

# THE RIGHTS-BASED APPROACH TO LOCAL GOVERNMENT DEVELOPMENT AND SERVICE DELIVERY

## *Putting Women (back) in the Centre of Attention*

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### ABSTRACT

*A telephone survey of municipalities throughout South Africa undertaken in May 2010 by the South African Local Government Association (SALGA) produced a baseline of the status quo with regard to local government responses to gender equality and women's empowerment across six key municipal indicators: capacity, policy, strategies or plans, integrated development plans (IDPs), service delivery and budget implementation plans (SDBIPs) and performance management (PM). The article poses three key questions relating to the findings:*

- Against the backdrop of developmental local government, what is the mandate of local government as far as gender equality and women's empowerment are concerned?*
- Taking into account the survey results, what does a rights-based approach to local government mean?*
- If local government does not, at present, adequately address the gender equality concerns of women as a group, what do we need to do differently to see different results?*

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## INTRODUCTION

In May 2010 the South African Local Government Association (SALGA), in partnership with the Strengthening Local Governance Programme (SLGP) funded by Die Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) undertook a telephone survey to produce a baseline of the status quo with regard to local government responses to gender equality and women's empowerment.

The survey aimed to establish the situation in a sample of the country's 283 municipalities with regard to six key indicators of municipal responses: capacity, policy, strategies or plans, integrated development plans (IDPs), service delivery and budget implementation plans (SDBIPs) and performance management (PM). In total, 76 of the 88 municipalities sampled responded to the request for information – a response rate of 86%. Almost a third (27%) of the municipalities in the country were surveyed (76 of 283).

At the time, the upcoming local government elections provided a window of opportunity for addressing gender concerns in a number of ways. The lead up to the elections provided a platform for raising the level of debate and general awareness about the politics of gender equality and women's empowerment. Civil society development role players (and communities in general) could have used this period to stimulate debate and to ask critical questions in order to include such concerns in pre-election deliberations on the role of local government.

Ordinary South Africans were about to choose the people they wanted to lead their municipalities, raising questions about what they expected of them as far as these issues are concerned. It was an opportune time to confront local government candidates positively and probe them about the inclusion of women, who are still often excluded from local development and governance. Leaders who understand that development and improved service delivery must include gender concerns and who are willing to engage with such issues are much needed. It is only such leaders who can ensure that gender considerations are part and parcel of the development direction that local government will take following the elections. Leadership is crucial for engaging with these challenges within the alternative paradigm offered by a rights-based approach.

The time before the local government elections afforded the opportunity to ask critical questions about the support available to local government (for both councillors and officials) to help it deal effectively with gender considerations. Is the current support sufficient? Is it in the best possible format? Do we need to rethink and reposition the support that is provided? Do we not, perhaps, need alternative methodologies to address development challenges that remain part of our local government landscape?

Such questions need to be asked not only of government institutions such as SALGA and the Public Administration Leadership and Management Academy (PALAMA), who are tasked with building the capacity of local government, but also of development practitioners in the private sector, civil society and funding agencies. How can development practitioners from across this spectrum combine their efforts more efficiently to ensure sustainable, context-specific support to local government with regard to gender equality and women's empowerment?

How do we (as development practitioners from across the spectrum) ensure that we build the capacity of our local communities, as the citizens tasked with choosing their local representatives, to play their democratic role as rights holders effectively? How do we ensure that in future local government elections women, as part of 'the people', will have the ability to engage meaningfully with their potential leaders so as to ensure that equality concerns are taken to heart and integrated into mainstream municipal processes?

#### THE MANDATE OF LOCAL GOVERNMENT IN TERMS OF GENDER EQUALITY AND WOMEN'S EMPOWERMENT

It is not my intention in this article to analyse developmental local government in any detail. Suffice to say that, at a minimum, developmental local government implies:

- engagement with the broad public (public participation);
- participatory processes;
- the involvement of organised groups (stakeholder consultation);
- finding sustainable solutions to communities' needs;
- improvement of the quality of life as an end result;
- a human-rights-centred outlook;
- the empowerment of communities;
- a specific focus on the inclusion in society of people who are vulnerable, marginalised and usually socially excluded;
- building local democracy as 'government closest to the people'.

Ministry of Provincial Affairs and Constitutional Development 1998

A number of characteristics of developmental local government are linked directly to the need to mainstream the concerns of women into the core development and service delivery mandate of local government, namely: maximising the impact of municipal powers and functions on social development and economic growth, democratising development, building social capital by providing community

leadership and vision, and seeking to empower marginalised and excluded groups.

Similarly, the main methodologies for municipalities to become more developmental are the same as those that local government should use to address women's concerns, that is, integrated development planning and budgeting, performance management (as stipulated in the 2000 Local Government: Municipal Systems Act) and working together with local communities and other development partners (*inter alia* via ward committees, as stipulated in the 1998 Local Government: Municipal Structures Act).

Finally, the outcomes of developmental local government are similar to the broad-based outcomes expected as a result of the inclusion of gender equality and women's empowerment in mainstream municipal practice and processes, that is, the provision of household infrastructure and services, the creation of liveable, integrated cities, towns and rural areas, local economic development and community empowerment and redistribution.

