6 *The state of the national gender machinery: structural problems and personalised politics*

Amanda Gouws

Introduction

The institutionalisation of state mechanisms to enhance gender equality in South Africa was part of the negotiated settlement that led to a democratic South Africa. The acceptance of the need to establish a national gender machinery followed a long and hard struggle by South African women to put gender on the political agenda – gender had been made subordinate to the struggle for racial equality for many decades. It was also the culmination of the 'Women's Charter process' when women, with the help of the Women's National Coalition (WNC) (a broad-ranging women's movement consisting of hundreds of women's organisations across party lines), drew up the Charter for Effective Equality and handed it to President Mandela in 1994.

The WNC embodied women's claims for representation and voice in the new democracy. This engagement with the state in South Africa reflected a change in the women's movement away from intense suspicion of government towards greater acceptance and a view of the state that was permeable to women's interests (Hassim 2003). Apart from greater representivity through an increasing number of women being elected to state structures,[1] the national gender machinery (NGM) was set up to serve as the structural nodes through which gender equality would be effected.

The NGM consists of structures that have been created within the state and civil society and reflects the success of feminist activists, academics and grassroots women in negotiating a space for women within the state (also known as 'state feminism'). Considered to be one of the most integrated and advanced sets of structures worldwide, the NGM (see Figure 6.1 on p. 146) encompasses:

- The Office of the Status of Women (OSW) and provincial offices of the Status of Women;
- The Joint Monitoring Committee on the Improvement of the Quality of Life and the Status of Women (JMC);
- The Women's Caucus in Parliament;
- The Women's Empowerment Unit;
- Gender focal points (such as gender desks in each national civil service department which are tasked with gender mainstreaming and monitoring legislation) on national and provincial level; and
- The autonomous Commission on Gender Equality (CGE).

While the institutionalisation of all the structures took time and encountered some difficulties, when the machinery was up and running on a national and provincial level, a great deal of hope and expectation was placed on the ability of these structures to influence policy-making from a gender perspective, and to put women's interests on the political agenda. From the point of view of institution-building this was an important development. What the women's movement wanted was the institutionalisation of equality in the norms and procedures of government and to reduce reliance on political will for gender equality (Hassim 2003). The NGM was to provide the channels through which women would exercise policy influence with regard to women's interests, and would ensure women's participation in decision-making.

Now, nearly a decade after the founding of the first structures, optimism has waned and a degree of scepticism colours perceptions about the NGM. The main reasons for this change in opinion are the open conflict between some of the structures, the limited achievements of gender mainstreaming through the gender focal points, and an uneven engagement with women and women's organisations in civil society.

While the NGM was hailed as one of the most integrated and advanced structures in the world, it seems that its problems are related precisely to its comprehensive nature – structural problems tend to arise when many bodies have overlapping mandates. For example, it may be difficult for the NGM to fulfil its function as a watchdog when it is not autonomous from government (the JMC is a government standing committee). As Seidman (2003) points out, policy machineries in advanced industrial societies mainly focus on giving women a voice and representation but in post-colonial societies these structures

tend to be oriented more toward mobilising women and seeking to ensure their participation in gender projects, thus putting a double burden on these structures. To further complicate matters the NGM is beset with leadership problems and, in some cases, is seriously under-resourced. It is possible that these problems mask an underlying conflict about what a feminist vision for the NGM should be, or if the vision should be a feminist one at all.

One needs to question therefore what criteria should be used to assess the NGM in South Africa. In her assessment of the CGE, Cherry took 'areas of priority identified by the CGE' (2004: 4) and evaluated how the CGE had realised its mandate in relation to each one. This is a useful yardstick, but would be difficult to use for the purposes of this chapter, as every structure would have to be assessed independently. This chapter aims to consider whether the NGM has fulfilled the expectations of influencing policy and giving organised women's interests access to the decision-making process using an analytical framework developed by Stetson and Mazur (1995). This analysis is followed by a description of the work done to date by the various structures of the NGM and a brief assessment of some of the problem areas.[2] It must be borne in mind that the NGM is only eight years old. Some structures are even younger than that. In a sense, one should expect some teething problems.

Theoretical framework

The analytical model designed by Stetson and Mazur uses two theoretical dimensions to test whether, what they call 'national policy machineries' contribute to gender equality (1995: 14). These dimensions are:

- State capacity: to what extent do women's policy machineries influence policy-making from a gender perspective?
- State–society relations: to what extent do women's policy machineries develop opportunities for society-based actors – feminist and women's advocacy organisations – to access the policy process?

In order to determine whether state capacity and the state–society relations exist, Stetson and Mazur use the following variables:

- The *pattern of politics* surrounding the establishment of women's policy machinery. (Was it created by government, or through party political platforms or through efforts of women's organisations and feminist activists?)

