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Audit report on the implementation of the provisions in section H (iii) of the SADC Declaration on Gender and Development

"Promoting women's full access to, and control over productive resources such as land, livestock, markets, credit, modern technology, formal employment, and a good quality of life in order to reduce the level of poverty among women."

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Executive Summary

This report assesses the extent to which governments of the Southern African Development Community (SADC) have honoured their commitment specified in section H (iii) of the SADC Declaration on Gender and Development (SDGD).

"Promoting women's full access to, and control over productive resources such as land, livestock, markets, credit, modern technology, formal employment, and a good quality of life in order to reduce the level of poverty among women."

Key information used in the assessment is derived from the information in publications and reports compiled through research undertaken by the Southern African Research and Documentation Centre's Women In Development Southern Africa Awareness (SARDC WIDSAA) programme with national partner organisations in the SADC region, as well as from the *Progress Report on the Implementation of the Beijing Platform for Action by the SADC Region* submitted by SADC Secretariat at the Seventh African Regional Decade Review Meeting on the Implementation of the Beijing Platform for Action (Beijing + 10), Addis-Ababa, Ethiopia, 6-15 October 2004.

The report assesses the provisions made in the SADC Declaration on Gender and Development as well as other relevant international commitments including the African Protocol on the Rights of Women and Children; the Beijing Platform for Action (BDPFA); Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Millennium Development Goals (MDGs).

An analysis of the performance of SADC countries in implementing provisions under section H (iii) of the SDGD reveals that economic inequalities remain in existence even in cases where policies, legal provisions, and programmes to address specific provisions exist, because many countries lack easily controllable practical mechanisms to help detect, control, and prevent discriminatory action between the sexes that may occur in a society.

There is need therefore, for the proposed protocol to spell out clear provisions with clear strategies and mechanisms to ensure implementation within specific timeframes to facilitate monitoring and evaluation of progress.

Provisions in the declaration and in related commitments

The provisions for women's economic empowerment in the SADC Gender Declaration are interlinked and related to many others in the international and regional frameworks such as the BDPFA, CEDAW, the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, and the MDGs as illustrated in Table 1.

While the economic provision in the SDGD, "Promoting women's full access to, and control over productive resources such as land, livestock, markets, credit, modern technology, formal employment, and a good quality of life in order to reduce the level of poverty among women," is clear and to the point, it lacks specific targets, actions to be taken, and specified provisions.

Overview of the performance of member countries

Section H (iii) of the SADC Declaration on Gender and Development makes provision for SADC member states to promote women's full access to, and control over productive resources such as land, livestock, markets, credit, modern technology, formal employment, and a good quality of life in order to reduce the level of poverty among women. Table 2 in the annex, gives a general overview of the performance of individual countries.

By virtue of being signatories to the international and regional frameworks such as the SADC Gender Declaration, the BDPFA, CEDAW, the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, and MDGs, SADC countries are politically committed to addressing the specific provisions related to women's economic empowerment.

All SADC countries have ratified CEDAW and have signed the SADC Gender and Development Declaration as well as the BDPFA. In addition, nearly all member states, with the exception of Mauritius and Namibia identified, Poverty (*The persistent and increasing burden of poverty on women*) and Economy (*Inequality in economic structures and policies, in all forms of productive activities and access to resources*) among issues to focus on from the critical areas of concern identified in the BDPFA. Namibia, however, has a gender and economic empowerment goal to promote equal economic rights between men and women as well as the economic independence of women.²

The SADC as a regional organisation also identified 'Inequalities in access to economic structures, policies and all forms of productive resources and activities at all levels', among its regional critical areas of concern.³ Hence, member states are obliged to ensure that their governments or states achieve the commitments related to women's economic empowerment.

Further, the Dar es Salaam Declaration on Agriculture and Food Security that was signed in May 2004, indicates the intention of governments to accelerate land policy reform initiatives, share experiences of best practices, and ensure equitable access to land by women.⁴ Section 8 of the same declaration commits governments to enhance gender mainstreaming, in particular, repealing discriminatory laws that prohibit access to finance, land and other key agricultural inputs.

