

2014

# Gendering Processes of Institutional Design: Activists at the Negotiating Table

Sheila Meintjes

Alice Brown

Valerie Oosterveld

Follow this and additional works at: <https://ir.lib.uwo.ca/lawpub>



Part of the [Law Commons](#)

---

## Citation of this paper:

Meintjes, Sheila; Brown, Alice; and Oosterveld, Valerie, "Gendering Processes of Institutional Design: Activists at the Negotiating Table" (2014). *Law Publications*. 95.

<https://ir.lib.uwo.ca/lawpub/95>

# *Gendering Processes of Institutional Design: Activists at the Negotiating Table*

SHEILA MEINTJES, ALICE BROWN AND VALERIE OOSTERVELD IN CONVERSATION WITH LAURA McLEOD AND RACHEL JOHNSON

The creation of new institutions can open up opportunities to bring about political change sought by marginalized groups. Feminists may want to seize windows of opportunity to advance a gender justice and equality agenda alongside other reforms. However, the negotiation processes through which new institutions are designed are often male-dominated and lack female and feminist voices. Even when included, women seeking to develop an agenda for transformation may be co-opted or muted by the embedded masculinity and institutional complexity of the sites in which they find themselves. These concerns were raised at a roundtable titled “Gendering Institutional Design Process and Negotiations” that was organized as part of the *Gendering New Institutions Workshop* held at the University of Manchester on 7–8 November 2013.<sup>1</sup> We asked gender advocates involved in the negotiation processes surrounding the design of three new institutions during the 1990s to reflect upon their experiences. The panel was joined by members of the audience, some of whom had negotiation experiences. The conversation presented here is an edited version of this roundtable discussion.<sup>2</sup>

All the panel members are academics who were involved as civil society representatives in formal processes of institutional change, all of which are often seen as success stories of feminist intervention. Sheila Meintjes spoke about her experiences as a member of the Women’s National Coalition involved in the drafting of a new Constitution for post-apartheid South Africa. Following decades of anti-apartheid struggle, formal multi-party negotiations from 1990 onwards resulted in an interim Constitution in 1993, South Africa’s first democratic election in 1994 and the subsequent drafting of a final Constitution by 1996. Alice Brown discussed the design of the new Scottish Parliament accompanying the devolution of powers from Westminster to

new national elected bodies in Scotland and Wales in 1997–98. These design processes built upon earlier civil society and political discussions around independence and devolution. Valerie Oosterveld reflected upon her participation in the international negotiations that took place in 1997–98 that led to the drafting of the Rome Statute and the establishment of the International Criminal Court (ICC).

The conversation between different activists involved in institutional design in various contexts highlights several comparative insights. As such, it expands the focus of the current literature on gender and institutional change, which tends to concentrate on single-case studies (for instance, Fearon 1999; Hassim 2007). We asked the speakers to reflect upon the practical realities of reaching the table and to recall what it was like for women once they were present, and in particular the pressures and responsibilities that they encountered in including gender concerns. Emerging from all three accounts was the importance of informal relationships that bolstered any official presence that women had achieved. In this respect academic women themselves played key roles, straddling activist and expert status. The conversation also presented insights into the changing nature of the women's movement, and reflections on the politics of being seen as (too) feminist, and of making demands as women in negotiation processes.

Laura McLeod: Can you tell us something about how you got involved in the negotiation processes?

Sheila Meintjes: In the 1970s and 1980s, the woman's movement in South Africa was diverse and included consciousness-raising groups among students and anti-apartheid activists, women's activism in trade unions and civic bodies, as well as women's organizations fighting gender violence and taking a stand against apartheid. That early organizing was crucial to establishing the Women's Coalition that formed in 1991–92.

Things changed very quickly after the exiled movements were unbanned in 1990 and came home. It was a bit of a dream. There was still some criticism on the left about liberalism and nationalism but it was tempered by the possibilities and the excitement of the constitutional talks, of creating a new state.

However, negotiations for a new South African constitution meant that a new distance developed between the people, those of us who were creating the new society on the ground, and the movements sitting around the table. That was the context in which the women in the political parties – who were close to the leaders – decided that what was needed to influence and to change the way in which these negotiations were proceeding, was a strong and united women's voice. A coalition of women's organizations would make demands on the negotiations, to take on board what women wanted and needed, and perhaps more importantly, to include more women in the negotiating teams.

