

**CHALLENGES AND OPPORTUNITIES: AN EVALUATION OF
THE IMPLEMENTATION OF GENDER MAINSTREAMING IN
SOUTH AFRICAN GOVERNMENT DEPARTMENTS, WITH
SPECIFIC REFERENCE TO THE DEPARTMENT OF JUSTICE
AND CONSTITUTIONAL DEVELOPMENT (DOJ&CD) AND THE
DEPARTMENT OF FOREIGN AFFAIRS (DFA)**

by

MARIA VALERIE SEDIBELWANA

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Supervisor: MS B du PLOOY

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ABSTRACT

The aim of this research project is to conduct an evaluation on the implementation of gender mainstreaming in South African government departments, with specific reference to the Department of Justice and Constitutional Development (DoJ&CD) and the Department of Foreign Affairs (DFA). The research project is based on the hypothesis that despite the existence of a National Gender Machinery, Gender Focal Points (GFPs) face numerous challenges in implementing gender mainstreaming, due to various internal and external factors.

Based on the two case studies, the research project concludes that despite a strong commitment from government, GFPs still face challenges in effectively implementing gender mainstreaming. This is due to a lack of accountability, an understanding of the concept of gender mainstreaming, as well as a lack of resources. Furthermore, systemic weaknesses within the National Gender Machinery are exacerbating the challenges faced GFP.

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LIST OF ACRONYMS

AU	African Union
BPFA	Beijing Platform for Action
CEDAW	Convention for the Elimination of All Forms of Discrimination Against Women
CGE	Commission for Gender Equality
CSW	Commission on the Status of Women
DFA	Department of Foreign Affairs
DoJ&CD	Department of Justice and Constitutional Development
ECOSOC	United Nations Economic and Social Council
GAD	Gender and Development
GFP	Gender Focal Point/Person
JMC	Joint Monitoring Committee for Improving the Quality of Life and Status of Women
NGM	National Gender Machinery
NPF	South African National Gender Policy Framework

OSAGI	Office of the Special Advisor on Gender Issues
OSW	Office on the Status of Women
SADC	Southern African Development Community
SMS	Senior Management Service
UN	United Nations
UNSC	United Nations Security Council
WID	Women in Development

CHAPTER 1

INTRODUCTION

1.1. BACKGROUND TO THE RESEARCH

The United Nations (UN) Economic and Social Council (ECOSOC) defines gender mainstreaming as “the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels”. Furthermore, gender mainstreaming is a strategy for ensuring that the concerns of both women and men form a fundamental aspect of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that they can benefit equally. The ultimate goal of gender mainstreaming is to achieve gender equality (ECOSOC, 1997:28; Moser & Moser: 2005: 11).

Gender mainstreaming was endorsed as a strategy for promoting gender equality at the Fourth World Conference on Women, held in Beijing, China, in 1995 (Moser & Moser, 2005:11). During the Conference, governments pledged to advance equality, development and peace for women, by implementing the Beijing Platform for Action (BPFA). At the same conference, the then Minister of Health, Dr Nkosazana-Dlamini Zuma pledged the government’s commitment to the full implementation of the BPFA (Dlamini-Zuma, 1995). Dr Dlamini-Zuma’s pledge, made at a time when South Africa’s democracy was 15 months old, acknowledged the monumental challenges the country was facing in its path to ensuring equality for all.

Furthermore, during his inaugural speech in April 1994, former President Nelson Mandela had emphasised the need for a “non-racist, non-sexist democracy, giving all citizens equal representation in and access to the state” (Seidman, 2003: 541).

Following the Beijing Conference, governments around the world then set up institutions to ensure that gender mainstreaming was adopted as a strategy for assuring gender equality. In South Africa, the new government became a signatory to a multitude of regional, continental as well international policy commitments, including those related to the empowerment of women in all spheres of life. These include amongst others, the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW), which South Africa acceded to in January 1993, and the Southern African Development Community (SADC) Declaration on Gender and Development, which was adopted by SADC Heads of State and Governments in 1997. In December 2004, the government also ratified the African Union (AU) Protocol on the African Charter on Human and People’s Rights on the Rights of Women in Africa. The right to equality is also entrenched in the Constitution of the Republic of South Africa, which came into effect in 1996.

In order to institutionalise gender mainstreaming, the government set up the National Gender Machinery. This point is emphasised by Hassim (2003: 506 - 509), who states that the government created a detailed institutional framework to ensure that gender equality concerns are included in policy formulation. In designing the National Gender Machinery

system, the Office on the Status of Women (OSW), Joint Monitoring Committee for Improving the Quality of Life and Status of Women (JMC), as well as the Commission for Gender Equality (CGE) were created, with distinct but complimentary mandates, to ensure that the government fulfils its obligation of ensuring gender equality. Hassim further attests that the creation of the national gender machinery was also driven by an increase in the number of women elected to Parliament in the 1994 and 1999 elections.

The beginning of a democratic order also presented a prospect of new opportunities for women in the country, leading to a rise in the number of women holding key positions both in government and the private sector. However, despite the government's noteworthy achievements in elevating the role of women in general, much still needs to be done. In particular, women and children remain the most vulnerable group in all communities, and they often suffer from socio-economic constraints brought about by gender inequality within society (Gray & Maré, 2002).

1.2. PROBLEM STATEMENT

The debate on gender mainstreaming, its theoretical concepts, as well as the manner in which it is implemented is highly complex and contested. There are as many proponents of gender mainstreaming, as there are opponents. However, the purpose of this research project is not to debate the relevance of gender mainstreaming, but to undertake a critical comparative evaluation of its implementation in government departments.

Prior to developing a hypothesis for the research project, it is important to first define the concepts that underlie gender mainstreaming. Therefore, the definitions will focus on gender, gender equality and gender mainstreaming.

The Office of the Special Advisor on Gender Issues and Advancement of Women (OSAGI: 2001) defines gender as “the social attributes and opportunities associated with being female and male and the relationships between women, men, girls and boys, as well as the relations between women and men. These attributes, opportunities and relationships are socially constructed and are learned through the socialisation processes. They are context/time specific and changeable. Gender determines what is expected, allowed and valued in a woman or a man in responsibilities assigned, activities undertaken, access to and control over resources, as well as decision-making opportunities. Gender is part of the broader socio-cultural context. Other important criteria for socio-cultural analysis include race, class, poverty level, ethnic group and age”.

Gender equality on the other hand, refers to “equal rights, responsibilities and opportunities for women, men, girls and boys. Equality does not mean that women and men will become the same but that women’s and men’s rights, responsibilities and opportunities will not depend on whether they are born female or male. Gender equality implies that the interests, needs and priorities of both women and men are taken into consideration, recognising the diversity of different groups of women and men. Gender equality is not a ‘women’s issue’, but should concern and fully engage men as well as women.

Equality between women and men is seen both as a human rights issue and as a precondition for, and indicator of, sustainable people-centred development” (OSAGI, 2001).

The South African National Gender Policy Framework (NPF) defines gender equality as a condition where women and men have an equal opportunity to realise their full potential and contribute to, as well as benefit from, national political, economic, social and cultural development. Therefore, gender equality entails the identification and removal of the underlying causes of discrimination.

OSAGI (2001) places emphasis on the fact that gender mainstreaming involves ensuring that gender perspectives and attention to the goal of gender equality are central to all activities, such as policy development, research, advocacy, dialogue, legislation, resource allocation, as well as the planning, implementation and monitoring of programmes and projects.

It is important to also discuss the definition of gender mainstreaming as developed by the Council of Europe’s Specialists on Gender Mainstreaming. They define gender mainstreaming as “the (re)organisation, improvement, development and evaluation of policy processes, so that a gender equality perspective is incorporated in all policies at all levels and at all stages, by the actors normally involved in policymaking” (Council of Europe, 1998: 15). According to Verloo (2001:2), this definition has been “widely adopted” within the EU and elsewhere, as it emphasises gender equality

as an objective and a strategy, and not women as a target group.

Verloo (2001:3) further argues that gender mainstreaming deals with the problem of gender equality at a structural level, identifying gender biases in current policies and addressing the impact of these biases in the reproduction of gender inequality. She further states that gender mainstreaming as a strategy will ensure that gender imbalances are eliminated, as it will re-focus policymakers on incorporating gender equality in policy processes.

For Alston (2006: 123), gender mainstreaming is a strategy that represents a policy focus shift from issues of women's disadvantage to a more strategic focus on attention to mainstreaming gender across organisations as a means of achieving gender equality and women's empowerment.

Benschop and Verloo (2006: 19-33) regard gender mainstreaming as an opportunity to respond to gender bias in policies, as policymaking tends to be based on male norms. More importantly, they highlight the fact in terms of gender mainstreaming as a feminist intervention strategy, there are a number of "problematic constructs and ongoing theoretical debates that are fragmented by paradigmatic and disciplinary boundaries".

Evelyn and Bacchi (2005: 496-512) argue that within the policies and practices of gender mainstreaming, the term 'gender' is in itself contested. Additionally, they underline the fact that, as demonstrated in their case study, the use of

gender mainstreaming practices in one context will not guarantee success in the other. In effect, this means that it becomes impossible to use a one-blanket approach. Evelyn and Bacchi further explore the term 'gender' as a verb, its historical origins, as well as the theoretical debate surrounding the term as well as its use. They conclude that "theorising gender as an embodied process offers a way of linking the body of feminist writing to the living bodies of women and men". They further argue that the use of gender mainstreaming has been incomplete, as "feminists and policymakers view gender as a verb rather than a noun", which entails the engendering of "policy, institutions and organisations".

Dubel (2002: 1), ties in all the elements covered by other authors, by defining gender mainstreaming as a "strategy" as well as a "process of agenda setting" and "change at different levels within organisations and institutions". She further defines gender mainstreaming as "both a technical and a political process, which requires shifts in organisational cultures and ways of thinking, as well as in the goals, structures and resource allocations of organisation". In essence, this would require fundamental change "at different levels within institutions and organisations, paying attention to equality between women and men in agenda setting, policy making, planning, budgeting, implementation, evaluation and all decision-making procedures".

The NPF defines gender mainstreaming as a goal-oriented process recognising that most institutions consciously and unconsciously serve the interests of men and encourages institutions to adopt a gender perspective in transforming

themselves. Gender mainstreaming promotes the full participation of women in decision-making so that women's needs become central to decision-making.

Based on all the definitions, the main goal of gender mainstreaming can therefore be described as a strategy whose aim is to ensure gender equality is achieved. Gender mainstreaming recognises that women are not a homogenous group, and should therefore not be treated in the same manner. Gender mainstreaming further recognises the role played by power relations between women and men, and the manner in which these manifest themselves, as well as the role of culture. Finally, gender mainstreaming recognises that in order for development to succeed; organisations need to involve women in decision-making, as well as when conceptualising a gender perspective into all relevant policies.

Therefore, the hypothesis of this research project is that despite all the positive gains made in the last 13 years, Gender Focal Points/Persons (GFPs) in government departments are still facing serious challenges in relation to implementing gender mainstreaming as a tool to achieving gender equality. The challenges are multi-faceted, and include conceptualisation, focus areas, decision-making, implementation and monitoring and evaluation. Furthermore, although all government departments are guided by the Constitution, NPF and other relevant Acts in implementing gender mainstreaming, there appears to be a lack of a common understanding within government departments on what gender mainstreaming entails. As a result, there is a different and

inconsistent approach in the implementation of gender mainstreaming across all departments.

These challenges are despite the conscious efforts made by activists who conceptualised and set up the National Gender Machinery system after the 1994 elections, not to create ineffective and non-functional systems (Hassim, 2003: 508 - 510). She further notes that these gender machineries are “often imposed through donor intervention upon otherwise conservative and even undemocratic political elites rather than won as a political victory by women’s organisations”. Hassim also notes the ineffectiveness of the entire national gender machinery system, by pointing out that although the OSW is located within the presidency, it lacks access to Cabinet; that gender focal points lack authority; and that the appointment of staff in these units is often at a junior level, rendering the unit incapable of authority, influence and access.

Other factors that contribute to the ineffectiveness of gender focal points are the laissez faire attitude of officials within departments in terms of taking the focal points seriously, the appointment of “career bureaucrats” who have no interest or knowledge in gender mainstreaming, a lack of resources, “failure” by the OSW to provide strategic direction with regard to developing “a broad framework within which specific policy demands could be politically legitimised, and against which internal government advocacy could take place”, as well as the fact that the Public Service places more emphasis on getting the number of women right, rather than entrenching gender mainstreaming as a tool to achieving gender equality (Hassim, 2003: 508 - 510).

In addition, during a Roundtable Discussion on Gender Mainstreaming in the Public Service held in August 2007, the Minister in the Presidency Essop Pahad delivered a speech reflecting on the *“Full Compliance with Institutional Mechanisms for Advancing Gender Equality in the Public Service”*. He states that when evaluating the degree to which the government has been able to deliver on its commitment to gender equality, South Africa’s history must be taken into account. However, he acknowledges that in the quest for gender equality, women still face serious challenges that restrict their development.

Furthermore, Pahad quotes a 2006 audit undertaken by the Public Service Commission, which made the following findings:

- There is a general lack of knowledge and understanding of gender concepts and gender mainstreaming in most departments and across all levels with the result that senior management does not know how to move from policy to strategy and action.
- Women with disabilities are not adequately represented at Senior Management Service (SMS) levels.
- In seven of the provinces, no women with disabilities are employed in the SMS levels.
- In general, the empowerment of women is not occurring in any significant way.
- There is a lack of a clearly defined institutional framework necessary to drive the vision of gender equality.
- The environment in general is not enabling for the empowerment of women.

