

The New Competition in Multilateral Norm-Setting: Transnational Feminists & the Illiberal Backlash

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ment of global governance. In spite of the marked male dominance of multilateral institutions and disciplines (diplomacy, peace- and war-making, trade), global institutions also constitute a valuable “transnational opportunity structure” for feminist activism using normative and legal strategies to make gender equality norms persuasive in global goal-setting.¹ Global institutions, in turn, have stimulated transnational activism among feminists, providing opportunities for building common cause, providing a focus and location for advocacy (for instance, the UN World Conferences on Women series between 1975 and 1995), providing fund-

states and multilateral institutions were forming increasingly effective “transnational advocacy networks” or “velvet triangles” of insider-outsider policy change champions.⁹ Writing in 2006, political scientist Aili Mari Tripp noted, “In the past two decades we have witnessed the evolution of an international consensus around particular norms regarding women’s rights” that has made a range of international institutions “intent on changing women’s status and removing key impediments to women’s advancement in almost every arena.”¹⁰ Reflecting on the creation of UN Women in 2010, which merged four marginal UN entities and elevated its new executive director to the same rank as leaders of other UN agencies, international relations and gender scholars Gulay Ça lar, Elisabeth Prugl, and Susanne Zwingel wrote: “Together, the UN and feminist activists have formed a unique apparatus of international governance that has made possible remarkable changes in gender regimes.”¹¹

This gender mainstreaming apparatus (of which UN Women is one expression) is not without its critics. Legal scholar Janet Halley has derided it as establishment-based “governance feminism.”¹² Her critique implies that not only does institutionalized feminism legitimate some of the global systems that create oppression (neoliberal growth strategies, militarization), but it risks reproducing some patriarchal gender and cultural essentialisms. Legal scholar Ratna Kapur has argued that this happens through the constant effort to make feminist objectives intelligible to policy-makers either by instrumentalizing women as useful to every policy objective, from poverty reduction to counterterrorism, or by focusing on women as victims, in what she labels “subordination feminism.”¹³ According to Halley: “Merging into the mainstream can efface the feminist fingerprints

feminist activists who engage with international institutions, some of whom have maintained a productive insider-outsider tension to keep gender equality policy from deviating into paternalistic approaches. After the 1995 Beijing conference, there was a drift in feminist transnational activism away from UN-related activism and toward independent arenas such as the World Social Forum or regional, national, and local work.¹⁶ In part, this was because of frustration about the sidelining of the Beijing Platform for Action in international policy-making, which shifted wholesale to the Millennium Development Goal (MDG) framework just a few years later. Unlike the Beijing Platform for Action, the MDGs lack a critique of neoliberal growth strategies and were designed without consultation with transnational feminist groups. From a women's rights perspective, they were seen as

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a ninety-page guide to recommended conservative positions on family-related matters in UN negotiations. This manual, which covers more than eighty topics from abortion to youth sexuality, is updated annually by the conservative NGO Family Watch International.²⁶ According to an interviewee from AWID, the Alliance Defending Freedom, identified by the Southern Poverty Law Center as a hate group because of its anti-LGBT positions, also provides documentation and training to support conservative positions on international law.²⁷ It was also after this point (in 2012), according to a European Women's Lobby member from Turkey, that important countries (Turkey, Egypt) started to eliminate feminist civil society participants from their CSW delegations.²⁸

Shortly after the impasse at the CSW in 2012, Ban Ki-moon, then UN secretary-general, asked the General Assembly if it would like to see a Fifth World Confer-

sibilities as mothers. Since 2015, a “Group of the Friends of the Family” (GoFF) has cooperated on this agenda. Depending on who is counting, this is a group of twenty-five countries (according to the GoFF website) or 112 (according to one anti-abortion website).³² The group is a mix of countries with Muslim-dominant populations (Egypt, Saudi Arabia, Malaysia, Iran, Iraq), former Soviet countries (Belarus and the Russian Federation itself), several prominent African countries (Uganda, Sudan, Zimbabwe), very populous democracies (Nigeria, Indonesia, Bangladesh), and one Catholic-dominant country (Nicaragua). The Holy See is a consistent if informal presence. These are the countries that successfully coordi-

and market fundamentalisms to reject the gender and class redistributive potential of social protection.

