutions. This new thinking gave prominence to the gender mainstreaming strategy which it was hoped would strengthen institutional responses by addressing unequal power relations and through this achieve transformation. At the Fourth World Conference on Women, gender mainstreaming was adopted as a strategy for strengthening the NGMs.

The chapter stated that the establishment of the NGM in South Africa took place under different conditions. There were unique features which would enhance the project of gender equality. These included a vibrant women's movement; a wealth of international experience; state willingness and openness to women's claims; and the high number of women represented in government. This gave rise to hopes that the state could be an effective vehicle for promoting gender equality. There was a sense that the country was in a different space politically and otherwise, and thus NGMs would flourish. The period of transition to democracy, which marked a heightened level of activism by non-state actors, presented opportunities for them to influence the state's agenda. The women's movement under the stewardship of the Women's National Coalition (WNC) seized the opportunities and made sure their demands were articulated in the new state formations.

The fourth chapter discussed gender mainstreaming as an international strategy associated with NGMs. This strategy has its roots in critiques of previous strategies which, as Pearson and Jackson (1995) argue, were uncritical of mainstream development approaches and simply focused on the integration of women. The initial policy responses conceptualised women's marginalisation as the problem, overlooking the fact that development was problematic as it shaped women's experiences. The Women in Development (WID) approach, which informed this analysis, was criticised by feminist academics because of its inability to question mainstream development as the source of women's marginalisation and the aim only of integrating women into existing development frameworks. WID influenced the liberal approach of extending opportunities to women as a strategy that would ultimately address women's subordination. This created tensions between different types of feminists within and outside the United Nations. Liberal feminists were convinced that creating opportunities for women within the state would address their marginalisation, while Third World feminists were particularly critical of this approach by highlighting the impact of developed countries policies on Third World countries in particular women. The criticism of mainstream development began to illuminate clearer how unequal power relations between women and men, interfacing with race, class issues were shaping women's experiences differently and there was a need to develop policy responses that sought to address this rather than focusing on women's marginalisation only. As a consequence, the gender and development (GAD) approach was promoted by a more radical section of the global women's movement (Pearson and Jackson, 1995). The chapter argues that while gender mainstreaming is an international strategy, it is implemented and understood differently across the globe.

Chapter 5 explored the reasoning behind South Africa's modified version of the NGM. It described the NGM model and assessed its strengths and weaknesses. The Office on the Status of Women (OSW), located in the Presidency, has a coordinating role with the NGM and is considered the apex. The chapter considered the role of the OSW in facilitating and promoting the effectiveness of the NGM and argued that while the NGM framework might not be perfect, it was a hard won victory for civil society activists. The fact that the country has an NGM in place is a major achievement. However, the chapter showed this study suggests that the NGM had limited success in relation to promoting accountability for gender equality within government, achieving institutional authority, and enabling women outside the state to influence the NGM. The NGM in government has thus not overcome the problems associated with NGMs globally, and the assertion that it represents a good model could not be justified from this study.

Chapter 6 focused on the National Gender Policy Framework for Women's Empowerment and Gender Equality as an example of how gender mainstreaming has been interpreted in the South African context. It assessed whether or not the national gender policy was influential or consistent with feminist thinking. The chapter argued that the conceptualisation of women's marginalisation has been problematic for three reasons. Firstly, as suggested by Frank (2005), women's subordination was linked to the eradication of poverty. Secondly, the focus on the marginalisation of women disregarded socio-economic and political factors which perpetuate women's subordination; and lastly the National Policy Framework for Women's Empowerment does not have accountability measures to enforce implementation.

Mixed experiences of using the South African state as a vehicle to advance gender equality

Period of transition to democracy

The period of transition to democracy in South Africa is important for this study. The period offered new opportunities and a belief that the state could be used to marshal feminist gains. According to Hassim (2006), the state entered into an agreement that it would pursue a women's agenda. During the early years of democracy, the state put in place one of the most revered constitutions in the world, passed progressive legislation, ensured a high representation of women in senior decision-making positions and established an integrated

set of institutions located in different sites of the state. These institutions formed part of the NGM aimed at representing and articulating women's interests within government. The establishment of a multi-layered NGM in the form of the OSW was also an attempt by government to define the gender mainstreaming strategy.

