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The Emerging Global Gender Equality Regime from Neoliberal and Constructivist Perspectives in International Relations

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Abstract
A global gender equality regime has emerged, identifiable by its norms, principles, legal instruments and compliance mechanisms. I suggest that neoliberal theories of international regimes provide insights into the identification of this regime and the conditions for its emergence. They acknowledge the role of transnational networks, international institutions and epistemic communities of experts in shaping state choices. Global women’s networks, together with multilateral and bilateral development organizations, have been instrumental in shaping these global norms on gender equality by engaging in a learning process – framing issues, influencing negotiations by the information they provide and monitoring progress. But the neoliberal theories tell us nothing about the norms themselves, their contestation in different contexts and the structures that support them and give them meaning. A second theoretical framework in international relations, constructivism, opens the way to a crucial appreciation of gender as an analytical category, demonstrating how gender norms and identities are constructed, contested and reconstructed in historical, and socio-political contexts. It thus potentially allows us to examine how a ‘gender equality regime’, as defined by its principles, norms and decision-making mechanisms, needs to be further deconstructed and analyzed to reveal how global norms get interpreted, reinterpreted, filled in and contested on a continuing basis within different and sometimes competing institutions. Otherwise, such norms are bound to remain superficial and may obfuscate rather than clarify.

Keywords
global gender equality regime, global women’s networks, gender equality norms, constructivism and gender, neoliberal approach in international relations and gender
INTRODUCTION

Since the early 1980s, gender equality has received unprecedented attention at international forums. There is a growing international understanding that gender equality is a prerequisite to achieving human and sustainable development. In the two decades between Mexico City and Beijing, gender equality has been embodied in an international legal instrument, the Convention on the Elimination of Discrimination against Women (CEDAW), which entered into force in 1981 and has been ratified by 174 countries. Ratification of CEDAW, becoming signatories to various platforms of action and other regional conventions constitute a set of norms and rules related to gender equality. Can this constitute a new global framework on gender equality? If so, what are the conditions under which collaboration among relevant actors occurs? Even if there is an emerging global regime on gender equality, what does ‘gender equality’ mean in different social and political contexts? How are they interpreted and applied at national and local levels, and in different institutions?

In this article, I suggest that neoliberal theories of international regimes provide us with insights into the identification of a global gender equality regime, and of the conditions for its emergence. Regime theories, however, generally work within a positivist epistemological approach, and are not concerned with the ‘social and therefore gendered character of rules’ (Prügl 1996: 15). A second theoretical framework in international relations, constructivism, opens the way to a crucial appreciation of gender as an analytical category, demonstrating how gender norms and identities are constructed, contested and reconstructed in historical, and socio-political contexts. It thus potentially allows us to examine how a ‘gender equality regime’ as defined by its principles, norms and decision-making mechanisms, needs to be further deconstructed and analyzed to reveal how global norms get interpreted, reinterpreted, filled in and contested on a continuing basis in different locales and contexts.

IDENTIFYING THE GENDER EQUALITY REGIME

Feminist scholars have generally not found neoliberal theories of regime formation useful because they are overly concerned with state behavior and the conditions of collaboration among states. Yet it seems that state behavior and collaboration are very important because: (a) the world is still made up of sovereign nation-states even though sovereignty may be compromised as a result of the processes of globalization and internal fragmentation in the twenty-first century and (b) one of the major objectives of the international women’s movement is to promote the establishment of global norms and rules for gender equality so that states can be held accountable. Whether states are willing and interested to collaborate in the implementation of the
Convention on the Elimination of Discrimination against Women (CEDAW) is surely a very relevant question for women’s networks around the globe. International relations scholars have also not been directly concerned with gender equality norms at the global level either, even though issue areas as diverse as international financial exchanges, security and climate change have been extensively analyzed in recent years, utilizing regime theories. Such analyses have drawn on a wide literature on the factors that lead to regime formation, affect regime maintenance and determine how regimes can be utilized to address global problems in the future (de Nevers 1999). International relations scholars have explored the tensions and contradictions among normative principles in international life, and how states are embedded in dense networks of transnational and international relations that shape their perceptions and preferences. But surprisingly, even though there is an extensive literature on global women’s networks and the role of the United Nations as an ally, gender issues have not been systematically explored from the perspective of international regimes. According to Fred Halliday, even the broadening of international relations to encompass more transnational questions and nonstate actors has done little to rectify this situation (Halliday 1991: 159). I propose to begin doing that below.

Virtually all discussions of international regimes proceed from Krasner’s consensus definition in which regimes are ‘implicit or explicit principles, norms, rules and decision-making procedures around which actors’ expectations converge in a given area of international relations’ (Krasner 1983: 2). Principles are beliefs of fact, causation and rectitude while norms are standards of behavior defined in terms of rights and obligations. Rules are specific prescriptions or proscriptions for action. Decision-making procedures are prevailing practices for making and implementing collective choice. They are not synonymous with international organizations even though many are accompanied by international organizations. Over time, three distinct positions on the identification of regimes have emerged that address some of these problems: formal, behavioral and cognitive. Examining these three positions will show that a gender regime can indeed be identified.

The Formal Approach

According to Robert Keohane, regimes are agreements in purely formal terms (that is, explicit rules agreed upon by more than one state and embodied in treaties or other documents). They arise when states recognize these agreements as having continuing validity. A set of rules need not be ‘effective’ to qualify as a regime, but it must be recognized as continuing to exist (Hasenclever et al. 1996: 180–3).