- The extent to which certain *organisational forms* increase the likelihood that policy machineries will further feminist goals. (Is it a single, government bureau, an independent commission or a whole array of bodies?)
- The extent to which the *state has the capacity* to contribute to social change and women's policy machinery can draw on the state for resources.
- The extent to which there is a *coherent women's movement* supporting women's liberation or small divergent women's groups or a combination of the two.

In a comparative study of the national policy machineries of 14 industrialised countries in North America and Europe, Stetson and Mazur (1995) came to the following conclusions:

- First, machineries with a high level of success were all created under initiatives of social democratic governments that placed gender equity on their policy agendas (such as Australia, Denmark, Norway and the Netherlands) and where there was relatively strong pressure from moderate feminist organisations.
- Second, those countries that had a high level of success all had centralised cross-sectoral approaches and promoted gender mainstreaming. Other societies that had either only one structure or dispersed structures with no centralised co-ordinating office had less success with policy influence and limited civil society access was achieved.
- Third, countries with successful machineries brought societal interests into the state and all viewed the state as a major actor for dealing with social inequality. France, for example, is a powerful state but impenetrable to emerging social interests.
- Finally, countries that had successful machineries also had active feminist groups in which women citizens participated, as well as established trade unions and political parties. Radical feminist groups raised gender consciousness, while more moderate feminist groups put pressure on political party elites and politicians to take women's policy machineries seriously.

High access and high influence are therefore related to having a centralised structure concerned with gender equality and also to integrating gender-equity concerns into policy-making while involving women's organisations.

As the authors state in their conclusion:

> This study suggests that women's policy machineries will reach high levels of state feminism, on the one hand, when the state is defined as a site of social justice and has the structural capacity to institutionalise new demands for equality, and, on the other, when society sustains widely supported feminist organisations that challenge sex hierarchies through both radical politics from outside and reform politics in unions and parties. (Stetson & Mazur 1995: 290)

In the following section, I apply Stetson and Mazur's four variables to the South African context.

Determining state capacity and state–society relations

Pattern of politics

The establishment of the NGM was championed by civil society organisations in the form of women's groups that came together in the WNC. This alliance experienced a groundswell of support from 1992 to 1994 when the Women's Charter process culminated in the formation of the Charter for Effective Equality.[3]

During the public hearings for the final Constitution, feminist academics contributed to submissions, debating the pros and cons of different types of structures. The support for women's liberation that was vocally and visibly expressed during the period of transition and the formulation of the final Constitution thus formed the backdrop against which the NGM came into existence. This feminist presence opened a space in the state for women to increase their representation in government, also indirectly influencing the quota debate, which ensured that the African National Congress (ANC) accepted a one-third quota for women. The transition to a liberal democracy through which everyone, regardless of race, could claim rights opened the door for a gender-equitable agenda.
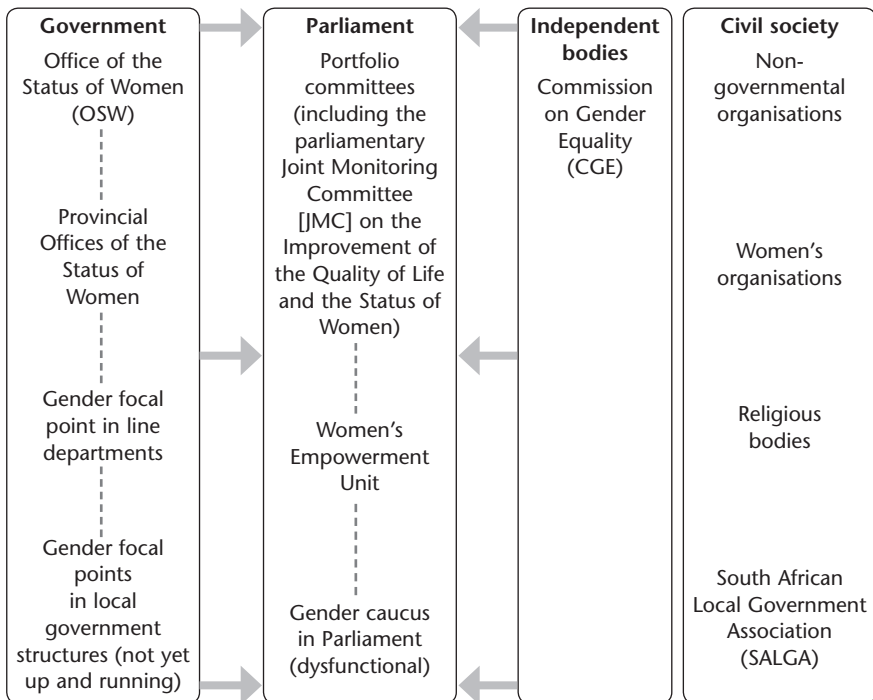
This first period during the Charter campaign and the negotiation phase saw women forming alliances across party lines but post-1994, when the ANC came to power, a shift occurred. Loyalties to the ANC and women's participation in the struggle against apartheid on the side of the ANC became an important marker of their capacity to fill positions in the government

and the national machinery. In some cases, political credentials replaced specifically gender-related qualifications or expertise when it came to appointments in the NGM.

