Rethinking Women’s Empowerment: A Critical Appraisal of Gender Mainstreaming in International Human Rights Law

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Although often understood as primarily an emancipatory discourse, human rights also make claims of empowerment (UN OHCHR 2005). That is, the rights-based framework is employed to simultaneously argue for liberation and freedom from oppression as well as development and capacity building. Without getting into what I believe is a less than useful categorization of negative and positive rights, I would like to note that while they are fluid and intertwined, emancipation and empowerment are two dimensions of the same human rights project.

In this paper, I will focus on the empowerment dimensions of the human rights project. In particular, I will explore how international human rights law, as constituted by the resolutions and policies of the United Nations (UN), conceives of women’s empowerment. I will begin by introducing gender mainstreaming, the dominant discourse of women’s rights among international institutions, as well as the feminist theory foundations from which it stems. I will then apply this feminist lens to a reading of a number of texts by international institutions, including resolutions, definitions and statements, in an attempt to outline the parameters of gender mainstreaming and

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1 This reading of emancipation and empowerment comes from a personal intuitive grasp of the terms, and is not the only possible way of understanding these concepts. Though both terms have various technical and theoretical definitions, their use in this paper is simply to indicate the shifting focus of human rights in addressing both “freedom from” and “freedom to” questions.

2 A typical division made in human rights is between ostensibly negative and positive rights. The difference between the two is that in the former, the government is charged with protecting citizens from certain designated violations, whereas in the latter the government must secure an individual’s right to certain conditions or actions. Negative rights are generally understood to place no additional burden on the government, whereas positive rights require that the government take additional steps and make expenditures. This distinction, however, has been dismantled by showing that certain rights that can be perceived as negative, such as the right to a fair trial, do actually involve positive governmental action, such as training and paying the salaries of staff, maintaining court houses and detention facilities and so on. That is, both negative and positive rights contain negative and positive dimensions. In considering the projects of emancipation and empowerment separately, I do not mean to imply that they are separate goals in and of themselves, but rather that human rights have both emancipatory and empowerment dimensions that at times are discernible.
some of its most salient debates. In this paper, I will offer a critique of gender mainstreaming as the hegemonic strategy for women's empowerment within international human rights law. I will seek to dismantle the notion of mainstreaming as a sufficient and effective strategy for advancing women's rights by demonstrating the limitations and problems associated with this policy. I argue that gender mainstreaming is at once both under and over inclusive, particularly when studied in light of the feminist positions to which it seeks to respond. In focusing on the dimensions of “gender perspective,” “women mainstreaming” and “gender(ed) equality” that constitute the core constructivist aspects of gender mainstreaming, I highlight the ways in which disruptive narratives are marginalized, gender is reduced and naturalized as a man-woman binary and systems of oppression go unchecked. As such, this paper is not simply a pragmatic critique of gender mainstreaming, but rather questions the need for and usefulness of gender mainstreaming and highlights the problems associated with the creation of a gendered mainstream.

Nearly every international institution has made a commitment to gender mainstreaming, whether in the form of a resolution or simply by adopting the term as the working strategy for gender equality. It has become what Hilary Charlesworth calls a “mantra” (2001, 1) repeated without effort or conscious thought, as the simple, end-all solution to inequality. Many scholars understand gender mainstreaming as the way to overcome various obstacles facing women, regardless of the context in which they live. Local and national level organizations have even adopted this new vocabulary when advocating for improved rights for women. In effect, mainstreaming has become the hegemonic discourse for addressing women’s rights.