The idea for a women's coalition came from cross-party women's leadership. The single most formidable person there was Frene Ginwala in the African National Congress (ANC), who had been close to the ANC leader Oliver Tambo in exile. She became the driver of all of this. Ginwala harnessed a team around her to implement the demands of the women's movement and I am proud to say I was one of the members of her team.

Alice Brown: There are a lot of parallels between my experience in Scotland and that of Sheila in South Africa during the 1990s. As an academic, I was operating in different sets of negotiations – some formal, some informal, some institutional and some as part of the broader women's movement and social movement arena. We were working within the context of a very male-dominated political culture in Scotland, based on the Westminster model of parliamentary democracy. There was also the widespread opposition to Thatcherism in Scotland, which acted as a way of bringing people together, from other political parties and civil society, to think about creating an alternative to the ideology in London. This included discussions to establish an alternative institutional structure for a new Scottish Parliament which we hoped would engender a new political culture.

Before devolution, the Labour government set up a consultative steering group in order to design the procedures and processes for the Scottish Parliament in advance of the election of its first members. This more formal approach emerged out of the realization that if newly elected members turned up on day one without a framework in place, there was the danger that they would just adopt Westminster rules by default. I was asked to join the group as an academic who had already given evidence to the Scottish Constitutional Convention and who had also served on one of their commissions that had looked at different electoral systems and at the possibilities for designing gender equality into some of these plans.

Laura: What did the steering group do?

Alice: The steering group was very important because it argued for four key principles to underpin the work of the Scottish Parliament, one of which was equal opportunities, but it also made recommendations for an equal opportunities committee within the Parliament, once established, and for an equality unit within the government itself. It was a group made up of people who had been very active in the devolution campaign, but we were being institutionalized in the sense that we were being brought in by the civil servants to help them design this new Parliament.

Laura: Valerie, how did you begin your work on the ICC negotiations?

Valerie Oosterveld: In 1997–98, I was involved in the negotiations to create the first permanent International Criminal Court, or ICC, in two different

ways. I was first involved in 1997 and early 1998 as an NGO representative. At the time, I was a graduate student at Columbia Law School in New York City, and I was asked by the Canadian NGO, International Center for Human Rights and Democratic Development, to represent it at the negotiations. I was undertaking graduate research in the field of international criminal law and gender issues, so I was asked to act within something new called the “Women’s Caucus for Gender Justice.”

In the summer of 1998, my involvement shifted. The Foreign Minister of Canada decided that he wanted to have a gender expert on the Canadian delegation, given the importance he placed on the gender-sensitivity of the Rome Statute. I was asked to join the Canadian delegation to the final set of negotiations on the Rome Statute, called the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, which ran from 15 June to 17 July 1998. What that meant, though, was that I went from being the lobbyist to being the lobbied.

Rachel Johnson: How did you operate as a member of the Women’s Caucus?

Valerie: At the time of the drafting of the Rome Statute, Canada’s Foreign Minister pursued a human security agenda. Part of that agenda included gender-sensitive international criminal justice. This meant that initially there was a common overarching point of view between Canada and the Women’s Caucus. When I was an NGO representative, I would approach the Canadian delegation and present the recommendations of the Women’s Caucus by drawing upon positive and negative lessons learned from the International Criminal Tribunals for the Former Yugoslavia and Rwanda. Often, the Canadian representative would agree with the lessons learned and would ask for suggestions for the wording of draft proposals. This meeting of minds between states (not only Canada, but many others) and the Women’s Caucus accomplished a great deal early on in the process: for example, in August 1997, the Women’s Caucus succeeded in getting five new references to gender issues added into the draft statute, followed by additional references in December 1997 and March 1998.

The Women’s Caucus itself adapted a consensus decision-making model. During my time with the Caucus, I was involved in many extremely long and challenging meetings, where we would hash out our positions for the next day. We got very little sleep during these negotiations because it would take so long to come to a consensus feminist position. And then, the next day, we would lobby on those positions, and then there would be a new day that we had to plan for as a result. It was a very productive time and the Women’s Caucus was growing rapidly to include hundreds and hundreds of organizations around the world. The Caucus was bolstered by a UN Human Rights Commission resolution in April 1997 that encouraged states involved in the ICC negotiations to take a gender perspective.

