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Advocacy Administration in the context of Economic and Political Liberalisation

Prepared by:

Anne Marie Goetz
Institute of Development Studies
University of Sussex

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Introduction¹

The importance of establishing a formal presence for the representation of women's interests in the public administration as a surrogate for or a complement to women's effective civil society 'voice' has produced thirty years of experimentation in advocacy administration. National and also sub-national 'women's machinery' range from newly established ministries, bureaux in the office of the chief executive, women's units in key line ministries such as agriculture, health, or education, equal opportunities or gender equality commissions, to women's commissions in sub-state governments in federal states. Recent comparative analyses of effective strategies for the pursuit of women's rights across OECD countries finds that the presence of these women's units is one of the key variables determining national progress in producing gender-equity policies.² Studies of women's units in developing countries have been less positive, suggesting that these women's units can sometimes be captured by ruling parties or by the wives of authoritarian leaders, starved of resources, and of effective access to, or veto-power over decision-making.³

This paper briefly reviews what is known about the conditions under which bureaucratic advocacy units are effective in promoting gender-equality policies. I argue that the challenge of improving public sector accountability to women ought to guide the work of NWMs, and that this ought to orient NWMs to expose and remove gendered biases in the operating remits of formal accountability systems, and in the terms of access to and participation in the public sector. I move on to raise concerns about the capacity of NWM to advance a gender equality agenda in the face of contemporary economic and governance reforms that challenge some of the foundations of the developmental state.

Typologies of NWMs

The different formal roles that NWM have been assigned fall into the following areas (though many NWM perform a combination of these functions):

- **Advocacy or advisory units**, located either in a central political unit, such as the office of the Prime Minister or President, or in a central economic planning unit, such as the Ministry of Planning. This unit is responsible for promoting attention to gender issues and giving advice to various government units. Very often, however, it is under-equipped in terms of staff numbers and technical skills, and becomes the representative of a 'special issue' in an often easily dismissed policy pleading role.
- **Policy monitoring units**, which may have rather more robust powers to the degree that they may be granted automatic rights to review projects before approval by central economic planning units, or to review submissions for Cabinet decisions.

¹ Some of the content of this paper is drawn from work I have done for UNRISD's 2005 report: 'Reaching for Gender Equality in an Unequal World', Geneva.

² Squires and Wickham-Jones, 2001; Weldon, 2002.

³ Goetz, 1995, Staudt, 1995; Tsikata 2001; Mng'anya, 2004.

- **Units with implementation responsibilities.** These units create programmes which may have a demonstration effect on other government activities, and also respond to policy needs not well catered for elsewhere - for example, by setting up shelters for victims of domestic violence. But the typically low level of resources for policy implementation means that these efforts are isolated, and cannot produce broad-based policy changes across the public administration.
- **Commissions with ‘oversight’ and investigation powers.** This is a newer generation of NWM and includes cases such as the Commission for Gender Equality in South Africa, the Kerala State Women’s Commission in India, or Equal Opportunities Commissions elsewhere. These act as a women-dedicated public ombudsperson or public protector and therefore they are equipped to receive and investigate complaints by the public regarding gender-based rights violations.

Most national machineries for women lack formal oversight powers to review policy-making in all sectors and in that sense rely upon informal rather than institutionalised accountability controls – for instance moral suasion and shaming.⁴ To tackle these kinds of constraints some gender-equity bureaucracies rely upon women’s associations as an informal ‘whistle blowing’ agent, sometimes even giving them formal status as such. The Commission for Gender Equality in South Africa offers accreditation to civil society associations and rights of regular observation of Commission work – to both supply the Commission with information and act as a quality check.

Conditions for the effectiveness of NWMs: No clear pattern yet

How can state-based bureaucracies dedicated to advancing women’s interests avoid becoming what Clare Short, the UK’s ex- secretary of state for International Development, dubbed ‘a tokenistic dumping ground’ instead of ‘strategically influential’⁵ in changing the shape of public policy and action? There has been a considerable amount of research into this question in both OECD and developing countries around the world over the last decade. One of the best-known comparative studies of ‘state feminism’, by Stetson and Mazur, whittle down the range of relevant qualities of NWMs to two key features: their level of policy influence (broad, cross-sectoral responsibility rather than simply advisory roles or sub departmental responsibilities), and the level of policy access (ability to provide women’s movements with access to high-level state decision-making).⁶ Other analysts also stress the importance of adequate resources in staff and finances to enable the NWM to carry out its own functions credibly.⁷ Most observers agree that a powerful and autonomous women’s movement is key to the effectiveness of NWMs, providing an external constituency of support and also an engine of accountability, ensuring that the NWM responds to women’s needs and interests. Others stress the overwhelming importance of the broader political and ideological context for advancing women’s rights. Given the great challenges in making NWMs

⁴ Waylen, 2000:787.