Organisational form

The organisational form is an integrated set of structures (more integrated than gender machineries in most other countries) that should network between national, provincial and local government and women's organisations in civil society, thus implying vertical (OSW) and horizontal (CGE) accountability (the NGM still needs to be institutionalised at local level).

Figure 6.1 *Structure and components of the national gender machinery*

Government	**Parliament**	**Independent bodies**	**Civil society**
Office of the Status of Women (OSW)	Portfolio committees (including the parliamentary Joint Monitoring Committee [JMC] on the Improvement of the Quality of Life and the Status of Women)	Commission on Gender Equality (CGE)	Non-governmental organisations
Provincial Offices of the Status of Women			Women's organisations
Gender focal point in line departments	Women's Empowerment Unit		Religious bodies
Gender focal points in local government structures (not yet up and running)	Gender caucus in Parliament (dysfunctional)		South African Local Government Association (SALGA)

Source: Adapted from OSW (n.d.a)

The apex of the NGM is formed by the OSW which resides in the Office of the State President, giving it the authority and status to be able to co-ordinate and network with other structures in government such as the gender focal points in the state departments and the provincial OSWs.

The CGE is an independent statutory body with the aim of monitoring government, the private sector and civil society. The work done by the main organisations in the NGM is described in more detail later in the chapter.

Capacity of the state

The South African Constitution can be described as one of the most women-friendly constitutions in the world. It embodies the principles of non-sexism and non-racism. It has an equality clause that is interpreted to provide not only formal but also substantive equality. This clause includes 17 grounds on which discrimination may not take place, five of which are related to gender equality (sex, gender, sexual orientation, marital status and pregnancy). The same clause allows for justifiable discrimination through affirmative action. Women are one of the designated groups in the Employment Equity Act of 1999, through which they can claim affirmative action in the workplace.

Since 1994, the state has shown its commitment to gender equality in many different ways, such as the institutionalisation of the NGM as well as through a number of very important laws that have been passed by Parliament to improve the equality of women, such as the Termination of Pregnancy Act of 1997, the Domestic Violence Act of 1998, the Recognition of Customary Marriages Act of 1998, the Maintenance Act of 1998, the Labour Relations Act of 1996 and the Employment Equity Act of 1999.

Social welfare provisions for women have also been improved and equalised across race groups. Women can now access the child support grant, improved old-age pensions and grants for people living with disabilities. Since a large number of women and children live in conditions of extreme poverty, these grants are mostly aimed at improving the living conditions of women. After 1994, policy formulation in development-related issues was also influenced by gender concerns, such as access to land, water, housing, healthcare and public works programmes (Albertyn & Hassim 2003).

While women still battle with conditions that seriously hamper their gender equality, such as very high levels of gender-based violence, HIV/AIDS and customary practices that debilitate their autonomy, the state is seen as being sympathetic to women's equality and is actively involved in initiatives to change the lives of women.

Coherent women's movement

Prior to 1994, the WNC represented an alliance of numerous women's organisations around the single issue of the Charter for Effective Equality. Since then, the mobilisation of women's organisations has changed drastically. Women's organisations now organise sectorally around issues such as violence against women, reproductive health and poverty and the broader alliance of organisations has all but disappeared. Interaction with the state and the national machinery seems uneven. Those who are in close proximity to the OSW head office in Pretoria (such as Gauteng-based organisations) have a greater opportunity to attend the National Gender Forum (NGF) where the NGM interacts with civil society, which will be discussed later in the chapter. On the other hand the Rural Women's Movement has mobilised women in rural areas for submissions on certain Bills.

It is true, however, that there is no broad-based alliance that keeps the NGM accountable to their constituency or maintains pressure on government to deliver on gender equality. For example, it is curious that, in the face of the high mortality rate among women due to HIV/AIDS, no broad-based alliance among women has been formed around this issue.

This 'fragmentation' of women's alliances is common to post-transitional societies where, during the struggle to achieve democracy, women often form alliances as part of community-based organisations against oppressive regimes but when transition is achieved they start to rely on women in government to bring about changes in gender inequality. It seems that the institutionalisation of gender processes defuses the very important gender activism that sustained the struggle against gender oppression in the first place and leads to the marginalisation of women's organisations so that they do not exercise meaningful influence (Waylen 1996).

Given the fact that the state is recognised as being women-friendly and having a commitment to gender equality, combined with an integrated set of

state structures, the South African NGM should at least fall into the category of high state capacity, even if on the level of access it is less successful. The tension between exercising policy influence at the same time as mobilising women for a feminist agenda is one of the problems that plagues the NGM. This, combined with structural problems through which power is dispersed unevenly, as well as overly broad and overlapping mandates have contributed to a situation where the machinery is, at the time of writing, perceived to be conflict-ridden and in crisis.