Keeping developmental local government in mind, what, then, is the mandate of local government with reference to gender equality, and women as a specific group? It must be remembered that the mandate of local government is directly linked to various national, regional and international prescripts. Whatever the specific mandate of any local municipality, as described in a policy, strategy or plan, that mandate is directed by the overarching national, regional and international resolutions. Since there is a multitude of such conventions, only the most important ones that direct local government's mandate will be singled out.<sup>2</sup>

Nationally, as an overreaching guideline for the mandate of municipalities to address, *inter alia*, the needs of women as a group, *Batho Pele* outlines eight principles to serve as a policy and legislative framework for service delivery in all spheres of the public service: regularly consult with customers, set service standards, increase access to services, ensure higher levels of courtesy, provide more and better information about services, increase openness and transparency about services, remedy failures and mistakes and give the best possible value for money (Department of Public Service and Administration 1997).

The specific national mandate for gender equality and women's empowerment takes the form of *South Africa's National Policy Framework for Women's Empowerment and Gender Equality* (2000), which specifically addresses gender mainstreaming. *A Strategic Framework for Gender Equality within the Public Service (2006-2015)* is aimed at achieving women's empowerment and gender equality

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2 With acknowledgment to the final draft of the Department of Cooperative Governance. 2008. *Guidebook for Mainstreaming Equity Considerations in Local Government*.

in the public sector as workplace and ensuring a better quality of life for all women through improved and accelerated service delivery by the entire public service.

At a regional level, the New Partnership For Africa's Development (Nepad), adopted by the African Heads of State and Government of the Organisation of African Unity (OAU) in 2001 (including the South African government as one of the founders) and ratified by the African Union (AU), which replaced the OAU in 2002, gives a wide-ranging mandate that is arguably also applicable to local government.

One of the primary objectives of Nepad is to eradicate poverty and to accelerate the empowerment of women, and among its priority sectors are governance and capacity and gender development. To achieve these objectives, African leaders – including local government political leaders, in the form of councillors – should, among other things, take joint responsibility for promoting the role of women in social and economic development by reinforcing their capacity in the domains of education and training. They should also ensure women's participation in the political and economic life of African countries (article 49). A long-term objective is the promotion of the role of women in all activities (article 67) and, as a specific poverty reduction objective, give attention to reducing poverty among women (article 115)(OAU 2001).

The Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, also referred to as the Maputo Protocol (2003), signed and ratified by the South African government in 2004, mandates signatories to address women's economic and social welfare rights (article 13), their right to sustainable development (article 19) and the special protection of women with disabilities (article 23) (AU 2003). In addition, the African Union Heads of States Solemn Declaration on Gender Equality in Africa (2004), to which South Africa, as a member of the AU, must adhere, mandates signatories to promote gender equality and women's empowerment and accelerate the implementation of gender specific economic, social, and legal measures aimed at combating the HIV/Aids pandemic.

Local government's mandate specifically to address the development of young women is regionally reinforced by South Africa's commitment to the African Youth Charter (2006), which commits African governments to ensuring that issues affecting girls and young women as a specific vulnerable category of young people are addressed (AU 2006).

Several international instruments affect local government's obligation to address women's concerns. These include South Africa's commitment to achieving the United Nations's Millennium Development Goals (2000), eight benchmarks for tackling extreme poverty, including full and productive employment and

decent work for all, including women. (Goal 1: Eradicate extreme poverty and hunger and Goal 3: Promote gender equality and empower women (UN 2000).

The Beijing Declaration and Platform for Action (1995), to which the South Africa government committed itself, remains a valid international mandate as an agenda for women's empowerment that addresses, inter alia, women and poverty and the human rights of women (UN 1995). Similarly, the UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW 1979), which South Africa signed in 1993 and ratified in 1995, is an international bill of rights for women that is also binding on the South African government. Among the areas it addresses are economic and social benefits for women (article 13) and, specifically, the concerns of rural women (article 14) (UN 1979).

The specific concerns of girls and young women are addressed via two other primary international frameworks to which South Africa must adhere: the World Programme of Action for Youth (2000 and beyond) (UN 1996) and the Commonwealth Plan of Action for Youth Empowerment (2007-2015) (Commonwealth Youth Programme 2006).

The United Nations Convention on the Rights of Persons with Disabilities (2006), which South Africa signed and ratified in 2007, addresses specific aspects related to women with disabilities (UN 2006).

The Political Declaration on HIV/Aids (UN 2006), a follow-up to the Declaration of Commitment on HIV/Aids (2001), succeeded the review, in 2006, of the progress achieved in realising the targets set out in the 2001 commitment, which South Africa signed and ratified in 2001. Specific attention is paid to women by addressing such aspects as women, poverty and development in relation to HIV and Aids, empowering women as an essential part of reducing vulnerability, and alleviating the social and economic impact of HIV and Aids by investing in social development and monitoring (UN 2001).

Taking into account the above and looking at the summary provided in Appendix 1 (a comparison between the ideals of developmental local government and the local government mandate to deal with gender equality and women's empowerment) it is evident that (a) local government has an irrefutable mandate to deal with such concerns and (b) there is a strong link between the ideals of developmental local government (the ideals adopted by South Africa as a developmental state) and local government's obligations to women.