⁵ Short, 1996:25.

⁶ Stetson and Mazur, 1995: 27.

⁷ Squires and Wickham-Jones, 201: 102; Beveridge, Nott and Stephen, 2000: 385-7.

genuinely independent, their effectiveness depends greatly upon the provision of a supportive environment by the government.⁸ In other words, all NWMs are constrained by the commitment of the government to women's rights, no matter how powerful and well-organised women are in civil society.

Thus the effectiveness of NWMs depends upon their proximity to key decision-making arenas and their formal powers within them, their budgetary and staff endowment, the extent to which the government is supportive of gender-equity, and the extent to which they are legitimised and supported by the national women's movement. This seems a reasonable enough set of conditions to explain the policy impact of NWMs, but it is worth noting that these conditions do not seem reliably to predict the impact of women's units across a range of policy areas. A recent eight-country review of women's machineries in Africa argues that proximity to high office can actually work against women's machineries – making them overly-associated with the chief executive, unattractive to the women's movement, and distant from the ministerial back rooms in which policies are hammered out.⁹ More effective women's units were those able to forge close relations, using informal channels, with key decision-makers, to insert gender-equality concerns into policy-making processes, such as budget analysis and review exercises. Weldon's comprehensive and painstaking study of factors explaining government responses to domestic violence in 36 countries (OECD and developing countries) was unable to find an association between good policy on domestic violence to the determinants of institutional effectiveness identified by Stetson and Mazur (high level of policy influence and high level of policy access).¹⁰

Weldon suggests that studies of the effectiveness of NWM tend to focus upon their impact on a single policy area (typically equal employment opportunities), and that different features of the institutional design and role of NWM may differentially determine their effectiveness in relation to different policy areas. In her theoretical account of the institutional effectiveness of NWMs she focuses instead on a measure of their institutional power, and on a measure of their accountability. Though these 'measures' are still rather vague and unquantifiable, and though they rely upon rather elusive concepts such as the 'independence' of a NWM, Weldon's reformulation is useful because it brings us closer to two key issues of relevance to the impact of NWMs: the overall quality of governance, and the capacity of the women's movement to hold power-holders to account. I shall deal with these issues of governance and accountability next.

Governance/state capacity

The capacity of public actors and state agencies to implement policies passed at high levels is an important determinant of whether gender-equality policies can be realized in practice. Capacity determines whether high level policy-makers can be sure that policy is translated into government orders, new spending priorities, new procedures for bureaucrats and front-line service delivery agents, and new standards against which the

⁸ Threlfall, 1998: 78 – 9; Sawer, 1995.

⁹ Tsikata 2001.

¹⁰ Weldon, 2001: 127.

actions of these public actors are assessed. ‘Governance’ is a term that has been used lately to describe state capacity to get things done. In its narrowest definition, ‘governance’ is essentially about the ability of decision-makers to compel compliance with policy decisions both inside and outside bureaucracies. As we know, when it comes to gender-equality policy measures, considerable state capacity is required to compel compliance with what both state employees, policy or service clients, and the general public may view as profoundly counter-cultural policy goals.

‘Governance’ has been described by the World Bank as ‘the manner in which the State exercises and acquires authority’.¹¹ Even on this narrow definition of governance, which does not include notions of democratic justice, there are serious gender-specific *capacity* failures in all of the public institutions targeted in the governance agenda. Macroeconomic policy and management can be gender-biased and exacerbate gender inequalities. Public expenditure management systems can reproduce these biases through budget processes that fail to acknowledge women’s needs. Public institutions such as the civil service or the judiciary may be overwhelmingly staffed by men, who are unsympathetic to gender-equity policies and who may therefore subvert them. Rule of law reforms, even if they are limited to a focus on stabilising the market for commercial activity, may have implications for women’s capacities to profit from their economic engagement and to secure their assets