Though the term is sufficiently vague and encompassing, maintaining only the parameters that gender, however defined, must be brought into the mainstream, again, however defined, it is possible to discern a more narrow definition. Mainstreaming refers to the reigning in of the
marginalized from the outskirts into centralized, normative systems.\textsuperscript{3} The progressive tense of the verb indicates that it is a process that is not restricted to a moment, but that it continues.\textsuperscript{4} As such, it is a move away from addressing gender issues through separate and specific institutions, and is instead an attempt to recreate a system that is sufficiently favorable to gender.\textsuperscript{5} Gender mainstreaming is, in effect, the inclusion of disenfranchised ideas and entities related to the concept of gender within ordinary, majoritarian structures. As explained in the 1997 ECOSOC Agreed Conclusions:

Mainstreaming a gender perspective is the process of assessing the implications for women and men of any planned action, including legislation, policies and programs in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programs in all political, economic and societal spheres. The ultimate goal is to achieve gender equality. (UN General Assembly 1997)

This definition clarifies a number of features of gender mainstreaming. First, what is mainstreamed through this strategy is a “gender perspective.” This involves implications, concerns and experiences that are felt by individuals in relation to their gender. Second, both men and women are considered in this process. The definition explains that the term gender is read as consisting of these two operational groups. Third, the purpose of the strategy is “gender equality.” This end goal is what prescribes the ways in which mainstreaming is applied. These three dimensions, while not the only discernible aspects of the strategy, are critical elements of this gender mainstreaming policy with potentially problematic consequences.

Extending David Kennedy’s critique of the hegemonic relationship between human rights and emancipatory possibilities, I believe that gender mainstreaming occupies the field of (women’s)

\textsuperscript{3} See Riddell-Dixon (1999) where she notes that “[t]he concept of mainstreaming is usually understood to exist to the concepts of marginalization and of being related to the sidelines” (1999, 149).

\textsuperscript{4} See Williams (2004), where she notes that “Gender mainstreaming is not simply a point to get to; it is a process. It is a process for ensuring equity, equality and gender justice…” (2004, 2).

\textsuperscript{5} Though this is still contentious, with the UN gender/women specific body noting that women-specific institutions should not be mainstreaming but that they are “still needed because gender equality has not yet been attained and gender mainstreaming processes are not well developed” (UN Office of the Special Advisor 2001, 1), the focus of mainstreaming is still on creating a sufficiently gendered mainstream structure.
empowerment possibility (Kennedy 2002). Though not necessarily separate projects, I find that gender mainstreaming has not quite reached the position of dominance within discussions of emancipation as it has within those of empowerment. This is not to say that it is the most effective means of empowerment or even the most widely subscribed to among women and women’s rights activists. What I mean here is that gender mainstreaming as an idea is sufficiently broad and all-encompassing that its invocation precludes other ways of imagining women’s empowerment. The scope of the term ‘mainstreaming’ is such that it covers any general sense of inclusion. Any strategy that seeks to bring women in from the margins could ostensibly be understood as gender mainstreaming, while anything that is not mainstreaming can be tagged as exclusionary, isolationist or disempowering. But without a clear understanding of what gender mainstreaming is, there is the danger that it will become empty, stop-gap rhetoric: gender has been mainstreamed; what more can be done? In this way, gender mainstreaming runs the risk of simultaneously meaning everything and nothing.

Having recognized the dominant position of this strategy within discourses of women’s rights, the question then becomes one of how. That is, how did gender mainstreaming come to occupy this space, and even before that, how did gender mainstreaming develop in and of itself?

The roots of this strategy lie at the intersection of human rights discourse with feminist theory. The spheres of law and human rights have long been the targets of feminist activism and

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6 The broad rhetoric of the term gender mainstreaming is such that it labels the whole field or stage of empowerment (and emancipation). Extending Naz Modirzadeh’s critique of the relationship between international non-governmental organizations and Islamic law, where she argues that INGO’s, by nature of being “bolder, brighter and louder (by design) than anything that competing projects might muster” (2006, 227), manage to shut out alternative approaches to Islamic law; in this same way, gender mainstreaming, by way of its all-inclusive rhetoric, serves to render subordinate and invisible alternative possibilities of women’s empowerment.

7 The terms exclusionary, isolationist and disempowering are used here to describe marginalization and being relegated to the sidelines, which is exactly what gender mainstreaming seeks to overcome (Riddell-Dixon 1999).