More importantly, Pahad identifies challenges that hamper the effective implementation of gender mainstreaming in government. Firstly, he questions whether senior management, such as Directors-General, Deputy Directors-General, as well as Chief Directors are held accountable for their employment practices. Secondly, the lack of an enabling environment and an organisational culture hampers the effective implementation of gender mainstreaming. Thirdly, within the Public Service, there is a lack of will and compliance with the spirit of the NPF (Pahad, 2007).

The issues highlighted by Pahad above are in contrast to a speech he delivered in 2001, where he addressed progress and challenges with regard to the improvement in the quality of life and the status of women. During this particular speech, Minister Pahad reinforced the government's commitment to gender equality, stating that gender mainstreaming in South Africa is a constitutional requirement. He further outlined South Africa's achievements in relation to the country's report on the implementation of the BPFA. Interestingly, Pahad referred to an audit which had been conducted by government in 2000-2001, revealing that there is a strong political will and legislative framework enabling gender mainstreaming, as well as the fact that the number of senior women managers in the Public Service had increased compared to 1994 (Pahad, 2001).

Research conducted by Meer (2005: 42 – 43) concludes that institutions aimed at supporting the government to entrench gender equality are poorly resourced; they lack senior management support; and also lack clarity in terms of gender goals. Rao and Kelleher (2005: 57 - 58) support Meer's

findings, and state that a lot has not changed in terms of institutionalising gender mainstreaming, whether it be “trade unions, Non-Governmental Organisations (NGOs), women’s organisations, state bureaucracies, or corporate structures”. Both Rao and Kelleher also emphasise institutional challenges faced by those who need to implement gender mainstreaming. In institutions, these challenges include challenges of clarity, challenges of organisational change, as well as challenges of measurement.

In order to test the validity of this hypothesis, the Gender Focal Points of the Department of Justice and Constitutional Development (DoJ&CD), as well as the Department of Foreign Affairs (DFA) will be used as case studies.

The mandate of the DoJ&CD is to “uphold and protect the Constitution of the Republic of South Africa and the rule of law”. The DoJ&CD also “aims to render accessible, fair, speedy and cost-effective administration of justice in the interest of a safer and more secure South Africa” (SA Yearbook, 2005/6: 418). As such, the DoJ&CD plays a critical role in ensuring that women have access to the justice system and that the department’s systems and procedures, as well as laws drafted by the department, do not undermine and disadvantage women.

The DFA’s vision is “an African continent, which is prosperous, peaceful, democratic, non-racial, non-sexist and united, and which contributes to a world that is just and equitable” (DFA, 2005). The DFA aims to implement this vision by “promoting SA’s national interests and values, the African Renaissance and the creation of a better world for all” (DFA, 2005). The

DFA's mandate becomes particularly important given the country's involvement in conflict areas on the African continent, where women and children bear the brunt of conflict, as well as the non-permanent seat on the United Nations Security Council (UNSC), where South Africa is able to influence a range of resolutions, including those affecting women and children.

1.3. RESEARCH OBJECTIVES

The main aim of this research project is to conduct an evaluation of the manner in which government departments in South Africa implement gender mainstreaming, as well as challenges and opportunities faced by government officials whose responsibility it is to implement gender mainstreaming. The research project is based on a hypothesis that despite the existence of a national gender machinery, gender focal points face numerous challenges in implementing gender mainstreaming. Furthermore, the significance of gender mainstreaming in government departments is not fully understood and consistently implemented. The research project will have a particular focus on the gender focal points located in the DoJ&CD as well as the DFA. In the case of the DoJ&CD, the department's gender policy will also be critically evaluated.

The research project will then draw an analysis of the two departments, and then translate the overall evaluation and identification of challenges and opportunities into a generic set of recommendations, adapted to South African conditions, which will, without being prescriptive, assist GFPs to better

deal with the challenges they face when implementing gender mainstreaming.

1.4. RESEARCH DESIGN

Since gender mainstreaming has socio-political aspects, the research study will use a qualitative method of data collection. This will be done in two ways: by conducting a comprehensive content analysis of existing written documents; as well as using the semi structured, in-depth interview.

The first point of departure will be the content analysis of existing documents. This is important because it provides an opportunity for the researcher to critically evaluate relevant data. It must be mentioned however, that the evaluation of official documents also poses a challenge, as these documents will obviously reflect an official position rather than the reality on the ground. Documentation that will be used will include relevant texts, professional journals, civil society documents, as well as newspaper and internet articles. The actual evaluation of internal documents will be based on the DoJ&CD's *Gender Policy Statement*, as well as any other relevant documents (www.socialresearchmethods.net; Bless, Higson-Smith & Kagee, 2006).

The evaluation of data will be augmented by the use of a semi-structured interview with the GFPs or their designated representatives. The interview will be based on an adapted questionnaire, which will be provided to the interview subjects in advance for preparation purposes. The use of an in-depth, semi-structured interview is particularly useful as it will afford

the researcher an opportunity to probe relevant issues, while being systematic and comprehensive at the same time (Bak, 2004; Bless, Higson-Smith & Kagee, 2006).

Research on the DFA will also be based on the content analysis of existing documents. Similarly, it is expected that that the evaluation of official documents will reflect an official position, rather than the reality on the ground. Documentation that will be used will include relevant texts, professional journals, civil society documents, as well as newspaper and internet articles. It emerged during the research process that the DFA does not have a written gender policy as yet. However, a Chief Director responsible for the Gender Focal Point was appointed during the first quarter of 2007. Nevertheless, it is still important to evaluate the performance of the department in relation to gender mainstreaming. The recent appointment of a GFP in the department, as well as the lack of any policies is a finding in itself (www.socialresearchmethods.net; Bless, Higson-Smith & Kagee, 2006).

As is the case with all research methods, there are several advantages as well as disadvantages related to the scheduled non-structured interview. The most important advantage is that this type of interview affords the researcher an opportunity to be flexible, comprehensive, detailed, as well as probe relevant topics in greater detail. On the other hand, the disadvantage is that due to its flexibility, it is sometimes very difficult to compare and analyse data from different subjects; and the subjects' may interpret their perceptions as facts.

However, in the case of the selected case study, the advantages outweigh the disadvantages. This is due to the fact that firstly, the head offices of the departments are located in Pretoria, where the researcher resides; secondly, the researcher will only interact with a very limited number of interviewees at a senior level. Lastly, the volume of the material as well as information collected from interviewees will not be too large, given that only two departments are being used as a case study. It should also be noted that the researcher will be able to separate facts from perceptions by conducting a prior study of relevant documents, before interviewing the subjects (Bak, 2004; Bless, Higson-Smith & Kagee, 2006).

In relation to ethical issues, the subjects were informed of the purpose of the research project as well as the method and storage of the data collected. The subjects requested to remain anonymous, as their inputs are perceived as personal rather than official departmental inputs. However, official documents were used for the purposes of collecting and evaluating the GFPs (Bak, 2004).

1.5. RESEARCH QUESTIONS

The following strategic questions were explored for this study (Appendix 1 on page 81 has a full list of the questions):

- Does the department have a gender focal point?
- Does the department have a written policy on gender mainstreaming?
- Who champions gender mainstreaming within the department?

- Do performance agreements of all relevant managers and supervisors include gender mainstreaming as a key performance outcome?
- To what extent is gender mainstreamed into the department's strategic objectives and policies, to assist in the implementation of its mandate?
- To what extent do officials, particularly at a senior level, understand the importance and relevance of gender mainstreaming, as well as its implications?
- Is a gender perspective included in any of the assessments as well as policy documents drafted for policy makers?
- To what extent are responsible managers held accountable for gender mainstreaming within the department?
- What are the main obstacles and challenges faced by the Gender Focal Unit in implementing its mandate within the department? (Additional questions adapted from www.capacitydevelopment.net and www.genderlinks.org.za).

1.6. RESEARCH LIMITATIONS

Gender mainstreaming, as illustrated earlier, has many interesting challenges that have the potential to be explored further. However, due to time constraints, this research project will not delve into all the challenges facing the national gender machinery, but rather focus on the gender focal points in government departments.

Secondly, utilising interviews as a method of collecting information also poses challenges, particularly when it comes to scientific validation; given the subjects who are interviewed

have their own beliefs, approaches and dynamics that might influence the answers they provide.

1.7. CHAPTER OUTLINE

The study is presented in 6 chapters.

Chapter 1 provides the background and context to the research project. The Chapter also provides the departure point for the research project, and bases itself on a hypothesis that despite achievements in the last decade, as well as the existence of a National Gender Machinery, GFPS still face monumental challenges in implementing gender mainstreaming. Research objectives, as well as the research design are also discussed in this chapter.

Chapter 2 addresses the literature review on which the study is based. It traces the history of gender mainstreaming, the evolution of gender mainstreaming and the principles underlying the implementation of gender mainstreaming, as well as the challenges related to the implementation of gender mainstreaming.

Chapter 3 focuses on gender mainstreaming in the South African context, and discusses the guiding principles as well as the institutional mechanisms which the government has created to ensure that gender equality is achieved through gender mainstreaming and other related processes.

Chapter 4 presents the two case studies, namely the DoJ&CD as well as the DFA. Research on the DoJ&CD is based firstly

on an analysis of the department's *Gender Policy Statement*, which, incidentally, is currently under review; and secondly on the semi-structured interview undertaken with one of the department's staff members responsible for gender mainstreaming. Based on the two, findings will then be presented.

The second case study is the DFA. Research on the DFA is based on a semi-structured telephonic interview conducted with one of the department's members responsible for gender mainstreaming. This is because the department only appointed a chief director responsible for Gender Mainstreaming in the first quarter of 2007. Despite the lack of a policy on gender, it is important to evaluate the performance of the department in relation to gender mainstreaming.

Chapter 5 provides an analysis of the findings from the two case studies, and identifies challenges and opportunities. The chapter will also draw a comparative evaluation of the two departments.

Chapter 6 focuses on conclusions, as well as proposed recommendations extracted from lessons learned in the two case studies.

1.8. CONCLUSION

This chapter provided the background and context to the research project. The chapter also provided the departure point for the research project, basing itself on a hypothesis that despite achievements in the last decade, as well as the

existence of a National Gender Machinery, GFPs still face monumental challenges in implementing gender mainstreaming. Research objectives, as well as the research design are also discussed in this chapter.

CHAPTER 2

LITERATURE REVIEW

2.1. INTRODUCTION

This chapter addresses the literature review on which the study is based. It traces the history of gender mainstreaming, the evolution of gender mainstreaming and the principles underlying the implementation of gender mainstreaming, as well as the challenges related to the implementation of gender mainstreaming.

2.2. HISTORICAL DEVELOPMENT OF GENDER MAINSTREAMING

Alston (2006:125-128) traces the historical development of gender mainstreaming to the 1975 International Women's Year, which culminated in the holding of the World Conference on Women in Mexico, which was sponsored by the United Nations (UN). At this conference, women recognised the fact that despite their differences, they share commonalities with regard to their unequal treatment by society. Furthermore, apart from being defined as the beginning of the decade for women, the conference also recognised that international and national development depends on the participation of both women and men (Skard: 2002, as quoted in Alston, 2006: 125).

In 1979 CEDAW was adopted by the UN General Assembly. In 1980, halfway through the decade of women, the UN adopted a Program of Action, which emphasised equality, development

and peace. At the end of the decade of women, the UN held a conference in Nairobi in 1985 to consolidate the organisation's efforts in the area of gender equality. At this conference, the "Forward Looking Strategies" was adopted. The strategy called for sexual equality, women's autonomy and power, recognition of women's unpaid work, and advances in women's paid work (Alston, 2006: 125 - 126). Alston further states that women activists progressively changed their direction from focusing on women's issues to the advancement and empowerment of women. This change of direction assisted in that by the time the Beijing Conference was held in 1995, the emphasis had changed to ensuring that a gendered perspective is included in all policies and programs, thereby leading to the beginning of the gender mainstreaming approach.

The change was also brought about by criticisms of a women-focused approach, which occurred in the run-up to the Beijing Conference. These criticisms included "the dangers of viewing women as an indivisible category; focusing attention on women in one small area of organisational structures and thus ignoring the institutional/organisational cultures, the complex gender relations and the ideologies that perpetuate women's disadvantage; and a lack of significant change in gender disadvantage over time" (Chant and Gutmann, 2000, as quoted in Alston, 2006: 126). Overall, these international conferences reinforced the need to ensure that gender mainstreaming is operationalised at all levels.

Karl (1995:121-148) states that although the involvement of women within multilateral institutions came to the fore in 1975, this involvement can be traced back to the League of Nations.

She highlights the fact that throughout the history of the League of Nations, women's organisations were able to mobilise and form consultative bodies to lobby on a number of issues, including social reform, women's rights and peace. She does concede that the actual involvement of women within the League itself was limited, as few women worked in the international political arena. Nevertheless, the work undertaken by these women within the League of Nations set the tone for women's involvement in the UN. Karl also concurs with Alston with regard to the origins of gender mainstreaming from the 1975 Mexico conference, as well as other conferences highlighted in preceding paragraphs.

In fact, the Council of Europe (1998: 12 - 13) points out that gender mainstreaming "as a new concept, appeared for the first time in international texts after the UN Third World Conference on Women (Nairobi, 1985) in relation to the debate within the UN Commission on the Status of Women (CSW) on the role of women in development".

Furthermore, Pietilä (2007: 1 – 9) states that when the League of Nations was founded in 1919, women realised the organisation's and worked together to promote peace and empower themselves through new policies drafted by the League. Pietilä also points out that despite the onset of World War II, which led to the dissolution of the League of Nations, women in different entities still interacted with each other. This interaction assisted women in gaining experience and expertise in international issues, which assisted them during the founding conference of the UN in 1945.