A closer look at the three main structures of the NGM – the OSW, CGE and JMC – is necessary to highlight the successes that have been achieved even though these may now be somewhat overshadowed by internal conflict. The NGF will also be discussed.

The main structures of the national gender machinery

The Commission on Gender Equality

The CGE was established in 1997. It was brought to life through the Commission on Gender Equality Act of 1996, and comprises eight to 12 commissioners, some of whom may be part-time. Presently there are 12 commissioners.

The mandate of the CGE (2002/03) is wide-ranging and includes:
- Monitoring and evaluating the policies and practices of both government and private sector institutions;
- Public education and information;
- Making recommendations to government to promote gender equality, including suggestions for law reform and new legislation (with regard to personal and family law, indigenous law, customary practices and any other law);
- Following up complaints (it has the power to subpoena witnesses), investigating gender matters and complaints, and resolving conflicts by mediation, conciliation and negotiation;
- Monitoring government's compliance with international conventions;
- Submitting reports to government on gender equality.

The CGE started off using a consultative approach through information gathering and evaluation workshops. This indicated a commitment to consultative planning and an understanding of accountability to constituencies

of women. An evaluation carried out for the United Nations International Research and Training Institute for the Advancement of Women (Instraw 2000) viewed the CGE as successful in terms of building partnerships with women's organisations and with researchers, as well as engaging the media and raising consciousness around gender issues. While its budget has been small compared to that of the South African Human Rights Commission, donor funding helped with the financial shortfall (Instraw 2000).

One of the key weaknesses singled out in the Instraw evaluation was the issue of horizontal accountability – it seemed that the CGE showed a reluctance to challenge the government when there was backsliding on gender equality. But what the evaluation showed is that the CGE is unique in its monitoring capacity and that no women's organisation alone can fulfil this function.

Yet, while this 2000 report indicated that the CGE was performing well overall, the evaluation was completed before 2000 and by the middle of that year, the CGE was in such disarray it could not co-ordinate activities to commemorate Women's Day that year, and half of the staff and some commissioners had resigned or had been fired under acrimonious circumstances (Seidman 2003). Seidman attributes this immobilisation of the CGE to three factors:

- Its efforts to simultaneously represent feminist voices and to mobilise support for a feminist vision;
- Differences of opinions in the CGE with regard to promoting a feminist vision as opposed to doing gender-development work that risked diluting the feminist vision;
- Adhering to its broad mandate but focusing on rural women (which it had set out as one of its main aims).

Seidman concluded that by not working with feminists who were already organised, the CGE had created a target audience who acted like dependants in need of service delivery.

The CGE subsequently moved beyond this impasse by developing a more strategic focus and a plan of action focused on five priority areas: governance; gender-based violence; gender and poverty; tradition, culture, religion and sexuality; and gender and HIV/AIDS. Annual reports of the CGE for 2002/03 and 2003/04 suggest that the organisation has been active. For example:

- The CGE undertook research in all nine provinces on the local process of drawing up their integrated development plans, thereby monitoring integrated development planning in municipalities.
- In terms of advocacy, it convened workshops on gender and good governance in Limpopo together with the Independent Electoral Commission, the OSW and other stakeholders. A good governance summit was also held in Paarl with the aim of improving service delivery and the lives of underprivileged women.
- Together with the Gender Advocacy Programme and the non-governmental organisation (NGO), Gender Links, it launched the 50/50 campaign for parity in government. It also made a submission to the Electoral Task Team on the advantages and disadvantages for women of different types of electoral systems.
- A gender budget workshop was held with stakeholders on the Gender Budget. It also participated in a mock women's parliament organised by the Mpumalanga Parliamentary Women's Caucus and it held a Young Women's Indaba.
- It made legislative interventions and parliamentary submissions on the Promotion of Equality and Prevention of Unfair Discrimination Act of 2000, and convened the Consultative Conference on the Additional (Women's) Protocol to the African Charter on Human and People's Rights. It also made recommendations to the Second United Nations (UN) World Summit on Ageing, Gender and Older Persons.
- Its advocacy work included a meeting with social partners and stakeholders, including the Sex Worker Education and Advocacy Task Force and the Women's Legal Centre to discuss issues raised by the South African Law Commission's *Issue paper on sexual offences*. As part of its annual campaign to combat violence against women, CGE commissioners and department heads participated in many events during the 16 Days of Activism Against Gender Violence. It also organised workshops in all provinces to promote awareness on the plight of rural women in relation to poverty.
- In performing its oversight functions, it monitored implementation by the private sector of the Employment Equity Act of 1998, as well as the Maintenance Act where it acted as *amicus curiae* in a maintenance case before the Constitutional Court. It is also involved in monitoring implementation of the Domestic Violence Act of 1998. As such, it undertook

a domestic violence survey in Limpopo and, in November 2003, convened a consultative conference on gender-based violence in Bloemfontein and Upington and a summit with major stakeholders in Kimberley.