#### SURVEY RESULTS: MORE QUESTIONS THAN ANSWERS?

The question now becomes: can we see in the survey results evidence of municipalities fulfilling their mandate towards women, as would be expected, with developmental local government?

The first section of the survey assessed the capacity of municipalities to deal with gender considerations. Local government mostly uses so-called special programme officers (SPOs) who deal with gender equality (among other things). At the time of the survey positions were filled in 61 of 76 municipalities (80%) (SALGA 2010, p 32). SPOs, at least on paper, are responsible for gender equality, youth development and disability. In reality though, it seems that they tend to concentrate on HIV and Aids, with gender equality and youth development in second place, and disability bringing up the rear.

The low post levels of SPOs – mostly level 3 – place a question mark behind the seriousness with which municipalities regard these concerns. Awareness raising, advocacy and lobbying, policy and strategy development are key to dealing with gender equality. How do you establish credibility? How do you influence senior management and political leadership? How do you ‘sell’ the importance of these concerns and how do you make an impact on decision making, planning, policy, and so on when you are on level 3? The short answer is: you cannot do so. The reason why HIV and Aids is dealt with better than gender concerns (as is evident in the survey results) is because of the national importance accorded to it. It says as much about how gender equality is absent as a national development priority as it does about its absence as a local government development priority. It also clearly illustrates the lack of understanding of the integrated nature of concerns as development priorities.

The second section of the survey dealt with gender equality in terms of external policies (focused on service delivery) and internal policies (focused on municipal officials). Only 19 of 76 municipalities (25%) had gender equality policies focused on external service delivery (SALGA 2010, p 37). It is clear that most local government service delivery takes place in the absence of policies that specifically address gender equality and/or women’s empowerment. It is, therefore, possible to conclude that local government does not make a link between service delivery and women’s concerns. At the time, most municipalities that *did not* have gender equality policies that were externally focused on service delivery were in the process of developing such policies.

In view of the lack of service delivery reflecting the concerns of women it comes as no surprise that only 25% (19 of 76 municipalities or 1 in 4 municipalities) had internal gender equality policies focused on the gender related concerns of employees (SALGA 2010, p 44). One can conclude that most municipalities do not understand the importance of employee-wellness concerns, especially gender equality, nor do they seem to understand the link between gender and women’s empowerment as *equality concerns* and *employment equity* regulations that have to be adhered to. The lack of both external and internal policies exposes the link between the lack of integrated, inclusive service delivery and the lack of internal

organisational transformation. Where there is substantial internal organisational transformation, that is, women are visible as municipal officials, this inevitably spills over into questions being raised about the external service delivery to the same groups of people as the end users, the clients local government is mandated to serve.

As with externally focused policies, most municipalities that *did not* have internally focused gender equality policies were in the process of developing such policies.

The third survey area analysed the extent to which municipalities had strategies or plans in place to deal with gender equality and women's empowerment considerations. Most municipalities (63 of 76, or 83%) *did not* have gender equality strategies or plans (SALGA 2010, p 56). These results reinforce the abovementioned findings regarding the external and internal policies. What is clear is that the absence of policies results in an absence of strategies or plans to deal with gender equality and women's empowerment. If there is no clear guiding policy how can these concerns be addressed via strategies or plans? Either they are not addressed at all or are tackled by means of unstrategic efforts such as so-called 'special projects', or a quick-fix programme as part of celebrations on commemorative days. Local government cannot deal with these concerns in a sustainable, integrated, mainstreamed, development-focused manner in the absence of either strategies or plans flowing from policies.

This raises the question why, despite a plethora of national policies, plans and guiding strategies (as well as various binding international and regional instruments), local government does not address gender equality and women's empowerment as an integral part of its development priorities? How is it possible that local government cannot see the necessity to deal with these concerns as an integral part of service delivery? I will continue to grapple with this problem when I address the question of what a rights-based approach means for local government service delivery.

As was the case with policies, most municipalities that *did not* have gender equality and women's empowerment strategies or plans were in the process of developing them. Survey sections 4 and 5 produced anomalies when they were compared with the preceding three. Survey area 4 analysed how municipalities dealt with gender considerations and women's empowerment as objectives in their IDPs and/or in sector plans, strategies and projects. Overall, these considerations were well taken into account in 46 of 76 municipalities (61%) (SALGA 2010, p 63).

Survey area 5 analysed how municipalities dealt with gender concerns in their SDBIPs. The results show that they dealt more effectively with these considerations in their IDPs than in their SDBIPs: 50 of 76 municipal SDBIPs (66%)



included gender equality and women's empowerment considerations (SALGA 2010, p 65).

Although the results are positive, the discrepancies are obvious: how can gender concerns be included in IDPs and SDBIPs without corresponding policies, strategies or plans? Nor is there a policy that addresses external service delivery from the point of view of women? This raises the possibility that municipalities deal with gender equality because they are pressurised to do so for public participation and stakeholder consultation reasons. In other words, they include such groups in order to adhere to the minimum expectations of public participation guidelines, to 'go through the motions', so to speak, but do not attempt to address service delivery to women in a focused manner.

