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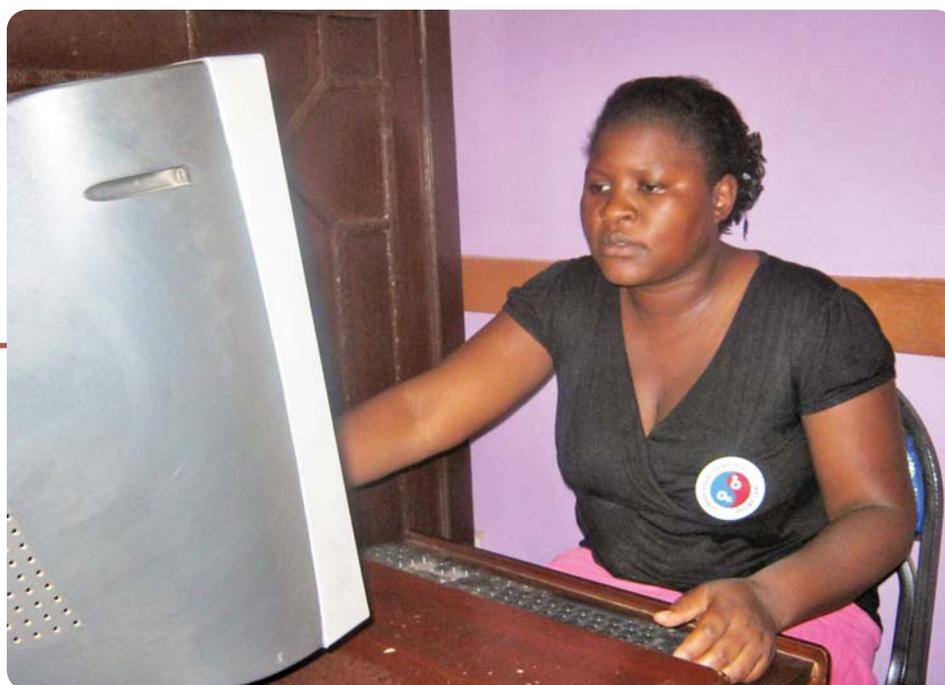
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## CHAPTER 10

# Implementation

## Articles 32-36



With two years to go Malawi should ratify and accelerate implementation . Women participating in thematic cyber dialogues including discussing key provisions of the SADC Gender Protocol during 16 Days campaign - Malawi, November 2010.

*Photo: Emma Kaliya*

### KEY POINTS

- Malawi has signed but not ratified the SADC Gender Protocol.
- A Ministry of Gender, Child Welfare and Community Services coordinates gender mainstreaming within line ministries
- Civil society have begun a campaign for an Addendum to the SADC Gender Protocol on gender and climate change
- The NGO Gender Coordinating Network is the national focal point of the Southern Africa Gender Protocol Alliance - a regional network that monitors implementation of the SADC Gender Protocol.
- Current efforts to develop a multi-sector gender strategy provides an opportunity to mainstream key targets of the SADC Gender Protocol by relevant line ministries.
- Costing and ensuring adequate budgetary allocations is key.

## Background



Women's empowerment key to accelerating the realisation of the key targets of the SADC Gender Protocol - women at a market in Blantyre.  
*Photo: Gender Links*

Protocols are the cornerstones of the SADC regional integration agenda. Once ratified, they are legally binding on state parties, providing a framework for accelerating and strengthening policy, legislation and other measures in SADC member states. They set regional norms and standards for enhancing measurable change in the lives of SADC citizens.

For their part, members of civil society and citizens have a duty to shape the SADC development agenda and closely monitor its implementation. Article 23 (1) of the SADC Declaration and Treaty states that: "SADC shall seek to involve fully, the people of the Region and nongovernmental organisations in the process of

regional integration. It also calls for cooperation and for member states to support people-led initiatives that contribute to the objectives set out in the SADC Treaty, especially when it comes to forging closer links between and among communities, associations and people in the region.

Articles 32-36, covering "final provisions" include:

- The remedies entitled to citizens should they feel their rights have been violated on the basis of gender;
- Ensuring gender mainstreaming in financial allocations and in the implementation of the Protocol;
- The institutional arrangements to be established by the SADC Secretariat for the implementation of the Protocol that include a Committee of Ministers Responsible for Gender or Women's Affairs; Committee of Senior Officials Responsible for Gender or Women's Affairs and the SADC Secretariat;
- Actions to be taken at the national level, including national action plans, with measurable timeframes, and the gathering of baseline data against which progress will be monitored and reports submitted to the SADC Executive Secretary every two years;
- Mechanisms for the settlement of disputes through the SADC Tribunal;
- The fact that any party may withdraw from the Protocol after submitting 12 months notice;
- Ways in which amendments can be made to the Protocol;
- Signature of the Protocol;
- Ratification; entry into force within 30 days of two thirds of the member states depositing instruments of ratification;
- The fact that the Protocol remains open for accession by any member state; and
- The depositing of the instrument with the Executive Secretary of SADC who shall register

## Signing



*Article 39 provides that the Protocol shall be duly signed by the authorised representatives of Member States.*

Malawi is among the SADC Heads of State that have signed the SADC Protocol on Gender and Development. While 11 out of the 15 SADC countries signed the Protocol in August 2008, Malawi eventually signed in

October 2009 bringing the total number to 13 countries. Mauritius and Botswana are still to sign with the hope that peer pressure will get the countries to change their minds.