The CGE has also dealt with a large number of complaints. According to their 2003/04 annual report, the CGE received 2 137 complaints, disaggregated into the following categories: gender-based violence (23%), maintenance (24%), social welfare (7%), customary law (2%), labour-related (8%), divorce-related (4%), media-related (3%), enquiries (9%), employment (6%), and other (14%).

Clearly, in terms of its mandate of public education, consciousness-raising and advocacy, and dealing with complaints, the CGE is succeeding. It has also had success in networking with civil society organisations with an interest in pending legislation and been effective in commissioning opinions from well-regarded human rights lawyers. On some issues it maintained a progressive feminist position, for example, with regard to the Women's Budget Initiative, it held a feminist position on the recognition of unpaid labour and the importance of the role of women in the 'care economy' (Cherry 2004).

Cherry's evaluation, which used the five areas mentioned earlier to look at the effectiveness of the CGE, found that it was relatively successful in all five areas. She points out in regard to the CGE's critical stance on the Communal Land Rights Bill of 2004 and the Traditional Leadership and Governance Act of 2003 that it was effective through obtaining a strong rights-based opinion and forcefully presenting this to the parliamentary portfolio committee but nonetheless failed to prevent the passing of the legislation.

The Office of the Status of Women

The establishment of the OSW was approved by Cabinet memorandum in 1997 as the body that has to implement gender equality in government departments on national and provincial level. The main brief of the OSW on a national level was to develop a national gender policy. This task was completed in 2003. The OSW is situated within the Office of the President and reports to the Minister in the Office of the Presidency. This placement is important because it allows the OSW to draw on the authority of the President.

As the principal structure that co-ordinates the NGM, the OSW's mandate is to maintain a vibrant gender programme. Its functions include:

- Ensuring that each department implements the national gender policy;
- Ensuring that gender issues are routinely considered in departmental strategic planning, and ensuring that departments reflect gender considerations in their business plans and routinely report on them;
- Reviewing all policies, projects and programmes for their gender implications to ensure that departments provide and use gender disaggregated data in their work;
- Establishing mechanisms to link and liaise with civil society;
- Co-ordinating gender training and education in all departments;
- Monitoring and evaluating department projects to assess their gender content. (OSW n.d.a: 28)

Thus, the main task of the OSW is the promotion of gender mainstreaming in government departments through facilitating, monitoring and implementation. It is also responsible for monitoring government's compliance with international accords that the South African government has signed, such as the United Nations Convention on the Elimination of All Forms of Discrimination Against Women.

The OSW was successful in drawing up the national policy framework for women's empowerment and gender equality, even though this took nearly five years to complete. The route that the national OSW followed was to insulate itself from civil society while it consolidated its internal structures and processes. This process made it vulnerable to criticism (Instraw 2000). Another important undertaking of the OSW was the national gender audit (OSW n.d.b) that it undertook of national and provincial government levels during the period 1994 to 1998. The audit looked at the feasibility of the NGM system and the capacity of national and provincial governments to mainstream gender issues. One of the important findings of this audit was that there is a strong political will and a legislative framework in place that will mainstream gender within government but that this is not matched by the administrative will. On the contrary, gender initiatives are sometimes stalled and undermined by the administrative machinery. It also found that there is a general lack of clarity about accountability and reporting lines.

Provincial OSWs have been more active in developing programmes of action and instituting close links with civil society. While this process is uneven in the different provinces, the OSW in the Provincial Administration of the Western Cape is described as an example of a successful provincial OSW.

The provincial OSW in the Provincial Administration of the Western Cape

This OSW has created five programmatic areas:
- Policy development through which it developed a gender strategy base-line document;
- Public education and awareness raising, including involvement in Women's Day events and the campaign of 16 Days of Activism Against Gender Violence;
- Monitoring, evaluating and reporting – departments submit annual reports;
- Capacity building and training – including the development of a unique mainstreaming training package and opening spaces for the NGO sector to help with training, for example the Gender and Education and Training Network. The deputy director ensures that gender focal people are trained;
- Partnership building – one such initiative has been developed with SIDA a donor agency in Canada around gender focal points in which cost-sharing also occurs.[4]

Apart from doing gender mainstreaming inside the provincial government, this OSW also networks with the Cape Town Unicity and with different local governments. A metro-wide gender forum was founded where the OSW and the Unicity came together for workshops. A 'roadshow' was taken to local municipalities in George, Caledon, Beaufort West, Worcester, Moorreesburg, Oudsthoorn, Vredendal, and the Unicity where workshops were held with the aims of:
- Popularising and consulting around the gender equality and women-empowerment implementation strategy for the Western Cape;
- Identifying the needs of women in line with the national theme of '10 years of freedom – What has it meant for women?';
- Raising awareness and determining priorities for the establishment of new disability, youth and gender structures at district level;

- Improving the effectiveness of provincial co-ordination and strengthening existing gender structures. (Directorate Human Rights Programmes, OSW, Western Cape 2004)

The aim is to empower local structures to start their own gender desks. The OSW also co-ordinated a 'train the trainer programme' and developed a gender training course for public-sector managers, as well as assisted in the development of an organisational model for the provincial gender management system.