During my time with the Women's Caucus, it was relatively unopposed except by, in a quiet way, certain states that would indicate in corridor discussions that they did not really want the word "gender" to be in the ICC statute. That quiet and subtle opposition radically changed by the time of the final set of negotiations in June and July 1998, as Christian Right organizations became very organized, working with the Holy See and conservative Middle Eastern states to create a sustained public opposition to the gender provisions that had been already proposed and included in the draft statute.

Laura: Could you tell us more about how your change of role – from the Caucus to the Canadian delegation – altered what you did on a day-to-day basis?

Valerie: At the Diplomatic Conference, I would be approached by the Women's Caucus every morning and one or more members would update me on what their discussions had been the night before and their priorities for that day. I would also speak to other NGO representatives – for example, Amnesty International and Human Rights Watch. I would attend the Canadian delegation meeting, inform the other delegation members of the various NGO concerns on the current drafts of the gender-specific language, and the delegation would jointly formulate its own – Canadian – perspective, taking into account any directives from headquarters in Ottawa and developments on other issues at the Rome negotiations.

Initially there was some overlap between my past role as an NGO representative and my role on the Canadian delegation, simply because I had been deeply involved in drafting the final lobby document of the Women's Caucus in the months prior to the Diplomatic Conference (before being asked to join the delegation) and was therefore very familiar with the Caucus' point of view. As I became part of the Canadian delegation, there was less and less overlap; in that, from the point of view of the other diplomats, I was part of the Canadian delegation and, from the point of view of the Canadian delegation, I was a state representative sent on behalf of Canada to act in the various negotiations. I was not part of the collective strategy of the Women's Caucus any longer.

At the end of that whole process, in July 1998, the resulting Rome Statute was hailed for being extremely gender-sensitive, in comparison with the international criminal institutions that had come before it. So it was considered a good news story; it was considered that the ICC would recognize gender realities in a more fulsome manner than any other international criminal institution had done until that time.

Rachel: How did the process of negotiation work?

Valerie: The ICC negotiations were largely conducted by consensus up until the second-to-last day and the final day of the Diplomatic Conference. Our starting

point was the International Law Commission's draft statute, which was gender-neutral or gender-insensitive, depending on your point of view. The word "gender" did not appear in that draft statute, which, admittedly, was much shorter and more basic than the resulting Rome Statute. Therefore, every gender-sensitive addition had to be proposed. This fact, combined with the consensus standard, naturally put gender-sensitive states and activists at a strategic negotiation disadvantage because, if any proposal was opposed in any sustained manner, it would then have to be altered or watered down so as to reach consensus.

As the deadline for the end of the Diplomatic Conference, and therefore the negotiations, came nearer, tensions rose, as you can imagine. The exchanges with NGOs narrowed quite a bit and, by the end, the informal processes between diplomats became incredibly important. Most of the strategic negotiations had moved into what is called, in diplomatic parlance, "informal informals". Informal informals exclude NGOs and all states that do not have a direct interest in particular issues.

Laura: How different were the national-level negotiations in Scotland and South Africa as opposed to the international arena?

Alice: It is not every day that one has the opportunity to create a new parliament and particularly in peaceful circumstances. We asked ourselves, if the new Scottish Parliament was not going to be like Westminster, what is it going to look like? Women in the convention argued that women needed to be included in this new system in a meaningful way. We created a women's coordination group, bringing together women from different groups. This prepared the ground for what happened next.

The women involved in the devolution process recognized that the creation of this new institution provided a particular and unique opportunity to ensure that the new House was not predominantly occupied by men. This window of opportunity also helped persuade women from different political and non-political backgrounds to put aside their differences temporarily to work together in a strategic and coordinated way to achieve a more representative parliament. So the focus was very much on getting women into this new House, that is, we focused upon women's representation. But it was also part of a vision about new politics, and public debate about what to do when you got a new Parliament and what difference it could make to the lives of women, men and children. We argued that if Scotland itself had a democratic deficit, in terms of representation in Westminster, then women had a *double* democratic deficit because we were not even there [at Westminster]. And we were successful in putting women's representation high on the political agenda. The issue became relevant within parties, in that it became a matter over which they competed, and it also attracted significant media attention.

