

POLOKWANE – TAKING WOMEN ONE STEP  
FORWARD OR TWO STEPS BACK?

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## 1. Contextual Background

In his book on *Contesting the Rhetoric and Reality of Resubordination in Southern Africa and Beyond*, John Saul argues that the extent of substantive progress made in the emancipation of women in southern Africa in the wake of national liberation remains slight. This can partly be attributed to the fact that the imperatives of different fronts of struggle, such as the anti-racist, anti-colonialist and anti-class struggles, have tended to push gender-related questions far-down on the agenda.<sup>1</sup> Men therefore still significantly dominate the political realm even in countries where the most eloquent statements about the advancement of women have been forthcoming. He argues further that political leadership, even leadership acting ostensibly on behalf of the people, is unlikely to consistently take up issues on behalf of the people over an extended period of time, unless it can be held firmly to account by the people in whose name it claims to act. There is therefore a complicated dialectic between leadership and mass action. Unless the leadership adequately deals with issues of liberation in a holistic sense, which would include racial liberation, gender liberation, class liberation and liberation of voice (broadly defined as finding effective democratic processes through which the public can speak), there will be varying levels of resistance to public policy, which may converge at any one point to place significant pressure on the state. In the absence of holistic liberation which would include liberation from poverty and class oppression, gender justice and effective engagement between the state and civil society, instability in society will manifest in the form of mass action at one point or another. To some extent, it could be argued that this is what happened in South Africa with the ousting of former State President Thabo Mbeki and his replacement with Jacob Zuma as party leader and President of the fourth democratic government.

The concept of women's voices, how they are heard, how they are not heard and how they are silenced by the state, despite its claims of being "participatory" and "consultative" are pivotal to this paper.<sup>2</sup> The paper also focuses on the conditions under which women have a voice to articulate and pursue their developmental needs and interests, and how institutional mechanisms for promoting gender equity can capacitate themselves to listen and respond to women's needs. Much of the work in this genre has tended to focus on the conditions within which women's voices can be heard and how to create enabling environments for women's voices to be heard. Not much conceptual work has gone into thinking about what happens once women have voiced their concerns, or on the role of bureaucrats and public representatives in hearing, discussing, collating, analysing and acting upon what they have heard, i.e. the process of hearing and taking action as a whole. Often, processes that deal with discussing and analysing issues raised as a consequence of participatory processes are unstructured and haphazard and leave much to be desired. At times, processes to elicit women's voices are put in place by the state, but this does then not necessarily mean that women's voices are heard and acted upon.

Historically, women have been excluded from public life and still occupy largely peripheral and powerless positions when they do enter that realm. For this reason, women have developed a different voice, which Ferguson (1984) describes as a "submerged discourse". This submergence has rendered women's experiences both inaccessible and distorted by experiences of systemic subordination. The aim of feminist discourse is to move beyond this dilemma, to penetrate the constraints and limitations of bureaucratic discourse and seek out all submerged discourses. This will serve to render visible women's lived realities which are

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<sup>1</sup> Saul, 2008.

<sup>2</sup> The usage of the term 'women's voices' is not intended to create the impression that women speak with one, unified voice. The diversity amongst women and the fact that there are multiple 'women's voices' is acknowledged.

largely not spoken about in the “public” arena because of the disabling environment created within which women can articulate their individual and collective narratives. This paper will engage with the extent to which the ANC, through the resolutions adopted at Polokwane in 2007, has attempted to create a policy framework within which the new government seeks to render women’s “submerged discourses” visible.

South Africa held elections in April 2009 and the fourth democratic government since 1994 has just commenced its term. This paper is written in the immediate aftermath of the elections at a point in time where President Jacob Zuma has just appointed his Cabinet. At this point, very little is known about the policy stance that the new government will take in relation to ensuring gender sensitive service delivery that will hopefully transform the lives of the vast majority of South African women who live in dire conditions of poverty, way beneath the breadline. In the absence of an articulated vision in this regard, this paper will seek to do three things. First, it will briefly sketch the political landscape within which the new government will need to tackle gender inequity. Secondly, it will explore some of the key decisions taken at the 52<sup>nd</sup> Conference of the ANC at Polokwane in December 2007 in terms of their implications for the new government’s approach to dealing with gender equity, with specific emphasis on the resolution pertaining to the establishment of the Women’s Ministry. The Polokwane Resolutions in relation to poverty and under-development, education and health, housing and land and agriculture will briefly be looked at. This will be followed by consideration of the Polokwane Resolution in relation to the creation of a Women’s Ministry. In order to reflect on the role that such a Ministry can potentially play, some of the key challenges faced by the gender machinery are considered, given that this is critical in ensuring that the institutional mechanisms for promoting gender equity function optimally. These lessons are also critical in ensuring that the Ministry learns from the mistakes made by the gender machinery. Lastly, the paper will conclude by reflecting on the terrain for engagement between the state and civil society through the establishment of the Ministry.