The presence of a strong women's movement under the banner of Women's National Coalition (WNC) must be credited for some of the gains in the state. The movement mobilised millions of women in the country to define what their needs were and how they wanted the state to respond to these needs. This massive and diverse movement led to the adoption of the Women's Charter for Effective Equality in 1994. Although there was no consensus on some aspects of the charter, it remained a symbol of many women's aspirations, power and agency. Some of the demands in the charter were included in the country's first Constitution and the National Gender Policy Framework for Women's Empowerment and Gender Equality.

The role played by international women's rights movements in shaping the new agenda in South Africa cannot be underplayed. The Fourth World Conference on Women took place at the time South Africa was ushering in its new democracy. The Beijing process and the period of transition to democracy created a sense of euphoria that the state could be marshalled for women's gains. On the surface, there seemed to be genuine commitment by the state to advance the rights of women. However, as shown in this study, closer analysis reveals broad and vague commitments to gender equality by the African National Congress (ANC). The economic changes brought by the shift from Reconstruction and Development (RDP) to the Growth, Equity and Redistribution (GEAR) macro- economic policy were quite significant and had an impact on how the state positioned itself. This had a direct impact on the extent to which the post-apartheid state would achieve social justice. The framing of the gender equality project was located in this context of a liberation movement.

It is acknowledged in the study that over the past 15 years there have been significant gains for the women's movement in advancing gender equality through the state. These include the representation of women in senior leadership positions including the presidency and legislature, and the formal legal mechanisms aimed at protecting women's rights. In addition, a myriad of progressive rights are entrenched in the Constitution and there are legislative frameworks aimed at guaranteeing the rights of all persons irrespective of race, colour, and class. The impact of advanced policy and institutional design on the lives of women is a

critical question in South Africa. There are indications that there has not been much progress in implementation (Holland-Muter, 2008). While there are strong commitments to promoting women's empowerment, these are not readily translated into practice.

A package of Institutions

Chapter 3 noted the establishment of the National Gender Machineries (NGMs) as a significant step in opening the state for promotion of women's interest. However, it has been noted in this study that the task of NGMs to promote and protect gender equality within the state has not been an easy one. Putting in place institutional mechanisms for representing women's interest has had varied and uneven success. An international assertion has been made that NGMs with sufficient authority are in a stronger position to negotiate the contradictions between policy and practice (Ashworth, 1995; Ofei-Abeogye, 2000).

The litmus test was the extent to which the NGM framework overcame or reproduced problems associated with NGMs globally. Many international scholars and activists viewed the South African new democracy as presenting opportunities for advancing gender equality. Although the country's constitution guaranteed the right to equality, the extent to which women could realise these rights was always contested. There was evidence of political commitment from senior government leaders in some of the public statements they made denouncing gender inequalities. However, the translation of these broad commitments into meaningful gains for women has been a challenge. Despite what may seem mixed success on the project of gender equality, the biggest achievement has been the visibility of the gender discourse albeit with different interpretations in the public domain.

Post-1994 state and the liberal agenda

The strategies aimed at achieving gender equality that have been put in place by the South Africa government in the past 15 years of democracy on gender equality have been underpinned by the liberal rights discourse with emphasis on the provision of rights and opportunities for women. The framing of women's marginalisation has been influenced by the liberal feminist understanding of people who are denied opportunities and rights. As discussed in this study, these strategies included representation of women in senior decision-making positions, provisions in the Constitution and putting in place a myriad of legislative frameworks.

The first problem relating to this is the South African government's overall approach to women's equality, and particularly how women's interests and needs are defined. In most instances, top-down approaches, which have been proven not to work, are used. These approaches deny women agency. The emphasis on the representation of women politicians appears to be used sometimes to justify neglect of women's issues and a top-down approach. It is assumed women know more and have insight into the lives of other women and are therefore in a position to represent their interests. Women as a group are regarded as homogenous with similar needs and the same interests. As shown in this study, this understanding has been heavily contested as an effective strategy that to ensure the representation of women's interest within the state. As argued by Mtintso (1999) and Phillips (1993), the representation of women in senior decision-making positions is an important strategy is but limited in ensuring that women's interest are represented within the state. Mtintso argues that representation of women in parliament does not translate into meaningful representation of women's interests as women do not have shared interests (Mtintso, 1999). The proportional representation system allows for collective party decisions to be made as opposed to individual decisions. Women's rights or feminist activists who are representatives have to influence their own party agenda and negotiate feminist interests within the overall party interests. There are instances where this has been done successfully such as during the Termination of Pregnancy Bill debates in 1998, while during the Customary Bill this strategy did not work. In both instances, party interests overtook individual interests.