An analysis of the performance of SADC countries in promoting women's full access to, and control over productive resources such as land, livestock, markets, credit, modern

technology, formal employment, and a good quality of life in order to reduce the level of poverty among women, reveals that women, especially those in rural areas, lack control over means of production and experience limited access to credit and capital.

In some countries, the financial resources targeted for women are inadequate and men tend to exploit the situation, particularly where husbands have to be consulted by women in order to gain access to credit. This is exacerbated by the negative cultural attitudes that many banks have towards women borrowers.

While nearly all SADC member states have policies, legal instruments, non-discriminatory legislation based on sex and programmes to promote access to, and control over productive resources such as land, livestock, markets, credit, modern technology, formal employment, and a good quality of life, the reality is that economic inequalities remain in existence with more women than men living in abject poverty.

Mainstreaming gender in economic policies and decision-making

Although all SADC countries have initiated policies to mainstream gender in economic policy formulation through engendering macro-economic policy frameworks, or gender budget initiatives, little has translated into gains for women's economic status.

Most SADC countries have capacity limitation in gender expertise within the national machineries. As a result, processes directing or facilitating other sectors of the economy to mainstream gender are either at the level of awareness creation on gender issues only, or the rest of the processes to mainstream gender are moving very slowly. Hence, mainstream policy formulation processes take place without adequate input from gender experts.

Gender budgeting as a mechanism to mainstream gender in economic policies

Gender budgeting initiatives are happening in Mauritius, Mozambique, Namibia, South Africa, Tanzania, and Zimbabwe. In most of these countries, gender budgeting processes have been institutionalised in the Ministries of Finance, while others have also established gender-responsive budgeting Task Forces with the aim of expanding the process to include parastatals, private companies, and NGOs.

In Mauritius, a high level committee on gender-responsive budgeting has been established and it has developed a three-year Plan of Action for implementation. The Central Statistical Office has undertaken a time-use survey within the normal multipurpose continuous household survey as a way of generating information and statistical data on the value of unpaid work that is done by women within households.⁵

Women spend more hours on unpaid housework than men

Box 1

According to a sample survey carried out in 1999 in Mauritius, women spent four times more on unpaid housework than men. On average women devoted 30 hours per week on tasks ranging from cooking, washing to 'caring for other household members compared to only eight hours for men. The survey also revealed that there is a tendency for most household duties to be carried out by women except for shopping for food and cleaning

the yard or garden. Among the household chores, cooking and dishing washing made up of 45 percent of all time allocated to housework by women (1306 hours weekly).

Source: Mauritius national report on implementation of the BDPFA and the SADC Gender and Development Declaration, 2004

In Tanzania, the gender budget initiative has influenced and transformed planning and budgetary processes to take into account the practical and strategic needs of marginalized communities, particularly women, poor men, and youths.⁶

Access to, and control over productive resources

Women's access to factors of production such as land, extension service, inputs, including fertiliser and seeds remain limited, although policies aimed at creating enabling environments for women to access, own, control, use and manage land for productive use have been established in nearly all countries.

Right to own land

In much of southern Africa, few rural women hold land. For instance, women hold 25 percent of agricultural land in the Democratic Republic of Congo, and 25 percent in Tanzania. Moreover, where women hold land, their plots are generally smaller than those held by men, for instance, the average size of women's landholdings is 0.53 hectares (compared to 0.73 for men) in Tanzania. This limited access to natural resources is caused by both legal and socio-cultural factors. Legal obstacles relate both to family and succession law and to natural resource law.

In most cases, women in southern Africa have only usufructary rights over land. Their insecure land tenure is both an economic and legal concern. Cultural practices and customary law contribute to women's inability to access, own, and control, factors of production such as land and livestock.