We had a vision for a new Parliament, with new ways of working that would be more accessible and more attractive to women. A lot of ideas emerged from

a 1992 conference called *Changing the Face of Scottish Politics*, where people imagined the difference that having a new Parliament with equal representation could make. They imagined how policies could be different if you had a “female” perspective on different policy issues and not just those areas of policy traditionally associated with women.

Rachel: Did you operate by consensus too?

Alice: We sought consensus on the key objective of getting more women into the new Parliament and decisions were collectively taken at meetings of the coordination group. We attempted to build alliances by using discussion and evidence to support the case for positive action, to ensure that this once in a lifetime opportunity was not missed. We had clear objectives, clear priorities. But of course the strategies also involved obtaining the support of key men in the constitutional process and also engaging the media.

I was both an insider and an outsider in both of these processes as I was involved with both the formal, institutionalized part as well as the more social movement part of this process.

The main pressures came in negotiating a position that the majority of women could support, and that was not always easy or successful. There were still big differences based on nationalism, left/right politics and so on, and with some women it was very hard to get beyond that.

Sheila: We faced similar issues in South Africa. The key idea of an independent coalition, the Women’s National Coalition (WNC) as it came to be called, was that it would embrace groups from all parts of political life in South Africa, spanning both the far left and the far right – civil society organizations, the churches, religious groups, rape crisis centers, federations of women’s institutes, burial societies and savings clubs. Even Afrikaner women’s associations were part of the process. And I cannot tell you what it was like, sitting around a table with people who had been supporting the boys on the borders and, on the other side, those who had been fighting. We sat around the table and we identified the subject on which there was agreement. Gender equality in the Constitution: that was it. That was what we could agree on; we agreed that we would have a Charter or some other document that would embrace gender equality in the ways that women wanted.

The WNC held – any social scientist would think it was crazy – something like a thousand focus groups throughout South Africa between February and August 1993. We accessed two million women. It was an incredible process, a mobilizing and education campaign accompanied by a research process to elicit demands, hopes and dreams. Trying to do both together did not always work. It was messy, but a small group of us managed to pull together the Women’s Charter for Effective Equality. Time was of the essence, and several of us spent days and nights creating a draft that went to all the regions. The research group traveled around the regions to present and



discuss the Charter before the Convention was held to ratify the final version, just before the elections.

The other major contribution of the WNC was to debate the institutional design that would be necessary for promoting and protecting Gender Equality. What did we want in the post-Apartheid period? So we had all these demands, but how were we going to implement them? This was where we drew in international dimensions. We had a huge conference in May 1993 that brought in people from all over the world to share their experiences. But we had already decided, actually, what institutional design we wanted! We just wanted everybody to corroborate that our design was going to work.

Laura: What was it like to be involved at that moment of change?

Sheila: It was exciting! It was like living on the edge. In the 1980s there was this sense within our organizations that we were really creating a new society from the ashes of the old. In the Cape, for instance, in the United Women's Organization (formed in 1981), we had creative groups that put on plays about the double shift and we invited all the men to come. We lampooned men who came home demanding to be fed and served. Our partners ran a crèche at all our meetings; they did the cooking. We discussed and debated what participatory democracy would be like, from local to national. It was more than a great story – it was a great time.

Alice: Well it was fun, it was exciting, but it was also damn hard work because all of us were doing this in addition to our daily jobs. And it required a strategic and a coordinated approach based on this vision, this aspiration and the motivation of people involved. It needed sustained effort and the making and the remaking of the arguments in different arenas, and the writing and the rewriting of papers. We thought things were agreed, we thought things were institutionalized, but often they were not. The sections in relation to gender were written out and we had to keep writing them back in again.

Fiona MacKay (University of Edinburgh): What has struck me is the amount of groundwork laid in all three cases, and how important resources have been, not simply monetary but in terms of relationships. It seems there is a confluence of factors which when combined with an opening, even a short or compromised opening, enabled change.

Rachel: Yes, how important were relationships and resources in getting gender on the agenda?