In survey area 6, the ways in which municipalities dealt with gender concerns in their performance management systems (PMSs) by means of objectives with indicators and targets in organisational and departmental scorecards were analysed. More than half the municipalities (40 of 76, or 53%) *did not* include gender equality in their scorecards (SALGA 2010, p 69).

In comparison to the results for IDPs and SDBIPs, the results for PMSs indicate that, more often than not, municipalities do not measure their progress vis-à-vis gender equality and women's empowerment via their PMSs. How, then, do they track progress in these spheres?

It can be concluded that municipalities do not understand the integral nature of gender equality and women's empowerment to their local government service delivery and development mandate. The results show that, by and large, they deal with these considerations in isolation from one another. This lack of understanding is further demonstrated by the fact that gender considerations largely tend to be addressed on an *ad hoc* basis, as once-off events determined by commemorative days such as Women's Day, or as so-called 'special programmes' (that are events driven), separate from the main thrust of municipal practice. In order for local government to address gender equality and women's empowerment seriously they have to be included in coherent, sustainable mainstream municipal programmes and interventions. They must be an integral part of mainstream local government processes and practices such as the IDP and SDBIP, policy and strategy development, as well as ongoing monitoring and evaluation.

There seems to be a common lack of understanding of the logical, interconnected flow among the different aspects that were surveyed (that is, capacity, policy, strategy or plan, IDP, SDBIP and PMS) and their impact on the implementation of gender equality and women's empowerment. The results show clearly that, in the main, municipalities deal better with the concerns as part of their IDPs and SDBIPs than in their policies and strategies or plans. The question is, what, then, drives their inclusion in IDPs and SDBIPs if they are not clearly visible

in policies and strategies or plans? The lack of consistency among municipalities in addressing them in terms of IDPs and SDBIPs and their reflection in PMSs, is also noticeable. It suggests that, quite possibly, municipalities deal with these considerations rather randomly, without paying careful enough attention to the cycle of policy that leads to strategies or plans, which finds implementation via the IDP and SDBIP, and which is then measured (by monitoring and evaluation) through PMSs.

The results point to the need to build a strong monitoring and evaluation process into municipal functioning, capable of tracking the progress made with gender equality and women's empowerment throughout all municipal processes. Indicators should be developed to track IDP implementation and the addressing of the concerns as part of the IDP and other municipal processes, which could feed into national IDP assessments. Overall, accountability should be more strictly enforced and linked directly to PMSs.

#### THE MEANING OF A RIGHTS-BASED APPROACH TO LOCAL GOVERNMENT

The results of the survey indicate disjointed efforts across the survey areas that, in turn, point to fragmented municipal processes. What is the alternative?

It is proposed that the biggest challenge faced by local government (indeed, by government overall) is to adjust the way it views *people* in relation to *development* and *service delivery*. The political euphoria of 1994 was characterised by a profound person- or people-centred approach to the development challenges of our country. The Constitution and the national legislation and policies that followed were characterised by an unapologetic emphasis on people – *ordinary people, the broad public* – as the rightful beneficiaries of, and participants in, the new political dispensation. We truly believed that 'the people shall govern'.

We therefore, through our freely elected representatives, adopt this Constitution as the supreme law of the Republic so as to –

Heal the divisions of the past and *establish a society based on democratic values, social justice and fundamental human rights*; lay the foundations for a *democratic and open society in which government is based on the will of the people* and every citizen is equally protected by law; *improve the quality of life of all citizens and free the potential of each person*; and build a united and democratic South Africa able to take its rightful place as a sovereign state in the family of nations.

The Constitution of the Republic of South Africa 1996, p 1

[author's emphasis]

But somewhere along the line this unwavering commitment to the development of 'the people' – including the vulnerable, marginalised and socially excluded in our society – became diluted and directionless. The broad community of development practitioners, inside and outside of government, needs to help restore that sense of direction and purpose. We need to reclaim the earlier commitments made by our predecessors, who formulated the original pledge to restore the human dignity of all the people of our land.

It is suggested that the rights-based approach could provide the new impetus that is required to redirect local government's development and service delivery efforts to include the concerns of women as one of the vulnerable, marginalised and socially excluded groups.

A rights-based approach understands poverty and under development as the result of, among other factors, *disempowerment* and *social exclusion*. *Social exclusion* refers to wider deprivation than just inadequate material resources such as employment and income. It includes aspects of deprivation which prevent particular groups of people (such as women) from participating in social activities or using public and private services. It examines and confronts the actors and processes (such as local government) that perpetuate exclusion, inequality and exploitative power relations. However, *social inclusion* extends beyond the provision of material resources through service delivery, to building the capacity of groups to become more active citizens and to exercise their human agency as rights holders (Theis 2003).

The main purpose of a rights-based approach is to address the human rights concerns of women by focusing on disparity, discrimination, inequality, poverty, unjust, exploitative power relations and exclusion from participation.

A rights-based approach promotes three main principles in the achievement of its purpose:

- The accountability of duty bearers (that is, at local government level, councillors and municipal officials).
- The participation and empowerment of rights holders (that is, the broad community).
- Equity, equality and non-discrimination.

The relationship between duty bearers and rights holders can be illustrated as follows in Figure 1 (United Nations Population Fund).