In gender equality issues, one can identify an international regime in a set of explicit rules that states agree to and that are embodied in treaties and other documents, such as platforms of action. The rules are the legal instru-
ments that formalize and implement the principles and norms of an international regime. The ‘rules’ found in ‘conventions’ and ‘covenants’ are legally binding once the appropriate decision-making body of a ratifying state passes them. The definitive legal instrument on gender equality is CEDAW. After it was unanimously adopted by the United Nations General Assembly on 18 December 1979, it came into force in September 1981 when the twentieth state ratified it.

These rules are based on a set of principles and norms and are accompanied by decision-making procedures or monitoring mechanisms to oversee compliance. The basic principles that underpin the gender equality regime are the prohibition of discrimination against women and the active promotion of equality between the sexes. The latter explicitly recognizes unequal power relations between women and men. Thus, as Rebecca Cook notes:

In contrast to previous human rights treaties, the Women’s Convention frames the legal norm of prohibition of all forms of discrimination against women as distinct from sexual nondiscrimination. That is, it develops the legal norm from a sex-neutral norm that requires equal treatment of men and women, usually measured by how men are treated, to recognize the fact that the particular nature of discrimination against women and their distinctive characteristics are worthy of a legal response.

(Cook 1997: 188)

For purposes of legal application and enforcement, article 1 of CEDAW defines ‘discrimination against women’ as

any distinction, exclusion, or restriction made on the basis of sex which has the effect of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

The norms of a regime, on the other hand, define the rights and obligations of actors by establishing standards to overcome discrimination. The Nairobi Forward Looking Strategies and the 1995 Beijing Declaration and platform for action both define the rights and obligations of governments and of international and regional organizations based on principles of equality and nondiscrimination. The Nairobi document broke new ground in that it contained measures for achieving equality at the national level. Governments were to set their own priorities based on their development policies and resource capabilities. The Beijing platform for action aimed to accelerate implementation of the Nairobi document and identified twelve critical areas for action: women and poverty; education and the training of women; women and health; violence against women; women and armed conflict; women and the economy; women in power and decision making; institutional mechanisms
for the advancement of women; human rights of women; women and the media; women and the environment; and the girl child. The documents adopted at these conferences established two norms for international organizations: increased development assistance for women and strengthening and monitoring of a range of actions on behalf of women. Governments are obliged to identify and eliminate obstacles to gender equality in constitutional, legal, political and bureaucratic realms through political and legal reforms. Governments are also urged to translate the platform for action into national strategies with time-bound targets and benchmarks to monitor progress.

Regimes would be incomplete without rules and decision-making procedures that reflect their norms and principles. The latter include supervisory and monitoring mechanisms to formulate and enforce the rules, including a variety of commissions, courts and expert groups who monitor compliance and sometimes apply sanctions. The Commission on CEDAW is entrusted with monitoring compliance by ratifying states. Various other United Nations bodies act as monitors. The Committee on the Status of Women (CSW) and its secretariat, the Division for the Advancement of Women, monitor measures and review progress at all levels – global, regional, sectoral and national. Specialized agencies also report on the implementation of CEDAW in issues within the scope of their activities.

Even if the formal components of a gender regime – principles, norms, legal instruments and monitoring mechanisms – can be identified, are they sufficient to identify a regime?

The Behavioral Approach

According to some analysts, only state behavior can demonstrate whether a regime exists or not. Compliance does not have to be perfect, but effective behavioral guidelines are important. As Mark Zacher observes:

> Occurrences of major or long-term noncompliance, particularly involving participation of or support by major actors in the system, bring into question the efficacy of regime injunctions. We must doubt the effectiveness of behavioral guidelines if glaring violations are allowed to persist or if states tend to violate norms and rules on those few occasions when they would benefit from doing so.

(Zacher in Hasenclever et al. 1996: 181)

Turning to the gender equality regime, 175 have ratified CEDAW as of 10 December 2003, and they are bound not to contravene its terms. Furthermore, in a landmark decision for women on 6 October 1999, the General Assembly adopted an optional protocol to CEDAW and called on all states to become party to the new instrument as soon as possible. In ratifying the protocol, a state recognizes the competence of the Committee on CEDAW to receive and consider complaints from individuals or groups within its...
jurisdiction. As of 26 October 2003, seventy-five states had signed the protocol and fifty-four had ratified it. States party to CEDAW are obligated under article 18 to report to the Committee on CEDAW within one year of ratification or accession and every four years thereafter. Their reports should include measures they have taken to eliminate discrimination against women and indicate factors and difficulties encountered in fulfilling their treaty obligations. The committee examines the reports in public meetings, which governmental representatives attend to answer any questions.

By the end of the United Nations Decade for Women in 1985, 127 member states had created national machinery to deal with women’s advancement and participation in development. International organizations have units or departments and gender experts/advisers to mainstream gender equality in their operations. In accordance with the recommendations of the platform for action, steps to improve the status of women include public policy change, legal and legislative change, institutional change, programmatic change and change in generation and dissemination of knowledge and data disaggregated by sex. Gender issues are included in central policy statements, guidelines and procedures of major donor agencies. In successful cases, gender advisers have been ‘mainstreamed’ in operational departments of donor agencies. Some agencies are attempting to bring gender analysis into the policy processes of economic reform and program aid. In short, their behavior indicates that states are demonstrating regime acceptance (Kardam 1991; Razavi and Miller 1998).

The Cognitive Approach

International regimes can be identified by ‘intersubjective meaning’ and ‘shared understandings’ rather than by the overt behavior of states. Friedrich Kratochwil and John Ruggie argue that Krasner’s consensus definition makes such an approach mandatory:

‘International regimes’ are commonly defined as social institutions around which expectations converge in international issue-areas. The emphasis on convergent expectations as the constitutive basis of regimes gives regimes an inescapable intersubjective quality. It follows that we know regimes by their principled and shared understandings of desirable and acceptable forms of social behavior. (Hasenclever et al. 1996: 181–2).