The voices of feminists from within state structures have further been weakened by the absence on an organised women's movement. This would legitimise representation of individual feminist women inside state institutions, as shown by the Australian experience (Rankin and Vickers, 1995) where the close collaborative relationship of female bureaucrats and independent women's movements sustained claims within the state. In the absence of this relationship, the representation of women in decision making as a strategy to represent women's interests is flawed. The political leverage shifts the agenda and makes the state more accountable to women.

This limitation of the representation of women in government is that it does not provide space for women to articulate which interests they want to be taken up by the state. It is assumed that women representatives will be in a position to do this on their behalf.

In addition to the representation of women, the promulgation of laws regarded as the guarantor of rights to everyone, also forms part of the central strategy. However, the insufficient allocation of resources to implement is a major challenge. Translating paper rights into meaningful change which improves the quality of life and status of women has been very difficult. The rights guaranteed whether in the constitution and legislation are not automatically realised or accessed. There are processes that women in particular have to follow to access these rights. It is when the notion of rights is examined in this way that the limitations of the rights-based approach are revealed. In most instances, women encounter discriminatory practices targeted at them precisely because they are women. The tension between what the policy stipulates and how officials responsible for its implementation interface with the policy is a good example of this. In many instances, it has been reported that both women and men have had specific gendered experiences when interacting with officials in government departments. For instance, under the provisions of the Domestic Violence Act, on applying for a protection order by both men and women does contribute to their safety.

These experiences of women and men reveal limited understanding by policy implementers of the gendered nature of violence. Women experience great difficulty in accessing the rights outlined in the Domestic Violence Act. Sexist attitudes of officials in the criminal justice system are just one of the factors which limit their ability to access their rights. The victims and/or survivors of abuse are confronted with sexist attitudes mainly from police officers and clerks of the court who question their contribution to the abuse by challenging man's authority. The provision of rights in practice is subject to the interpretation of policy implementers' which is shaped by their own values and norms, than fundamental human rights. These challenge present problems in ensuring access to rights for the targeted group whether it is an abused woman or man or a raped victim.

The rights framework also assumes that presiding officers have the ability to effect laws without any prejudice, and are objective. In a country which is characterised by endemic sexism, this objectivity is not possible. In order to respond to women's rights, there needs to be an interrogation of the contributors and a shared understanding of women's subordination. This will uproot institutional practices that contribute to women's marginalisation including rules, policies and procedures and challenge the cultural underpinnings that influence decision-making to the benefit of men. A feminist interpretation

of liberal rights is required which would ensure that gender is a political project as opposed to being only a developmental project. A call for government to go beyond representation of women is sought to deal with the intricacies of sexism, which contribute to women's subordination.

The South African government has embarked on a programme to achieve formal equality for women. However, there need to be concrete steps which will ensure that we do not only showcase the number of women in political positions.

Post apartheid state and gender: Not walking the talk

The performance of the post apartheid state on gender has been characterised by many activists as full of contradictions. There is a sense as argued by Erlank (2005) when writing on tensions within the ANC of broad, vague commitments to gender equality. The commitment to gender equality has taken the form of establishing mechanisms, as mentioned above. What this has meant in practice however, is for example, that issues concerning gender equality may be included at the beginning of a speech but there would be no reference to gender inequalities or to specific commitments. An example of this is the pronouncements made by government on violence against women, particularly during the period of the Sixteen Days of Activism. While we hear of government's commitment to eradicating gender violence however, there is a failure to allocate adequate resources for the implementation of policies. This is what Vetten (2005) has described as the lack of political will. Another example is the Sexual Offences Act which took eight years to be finalised by Parliament in a country regarded as the rape capital of world. These are some of the examples that have characterised the post-apartheid state.

The decision to change the economic policy of the government from the Reconstruction and Development Programme to Growth, Equality and Redistribution (GEAR) had a profound effect on the state's ability to achieve gender equality. As stated in Chapter 6, this changed the ambition of government from the radical goal of achieving social justice to addressing poverty. Some scholars have argued that the adoption of the Washington Consensus[1] had devastating consequences for the South Africa state's ambition to achieve social justice. Instead, the implementation of GEAR has been criticised for widening the economic inequality gap between rich and poor within and between groups of people.

These inequalities have been exacerbated by a limited understanding of what constituted women's marginalisation had reproduced and reinforced women's subordinations in an unprecedented way. This is also characterised by sustained deprivation of capabilities, choices and power necessary to ensure the enjoyment of these fundamental rights. The typical policy responses as a result of this limited analysis of women's inequalities has resulted in the creation of public works programmes for women with poor working conditions and payments.