## 2. Political landscape for tackling gender inequity

Over the course of the past fourteen years or so, South Africa has made some significant strides in seeking to promote gender equity. It has repealed racist and sexist legislation, is has enshrined the right to gender equity in the Bill of Rights and has signed the Beijing Platform for Action, the Convention on the Elimination of All Forms of Discrimination against Women and the SADC Protocol on Gender and Development. It has also adopted the National Policy Framework for Women’s Empowerment and Gender Equality as its policy framework for gender mainstreaming and has established the national gender machinery as the institutional mechanisms charged with spearheading the promotion of gender equity. The last five years or so provide for some interesting reflections on the issue of the state’s engagement with civil society organisations that have attempted to interact with the government on a range of gender-related issues and some debate exists as to the extent of the progress made in enhancing the quality of women’s lives, particularly the most socially vulnerable women who live in conditions of great poverty. Some of the sentiments in this regard are encapsulated in the following reflection by Mmatshilo Motsei:

Early in 1995 I was appointed as a gender consultant in the Presidency and tasked with overseeing the process of formulating women’s empowerment policies in the new democracy. My team focused its energies on establishing the National Gender Machinery and protective legislation such as the Domestic Violence Act. More than a decade later, appropriate gender institutions are in place, policies have been formulated and legislation has

been passed, but thousands of women remain prisoners of war in their own homes and country.<sup>3</sup>

In 2009, South Africa finds itself in a situation where the national gender machinery has to a large extent been dysfunctional, the levels of violence against women are astoundingly high, the government has been unable to give effect to the National Gender Policy and the majority of women in the country are still living in conditions of abject poverty. In addition to this, a number of worrying things have transpired that serve to raise questions about the extent of the state's commitment to eradicating gender equity and raise the question as to whether or not this remains mere political rhetoric devoid of any concrete substance. These include, inter alia, the fact that where progressive legislation and public policy have come into effect, often they are not translated into practice due to inadequate resource appropriation. The Domestic Violence Act (Act No 116 of 1998) and the Maintenance Act (Act No 99 of 1998) are cases in point. It also includes the fact that notwithstanding vociferous lobbying on the part of the women's movement, the government has been shown to pussy-foot around the passing of critical legislation and public policy, the Criminal Law (Sexual Offences Act and Related Matters Act, Act No 32 of 2007) and the introduction of a Basic Income Grant being cases in point. It also includes the fact that a number of senior persons in public office have behaved in ways that are problematic or have articulated sentiments that are cause for concern from a gender perspective. Notwithstanding the lobbying of women's organisations in this regard, the government is yet to show a principled, vehement objection to actions of this nature. One example of this is the incident where Mbulelo Goniwe, who was Chief Whip of the National Assembly in Parliament, was accused of and found guilty by the National Disciplinary Committee for having sexually harassed an ANC Parliamentary Office Administrative Assistant at a birthday bash held at his home. The Committee found his defence of his actions while alone with the woman in his bedroom as being riddled with "contradictory, inconsistent and unreliable" information.<sup>4</sup> Notwithstanding this, this ruling was eventually put aside allegedly on procedural grounds, but more likely because of political pressure to retract this finding.

In another incident of alleged sexual harassment involving the now State President Jacob Zuma, many gender activists voiced their concern in relation to some of the events that transpired at the time that he was charged and acquitted of rape in 2006. During the course of his trial, both he and senior ANC leaders are known to have made some problematic gendered statements. These include inappropriate commentaries pertaining to women's sexual expectations of men when they dress in particular ways. It also includes commentary made when the ANC Youth League organised a press conference immediately after Zuma's rape acquittal. Its spokesman, Zizi Kodwa, said that he would respect the court's ruling not to identify the complainant. He opted instead to refer to her as Lucifer.<sup>5</sup> This is significant in that it shows that while the ANC called on the South African public to not judge Zuma until he had been tried by a court of law, it had from the outset pronounced judgement on the woman who had laid the charge and participated in demonstrations outside of the court where her picture was burnt in a public display of passive aggression, sending out a strong message to the South African public that when a woman alleges that she has been sexually abused, that it is appropriate to vilify her and threaten her.

Importantly, while the focus of this paper is on the ruling party, it is imperative to point out that other political parties have fared equally dismally, if not worse, in their scant regard for the principle of gender equity. Most noteworthy is the Premier of the Western Cape, Helen

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<sup>3</sup> Motsei, 2007

<sup>4</sup> The Star, 15 December 2006

<sup>5</sup> Ibid

Zille's recent flouting of the SADC Protocol on Gender and Development and her appointment of an all male (predominantly white) Cabinet in the Western Cape. Zille's response to criticism in this regard has made the situation worse. She has argued that she appointed the most competent people for the job, a tacit implication that the Democratic Alliance could find no competent women in the Western Cape, a situation rendered all the more tragic given that the people of the Western Cape, who are predominantly black women, elected her to power. Equally unfortunate, from a gender perspective, has been the ANC Youth League's response to Zille, which has included branding her as a whore and accusing her of been sexually involved with the men in her Cabinet.<sup>6</sup>

Within this context, it will be interesting to monitor the new government's approach to eradicating gender inequity and its commitment to engaging with the women's movement in a manner where it genuinely attempts to hear the voices of women in relation to their strategic and practical gender needs. Since its term has only just commenced and it is not possible to make substantive comment on this at this point, it is worth scrutinising the Polokwane Resolutions from a gender perspective, given that they will inform the formulation of public policy and provide some indication in terms of what can be expected from the new government. Some of the key provisions of the resolutions are discussed below in relation to their gendered implications.