The original concise negotiating draft of policy conclusions—the six-page “zero draft”—was subject to so many textual inserts and nonnegotiable “red lines” in the March 2019 negotiations that it expanded to one hundred pages. This textual bloating happens every year, but UN Women insiders said they had never seen such extended or aggressive edits, and observed a coordinated strategy of creating chaos to make negotiating agreed text next to impossible in the two-week time frame.³⁶ Beyond objections to proposals for gender-equal social protection systems, the United States joined Saudi Arabia, Bahrain, Malaysia, and the Russian Federation to demand removal of fairly standard provisions such as the use of the word “gender,” a reaffirmation of the Beijing Platform for Action, and references to sexual health and reproductive rights, to comprehensive adolescent sexuality education, and to portable social security benefits on migration.

The facilitator of the negotiations, Kenyan Ambassador Koki Muli Grignon, generated a compromise document at the end of the negotiations that did not jettison previously agreed commitments to sexual and reproductive health services and to comprehensive sexuality education for adolescents. On the final night of the CSW (March 23), Saudi Arabia and Bahrain, members of the Commission, registered a refusal to join consensus. Their identically worded statements listed the core elements of women’s rights to which they objected:

Specifically, multiple references to sexual and reproductive health and reproductive rights. Promotion of sexual rights and related issues that had never garnered consensus. Refusal to recognize parental rights language. Refusal to recognize the family as the natural and fundamental group unit of society. Failure to fully reflect the role of the family in protecting women and girls. Promotion of sexuality education to children, despite its irrelevance to the theme. Focus on ambiguous terms, such as multiple and intersecting discrimination. Lack of language on national sovereignty. Lack of balance on addressing the issues of violence. Overall issues of transparency and failure to give sufficient time to controversial issues.³⁷

However, this repudiation of so many aspects of women’s rights was delivered at the wrong point in the negotiations, not at the point when the chair called for objections, which meant that Saudi Arabia and Bahrain failed to block the agreement, and so the agreed conclusions document was adopted. This procedural “save” meant that previously agreed normative language was preserved for another year, but it was a close call and the mistake will not be repeated. A unita

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For transnational feminist activists, the CSW has now become a space in which women's rights are vulnerable to reversals. According to an activist in the transnational gay rights organization ARC International, "The outcome of CSW is almost a joke. It lags far behind other parts of the UN like the Human Rights Council (HRC) and even the General Assembly, which have stronger language and go much further than the CSW agreed conclusions."³⁹ An

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The twenty-three-member CEDAW committee has always been a focus for civil society activism, and the multiplication of general recommendations that expand the remit of the original treaty have provided useful entry points for addressing significant differences between feminists. A general recommendation on trafficking under negotiation in June 2019, for instance, provided for agreement about the need to defend the human rights of sex workers, in spite of differences between abolitionists who seek to outlaw sex work a

rights advocate Ipas to improve forensic accounting techniques to track funding of antifeminist initiatives.⁵¹

Two new arenas in which feminists have engaged to combat conservative activists are disability rights and indigenous rights. Both pose important challenges for feminists. Feminists have faced troubling implications of their positions on abortion rights when abortion has been used sex-selectively, or for aborting disabled fetuses. CREA has engaged closely with the annual Conference of States Parties to the Convention on the Rights of Persons with Disabilities. A CREA activist notes: “Prenatal testing, technologies that enable us to see the fetus as so present and real... the right have used these to attack us.... The bulk of the disability movement is antichoice.” Unlike the right, however, CREA has engaged with disabled women on the question of their sexual and reproductive health and rights, and in October 2018 produced, in partnership with the International Campaign for Women’s Right to Safe Abortion, the “Nairobi Principles” recognizing the agency of disabled women in making sexual and reproductive choices.⁵²

Indigenous women’s rights are another area of conservative mobilization. This raises challenges for feminists because the emphasis on the rights of collectivities over individuals undercuts a powerful feminist tactic of insisting on women’s equal rights as individuals. Collective rights framings have been used by conservative groups at the HRC to defend culture and traditional values in ways that can subordinate women’s rights to the traditional family. In response, connections between transnational feminists and indigenous rights leaders have formed around global campaigns to protect women human rights defenders, including those, like indigenous activists, protesting the environmental damage caused by extractive industries.