Sheila: For us in South Africa, relationships were important. We had already, in a sense, convinced the internal movements that gender equality was really important. It was the exiles that we had to draw in.

International conventions were a really important resource and bargaining tool for us as well because we signed the conventions early on, after the 1994 elections.

The WNC received a lot of funding from abroad. We were the flavor of the month in the 1990s. We had a huge amount of money to mount our campaign, and we had office staff for two years. So we were well resourced in that sense, but we were very carefully monitored by the international community. I think that did make a difference in the way in which the institutions were set up. Our vision for the gender machinery was one that the government just took over holus-bolus and it just pushed through what we wanted as a Coalition. The strong consensus about the gender machinery grew from the manner in which the WNC was structured, and enabled a collective perspective to be established that included the thinking of a range of academics, activists and political party members.

Alice: I think we were relatively lucky in the sense that the women's committee of the Scottish Trade Union Congress, the STUC, took a central role. They were already organized and the STUC played a central role in the constitution-building itself by bringing the women's groups together, creating the women's coordination group. The leader of the STUC at that time, Campbell Christie, was very supportive of women in the campaign and indeed was one of the campaigners. The STUC also provided the secretariat.

The women involved agreed on a plan and on a division of labor. Some women provided sandwiches for the meeting, others baked cakes, and I always remember one woman who came along to every meeting, did not say very much, ate the sandwiches, and did her knitting. I never quite worked out who she was and what her contribution was! But my role was clear, it was to provide evidence from research studies and international examples to support the case for women's representation, and crucially to understand the mechanisms that would make it happen.

Valerie: Relationships were also important in the Rome negotiations: for instance, we would strategically align ourselves with certain states. The members of the Canadian delegation at the Diplomatic Conference were given a certain degree of autonomy. For instance, I was asked to negotiate the provision on whether there should be a balance of male and female judges. My directions were general: to ensure that the resulting language promotes gender-sensitive justice. I worked very closely with likeminded state representatives like Cate Steains and Indira Rosenthal from Australia, with US diplomats and others who were pressing the same points of view.

Laura: How did you get gender issues onto the agenda?

Sheila: In the Women's National Coalition our problem was that we did not interact officially with the technical people who were in the back rooms

drawing up the Constitution, for instance, and were not always sitting at the negotiating table. So it was at the last minute, that a key drafter, Fink Haysom, who had been a legal activist during the apartheid years, “one of us,” reached out to one of our legal team members, Cathi Albertyn, and said: “Oh my God, we haven’t got anything on gender in the Bill of Rights.” Her response was: “What do you mean? We’ve been talking about gender equality for a long time! Here they are, sixteen points outlining substantive issues around gender equality – put it in.” Those were the kinds of personal relationships that were really important. But it was at the eleventh hour, it was the day before the Constitution was to leave the desk and gender was not in there!

Fionnuala Ni Aoláin (University of Minnesota and University of Ulster): Same in Belfast!<sup>3</sup>

Sheila: Provision for the Commission for Gender Equality was put in at the last minute, and we had been talking about it for *years*, you know. So in a way, what happens – and it is very important – is that the feminists have talked and agreed amongst ourselves, but it needs to go beyond that.

Fionnuala: I am extraordinarily struck by the fracturing and the loss of that international women’s movement over the last decade, as we see in the crisis of funding and in the lack of capacity to network at international conferences. In the context of contemporary post-conflict settings, the loss of a vibrant international women’s movement, and weakening and fragmentation of that movement, is actually a significant loss for the national level; and it is affecting, I think, institutional capacity.

Monica McWilliams (who was elected to represent the Northern Ireland Women’s Coalition during the negotiation talks leading up to the Good Friday Agreement of 1998) and I have talked about this. She describes how the women’s movement in Belfast in the 1960s and 1970s was a cooperative and non-professionalized space in which women’s activity worked. And that, in some sense, enabled presence in ways that the professionalization of the women’s activist space no longer does. So we all wear suits now and we sound like the boys. We arrive unencumbered by childcare responsibilities (even if that is not the reality). I am wondering how that affects the design and potential of engendering processes and the moves toward inclusion. There is a question, to me, around what the institutional trade-off has been for feminists to be in that negotiating space in the first place.