Pietilä (2007: 42 – 55) also provides an analysis of the three UN World Conferences on Women held in 1975, 1980 and 1985 respectively. She states that although women acknowledged that some of the objectives had not been met, significant gains had been made in other areas. One of these gains is that putting the spotlight on women highlighted the issues they grappled with on a global level. Secondly, the UN revised the manner in which it collected its data, as it became apparent during country evaluations that national and international statistics failed to provide gender-disaggregated data. Additionally, the focus on women led to the creation of more agencies dealing with women's issues, such as The Division for the Advancement of Women (DAW), the International Research and Training Institute for the Advancement of Women (INSTRAW) and the UN Development Fund for Women (UNIFEM) within the UN system.

In fact, UNIFEM has adopted a holistic approach that links all the relevant frameworks to ensure that women experience tangible change in their lives. Together with governments and other stakeholders, UNIFEM is involved, amongst others, in the following areas:

- Reducing feminised poverty and strengthening women's economic security
- Focusing on gender equality in democratic governance and post-conflict reconstruction
- Engaging in a gender justice agenda
- Ending violence against women
- Combating the spread of HIV/Aids (Heyzer, 2006: 1 – 5).

Hannan (2000: 1-14) reminds us that gender mainstreaming was not a new strategy when it was endorsed as a global strategy for promoting gender equality in the BPFA. In effect, it had been under development for some time for a number of years before then. Furthermore, Hannan also points out that in order to understand gender mainstreaming, one must understand what gender equality is, and distinguish the difference between giving attention to gender perspectives versus the goal of promoting gender equality. For Hannan, the implementation of gender mainstreaming requires a clear understanding of what the gender perspectives/implications of different sector areas and issues are.

One of the interesting issues discussed by Hannan (2000: 1-14) is factors that motivate gender mainstreaming. According to her, gender mainstreaming as a strategy is motivated by the rationale for human rights and social justice, which translates into the equal involvement of women in all areas of societal development. Finally, Hannan suggests that gender mainstreaming does not only focus on the gender equality situation within an organisation, but also on equal opportunities in terms of recruitment, advancement, conditions of work, norms, attitudes, values, organisational culture, management style, and others. Furthermore, gender mainstreaming is not only concerned with increasing equal opportunities and gender balance within an organisation, but also with incorporating attention to gender perspectives and the goal of promoting gender equality in the substantive work of an organisation.

Similarly, Jahan (1996: 826) argues that although women have made significant gains since the 1970s, the challenges they

face remain significant, particularly in the Southern Hemisphere.

De Waal (2006: 210 – 211) adds that gender mainstreaming developed over several decades, and has its roots in the Women in Development (WID) approach, which called for more focus on the WID policy in practise, and emphasised the need to integrate women into the development process. The second approach is Gender and Development (GAD), which focused on the social differences between women and men and the need to challenge existing gender roles and relations (Reeves and Baden, 2002, as quoted in De Waal, 2006).

Jahan (1996: 828) adds that international agencies pursued the WID and GAD models at the expense of gender equality and women's empowerment, and accordingly measured the impact of development according to WID and GAD, rather than gender equality and women's empowerment. Jahan further argues that there must be a shift from an "integrationist approach", which seeks to add gender issues in all sectors, to an "agenda-setting approach". An agenda-setting approach would entail change in the manner in which decision-making processes are undertaken, by strategically positioning gender issues amongst other competing issues. Secondly, women would not only be expected to play a leadership role in decision-making structures, but also actively participate in the drafting of policies that will affect them. More importantly, development priorities would focus more on women of the Southern Hemisphere, who are marginalised and poor, rather than their privileged counterparts in the Northern Hemisphere.

An agenda-setting approach also implies that policies for women would differ, because women are not a homogenous group, as well as a focus on gender equality and women's empowerment within international agencies. Jahan also identifies other important aspects of an agenda-setting approach as giving attention to women's organisations and groups, a new advocacy and communication strategy to advance women's issues, the development of concepts and analytical tools in different languages and different development contexts, as well as building institutional capacity for those receiving aid to set-up and implement their own agendas.

2.3. WHY GENDER MAINSTREAMING?

The Council of Europe (1998: 19 - 20) provides several reasons that necessitate gender mainstreaming. Firstly, gender mainstreaming "puts people at the heart of policy-making". In effect, this means that once policymakers get used to gender mainstreaming, it will ensure that the practice and evaluation of policies will be people-centred, rather than based on "economic and ideological indicators". Secondly, gender mainstreaming will lead to "better informed policy-making and therefore better government".

Thirdly, instead of a small group of women, the practise and inclusion of gender mainstreaming will ensure that both women and men participate. Fourthly, gender mainstreaming will provide "a clear idea of the consequences and impact of political initiatives on both men and women and of the balance between women and men in the area concerned". Finally,

gender mainstreaming “takes into account the diversity of women and men”, and acknowledges that women and men are not a homogenous group.

The Council of Europe (1998: 21 – 23) lists seven fundamental issues for gender mainstreaming. These are:

- Political will, where the state defines gender equality as one of its main objectives and sets out clear criteria for gender mainstreaming.
- Specific gender equality policies, which would contain aspects such as equal opportunities legislation and anti-discrimination laws, equality commissions, national equality machinery, specific equality policies, as well as research, training and awareness on gender equality issues.
- Statistics, which would entail having data on the current situation on women and men, as well as current gender relations.
- A comprehensive knowledge on gender relations, which essentially means that policy-makers must be equipped with the necessary knowledge on gender equality issues.
- Knowledge of the administration, which means that there must be the necessary expertise in ensuring that all the necessary processes in relation to gender equality are followed.
- Financial and human resources, which means that structures entrusted with implementing gender mainstreaming must be equipped with the necessary financial and human resources.
- The participation of women in political and public life and in decision-making processes, which entails ensuring that the recipients of gender mainstreaming policies must be involved in all aspects of conceptualising the policies.

Status of Women Canada (2001), states that the importance of undertaking gender mainstreaming is critical, as all policies and activities have a gender perspective or implication. Secondly, policies and programmes become more effective when the impact of gender is considered and addressed when these policies and programmes are conceptualised. Finally, gender mainstreaming contributes to the rectification of systemic gender-based discrimination.

As a strategy, gender mainstreaming is important in order to redress the cultural, historical and social factors that disadvantage women across the world. In essence, gender mainstreaming should lead to changes through policy-making and implementation, by being able to conceptualise policies that respond to changes in requirements, interests and perceptions with regard to women and men's social roles (Netherlands Foreign Affairs Ministry, 2002).

Rees (2005: 563 – 564) has identified three principles that underlie gender mainstreaming. She does caution however, that these principles are not limited to gender mainstreaming as an approach.

The first principle is treating the individual as a whole person. This would entail aspects such as work and life balance, dignity at work, equal pay reviews for men and women, as well as the modernisation of human resources. The second principle is democracy and participation. This would include aspects such as gender monitoring, gender disaggregated statistics, equality indicators, transparency in government, legislation on gender balance, consultative procedures, as well as national

machineries for women. The final principle is justice, fairness and equality. This involves gender monitoring, gender budgeting, gender impact assessments, gender proofing, women's studies and gender studies, as well as visioning.

On the other hand, for Walby (2003-4: 3) gender mainstreaming is a process that is contested. She identifies two frames of reference for gender mainstreaming. The first emanates from "a gender equality stance", while the other is from a "mainstream" point of view. The normal practice, she contends, is to identify links between gender mainstreaming and gender equality. This is expressed by having two concurrent aims, which are the promotion of gender equality and gender justice, as well as ensuring that mainstream policies are more effective by including a gender analysis.

Walby further states that the definition of gender mainstreaming can be understood in different contexts. These contexts can be divided into three questions, namely, whether a set of principles for gender mainstreaming can be identified, and whether gender mainstreaming can always be understood in the context of a social construct; whether there is an understanding that models of sameness, difference and opportunities are alternative and inconsistent visions; and finally, whether the extent to which the different policy domains are seen as closely interconnected or as relatively independent, since this would affect whether 'sameness' may be held as a standard in one domain simultaneously with 'difference' in another.

For the Tanzania Gender Networking Programme (TGNP), the rationale for gender mainstreaming is critical, as it articulates the need for a collective process. Secondly, gender mainstreaming recognises the need for a combined strategy which addresses issues related to the empowerment of women, while also promoting gender mainstreaming as a tool for promoting gender equality.

The International Labour Organisation (ILO) states that gender mainstreaming must have the following basic principles:

- Establish adequate accountability mechanisms for monitoring progress
- Identify issues and problems across all areas in such a way that gender differences and disparities are diagnosed
- Assume that issues or problems are neutral from a gender-equality perspective
- Carry-out a gender analysis
- Have clear political will
- Allocate adequate resources for mainstreaming, including additional financial and human resources
- Make efforts to broaden women's equitable participation at all levels of decision-making (ILO, 2002)

However, gender mainstreaming can only be achieved if certain conditions are met. The Netherlands Ministry of Foreign Affairs defines these conditions as follows:

- Policies on equal opportunities and on women and development must be clearly defined
- Directors and heads of departments must devote sufficient attention to the question of equality and equal opportunities

- Everyone within the organisation must know how they can contribute to gender equality in their own policy field
- Gender experts should take part in decision-making on policy
- There must be enough resources for policy-making and implementation
- Policies must be assessed and accounted for at specific stages

Williams (2004: 2) states that one of key problems with regard to gender mainstreaming is that it has lost its principal and fundamental elements. She argues that gender mainstreaming should be viewed as a process for ensuring equity, equality and gender justice in all of the critical areas for women and men, rather than a destination that organisations and governments currently aspire to. She further argues that gender mainstreaming must be the foundation for development, poverty eradication, environmental protection policies, good governance and democracy processes.

Furthermore, she argues that there is a need to return to the fundamental basics of gender mainstreaming, since there are indications that the international community has lost touch with gender as a category of analysis that focuses on the relationship of power between women and men in terms of access to and ownership of resources and power dynamics. Moreover, gender mainstreaming now faces issues related to deep value conflict, power politics, analytical tensions, contradictions and dilemmas bound up in different interpretations and expectations at the institutional, policymaking and operational levels. Finally, she identifies two

reasons that have led to this development: there is a lack of focus on strengthening analytical and policy-oriented initiatives to improve the different categories of gender mainstreaming policies; there is an increasing gap and a lack of consultation and coordination on gender mainstreaming at all policy-making levels, leading to a disjointed approach to gender mainstreaming issues.

Sandler (2004: 3) reinforces the arguments made by Williams and argues that the manner in which gender mainstreaming is practised differs significantly to the manner in which gender mainstreaming is conceptualised. She further contends that the situation today would be different if there was an understanding and an application of gender mainstreaming as a strategy to address gender inequality at a structural level, by eliminating gender biases and power imbalances between women and men.

Both Williams and Sandler's views on the purpose of gender mainstreaming are supported by Win (2004: 7), who also states that the main goal for gender mainstreaming is to achieve gender equality, rather than being an objective or an end in itself. She also argues that the "transformatory" aspect of gender mainstreaming has been neglected, with gender mainstreaming strategies focusing more on technical aspects.

For Mehra and Gupta (2006: 2 – 3) gender mainstreaming includes all aspects of planning, implementing and monitoring of any social, political or economic actions. This means that there would be changes in both the manner in which organisations function internally and externally. Internal

change refers to a situation where organisations adopt a change management process to embrace the goals and values of gender mainstreaming and to alter systems and procedures to meet these goals. The external aspect is related to the steps needed to mainstreaming gender into development operations such as design, implementation and evaluation.

Moser (2007: xx – xxi) provides another perspective to gender mainstreaming, arguing that an analytical approach should be adopted in order to work towards the eradication of gender inequalities. This approach “assumes that societies, their social relations, economies and power structures contain deeply etched gender divisions, in the same way that they reflect class, ethnic and racial divisions”. She further argues that, for example, markets and macro-economic flows are not always subjected to gender analysis, since an assumption is that these aspects are gender-neutral.

2.4. EVOLUTION OF NATIONAL GENDER MACHINERIES

According to Beall (2001: 137 – 142), the UN Decade for Women saw the establishment of national gender machineries in more than 140 countries. These gender machineries took different formats in different countries. Some countries created fully fledged women’s ministries; others were located within ministries of welfare or community development, while others opted to place the gender units within Presidential Offices, as is the case in South Africa.

Beall further states that gender machineries in earlier years were not particularly effective, as they had no status,

resources and influence. In addition, the gender machineries had no goals of their own, and relied on the agendas of international development agencies. She attests that these machineries spent more time on raising public awareness at the expense of defining their role and responsibilities. She further cites national gender machineries in the Caribbean as an example, where the machineries failed to make an impact within government on the importance and relevance of gender equality within the context of developmental policies. The presence of pre-existing structures dealing with women's issues also exacerbated the problems faced by national gender machineries (Gordon, as quoted in Beall, 2001).

However, Beall does point out that in 1997, the Philippines and Colombia set up successful gender machineries, which were able to link gender issues and national policy, and also involved all relevant stakeholders such as civil society and international development agencies in the process. In Colombia the role of inter-agency collaboration on a project to mainstream gender was hampered by domestic factors such as "state-society relations, administrative corruption, political mistrust, social fissures and endemic violence". Other factors included the "unresolved tensions between implementing internationally fostered neo-liberal economic reform measures and the more radical task of addressing poverty and social inequalities" (Beall, 2001: 137 – 142).