8 Indeed, it also runs the risk of covering little or superficial change. While most texts on gender mainstreaming highlight the importance of equality, the International Labor Organization focuses on other benefits of the strategy: “[g]ender mainstreaming calls for very little extra work and helps in achieving a favourable response from potential donors” (International Labor Organization 1997).
Surfacing advocacy. As early as the first wave of feminism in the late nineteenth and early twentieth centuries, self-proclaimed feminists predominantly in the Western world began to demand equality between men and women and organized themselves against de jure inequalities. By advocating for women’s formal rights, primarily suffrage, this first generation of feminists sought to transform law to be more inclusive of women. With the rise of international human rights law in the post-World War II era, feminist theory began a shift into a second wave that focused on those inequalities that persisted despite formal gains. That is, the second wave of feminism can be characterized by a recognition of substantive, de facto forms of inequality, and consequently by advocacy against discrimination and oppression. It was between the activism of the movement and the developments in second wave feminist theory that the idea of gender mainstreaming began to take shape. By the 1970s, feminist demands for women’s rights had evolved into specialized Women in Development programs that focused attention on the particular ways in which women experienced and were affected by development processes (Jahan 1995). This brought to the surface what has been considered one of the more basic tensions in feminism: “whether women’s rights are best protected through general norms or through specific norms applicable only to women” (Charlesworth 2001, 1). Thus, when separate programs for women were viewed by some to be isolating women’s

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10 This paper employs the common periodization of feminism into three waves simply for the purpose of providing a generalized overview of the multiple ways that feminists have engaged in matters of law. However, the division of feminist criticism into distinct periods is problematic and contentious as has been highlighted by Bailey (1997, 17) and Freeman (1996).

11 Though most definitions of gender mainstreaming do not stipulate whether the goal is formal or informal equality, nearly all definitions carry a reference to “implications,” “experiences” or some other subjective element, which proposes a move beyond the denial of difference. As the Council of Europe notes “[g]ender equality is the opposite of gender inequality, not of gender difference, and aims to promote the full participation of women and men in society” (Council of Europe 1999).

12 This references eighteenth century French revolutionary Olympe de Gouges, responsible for publishing the Declaration of the Rights of Woman and of the Citizen.
concerns from those of ordinary development discourse, mainstreaming entered the scene as a way to integrate women while simultaneously recognizing their specificity.13

Gender mainstreaming thus emerged as a way for international institutions to respond to feminist concerns. Formally introduced in the 1995 Beijing Declaration and Platform for Action, set forth at the Fourth World Conference for Women, the idea that “[g]overnments and other actors should promote an active and visible policy of mainstreaming a gender perspective into all policies and programmes” was identified as a strategy for reducing inequality. Mainstreaming quickly grew past its origins in the field of development and was soon repeatedly articulated in conflict and post-conflict contexts (UN Fourth World Conference on Women, 1996). UN Security Council Resolution 1325, passed in 2000, recognized “the urgent need to mainstream a gender perspective into peacekeeping operations” (UN Security Council, 2000). In 2001, the United Nations Population Fund held a consultative meeting on “mainstreaming gender in areas of conflict and reconstruction” (UNF FPA, 2001). Many feminists considered these developments advancements for the cause of women’s rights. As Jacqui True noted,

[f]eminist scholars have created the conceptual language and causal stories/ideologies that underlie gender mainstreaming initiatives. Feminist activists have forged transnational networks to leverage political support, the sharing of information, resources and strategies, and feminist policymakers have built bridges to women’s NGOs and feminist research while working inside institutions to change them. In general, these networked feminist actors have sought constructive engagement with institutions. (True 2003, 374)

In this way, gender mainstreaming began its rise from intertwined strands of feminist theory and human rights to become the most common way of talking about women’s rights.

Although mainstreaming makes claims of advancing a feminist agenda in a way that seemingly eases and erases tensions, a close reading of international legal texts through the lens of feminist theory reveals that many (feminist) anxieties persist. That is, the resolutions and guidelines

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13 For an overview of the pervasiveness of the discourse of gender mainstreaming, see Moser, Torngvist and Van Bronkhorst (1999).
that relate to gender mainstreaming articulate a number of dimensions of this strategy that correspond with debates and questions within feminist theory and serve to problematize gender mainstreaming as both a strategy for women’s rights and a project of the feminist agenda. The remainder of this paper will focus on the dimensions of “gender perspective,” “women mainstreaming” and “gender(ed) equality” that I argue constitute the core constructivist aspects of gender mainstreaming. Through a discussion of these features, I will highlight how gender mainstreaming is simultaneously and problematically over and under inclusive in its construction of gender and the corresponding possibilities of empowerment.