Martha Finnemore points out that states are socialized to accept certain preferences and expectations by the international society in which they and the people who compose them live, and suggests that international social life is now organized around three normative elements: bureaucracies, markets and human equality (Finnemore 1996). By focusing on equality, the gender regime has, with some regional differences, brought about a view of women
as full and equal partners with equal rights to resources and opportunities. A similar transformation took place in development issues as thinking shifted from an earlier belief that development served to advance women to a new consensus that development was not possible without the full participation and empowerment of women.

The 1985 Nairobi conference broke new ground by declaring that all issues were women’s issues. Women should be included in every sphere of human activity from employment, health education and social services to industry, science, communications and the environment. In Beijing, the focus shifted from women to the concept of gender and recognition that the structure of society and all relations between men and women had to be re-evaluated. Only a fundamental restructuring of society and its institutions would fully empower women to be equal to men. This change strongly affirmed that women’s rights were human rights and that gender equality was of universal concern. The discourse on gender equality has also emphasized women’s contributions to larger goals such as development, democratization, universal human rights or population reduction. It is now broadly accepted that gender discrimination has deleterious effects on the development agenda as a whole.

Yet, agreement on the value of gender equality and women’s rights is certainly not widely shared. Tensions and contradictions among normative principles in international life will persist since there are competing values and understandings of what is good, desirable and appropriate that form the basis of politics (Finnemore 1996: 135). The gender equality regime is no different; it is a story of debate, contestation and dissent in norm development. In Mexico in 1975 a major division was revealed when the conference disintegrated into a heated debate, largely between women’s groups from western countries, which stressed discrimination, and those from the developing world who wanted to focus on the more pressing issues of development and justice that affect both men and women. The solution was the debate over ‘women in development’. Its demands included more income and credit opportunities for women, changes to laws about property rights and inheritance and access to education and training. Although these issues were picked up by donor agencies, whether justified on the basis of equity or efficiency, for several reasons the issue of violence offered a much clearer avenue for activism for global women’s networks. These include the focus on human rights and democratization around the world after the collapse of the Soviet Union and the ability of global women’s networks to coalesce around an issue – gender-based violence – on which there is little disagreement and insert it into the human rights framework. As a result, violence against women is seen as a global concern.

A new focus on violence in the private sphere forced a reconceptualization of the boundaries between public and private. Violence against women is carried out by the state as when rape is used systematically as an instrument of war or when prison guards are particularly abusive toward women prisoners, but private individuals whose actions are condoned by states that
do not act to prevent it also carry it out. Important discursive change at both national and international levels was reflected in government positions on violence against women at the Nairobi, Vienna and Beijing conferences as governments began to recognize women’s rights as human rights and acknowledge their obligation to eradicate violence against women. It was also reflected at the UN level by the appointment of a special rapporteur on violence against women. CEDAW entitles women to equal enjoyment with men not only of civil and political rights, but also of economic, social and cultural rights. It is fair to say that gender equality claims have put down stronger roots in political and legal rights than in economic rights. Economic rights have found less support in a neoliberal environment. Global economic institutions such as the World Bank still search for ‘business reasons for gender equity’ and have been much more comfortable with providing resources for women’s education, family planning and microcredit, all justifiable in ultimately serving market-based economic growth and efficiency norms (Goetz 2001).

Another contested area arose at the Beijing conference between conservative forces, who reacted to the challenge to traditional gender power arrangements, and local and global feminist activists. As Sally Baden and Anne Marie Goetz suggest:

Conservative opposition to the concept of gender during the Beijing process expressed a second-wind reaction after the failure to prevent agreement at the International Conference on Population and Development in Cairo on a broad definition of women’s reproductive health rights. Other factors explaining the conservative fixation on gender may include the perceived greater influence and presence of feminist NGOs, the greater visibility of lesbians in NGOs, and the inclusion, for the first time in the UN series of Conferences on Women, of very open language on sexual and reproductive rights. (Baden and Goetz 1997: 23)

In conclusion, the evidence above points to a gender equality regime that can be identified by (a) its formal components: principles, norms, legal instruments and monitoring mechanisms; (b) the behavior (and compliance) of states who are party to the regime; and (c) a cognitive framework – an emerging intersubjective consensus at the global level that women’s human rights are an integral aspect of human rights.

What Are the Explanations for the Emergence of a Gender Regime?

I suggest three sets of explanations: (a) the leadership of a global women’s movement and its associated NGOs, which exercised ‘structural’ and ‘intellectual’ leadership in the codification of gender equality norms and promoted a collective understanding of them in alliance with (b) the United Nations
system, which provided the forums for agenda-setting, negotiation and norm development; accompanied by (c) funding and other types of support from the Canadian and some European governments and their bilateral aid agencies and western liberal foundations. These agents took advantage of the window of opportunity provided by the collapse of the Soviet Union, when the world focused on democratization and human rights to bring attention to women’s human rights and gender-based violence.

The Global Women’s Movement

The literature on international regimes, particularly the cognitive perspective, has pointed to the central role of nonstate actors in the spread of regimes (Rosenau 1992; de Nevers 1999). The cognitive school accords a stronger role to transnational social movements in regime formation and emphasizes their role in defining and explaining the substantive content of regime rules and why they evolve (Haggard and Simmons 1987). In this case, the emergence of the global gender equality regime owes a great deal to the leadership of a global women’s movement and its associated NGOs, which exercised ‘structural’ and ‘intellectual’ leadership in the codification of gender equality norms and promoted a collective understanding of them. Structural leaders are those who can skillfully convert power based on material resources and bargaining leverage and intellectual leaders are those who can use the power of ideas to shape institutional bargaining and to orient the participants’ thinking about available options (Young 1991).