Thege (2002: 3 – 22) highlights the fact that within the European Union (EU), Denmark, Sweden and Finland have developed a more advanced commitment to gender mainstreaming; the most successful being Sweden. These

countries, together with Italy, France, Luxembourg and Portugal, have clearly defined National Action Plans (NAPs) for implementing gender mainstreaming. However, some countries, such as Germany, Belgium, Ireland and Greece have identified weaknesses in their gender mainstreaming strategies. The Netherlands and the UK have failed to incorporate gender mainstreaming into NAPs. However, the Netherlands has registered a number of policies that have direct relevance to gender mainstreaming.

An audit undertaken in 2005 by Gender Links on behalf of the SADC Gender Unit and the SADC Parliamentary Forum indicated that within the region, only two countries, namely Mozambique and South Africa, achieved a 30% target for the representation of women. Apart from disparities in relation to representivity, the audit also revealed the increasing feminisation of poverty, as well as contradictions between customary law and codified law. On a positive note, it is important to note that some countries, such as Namibia, have more women representatives at local government level, even though the numbers become less at Cabinet level (SADC Gender Monitor, 2006; Government of Namibia, 2007 and SADC Gender Unit, 2005).

2.5. CHALLENGES TO GENDER MAINSTREAMING

It is important within this literature review to recognise some of the challenges related to gender mainstreaming.

Firstly, there are conceptual challenges that relate to the use of gender mainstreaming. This aspect is illustrated by Moi

(1999) and Kasic (2004). Moi states that the use of gender as a feminist theory should be abandoned, while Kasic laments the “over-genderisation of policies at an academic, policy and activist level, while ignoring women’s needs” (Moi & Kasic, as quoted in Eveline & Bacchi, 2005: 496).

Johnsson-Latham (2004: 5) lists a number of issues that have generally been identified as problems. They are as follows:

- The concept of gender mainstreaming is unclear and misunderstood.
- Due to a lack of commitment, funding and human resources, gender mainstreaming has been reduced to a technique rather than an important integral process.
- Gender is mainstreamed to invisibility, as agencies use gender mainstreaming as a pretext for saving resources.
- Gender mainstreaming has not been transformative. In effect, this means that gender mainstreaming is applied from a status-quo point of view, where the existing and sometimes patriarchal systems are not questioned.

Alston (2006:123) states that there is some evidence that gender mainstreaming is little understood by many in positions of power at national level. As a result, women, particularly at grassroots level, do not always benefit from gender mainstreaming.

Pietilä (2007: 120 – 121) supports Alston’s statement and points out that the most ineffectual aspect of implementing strategies dealing with women’s issues is at national level. She attributes this weakness to the fact that women around the globe are often unaware of the resolutions adopted by their

governments. Hence, they do not realise the power and potential of using the tools availed to them by multilateral institutions in changing their lives for the better.

Hannan (2000: 1 - 14) states that since 1995, a number of serious misconceptions around gender mainstreaming have developed, hampering the effective implementation of the strategy. These are sometimes linked to the lack of understanding of basic concepts such as “gender” and “gender equality”.

Gasa (2003) states that there are key issues that influence the functioning of gender machineries in general. They are often under-resourced, with complex budget lines that impact on their functioning, and their location has been a matter of debate. The point raised by Gasa is important because the location of gender machineries sometimes makes a difference on whether they are given the leverage and resources to fully discharge their mandates.

Leyenaar (2004: 210) raises an issue that relates to the attitude adopted towards engendering policies. She highlights that the political will to achieve greater equality by incorporating a gender perspective in policies is not a matter of routine. She further states that it remains difficult to get men interested in gender issues, and that one of the shortcomings with this approach is that gender mainstreaming is always viewed as a women’s affair.

Leyenaar’s observations are echoed by Wendoh and Wallace (2005: 70-73) who cite research conducted on gender

mainstreaming, where government officials dealing with gender mainstreaming in African countries reported a resistance at implementation level where senior officials give higher priority to other activities and grade gender issues at a lower level. Wendoh and Wallace also cite experiences related to an understanding of culture in Africa. This is particularly true in the African context, as it sometimes explains the reason why different officials approach the importance and implementation of gender mainstreaming differently.

A 2003 SADC update on a book entitled *Beyond Inequalities, Women in South Africa*, indicates that in the South African context one of the challenges that has been raised is the link between women in high-level positions in politics with the improvement of the quality of life of ordinary women. The lack of policy intervention and monitoring by gender experts across government also poses a challenge to gender mainstreaming, as there are no tangible means of measuring the success of gender mainstreaming policies. Furthermore, the lack of capacity to mainstream gender at national, provincial and local government levels further hampers the ability of gender experts in government to monitor the implementation of gender mainstreaming (SARDC, 2005).

Veitch (2005: 601) states that in the UK the government made attempts to identify key initiatives where gender mainstreaming would have the most impact. These initiatives were implemented by the Women's Unit (WU), which ensured that Regional Development Agencies (RDA) included gender mainstreaming in their policies. Due to this development, gender focal points were created in departments. However, it

was soon discovered that the responsibility for gender mainstreaming was an add-on to existing responsibilities; none of the staff had expertise, and as such, required training. In addition, staff members felt that the work was considered marginal in status and did not have high-level backing. Some staff members confused gender mainstreaming with the equal opportunities work conducted by Human Resources units.

A presentation by the TGNP in 2006 during the Economic and Social Research Foundation (ESRF) Policy Dialogue Seminar recognises the fact that one of the biggest challenges to gender mainstreaming is that the approach is not adopted when policies are drafted, meaning it is often added as an afterthought to policy processes. Furthermore, gender mainstreaming at national and sectoral level is often uncoordinated; it is difficult to develop gender mainstreaming indications, as they are qualitative; the lack of conceptual clarity on gender mainstreaming also hampers its implementation and monitoring processes.

Another interesting aspect on the challenges of implementing gender mainstreaming is mentioned by Lyons (2004: 64), who argues that gender as a cultural construct, differs from culture to culture. In effect, this means that those whose responsibility it is to mainstream gender must be cautious of using a one-size fits all approach, as every situation has its unique opportunities and challenges.

A National Implementation Strategy and Action Plan 2006 – 2010 on Mainstreaming Gender into Water Services Sector, from the South African Department of Water Affairs and

Forestry (DWAF), lists thirteen challenges in implementing gender mainstreaming as it relates to the Water Services Sector (WSS).

They are defined as follows:

- Marginalisation of gender – gender mainstreaming is not seen as a core function for government departments. As a result, officials working on gender mainstreaming struggle to make sure that issues related to gender mainstreaming are taken seriously.
- Transformation – this refers to the number of women occupying significant positions.
- Policy formulation – there is need to have conceptual clarification of all role-players as to what gender mainstreaming entails.
- Gender management systems – due to the lack of attention on recommendations relating to gender mainstreaming, collaboration amongst stakeholders becomes fragmented.
- Programme management – this aspect refers to the marginalisation of gender. As such, gender issues are not given the proper priority they deserve.
- Gender in performance management – gender mainstreaming is not included in the performance agreements of senior officials, thereby leading to a lack of accountability.
- Resource mobilisation and business planning – gender issues are not included in normal business planning processes.
- Institutional support – gender issues only come to the fore when individuals undertake a personal commitment to gender mainstreaming.

- Monitoring and evaluation – the lack of sex disaggregated data as well as knowledge on gender instruments hamper the monitoring and evaluation process.
- Communication management – issues related to women are only covered in detail when there are events relating to women.
- Advocacy and partnerships – there are normally no linkages between policies of departments that conduct similar or complementary responsibilities.
- Events – the focus on gender issues occurs only during events due to a lack of resources and the lack of the necessary skills to drive these processes.
- Capacity-building and training programmes – gender training focuses on women only, creating the impression that gender mainstreaming only relates to women.

In terms of evaluating the practice of gender mainstreaming, Moser (2005: 576-590) posits that the ultimate test of whether gender mainstreaming has either succeeded or failed lies in the rigorous monitoring and evaluation tools. She further states that although the evaluation of gender has evolved with the gender and development debate, there is no reliable and systematic evaluation of gender mainstreaming outcomes and impacts.

For Moser, the biggest challenge lies in identifying correct indicators, which would require four interrelated indicators measuring inputs, outputs, effects and impacts. In order to counter the challenge of only evaluating the impact of indicators, international development agencies such as the Netherlands Development Organisation (SNV) and InterAction

introduced participatory gender audits, whose main focus is the central role of organisational structure and culture in the design and delivery of gender-sensitive programmes and projects. In conclusion, Moser asserts that the BPFA was ambitious, mostly due to the lack of clarity with regard to the operationalisation of gender mainstreaming.

An IDASA paper (2004: 22 – 23) also highlights that National Gender Machineries face financial challenges as they are often under-resourced and unable to operate on the inadequate budget allocated to them.

As Clisby (2005: 23) points out, much more work still needs to be done to ensure that gender mainstreaming is translated into tangible results on the ground. She cautions that unless this is done, gender mainstreaming will turn into nothing more than fashionable semantics co-opted by politicians and policy makers.

Riley (2004: 111) also states that experience in organisations has indicated that changing from gender mainstreaming as a policy to implementing or practising gender mainstreaming has been challenging. She provides the ILO, World Bank (WB), UN institutions, as well as other international NGOs as examples.

She identifies the following key issues as particularly challenging:

- Partial implementation makes it difficult to determine whether the problem lies in gender mainstreaming as a strategy or in the inadequacy of its implementation.

- Since gender mainstreaming has a large scope, there are challenges in terms of integrating mainstreaming into existing workloads.
- There is a need for conceptual clarity.
- There is a need to conduct more studies on good gender mainstreaming practice and good gender equity outcomes.
- It is important to have appropriate and practical analytical frameworks and tools.
- There is a need to conduct training at all levels.
- It is important to take specific individual responsibility and accountability at all levels.

The literature review has cited a number of examples from Europe, South America and Africa. In the European case, indications are that there are fewer challenges in relation to gender mainstreaming, as the necessary institutions and resources have been put in place. However, the African continent is a different case. This is due to a number of fundamental challenges that the continent faces. Firstly, a number of regions are still experiencing inter and intra-state conflict. Secondly, the level of economic and social stability experienced by Europe is still a challenge for most African states. This means that when allocating resources, governments will give preference to broader social programmes, rather than gender mainstreaming.

2.6. CONCLUSION

This chapter addressed the literature review on which the study is based. It traced the history of gender mainstreaming, the evolution of gender mainstreaming and the principles

underlying the implementation of gender mainstreaming, as well as the challenges related to the implementation of gender mainstreaming.

CHAPTER 3

GENDER MAINSTREAMING IN THE SOUTH AFRICAN CONTEXT

3.1. INTRODUCTION

This chapter focuses on gender mainstreaming in the South African context, and discusses the guiding principles as well as the institutional mechanisms which the government has created to ensure that gender equality is achieved through gender mainstreaming and other related processes.

3.2. GENDER MAINSTREAMING IN THE SOUTH AFRICAN GOVERNMENT

Beall (2001: 138 – 142) states that South Africa founded a gender policy as well as gender machinery during the 1992 – 1994 transitional period. The gender policy was influenced by the African National Congress Women's League (ANCWL), as well as civil society. The development of the Women's National Coalition (WNC) in 1992 also facilitated the expression of neutral gender interests. More importantly, the WNC positioned itself "strategically as a voice of organised women" during the transitional negotiations. The WNC also managed to develop a Women's Charter, which was developed based on consensus between the diverse women's organisations at the time. Despite this major achievement, the end result of the WNC's lobbying was a "diluted synthesis of the original contributions received".

As Beall points out, the election of a large number of women into the South African Parliament in 1994, most of whom had a background as activists on women's issues, also ensured that issues affecting women would become more prominent. Furthermore, the successful transition also coincided with the Beijing Conference a few months later, thereby elevating gender issues. Thus, there was an "abundance" of international aid, although the government opted to set-up national gender machinery that was less dependent on aid. With the successful conclusion of the Beijing Conference, a number of countries around the world then created structures to address gender equality (IDASA, 2004: 22 -23). Seidman (2003: 544) supports Beall's position, stating that the gender machinery was conceptualised according to the country's diverse society. Furthermore, by 1998, the country had created a "series of national institutions designed to mainstream gender issues".

More recently, the Minister of Public Service and Administration, Geraldine Fraser-Moleketi reiterated the government's support to gender equality. During the Roundtable Discussion on Gender Mainstreaming in the Public Service held in August 2007, she stated that "gender equality has always been a core value of the struggle for a democratic South Africa, and has been adopted into governance processes". She further stated that an enabling environment as well as political commitment has led to major achievements in shaping gender-sensitive legislation, which includes the NPF, as well as the Strategic Framework for Gender Equality in the Public Service. The Strategic Framework defines 8 Principles for the Heads of Departments to follow. They are "transformation for non-sexism, establishing a policy

environment, meeting equity targets, creating an enabling environment, mainstreaming gender, empowerment, providing adequate human, physical and financial resources, as well as accountability, reporting, monitoring and evaluation” (Fraser-Moleketi, 2007).

The National Gender Machinery in South Africa is “based on three pillars” – the legislature, government, as well as independent entities (Beall, 2001: 141). The principles underlying the setting up of the gender machinery are also underpinned in the constitution, as well as on South Africa’s international obligations. These obligations, as well as the pillars upon which the National Gender Machinery is based, are discussed below.

3.3. INTERNATIONAL OBLIGATIONS

The government is signatory to a number of international human rights instruments.

3.3.1. UN Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW)

The Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW) was adopted in 1979 by the UN General Assembly. It defines what “constitutes discrimination against women and sets up an agenda for national action to end such discrimination”. When states accept the CEDAW, they commit themselves to “incorporate the principle of equality of men and women in their legal system; abolish all discriminatory laws and adopt appropriate ones

prohibiting discrimination against women; establish tribunals and other public institutions to ensure the effective protection of women against discrimination; and to ensure elimination of all acts of discrimination against women by persons, organisations or enterprises” (UN). The government of South Africa has ratified CEDAW without reservation (DoJ&CD Gender Policy Statement, 1999).