## Ratification



The Protocol states that it shall be ratified by the signatory states in accordance with their constitutional procedures and shall enter into force 30 days after the deposit of instruments of ratification by two thirds of the member states.

**Table 10.1: Legal progress of the Protocol by country**

COUNTRY	SIGNED	RATIFIED	DEPOSITED INSTRUMENTS
Angola	✓	✓	✓
Botswana			
DRC	✓	✓	
Lesotho	✓	✓	✓
Madagascar	✓		
Malawi	✓		
Mauritius			
Mozambique	✓	✓	✓
Namibia	✓	✓	✓
Seychelles	✓	✓	✓
South Africa	✓	✓	
Swaziland	✓		
Tanzania	✓	✓	✓
Zambia	✓		
Zimbabwe	✓	✓	✓

Source: Gender Links 2012 and SADC Gender Unit.

Table 10.1 shows that Malawi has not yet ratified the SADC Gender Protocol, an important step for the Protocol to become enforceable. The country is one of the three countries that have signed but not ratified including Madagascar and Zambia. In September 2012, Swaziland became the latest to join two other countries (South Africa and DRC) that have ratified but not yet deposited the instrument with the SADC Secretariat. In total, 10 countries have ratified thus barring these technicalities; the Protocol is to all intents and purposes in force.

It is important though that all countries ratify and deposit their instruments to signify that, as a region, SADC has committed not only to intensify efforts to achieve gender equality, but is duty-bound to do so and to report accordingly.

### Implementation at national level

The Ministry of Gender, Child Welfare and Community Services coordinates gender mainstreaming within line ministries as well as of the national gender machinery. Gender has been integrated in the national development plans such as the 1996 - 1999 one. However there is a

need to update the National Gender Policy (2000-2005) and the Gender Action Plan that covered 2005 - 2008. It will be important that the country aligns its National Gender Policy with the SADC Gender Protocol targets a model used by Seychelles for example.

Malawi is currently developing a multi-sector gender strategy that will bring all line ministries together in the different sectors. This provides an opportunity to mainstream key provisions of the SADC Gender Protocol.



Deputy Director, Gender Affairs Department, Mr Cyrus Jeke.  
Photo: Loveness Jambaya Nyakujarah

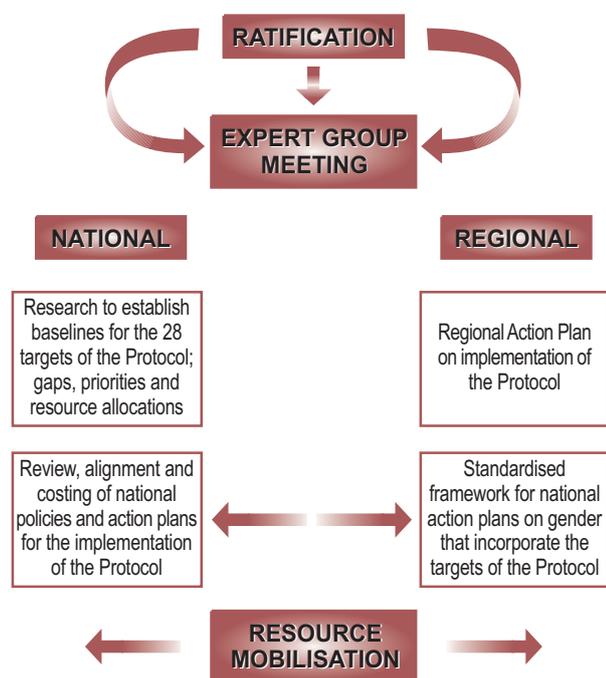
## Costing and gender budgeting



*Article 33: Financial Provisions: State parties shall ensure gender sensitive budgets and planning, including the designation of necessary resources towards initiatives aimed at empowering women and girls. State parties shall mobilise and allocate the necessary human, technical and financial resources for the successful implementation of this Protocol.*

The SADC Protocol underscores the need for signatories to ensure adequate resources for its implementation. This prompted a regional meeting of to **discuss implementation of the SADC Protocol in February 2011**. The Southern Africa Gender Protocol Alliance, SADC Gender Unit and UN Women hosted an expert group meeting on costing the implementation of the 28 Protocol targets. Attendees agreed on a process for aligning national gender policy/action plans to the Protocol; identified key gaps and action points for meeting the 2015 targets; devised an overarching plan that identifies actions, and costed implications within the timeframes.