Overall, thousands of women representing every hue in the ideological rainbow – secular, religious, radical, conservative, grassroots and elite – were mobilized around the world. They were local, national, regional and international, and their goals were to bring women together to share information, resources and strategies and to create alternative spaces in which to practice organizing, lobbying and legislating issues at all levels (Chen 1996). Chen’s arguments are supported by others:

But this has, in no small measure, been due to the pressure that individual activists, women’s groups and specialized feminist NGOs have brought to bear on the powers-that-be – even under difficult circumstances in authoritarian and exclusionary regimes. At the recent global conferences, one could not help but notice the growth of an astute and regionally diverse cadre of advocates skilled in navigating the murky waters of global and regional policy and in moving through circuitous corridors of influence.

(Razavi 1999: 24)

Global women’s networks shaped the international gender equality regime through policy advocacy. Advocacy requires specific skills and strategies: compiling ‘expert’ information based on academic research to support one’s
claims or desired policy changes; framing one’s points of view in ways that policy-makers will comprehend; understanding and accepting that one has to work within the establishment to change it. Advocacy involves both knowing how to argue a case and presenting concrete information to back arguments and make the case a strong one, and the political know-how to lobby, form alliances and influence decision-makers. Each of these groups, with some cross-fertilization and switching of roles, contributed to the expansion of academic knowledge and expertise, as well as political clout (Tinker 1999; Goetz 2001). For Oran Young (1991), effective leaders are ‘entrepreneurs’ or ‘brokers’ who use negotiation skill and ingenuity rather than power to present issues and to come up with new institutional options.

Advocacy was a specialized skill perfected by feminist international NGOs, usually based in the North. As NGOs from other regions attended more and more international conferences, they too learned the process, especially after international foundations began to fund training in policy advocacy. Alvarez (2000) argues that the very notion of policy advocacy was foreign to most Latin American activists at the outset of the Beijing process. But they were aided by the United Nations’s openness to their participation, feminist allies inside the United Nations agencies, and western foundations who supported their attendance at world conferences. There is ample evidence that global women’s networks indeed collected information to make their cases, lobbied state delegations and influenced the wording of global documents to shape the international gender equality regime. While the initial program document for the Beijing conference was full of bracketed language (indicating areas of disagreement), the women’s networks monitored the status of bracketed issues and suggested language to government delegations so that they had real input into the final document. In some cases government delegations incorporated language suggested by NGOs directly and in others they consulted with NGOs to shape their positions on issues. Moreover, by working with members of official delegations and by rallying public opinion, NGOs helped to craft much of the language adopted in many of these forums (Keck and Sikkink 1998).

Irene Tinker suggests that international networks of women’s organizations and coalitions have focused on identifying and inserting women’s viewpoints into broader societal interests (Tinker 1999). Ernst Haas calls this ‘issue linkage’ and claims that it is favored by those who want ‘in’: a regime that links issues will come into existence only if the ‘outs’ somehow manage to persuade the ‘ins’. One way to promote collaboration is to develop consensual knowledge and link it to an agreed social goal. When knowledge becomes consensual, that is, accepted as a basis for public policy by groups or individuals professing different political ideologies, it may then be accepted by most participants of a regime. Regime participants engage in the construction of such knowledge and attempt to link it to broader social goals. Haas calls this the principle of substantive linkage, in which negotiators link issues into packages in deference to some intellectual strategy or evolving awareness.
of causal understanding (Haas 1980). Gender networks have been effective in linking gender issues to the broader social goals of development, human rights, population control and the protection of the environment. Consensus formation occurred at several conferences, notably the United Nations Conference on Environment and Development in Rio in 1992, the United Nations Human Rights Conference in Vienna in 1993 and the United Nations Conference on Population and Development in Cairo in 1994. Women’s contributions to sustainable development, women’s human rights and women’s health and reproductive rights respectively were central to the goals of the conferences.

The Alliance with the United Nations System and Other Donors

These accomplishments were very clearly aided by United Nations agencies. I would argue that global gender networks have been aided by UN agencies, some regional organizations and bilateral donors whose willingness to provide a forum for negotiation and norm development, as well as to engage in dialogue with NGOs contributed to the formation of the gender equality regime. As Cook puts it:

The greatest accomplishments of the UN system regarding human rights law relating to women have been to define discrimination against women, to identify normative standards for the elimination of discrimination against women that state parties to the Women’s Convention must pursue in both the public and private sectors of their national life, and to provide mechanisms by which discriminatory practices may be identified and remedied.

(Cook 1997: 186)

United Nations conferences and forums, in turn, were largely responsible for the development of both a global women’s movement and the more formal governmental and nongovernmental infrastructure that could begin to serve as the basis of an international gender equality regime (Stephenson 1995: 150–1). In fact, the chronologies of the international women’s movement are largely a collection of United Nations meetings: Mexico, Copenhagen, Nairobi, Vienna, Cairo, Beijing. These conferences certainly legitimized the issues and brought together unprecedented numbers of women from around the world. The NGO meeting at the Nairobi conference, for example, spawned many new regional networks, including the Latin American Committee for the Defense of Women’s Rights; the Asia-Pacific Forum on Women, Law and Development; and Women, Law and Development in Africa.

With reference to Latin American activism in the Beijing process, Alvarez discusses the deliberate efforts of feminist allies within such agencies as the United Nations Development Fund for Women (UNIFEM) and the women’s unit of the Economic Conference for Latin America and the Caribbean to encourage local feminist NGOs to participate more fully in the official
preparatory process, when considerable amounts of targeted bilateral and multilateral agency and foundation funding enabled them to do so. UNIFEM and other agencies rallied NGOs and assumed the challenge of pressing governments to be receptive to NGO proposals (Alvarez 2000: 42).