This study argues that the South African government's commitments to gender equality have been weakened by limited political will to enforce gender equality. The limited conceptual clarity on the gender equality project in government which links gender with poverty eradication, and the limited resources allocated for the achievement of gender equality, are some of examples demonstrating the lack of political will. As a consequence, gender equality goals have been marginalised both institutionally and conceptually. Women activists often claim that the establishment of the NGM was fast-tracked so that government would be seen to be taking gender commitments seriously.

The study further argues that the NGM in South Africa was a victory for the women's movement. Without denying the continuing efforts of the NGM in government to achieve gender equity in South Africa, it is important to take stock of gains made in the post-apartheid dispensation. There have been considerable victories for women's participation generally and a high level of women's participation in politics has been assured**.** While this chapter recognises the importance and the significant role that the NGM has played, there are indications that the NGM in government has not overcome the problems associated with similar machineries elsewhere. The assertion by international actors that the South African example is a good model of how the state can be used to advance gender equality cannot be justified. I argue this on the basis that the NGM, although advanced and integrated, lost the opportunity to use the state effectively as a mechanism to channel women's concerns. I argue that firstly the NGM has not maximised and benefited from its integrated nature. The problem of overlapping mandates poor relations between the structures of the NGM and in particular the OSW and Commission on Gender Equality (CGE) have weakened the effective functioning of the machinery. As stated in the Public Service Commission Report (2006) report there are tensions about who is responsible for driving gender mainstreaming in South Africa and a lack of clarity on how these institutions complement each other.

The NGM has suffered similar problems experienced by NGMs globally, including the limited resources allocated to it for implementing its agenda. Reporting to the Joint Committee on the Quality of Life and Status of women (JMC) Portfolio Committee in 2007, the OSW reported that their annual budget allocation was R1.1m which the Chief Financial Officer admitted to arriving at through guessing the budget needs of the OSW (Parliamentary briefing by the OSW, 2005). The OSW and gender focal points lack the political authority to hold anyone accountable to the government commitments to gender equality. This is because most gender focal points are appointed at relatively junior levels, even though there have been repeated calls to appoint them at senior levels.

Engagement with civil society organisation

At the time that the gender machinery was being established, there was a vibrant and diverse Women's National Coalition which engaged with the nature of the structure required to advance women's interests within government. The strength of the coalition was that it represented a range of political positions but still managed to agree on some key fundamental principles in promoting gender equality. This process climaxed with the adoption of the Women's Charter for Effective Equality (WCEE) in 1994. The WCEE reflected some of the women's movement's claims for the new democratic dispensation. One of the key demands was an effective strategy within government which would promote women's interest within the state.

By the time this study was conducted, the WNC had collapsed and there are no real women's or feminist movements in South Africa. However, there are strong sector movements around issues such as gender violence, HIV and AIDS, and health. Coordination and collaboration is still a major challenge within and across sectors working on women's rights. This presents a challenge for government regarding how to engage effectively with loose structures of civil society. Limited resources within the OSW present another challenge to ensure that civil society actors, irrespective of their geographical base, are reached. Many civil society organisations are also operating on tight budgets as they depend on limited donor funding which makes it difficult for them to engage with the OSW.

The lack of a unified women's movement raises two key challenges for this study. First, in the absence of a unified movement only an elite group of well-resourced organisations are able to participate in the processes such as the National Gender Forum. Secondly, it impacts

on the ability of women's organisations outside the state to exert political influence and centralise their claims within the state. Rather, engagement with the structures of the OSW and government is on a technical level which has, however, resulted in some political gains in the form of policy changes. However, the South African experience has shown that developing policy mechanisms is one thing and implementation of them is quite is another.

The absence of a strong women's movement outside the state weakened the NGM as it was not politically driven by women outside the state. Participation of civil society organisations through the National Gender Forum has been uneven. However, those who have participated have found the space to be useful for engaging with the business of the state.

Engagement with civil society organisations has been problematic. Even though there has been some engagement with organisations through the National Gender Forum, this has been weakened by limited interaction with broader civil society or women's rights networks. The National Gender Forum represents a handful of organisations mostly based in urban areas, while organisations in rural provinces have not engaged with this process. One of the key factors which have led to this situation is the limited resources available to enable the OSW to engage in a meaningful manner with civil society organisations. The few that the National Gender Forum has engaged with are well known organisations that have assisted in keeping the issues of violence against women in the public sphere and have successfully lobbied for policy reforms. They are well resourced and affluent.