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

This structure was established as an ad hoc committee in August 1996 and later became the Joint Standing Committee on the Improvement of the Quality of Life and the Status of Women (now the Joint Monitoring Committee or JMC) when the need for a permanent committee was recognised (Instraw 2000).

The Committee has to make sure that the UN Convention on the Elimination of All Forms of Discrimination Against Women and the Beijing Platform of Action have been implemented and assess the extent to which departments have prioritised women's needs as well as the differential impact of spending on men and women. It also has to identify gaps in existing and proposed policy and legislation and identify key priorities for women – such as violence and customary law (Instraw 2000).

Since this Committee includes members of different political parties and is situated in Parliament, the question has been raised about the structural anomaly of it having to monitor the legislative process. Nevertheless it has been very successful in getting gender included in legislation and fast-tracking Bills that would have a positive impact on women's lives. With a Committed feminist such as Pregs Govender as the (previous) chair, the committee has been an example of what visionary leadership can do to enhance gender equality.

In a previous study (Gouws 2004) I tracked one piece of legislation to determine the influence of the NGM. My research showed that the input of the JMC was crucial in the making of the Recognition of Customary Marriages Act of 1998, with more limited inputs from other structures. This is an indication that the JMC can play a very important monitoring function in

government. The JMC has also hosted a number of key public hearings, such as on the Domestic Violence Bill and the Recognition of Customary Marriages Bill, and also played a central part in the Women's Budget Initiatives.

After the resignation of Govender as the chair of the JMC, and as a Member of Parliament at the end of 2002, the JMC has had a lower profile in government. It was practically dysfunctional in 2004, and seems to have lost momentum. The loss of Govender serves to highlight the importance of having dedicated and skilled feminists within the NGM.

The National Gender Forum

The NGF, which involves civil society in the work of the NGM, was created in 2003, and is co-ordinated by the national OSW with the aim of arranging meetings between the OSW, CGE, JMC and women's organisations once a quarter. When it first started it was highly successful in bringing the different structures together on a platform where information could be shared with civil society and where civil society could give inputs on its needs and interests.

If we look at these structures independently, each one seems to have successfully completed projects related to its mandate. The success rate is uneven but, in a sense, each structure makes a contribution to the struggle for gender equality through monitoring, advocacy, gender consciousness-raising and gender training. However, when we try to assess the relationships between the structures and how they interact with one another, a different picture emerges, one in which structural problems and differential power relations wreak havoc with the national gender project.

Structural problems

Between the structures of the NGM

While it is clear that the OSW, CGE and JMC have had great success with many of their projects that involve monitoring, advocacy and consciousness-raising and have managed to involve civil society, interviews I conducted with members of the NGM, civil society organisations that attended the NGF and consultants to the NGM,[5] show that the boundaries of the mandates of the three major structures in the NGM are not well defined. While overlap

may be the logical consequence of the monitoring function of all three of these structures, there is a lack of integrated planning where all three of the structures are present. This overlap also leads to different (and sometimes exaggerated) expectations.

Co-ordinating all these structures is the task of the national OSW. Research has shown that countries in the North with a centralised structure at the top that can effectively exercise authority and engage in cross-sectoral approaches have the highest state capacity, but in the case of South Africa currently, it has led to structural impediments because the top structure (the OSW) is not exercising the necessary authority in the NGM. These problems are compounded by personality clashes and personalised politics within some of the structures.

A lack of co-ordination is also apparent between the provincial OSWs and the national OSW. Initially the national and provincial OSWs held planning meetings where strategy was spelt out and mandates reviewed. These meetings no longer take place. It is argued here that the national OSW is in such an important position that if it does undertake timely strategic planning with the different structures in government and if it has visionary leadership, it could play a crucially supportive role.

The NGF was an admirable attempt by the OSW to get all three structures together and to involve civil society organisations. While these meetings were successful at first, now they are often cancelled, or major stakeholders arrive late or do not turn up. The NGF has been seriously weakened by conflict. In a few instances these forums deteriorated into shouting matches between major stakeholders to the great dismay of civil society organisations, some of which are now reluctant to even attend NGF meetings. A further problem is the lack of continuity in that different people are sent to represent the structures at NGF meetings. This creates frustration among those members who attend on a regular basis.

There is limited co-ordination and communication within the machinery. An example of this lack of communication was the preparation of the final document for the Beijing +10 meeting in New York in March 2005. While it was the responsibility of the OSW to draw up this report, there was no co-ordination with civil society organisations, who also prepared documents. The draft report for government was prepared in such a way that Cabinet rejected it and demanded its revision.