A. Gender Perspective

Both the Beijing Declaration and the Security Council Resolution 1325 (Resolution 1325), mentioned above, make reference to the importance of including a gender perspective in national policies and programs, as well as in peacekeeping and peacemaking. A resolution passed by the Economic and Social Council in 2002 called for “[m]ainstreaming a gender perspective into all policies and programmes in the United Nations system” (UN ECOSOC, 2002). This type of statement indicates that the integration of this “gender perspective” may somehow improve the development of human rights projects. But what is a gender perspective? It seems clear from the above mentioned texts’ callings for mainstreaming that one marker of this perspective is that it is ordinarily absent from dominant discourse, and thus needs to be included. It follows that a gender perspective is somehow different and distinct from the mainstream and that there is some unique and particular contribution to be made from its integration. Additionally, each reference to the
gender perspective is in the singular form of “mainstreaming a gender perspective.” This implies that there is, or can be, one, single discernible perspective.

This idea of a distinct and distinguishable gender perspective throws up red flags for feminist theorists who have long argued and debated around the issue of a feminist standpoint. Formally introduced by Nancy Hartsock (1983) in the 1980s, the idea that women’s experiences could define a distinct viewpoint and position, a feminist standpoint, that could be used to critique and oppose patriarchy, has been under contention ever since. Though such a standpoint has been argued as necessary for the feminist agenda of promoting women’s rights, as it allows for women’s experiences to be articulated as unique, yet in a cohesive and coherent manner conducive to the political and legal arenas, discussions of differences among women have pointed out the inadequacy and sterilizing nature of constructing a singular standpoint (Hekman 1997, 343). One of the most prominent expressions of anxiety with regards to this idea has come from black feminists, or others theorizing about women in relation to race, class, ethnicity or a number of other identity variables, who have argued that a descriptive feminist standpoint cannot possibly include the innumerable experiences of women. As such it is impossible to claim a single “women’s experience,” a necessary pre-requisite for establishing a standpoint. The tension between the need to claim truth and authenticity of a specific woman’s experience and the recognition of “situated knowledges” (Hekman 1997, 353) that are particular to the experience of each woman, is an anxiety agitated by the idea of a singular gender perspective.

Though celebrated by many feminists, the idea of including a gender perspective necessarily harks back to this feminist tension over the differences amongst women. Whose experiences will be

14 Nearly every resolution or statement by the UN related to gender mainstreaming adopts the definition put forth by ECOSOC in 1997, which refers to a (singular) gender perspective.
15 See, for example, Collins (1990), where she notes that an expression of a single standpoint is a form of “specialized thought representing the dominant group’s standpoint and interests” (1990, 223).
privileged to compose this gender perspective that will inform the policies and processes of international law and human rights? Such an idea fails to account for differences in privilege and power, and assumes that a group disadvantaged and marginalized by a social system may be emancipated and empowered by simply being incorporated into that system, and that the experience of all women can be expressed as a coherent narrative. The question then becomes: whose voices are privileged to participate in constituting the mainstream, and to articulate women’s concerns and experiences? It is unlikely, after decades of opposition and women’s activism in the non-Western world, that white women’s feminism will be allowed to define this perspective, at least not without protest. However, if it is not black women who are excluded, it is likely to be some other group. It may be rural women or poor women, or those otherwise disenfranchised and who lack access to justice or agency. The number of different ways in which women identify themselves is far too great to be expressed in any arrangement where they are reduced to simply “women.” Here again the category of women is constructed with particular parameters for the purpose of articulating a gender perspective. As Susan Hawthorne puts it, “[g]ender mainstreaming does not allow for context sensitivity, instead it goes for a one-size-fits-all approach which actually only fits the person deemed of a standard size, the norm” (Hawthorne 2004, 87-88). A gender perspective will unavoidably fall prey to a politics of inclusion and exclusion wherein those who do not fit within the standardized category of woman are prevented from constituting this perspective. Indeed, these voices are silenced and marginalized by the very tool and strategy that claims to empower and mainstream