It is unrealistic to expect NWMs to make up for this wide range of gendered capacity insufficiencies. The range and depth of these capacity problems mean that NWMs have an important stake in governance reforms that improve the capacities of state agencies and agents to respond to the needs of citizens. However, and I shall develop this point shortly, NWMs have not to date focussed upon governance or other related public sector reforms, in part because NWMs are often targetted as the first area of wasteful government activity earmarked for the chop. More importantly, governance reforms have not, to date, raised gender issues explicitly, save for the ‘softer’ areas of reform such as decentralisation, human rights, civil society support and participatory activities. Neglect of the gendered assumptions underlying all governance reforms – whether in banking regulation, rule of law, or performance measures for results-oriented management in the public administration – and neglect of the gendered effects of these reforms, will have profound consequences for the impact of NWMs in the near future.

¹¹ Campos and Pradhan, 2003:1.

Accountability and Voice

In some conceptions, NWM provide a ‘voice’ for women’s movements inside governments – making up for insufficiencies of electoral systems that prevent women’s concerns and preferences from being represented by political parties or in the composition of governments. Analyses of the ‘accountability’ of NWMs, therefore, consider their relationships to the external women’s movement – whether women’s movements can act as an independent source of pressure on the agency to maintain a critical stance toward government policy.¹² In effect, this is expecting NWMs to perform a representative function even though the staff and leadership of these agencies are not directly elected. While it is indeed important for women’s movements to demand responsiveness from NWMs, and while it is indeed helpful for NWMs to refer to the demands of their external constituency when defending policy positions, and while most NWMs do occupy an ambivalent position as a ‘fifth column’ in the state, often staffed by members of women’s movements, it is muddled thinking to expect NWMs to be directly accountable to women’s movements. NWMs are directly accountable, like all other bureaucratic units, to the elected government. Just because existing accountability institutions from the electoral system to the judiciary, audit office, legislature, etc are inadequately accountable to female citizens, we cannot expect small additional advocacy bureaucracies within the government to take on a role of accounting for government actions to women citizens.

Instead, a more fruitful role of NWMs ought to be to expose and expunge accountability failings in the public oversight institutions that ought by law to answer to women as effectively as they do to men in the ‘publics’ to which they hold themselves accountable. There are gender-specific *accountability* failures in these institutions. Accountability systems monitoring government actions – for instance, performance measurement systems for primary school teachers or health clinic staff -- may fail to punish, or even detect, abuses of women’s rights. Legal systems can fail to criminalise or prosecute violations of women’s physical security, particularly if they have suffered violence at the hands of male relatives. Even systems for translating votes into the distribution of seats in government – electoral institutions – contain hidden gender biases that fail to translate women’s political preferences into the selection of representatives who will advance gender-equity interests.

How can we conceptualise gender-specific accountability problems and gender-sensitive accountability systems, given that accountability institutions are expected to act in an impartial (purportedly gender-neutral) way? Accountability describes a relationship between power-holders and those affected by their actions, and consists of two key elements: ‘answerability’ (making power-holders explain their actions), and ‘enforcement’ (punishing poor or criminal performance). Accountability institutions include those working to ensure that politicians answer to citizens (‘vertical accountability’ – electoral institutions), and those maintaining oversight over state actions (‘horizontal accountability’ – audit institutions, the judiciary, special anti-corruption or

¹² Weldon, 2001:131.

human rights commissions). Viewed from a feminist perspective, gender-sensitive reforms to accountability institutions would enable women, individually or collectively, to hold power-holders to account, and would make these power-holders accountable *for* gender-equity in their public actions.

All accountability institutions need to be scrutinised for gender biases in the following areas: the terms upon which people may participate in these institutions (access barriers), their investigation methods, the standards of evidence they use, and their standards of probity and fairness. Gender biases can mean that there is often neither a *remit* in accountability institutions to answer to women as a group who may be affected by the actions of power-holders, nor do *standards* of accountability necessarily see gender inequities as intolerable and requiring official remedy. This lack of answerability for gender equity on the part of powerful public and private actors contributes to the weak political ‘voice’ of women, because gender inequalities in access to resources and social justice may go unchallenged, thereby undermining the power and influence of women in civil and political society.