International organizations have an important role in shaping, defining and diffusing norms. In fact, there is a growing literature on the role of international organizations in norm development (Barrett and Finnemore 1999). Some international organizations have functioned as arenas for developing gender-based social and causal knowledge, as well as for negotiating norms and adapting declarations and treaties. The United Nations Commission on the Status of Women established by ECOSOC (Economic and Social Council of the United Nations) in 1946 is the primary United Nations body responsible for advancing the status of women. One of the most important achievements of the CSW was in drafting the specialized conventions dealing with women that culminated in CEDAW. The Mexico City conference led to the International Research and Training Institute for the Advancement of Women (INSTRAW) and UNIFEM to provide the institutional and financial framework for research, training and operational activities. The Division for the Advancement of Women was established to monitor and implement the platforms of action that emerged from the conferences. In regional organizations such as the European Union and the Organization of American States (OAS), women have become diplomatic or political agents as members of women’s commissions or as staff in bureaucracies. However, many international agencies, including the United Nations Development Program and the World Bank, did not begin seriously to integrate gender issues into their operations until the 1990s.

Pre-eminent among the key foundations that set aside funds for women’s issues was the Ford Foundation. It allowed field officers to claim reserve funds for women’s issues, which led to significant Ford funding to counteract violence against women in the late 1980s. Other major American and West European foundations increased grants for women’s rights in the late 1980s and 1990s. Foundations and North American and European governments were key supporters of the organizing efforts that made women’s groups a powerful presence at the Vienna Conference on Human Rights, the Cairo Population Conference and the Beijing Women’s Conference (Keck and Sikkink 1998). And substantial funding from the Ford Foundation enabled Latin American women to mount a regional advocacy training project (Alvarez 2000).

As the East–West conflict subsided with the dissolution of the Soviet Union, new central concepts have emerged: democratization, civil society participation, good governance and respect for human rights. Human rights are no longer divided as starkly as civil and political rights, on the one hand, or economic, social and cultural rights on the other. Now that ‘human development’ has become a core concept and human dignity is at its center, it is impossible to overlook human rights, including women’s human rights. Just as the Cold War hampered the agenda-setting efforts of women’s organizations, its thaw provided opportunities for the same groups. It freed up agenda space:
In the absence of East–West conflict, issues that UN policymakers had once considered important began to appear meaningless. Looking for new issues to fill the vacuum, UN policymakers decided to hold a series of specialized conferences in the early 1990s, starting with the UN Conference on Environment and Development in Rio de Janeiro in 1992, followed by the World Human Rights Conference in Vienna, in 1993 and the International Conference on Population and Development in Cairo in 1994.

(Joachim 1999: 151)

The United Nations also became more accessible to NGOs with the end of the Cold War, when it relaxed its standards of accreditation and granted consultative status to regional and grassroots NGOs. Previously relegated to the visitor balconies and corridors, NGOs were now allowed on the negotiation floors. The global women’s networks took advantage of these ‘windows of opportunities’ to incorporate gender issues into conference agendas. In conclusion, this regime would not have been formed without the rise of global women’s networks, which learned how to influence global agendas at United Nations conferences with the help of allies within the United Nations system. Their work enjoyed substantial support from western foundations and European and Canadian bilateral donor agencies. Finally, the ‘windows of opportunity’ that the new structure of the world system afforded were quickly seized.

GENDER AND THE CONSTRUCTIVIST PERSPECTIVE

Formation of a regime is one thing, its maintenance quite another. The ‘translation’ of international norms to national and local levels remains elusive, and there are many gaps between global norms and local responses when it comes to implementation. The gender regime was not an initiative of states. It was imposed on them by global non-governmental actors, international governmental organizations and some western industrialized states through their bilateral aid agencies. Even though there may be strong national women’s movements which use CEDAW to strengthen their positions and hold states accountable, states are often reluctant to ‘do’ something if it means providing budgets, staff, targets. Gender sensitive laws may not be implemented if the judges, the police and the court system have not made any changes in their behavior and are guided by a different set of norms. Furthermore, women do not necessarily know about their rights even if laws are passed and even if they do, they may be powerless in the face of competing social norms of gender that promote women’s inferiority to men. If in fact, the gender equality regime is mainly seen as an externally imposed political agenda, and if CEDAW lacks the clear-cut and effective monitoring and compliance mechanisms, how can gender equality be ‘owned’ at the national and local levels? This requires the interpretation of vague and general global norms and principles so that they make sense to people. It also
requires an understanding and open debate on competing gender norms and identities, and competing notions of ‘gender equality’ advocated or promoted by different institutions (the legal system, the bureaucracy, the market, religious establishment or kinship and family systems). Otherwise, there is the danger that states will keep going through the motions of ‘doing something’ however little, to placate global monitoring committees and international aid agencies.

This is where the constructivist approach is more helpful than the neoliberal theory of international regimes. The neoliberal theories yield insights into the identification of the regime, explanations of its formation and the limits of external incentives for compliance, but they do not examine how gender norms and identities are socially constructed, defined, contested, interpreted in different socio-political and institutional contexts. As Ruggie (1998) has maintained, the neoliberal theories lack a methodology to understand how social norms are constructed. Constructivism, on the other hand, questions state interests, not just accepting them as preferences shaped by particular beliefs or knowledge but asking where they come from in the first place. The social construction of norms is examined and not accepted as a priori. Many feminist scholars, along the same lines, define gender as an analytical category like race, class and ethnicity, whose meaning is socially constructed. To adopt gender as an analytical category means to focus on the social and cultural construction of sexual difference. Every culture, institution, society, historical epoch constitutes and interprets sexual difference in a certain way. If that is the case, we need to go beyond classifying all resistance to gender equality as stemming from ‘traditional and cultural norms’ and examine where those norms come from, and what types of power relations underlie them.