Institutional accountability measures to promote gender equality

The South African state has put in place accountability measures to promote gender equality such as legislation, the representation of women in decision-making structures, and the NGM. The contradiction at the heart of South Africa's democracy is how a society can be so progressive with regard to legislation and the NGM and yet experience so many challenges in implementation. One of the key indications from this study is that the challenges of implementation relate directly to weak accountability mechanisms.

As the experience of the NGM has shown, there has been limited accountability by government on gender equality. There has been a lack of a dedicated budget for dealing with gender issues. Personnel in the gender directorate and gender focal points have been

appointed at low levels; and there is a general lack of knowledge about gender and gender mainstreaming. These issues indicate that even though there is commitment to gender equality, there is no follow-through to ensure that it is translated into practice.

As argued in Chapter 5, one of the fundamental elements of accountability is an organised constituency which will use struggles within the state to demand political accountability. This has the potential of shifting the state's agenda to ensure that women's rights or interests become key priorities. For instance, the Office on the Status of Women have for the past years encouraged gender training. Research conducted by Walker (2005) in the Department of Land Affairs shows that accountability is important in ensuring implementation of programmes. Despite the training of gender focal persons on gender, the recent Public Service Commission report has highlighted the limited understanding of gender mainstreaming as a key problem and that there does not seem to be an enabling environment for gender equality to be effectively implemented.

There are also signs of limited institutional accountability when it comes to the work of the OSW. Between 1999 and 2002, the office conducted two gender audits which recommended amongst other things location of gender focal points in senior positions within departments. Indications are that few departments appointed gender focal points at the recommended level, the majority being appointed at Assistant or Deputy Director level with limited authority or power within the departments they operate in (OSW Report, 2008).

Lastly, as been shown, the National Gender Policy Framework for Women's Empowerment and Gender Equality does not have an action plan and has broad indicators. The absence of a national action plan and specific indicators weakens the policy. Moreover this excludes the possibility that it could be used as an accountability measure across government.

Institutional Authority

The integrated nature of the NGM has not sufficiently increased the authority of these structures to represent women's interests against the dominant interest of the state. There are varied reasons for why this has not been achieved. The first relates to the overlapping mandates and duplication of roles, in particular between OSW and the CGE. The duplication of roles is a result of unclear mandates between these two structures and has resulted not only in confusion but also the wasting of limited resources.

Secondly, despite two gender audit reports recommending that the gender focal points be appointed at a relatively senior level, this has not happened. As most, including the head of the OSW, are appointed at a relatively junior level, they have little authority. The result is that they are constantly undermined within government departments. They are therefore unable to demand accountability from key people in departments such as Directors General on the allocation of resources to the work of promoting women's empowerment and gender equality or performance in identified areas of concern.

Thirdly, the NGM in government has been rendered in effective because of a limited allocation of resources including financial and human resources. The OSW is overburdened with many responsibilities and has limited staff. As a consequence, staff members are expected to take on many responsibilities.

Gender mainstreaming agenda

The process of challenging gender inequalities requires recognition of this process as a political project. These interventions must be aimed at dismantling dominant unequal power relations between men and women and addressing their contribution to women's marginalisation. It is also important to note that concrete analysis that informs policy or programme provisions should include an understanding of how unequal power relations interact with other issues such as race, class, geographic location, sexual orientation, or religion. Any successful transformation project must be based on an understanding of the construction of gender identities and women's subordination. In addition, leadership support is critical. This could be demonstrated in various ways, which include the allocation of resources including budget. Any political project must be validated by political will to ensure that it is prioritised and allocated sufficient money and/or resources to enable its effective implementation. Sufficient political support of the project includes leadership to ensure that there is adherence to agreed goals. One way that this could be done is by ensuring that all people who are responsible for the gender-mainstreaming project have a clear understanding of what is to be achieved.

One of the key strategies this should involve would be to treat gender equality as a goal and gender mainstreaming as a strategy. The distinction between the two is critical. The gender mainstreaming strategy should have explicit goals at every level. As has been demonstrated

in Chapter 6, lack of clarity leads to a simplistic interpretation of the gender-mainstreaming project. As Walker has argued, the simplicity leads to a direct interpretation which sees attainment of practical needs for women as something that is not entirely good while strategic needs are seen as an indication of strong commitment to promoting gender equality. The achievement of different sets of need is not seen as a concurrent process but a question of choosing one instead of the other.