Some countries have improved women's rights by adopting family and succession laws abrogating discriminatory customary norms. In Namibia, there is The Communal Land Act (Act No. 5 of 2002), which provides for the surviving spouse to remain on the property (thus referring to immovable property) but does not refer to movable property. Although this Act has provisions to assist women who lose their land when widowed, the stripping of movable property is still now common in Namibia than land grabbing, possibly because the former is more easily disposed of than land.⁷

In Malawi, the Agricultural and Livestock Development Strategy and Action Plan (ALDSAP) was formulated with specific gender-sensitive targets and outputs in 1995. The plan aimed to increase women's access to agriculture, irrigation development, and extension services. To achieve this, the government reviewed the curriculum of agricultural training institutions to make them gender sensitive, recruited more female extension workers in the Ministry of Agriculture and Irrigation Management, sensitised the existing extension workers in the Ministry of Gender and Community Services to increase their coverage of women farmers, and encouraged women farmers to attend literacy classes.

In Zimbabwe, the government adopted equity as a key principle in its land reform agenda, which began in 1998. In October 2000, the government stated that it would ensure a 20 percent quota for women to benefit from the fast track resettlement programme.

By the end of the Fast Track Land Reform Programme in 2002, the land quota for women had not been put into law and the number of women allocated land was low countrywide. According to the 2003 Utete Land Report, female-headed households who benefited under Model A1 (peasant farmers) constituted only 18 percent of the total number of households while female beneficiaries under the Model A2 (commercial farmers) constituted only 12 percent. A Presidential Land Review Committee, appointed in 2003 has made specific recommendations on the gender dimensions of the agrarian change and reform.

In Mozambique, the 1997 Land Law was a major breakthrough because it combined formal and customary law. Not only did it recognise written documents in land usage cases, but also customary tenure systems and the rights of people who had occupied land for over 10 years in good faith - this meant that land occupied for 10 years, while believing nobody else had a legitimate claim to it, could legally be cultivated. The Land Law also guarantees equal rights of women.

Access to credit and capital

Many countries lack easily controllable practical mechanisms to help detect, control, and prevent discriminatory action between the sexes that may occur in a society. There are no laws in any SADC country that prohibit women from acquiring loans from banks or other financial institutions in their own name and right, but the pattern is similar in the region for many commercial lending institutions to insist on a male guarantor, usually a husband, if the woman has no sufficient collateral. The requirement for collateral and guarantors prejudices women more than men. Most women do not have assets that can be accepted as collateral due to poverty. Rural households (defacto and dejure) are the most affected.

In order to start a small business, women usually rely on family and/or community solidarity. Other measures to which women resort to obtain credit include rotating fund schemes through women's clubs made up of people who trust each other and which establishes rules for the group.¹²

Women Banks and Micro-finance lending institutions which have been introduced in many countries are another mechanism that has been put in place but they are inadequate and benefit only few women in the urban areas.

Access to credit remains a serious challenge to women, and by and large, the majority of women remain vulnerable to exploitation, in their attempts to access credit. Women, more than men, especially in rural areas rely on borrowing money from moneylenders who demand high interest.

Despite government's efforts to link the poor, especially women, to commercial banks and other microfinance institutions, some financial institutions have procedures that are discriminatory and consider women as credit risks, especially due to the nature of their businesses, their capital base and minute loans applied for.

Employment

Equal access to employment

Performance indicators in formal employment opportunities and private sector participation, show that a lot more effort is needed by most countries to improve the situation of women. In all countries women constitutes the highest number of unemployed persons in the formal sector, while those employed are concentrated in low-paying, middle-management positions. Most women are working in the informal sector. Women's low educational levels limit their active participation in the formal segment of the economy. Women are generally concentrated in casual, part-time, and non-permanent jobs while more males are employed as permanent workers.

Equal pay for equal work and work of equal value

While most countries have constitutions and labours laws that guarantee the right to fair and safe labour practices, to form and join trade unions, fair wages and equal remuneration, for work of equal value without discrimination of any kind, on the basis of gender, disability or race, the reality is different in many cases, as there is still a gap in women's equal access to employment.¹⁴ Disparities exist in men's and women's remuneration for work of equal value.