Constructivists argue that international life is social, that it follows norms and rules that make up social structures. For constructivists, success of regimes is found not just in external incentives but in constitutive rules. These rules do not ‘explain’ in the positivist sense, but underlie everything else. These structures reproduce only through the practices of knowledgeable agents. Structures and agents cannot exist without each other. Actors draw on the rules that make up structures in their everyday routines, and in doing so they reproduce these rules. But they also have the capacity to understand what they are doing and why they are doing it, allowing them to reflexively monitor the social practices they engage in (Giddens 1984; Wendt 1987). Ruggie pointed out that both realism and liberalism rest on a positivist epistemology whose view of international relations is framed in utilitarian terms. Ruggie calls them neo-utilitarian approaches depicting: ‘an atomistic universe of self-regarding units whose identity is assumed given and fixed, and who are responsive largely if not solely to material interests’ (1998: 3). Yet, understanding ‘intersubjective meanings’ necessitates a relational epistemology, where interpretation is required. According to Ruggie, social constructivism views international politics on the basis of a more relational ontology than the atomistic framing of neo-utilitarianism:
In addition, it attributes to ideational factors, including culture, norms, and ideas, social efficacy over and above any functional utility they may have, including a role in shaping the way in which actors define their identity and interests in the first place. Finally, it allows for agency, – actors doing things – reflective acts of social creation, albeit within structured constraints.

(Ruggie 1998: 4)

What are the implications of the constructivist approach for the global gender equality regime? I think it is helpful in:

1 analyzing, defining, and renegotiating competing gender norms and identities in different institutional contexts and thereby beginning to ‘fill in’ global norms and render them more meaningful;
2 analyzing how global material changes have become opportunities for the introduction of new definitions, new interpretations for women’s movements as active agents;
3 showing avenues for the empowerment of women through continuous ‘intersubjective’ sharing, defining and redefining global gender norms in local contexts and through local activism.

Such analyses are now being done and yielding some fascinating insights, as will be discussed below.

Gender as a Social Construct and Contested Gender Norms

A large body of feminist literature draws on the premise that interests and identities are socially constructed. Feminist constructivists reject the premise that gender is natural, immutable and based in biology, insisting instead that gender is a social construct. Gender identity then becomes discussable. As such it permeates all levels of society from the domestic to the international and global: social interaction enacts gendered scripts; social institutions fix gendered norms; social communication engages in gendered rules. Combining gender with a constructivist perspective in international relations thus yields a research agenda that can focus on, for example, contested norms such as human rights, or investigate how the concept of human rights may be based on a western notion of self, and how the public/private distinction has prevented domestic violence from being defined as a violation of human rights. Such a research agenda might examine how gender identities are shaped and contested and negotiated within different institutions, globally and locally.

A particular society may have different and sometimes opposing or complementary gender norms in institutions such as marriage, the legal system, politics or religion. The opposing norms may be particularly relevant in a country like Turkey where different traditions and worldviews live side by
side, and where global processes disrupt and change local institutions. According to some feminist social scientists, such dissonance may open up space and opportunity, especially if they come together with material conditions that provide an opening (Sassen 1998; Bayes and Kelly 2001). Because all of these institutions are interrelated in a society, changes in the gender relations or gender regime in one set of institutions can affect the gender relations or regimes in other sets of institutions.

A constructivist approach allows for the examination of contested norms, their interaction with each other, and the power relations that legitimize those norms. For example, An-Naim (1995) encourages women’s rights advocates to engage in both secular and religious discourses. Otherwise, the dichotomy between the so-called religious and secular discourses in Islamic societies continues, with little communication or dialogue between them, and ‘global gender equality’ remains a vague and little understood concept. Yet I believe it should be possible to take on gender norms in the religious discourse and debate and renegotiate them on their own terms, rather than dismissing them outright. This is being done by scholars and activists who are re-reading the Koran by ‘unreading patriarchal interpretations’, renegotiating Islamic gender norms in their own context and facing Islamic politicians and scholars on their own turf (Wadud 1999; Barlas 2002). As An-Naim says, advocates of the human rights of women must begin by ridding themselves of their own inhibitions and educating themselves in the concepts and techniques of Islamic discourse and fully engage themselves in religious as well as secular discourse (An-Naim 1995: 59). Translation of global gender equality norms to local contexts in Islamic countries will take an engagement with competing norms established by different institutions, and an attempt to begin to integrate and synthesize them to create ‘workable’ gender equality norms applicable in real life situations. This is also true in many developing countries where different gender norms may be promoted by different institutions (be they legal, bureaucratic, religious, ethnic, familial or market-based institutions).

Other areas of contestation are the concept of rights and what types of issues may be defined as human rights issues. For example, critical legal studies of human rights examine the gendered aspects of international law, exploring the liberal origins of the concept of rights and its biases. The definition of sex trafficking may be explored: is sex trafficking a matter of human rights or immigration (Ucarer 2000)?

Change in Gender Norms: Result of an Interaction of Structure and Agency?

A constructivist framework allows for a theoretical conceptualization of activism or ‘struggle’. Feminist struggle locates power in social structures and seeks
to fight this power. But feminists also emphasize power as an aspect of agency: women are not powerless and can be empowered through struggle. According to Prügl, understanding the dual character of power, its constraining and enabling effects, is a crucial element of constructivism (Prügl 1996: 16). Constructivist views go hand in hand with the new term ‘global governance’. This term signifies the proliferation of nonstate actors and their growing importance and power as a distinctive feature of contemporary world affairs. But it is more than that. For Rosenau, mobilizing support from the bottom up involves increasing the skills and capacities of individuals and altering the horizons of identification in patterns of global life. Elsewhere, Rosenau characterizes systems of rule at all levels of human activity – from the family to the international organization – in which pursuit of goals through the exercise of control has transnational repercussions (Rosenau 1995: 14).