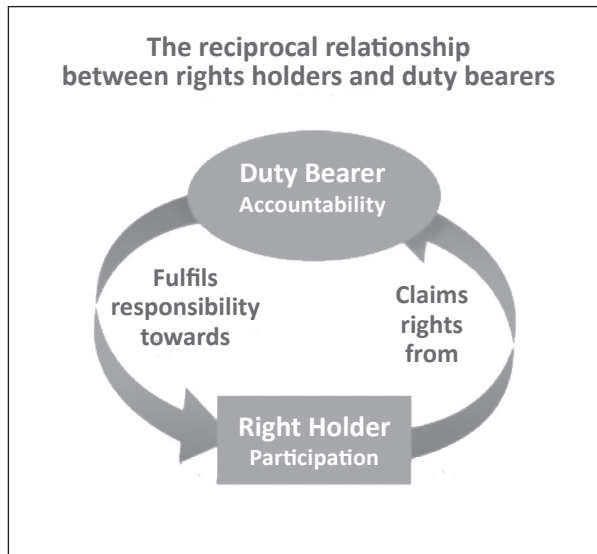
Councillors (as political duty bearers) and municipal officials (as administrative duty bearers) are accountable to the broad public, in general, as rights holders. They have very specific constitutional and legal responsibilities (as outlined in various pieces of local government legislation) to fulfil towards the

public as the rights holders. They are accountable for giving effect to the constitutional ideals of establishing a society based on democratic values, social justice and fundamental human rights, building a democratic and open society in which government is based on the will of the people, improving the quality of life of all citizens and freeing the potential of each person.

What does this mean? It means, among other things, that local government has the responsibility to ensure that the *entire* community that it serves, including women: is able to participate, influence decision making, make an impact on development priorities and direction and have access to opportunities and resources.

The way in which the public, as rights holders, claims its rights from the municipality, as duty bearer, is determined by the extent to which it has been empowered by the municipality to do so appropriately. In other words, the municipality has a responsibility as duty bearer to empower the members of the public to claim their rights as responsible citizens so that they do not clash with the development and service delivery mandate of the municipality. The public must be empowered to claim its rights in a manner equally responsible to that of the municipality, as duty bearer.

**Figure 1**  
**Duty bearers vs rights holders**



The rights-based approach places people at the centre of development and service delivery in a people- or person-centred approach that requires:<sup>3</sup>

- the *focus of attention* of local government to include the socially constructed relations between groups of people, as well as the subordinate, disempowered position of women in society;
- a recognition that part of the *core problem* is the unequal power relationships between people, for example, women and men;
- a *goal* that must include equitable and sustainable development, as well as equal participation and decision making by *all* people;
- that the *development solution* includes empowerment and social change that can lead to equality, inclusion, non-discrimination, equal participation and equal decision making;
- that the *main strategies* must include rethinking development and service delivery from a rights-based approach, addressing the interests of women as part of the mainstream of service delivery, and using mainstreaming as an implementation strategy to give effect to a rights-based approach.

Working with a rights-based approach necessarily requires certain organisational adjustments. This is a complex change process that needs to be facilitated in order to ensure that a municipality can successfully make the transition from business as usual to a rights-based approach. The successful introduction of a rights-based approach means actively facilitating organisational change. Change is a process, and real change has only occurred when it becomes visible in the way people act. In other words, change is demonstrated in behaviour and, in the case of a municipality, it should be visible in core processes such as the IDP, SDBIP and PMS.

It is very difficult to impose change that is at odds with organisational culture, and leadership is critical to effective organisational change because it dictates the climate and culture. The most useful leadership tool for effecting change is to create a constructive or facilitative organisational climate or culture. In order to deliver effectively on a rights-based approach through the practical systems, structures and processes at local government level, the change that takes place will need to encompass all the above levels for actual behavioural shift to occur and for a genuine partnership to grow between communities and their municipality.

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3 Adapted from the gender and development approach (United Nations Development Programme 2001, p 79).

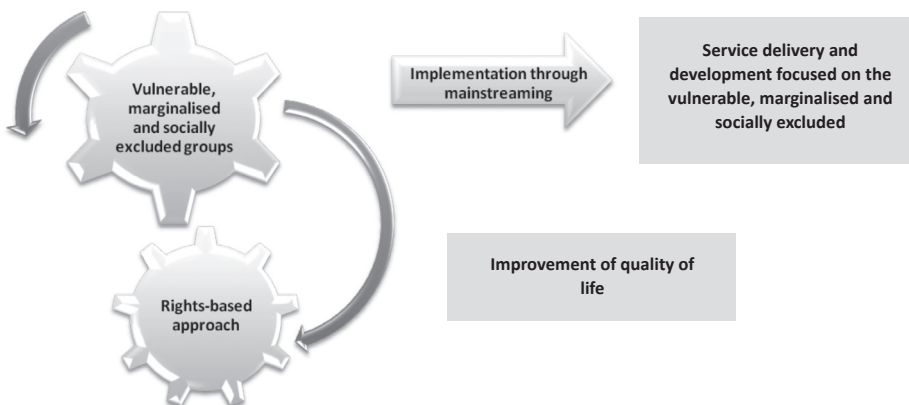
If we look at the survey results through a rights-based lens, what do we see? It is suggested that the results would have looked different had municipalities (a) made a direct link among women, gender equality, poverty and under development and (b) understood the situation in terms of disempowerment and social exclusion. To what extent, for example, do municipalities unwittingly make it difficult for women to participate in public participation processes? Or to what extent are there municipal practices or processes that perpetuate exclusion, inequality and exploitative power relations?