Information is located in different places within the NGM. Getting information from the OSW is important because of its proximity to power and the fact that it has direct links with the UN. It therefore has access to information that is not publicly disseminated. An attempt was made to address the problem of co-ordination within the NGM at the Gender Summit held in August 2001, which brought together the different structures and civil society. But despite the Summit, problems persist.

Within structures: the case of the Commission on Gender Equality

THE SPLIT BETWEEN NATIONAL OFFICE AND PROVINCIAL OFFICES

Because the mandate of the CGE, as defined by the Commission on Gender Equality Act, is so wide and the organisation is small, it is difficult to define the focus of its work. This problem is complicated by the fact that commissioners are national appointees but have to take responsibility for provinces. Where commissioners are allocated to provinces, their interests often shift to the needs and demands of provinces where projects are successfully implemented and stakeholders are better cared for. In contrast, when issues are referred to head office it often takes a long time to get a response (in some cases more than a year). Communication between head office and the provincial offices is often poor, and it is difficult for the CGE to take important decisions if head office and provinces meet in a plenary only once a quarter.

THE SPLIT BETWEEN COMMISSIONERS AND THE SECRETARIAT

There also seems to be a split between the secretariat (administrators) and commissioners (independent) within the CGE. It is unclear where the power resides. This split has resulted in clashes between the Chief Executive Officer and the chair of the CGE – the recent disagreement over which of the two should attend the Beijing +10 meeting in New York is just one example.

Another issue is that when commissioners are appointed it is expected that they will relinquish their party political membership in order to be autonomous. However, it seems that not all CGE members have done this, which tends to compromise the CGE's ability to be critical of government.

STRUCTURAL PLACEMENT OF GENDER FOCAL POINT APPOINTMENTS

While most research and recommendations have made it clear that people who are appointed as officials for the gender focal points should be appointed at high structural levels in the civil service, such as directors (Adams 2001), most have been appointed at very low levels and lack the necessary authority to enforce decisions made. This lack of authority, coupled with a lack of resources and skills, contributes to the less than optimal functioning of the gender focal points. If these focal points are the main strategic points from where gender mainstreaming is to be exercised the problems are self-evident.

The problem of communication

Apart from its lack of internal communication, the NGM also communicates infrequently with the wider public. For example, if civil society is to understand what the CGE is doing, it needs to improve communication with the public about its successes in dealing with complaints from ordinary women and solving their problems. Very often criticism of the CGE arises when complaints are dealt with by the media in a way that the public can neither understand nor accept, as in the case of the South African ambassador to Indonesia who had been involved in more than one sexual harassment case. When the CGE was reluctant to deal with this issue it created the impression that it is not willing to call government to account. While this was only one complaint of many (and one that was *sub judice*), others that were successfully dealt with have not been brought to the public's attention, which leads to the perception that the NGM is ineffective and its staff incompetent.

The problem of accountability

The NGM is involved in two types of accountability – holding government accountable for delivering on gender equality and being accountable to the women in civil society. It is specifically the role of the CGE to hold government accountable but from my interviews it is clear that there is reluctance on the part of the CGE to call government to account. The example where the Minister of Foreign Affairs did not act against the Indonesian ambassador is only one case of this reluctance.

In the absence of a strong women's movement to hold the NGM accountable to a constituency of women, a vacuum has formed in which personalised politics can develop. Unless women's organisations keep the NGM accountable, access to the NGM will be eroded.

The problem of workload

One interviewee indicated that there is a misunderstanding about the creation of gender equality as a *process* that involves more than changing the numbers of women in government, but also changing gender values and norms that are part of the institutional culture. This reinforces the idea that gender mainstreaming does not involve a lot of work. On the contrary, making gender central to all government policies and processes requires the involvement of many people for staff training, policy implementation and follow-up. Most staff members of the NGM are overwhelmed by their workload. A good example of making ends meet against the odds of a heavy workload is the OSW in the Western Cape Province, which consists of only one permanent member of staff and one intern. Despite the lack of support, many projects have been well managed as described earlier in the chapter. In some instances there has been a fast turnover of staff because salaries are not competitive with the private sector.

The problem of strategic leadership

Visionary leadership is crucial for institution-building because future leadership will use practices and policies that have been established. Bad practices are very often hard to eradicate once they are institutionalised. Visionary leadership also understands the difference between practical and strategic gender needs (where the first deals with short-term changes in women's conditions and the latter with long-term, strategic objectives). For strategic needs, a clear feminist agenda is necessary – something that only some members of the NGM are able to articulate. This is one consequence of rewarding loyal party members with positions in the NGM, rather than appointing women with the necessary gender expertise and skills. It needs to be communicated to the Presidency that redeploying skilled women from the NGM (like the removal of Tenjiwe Mtintso, for example), leaves a gap that cannot always be filled with an equally skilled person. It also begs the question of how serious government is about gender equality.