### 3. The Polokwane Resolutions from a gender perspective

The Polokwane resolutions are prefaced with an acknowledgement that the accumulated weaknesses of the ANC include an inability to effectively deal with new tendencies arising from being a ruling party, such as social distance, patronage, careerism, corruption and abuse of powers; ineffective management of the interface between the movement and the state; a flawed approach to membership recruitment, a decline in ideological depth amongst cadres; and a lack of institutional resources to give practical effect to the movement's leadership role. This analysis lacks a consideration of the gendered implications of these weaknesses. This is critical, as they have significant gendered ramifications. So, for example, issues such as social distance and ineffective management between the movement and the state require specific strategies to enhance the participation of women and the inclusion of their voices into decision-making processes. Another obvious example would be that the strategy for abuse of powers would need to entail a clear, principled stance towards sexual harassment.

#### 3.1 Poverty and under-development

The Polokwane Resolutions acknowledge that the most critical challenges facing South African society pertain to unemployment, poverty and inequality. The Resolutions recognise that attempts to deal with the challenge of underdevelopment and to eradicate poverty must take due regard of issues of race, gender, sexual orientation and social status. The focus is on building a developmental state as opposed to a welfare state given that dependence on the state is significant in a welfare state. The approach is to adopt a mixed economy where the state, private capital and co-operative and other forms of social ownership will complement each other, although how they will do so is not articulated upon. The intention to halve unemployment and poverty from their 2004 levels is reiterated. The target timeframe for achieving this is 2014. It is envisaged that this will be attained by accelerating economic growth within the context of an effective strategy of redistribution that fosters an equitable growth plan. Skewed patterns of ownership and production, the spatial legacies of the apartheid past and the tendencies of the economy towards inequality,

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<sup>6</sup> Julius Malema in the Cape Times, 28 May 2009

dualism and marginalisation will be focused on and addressed. The ANC's strategy will focus on finding solutions that seek to take people out of conditions poverty by finding long-term, sustainable solutions that economically empower people. At the same time, it will seek to create adequate social nets to protect the most vulnerable in society. This social net will operate in such a way so as to not create dependency and the issuing of social security grants will be linked to economic status. Child support grants will be extended to cover children up to 18 years of age and child-headed households will be accorded priority status.

It is beyond the scope of this paper to elaborate on how GEAR has failed poor women, but suffice to say that there needs to be far more critical engagement on the question of gender and economic empowerment, particularly the debate focusing on economic growth and redistribution. This raises questions about how resources are currently being distributed in society and the unevenness of this distribution. In this process, choices are made that are skewed against black women. South Africa's legacy of colonial, racist and sexist social values and norms, has resulted in a situation whereby black women have been systematically used and exploited to fuel a capitalist system focused on maximising profit and production with scant regard to issues of human rights.

The resolutions adopted at Polokwane in relation to economic development will mean that, from a gender perspective, targeted resources will need to be directed at initiatives aimed at job creation for women, particularly within the context of the fact that they constitute the majority of the poor. Given that the vast majority of poor women in South Africa are unable to access jobs in the first economy, concerted efforts will need to be made both to facilitate access to jobs in the first economy and to enhance self employment initiatives in the second economy through support to Small Medium and Micro Enterprises (SMMEs) headed by women. In providing an adequate social security network, the gendered implications of such a network will need to be carefully considered and taken into account. In addressing poverty, the issue of food security and the number of women and children living beneath the breadline will need to be addressed as a matter of priority.

### 3.2 Education and health

In terms of the Polokwane resolutions, education and health are to be prioritised as the core elements of social transformation. In terms of the policy stance towards education, the ANC has noted the need to equalise opportunities and provide opportunities for lifelong learning in a manner that also creates economic opportunities for persons with disabilities. From a gender perspective, concerted efforts would need to be made to focus on the girl-child and to attracting girls into fields previously dominated by men, such as science and technology. It also means that lifelong learning opportunities must take into account the creation of learning opportunities for the many women who were born and schooled during the apartheid era and consequently had to leave school early and as a result, have little or no education. This is critical within the context of the fact that knowledge accumulation is inextricably linked to economic opportunities and therefore critical to breaking cycles of poverty within families.

The Polokwane Resolutions note the intention of reaffirming the implementation of the National Health Insurance System by further strengthening the public health care system and ensuring adequate provision of funding. In addition, the roll-out of the comprehensive health care programme will be accelerated, for example, through the provision of anti-retroviral medication at all health facilities. Notwithstanding this, the ANC has decided that it sees no need to adopt a special HIV and AIDS grant as this will be catered for by the comprehensive social security system. Programmes dealing with the revitalisation of hospitals will also be accelerated. The ANC has noted its intention of exploring the possibility

of a state-owned pharmaceutical company that will respond to and intervene in the curbing of medicine prices. Lastly, the Polokwane Resolutions documents an intention to allocate additional resources to sexual awareness programmes.