This presents particular challenges for policy implementers as they tend to be confused about who the policy should target. The most common question that arises out of this is when it is appropriate to refer to men and women when talking about gender and when it is suitable to refer to women. The lack of conceptual understanding of gender and gender inequality results in blurring the meaning of gender as a concept. The result is a delinking of the policy goals from feminist concerns with addressing unequal power relations between men and women which are the source of women's subordination. This leads to superficial interventions which do not bring about meaningful change to women's lives.

It is difficult to measure the progress that has been made on gender mainstreaming in South Africa. Firstly, there has not been analysis of the impact of gender inequality on women and men which is used to inform policy choices. Secondly, the integrationist approach to gender mainstreaming has resulted in prioritisation of practical needs at the expense of transforming cultural practices and beliefs within institutions that perpetuate discrimination against women. This has been a key weakness of the gender mainstreaming framework as well as the fact that there is no gender mainstreaming policy except for the National Gender Policy Framework which is a broad framework

Gender mainstreaming as interpreted by government has not been influential or consistent with feminist thinking. The provisions of the National Gender Policy Framework are weak in terms of the understanding of gender equality. The emphasis is largely on women's marginalisation and the eradication of poverty as the source of this marginalisation. The policy does not attempt to unpack unequal power relations as a source of women's marginalisation. This study argues that this emphasis on women's marginalisation has led to a misguided conceptualisation of women's inequality. The influence of the liberation struggle to overcome apartheid and racism has also overshadowed the conceptualisation of gender. The study has also argued that the National Gender Policy Framework does not include

accountability measures. It is an optional policy which, while including useful indicators, has no specific resources allocated to implement the policy.

Mixed fortunes

International literature has provided valuable lessons on the key challenges facing feminist activists in advancing gender equality. While the South African situation presented an opportunity for the state to overcome the challenges that had been experienced globally the country's experience reaffirms the international experience that what is required to strengthen successful strategies for advancing gender equality is for it to be a political priority for governments. Without this commitment, the ideal of gender equality is a lost opportunity. The South African experience has presented missed opportunities.

The process of institutionalising women's interests within the state created many opportunities, the country having benefited from international experience. It was presented with a framework to guide its own process. The Office on the Status of women was located at the highest level, and it was provided with a clear mandate. However, what has emerged from this study is that the conceptualisation of the gender equality agenda within the state coupled with limited resources prevented the new agenda from being put into effect. These factors impacted on the level of institutional accountability and authority which are essential for the advancement of gender equality by the state. The limited, unstructured engagement with women outside the state has weakened the effectiveness of the OSW.

There are current debates in South Africa on the institutionalisation of women's interests because of the poor performance of government to effectively address gender equality. The question is whether a women's ministry would overcome the challenges which contribute to the limited success by the state in advancing gender equality. Will a women's ministry overcome the apparent institutional and political obstacles that have thwarted the efforts to pay effective attention to gender equality? However, this question is not only a South African problem. It is a global issue that needs to be resolved.

APPENDIX _Interview Letter

Dear

Ref: Request for an Interview

My name is Ayanda Mvimbi, a part time student at the University of the Witwatersrand, enrolled for Masters in the faculty of Humanities and under the supervision of Professor Shireen Hassim. I am writing to you to request your time for an interview as I think you are one of the most suitable people to inform my thesis research (see working title below). I anticipate that the interview will take up to an hour.

Working title of the study: Can the state be an effective vehicle for change: A Case study of the Office on the Status of Women in South Africa.

The study is looking at the National gender Machinery. I would like to interview you about what you think works and what does not and how you think things could be improved.

As part of data gathering for the study, I am requesting to conduct an interview with you on the issues of the model and the South African government policy approaches to gender equality. The interview will cover the following areas:

- Your views on the bureaucratic authority, or lack thereof, of the national gender machinery to shape policy implementation for the benefit of women's empowerment;
- Your views on the NGM's (National Gender Machinery's) political authority to represent interests of women that may run counter the dominant or mainstream interests of the state;
- How has the NGM negotiated dual accountability to government and women outside the state;
- Your views on the level of commitment of the South African government to gender equality;

- Your views on the effectiveness of the creation of NGMs in enabling effective access for women to decision making in the public sphere;
- Your opinion of the South African government policy responses to women's empowerment and achieving gender equality as articulated in the National Gender Policy Framework.

I would appreciate if you are able to meet with me for this interview. I will call you in the next few days to ascertain when and where we could meet.

Yours sincerely

Ayanda Mvimbi

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