On the positive side, do municipalities really do enough to build the capacity of women to become more active citizens and to exercise their human agency as rights holders? If municipalities were to engage with their IDPs and SDBIPs from a rights-based perspective, the concerns of women would be reflected in such processes (and not be largely absent, as is currently the case). It would also be evident that such processes specifically take cognisance of and try to address disparity, discrimination, inequality, poverty, unjust and exploitative power relations and exclusion from participation.

### HOW TO ACHIEVE IMPROVED RESULTS FOR WOMEN

An alternative approach is needed to give effect to the ideals of developmental local government. We need to establish a clear link and interaction among a rights-based approach, mainstreaming as an implementation strategy, service delivery focused on vulnerable, marginalised and socially excluded groups (that include women) and local development as outputs, with the improvement of quality of life as process outcomes, as illustrated in Figure 2.

**Figure 2**  
**An alternative approach to give effect to developmental local government**



### *A better understanding of local government*

Part of addressing the problem is the need to have a more in-depth understanding of the state of local government, through further qualitative inquiry. The nature of the study, which was a rapid telephonic survey, did not allow for in-depth probing. Consequently, many of the findings could be better understood if a process of further face-to-face dialogue were to take place. In order to change behaviour (improve the way in which municipalities work with the various equality concerns) the current neglect of the concerns must be understood within the specific context of municipal structures, systems and processes.

### *Developing a rights-based approach for local government*

The development and implementation of a rights-based approach for local government can result in equality concerns being dealt with as part and parcel of municipal structures, systems and processes. This could lead to greater inclusion of, especially, women in mainstream service delivery and development priorities.

A rights-based approach (using mainstreaming as an implementation strategy) could address a number of key aspects to ensure greater commitment from municipalities to deal with the various concerns. It could combine the necessity for strengthening various equality considerations with municipalities' constitutional responsibility for service delivery and local development. In addition, it could create an understanding of the interrelatedness of the various concerns and break down their compartmentalisation. It could also create an understanding of the use of municipal structures, systems and processes, with reference to working with the equality concerns in an integrated and mainstreamed rather than ad hoc manner.

Furthermore, a rights-based approach could acknowledge the critical role of organisational leadership (both political and administrative). It could not only provide such leadership with the wherewithal to understand why strengthening the various equality concerns is important in terms of enhanced service delivery and development, but also show it how to direct the inclusion of the concerns into mainstream municipal structures, systems and processes.

### *Adopting mainstreaming as an implementation strategy<sup>4</sup>*

Mainstreaming – as an implementation strategy for a rights-based approach to ensure the full inclusion of all equality concerns throughout *all* municipal

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<sup>4</sup> With acknowledgement to the final draft of the Department of Cooperative Governance. 2008. *Guidebook for mainstreaming equity considerations in local government*.

processes, systems and structures, at *all* levels – should be further developed for the local government sphere. This includes assessing critically the current structures responsible for the various concerns. Mainstreaming should be the responsibility of each and every municipal official and councillor and not only of an individual located at a so-called ‘desk’ or ‘focal point’.

Mainstreaming is not an ‘add on’ to existing municipal work, it is a different way of working, to ensure that local government delivers services more efficiently. Mainstreaming the various equality concerns into the day-to-day operations of local government is like looking at the world through a special pair of glasses and seeing it from the point of view of the various groups concerned. The key question for all municipal councillors and officials is: ‘if I look at the world through this special pair of glasses, what do I see? What does the service delivery and development of my municipality look like for women?’ Efforts to improve the situation of women through separate initiatives and special projects mean that these interests are often not reflected in the overall objectives and activities of municipalities. The result is that women, as a group, continue to be bypassed in the allocation of most development resources, and opportunities and initiatives have little, if any, impact on the structure of inequalities among different groups of people. Adopting mainstreaming as a strategy directs attention to ensuring that the core activities of municipalities are structured to provide an equitable distribution of opportunities and benefits to women.

The focus on women by way of separate initiatives and special projects often includes activities as an end in themselves (for instance, the activities associated with commemorative days) and is not related either to the broader municipal service delivery context or to development priorities. Implementing a mainstreaming strategy as a way to give effect to a rights-based approach will result in a shift in focus to equality as an objective. That means taking a closer look at specific development initiatives aimed at women to assess whether they contribute to equality and non-discrimination. An important aspect that needs more attention, in light of the recognition of equality as a strategic objective of developmental local government, is the identification of opportunities to reduce inequalities and support progress toward more equal relations. A mainstreaming strategy will facilitate this and will enable local government to move beyond responding to dividing differences, instead focusing on the unique development requirements of women.