To its credit, the ANC has recognised the need to prioritise education and health. However, the policy initiatives pertaining to health are to a large extent silent on the gendered implications of this important priority. To cite but two examples, gender activists would need to be vigilant in monitoring service provision from the Department of Health in relation to gender-based violence and would need to monitor the gendered implications of service delivery in relation to HIV and Aids. Within the context of alarming infant mortality rates at public hospitals in the Eastern Cape and the Mbeki government's attempts to silence public scrutiny in this regard (to the point where former Deputy Minister of Health Nosiviwe Madlala-Routledge was axed for embarrassing the government in this regard), infant mortality, maternal well-being and hospital revitalisation will have to be placed under the microscope of gender activism.

The commitment to exploring the possibility of establishing a state-owned pharmaceutical company is laudable in a social context where pharmaceutical companies charge exorbitant amounts for drugs for life-threatening illnesses so as to maximise on their profits. A state-owned pharmaceutical can play a significant role in making such medication available to poor women and in so doing, extend the life expectancy of many women.

### 3.3 Housing

The Polokwane Resolutions recognise the need to develop interventions in the housing industry and residential property market that will curb the spiralling cost of construction input prices. It also notes the need to develop appropriate legislation to prevent the mushrooming of informal settlements and to include alternative housing such as rental stock in strategies to make more housing available. It further recognises that housing must not be addressed in a vacuum, but that there must be a central planning approach for directing resource allocation, distribution and an overall co-ordinated response to human settlements must be developed. In order to deal effectively with the challenges of human settlements, land acquisition must be accelerated through a dedicated Housing Development Agency.

Housing in South Africa has become increasingly unaffordable to the vast majority of South African people. There is a dire need to develop a workable strategy for eradicating informal settlements that are poorly resourced with little or no infrastructure. Pivotal to such an approach, is the need to consistently disaggregate data in this regard so that the state is able to monitor how many women-headed households are being provided for. Importantly, the state needs to develop a coherent strategy and dedicated resources for providing housing to women who are victims of domestic violence and who need alternative accommodation to assist them in breaking the cycle of violence.

### 3.4 Land and Agriculture

The Polokwane Resolutions make provision for the state, with immediate effect, to regulate but not prohibit ownership of land by non-South Africans. This regulation should take into account the country's commitment to land reform, restitution, redistribution and access to land. The 51<sup>st</sup> conference resolution on a land audit was reaffirmed and a resolution adopted that this should be conducted within the next eighteen months. The allocation of customary land should be democratised and should not only be the preserve of the traditional leaders. The redundant land belonging to State Owned Enterprises and municipalities should be transferred and made available for low cost housing.

Historically, women and black women in particular, have not been proprietors of land, which has entrenched their position of dependency and economic vulnerability. Given the extent of poverty in the country, the purchasing of land has been limited to a select few, with foreigners increasingly beginning to purchase prime land. The regulation of the purchasing of land by non South Africans is therefore an important initiative. Land restitution and redistribution has taken place at a relatively slow pace and there is significant room for improvement in facilitating the access of women to land.

### 3.5 Institutional Mechanisms for Promoting Gender Equity

The Resolution pertaining to the establishment of a Women's Ministry links the need for such a Ministry to the need to combat poverty and an acknowledgement that poverty affects women disproportionately. Secondly, the resolution to establish the Ministry is linked to the need to consider the impact of all government policies on women. The establishment of the Ministry has been the centre of some contention, so the challenges pertaining to the institutional mechanisms for promoting gender equity is discussed in some depth. Various women's organisations have both questioned whether the establishment of the Ministry is the best route to have followed and many have also raised concern at the lack of consultation in taking this decision. The Tshwaranang Legal Advocacy Centre and People Opposing Women Abuse, for example, have placed on record that they were caught by surprise when ANC Women's League called for the establishment of a Ministry of Women's Affairs because there had been no consultations with other organisations.<sup>7</sup> Some of the key challenges faced by the institutional mechanisms for promoting gender equity are discussed below, given that an understanding of this is critical to ensuring that the Ministry on Women, Youth, Children and People with Disabilities does not make the same mistakes.

## 4. Contextual background to the gender machinery in South Africa

At this point, it is worth going back in time to relook at how the national gender machinery had initially come about in South Africa. The concept of national gender machinery was fought for and developed by the Women's National Coalition, an alliance of women's groups representing diverse interests and political groups, with a commitment to advancing women's rights. In the negotiation phase of the transition to democracy, the coalition embarked on a national charter campaign to hear from women what their demands for a transformed South Africa entailed. By the time it presented the "Women's Charter for Effective Equality" to a convention of women in February 1994, coalition membership had grown to fourteen regional coalitions and ninety affiliate member organisations.<sup>8</sup> The coalition had a significant impact on designing a gender sensitive dispensation for the post-apartheid context. The increased representation of women, the protection of women's rights in the Bill of Rights, the creation of the gender machinery and the consequent changes to legislation following 1994, can all be attributed to the efforts of the coalition. Feminist activists were instrumental in inserting feminist concerns into the agenda of the coalition and in the early 1990s, leading activists in the anti-apartheid movement strategically promoted feminist issues in the national negotiation process.<sup>9</sup>

The question as to the type of institutional mechanisms that should be put in place to promote gender equity was extensively debated in the Women's Coalition. Interestingly, initial discussions assessed the merits of a Women's Ministry. However, by December 1992, the debate had shifted to the concept of a package of structures and mechanisms at all