In Malawi, the national constitution guarantees the right to fair and safe labour practices, to form and join trade unions, fair wages and equal remuneration, for "work of equal value without discrimination of any kind, on the basis of gender, disability or race," but discrepancies and gender inequalities exist.

For instance, women receive less pay then men for equal, if not more work in many of Malawi's tea and tobacco estates. In a study of food security in the tea and tobacco estates in 1998, it was revealed that women and men were picking tea and grading and packaging tobacco. Men received K300 (US\$9) per month and women received K180 (less than US\$5) per month. ¹⁶

Occupational segregation and employment discrimination

In Tanzania, article 22 and 23 of the constitution provides for the right to work and just remuneration. Tanzania has also ratified all the eight core ILO conventions, which are specific against women discrimination in employment. The government has domesticated the international labour standards through enactment of the national employment services act (1999). This law provides for equal opportunity to men and women to access employment services. The employment and labour relations act (2003) also prohibit discrimination in the work place on the basis of gender, sex, marital status, disability, and pregnancy.

In Mauritius, the right to the same employment opportunities between men and women is ensured by Section 5 of the Sex Discrimination Act (2002) which stipulates that no employer shall, in relation to recruitment, selection or employment of any other person for purposes of training, apprenticeship or employment, discriminate against that any other person on the grounds of sex, marital status, pregnancy or family responsibility in the advertisement of the job; the arrangements made for the purpose of determining who should be offered for employment; the terms and conditions on which employment is offered; or the creation, classification or abolition of jobs.

Affirmative action

In Namibia, there is The Affirmative Action (Employment) Act 28 of 1998 which makes provision for people in a designated group, i.e. racially disadvantaged people, women and people with disability to enjoy equal opportunities at all levels of employment and be equitably represented in various sectors. The Act is intended to improve the participation of blacks, women, and people with disability in the formal workforce, by requiring employers with more than 50 employees to prepare Affirmative Action Plans with clear timeframes.

There is also The Employment Equity Commission, which was established to monitor Affirmative Action Programmes and consists of persons from the designated groups.¹⁸ It is required that two persons should represent women's interests, although only one is mandatory to be a woman. Employers are required to submit progress reports on their implementation status to the commission that oversees if the Act's provisions are adhered to.

Opportunities for women entrepreneurs

There are limited government programmes to strengthen activities of women's small and medium enterprises throughout the region, although women entrepreneurs in most countries continue to rely on government, rather than the private sector for assistance in advancing their businesses.

Except for Mauritius, Namibia, South Africa, Tanzania, and to some extent, Malawi and Zimbabwe, government's programmes rarely focus on promoting entrepreneurial skills for women through the provision of training for women in business management, credit, appropriate technologies, and facilitating access to internal and external markets. Participation in the SADC Women in Business (WIB) Trade Fairs is perhaps one activity in which all SADC countries dedicate support to the women entrepreneur.

In Mauritius, the Ministry of Women Rights, Family Welfare and Child Development is implementing an entrepreneurship development programme for women, which provides training and skills. A National Women Entrepreneur Council (NWEC) was set up in 1999 to provide a platform for women entrepreneurs, and identify strategies for entrepreneurship development. A website was also launched in 2003 to promote the activities of the NWEC, whose objective is to empower women and to act as a driving force in the promotion of women entrepreneurs in both Mauritius and Rodrigues.

Young entrepreneurs development scheme in Mauritius

Box 2

In Mauritius, the Ministry of Women Rights, Family Welfare and Child Development is implementing an entrepreneurship development programme for women, which provides training and skills.

The "Young Entrepreneurs Development Scheme" was launched for girls aged from 17-25 years in 2002 and a website was also launched in 2003 to promote the activities of the National Women Entrepreneur Council, whose objective is to empower women and to act as a driving force in the promotion of women entrepreneurs in both Mauritius and Rodrigues.

In July 2002, the first commercial shop "Les Artisanes" was inaugurated at Grand Baie to help women entrepreneurs focus on niche markets and have tourists as potential buyers. Two market centres have been set up as platforms which women entrepreneurs use on a rotating basis for the sale of their products and establishing trade links. Both shops accommodate products from about 175 women entrepreneurs in Mauritius and Rodrigues.