With the change of name from the women's national machinery to the NGM, a corresponding shift in priorities from women to gender has occurred. Many interviewees voiced concern about this, citing a forthcoming 'Men's Summit' organised by the CGE (and involving the project on Moral Regeneration) as shifting the focus from women to men – in a time that women's issues need more articulation than ever, given the high rates of gender violence and HIV/AIDS infections. This is an indication of the difficulty of focusing on a feminist agenda at a time when engaging with tradition and culture is also a priority.

The tendency that has developed in government of dealing harshly with criticism also seems to be present in the NGM, where some staff have become too fearful to criticise, contributing to a spiral of silence that can only be detrimental to the NGM.

While it is not difficult to find solutions for the structural problems in the NGM, strategic leadership is required to transcend personal politics.

Conclusion

This chapter has examined the policy influence that the NGM exercises as an integrated set of structures and the access to policy-making that it accords to organised women's interests. Looking at each structure individually, it can be said that most do exercise some influence through their consciousness-raising activities, inputs on legislation and monitoring of government's actions around gender issues.

However, it is also clear that the NGM is bedevilled by its institutional design and internal conflicts. The authority that should be vested in the OSW as the structure that should steer and co-ordinate the NGM is lacking, partly due to personality politics and partly due to limited capacity. The CGE, while exercising its mandate, is undermined by the dual burden of representing women and mobilising them at the same time, limiting its capacity and resulting in a situation where it seeks to be something, or even everything, for everyone. It has failed to set a clear feminist agenda and therefore one needs to question whether state feminism really exists in the NGM.

Women and women's organisations have themselves forced the CGE into the role of mobilising women as a consequence of the limited mobilisation that has happened since 1994. The reason for this diminishing gender activism

in the democratic era is not clear. There does seem to have been far too great a reliance placed on the larger number of women in Parliament and in government. Much work needs to be done to ensure that organisations, other than and in addition to, women's groups take up the challenge of putting gender issues on the political agenda. While the NGM does not yet fall into the category of having high influence and high access, it clearly has the potential to move into that category.

While enabling conditions and environments for gender equality have been put in place in the past decade, certain conditions are needed to shift the South African NGM into the category of successful gender machineries without which enabling environments and conditions mean little. These conditions include the honouring of process, agreements and respect for consultation; a move away from personalised politics; and a move toward strategic leadership. In this regard there is an obligation on women's organisations in civil society to hold the NGM accountable. Viewing the government as a benefactor and only relying on women in government is not enough for healthy democratic gender politics. Probably the most critical need is for the OSW to begin to exercise the authority needed for structural integration, leading to a gender machinery that could be viewed as falling into the categories of high influence and high access.

Afterword

On 31 March 2005 a meeting was held in Cape Town organised by the Western Cape CGE to discuss the problems that exist in the NGM with the aim of making the NGM (in the Western Cape at least) more effective. The meeting involved the CGE of the Western Cape, the OSW in Provincial Administrator of the Western Cape, gender focal point staff and members of civil society. The problems that were spelt out earlier became apparent at this meeting, making it clear that members of the NGM are not unaware of them.

At this meeting, demands were voiced for better structural integration, better and more strategic communication and for a more visible women's movement – something that is difficult to address unless the other provinces are also involved. These demands coincide with the recommendations made in Cherry's (2004) report as well as those of Serote (n.d.b), namely, strategic thinking, putting into place a systematic monitoring process, strengthening partnerships with civil society, identifying priorities and working cross-sectorally.

On the same day, 31 March 2005, a South African Women in Dialogue (SAWID) meeting was held with women from urban areas of the Western Cape (mainly Cape Town). From this meeting it was clear that SAWID is an attempt to mobilise different women's constituencies and to involve younger women in the process. It seems that the new initiative by Ms Zenele Zanele Mbeki, President Mbeki's wife, is an attempt to mobilise women outside of the NGM. According to a brochure they have produced:

> SAWID is conceptualised as 'an initiative…to create a forum where women from all sectors of society can gather to break barriers and to talk and listen to one another. SAWID takes place within the framework of the vision of the African Union and Nepad for the development and regeneration of the African continent'.

The question arises whether this initiative is a vote of no confidence in the NGM. One could also argue that this attempt could alleviate the burden on the NGM to mobilise the women's constituency, something that detracts from its function of representation. The SAWID initiative could fill the gap in gender activism for the time being.

Notes

1   In 1994, 27.7 per cent women were elected, 29.5 per cent in 1999 and 32 per cent in 2004.

2   The author thanks an anonymous reviewer for helpful comments on this chapter.

3   For a more detailed discussion see Hassim 2005: 61–65.

4   Interview with Ms Pat September, Deputy Director of the OSW in the Provincial Administration of the Western Cape.

5   Interviews were conducted with CGE commissioners, consultants to the NGM, members of the OSW in the Provincial Administration of the Western Cape and members of civil society. Most interviewees wanted to remain anonymous for fear of victimisation by other members of the NGM. This is already an indication that a healthy political atmosphere where criticism can be voiced does not exist in the NGM. The chair of the JMC was not available for an interview.

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