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<sup>7</sup> Cape Argus, 20 April 2007

<sup>8</sup> Meintjies, 1996

<sup>9</sup> Seidman, 2003

levels of government. Despite the consensus on the need for a “package of structures”, the debate on the national machinery was not fully developed in terms of the details of the structures, their mandates, powers and functions and the relationship between structures and the constraints, including economic limitations that would shape their nature and scope.<sup>10</sup> There was, however, general consensus that the gender machinery should serve as an interface between government and civil society and that its role should not be confined to that of an advisory or consultative function. Women’s groups and feminist activists advocated, through the coalition, that the gender machinery must be capacitated to challenge and amend draft legislation and to propose laws and policies that would serve the interests of women.<sup>11</sup> The South African “package” of institutional mechanisms for promoting gender equity eventually came to comprise the Office on the Status of Women located in the executive, the Joint Monitoring Committee on the Improvement of Quality of Life and Status of Women in the legislature, the Commission on Gender Equality and the gender focal points in government departments.

Fought for by the Women’s National Coalition, the institutional mechanisms for promoting gender equity was seen to hold great promise as a site of feminist intervention into policy making processes. The national gender machinery was conceptualised to become the bastion of women’s rights and an important conduit through which women would articulate their policy concerns and issues. Initially, the national gender machinery appeared to take the notion of public consultation seriously and embarked upon information-gathering and evaluation workshops. An INSTRAW evaluation carried out by the United Nations International and Research and Training Institute for the Advancement of Women in 2000 assessed the Commission for Gender Equality as being successful in building partnerships with women’s organisations and in raising consciousness around gender issues.<sup>12</sup> Somewhere along the line, however, this has shifted and the hope invested in the machinery has reconfigured to the point where the machinery has recently been described as being fraught with structural problems through which power is dispersed unevenly, with a broad and overlapping mandate that has contributed to a situation where it is perceived to be conflict ridden and in a state of crisis.<sup>13</sup>

#### 4. Challenges facing the institutional mechanisms for promoting gender equity

The debate on the value added by institutional mechanisms for promoting gender equity on the continent has brought to the fore a number of critical questions. These include questions pertaining to the extent to which it is possible to rely on the state to drive a feminist agenda that fundamentally transforms power relations in society, whether or not it is a waste of feminist energy for feminists to locate themselves on the inside of state institutions and the ways in which and terms upon which the women’s movement should engage with state-driven strategies. Some of these challenges are discussed below.

##### 4.1 The limitations of state feminism

The emergence and evolution of state feminism<sup>14</sup> has led to vigorous debate on the merits of promoting women’s rights from within the state. This debate has drawn in feminists working as bureaucrats, academics and activists and has seen the birth of sophisticated

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<sup>10</sup> Albertyn, 1995

<sup>11</sup> Mbete Kgositsile, 1995

<sup>12</sup> Gouws, 2006

<sup>13</sup> Gouws, 2006

<sup>14</sup> State feminism is defined as the activities of government structures that work to further women’s status and rights (Stetson and Mazur, 1995).

theoretical work and innovative policy initiatives.<sup>15</sup> Recent events have, however, led to a situation where the ability of state feminism to adequately subvert existing power relations in South Africa has been called into question. Fester et al (2007), for example, argues that as a strategy, it has remained contested. It has not adequately managed to take on the adverse role of religion and patriarchy, there has been profound bureaucratic resistance to gender equitable integration of women as subjects of public policies, gaps between policy and practice and vague top-down inoperable institutions for implementation. She argues that state feminism in its post-Beijing phase has developed into myriads of structures, strategies and mechanisms with varying degrees of confusion, efficacy, opportunism and scepticism.<sup>16</sup> She points out that many feminists are concerned about the development industry that has spawned from international instruments and the careers that gender divas<sup>17</sup> have carved out for themselves. Mama (2004) refers to them as a travelling circus of experts, gender technocrats touting a new kind of export product, resulting in a situation whereby the very mechanisms that should empower all women and render them citizens with comprehensive rights actually result in women becoming more polarised. Because of the mixed and sometimes negligible outcomes of state-feminism and the national gender machinery, many feminists prefer to work independently of the state as working within it does not necessarily improve the status of women.

Hassim (2005) argues that the South African institutions, as is the case with the national machineries worldwide, are elite driven, under-resourced and dependant to a high degree on donor funding. She holds that gender mainstreaming expertise within the state is poorly developed. As a result, many of the gains made in relation to gender equality are in those areas where policy addresses women directly as a category (for example, termination of pregnancy and maternal health), while those aspects of policy in which the relationships between women and men need to be addressed (for example patterns of customary law and land ownership) have been much harder to define. She holds that the inclusion of women in the formal institutions of state, has not led to the redistribution of resources and power in ways that change the structural forces on which women's oppression rests. Inclusion has rather been an avenue for reinforcing elite women's access to the formal political system while not translating clearly into policies that address the needs of poor women. The reasons for this are complicated and have their roots partly in the tense relationship between feminism and the nationalist movement and partly in the elite biases of the democratic model adopted during the transition to democracy. Similarly, Nkomo (2007) argues that the national gender machinery cannot lay claim to impacting on government programmes as envisaged in the National Gender Policy Framework. She argues that the OSW, for example, was essentially reduced to an administrative function at the lowest entry level of management, with neither the authority nor the resources to carry out its mandate.