### *Piloting a rights-based approach*

A concrete way to explore a rights-based approach and mainstreaming as an implementation strategy at local government level is to pilot the approach in



selected municipalities. Such a pilot intervention should ideally bring together at least the following key aspects:

- Capacity building and training – by providing the hand-on skills to work with a rights-based approach and mainstreaming as an implementation strategy.
- Follow-up with implementation and intensive coaching – by providing hands-on support with practical implementation.
- A specific focus on organisational leadership (political and administrative) – by providing hands-on support to leaders to direct and monitor implementation.

#### *Focus on leadership*

Changing the entry point into local government for the various equality concerns by focusing on the role of leaders should increase the importance accorded to women's concerns. Instead of focusing primarily on low-level officials tasked with working with the various concerns (as is the current practice) rather ensure the buy-in and commitment of political and administrative leaders by focusing on creating an understanding among them of why dealing with the equality concerns of women is important, and highlighting the connection among the various considerations, local government service delivery and development.

The buy-in and commitment of leaders to an alternative approach could further be enhanced by building the skills of political and administrative leaders on three fronts, namely:

- to direct the mainstreaming of the equality concerns into the normal, day-to-day local government service delivery and development priorities;
- to monitor and evaluate compliance with giving effect to the various considerations in service delivery;
- to measure the impact on communities.

#### *Address monitoring, evaluation and accountability*

Specifically addressing monitoring, evaluation and accountability for the equality concerns throughout all performance management systems will go a long way to ensuring vastly improved results for women. The survey results point to the need to build a strong monitoring and evaluation process into municipal functioning that is capable of tracking progress made with the various equality considerations

throughout all municipal processes. Indicators should be developed to track implementation as part of all processes. Overall, accountability for the concerns should be more strictly enforced and directly linked back to PMSs, and should also be addressed in performance contracts as part of the key performance areas of senior officials.

## CONCLUSION

There can be no doubt that the intention of developmental local government is to include women. Similarly, local government has a clear mandate to address such concerns as part of its development priorities and service delivery. As summarised in Appendix 1, the correlation between the ideals of developmental local government and local government's mandate to address gender equality and women's empowerment is irrefutable.

However, the survey results show limited evidence of local government's commitment to these concerns and highlight huge difficulties with their incorporation into mainstream service delivery. A rights-based approach to local government (as summarised in Appendix 2) could provide a much-needed alternative way of dealing with gender concerns, to ensure that they are mainstreamed into the day-to-day practices and processes of local government.

Lastly, a number of practical interventions are available that could bring about visible medium- to long-term change and the upcoming local government elections provide an immediate opportunity to engage critically with the current situation as reflected in the survey results.

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### Appendix 1

A comparison between the ideals of developmental local government and the local government mandate to deal with gender equality and women's empowerment

Ideals of developmental local government	Local government mandate re women	Source of mandate
Public participation/ participatory processes	• Women's participation	• Nepad (regional mandate)
Sustainable solutions/ development	• Women's rights to sustainable development	• Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (regional mandate)
Improvement of quality of life	• Better quality of life for all women	• A Strategic Framework for Gender Equality Within the Public Service (2006-2015) (national mandate)
Human rights centred and equality focused	• Gender equality	• South Africa's National Policy Framework for Women's Empowerment and Gender Equality (national mandate)
		• A Strategic Framework for Gender Equality Within the Public Service (2006-2015) (national mandate)
		• African Union Heads of States Solemn Declaration on Gender Equality in Africa (regional mandate)
	• Women's economic and social rights	• Millennium Development Goals (international mandate)
	• Human rights of women	• Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (regional mandate)
		• Beijing Platform for Action (international mandate)
		• Convention on the Elimination of all Forms of Discrimination Against Women (international mandate)
		• Integrated national disability strategy white paper (national mandate)

Ideals of developmental local government	Local government mandate re women	Source of mandate
Community empowerment	<ul style="list-style-type: none"> <li>Disability/equality agenda for women with disabilities</li> </ul>	<ul style="list-style-type: none"> <li>Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (regional mandate)</li> <li>Convention on the rights of Persons With Disabilities (international mandate)</li> </ul>
	<ul style="list-style-type: none"> <li>Young women and men</li> </ul>	<ul style="list-style-type: none"> <li>Commonwealth Plan of Action for Youth Empowerment (2007–2015) (international mandate)</li> </ul>
	<ul style="list-style-type: none"> <li>Women's empowerment</li> </ul>	<ul style="list-style-type: none"> <li>South Africa's National Policy Framework for Women's Empowerment and Gender Equality (national mandate)</li> <li>A Strategic Framework for Gender Equality Within the Public Service (2006-2015) (national mandate)</li> <li>Nepad (regional mandate)</li> <li>African Union Heads of States Solemn Declaration on Gender Equality in Africa (regional mandate)</li> <li>Millennium Development Goals (international mandate)</li> <li>Beijing Platform for Action (international mandate)</li> <li>Political Declaration on HIV/AIDS (2006), a follow-up to the declaration of commitment on HIV/AIDS (2001) (international mandate)</li> </ul>
Inclusion of vulnerable, marginalised and socially excluded groups	<ul style="list-style-type: none"> <li>HIV and Aids (gender specific)</li> </ul>	<ul style="list-style-type: none"> <li>Political Declaration on HIV/AIDS (2006) a follow-up to the declaration of commitment on HIV/AIDS (2001) (international mandate)</li> </ul>
	<ul style="list-style-type: none"> <li>Girls and young women</li> </ul>	<ul style="list-style-type: none"> <li>African Union Heads of States Solemn Declaration on Gender Equality in Africa (regional mandate)</li> <li>African youth charter (regional mandate)</li> <li>World Programme of Action for Youth (2000 and beyond) (international mandate)</li> </ul>