Prospects for feminist institutionalism in the context of contemporary governance reforms

Issues of bureaucratic capacity and accountability discussed above are key to the impact of NWMs. State capacity shortcomings are limitations on the extent to which NWMs can translate their often excellent policy analysis and their policymaking victories into achievements at the level of implementation. A focus on gender-specific accountability failures and gender-sensitive accountability reforms would be one means of greatly enhancing or multiplying the impact of NWMs – gender-sensitive accountability reforms would make all government institutions, not just NWMs, answerable to female citizens.

A project of revising accountability systems is at the core of the main approaches to ‘state feminism’ or ‘feminist institutionalism’ that has sought to overcome the male preference shown in the organisation and impact of the public sector by inserting dedicated women’s machinery. However, this project of feminist institutionalism has been predicated upon the existence of a ‘developmental’ (in the South) or ‘welfare’ state (in the OECD) – in other words, a state that is willing to tax its wealthier citizens in order to provide universal social services, a state committed to social justice and the pursuit of human equality. Features of contemporary economic liberalisation and governance reforms in developing countries – and of public sector reforms in developed countries – profoundly threaten the ‘developmental’ character of the state, and therefore the very premise of feminist institutionalism.

‘Good governance’ appears to be moving central-stage as the essential condition for growth, and maybe for human development as well. A number of the country assistance programmes of bilateral and multilateral development agencies are currently being re-thought and re-cast as ‘governance’ programmes, and it may be that ‘governance’ will be the arena in which a new, post-Washington consensus paradigm for development coalesces. As noted above, definitions of ‘governance’ range from a restricted view

focusing on sound management of the economy, and a more expansive one that aims for political liberalization and addresses problems of social inequality. Whether they are essentially second-generation economic reforms, or reforms to support and deepen democracy, governance programmes will not only have an impact on the distribution of resources and public power between women and men, but will themselves be shaped by gendered power relations. NWMs need to make a coherent critique and take a coherent position on this vast new policy arena.

Critics of good governance policies have charged that Anglo-American-style public institutions are being foisted on developing societies – a form of institutional ‘monocropping’ that is maladjusted to local culture and history.¹³ Others argue further that the governance policies of the World Bank in particular are driven by institutional ‘monotasking’ – the single-minded drive to install the essential conditions for capitalist enterprise and foreign investment, primary among which is the revision of property ownership laws to preserve individual title.¹⁴ This claim is exaggerated, but to the extent that neo-Weberian governance institutions are being pressed on developing countries to support a certain kind of economy, they propose profound changes in the relationship between citizens and the state, and women have an interest in understanding the implications of this. The promotion of gender-biased judicial, audit, and other governance institutions and procedures will have a negative impact on gender relations. To date, critics have tended to examine and protest the ways that women have been *excluded* from governance reforms or new governance arrangements. But the more important point is that governance reforms are heralding new types of markets and a new conception of the state that may reinforce gender-based power inequities.

The main part of contemporary governance reforms address problems of low capacity, inefficiency, and a lack of accountability in budgetary, judicial, legislative, and electoral institutions, at both national and sub-national levels. Reforms include the creation of independent central banks and autonomous tax boards (to contribute to sound macroeconomic management); protections for private property, assertion of the rule of law and enforcement of contracts (to promote economic growth), results-oriented management in the public sector, civil service job cuts and retraining, improved budgeting and auditing, decentralisation (to improve service delivery), and anti-corruption measures, merit-based recruitment in the public service, support to the oversight committees of parliament, and judicial reform (to combat corruption).

Many observers suggest that these reforms are dominated by a narrow preoccupation: to support capitalist economic activity through creating private property rights.¹⁵ Indeed, they charge that governance reforms are part of increasingly well-coordinated efforts to reconstruct states and markets to be receptive to globalised capital. To the degree that contemporary governance policies retain a narrow preoccupation with market-strengthening and securing property rights, they will be an uncomfortable arena from which to stage gender-sensitive governance reforms, and indeed may counteract them.

¹³ Evans, 2002; Upham, 2004.

¹⁴ Mkandawire, 2004

¹⁵ Upham, 2004.

This is not to say that women will not benefit from efforts to tackle corruption or make the public service more efficient and accountable. However, for gender-equity and women's engagement to be an outcome of governance reforms, they must begin from explicit concerns with how governance problems of public sector inefficiency, undue and unproductive meddling with private property rights, legal inconsistencies, and corruption, are both shaped by gender relations and reproduce gender-based inequalities.