An organisational and institutional assessment of the Commission on Gender Equality produced by the Civil Society Advocacy Programme (2006) found that on the one hand, the increase in women in the state augured well to build a critical mass of gender activists in government to represent women's interests and to shift policy priorities. On the other hand, however, the absorption of women leaders and feminists into the state worked to demobilise the women's movement. The study found that the presence of gender activists in government did not directly translate into gains for women, notwithstanding the significant efforts of some. New women bureaucrats, generally accustomed to working in organisations of the women's and broader anti-apartheid movement, experienced difficulties in injecting gender concerns into bureaucratic contexts.

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<sup>15</sup> Watson, 1992

<sup>16</sup> Fester 2007, Mc Fadden 2004, Serote 2003

<sup>17</sup> Mc Fadden 2004

In seeking to assess the extent to which the state can be relied upon to promote gender equity, it needs to be pointed out that one of the key challenges in this regard has been the criticism levelled at the national machinery at times when it was perceived to be reluctant to challenge government. Gouws (2006) argues that one of the key weaknesses of the CGE is its perceived reluctance to challenge government. When Commissioners are appointed to the CGE, it is expected that they will relinquish their party membership. This has not, however, transpired in practice. This tends to compromise the ability of the CGE to call government to account.

Having engaged with some of the reasons why the responsibility for promoting gender equity should not be vested entirely with the state, it needs to be pointed out that there are two key reasons why state feminism is critical in the broader scheme of feminist strategies to effect social transformation. The first relates to the fact that it is strategic for feminists to have a presence in policy making, in the critical decisions made by state structures and in the allocation of state resources to initiatives that benefit women and serve to eradicate gender inequity. The numbers of feminists in state structures is therefore important as the lack of a feminist presence will invariably have detrimental effects on securing women's interests in the making of critical decisions, the drafting of public policy and in allocating resources to service delivery.

The second and related factor in support of the need for state feminism, relates to ensuring that feminist interests and consciousness are represented at the level of the state. If feminist interests are not represented in the policy-making arena, then the likelihood of state policy being oblivious to these interests is increased. The feminist political impact is therefore likely to be limited if interests are not taken up in the public/ political arena. Watson (1992) invokes the Australian model in support of femocracy and argues that Australia offers a stark political and discursive contrast to states that have shied away from feminist engagement on the inside of state structures. She argues that in the Australian context, the interests represented and policy initiatives that benefit women can often be traced to the political concerns of the femocrat involved, her work, political history and feminist constituency. This is not to deny the equal importance of feminist pressure groups and networks on the outside of state structures. In the Australian context, the impact of feminist bureaucrats has been evident in policy reforms, changes within the bureaucracy, legislative changes and in the growth of women's services in the non-governmental sector. Staudt (1998) argues that femocrats in such contexts have played an important role in securing funding for a range of women's services and in giving voice to the interests of women in civil society.

#### 4.2 Organisational issues in the national gender machinery

A number of organisational constraints have impeded the work of the national gender machinery. Gouws (2006) argues that the South African gender machinery was hailed as one of the most integrated and advanced structures in the world. Yet, it seems that some of its problems are related precisely to the comprehensiveness of its nature. One of the key complexities pertaining to organisational structure and mandate is the perceived overlapping of mandates of the different components of the machinery. The boundaries of the mandates of the three major structures in the gender machinery have not been well defined. This situation is compounded by the inadequate systems for planning and information sharing between the different structures. It has also been noted in various different sources (such as Seidman, 2003 and Gouws 2006) that the work of the national gender machinery has been plagued by clashes and personality politics within some of the structures.

Conceptually, the Commission on Gender Equality was set up as an independent statutory body to monitor and evaluate the policies and practices of state organs, state agencies, public bodies and the private sector to promote gender equality and the rights of women. Yet, it has also been conceived as being part of the national gender machinery and is expected as such to work with the legislative structure (the Joint Monitoring Committee on Improvement of Quality of Life and Status of Women) and the executive structure (namely the Office on the Status of Women). It is required to table an annual report to Parliament. This situation begs the question as to what extent it makes sense to have a structure that is meant to be an independent monitoring body as an integral part of the state's "package" of institutional structures for promoting gender equity.

The OSW is responsible for co-ordinating the work of the national gender machinery, for co-ordinating the work of the provincial OSWs and for giving effect to the national gender policy which entails ensuring that gender mainstreaming is institutionalised into the work of all government departments, that all departments set up Gender Focal Points and for overseeing the work of the Gender Focal Points. The terrain covered by this mandate is vast and yet up until very recently, the OSW was staffed with 2 persons who were responsible for giving effect to this role.

In terms of the way in which its structure was conceptualised, the Joint Monitoring Committee was established as a joint committee of Parliament. In terms of this, the mandate of the Committee was to monitor and evaluate progress with regard to the improvement in the quality of life and status of women in South Africa, with specific reference to Government's commitments to:

- The Beijing Platform for Action (BPFA)
- The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
- Any other international instruments.