Rachel: So did the institutional context of the negotiations mean that you had to present your gender or feminist goals differently?

Sheila: What is interesting about the ways in which gender performativity operates is how it varies within the settings that we have found ourselves in. The nature of the gender relations within the ANC were highly politicized

and very complex. We were dealing with tradition and customs and, through the WNC, we were pushing something that was completely alien. The face-to-face relationships were really important in that context. The trust that had been built up over the years was indeed very significant.

Alice: People then were very active and thinking about different ways of organizing their lives. I think back to the 1970s when we thought for a time that we were oppressing our children by bringing them up in nuclear families, and that it would be a good idea for us to go off and join communes. I remember that I went on one holiday with friends to this commune in south-west Scotland and my daughters tell me it is one of the most damaging experiences they had growing up! I subjected them to a house full of strangers – a house they thought was dirty, and where there was no food! And it is funny when you reflect back and you think of some of the things that mobilized you at certain times and wonder where all of that radicalism has gone.

We have often been asked why we concentrated on representation – a very liberal demand – rather than, for instance, women’s reproductive rights. But for us at that time, it was not an either/or because one was seen as the means to an end.

Valerie: Sometimes gender limitations are a result of the very process of negotiating. The penultimate day of the ICC negotiations saw Canada, Chile, the United Arab Emirates and Saudi Arabia basically directed to work together to find a definition for the term “gender,” which had become incredibly politicized. We were, of course, from diametrically opposed positions, where one side wanted the word “gender” out and the other side wanted it in with a sociological understanding that also included sexual orientation. Given the need to come to an agreement, the end result is a very opaque definition, reliant on what diplomats call “constructive ambiguity.”

Rachel: Do you have any reflections on the process and what you might have done differently?

Sheila: The Women’s National Coalition did not last beyond the moment that we actually put this Women’s Charter together and the elections. The ANC was always going to win those first elections, so we were intent on forming alliances with the men in the organization, which we did and the Women’s Caucus in Parliament put through a plethora of legislation that was seen as progressive. So, one might say that a feminist lobby maintained its influence, to some extent. Many individuals went into Parliament and others worked in institutions. I became a commissioner for Gender Equality; various other people entered politics or the administration. But the unity of purpose and the activism did not last. The institutionalization and the progressive nature of the feminist project was demobilized as organizations morphed into the party or “NGOized.”

The WNC was a creature of its time, useful to the leading women in the ANC, and so did not have any real independence. The Commission on Gender Equality (CGE)<sup>4</sup> worked very well for about a year after it was set up in 1997, but then there was a crisis when the first Chairperson was “deployed” elsewhere. Leadership degenerated into appointments for veterans of the struggle. When I was appointed to the Commission in 2001, the CGE had become dysfunctional, and has limped along ever since, with successive Commissioners valiantly trying to turn it around. I am now quite cynical. Institutional design is problematic in my view. I think that we need it, but I am not sure that it really works.

Alice: The day that the Scottish Parliament opened, when so many women literally burst through the door and took their seats, was emotional because that moment kind of encapsulated all the hard work, and the impact of the work that had gone on.

But I think women activists may have underestimated the power and the impact of this Coalition of Women, and as a result failed to fully capitalize on it. There was no Women’s Caucus, or anything similar, after the Parliament was established, and that was one of the things we had hoped might happen. Perhaps we should have done more to realize one of our central ambitions, which was to create a women’s center, a meeting place for women outside the Parliament that could support the women in Parliament. There was a real recognition of the importance of a lot of these things, but we did not have the resources, or perhaps people got tired of actually pushing these things forward.

Also we should perhaps have been more proactive in our succession planning to help assure the sustainability of the campaign beyond the first Parliament. In a sense what we needed was a new campaign for the next stage, because we did a lot of the campaigning that Sheila talked about: conferences; lobbying; we produced things that were called action plans for political activists. All that stopped once the Parliament was established and the women were actually in there.

But I hope that those of us who went into government or public bodies afterwards had some impact in those institutions. So the movement itself may have fragmented, but I think we took with us a different kind of way in which we did the job. The support that you give other women in these institutions should not be underestimated. You are sensitized to the gender and the feminist agenda and even though you are in the institution, it does not mean that aspects of radicalism are completely forgotten.