Ideals of developmental local government	Local government mandate re women	Source of mandate
Building local democracy/ democratising development	<ul style="list-style-type: none"> <li>• Governance, capacity development/gender development</li> </ul>	<ul style="list-style-type: none"> <li>• Nepad (regional mandate)</li> </ul>
Social development and economic growth (including infrastructure and service delivery)	<ul style="list-style-type: none"> <li>• 8 Batho Pele principles</li> <li>• Improved service delivery (for women)</li> <li>• Eradication of poverty</li> </ul>	<ul style="list-style-type: none"> <li>• Batho Pele (national mandate)</li> <li>• A Strategic Framework for Gender Equality Within the Public Service (2006-2015) (national mandate)</li> <li>• Nepad (regional mandate)</li> <li>• African Youth Charter (regional mandate)</li> <li>• Millennium Development Goals (international mandate)</li> <li>• World Programme of Action for Youth (2000 and beyond) (international mandate)</li> <li>• Beijing Platform for Action (international mandate)</li> <li>• HIV / AIDS (2006) a follow-up to the declaration of commitment on HIV / AIDS (2001) (international mandate)</li> <li>• Nepad (regional mandate)</li> <li>• Convention on the Elimination of all Forms of Discrimination Against Women (international mandate)</li> <li>• African Youth Charter (regional mandate)</li> <li>• South Africa's National Policy Framework for Women's Empowerment and Gender Equality (national mandate)</li> </ul>
Integration/ mainstreaming (implied)	<ul style="list-style-type: none"> <li>• Mainstreaming (as specific implementation strategy)</li> </ul>	

## Appendix 2

A comparison between the ideals of developmental local government and the local government mandate to deal with gender equality and women's empowerment and a rights-based approach to local government as an alternative methodology

Ideals of developmental local government	Local government mandate re vulnerable, marginalised and socially excluded groups (from Appendix 1)	A rights-based approach to local government
Public participation / participatory processes	• Participation	<ul style="list-style-type: none"> <li>• inclusion in participation</li> <li>• equal participation</li> <li>• empowerment of rights holders</li> <li>• equal decision making</li> </ul>
Sustainable solutions / development	• Sustainable development / livelihoods	<ul style="list-style-type: none"> <li>• disempowerment and social exclusion</li> <li>• development priorities and direction</li> <li>• opportunities and resources</li> <li>• socially constructed unequal power relations</li> <li>• equitable sustainable development</li> </ul>
Improvement of quality of life	• Better quality of life for all	<ul style="list-style-type: none"> <li>• equal participation</li> <li>• empowerment of rights holders</li> <li>• equal decision making</li> <li>• opportunities and resources</li> <li>• equitable sustainable development</li> <li>• people- or person-centered</li> <li>• part of mainstream service delivery and development efforts</li> </ul>
Human rights-centered and equality focused	<ul style="list-style-type: none"> <li>• Equality</li> <li>• Economic and social rights</li> <li>• Human rights</li> </ul>	<ul style="list-style-type: none"> <li>• disparity</li> <li>• discrimination – non-discrimination</li> <li>• inequality – equality</li> <li>• equity</li> <li>• unjust, exploitative power relations</li> </ul>
Community empowerment	• Empowerment	<ul style="list-style-type: none"> <li>• unjust, exploitative power relations</li> <li>• subordinate, disempowered positions</li> <li>• organisational change (complex change process)</li> </ul>
Inclusion of vulnerable, marginalised and socially excluded groups	<ul style="list-style-type: none"> <li>• Women's empowerment and gender equality</li> </ul>	<ul style="list-style-type: none"> <li>• people at centre of development</li> <li>• people- or person-centered approach</li> </ul>

<b>Ideals of developmental local government</b>	<b>Local government mandate re vulnerable, marginalised and socially excluded groups (from Appendix 1)</b>	<b>A rights-based approach to local government</b>
Building local democracy / democratising development	<ul style="list-style-type: none"> <li>• Governance</li> <li>• Capacity development</li> </ul>	<ul style="list-style-type: none"> <li>• accountability of duty bearers</li> <li>• participation and empowerment of rights holders</li> <li>• organisational change (complex change process)</li> </ul>
Social development and economic growth (including infrastructure and service delivery)	<ul style="list-style-type: none"> <li>• Improved and accelerated service delivery</li> <li>• Eradication of poverty</li> <li>• Social and economic development</li> </ul>	<ul style="list-style-type: none"> <li>• disempowerment and social exclusion</li> <li>• poverty</li> <li>• rights-based development and service delivery</li> </ul>
Integration / mainstreaming (implied)	<ul style="list-style-type: none"> <li>• Mainstreaming (as a specific implementation strategy)</li> </ul>	<ul style="list-style-type: none"> <li>• women part of mainstream service delivery and development</li> <li>• mainstreaming as implementation strategy</li> <li>• organisational change (complex change process)</li> </ul>