In Tanzania, the government has initiated a number of programmes and projects in promoting rural and urban self-employment with emphasis in availing more employment and opportunities to poor women. The competitiveness in the labour market limits the participation of women particularly those who are new in with limited experience in the labour market. Despite all the efforts in this area, the challenge remains that of good employment practices that promotes equality of opportunities between men and women as well as valuing the triple role that women have thus necessitating mainstreaming gender concerns in employment practices. The problem lies with the changing of the mindset of people especially men. On the other side, private sector employers find it difficult to abide to all the standards that promote equality at place of work.

Trade and Globalisation

SADC has been seeking better means of raising trade and investment to a much higher status among the strategies for growth and development in the region. Measures to improve the investment climate, and making the SADC region competitive to other parts of the world have been initiated.

The adoption of the Protocol on Trade in 1996 and its implementation, which started in 2000 is one such measures. Article 2 of the "Protocol on Trade," among others, commits to further liberalization of intra-regional trade and establishment of free trade in the

SADC region. Theoretically, the aim of the SADC Protocol on Trade is to increase trade without any impediment, by eliminating import duties (Article 4), eliminating export duties (Article 5) and eliminating non-tariff barriers (article 6) to mention a few.

The "Protocol on Trade" is expected to lead to significant changes in domestic economic policies and trade regimes, which in turn impacts on the regional economy, especially in the production and exchange of agricultural commodities with influence on national and regional food security.

On the economic front, SADC member States have been promoting their respective private sectors by enhancing governance necessary to facilitate investment. Coupled with the worldwide drive for freer trade, the SADC regional initiative aim to reduce existing trade protection by eliminating tariff, non-tariff and technical barriers to trade in order to facilitate cross-border movement of people, goods and services.

While substantial steps towards more liberal trade have been taken, nonetheless, most of the trade policies and agreements signed by SADC countries either at the regional or international level falls short of strong gender components. This makes it difficult for women to be integrated in the regional and global trade arena, yet trade policies, have a profound impact on social, economic, cultural and political life in the SADC region. Gender issues in trade are economic, social, political and cultural.

- *Economic issues* refer to housework and other un-waged work; salary and wages discrimination against women in the work place, labour force segmentation, treating women as a reserve labour force, which results in lower wages for women and less job security.
- *Social issues* refer the link between the role of men and women in economic production in the public sphere, and social reproduction, reproductive health, care of children and the elderly in the private sphere; and women's education;
- *Political issues* refer to gender-based hierarchies in households, the work place and community.
- *Cultural issues* refer to the vesting of women's right to land in the family and the implication of this for agriculture policy, women's role as consumers and in determining household expenditures; the implications of women's multiple roles as farmers and as home-makers for productivity.

The SADC Trade Protocol does not indicate how states and markets in the region, can be transformed to strengthen the entitlements of poor women and treat women as people in their own right, not merely as dependents, targets and instruments.

In support of a SADC initiative, most countries have supported women to participate in the SADC Women's Trade Fair and exhibitions, through which they have been able to market their products, gain and learn from each other on marketing and product development. However, little has been done to enhance participation of women in the global trade agenda of issues in SADC countries.

Women's trading activities have also largely remained in textile products, woven baskets, and crafts because women lack opportunities to enter other areas of business on a large scale. Thus, while exchange of experience during trade fairs has enhanced confidence building amongst women, and enable women to participate in trade fairs and to secure orders, many have failed to meet large orders due to limited production capacities.

In Namibia, the government facilitates women's participation in trade fairs and assists women exhibitors with transportation to and from the fairs and in buying stalls.

Informal sector

Very few countries have programmes to support women in the informal sector, yet this is one sector where women dominate. In Zambia, a programme supported by the International Labour Organisation (ILO) was established in 2003 to provide future support to women in the informal sector as a way of fostering their economic empowerment.

Capacity building and access to information dissemination

Training in mainstreaming gender in economic policies is undertaken in many countries, but the skills acquired are not adequately utilised to translate theory into practise.