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17 While this is not to say that black feminists have reached a point where their perspectives are treated equal to those of white feminists, it is indisputable that the organization of non-white feminists in opposition to allowing white women to speak for them (by assuming the perspective of all women) is quite present. Based off of this history, I find it doubtful that black feminists as well as womanists and others who choose not to define themselves with a particular movement for reasons associated with race, would allow for white women to define “a gender perspective” without resistance.

18 A “gender perspective” is tasked with representation of women whose life experiences are often too varied and multiple to be expressed in a coherent and stable fashion, and are many times contradictory to each other. In defining such a category, certain perspectives are included and others are simply not. See generally Butler (1990) where she argues that “[b]y conforming to a requirement of representational politics that feminism articulate a stable subject, feminism thus opens itself to charges of gross representation” (1990, 8).
them. Gender mainstreaming presents a gender perspective that has been sterilized in a way that renders internal contestations and diverse multiplicities invisible and yet maintains its claim of expressing women’s experience.

**B. Women Mainstreaming**

In addition to calling for the integration of a gender perspective, among other things, Security Council Resolution 1325 “[u]rges Member States to ensure increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict” (UN Security Council 2000). The Secretary General is also encouraged to include more women as special representatives and envoys (UN Security Council 2000). Further, ECOSOC’s 2002 resolution instituting mainstreaming within all policies and programs of the UN “stress[ed] the need to include women in planning, decision-making and implementation processes at all levels” (UN ECOSOC 2002). From these statements, it is clear that another dimension of the mainstreaming project is the integration of women.

This focus on the inclusion of women renders gender mainstreaming a project that hinges on physical distinction. That is, by stressing the importance of “women,” rather than simply “women’s perspectives,” gender mainstreaming assumes that there is indeed such a thing as an undisputable, uncontested category of “woman.” Without recourse to a consideration of the fluidity or constructed nature of this category, statements calling for the incorporation of women are demanding greater representation of biologically female-sexed bodies at the table in question.

Viewing women’s mainstreaming through a feminist lens offers both celebratory and cautionary responses. On one level, the inclusion of women in important and formative mainstreaming projects and institutions is a huge victory for those feminists concerned primarily
with the advancement and betterment of the woman subject.\textsuperscript{19} Indeed the commitments articulated in the statements above have the potential to push the ceiling for many women who have been denied access to the mainstream. However, this focus on women as female-sexed bodies reifies naturalist and biological ideas of women that have long been recognized as a significant barrier to women’s advancement.\textsuperscript{20} By understanding women as a fixed and immutable category, mainstreaming lends its support to entrenching ideas of essentialized difference, problematic associations of gender roles with biological determinism and notions of natural order and hierarchy. As such, women mainstreaming can serve to fortify those obstacles that many feminists seek to transcend.\textsuperscript{21}

Additionally, incorporating women into the mainstream assumes that women can be clearly discerned from the human population at large. That women are not men, on a biological level, serves as a way to distinguish women from the rest of the population of men. The strategy is thus one that defines individual persons as either woman or man. These are the two categories that are considered in the process of mainstreaming, which provokes a feminist to ask, “What has happened to gender?” It is implicit in this definition of gender mainstreaming that men and women are the only two components of this strategy, leaving many theorists and activists to bemoan the disempowerment of a term with the potential to serve both feminist and queer advocacy. While the linking together of these two projects is a highly contentious and debatable position,\textsuperscript{22} what is meant

\textsuperscript{19} Though some feminists have as their end concern the status and condition of women as their subjects, others have different priorities. See, for example, Butler (1990).