In terms of its mandate, the Joint Monitoring Committee was expected to scan all bills for their potential impact on the quality of life and status of women. The Joint Monitoring Committee could also make recommendations to both or either Houses of Parliament or to any committee on any matter pertaining to its mission.

At different points in the history of each of the components of the gender machinery, leadership problems and a lack of resources have negatively impacted on its ability to carry out its mandate. In 2003, Seidman argued that the national gender machinery was "beset" with leadership problems. The study conducted by the Civil Society Advocacy Programme (2006) found that weak leadership in the Commission on Gender Equality, undefined lines of accountability for Commissioners and the lack of a clear definition of roles and responsibilities between the Commission and the Secretariat became the breeding ground for conflict and tension leading to a protracted court battle with the CGE's first CEO and to the exodus of a number of Commissioners and senior staff.

The organisational challenges outlined above have contributed to a situation where the vision, role and goals of the national gender machinery has at times been unclear and dissipated. One of the key challenges facing the CGE, for example, includes the lack of clarity regarding its identity and its role, specifically in relation to other organisations in the field of gender advocacy. The Ad Committee on the Review of Chapter 9 and Associated Institutions found that due to a combination of factors, both internal and external to the Commission, the efficiency and effectiveness of the CGE had been undermined. It added that the CGE

displayed a poor understanding of its legal and constitutional mandate and concluded that this has brought into question its present formation.<sup>18</sup>

#### 4.3 Relations between the national gender machinery and civil society

The lack of a concerted effort on the part of the national gender machinery to forge a sustainable and meaningful relationship consistently emerges as one of the most important factors that detract from the achievements of the gender machinery. The Civil Society Advocacy Programme study (2006) found that the Commission does not seem to have had a stable, concrete relationship with any civil society organisation over a period of time and noted that civil society organisations identified the lack of pro-activeness and follow-through as one of the primary reasons for the prevailing weak relations between themselves and the Commission.

Meintjies (2005) notes that it is imperative that the national gender machinery develops greater co-ordination with and accountability to civil society. South African society is replete with multiple problems that emanate from gender inequalities. These include HIV/AIDS, domestic and homophobic violence, participation in public processes and institutions, the rape of women and the feminisation of poverty. Because the Commission cannot be expected to tackle all these challenges alone, it has to collaborate with civil society.

The OSW has not fared any better in forging substantive relationships with civil society. Hassim (2006) argues that the South African OSW has isolated itself from the women's movement and that there is no expectation that it will act as a strategic lever in policy terms. She argues, however, that this should not mean that engaging with the state was a misguided strategy for the women's movement or that alliances with political parties necessarily lead to co-option. Rather, what should be considered is how the state should be engaged, what kinds of legal and institutional reforms should be promoted and how a women's movement should be built that is sufficiently mobilised to support a critical engagement with the state. She further cautions that it is self-limiting for the women's movement to pursue inclusion in the state in a piecemeal and depoliticised fashion, seeking to include women into existing policy frameworks without questioning whether the overall policy directions are appropriate for poor women or how new areas of policy or lawmaking should be placed on the agenda.

From the above, it can be seen that the relationship between the national gender machinery and civil society has in many instances been strained and ineffectual. There is significant room for improvement for developing a more consistent relationship and for more collaborative initiatives around common agendas with a pooling of resources on joint priorities, an issue that will need to be seriously considered by the Ministry for Women, Children, Youth and Persons with Disabilities. One of the main reasons for strained relationships pertains to the expectations that civil society has of the national gender machinery. One of these expectations has been that the national gender machinery needs to give effect to a feminist vision of transforming gender relations in society. Yet, the national gender machinery was not set up as a feminist institution and giving effect to a feminist agenda does not constitute part of its formal mandate. The national gender machinery was set up as a package of bureaucratic institutions, yet there has been tremendous pressure from civil society for it to embrace a feminist agenda. This raises the critical question as to what criteria should be used for the purposes of assessing the efficacy of the gender machinery and to what extent the criteria used is fair or not.

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<sup>18</sup> Report of the Ad Hoc Committee on the Review of Chapter 9 and Associated Associations, July 2007

## 5. Implications for the Ministry on Women, Youth, Children and People with Disabilities

Pursuant to the adoption of the resolution pertaining to the establishment of a Ministry on Women, the OSW was tasked with putting together a concept paper for the establishment of such a Ministry. In terms of this, the role of the Ministry would include, inter alia:<sup>19</sup>

- Facilitating, co-ordinating and implementing strategic programmes: This would include the elimination of gender-based violence, labour issues (including unpaid and cheap labour provided by women, poverty eradication, early childhood development, governance and administration, including 50/50 representation at all levels of leadership structures and the monitoring of the effective implementation of programmes on gender equality.
- Act as a custodian of gender equality legislation and policy: This will include the administration of an envisaged Gender Equality Act, as well as reviewing all government legislation and policies from a gender perspective.
- Play a meaningful role in all government planning communications: This will include making inputs into the MTSF and MTEF processes.
- Initiate sector-specific policies and legislation: This will include working with specific departments or structures to give effect to these.
- Monitor and evaluate government performance: This will include the design and implementation of a gender monitoring and evaluation system to ensure the empowerment of women.
- Implementation of international gender commitments and protocols
- Fund civil society projects on the empowerment of women: This will be for initiatives that are aligned with government priorities.