Engagement on these issues is difficult but strategic because it denies conservatives opportunities to gain ground on issues that are off many feminists’ radar. Reflecting on her experience at the UN’s annual meeting on disability, the CREA activist observed: “We were one of the only feminist organizations there. There had been zero conversation up to then about disabled women’s sexuality. It was a highly male-dominated space. That is solidarity-building. That is alliance-building in the face of the right-wing co-optation of the disability movement.”⁵³

One of the biggest constraints on this type of strategic engagement on new issues is a lack of funding for feminist organizations to address and even mediate their differences. All the Global South–based transnational advocates I interviewed mentioned the significance of specific funding initiatives such as the Netherlands’ €77 million MDG 3 fund launched in 2008, at the time the largest single fund available to support strategic planning and networking between feminist organizations. Subsequent initiatives such as the 2016–2020 Dialogue and Dissent funding window and the related “Count Me In!” series of coalition-building strategic encounters are intended to enable feminists to address their differences on the issues used by conservatives to divide them.

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June 2019 Women Deliver conference in Vancouver attracted some nine thousand attendees and spurred the commitment of \$650 million CAD by the Canadian government and private donors to support gender equality. In October 2020, AWID will hold one of its huge triennial global meetings. Massive global feminist gatherings take place without multilateral engagement, raising questions about the value-added of the “Generation Equality” events.

UN Women, France, and Mexico propose to use this global process to identify serious remaining gaps in the achievement of women’s rights and to form “action coalitions” with funding and five-year programs to close these gaps. These coalitions will build on the comparative advantage of specific private-sector actors, civil society organizations, state and multilateral institutions, and even private individuals such as celebrities to mobilize funds to address stubborn gap areas such as the gendered digital divide, or climate action, or the impact of corruption and tax evasion on resources for gender equality.

Behind these proposals is an acknowledgment of the extent of polarization globally on women’s rights. UN Women clearly feels it cannot rely on a liberal consensus between nations to advance state responsibilities to promote gender equality. The call for engagement of the private sector and even prominent individuals implies a shift in the understanding of the mechanics of policy change and in the power and cultural roles of state authorities. Global corporations and wealthy individuals command more resources than some states. Celebrities can recommend actions to fan bases that are bigger than some countries’ populations.

The “action coalition” proposal is an alternative to the paralysis in multilateral negotiations, but it has generated unease. According to an activist from Just Associates, which supports women human rights defenders: “There is pressure to work with companies, private foundations. These are nontransparent, nonaccountable actors with objectives very different from ours. If we find member states to be fickle partners, what can we expect from private actors?” However, she acknowledged that building alliances with unconventional partners is essential: “We’ve been cut off at the knees because we have been preaching to the choir. . . . We need to forge new relationships with actors that can push strategic issues.”⁵⁷

In the face of a ferocious backlash and the rapid reinstatement and acceptance of patriarchal norms in some states and communities, transnational feminists are confronting the issues that divide them more openly than ever before. Whether a global convening in 2020 can hold back this reactionary tide depends on the extent to which transnational feminists engage with it and the extent to which systems are developed to ensure that “action coalitions” are held accountable for meeting gender equality goals. As a representative of FEMNET (the African Women’s Development and Communication Network) argued: “Celebrating gains when space has shrunk for autonomous organizing is perverse and problematic. We cannot have bureaucratic elites in the UN or member states decide on

priorities. . . . We know the trends, we know what to fight for, what is strategic. When so many other forces are limiting us, we cannot be limited by UN Women.”⁵⁸