\textsuperscript{20} The idea that essentialized and naturalized ideas of gender roles may be problematic for the advancement of women and for the feminist cause can be located in the shift in emphasis from de jure to de facto inequalities that is often used to describe the temporal transition from the first to the second waves of feminism. A growing relationship between lesbianism and feminism at this time also helped some feminist thinkers to agitate an activism to disrupt constricted gender roles.

\textsuperscript{21} This subversion of natural categories of gender would most likely resonate with those feminists who subscribe to ideas derived from second wave feminist thought, as many concerned with first wave priorities would be content with or ambivalent towards entrenched biological ideas as long as de jure equality could be secured.

\textsuperscript{22} The argument made in this paper relates to feminist and queer advocacy potential, which is necessarily tied in to the ways that both are theorized. While the debate over the relationship between feminism and queer theory revolves around
here is simply that the idea of gender can be imagined in a way that is beneficial to conceptualizing activism for women, men and queer subjects. The term “gender” has been utilized to signify that the categories of men and women are socially constructed, and as such, are not fixed, but rather fluid.  

This advances the position that women should transcend constricted gender roles, while simultaneously enabling more gender possibilities. There is rather a spectrum of gender that includes both the constructed categories of man and woman, as well as that of transsexual and intersex, among others. By reducing its operational categories to men and women under the title of “gender,” gender mainstreaming has effectively hijacked a vehicle of rights-based advocacy for subjects beyond men and women. Despite the potentially progressive implications of its name, the

ideas of the limitations and potentials of each, this paper does not argue that the two should necessarily work together, but rather that a fluid and contingent “gender” is beneficial to both. To outline some of the contours of this debate, Janet Halley has noted the limitations of feminism’s primary concern with the woman subject, stating that “a feminist will always describe everything in terms of M/F, and will always describe M/F as the domination of M and the subordination of F” (Cossman, Danielsen, Halley and Higgins 2004, 623), thereby closing itself off to the fluidity of queer theorizing. Such a call for a separation of feminism from queer theory echoes the work of Rubin (1984, 261) and Eve Kosofsky Sedgwick. On this idea that the two should be divided, Cossman argues that feminism is capable of both a commitment to the woman subject and the “liberatory” fluidity of queer theory, and says “[f]eminism and queer theory are cast in an antagonistic relationship, their differences incommensurable. Feminism has come to be associated with one side of the sex wars – those who seek to regulate the harms that sexuality presents women with; while queer theory has come to be associated with a more liberatory politic that seeks to destabilize the disciplinary regulation of sexuality. It is a divide that obscures significant currents of feminist thought and fails to interrogate the more productive potential of analyses that lie in the interstices of gender and sexuality, feminism and queer theory” (Cossman, Danielsen, Halley and Higgins 2004, 634). My position in this paper, that feminist and queer theories may potentially share the term “gender,” is resultant of a broad and expanded reading of the term, as well as a commitment to a fluid feminism a la Cossman. In response to Halley’s call for a break from feminism, Khanna posits that “[t]wo important questions arise from this: (1) does feminism, any more or less than queer theory, really have to be primarily about gender and the logic of m/f? (That is, didn’t ‘difference’ feminism already tackle this problem?); and (2) what is compromised when the ‘supplement of gender’ is not only critiqued, remained, and exchanged, but actually left behind and abandoned?” (2004, 71). These questions are reflective of the possibility of understanding feminism as necessary and important for considering issues that Halley claims for queer theory. That is, Khanna espouses “[a] ruthlessly vigilant and constant ethico-politics informed by feminism, and a reading practice open to the other” (2004, 69) that resonates with a theory of an open and contested feminism. Such a theory of feminism lends itself more favorably to sharing “gender” with queer theory. As Butler puts it, “[t]he internal paradox of [the foundationalist frame in which feminism has been articulated] is that it presumes, fixes and constrains the very ‘subjects’ that it hopes to represent and liberate…If identities are no longer fixed as the premises of political syllogism, and politics no longer understood as a set of practices derived from the alleged interests that belong to a set of ready-made subjects, a new configuration of politics would surely emerge from the ruins of the old. Cultural configurations of sex and gender might proliferate, or rather, their present proliferation might then become articulable within the discourses that establish intelligible cultural life, confounding the very binarism of sex, and exposing its fundamental unnaturalness” (1990, 189-190).