Recommendations:

In the context of the contemporary re-shaping of markets and states through economic and governance reforms, the following are a few priority issues for NWMs to consider:

1. The issue of **state capacity**: Stiglitz's view: 'the choice should not be whether the state should be involved, but how it gets involved. Thus the central question should not be the size of government, but the activities and the methods of government' (1998:25 – 6). In the contemporary governance scenario, the privileged state activity is ensuring market development – including markets in the production and provision of public goods like education, health, housing, transport. The emphasis is on rule of law in commercial activity: contracts, private property. Regulation also important, but this requires considerable state capacity. These concerns neglect issues that have long been central to NWMs: state capacity for promoting equality in market access, in treatment of citizens and workers, in access to public goods.
2. The **championing of the private sector** in the market but also as a solution to many of the capacity ills of the state produces serious problems of regulation, coordination, and of course equity in treatment, particularly in state services subcontracted to private providers. Privatisation both of public industry (e.g. rail transportation) and services (e.g. education, health), leads not just to inequalities because consumers have differential purchasing powers, and because the state cannot regulate to assure equality of treatment, but to **new and more informal forms of interference and influence**. Potentially, even new forms of control and surveillance. This is producing a recomposition of the state, of public and private power, and may be leading to the end of the relatively short era of the 'development state'.
3. **'Rule of law' reforms**. 'Rule of law' is a major component of governance reform in sub-Saharan Africa, and feminists have focused primarily on the way legal pluralism (concessions for customary law in family matters) is addressed in these reforms. But this is just a tiny part of the 'Rule of law' agenda. By far the major part of these reforms address security of property and contract, financial sector regulation, and business regulation. The implications for women and gender relations in these areas is largely unknown. It is simply alarming that few NWMs in Africa have addressed contemporary land titling processes to ensure that women are awarded secure land access, use, and ownership rights. Instead, ownership rights are being individualised and masculinised through contemporary land titling programmes (for instance in Uganda¹⁶).

¹⁶ Kawamara and Ovonji-Odida, 2003.

4. **Banking and financial sector reform.** There is growing evidence from Africa that reforms in the banking sector are squeezing women's access to credit because they tend to be smaller borrowers and lack collateral. This problem affects women's efforts to shift their rate of market engagement and profit from new opportunities created through market openness.
5. **Public sector reform.** So far the scant quantity of feminist work that exists in this area has made largely un-documented assertions about the greater loss of public sector jobs experienced by women than men in 'downsizing' programmes. However, since women's share of public sector employment is so low in many countries, a loss of socially desirable government jobs may not in fact be the most important impact on women of public sector reform. Of much greater concern may be the privatisation of many state functions and changes in public service cultures. Public sector reforms have focused upon ensuring that incentives and performance measurement discourage corruption and promote efficiency, though increasingly there is an interest in rewarding pro-poor performance.¹⁷ But where reform efforts urge a market-like response in public service provision, there are few incentives to encourage staff to invest in the wide range of time-consuming and potentially socially unpopular acts that might contribute to keeping girls in school, for example, or to helping women public service clients cope with the problems they face in their private lives that prevent them from making effective use of public resources. Instead, incentive systems often reward staff who can deliver services more rapidly and cut costs.
6. **Accountability reforms.** Anti-corruption measures and institutions have not been scrutinized for their gender-specific operating assumptions and their gendered effects. At the moment, gender has come into discussions of accountability and corruption largely through the assertion – based on public opinion surveys – that women are less corrupt than men, and therefore their gender is proposed as an agency of good governance – to the point that in some contexts women are being prioritized for jobs in customs services and traffic policing. Serious work is needed in this area to consider the ways in which women are afflicted by public-sector corruption, and the ways in which they can participate in anti-corruption measures.
7. **Decentralization.** More research is available in this area than the others – largely case study work on the impact of women local government councillors on local decision-making in countries where large numbers of women are to be found in local government. Women are considered 'natural' local politicians because participation in local government enables them to overcome the mobility and expertise constraints that tend to keep them out of higher-level politics. But elite and patriarchal tyrannies can be more intense at local than at higher levels of government, and the few very positive case studies about women's impact on local government have tended to swamp the more sober accounts of women being squeezed out by traditional authorities working through informal institutions.

¹⁷ See World Bank 2004.

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