Valerie: In hindsight, I wish I had known that “gender” would become so incredibly contentious. Due to the realities of consensus negotiations, it might have been strategically helpful to put on the table more than we (as states representatives, as gender advocates) wanted, so that, when we were negotiated down, we were left with more of what we really wanted. Secondly,

I wish that we had planned ahead more for potential skirmishes, so as to be more prepared for the disagreements with the Holy See and conservative Arab states.

Alice: But, when it is all happening, when you are involved you are not theorizing, you are not analyzing and perhaps, this is to the detriment of some outcomes, but it is the politics of the moment. And as you say, time is crucial; you sometimes just had hours, days, minutes to produce something. Even though it was not going to be perfect, you hoped that it was at least asserting a feminist women's agenda. Framed in the more acceptable language of equality, the document could get some of the more radical demands through.

Valerie: That is true. The Women's Caucus was already a complex tapestry of organizations. Sometimes the women actually present in the negotiations had been selected from a particular country to bring the views of many national groups to the international negotiations, and these women had to boil down what they were asking for as the Caucus worked to reach feminist consensus. So this process was difficult for the women. And of course, we would have liberal feminists and radical feminists and we did not necessarily agree. But we came to the conclusion that the train is in the station, the train is leaving the station, if we do not jump on the train right now, what is going to be the outcome? We will not be able to change it afterwards, so let us try and change it now, which I realize has its own inherent flaws.

We thought, to be honest, that what would happen is that we would push for keeping the term "gender" on its own, without anything attached to it and then our fall-back was the Beijing non-definition because the Holy See had accepted that before. When it was rejected, we were not adequately prepared with research into various definitions of gender used internally within the UN or outside of the UN. Maybe we could have inundated the table with those definitions to come to a solution. On the other hand, what we were asked to do – come up with a state-drafted definition of the term acceptable to all – was new, so we had to walk the fine line of not alienating states.

Laura: Is there a fear of being seen as "too feminist" or asking "too much" by people whose support you need?

Valerie: Yes, there is that fear. For example, I was critiqued by the Christian Right representatives, who called me "that radical feminist," yet within the Women's Caucus I was sometimes viewed by radical feminists as being too liberal. So it was challenging to figure out exactly what line we were going to walk and which views would succeed in the discussions.

Alice: One of the media people called me one of the witches of devolution. So I was a witch. In the Scottish context, we asked for a lot from a liberal demo-

cratic perspective because to ask for fifty/fifty is still quite a radical demand in the UK political system, and indeed elsewhere. And so I make no apology for that. In that sense, we did set our sights high. What we also asked for was change in legislation; we wanted equality dimensions built into the Scotland Act. We had our own legal advice from feminists and constitutional lawyers, which was trumped by legal advice that the government of the day obtained. At that point in time, the leader of the Labour Party in Scotland, Donald Dewar, said: “well I would do it but I cannot do it because my lawyers have told me this.” So even with the support of quite a few prominent MPs in the Westminster Parliament, we lost these battles. So our demands were larger than what we got and at the end of the day, we had to accept that we were not going to get everything that we wanted.

Sheila: Well we asked for a lot, and we did not get it all. We asked for our Charter to be part of the Constitution and it was not.

## CONCLUSION

In conclusion, we can draw out a number of implications from this conversation for how we understand negotiation processes as being gendered. In all three cases there were women who saw themselves as addressing prior exclusions. This motivated and framed their interventions. Whilst having individual women “at the table” mattered, institutional change is never a one-woman show: relationships and being part of a bigger movement matter, not just in terms of resources, but also in terms of generating momentum and excitement. Certainly, there are powerful affective qualities to be gained from being part of a collective (Ahmed 2012, 36). Perhaps most significantly, these experiences highlight the fragility of making and retaining formal institutional changes: the accounts refer to many moments where opportunities and gains were precarious. It is hard work to ensure that gender gets onto and stays on the agenda, but the first step is to get women acting for women at the negotiating table and to mobilize others to support them.