23 See, for example, de Beauvoir (1972) and Butler (1988, 519).

24 See, for example, Monro (2005, 3) where she argues that a gender spectrum, as opposed to a binary, polar conceptualization of gender yields a more flexible model of gender that is capable of overcoming the problematic consequences of a poststructuralist theory.
man-woman binary, through which it defines itself and operates, renders the strategy of gender
mainstreaming unable to promote the rights of sexual minorities and of genders beyond this binary.
As a result, in order to campaign on behalf of queer subjects, advocates would need to theorize a
new term, or else transcend the formidable binary reading of gender that mainstreaming continues
to reify in international law.

The dichotomous focus of a man-woman binary is almost surprising given the highly
transgressive definition of gender that has been established by the UN Office of the Special Advisor
on Gender Issues and Advancement of Women:

Gender roles are learned through socialization processes; they are not fixed but are changeable.
Gender systems are institutionalized through education systems, political and economic systems,
legislation, and culture and traditions. In utilizing a gender approach the focus is not on individual
women and men but on the system which determines gender roles / responsibilities, access to and
control over resources, and decision-making potentials. (UN Office of the Special Advisor 2002)

The emphasis of this definition on processes and systems would seem more likely to resonate with
feminist and queer thought, particularly in the way that it denaturalizes gender and reads it as
something that is contextual and contingent. However, such a definition appears an anomaly that
has not left paper and that has certainly not manifested itself in gender mainstreaming policies. In
effect, gender mainstreaming deals with women, not with gender. Resolution 1325 makes numerous
calls for the representation and participation of women. The Resolution defines a gender perspective
as to include

(a) The special needs of women and girls during repatriation and resettlement and for rehabilitation,
reintegration and post-conflict reconstruction; (b) Measures that support local women's peace
initiatives and indigenous processes for conflict resolution, and that involve women in all of the
implementation mechanisms of the peace agreements; (c) Measures that ensure the protection of and
respect for human rights of women and girls, particularly as they relate to the constitution, the electoral
system, the police and the judiciary. (UN Security Council 2000)

25 Though this definition destabilizes gender from being read as a natural category, it still refers to discernible categories
of men and women on the level of the human individual, probably as constituted by sex. However, many theorists are
increasingly seeing the idea of sex as a construction as well. (Davies 1997, 25-27)
The repetition of “women and girls” in the Resolution makes it clear that the object of mainstreaming is women, and not gender. By assuming the label of “gender” instead of “women” as the name for this strategy, gender mainstreaming has stripped gender of its progressive and transformative political potential. As Hilary Charlesworth observes, “[g]ender has been defanged” (2001, 16). There is no gender mainstreaming, only women mainstreaming.

Another problematic consequence resultant from this focus on women is that it entrenches a man-woman oppositional binary. The repeated emphasis on difference, apparent in, for instance, gender-disaggregated statistics or sector specific gender studies and surveys, constructs an identity for women as necessarily different from men. While women mainstreaming should be celebrated for the clear achievements of including women in decision making and other processes, and in considering some gender specific implications, this focus on difference again provokes questions of which women are being considered. Who are the women brought to the table, and who are those whose experiences are being articulated? The enforced binary marginalizes those women whose experiences are not necessarily distinguishable from those of men due to complicating factors. The intersections of other forms of diversity such as ethnicity or religion can serve to keep women away from the mainstream just as much as their gender identity can. In these situations, those women who are privileged within ethnic and religious spheres will be those whose concerns are visible. Focusing simply on the difference between men and women renders invisible the similarities in oppression that are shared. As Olena Hankivsky notes, “[G]ender mainstreaming] has not moved beyond the male-female dichotomy so prevalent in second-wave liberal feminist theorizing. As a result, [it] has become a watered-down approach to challenging the status quo” (2005, 977-978).