A constructivist perspective includes both structure and agency; whereas one might argue that realism emphasizes structure of the international system, while liberalism focuses more on agency of actors. By employing a constructivist perspective, feminist scholars have examined how global material changes may become opportunities for the introduction of new definitions, new interpretations for women’s movements as active agents. For example, Sandra Whitworth has studied the ILO and demonstrated the shift from protectionism to equality regarding women’s work conditions. She documented the role of agents and interests involved in the change, as well as the role of prevailing ideas and material conditions facilitating the change (Whitworth 1994). I believe that Turkey would make an excellent case study examining how economic globalization processes and the norms diffused by the European Union and the United Nations on gender and women’s human rights interact with different institutions inside the country – religious, secular, social and legal – which all have their specific sets of gender norms. To give a concrete example, legal norms may promote a woman’s right to travel freely, right to work or right to take an abusive husband to court. What about social norms, or religious norms that say that women’s place is in the family and the rights to work and travel are secondary to being a wife and mother as defined by those norms? Or social norms that place the man in the public sphere and women in the private sphere, in the home, or that condone a man beating his wife if she does not obey him? It is fascinating to explore the opportunities for change when such dissonance exists. What opportunities exist for change? Who is actively promoting change in gender regimes? Are redefinitions of gender identities taking place? Globalization may thus allow us to examine shifts in attributes of gender as the result of collective action in different instances.

According to Sassen, gender regimes may change in particular circumstances where globalization gives rise to sites of contestation (Sassen 1998). Such sites involve economic disruptions such as multinational corporations operating in developing countries and producing goods for export, or global cities where the powerful and powerless live side by side. Bayes and Kelly have examined
two strategic sites of globalization’ Chiapas, Mexico and the US–Mexico border to assess how particular circumstances arising as a result of, or as a concomitant of the North American Free Trade Agreement (NAFTA), can change gender regimes in particular institutions and raise political consciousness among Mexican women to impel them to act politically to change gender relations in these situations (Bayes and Kelly 2001: 147). They conclude that forces of globalization that create new institutions (such as maquiladoras) alter gender relations in other institutions to create a diversity of gender regimes in the institutions in a society, contributing to the possibility for change in the gender order of the entire society. But this does not occur automatically; it depends on activists and organizers to generate identity change. Globalization may contribute to creating political spaces for women by opening legal and political contestation between powerful institutions with regard to differences in their respective gender regimes (Bayes and Kelly 2001: 170).

Yakin Ertürk and I tried the same approach in a recent article on expanding gender accountability in Turkey (Kardam and Ertürk 1999). In it we argued that several conditions contributed to the promotion of gender accountability in Turkey: these were the rise of global gender networks and donor assistance for gender equality, and the move toward relatively greater openness in Turkish society partly due to the effects of the post-Cold War international system, where economic and technological globalization processes go hand in hand with fragmentation and the redefinition of ethnic, religious and gender identities. But given this structural context, the Turkish state, and women’s groups have exercised their own choices: that is they have both chosen to engage with each other in a limited way. The state has chosen to offer some compromise through greater openness and accountability for gender issues, while women’s groups have matured, begun to engage with each other, as well as to overcome their traditional mistrust of the state, especially in working with the new Directorate for Women’s Status and Problems.

Furthermore, transformation of sovereignty under the impact of globalization has opened political space for women (and other invisible actors) to become visible participants in international relations and subjects of international law (Sassen 1998: 81). According to Sassen, sovereignty and territoriality have become unbundled so that various components of sovereignty have been relocated onto supranational, nongovernmental or private institutions:

This brings with it a potential strengthening of alternative subjects of international law and actors in international relations, for example, the growing voice of NGOs and minorities in international forums can facilitate the ascendance of women whether individuals or collectives, as subjects of international law and the formation of cross-border feminist solidarities.

(Sassen 1998: 92–3)

Sassen makes a strong argument that a feminist critique of sovereignty should be developed because globalization is creating new openings for the
participation of nonstate actors and subjects. Once the sovereign state is no longer viewed as the exclusive representative of its population in the international arena, women and other nonstate actors can gain more representation in international law and contribute to its making (Sassen 1998: 94). An example is the Optional Protocol to CEDAW allowing complaints to be filed with the United Nations against states that do not protect the human rights of women. (This mechanism may only be used against states that have separately ratified the optional protocol treaty.) The Protocol allows individual women or groups to submit claims of violations to the Committee on CEDAW and a procedure that allows the Committee to initiate inquiries. This is an example where human rights begin to impinge on the principle of nation-based citizenship – thus membership in nation states ceases to be the only ground for the realization of rights.

From Global Norms to Local Interpretations

A number of studies have begun to show how gender construction and change in global governance needs to be contextualized and the connections between the local and the global probed. Gender relations exist within and across different levels of social organization – the family, the community, the state and international organizations – and therefore changes in gender identities and power relations cannot be understood unless one examines how they continue to be negotiated and challenged at different levels. One such study focuses on how Guatamalan women refugees are renegotiating their gender relations in the space opened up by the UNHCR’s attempts to integrate the protection needs of refugee women into legal definitions and refugee camp programs (Baines 2000).