Programmes to promote economic literacy targeted at women to increase their ability to understand and think critically about how trade and economic policies impact on daily lives must be initiated. Enhanced economic literacy will make women to be better equipped to engage with those who make and implement trade and economic policies. Women's ability to advocate for policies that are socially sustainable, pro-development, and gender equal will also be strengthened.

Access to knowledge of communication technologies such as e-mail, internet, and telephones is still out of reach in most rural areas where the majority of women live. Coupled with poor infrastructure and road network this has marginalized women's competitiveness in economic markets and has restricted their access to economic information. Trade and economic information is often packaged in economic jargon and there are no deliberate measures to repackage trade and economic information in an easily accessible format for women who have interest in becoming entrepreneurs. Most of the trade and economic information is disseminated in formal meetings, seminars and workshops, which few women attend.

Conclusions

Most SADC countries have initiated various measures in the form of policies, legal provisions or programmes to address specific provisions under section H (iii) of the SADC declaration, few have materialized and translated into gains for women's economic status.

Declared commitments of SADC countries should be transformed into agreements that are legally binding, with clear targets and timeframes. Current challenges include financial limitations, lack of coordination among various institutions, capacity limitation

in gender expertise within the national machineries, and lack of easily controllable practical mechanisms to help detect, control, and prevent discriminatory action between the sexes that may occur in a society.

Main shortfall

The main shortfall in the specified provision of the declaration is the non-legal binding nature of the declaration, hence the proposal to up grade it into a protocol.

Missing element

The missing element is lack of clearly spell out provisions with strategies and mechanisms that are realistic, with specific timeframes to facilitate implementation within short and long term periods.

Recommendations

- Set strategic targets, which are realistic and can be easily monitored.
- Develop appropriate technologies and trainings to reduce women's workload particularly in agricultural production, food processing, energy, and water.
- Facilitate access to information and technology by the majority of women especially those in the rural areas.
- Establish special and substantial funds for women's economic projects in order to avail financial and other resources to women's economic initiatives.
- Strengthen the SADC Gender Unit with human and financial resources to further investigate economic targets.
- Establish, through the SADC Gender Unit, a Regional Gender Advisory Group composed of economic experts in gender to provide the necessary support to Gender Unit in monitoring the implementation of the gender programme as outlined in the RISDP.
- Strengthen and replicate initiatives in other SADC countries, such as "Women in Construction" in South Africa, that target women's participation in public works contracts and the "Young Entrepreneurs Development Scheme" launched for girls aged 17-25 in Mauritius.
- Devise mechanisms to include women's unremunerated work in the Gross Domestic Product (GDP). Conduct a time-use study and develop indicators to account for the work performed by women as unpaid care work in national accounts

- Adopt macro-economic and monetary policy frameworks that promote pro-poor growth with gender global initiatives such as the Poverty Reduction Strategy Programmes (PRSPs).
- Develop tools for budgetary monitoring and provide expertise on gender responsive budgeting to all stakeholders including policy makers, principal secretaries, heads of departments and planners for effective implementation. These programmes should target key ministries to facilitate the introduction of gender sensitive budgeting as a way of engendering the national budget.
- Increase investment in infrastructure to bring resources closer to homes and reduce the burden of women's care work.
- Enact and enforce laws that guarantee that women form no less than 50 percent of the beneficiaries of land redistribution schemes and have access to, control over and ownership of land in their own right.
- Establish safety nets and social services programmes that are easily accessible as well as monitoring mechanisms to measure the impact of economic policies on targeted beneficiaries.
- Support programmes to address the challenges of women-owned enterprises and small micro and macro enterprises. These programmes should assist women to access funds and understand the market through market research studies and analysis.
- Establish programmes to promote and strengthen micro-enterprise and activities in the informal sector that aim to facilitate the transition from informal to formal sector including credit facilities.
- Review employment acts to encourage career advancement and retention of women.

Annexes

Table1: Provisions in the declaration and in related international and regional

commitments

Table 2: How member countries have performed against specified commitments

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