Pietilä (2007: 27 – 29) describes CEDAW as the “single most important international legal instrument adopted by the UN”. She further states that CEDAW is gender-neutral in the sense that it recognises that universally recognised human rights should be equally enjoyed by men and women.

3.3.2. Beijing Platform for Action (BPFA)

In 1995 the newly elected democratic government participated in the Beijing Conference where the Platform for Action was adopted (BPFA). The BPFA “is an agenda for women’s empowerment”. Its aim, as stated earlier, was to accelerate the “implementation of the Nairobi Forward Looking Strategies for the Advancement of Women, and at removing all the obstacles to women’s active participation in all spheres of public and private life through a full and equal share in economic, social, cultural and political decision-making” (UN).

The BPFA has twelve areas of critical concern, namely:

- Women and poverty
- Education and training of women
- Women and health
- Violence against women

- Women and armed conflict
- Women and the economy
- Women in power and decision-making
- Institutional mechanisms for the advancement of women
- Human rights for women
- Women and the media
- Women and the environment
- The girl-child

3.3.3. Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa

The Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa came into force on 25 November 2005 after it was ratified by the fifteenth African state. The Protocol defines a "broad range of economic and social welfare rights for women". South Africa is one of the states that have ratified the Protocol (www.equalitynow.org).

The AU has also adopted the Solemn Declaration on Gender Equality in Africa. The Declaration has undertaken to implement five measures in ensuring the advancement of gender equality in Africa. These are the completion of a gender audit for the AU and its Organs, developing a Gender Policy for the AU, developing a five-year Gender Mainstreaming Strategic Plan, building internal capacity to mainstream gender and collaborating with civil society organisations, international organisations, Regional Economic Communities (RECs) and other directorates to ensure that continental gender and women's empowerment issues are addressed (AU Commission, 2007).

3.3.4. SADC Declaration on Gender and Development

The Southern African Development Community (SADC) Declaration on Gender and Development was signed by the SADC Heads of State on 8 September 1997. The Declaration acknowledges that “gender equality is a fundamental human right and that integration and mainstreaming of gender issues into the SADC Programme of Action and Community Building Initiative is key to the sustainable development of the SADC region” (SADC, 1997).

3.4. CONSTITUTION

The Constitution of the Republic of South Africa is founded on human rights values. Chapter 2, Section 9 and 10 guarantees equality and human dignity. Section 9 (2 - 4) states that:

- Everyone is equal before the law and has the right to equal protection and benefit of the law
- Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken
- The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth (Constitution, 1996: 7)

Section 10(2) of the Constitution states that “everyone has inherent dignity and the right to have their dignity respected and protected” (Constitution, 1996: 7).

Chapter 9 of the Constitution also establishes a number of independent state institutions to “strengthen constitutional democracy”. These are the Public Protector, the South African Human Rights Commission, the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities, the Commission for Gender Equality, the Auditor General, as well as the Independent Electoral Commission. The relevant institution for this study is the Commission for Gender Equality, which will be discussed below.

3.5. OFFICE ON THE STATUS OF WOMEN (OSW)

On a national level, the government recognised the importance of gender equality by establishing the Office on the Status of Women (OSW) in 1998, which is located within the Presidency. Its main role is to coordinate and provide guidance to gender units within national government departments and provinces, and to initiate policy-oriented research (Meer, 2005: 42 – 43).

The mandate of the OSW is to “ensure that government lives up to its constitutional, political and international commitments by translating these into measurable and meaningful programmes, thereby making a non-sexist society a reality”. The vision of the unit is to “develop an enabling environment that will guarantee gender equality, thereby empowering women to have equal access to opportunities and resources that will enhance

the quality of their lives, while its mission is to “establish mechanisms that will advance government towards gender equality”.

The OSW has a number of core functions:

- To advance a national policy on women’s empowerment and gender equality.
- To prioritise key concerns and initiate policy and action-oriented research relevant to gender mainstreaming.
- To advise and brief the President, Deputy President and Minister in the Presidency on all matters pertaining to the empowerment of women.
- To liaise between NGOs dealing with women’s and gender issues and the Presidency.
- To liaise between international bodies and the Presidency.
- To work with Ministries and departments, provinces and all publicly funded bodies in mainstreaming gender in policies, practices and gender sensitisation.
- To act as a catalyst for Affirmative Action with respect to gender equality.
- To initiate and promote cross-sectoral action on cross-cutting issues such as girl-child, violence against women and HIV and Aids.
- To facilitate awareness-raising and confidence-building among women at all levels.
- To provide a coordination framework for the effective implementation of the gender programmer at the national, provincial and local government levels.
- To consult and liaise with civil society and Parliament (The Presidency, 1999).

To this end, the OSW drafted the NPF, which was adopted by Cabinet in December 2000. The NPF was a “culmination of a long consultative process which included members of civil society, academia, government and the labour movement” (National Policy Framework for Women’s Empowerment and Gender Equality, 2000: 8). The NPF will now be discussed in detail, as it pertains to gender mainstreaming within government departments.

The purpose of the NPF is to “establish a clear vision and framework to guide the process of developing laws, policies, procedures and practices which will serve to ensure equal rights and opportunities for women and men in all spheres and structures of government as well as in the workplace, the community and the family”. The objectives of the NPF are to ensure that gender equality policy is translated into reality; that structures and mechanisms to empower women are created; and to ensure the integration of a gender perspective in all government policies and procedures. At the time of its drafting, it was envisaged that the NPF would “represent a significant step in the struggle for gender equality and justice by enhancing the visibility and influence of the national gender machinery, strengthening the voices of women in civil society and Parliament, enhancing the work undertaken by the CGE, and guide the development of the National Gender Action Plan” (National Policy Framework for Women’s Empowerment and Gender Equality, 2000: 4 – 5). As discussed elsewhere in this document, the CGE has acknowledged that it has a challenge in terms of establishing a good working relationship with the OSW.

The NPF identifies institutional mechanisms that would constitute the national gender machinery. The first is the establishment of the OSW, which has already been discussed in detail. The second is the establishment of GFPs in government departments. According to the NPF, it is the responsibility of these GFPs to operationalise gender mainstreaming at national and provincial levels. Thus, departments would be required to establish “dedicated Gender Units or Focal Points to assist in the formulation and implementation of effective action plans to promote women’s empowerment and gender equality in the work of departments” (National Policy Framework for Women’s Empowerment and Gender Equality, 2000: 27 - 28).

The functions of the GFPs would be to “ensure that each department implements the national gender policy; that gender issues are routinely considered in departmental strategic planning exercises; that departments reflect gender considerations in their business plans and routinely report on them; review departmental policy and planning in line with the National Gender Policy Framework; review all policies, projects and programmes for their gender disaggregated data in their work; establish mechanisms to link and liaise with civil society; to coordinate gender training and education of all staff within departments so as to ensure that gender is integrated into all aspects of the work; and to monitor and evaluate departmental projects and programmes and assess whether they are consistent with national gender policy” (National Policy Framework for Women’s Empowerment and Gender Equality, 2000: 28- 29).

The Gender Focal Points would be located within the Office of the Director-General of the relevant department, and be appointed at least a director level (National Policy Framework for Women's Empowerment and Gender Equality, 2000: 29). The location of the Unit in the office of the DG as well as the appointment of a Gender Focal Person at director level would provide the Gender Focal Person and by implication, the Focal Point, with a champion as well as sufficient clout and seniority in the organisation.

Finally, the NPF provides for monitoring and evaluation mechanisms, as well as some generic short and long-term indicators to evaluate performance (National Policy Framework for Women's Empowerment and Gender Equality, 2000: 47 - 53).

3.6. COMMISSION FOR GENDER EQUALITY (CGE)

The Commission for Gender Equality (CGE) is an independent institution which was established in 1997 to monitor and review legislation and the gender policies of public funded bodies to ensure that women's equality is promoted (Meer, 2005: 42 – 43).

Chapter 9, 186 (1 – 3) of the Constitution states that the functions of the CGE are to “promote respect for gender equality and the protection, development and attainment of gender equality”. The CGE also has the “power, as regulated by national legislation, necessary to perform its functions, including the power to monitor, investigate, research, educate, lobby, advise and report on issues concerning gender equality”.

The CGE has the “additional powers and functions prescribed by national legislation”.

The legislation applicable to the CGE is the CGE Act 39 (1996), which sets out the powers, functions and powers of the organisation. Its functions are to monitor and evaluate policies and practices of government and the private sector in relation to the promotion of gender equality; public education and information; to review existing and upcoming legislation from a gender perspective; undertake research and make recommendations to Parliament and other authorities as and when necessary; investigate complaints related to any gender issue; and to monitor and report on compliance with international conventions (CGE).

The CGE states that it has established a “good working relationship” with sister institutions such as the South African Human Rights Commission (SAHRC) and the Public Protector, but acknowledges challenges when it comes to interacting with the OSW as well as the House of Traditional Leaders at national and provincial levels. The lack of a “good working relationship” with the OSW is particularly worrying, as ideally, the two entities should be collaborating on all issues related to gender equality.

3.7. JOINT MONITORING COMMITTEE ON THE IMPROVEMENT OF THE QUALITY OF LIFE AND THE STATUS OF WOMEN (JMC)

Parliament plays an important role in the facilitation of legislation and, as such, has a role to play with regard to gender mainstreaming.

The Joint Monitoring Committee (JMC) on the Improvement of the Quality of Life and the Status of Women was established in 1996 (Meer, 2005: 42 – 43). The functions of the JMC are “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 the government’s commitments to the BPFA, the implementation of CEDAW, as well as any other applicable international instrument”. The JMC “may make recommendations to both or either of the Houses, or any joint or House committee, on any matter related to the matters raised above” (National Policy Framework for Women’s Empowerment and Gender Equality, 2000: 29 - 30).

3.8. CONCLUSION

This chapter focused on gender mainstreaming in the South African context, and discussed the guiding principles as well as the institutional mechanisms which the government has created to ensure that gender equality is achieved through gender mainstreaming and other related processes.

CHAPTER 4

CASE STUDIES: DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (DoJ&CD) AND DEPARTMENT OF FOREIGN AFFAIRS (DFA)

4.1. INTRODUCTION

This chapter presents an evaluation of the two case studies: the Department of Justice and Constitutional Development (DoJ&CD); and the Department of Foreign Affairs (DFA). Research on the DoJ&CD is divided into two parts. The first part of the research process will focus on the semi-structured interview undertaken with one of the department's staff members responsible for gender mainstreaming. The second part is an analysis of the department's *Gender Policy Statement*. The first part of the research process is a combination of departmental documentation as well as the results of the interview process, while the second part focuses on an analysis of the Gender Policy itself. Based on the two, findings will then be presented.

The second case study is the DFA. Research on the DFA is based on the *2006/07 Annual Report* as it relates to gender mainstreaming, as well as a semi-structured telephonic interview conducted with one of the department's members responsible for gender mainstreaming.

This chapter will also provide an overview of representivity in both departments, although it should be clear that the purpose of this research project is not to interrogate the validity of the

data, but to only highlight discrepancies. In order to present a balanced view, statistical data on the number of employees in the DoJ&CD and the DFA will be discussed broadly. The data used for both departments will be from the 2006/07 Annual Reports.

In both case studies, gender mainstreaming can be approached from an internal and external point of view. The internal point of view relates to the manner in which both departments institutionalise gender mainstreaming, and the external dimension refers to the manner in which gender mainstreaming is used in both departments to ensure that departmental policies take into account the importance, relevance and impact of gender mainstreaming in executing their mandates.

4.2. CASE STUDY 1: DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (DoJ&CD)

4.2.1. Departmental Mandate

As stated previously, the mandate of the DoJ&CD is to “uphold and protect the Constitution of the Republic of South Africa and the rule of law”. The DoJ&CD also “aims to render accessible, fair, speedy and cost-effective administration of justice in the interest of a safer and more secure South Africa” (SA Yearbook, 2005/6: 418). As such, the DoJ&CD plays a critical role in ensuring that women have access to the justice system and that the department’s systems and procedures, as well as laws drafted by the department, do not undermine and disadvantage women.

4.2.2. Overview of Gender Directorate

This overview of the Gender Directorate has been compiled using information accessed by means of a semi-structured interview with a member of the Directorate.

The Gender Directorate in the DoJ&CD was established approximately 1996. The Directorate is located within the Office of the Director General, as required by the NPF. Currently, the Directorate is staffed by 4 members – a Director, two Deputy Directors, and an administrative officer. However, according to an approved structure, the Directorate should have four additional Assistant Directors and an additional administrative official. Since its establishment, the Directorate has been headed by three different Directors, including the incumbent.

The mandate of the Directorate, according to the Gender Policy Statement, is “to act as a management resource agency within the Department”, rather than an “implementing structure”. As such, the role of the Gender Directorate is to “monitor the implementation of the Gender Policy, including gender impact analysis and to advice managers on gender issues”. The functions of the directorate are to ensure the ongoing monitoring and development of the Gender Policy; facilitate the integration of gender concerns into mainstream policy development; drive a gender budgeting process within the Department; facilitate the establishment of regional gender sub-structures; and facilitate the relationships between the Department, other government departments, constitutional bodies within the gender machinery, as well as civil society.