Figure 10.1: Roadmap to equality



**SADC gender ministers agreed to a roadmap for implementation in early 2011:** The SADC Gender Unit hosted a SADC gender programme review meeting for the SADC Gender/Women's Affairs ministries in Windhoek in June 2011. Gender ministers agreed that there is a need for a systematic approach for implementing the Protocol at both regional and national

levels. The Secretariat and Alliance partners agreed to devise a standardised framework and process for reviewing, aligning and costing the national action plans. Figure 10.1 illustrates this roadmap.

Member States committed to aligning gender policies and action plans to the Protocol and to costing these actions during the SADC Gender and Development Conference in October 2011. Senior officials responsible for gender/women affairs, and leading civil society organisations attended the conference, convened by the SADC Gender Unit. The Alliance and other gender NGOs provided technical assistance. In the process, Gender Links developed the SADC Gender Protocol Barometer- Policy-Gender action plan-Gender Responsive Building-Capacity Building Model that brings several components together.

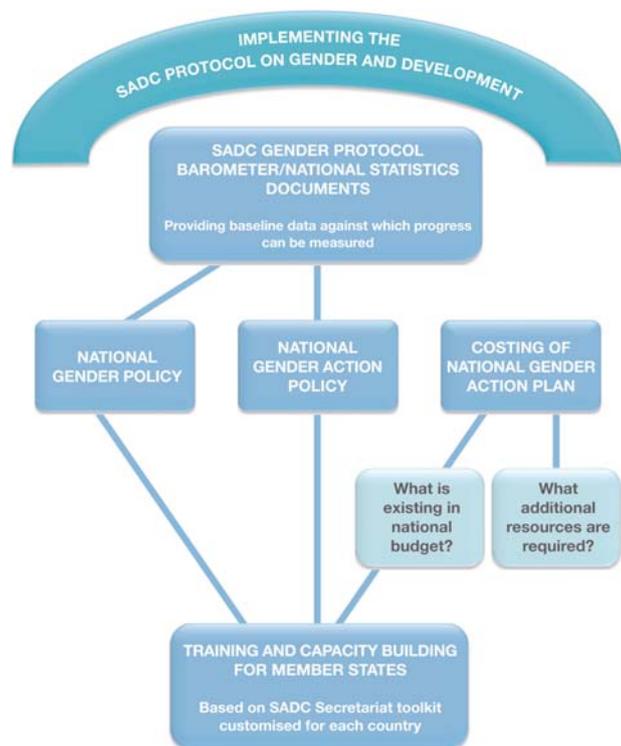
**The implementation of the SADC Gender Protocol requires a multi-sector approach** as illustrated in Figure 10.2. The implementation of the SADC Gender Protocol is the broad objective. This should include:

- Gathering baseline data: Information in the Alliance's SADC Gender Protocol Barometer provides a wealth of data that gender ministries and activists are using in these processes.
- Training and capacity building: The development of national gender policies and costed gender action plans requires capacity-building on gender mainstreaming, gender budgeting and costing implementation of policy at national levels. The value of integrating training into the process is that learning is contextualised and applied.
- Resource allocation for implementation of key provisions of the SADC Protocol: It is important for the national gender machinery to lobby for allocation of resources to ensure the implementation of the costed gender action plans. This should include examining existing resources within national budgets to find gender entry points and assessing what additional resources may be required. This strategic approach to budgeting helps to ensure resource mobilisation.

As Malawi develops a gender strategy it will be important to consider costing implementation of the SADC Gender Protocol provisions in the country building on previous work on gender budgeting by various

stakeholders including UN agencies, government and civil society organisations.

Figure 10.2 Costing model developed by Gender Links



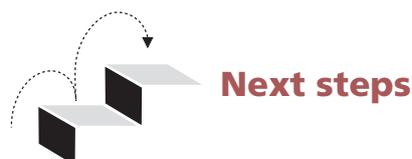
### Civil society - The Southern Africa Gender Protocol Alliance

The NGO Gender Coordinating Network (NGOGCN) is the focal network of the Southern Africa Gender Protocol Alliance. The Alliance is a “network of networks” started as a coalition in 2005 when the

campaign for adoption of the SADC Gender Protocol began. As the campaign shifted from signing to ratification to lobbying for implementation the network reorganised in order to be effective in monitoring implementation.

The role of country networks is to:

- Organise and mobilise around monitoring implementation of the SADC Gender Protocol using various tools such as the annual SADC Gender Protocol Barometer.
- Develop gender champions at national level for advocacy work on key provisions of the SADC Gender Protocol.
- Organise thematically as a strategy to link to regional level and global level campaigns
- Advocacy campaigns of hot button issues such as 5050 campaign for increasing women's representation; GBV campaigns; gender and climate change
- Gather and document good practices that demonstrate the SADC Gender Protocol @ Work.



- Malawi should ratify the SADC Gender Protocol and deposit instruments of ratification.
- Accelerating implementation through a multi-sector costed gender action plan that is aligned to the SADC Gender Protocol building on existing initiatives.
- Budgetary allocations from the national treasury to achieve the key targets
- Concerted campaigns in the run up to 2015, the deadline for achieving the 28 targets and the MDGs.
- Pushing the envelope on gender and climate change.