According to the UNHCR (United Nations High Commissioner for Refugees), ‘protection of the rights of refugees’ is at the heart of its responsibility toward them. But the meaning of protection for refugee women in specific locations becomes less clear unless we understand the connections between the local and the global and the construction of gender by UNHCR as well as by local communities, and by the involved women themselves. According to Erin Baines’ study on UNHCR programs for Guatamalan women refugees in Mexico, the link between gender-related forms of persecution and the need for international protection has been obscured because the 1951 UN Convention relating to the Status of Refugees reproduces public/private distinctions prevalent in liberal political theory. As a result gender-related persecution has often not been recognized and the needs of refugee women have often not been met. Baines considers how the UNHCR has recently attempted to integrate refugee women into its protection mandate and asks whether these initiatives challenge traditional constructions of gender. She analyzes the relationship between

_________________________ Nüket Kardam/The emerging global gender equality regime 103
Guatemalan refugee women who started renegotiating their traditional roles and identities, and the UNHCR initiatives.

New studies on women’s initiatives in local governance in India (Gupta 2000) and sex trafficking in Japan (Hanochi 2000), all take global norms and issues, and trace them to local contexts. Gupta documents how women’s participation in local governance has gradually moved from mere presence in public spaces to a consolidation of their positions as legitimate actors in planning and decision-making processes. In the process, the definition of ‘governance’ and the perception that officials are primarily concerned with managing macro policies and directives from ‘above’ is changing to a more demand-oriented approach to development planning. According to Gupta, the women’s initiatives in local development have created a dynamic process of negotiation through which grassroots women’s collectives are building a new consensus, in which women are being seen as active partners in local governance. Gupta provides a fascinating example of how women began to change and renegotiate their own ‘participation’ demanded by donor agencies:

[Women’s] involvement (in development programs) is generally in the form of implementers who will ensure efficient service delivery, rather than as potential planners and decision-makers who will redesign development programs and then run them. Many women’s collectives, however, have accepted these terms of engagement. They have used their participation in government programs as an opportunity to build their capacities by learning about the program and understanding the administrative hierarchy that manages it. Once familiar with the officials and the program, women have provided constructive feedback on how programs can be modified to benefit them. In doing so women’s collectives have expanded their own spaces for participation. This in turn will provide new learning opportunities and feed into the creation of new terms of engaging with the state and more meaningful participation in governance.

(2000: 203–4)

CONCLUSION

Liberalism, specifically neoliberal theories of international regimes, ask about the conditions under which states collaborate and form international regimes, how convergent expectations among independent actors in an international issue area, such as human rights, environment or trade are formed. They acknowledge the role of transnational networks, international institutions, epistemic communities of experts in shaping state choices. I have applied the insights of this literature to explore the conditions that led to the emergence of a global gender equality regime, as embodied in global principles, norms and legal instruments related to gender equality and women’s human rights. Global women’s networks, together with multilateral and bilateral develop-
ment organizations, have been instrumental in shaping these global norms on gender equality by engaging in a learning process – framing issues, influencing negotiations by the information they provide and monitoring progress. I believe the neoliberal approach is important in showing how states may cooperate on international forums and agree to abide by certain norms (instead of cheat, defect or refuse) and what the processes that lead to cooperation are. But it tells us nothing about the norms themselves, their contestation in different contexts and the structures that support them and give them meaning.

Constructivism questions state interests, asking where they come from in the first place. Interests and identities are socially constructed and they presuppose normative structures that must be analyzed in their own right. Regimes, they argue, have not just regulative rules, but constitutive ones that do not necessarily explain behavior, but define acceptable behavior, enable actors to play the game and provide actors with the knowledge necessary to respond to each other’s moves in a meaningful way. Gender norms and identities are such constitutive rules. The complementarity between gender and the constructivist position is obvious. Many feminist scholars define gender as an analytical category like race, class and ethnicity, whose meaning is socially constructed. To adopt gender as an analytical category means to focus on the social and cultural construction of sexual difference. Every culture, society, historical epoch constitutes and interprets sexual difference in a certain way. Combining gender with a constructivist perspective thus would yield a very different research agenda than combining gender with the neoliberal approach. A constructivist gender analysis might focus, for example, on the power relations underlying the norm of women’s human rights, how the concept of human rights may be based on a western notion of self, or how the public/private distinction has prevented domestic violence from being defined as a violation of human rights. Or it might examine how gender norms and identities are shaped, contested and negotiated within different institutions. This is the only way that global gender norms as articulated by the United Nations and other international organizations, that are vague and general by their very nature, may be ‘filled in’, made sense of, interpreted and reinterpreted as they get transferred to and transformed by local contexts. By employing a constructivist perspective, feminist scholars have already begun to examine how global material changes may become opportunities for the introduction of new definitions, new interpretations for women’s movements as active agents. In short, I think that the neoliberal perspective gives us a better understanding of the external incentives needed to construct a global regime, while the constructivist perspective is needed to explore the nature of the ‘constitutive rules’ – filling in and applying global norms to local contexts by using gender as an analytical category that changes with different institutions over time. It seems that both are necessary for the success of global regimes.
Notes

1 The following discussion on how neoliberal perspectives in international relations enhance our understanding of the rise and maintenance of a global gender equality regime draws from Kardam (2002).
2 The journal International Organization has published many articles on International Regimes. For a review article see Hasenclever et al. (1996).
3 It is important to point out that states have been permitted to enter reservations providing that they are not incompatible with the general object and the purpose of the Convention. See http://www.un.org/womenwatch/daw/cedaw/states.htm
4 See http://www.un.org/womenwatch/daw ‘Gender Information Exchange (Genie)’ <genie@lyris.ids.ac.uk>
5 CEDAW like other human rights treaty commissions has adopted the practice of ‘constructive dialogue’ in examining reports by state parties because the only sanction it can apply is public scrutiny.

References

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