The Gender Policy Statement also states that a National Gender Forum, a form of a coordinating committee, be created to assist the Gender Directorate in terms of strategic direction. The National Gender Forum would comprise “representatives from the Department’s headquarters, as well as the nine regions based in the provinces”. The Forum would meet at least four times a year, and operate according to terms of reference included in the Gender Policy. The terms of reference are “to act as an advisory body and monitoring mechanism to ensure that gender considerations are integrated in mainstreaming issues; advise the Department on the integration of gender concerns into mainstream policy and planning; apply gender equality analysis tools in assessing and monitoring departmental policies, legislation, procedures, practices and programmes; and to monitor progress in the implementation of the Gender Policy; identify blockages and facilitate the process of redressing gender imbalances in departmental policies and practices” (DoJ&CD Gender Policy Statement, 1999 and Interview, DoJ&CD: November 2007).

The Gender Policy is currently under review. The review process will be undertaken by an external service provider, which will be identified by means of a tender process. The current policy was drafted in consultation with civil society and academia, but was not put through a rigorous internal process. As a result, there are problems with regard to taking ownership of the Gender Policy.

Although the policy is “operational”, there is a lack of coordination between the Directorates with regard to the implementation and operationalisation of the policy. Moreover,

the Gender Policy is often not used in relation to other internal policies that are drafted within the department. For example, the Gender Directorate is sometimes not consulted when other directorates within the department are drafting policies, regardless of whether these policies might or might not have a gender dimension.

Furthermore, despite the fact that the Directorate is located within the Office of the Director-General, gender mainstreaming is still not part of the performance contracts of the SMS and the Department in general as a key performance area, with the exception of members of the Directorate. One of the issues that the Directorate and by implication the Department has recognised as a challenge is the lack of understanding by most members of the importance, relevance and implications of gender mainstreaming. Hence, the Directorate is engaged in the process of conceptualising training programmes for members, which will be provided through the South African Management Development Institute (SAMDI). However, the project will require substantial funding.

In terms of policy issues, the involvement of the Directorate is mixed. There have been instances where policies are drafted without the involvement of the Directorate. Furthermore, the Directorate will only become involved in the drafting of the department's policies when its members initiate the process of including gender mainstreaming in that specific policy. On a more positive note, the Directorate has recorded a number of successes over the years. Recently, the Directorate participated in the Gender Justice Conference in March 2007, which was organised by Minister of Justice Bridgette Mabandla.

Following this conference, the Directorate was requested to develop a National Action Plan (NAP) for Liberia and Sudan, where the DoJ&CD would “explore ways in which South Africa can share ‘best practices’ with Liberia and Sudan in advancing gender justice”. The NAP was drafted based on inputs from the two countries, and provided “a programmatic response that would also be supported by South Africa”. The NAP would be used to “seek additional support from African countries and the international community on advancing gender justice”.

Members of the Directorate are also involved in processes undertaken by the South African Law Reform Commission (SALRC), which include the review of legislation such as the *Review of Interpretation of Statutes Act*. The participation of the Gender Directorate in this review process is critical, as it would interrogate whether magistrates interpret the law from a gender perspective as well. The Directorate also has a number of partnerships with civil society organisations.

Additional successes for the Directorate include the establishment of the South African Women Lawyer’s Association and playing a role in the International Women Judges Association. The Directorate has also been involved in changes related to the Customary, Domestic Violence and Maintenance Acts.

Finally, interaction between the Directorate and the OSW is only limited to meetings called by the OSW, as well as the provision of information by the Directorate for the OSW’s reporting purposes. In addition, the interaction between the

Directorate and the CGE is also on an ad hoc basis, although there are attempts to strengthen the relationship.

In relation to representivity, statistics in the 2006/07 Annual Report reveal that the Department had 43 females at top management level (DG and DDG) and 77 females at senior management level (Chief Director and Director), compared to 183 and 124 males at top and senior management levels respectively.

4.2.3. Overview of Gender Policy

The Gender Policy Statement is divided into six chapters.

Chapter 1 introduces the purpose of the Gender Policy Statement. It also provides South Africa's historical background as it relates to the empowerment of women and the background to the Policy Statement, its scope of application and its structure. Chapter 2 provides the guiding principles behind the construction of the Gender Policy. Chapter 3, 4 and 5 relate to service delivery and the legal system, employment opportunities and decision-making, as well as institutional transformation and monitoring. These three chapters will be discussed in detail, as they relate to this research project.

Chapter 3 has an external focus, and relates to gender mainstreaming as it affects the mandate and functioning of the department. The core of the chapter focuses on Service Delivery and the Legal System. It identifies five critical areas of concern and proposes strategic interventions to operationalise these areas of concern. The areas of concern

are violence against women, victim support and empowerment, family law, access to justice and working with civil society. All these strategic intervention areas have an implementation strategy, which identifies actions and timelines for achieving goals as related to the specific intervention area.

On violence against women, the DoJ&CD commits itself to “undertaking all possible measures within its mandate to eliminate violence against women in South Africa; facilitating an integrated national response to violence against women as set out in the *SADC Declaration on the Eradication and Prevention of Violence Against Women*; and developing a specific policy framework on violence against women” (DoJ&CD Gender Policy Statement, 1999).

Strategic areas of intervention for achieving this undertaking were identified as domestic violence, sexual violence, witch hunting, female genital mutilation, trafficking against women and children, women in armed conflict, and refugee women.

With regard to victim empowerment and support, the Department’s policy commitment is to “enshrine a victim-centred approach in all matters of policy; and introduce policy, legislative and administrative changes in the justice system that aim to ensure a balance in the rights and services rendered to victims and alleged perpetrators”. This policy objective would be identified by means of “developing a policy framework and legislation within the Department’s mandate, on victim empowerment and support; lead a process of developing a Charter on Victim’s Rights; and expand existing victim support initiatives within our budgetary constraints”.

Strategic areas of intervention for achieving these policy objectives were identified as the development of a victim charter, development of a policy on victim empowerment, victim support services in courts, victim empowerment guidelines for the prosecution services, review of systems and procedures, improvement in data collection and storage, multi-disciplinary services for victims and perpetrators, and inter-sectoral initiatives on public awareness.

On Family Law, the Department pledges to “review, improve, monitor and evaluate the family law system to ensure that it gives paramountcy to the best interests of children, and prioritises the safety, protection and economic well-being of women and children; and amending existing legislation, transforming courts and legal procedures, and ensuring that departmental personnel are sensitive to gender issues and skilled in implementing laws efficiently and effectively”. The identified strategic areas of intervention are maintenance, customary and religious marriages and succession and administration of deceased estates.

In terms of access to justice, the Department commits itself to “ensuring that all laws, structures, procedures and practice yield a system of justice that is affordable, fast, effective and responsive to the needs of all women and men, regardless of race, culture, economic stratus and other social differences. To this end, the Department will develop a legal system where access to legal aid is gender inclusive, there are appropriate dispute resolution mechanisms that are more accessible and responsive to the needs of women, regardless of difference and disadvantage, ensure that law and practice operate to eliminate

economic abuses of particularly the poor and facilitate the economic empowerment of women, women in conflict with the law are treated equitably and justly, and the law and administrative institutions and practices are in tune with the needs of society taking into account gender difference and disadvantage and other social dynamics". Strategic areas of intervention were identified as legal aid, access to courts and other dispute resolution services, civil justice, women in conflict with the law, the legal profession, and law reform and research.

The last aspect of this chapter is working with civil society. In this regard, the Department commits itself to "strengthen relationships and partnerships with NGOs; share resources on initiatives of common concern whenever possible; take into account the policy directives of the National Development Agency in formalising the Department's relationships with the non-government sector; facilitate research both within the Department and the NGO sector on violence against women and women's experiences within the legal system; and liaise with key role-players in developing or improving an existing centralised database with information on the legal system". Strategic areas of intervention were identified as joint monitoring and review of the policy implementation process and a national women's justice programme.

Chapter 4 has an internal dimension. It relates to gender mainstreaming as it relates to the Department. In introducing the Chapter, the Department states that its vision is to "create a department and justice system where personnel profile reflects the gender and cultural diversity in society and where

no person shall be denied any opportunity or subjected to a burden because of their gender or any other attribute or combination of social attributes” (DoJ&CD Gender Policy Statement, 1999).

The core of the Chapter identifies employment equity, sexual harassment, responsive dispute resolution mechanisms, gender equity in the distribution of state contracts, and involving women in decision-making, as critical areas of concern. These areas are discussed in the context of specific policy commitment, guiding principles, current policy and challenges, as well as strategic areas of intervention. Similar to Chapter 3, there is an implementation strategy for the strategic areas of intervention for all the critical areas of concern, which identifies actions and timelines for achieving goals as related to the specific intervention area.

In terms of employment equity, the Department’s policy commitment states that research will be undertaken internally “to identify all the barriers to equality between men and women in the Department and to adopt positive measures aimed at eliminating discrimination and achieving equitable representation of women at all levels in the Department”. Strategic areas of intervention were identified as research into the position of and work related needs of women; review of systems and practices to identify and eliminate discrimination; targeted recruitment, selection and promotion; human resources development and career-pathing; transformation of organisational culture; improved effectiveness of enforcement and monitoring mechanisms, and equalising opportunities within the judiciary.

On sexual harassment, the Department commits itself to “viewing sexual harassment as a violation of the Constitutional rights to dignity and equality; developing and implementing an organisational policy on sexual harassment in order to provide a safe environment that protects and promotes the human dignity of all members of staff; and ensuring that there are clear and accessible enforcement mechanisms that take into account the sensitive nature of sexual harassment”. Strategic areas of intervention were identified as the development of an internal regulatory framework, ensuring that all personnel are aware of the policy, and designing and implementing effective enforcement mechanisms.

The third critical area of concern is responsive dispute resolution mechanisms. In this regard, the Department pledges itself to “review current dispute resolution mechanisms in order to assess their effectiveness and responsiveness to the different needs of men and women at all levels within the Department; develop new mechanisms which seek to address gender-related conflict; and encourage the same exercise in the independent institutions that fall within the broad scope of the justice system”. Strategic areas of intervention were identified as the review of current dispute resolution mechanisms, review of the current system and practices relating to complaints involving the judiciary, and education and training.

With regard to gender equity in the distribution of state contracts, the Department commits itself to increasing the number of women awarded state contracts. Critical areas of strategic intervention are the review of trends in the issuing of

departmental tenders, improvement of positive measures, and strategic interventions in the legal profession.

The final critical area of concern is involving women in decision-making. In this regard, the Department commits itself “to adopt all possible means of involving women in all decision-making processes within the justice system and ensuring that there is a critical mass of women involved in decision-making to avoid tokenism”. This would be done by means of “providing leadership opportunities for women, and including a female perspective in decision-making and thus to respond more effectively to the diverse needs of our society”. Critical intervention areas were identified as gender inclusive decision-making and policy guidelines for addressing imbalances.

Chapter 5 deals with institutional transformation and monitoring. The point of departure is that the Department ought to “create a set of policy guidelines to guide all future decisions and processes within the Department and Ministry of Justice”. These guidelines would be entrenched by means of policy and administrative changes, entailing the entrenchment of Gender Equality Analysis, Gender Budget, the Gender Unit and other implementation strategies, the Judiciary and Judicial System and international and inter-sectoral cooperation. Gender Equality Analysis would be entrenched by means of the integration of gender equality analysis in all work, management responsibility and accountability, and the development of awareness skills. In term of the Gender Unit, the Department committed itself to “establishing and supporting a coherent network of monitoring mechanisms to facilitate effective

implementation of this Gender Policy, and to review progress and redirect strategies where necessary”.

Implementation strategies in Chapter 5 are the gender directorate, departmental gender fora, change management team, performance management systems, and the national gender machinery.

Chapter 6 deals with the processes undertaken when drafting the Policy.

4.2.4. Findings

The findings of this case study will be divided into two, that is, findings related to the functioning of the Gender Directorate itself, as well as findings related to the Gender Policy Statement.

Before discussing the findings however, it is important to revisit part 2.5 in Chapter 2 of this research project. The work by a number of authors becomes particularly important, as the issues they have identified can be clearly observed in this case study.

4.2.4.1. Gender Directorate

Findings as related to the functioning of the Gender Directorate are as follows:

Location

The guidelines for establishing the Gender Directorate, as documented in the NPF, have largely been followed. The location of the Directorate within the Office of the DG provides the unit with the leverage to fully execute its mandate and functions.

Responsibility of Directorate

There appears to be a misconception within the Department that the Gender Directorate has the sole responsibility of ensuring that gender is mainstreamed across the department.

Role and Functions

The functions and objectives of the Directorate, as drafted in the Gender Policy, provide it with more of a watchdog role rather than an actor and a proactive partner in the Department.

Allocation of Resources

The allocation of resources in terms of human and financial resources within the Directorate is inadequate, given the scope that the Directorate has to cover. Secondly, although the Directorate does not have a very high staff turnover, the departure of five Deputy Directors within the space of a year does raise challenges that relate to continuity in terms of institutional memory, which is an issue that is not unique to the Department.

Representivity

It is clear from the data presented in the 2006/07 Annual Report that the number of females and males at top and senior management level favours males. For example, the data

indicates that the number of males at top management level is three times higher than for females at the same level. Although representivity should not be the defining factor in gender mainstreaming, it is still important for the Department to ensure that there is a gender balance at top and senior management level.

Commitment

There is an acknowledgement within the Department that more has to be done in relation to gender mainstreaming. However, the process of “doing more” is not necessarily expedited with the speed it requires. Furthermore, although there is a commitment to do more, the engendering of policies by the Directorate is mostly by default, rather than as a result of a clear, well-thought out process.

Secondly, the Directorate has been able to sort out issues of the conceptual clarity of gender mainstreaming. However, there is little understanding of the significance and relevance of gender mainstreaming within the Department. The Directorate, and by implication the department, has no clear criteria and goals on how gender mainstreaming should be implemented as a strategy.