*Laura McLeod*  
*University of Manchester, UK*  
*Email: [Laura.mcleod@manchester.ac.uk](mailto:Laura.mcleod@manchester.ac.uk)*

*Rachel Johnson*  
*University of Manchester, UK*  
*Email: [rachel.johnson-2@manchester.ac.uk](mailto:rachel.johnson-2@manchester.ac.uk)*

Sheila Meintjes  
University of the Witwatersrand, South Africa  
Email: [sheila.meintjes@wits.ac.za](mailto:sheila.meintjes@wits.ac.za)

Alice Brown  
University of Edinburgh, UK  
Email: [abrown@sfc.ac.uk](mailto:abrown@sfc.ac.uk)

Valerie Oosterveld  
University of Western Ontario, Canada  
Email: [vooster@uwo.ca](mailto:vooster@uwo.ca)

## Notes

- 1 The research, and the workshop, has been supported by the European Research Council (ERC) which provided financial support under the European Community's Seventh Framework Programme (FP7/2007–2013)/ERC grant agreement No.295576-UIC for the project "Understanding Institutional Change: A Gender Perspective". For more on the project please see [www.manchester.ac.uk/uic](http://www.manchester.ac.uk/uic).
- 2 This is not a verbatim transcript. Contributors were consulted during the editing process, but final revisions were made by Laura and Rachel.
- 3 Many of the demands of the Northern Ireland Women's Coalition made it into the Good Friday Agreement in the final hours of negotiations (Fearon 1999: 115–121).
- 4 The CGE was established through the new South African constitution.

## Notes on contributors

Laura McLeod is a postdoctoral research associate at the University of Manchester, UK, funded by the European Research Council for the project "Understanding Institutional Change: A Gender Perspective." Her research explores the role of gender inclusion and exclusion in peace negotiations in Bosnia-Herzegovina and Northern Ireland. She has also conducted research on gender security discourses and UNSCR 1325 in Serbia. She has articles in *Security Dialogue* and *International Feminist Journal of Politics*, and her book *Gender Politics and Security Discourse* is forthcoming. She is the convenor of the BISA Gendering International Relations Working Group.

Rachel Johnson is a postdoctoral research associate at the University of Manchester, UK, funded by the European Research Council for the project "Understanding Institutional Change: A Gender Perspective." Rachel's work focuses on the gender dynamics of contemporary political history in South Africa. Her work has been published in *Signs: Journal of Women and Culture*, *Democratization*, *Social Dynamics* and *Feminist Theory*. She is



co-editor of *Democracy in Practice: Gendered Ceremony and Ritual in Parliaments*, forthcoming.

Sheila Meintjes teaches feminist theory and politics at the University of the Witwatersrand. She was involved in anti-apartheid politics in rural and women's movements, and was a Commissioner on the South African Commission for Gender Equality from 2001 to 2004. She has sat on numerous boards of NGOs working for social justice, gender equality and against gender violence. She has published on post-conflict and gender politics, co-editing *The Aftermath: Women in Post-Conflict Transformation* (2002), *One Woman, One Vote: The Gender Politics of Elections* (2003), *Women Writing Africa: The Southern Region* (2003) and *Women's Activism in South Africa: Working across Divides* (2009).

Alice Brown is Chair of the Scottish Funding Council. She is Emeritus Professor of Politics at the University of Edinburgh, UK where she was previously Head of Department of Politics and a Vice-Principal, as well as Co-Director of the University's Institute of Governance. Alice has played an active role in public life in Scotland and the UK and she was the first woman to be appointed as General Secretary of the Royal Society of Edinburgh in 2011.

Valerie Oosterveld is an Associate Professor at the University of Western Ontario, Canada. Her research and writing focuses on gender issues in international criminal law. Prior to joining the University of Western Ontario, Valerie served as a lawyer in Canada's Department of Foreign Affairs and International Trade, focusing on international criminal justice institutions, including the International Criminal Court. She also served on the Canadian delegation to the Rome Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court in 1998.

## References

- Ahmed, S. 2012. *On Being Included: Racism and Diversity in Institutional Life*. Durham: Duke University Press.
- Fearon, K. 1999. *Women's Work: The Story of the Northern Ireland Women's Coalition*. Belfast: Blackstaff Press.
- Hassim, S. 2007. *Women's Organizations and Democracy in South Africa: Contesting Authority*. Madison: University of Wisconsin Press.