While the concept document is written from the perspective of enhancing the institutional mechanisms for promoting gender equity, it does make the recommendation that an institutional “home” be found for children, the youth, persons with disabilities and the Umkhonto Wesizwe Veterans Association and military veterans, including senior citizens.<sup>20</sup> It proposes that the administrative head of the department is appointed at a Director General level and that Deputy Director Generals are appointed to head up 5 sub-departments which will deal with Women and Gender; Children; Youth; Disability and Umkhonto Wesizwe Military Veterans and Senior Citizens. The Women and Gender sub-department would comprise of three different Units, namely Policy and Planning; Programmes and Monitoring and Evaluation, each of which will be headed up by a Chief Director.

The national gender machinery will be comprised of the parliamentary Committee dealing with gender issues, the Women’s Caucus in Parliament, Gender Units in government departments, the Commission for Gender Equality, departments of the Ministry at provincial level, a proposed Gender Advisory Unit in the Judiciary and civil society organisations. The Gender Units would replace the Gender Focal Points, would act in an advisory capacity and would comprise of more than one staff person.

It is important that the challenges that impeded the work of the gender machinery prior to the establishment of the Ministry are addressed if the Ministry on Women, Youth, Children

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<sup>19</sup> A Concept Paper Towards Strengthening the Institutional Mechanisms for Advancing Women’s Empowerment and Gender Equality in South Africa by the Addition of a Women’s Ministry, Version 9, March 2009

<sup>20</sup> Ibid

and People with Disabilities is to have any hope of success. One of the first issues requiring clarity will be its relationship with the national gender machinery and its methods of communication and information-sharing. It will have to organise itself in such a manner that reduces the potential for overlapping mandates and inadequate systems for planning and developing a clear vision. Critical to its success, will be its ability to forge relationships with civil society and ensure that it is integrally involved in all stages of its work. Having said this, it is important to note that the Polokwane Resolutions spoke to the need to establish a Women's Ministry. The conflation of children, youth, women and persons with disability in one Ministry is a potential cause for concern and the Ministry will need to be very strategic in terms of how it goes about giving effect to such a broad mandate, how resources are appropriated to give effect to each of these different mandates and how cross-cutting issues are dealt with. So, for example, a strategy for addressing issues pertaining to girl children would need to be synergised if taken up by both the Women and Gender Unit and the Unit dealing with children's issues.

The creation of the Ministry will possibly mean that some gender activists and feminists may opt to take up positions within it. One of the consequences of the fact that many feminist activists have migrated from the realm of civil society to be incorporated into state structures, is the fact that the state has increasingly been viewed as the site through which gender equity will come about. For this reason, Gouws (2004) argues that the emergence of "state feminism" has in turn resulted in a shift of women's activism to the state arena, the demobilisation of civil society and an over-reliance on government to change the quality of women's lives. Yet, because the state has failed to fundamentally alter the quality of many women's lives and to include them in critical decision-making processes, there is a need to re-ignite civil society activism. There is a great need for external political pressure to keep the state focussed and responsive to gender concerns and one of the critical challenges for activists working in civil society is to engage with their counterparts in government and to force open the channels of communications where this is lacking.

One of the first key challenges facing the new Ministry is the reworking of the National Gender Policy Framework. The policy does not make provision for the new structures that have been set up and includes a mandate for structures such as the Joint Monitoring Committee which has now been abolished. Given a context where it had been difficult to give effect to the National Gender Policy, the reworking of the policy provides an opportunity for strategically rethinking what such a policy should entail and whether there is a need for enacting legislation in this regard. The concept paper on the establishment of the Ministry also makes provision for the development of a five year National Plan of Action on the empowerment of women. It is imperative that both the policy framework and the five year plan are developed in close partnership with civil society.

The Ministry will also need to develop a sound strategy for ensuring that it monitors the gendered implications of service delivery, budgeting and planning in all government departments. It would therefore need to become very adept at monitoring gender mainstreaming into the work of each government department. This will require the appointment of suitably qualified staff that is fully competent in gender theory and analysis.

## Conclusion

Notwithstanding the fact that the recent past has seen some very disturbing developments in the political arena from a gender perspective, the new term of the fourth democratic government also presents an opportunity for gender activists in many different ways. Notwithstanding the controversy around the establishment of the Ministry, its

establishment can also be an opportunity for enhancing the quality of women's lives. The creation of a Portfolio and a Select Committee mandated to deal with legislation, something that the Joint Monitoring Committee could not do in the past, the possible reworking of the National Gender Policy Framework and the establishment of the National Plan of Action, are all opportunities for both improving women's lives and ensuring that resources are appropriated for giving effect to this. What is critical is that civil society organisation ensures that these spaces of opportunity are moulded and framed by the inputs of women in society. The critical challenge in the next five years is finding ways of working together to both hold the state accountable for ensuring that women's lives are changed for the better, and that women's "submerged discourse" is rendered visible and acted upon in ways in which transcend mere political rhetoric. Poor women do not need another "paper tiger" in the form of gender bureaucracies as real improvements in their lives are long overdue.

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