Accountability

Despite numerous research projects on the challenges facing the national gender machinery, there is a lack of departmental accountability. For example, gender mainstreaming is still not included as a key performance area for managers and staff.

Planning

Gender mainstreaming is not included as a department-wide core function when strategic planning processes are undertaken.

Policy Formulation

The inclusion of gender mainstreaming in policy processes occurs on an ad hoc basis. The Gender Directorate is not included in most cases as part of the policy planning and formulation process.

Coordination

There is very little or no coordination between Directorates on the manner in which gender ought to be mainstreamed in the different policy and directorate processes.

Relationship with Relevant Stakeholders

As stated in Chapter 3, the NPF envisaged a dynamic relationship between the OSW and Gender Directorates. This however, appears to only be operational on paper, rather than in practice. The relationship between the Directorate and the CGE is also on an ad hoc basis.

Monitoring and Evaluation

There is no regular monitoring and evaluation of the impact of gender mainstreaming internally as it relates to the Department, as well as externally, as it relates to the Department as a service provider to the public. Furthermore, there are no clear tools that have been developed to monitor and evaluate the impact of gender mainstreaming.

4.2.4.2. Gender Policy Statement

The main weakness identified in the Gender Policy Statement is that it is drafted in such a way that provides an impression that the Gender Directorate would be driving the identified areas of strategic intervention.

Secondly, although the Gender Policy Statement identifies critical areas of concern, strategic intervention areas, intended actions, as well as timelines, it does not allocate specific responsibility for executing the identified strategic areas of intervention.

Thirdly, most of the policy intervention areas and structures envisaged in the Policy have not been done.

In terms of content, the Policy places more emphasis on the external dimension of gender mainstreaming, as evidenced in Chapter 3 of the Policy. On the other hand, the Chapter 4, which focuses on the internal dimension, does not adequately cover all the relevant issues, particularly when it comes to accountability in terms of driving processes. In fact, one gets the impression that the chapter relating to internal dimension was not given sufficient attention.

The fact that the policy is under review is an indication that the Department is taking gender mainstreaming seriously. The fact that the Department is using this approach to review the policy will once more lead to a lack of ownership. It must be noted however, that the argument used by departments when

employing the services of external consultants is a lack of capacity in terms of people and expertise in the subject.

4.3. CASE STUDY 2: DEPARTMENT OF FOREIGN AFFAIRS (DFA)

4.3.1. Departmental Mandate

The vision of the Department of Foreign Affairs (DFA) is “an African continent, which is prosperous, peaceful, democratic, non-racial, non-sexist and united, and which contributes to a world that is just and equitable”. The DFA aims to implement this vision by “promoting South Africa’s national interests and values, the African Renaissance and the creation of a better world for all” (DFA, 2005). The DFA’s mandate becomes particularly important given the country’s involvement in conflict areas on the African continent, where women and children bear the brunt of conflict, as well as the non-permanent seat on the United Nations Security Council (UNSC), where South Africa is able to influence a range of resolutions, including those affecting women and children.

It is also important to mention that with regard to meetings related to UNSC issues, the DFA becomes the “lead department”. In this case, it would be the lead department on issues related to gender mainstreaming within the UN. Other relevant departments and entities would also be included in the process.

4.3.2. Overview of Gender Directorate

The Chief Director responsible for gender issues in the Department was appointed in mid-2007. The Directorate is located within the Office of the Director-General. Currently, the Gender Directorate has about 3 staff members, including the Chief Director, who is in the process of capacitating the Directorate. The issues of capacitating the Directorate relate to the recruitment of additional staff members, as well as the conceptualisation of the Directorate in terms of its vision, mission, objectives, focus areas and implementation strategies. Furthermore, the Directorate faces the challenge of carving a niche in terms of how it would relate to other directorates in terms of engendering policies and processes (Interview, DFA: November 2007).

Although the Department only recently established the Directorate, it is important to mention that the Department did not neglect issues related to gender equality and gender mainstreaming. Depending on the topic, specific Directorates were given the mandate to coordinate gender mainstreaming issues (Interview, DFA: November 2007).

4.3.3. Overview of 2006 – 2007 Annual Report In Relation To Gender Mainstreaming

Since the Directorate is newly established, and hence has no policies in place as yet, the researcher scrutinised the 2006/07 Departmental Annual Report (DFA Annual Report, 2007: 4-29 and 66-208) as it relates to gender mainstreaming. The report

revealed a number of issues that are either directly or indirectly related to gender mainstreaming.

In terms of an external focus, the report indicates that the Department was fully engaged with issues related to the PFA. More importantly, the South African government, through its seat on the UNSC, was President of the Council during the Annual Session of the CSW, led by the OSW. During this session, South Africa, as Chair of the Africa Group, presented a resolution on Female Genital Mutilation. South Africa also used its Presidency on the UNSC to highlight the role of women in peacekeeping. During International Women's Day celebrations, the country ensured that a Presidential Statement was adopted by the UNSC, reinforcing the implementation of UNSC Resolution 1325, which relates to Women, Peace and Security.

Other activities in which the Department was involved include a strategy workshop co-hosted with the United Nations Department of Peacekeeping Operations (UNDPKO) on 'Gender and Peacekeeping'. The DFA also supported the Department of Agriculture and the Department of Land Affairs when both departments were preparing for South Africa's hosting of the 4th World Congress on Rural Women. In June 2006, South Africa was elected to serve on the CEDAW for a four-year term, following the 14th Meeting of States Parties to the CEDAW.

With regard to internal issues, the Director-General of the DFA, Dr Ayanda Ntsaluba, states that the Human Resources Management system of the Department was "rigorously pursued" during the 2006/7 period. He does acknowledge that

although commendable and “considerable efforts have been made in increasing gender representivity” in the Department, “more must be done, particularly at senior management level”. Statistics in the Annual Report indicate that as on 31 March 2007, at Occupational Band level, the Department had 2 females at top management level (DG and DDG level) and 74 females at senior management level (Chief Director and Director level), compared to 8 and 153 males at top and senior management levels respectively.

4.3.4. Findings

The findings are divided into external and internal dimensions, as discussed above.

4.3.4.1. External Dimension

There is excellent departmental commitment and support for international, continental and regional activities related to gender mainstreaming.

The involvement of the Department, and by implication the country, in CSW deliberations and other related activities, is a demonstration of the Department’s commitment to gender equality. On the other hand, the involvement, although commendable, constitutes an event, rather than a systematic process of implementing gender mainstreaming.

Although the department ‘leads’ in terms of certain issues, there is a good working relationship with line-functional departments.

4.3.4.2. Internal Dimension

Due processes in terms of establishing the Gender Directorate, as required by the NPF, have been followed.

There is no gender policy in place. Hence, the mainstreaming of gender is done on an ad hoc basis. Gender is also not mainstreamed into the Departments' policies on a continuous basis.

There is a need to consolidate the work which the Gender Directorate ought to be doing, which was undertaken on an ad-hoc basis by different Directorates. Some of the Directorates might experience difficulties in handing over the responsibility of gender mainstreaming to the responsible Directorate.

The data on representivity within the DFA also indicates that there is an anomaly with regard to the number of women in top and senior management levels. For example, the number of males in senior management is over 140 times greater than the number of females.

When comparing the two departments, it is evident that there is a large variance between the number of males and females in top and senior management positions, although the DoJ&CD has a larger number of employees.

4.4. CONCLUSION

This Chapter presented an evaluation of the DoJ&CD and the DFA. Research on the DoJ&CD was divided into two parts. The

first part of the research process focused on the semi-structured interview undertaken with one of the department's staff members responsible for gender mainstreaming. The second part was an analysis of the Department's *Gender Policy Statement*.

Research on the DFA was based on the 2006/07 Annual Report as it relates to gender mainstreaming, as well as a semi-structured telephonic interview conducted with one of the department's members responsible for gender mainstreaming.

In both case studies, gender mainstreaming was approached from an internal and external point of view. The internal point of view related to the manner in which both departments institutionalise gender mainstreaming, and the external dimension referred to the manner in which gender mainstreaming is used in both departments to ensure that departmental policies take into account the importance, relevance and impact of gender mainstreaming in executing their mandates.

Finally, the chapter presented findings from the two case studies.

CHAPTER 5

ANALYSIS OF THE FINDINGS

5.1. INTRODUCTION

Chapter 5 provides an analysis of the findings from the two case studies, and identifies challenges and opportunities. The chapter also draws a comparative evaluation of the two departments.

5.2. ANALYSIS OF FINDINGS: DOJ&CD

5.2.1. Location

The location of the Gender Directorate within the Office of the Director General (DG) provides the unit with the influence to fully execute its mandate and functions. Indeed, the 1997 ECOSOC Report highlights that “the location, seniority level, resources and participation of gender units/focal points in all policy-making and programming processes and support at the most senior management and decision-making levels are also crucial in translating the gender mainstreaming mandate into practical reality” (ECOSOC, 1997).

It should also be noted, given the discussion on the location of the directorate in the previous chapter, that it is clear that despite being located in the Office of the DG, the Directorate faces numerous challenges. These include the institutionalisation of gender mainstreaming, as well as a mandate that constricts the functioning of the Directorate.

5.2.2. Responsibility

When identifying responsibilities, it should be clear that the Gender Directorate alone is not responsible for what is clearly a broad-spectrum of gender related issues within the Department. Directorates under which some of the identified strategic areas of concern reside should drive the policy process, rightfully so, but include the Gender Directorate in the process.

5.2.3. Role and Functions

As stated previously, the role and functions of the Directorate as drafted in the Gender Policy provide it with more of a watchdog role rather than an actor and a proactive partner in the Department. This presents a challenge as the Directorate will not be taken seriously internally, since other Directorates would be aware that no sanctions will be imposed on them for non-compliance with the directives of the Gender Directorate. Therefore, these functions ought to be reconsidered during the process of reviewing the Gender Policy, so that the Directorate becomes an actor and a proactive partner in the Department.

The above-mentioned statement is supported by research from Mehra and Gupta (2006: 5) who posit that “the role of gender focal points is to act as resource persons, complementing and supplementing the work of gender specialists, thereby extending more widely the outreach of a gender unit within an organisation”. Furthermore, Mehra and Gupta emphasise the fact that the reason gender focal points are not successful is

due to their marginalisation, lack of resources, inexperience, additional duties, and the lack of “clout and influence”.

5.2.4. Responsibility of Directorate and Allocation of Resources

As stated above, the review of the Policy should be able to distinguish between the responsibility of the Directorate, as well as the role of other Directorates. Currently, the Directorate, as per its functions discussed in Chapter 4 of the Gender Policy, has too many focus areas, making it impossible to adequately devote attention to issues. Accordingly, the allocation of resources for the Directorate should be reviewed to ensure that there are sufficient funds to do justice to the work of the Directorate.

5.2.5. Commitment and Accountability

Although there is an acknowledgement within the Department that more has to be done in relation to gender mainstreaming, the Department should find a process of expediting this. Furthermore, the Department should ensure that Directorates are held accountable by including gender mainstreaming as a key performance area for all directorates.

It is also important to note the statement from a Workshop on Gender organised by the UN Division for the Advancement of Women (DAW), held in September 1997, that “successful gender mainstreaming requires strong political commitment and senior management direction and support”. On the inclusion of gender mainstreaming as a key performance area, the same

workshop notes that “organisations need to establish appropriate accountability mechanisms in order to ensure the implementation of gender equality policies. Performance appraisals should recognise that accountability for implementing these policies is located at all levels, including management, and is not limited to the responsibility of the focal points”.

5.2.6. Planning and Policy Formulation

With regard to gender policies, the September 1997 DAW workshop further states that “all organisations require a gender equality policy which should be developed with broad participation within the organisation to promote understanding and ownership. Policies should be further elaborated by action plans or strategies which clearly describe goals, tasks and accountability for gender equality mainstreaming at all organisational levels”.

In the case of the DoJ&CD, as already pointed out, the use of external service providers to review the Policy could once more create a situation where there is a lack of ownership. It could also create a sense of inadequacy for the Gender Directorate.

Furthermore, the team charged with reviewing the Gender Policy, once constituted, should take into consideration the drafting of strategies for operationalising the Gender Policy. This will ensure that clear goals are set without cluttering the Policy with action plans. The team should also ensure that it provides sufficient attention to gender mainstreaming both on

an external and internal level, without compromising any of the two dimensions.

5.2.7. Coordination and Relationship with Relevant Stakeholders

Internal coordination will remain a challenge until the functions of the Directorate are amended to provide it with more power to be able to hold Directorates accountable. External coordination will also remain a challenge as the entities, with which the Gender Directorate interacts, such as the OSW and the CGE, are also facing major challenges in their own right. Therefore, coordination will only improve once there is a commitment from all stakeholders to ensure that the focus on is commonalities and mutual strategic areas of interest. A case of good relations is made clear by the 1997 DAW Workshop, which refers to the importance of “building strategic partnerships within civil society, including women’s organisations and other stakeholders” which would serve as “a demonstration of the organisation’s commitment to mainstreaming for equality”.

Howard (2002: 165 – 166) brings in an interesting dimension in relation to stakeholders. According to her, the main stakeholder in relation to Gender Directorates and gender planning is the gender planner, as this is “the person who is expected to carry out the diagnoses, mobilise the women, implement the framework, etc”.

Furthermore, Howard (2002: 165 – 166) regards policymakers, planners, implementers, as well as women who will benefit from policies as key stakeholders. More importantly, she

characterises policymakers and planners as “active resisters, or at best, passive implementers of gender mainstreaming”. This is because this group of stakeholders either resists or complies with the policy.

5.2.8. Monitoring and Evaluation

Monitoring and evaluation is a critical component of gender mainstreaming, as it provides the Directorate and by implication the Department with an analysis of the impact of its legislation and policies on gender mainstreaming.

It became clear during the course of the research that there is very little or no internal monitoring and evaluation of the impact of gender mainstreaming, whether it is in legislation, policies, procedures or programmes. It is once more important to highlight the points made at the 1997 DAW Workshop, which states, with regard to compliance, that “organisations need to develop or further refine tools and indicators to assess their results to date and their progress towards the goals stated in their gender equality policies and action plans. Monitoring needs to be regular and reporting should be made to the highest levels”.

5.3. ANALYSIS OF FINDINGS: DFA

Providing an analysis for the DFA is very difficult without the existence of policies that can be critically assessed. Nevertheless, the DFA certainly has good departmental commitment and support for international, continental and regional activities related to gender mainstreaming. In this

regard, it fulfils its mandate in relation to international obligations. Despite the non-existence of a dedicated Gender Focal Point prior to mid-2007, the Department should be commended for being able to partner with other Departments with regard to gender mainstreaming issues.

However, the lack of a dedicated focal person could have increased the Department's profile and work in relation to gender mainstreaming. This person would have been able to identify other strategic areas where the Department could have made a significant impact.

It should be noted that the appointment of a Chief Director is also a demonstration of the Department's commitment to gender mainstreaming. Nonetheless, the newly created Directorate faces numerous challenges. There is no gender policy in place. Hence, the mainstreaming of gender, up to now, was done on an ad hoc basis. Those Directorates that dealt with gender mainstreaming might be unwilling to relinquish projects that they are currently busy with, due to various reasons. Therefore, apart from establishing itself, the Gender Directorate will need to consolidate the work which it ought to be doing.

5.4. SUMMARY OF FINDINGS

This section presents a summary of the findings in table format. The summary will also provide a brief comparative evaluation of the two Departments. Of interest for the researcher is the differences and similarities in the Gender Directorates. The Gender Directorate at the DoJ&CD has been

in existence for more than 8 years, while the DFA Gender Directorate is still in infancy stage. This table is by no means exhaustive or conclusive.

Table 1: Summary of Findings

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (DoJ&CD)	DEPARTMENT OF FOREIGN AFFAIRS (DFA)
There is an established Gender Directorate.	The Gender Directorate is in the process of being established.
There is a <i>Gender Policy Statement</i> in place.	There is no Gender Policy in place.
Critical intervention areas identified in the <i>Gender Policy Statement</i> have not been implemented yet.	Not applicable.
The guidelines for establishing the Directorate as envisaged in the NPF have been followed.	The guidelines for establishing the Directorate as envisaged in the NPF have been followed.
There is a misconception that the Directorate has the sole responsibility for gender mainstreaming.	Not applicable.
The Directorate has more of a watchdog role, rather than being a proactive partner.	Not applicable.
Directorate has inadequate human and financial resources.	Directorate has inadequate human and financial resources.

There is a lack of accountability and responsibility in relation to taking ownership of gender mainstreaming.	Not applicable.
There is a lack of coordination between the Directorate and other institutional mechanisms responsible for gender mainstreaming in government.	Not applicable.
The Directorate is not included in policy planning and formulation processes.	Not applicable.
There are no monitoring and evaluation mechanisms in place.	Not applicable.

5.5. CHALLENGES AND OPPORTUNITIES

The issues discussed above highlight challenges and opportunities for both departments.

The challenges for the DoJ&CD are clear. The lack of clear goals and objectives; a non-responsive and outdated Policy; too many areas of focus; as well as inadequate human and financial resources are but some of the challenges facing the Gender Directorate. On a positive note, these challenges also present opportunities for the Directorate and the Department. The Review of the Gender Policy provides an opportunity for the department to 'get it right' the second time around. In

addition to reviewing the policy, the Directorate ought to develop a strategy for operationalising gender mainstreaming.

With regard to the DFA, the newly established Gender Directorate certainly faces the same challenges that the DoJ&CD has experienced. From the onset, the Directorate will have to establish its identity, as well as clear goals and objectives. Squires and Wickham-Jones (2004: 83) note that in the Women's Unit in the UK "struggled to establish a clear identity for itself during its first year of existence". Reasons for this include putting a team together for the unit, as well as the lack of resources. However, being newly established also presents an opportunity for the Department to 'get it right' the first time around.

5.6. CONCLUSION

This Chapter provided an analysis of the findings from the two case studies, and identified challenges and opportunities. The chapter also drew a comparative evaluation of the two departments.

CHAPTER 6

CONCLUSIONS AND RECOMMENDATIONS

6.1. INTRODUCTION

Chapter 6 focuses on conclusions, as well as proposed recommendations extracted from lessons learned in the two case studies.

Based on the hypothesis that, despite the existence of a national gender machinery, gender focal points face numerous challenges in implementing gender mainstreaming, and that the significance of gender mainstreaming in government departments is not fully understood and consistently implemented, the main aim of this research project was to conduct an evaluation of the manner in which government departments in South Africa implement gender mainstreaming as well as challenges and opportunities faced by government officials whose responsibility it is to implement gender mainstreaming. The research project focused on gender focal points located in the DoJ&CD as well as the DFA.

6.2. CONCLUSION OF RESEARCH PROJECT

Prior to providing conclusions to this research project, it is important to take note of the issues raised by Veitch (2000: 604 - 605). She states that there is little evidence on the extent of gender mainstreaming and its embeddedness within government departments. Secondly, the key barriers to gender mainstreaming are information, knowledge, resources and a

clear steer on priorities. Thirdly, she mentions that changes that have taken place in some key areas are only because the specific minister would see value in gender mainstreaming.

Finally, she states that the connection between expertise and politics is of paramount importance. This is because “the development of gender expertise within government is dependent on political patronage of the mainstreaming process, and that still largely rests with women politicians, who are able to champion gender mainstreaming most effectively where it can be shown to improve the efficiency and impact of policies in reaching significant sections of the electorate. The national gender machinery depends for its resources and long-term survival to a great extent on this political support”.

The points raised by Veitch are relevant in the South African case. This research project has indicated, based on the two case studies, that gender focal points still face numerous challenges, despite a strong commitment from government to ensure that gender mainstreaming is used a tool for achieving gender equality.

In concluding this research project, it is clear that major attempts have been made by the South African government to ensure that it fulfils its international and constitutional obligations to mainstreaming gender. However, it is unclear whether the government's achievements on gender mainstreaming are as commendable and ground breaking as we make them out to be. There must be an acknowledgement that some of the challenges faced by the gender focal points and

gender machinery in general are caused by systemic problems, which will not be resolved by reviewing and redrafting policies.

Factors that compound the problem include the lack of strategic direction from the OSW, the non-existence of synergy between the OSW and national departments, lack of intra and inter-departmental coordination and lack of resources, as well as the lack of monitoring mechanisms that will ensure that departments are held accountable for implementing gender mainstreaming.

The government must take stock and conduct an honest evaluation of the impact of gender mainstreaming, as well as the effectiveness of the National Gender Machinery. Otherwise the government will be just as guilty of paying lip service to gender mainstreaming.

Additionally, there is an over-reliance in the government on external service providers to drive policy processes, as is evident in the case of the DoJ&CD. Despite the fact that the Directorate will obviously be involved in the process, it will still create a sense of non-ownership of both the process and the end product. It should be noted that the researcher is not advocating for the services of external service providers not to be used, but there must come a time when the lack of capacity in terms of people and expertise should not be used as an excuse for employing the services of external service providers.

It is also clear that gender mainstreaming is still seen as a 'women's issue' and not given sufficient commitment and resources.

In addition to the above-mentioned issues, specific conclusions relating to the DoJ&CD are that the Gender Directorate still faces major challenges in implementing and institutionalising gender mainstreaming. Some of these challenges are internal rather than external. The Directorate does not have enough influence to implement its mandate. Its objectives, as set out in the Gender Policy, are limiting. There is no coordination between the different directorates. There is no sense of ownership that gender mainstreaming affects the Department as a whole, and not only the one Directorate that has the mandate to 'monitor' its implementation. The Gender Policy is cluttered, in an attempt to ensure that all issues are reflected.

In relation to the DFA, the establishment of a gender focal point is long overdue. The challenge is for the Directorate to establish itself and ensure that gender mainstreaming is institutionalised.

The researcher would also like to offer a few personal observations. Reading through the literature review brings about a feeling of despondency, as authors write about the same issues and challenges facing gender mainstreaming. This leads one to start questioning the fundamentals of whether gender mainstreaming is relevant or not. Is it necessary to have gender mainstreaming as a tool for achieving gender equality? If not, are there any viable alternatives? Are all these meetings where progress is measured and evaluated just talk

shops to convince ourselves that we are doing something? Are national gender machineries just institutions that are bloating the state's budget, with no tangible results, or are they making a meaningful impact on the ground? Does the average South African, male or female, even care about the significance of gender mainstreaming, or are there other important social issues that take precedence over the need for gender mainstreaming? These questions, and more, need to be interrogated and critically evaluated, with more in-depth research, which is not possible within this research project.

6.3. RECOMMENDATIONS

6.3.1. DoJ&CD

Recommendations in relation to the DoJ&CD are as follows:

- The review of the Gender Policy Statement should include the review and expansion of the role and objectives of the Directorate.
- Both the internal and external aspects of the Gender Policy should be given equal attention.
- The Gender policy should not be cluttered by trying to include all related issues.
- Consideration must be given to drafting a strategy for operationalising the Gender Policy. The strategy must have clear objectives, assign responsibility, and have clear and measurable criteria.
- The Directorate should critically evaluate its action plan, in order to redefine itself and ensure more focus on important issues.

- To demonstrate its commitment to gender mainstreaming, the Department ought to include gender mainstreaming as a key performance area for managers and supervisors.
- The Directorate must be provided with adequate human and financial resources to function effectively.

6.3.2. DFA

Recommendations in relation to the DFA are as follows:

- The Directorate must expedite the process of setting itself up.
- Being a newly established Directorate presents an opportunity for the Department to get the policy processes and institutionalisation of gender mainstreaming right.
- In the process of establishing itself, the Directorate ought to take cognisance of the lessons learned in other gender focal points.
- The Directorate must be provided with adequate human and financial resources to ensure that it functions effectively.
- To demonstrate its commitment to gender mainstreaming, the Department ought to include gender mainstreaming as a key performance area for managers and supervisors.

6.4. CONCLUSION

Chapter 6 focused on conclusions for the research project, as well as proposed recommendations extracted from lessons learned in the two case studies.

The main aim of this research project was to conduct an evaluation on the implementation of gender mainstreaming in

South African government departments, with specific reference to the DoJ&CD and the DFA. The research project was based on the hypothesis that despite the existence of a National Gender Machinery, gender focal points face numerous challenges in implementing gender mainstreaming.

Based on the two case studies, the research project concluded that despite a strong commitment from government a lack of commitment from senior officials, an understanding of the concept of gender mainstreaming, as well as a lack of resources hampers the effective implementation of gender mainstreaming as a tool for achieving gender equality. Furthermore, systemic weaknesses within the National Gender Machinery continue to exacerbate the challenges faced by GFPs.

APPENDIX A

QUESTIONNAIRE

General

- Does the department have a gender focal point? How is the unit staffed? Where are the unit's resources located?
- When was the directorate/focal point established? What is the turnover rate for the department?
- Does the department have a written policy on gender mainstreaming?
- Who participated in the drafting of this policy document?
- Is the policy document operational?
- If there is no gender mainstreaming policy in place, is there a strategy document in place detailing how the policy will be drafted?
- Are there any internal committees that focus on operationalising a department-wide gender mainstreaming policy? If in existence, are the committees functional?
- When is gender mainstreaming issues discussed?

Awareness

- Are all members of the department, from senior management to normal employees, aware of the existence of the policy?
- Are all members of the department, from senior management to normal employees, aware of the existing national, regional, continental and international policy commitments that underpin the existence of the departmental gender mainstreaming policy?
- Who champions gender mainstreaming within the department?

Representation

- Are women equitably represented in all management levels within the department? What are the percentages?
- Do performance agreements of all relevant managers and supervisors include gender mainstreaming as a key performance outcome?

Policy Issues

- To what extent is gender is mainstreamed into the department's strategic objectives and policies, to assist in the implementation of its mandate?
- Is the implementation of gender mainstreaming consistent?
- To what extent do officials, particularly at a senior level, understand the importance and relevance of gender mainstreaming, as well as its implications?
- Does the Gender Focal Unit participate in the drafting of policies related to the core business of the department? For example, to what extent does the Gender Focal Unit participate in the drafting of assessments for key policy makers, on key government priority areas, particularly in conflict areas on the continent?
- Is a gender perspective included in any of the assessments as well as policy documents drafted for policy makers?

Operationalisation

- To what extent has the gender mainstreaming policy (if available) cascaded down within the organisation?
- How is the policy operationalised at Chief Directorate, Directorate and Sub Directorate level?

Accountability

- To what extent are responsible managers held accountable for gender mainstreaming within the department?

Challenges and Opportunities

- What are the main obstacles and challenges faced by the Gender Focal Unit in implementing its mandate within the department?
- What successes has the Gender Focal Unit achieved?
- Are there any opportunities that have been identified from the challenges faced by the Gender Focal Unit?

Other

- Are there any other areas where the Gender Focal Unit is involved?
- What tools does the department use to monitor and evaluate the effectiveness of gender mainstreaming in the organisation? (additional questions adapted from www.capacitydevelopment.net and www.genderlinks.org.za)

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