26 Though in her usage of “de-fanged,” Charlesworth refers to the way in which mainstreaming “has stripped the feminist concept of ‘gender’ of any radical or political potential” (2005, 16). The idea is being extended here to describe the reduction of its meaning to “women” or “sex.”
C. Gender(ed) Equality

Each text that calls for gender mainstreaming includes, either implicitly or explicitly, a mention of the goal of gender equality. In a report from the UN Office of the Special Adviser on Gender Issues, it was noted that “what is common to mainstreaming in all sectors or development issues is that a concern for gender equality is brought into the ‘mainstream’ of activities rather than dealt with as an ‘add-on’” (UN Office of the Special Advisor 2002, 2) This idea of equality, however, is effectively a limited and gendered notion of equality. As this section seeks to highlight, the gender equality sought after through gender mainstreaming is predefined and constituted with particular gender implications that are potentially problematic for serving women.

At least two distinct types of equality are possible. Formal equality, or equal treatment, is reminiscent of first-wave feminism’s focus on the de jure conditions that disadvantage women. Eliminating formal legal barriers to equality is undoubtedly an important part of advocating the rights of women and pushing a feminist agenda. Though the aim of formal equality strategies is for women and men to be treated the same way under law, this usually means that women should be treated the same as men, and consequently be held to a man-defined standard (Rees 2002, 2). But if, as Catharine MacKinnon notes, “[r]elevant empirical similarity to men is the basis for the claim to equal treatment for women” (MacKinnon 1989, 217), how can formal equality strategies address the disenfranchisement and disempowerment said to characterize the experience of women?

Additionally, if the goal of gender mainstreaming is to establish formal equality, it seems clear that it would have limited potential to actively address some of the informal, substantive sources of inequality.

Substantive equality, on the other hand, relates to the de facto conditions and systems that perpetuate inequality. Affirmative action, also called positive action, is a common form of this model. This often looks like “special measures” taken to compensate for specific forms of
marginalization, be they in terms of gender, race or other identity variables. Substantive equality strategies tend to emphasize the differential experience, recognizing that, in relation to gender, “[s]ystematically elevating one-half of a population and denigrating the other half would not likely produce a population in which everyone is the same” (MacKinnon 1989, 217). Yet despite the focus on difference, substantive equality also holds women to a standard established in relation to men. Though women’s differences may result from structural obstacles, the goal of substantive equality is still to bring women on par with men. It is as though women must overcome their woman-ness in order to enter into the realm of man-ness; this is equality. Although substantive equality strategies offer potential to unpack and address the diverse array of complex multiplicities in women’s experiences, they fail to question how this end of equality has already been defined, constructed and established based on a male standard. Women’s historical absence from these processes has left a mainstream notion of equality that serves to limit and problematize gender mainstreaming.

Though references to gender mainstreaming do not specify what form of equality should be established, the distinction becomes unimportant when equality itself is problematic. This points to a larger feminist issue with gender mainstreaming: a failure to interrogate the processes, systems and structures that produce the mainstream. The aim of gender mainstreaming is a mainstream notion of equality.

In exploring the question of how international law is gendered, Hilary Charlesworth utilizes three types of analyses: the historical-participative, the cultural and the discursive.²⁷ While there is room for critique of Charlesworth’s handling of the second set of questions, regarding which cultural ideas of gender underlie international law,²⁸ if such ideas are recognized as constructed instead of primordial, such a lens can offer a useful perspective on gendered structures. This cultural

²⁷ For an instructive discussion see Charlesworth (2002, 93).
²⁸ Charlesworth appeals to ideas that particular character qualities of men and women that are associated with institutions such as law, or international law in her case, make law gendered in that way. She appears to be essentializing sex and gender by not explaining where the notions of these qualities come from (2002, 93).
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analysis, along with questions about women’s participation in international law as a historical artifact as well as of the categories and operational terms international legal discourse itself offer, in my opinion, three important angles from which to explore the mainstream.

Through the historical-participative lens, Charlesworth points to the disproportionate representation of men in the institutions of international law (2002, 94). Women have been historically absent from the development of the international legal system, and as such, the structure is characterized by a bold masculinism. In relation to the mainstream, if gender mainstreaming is advocating for the inclusion of women and the integration of a gender perspective, then it follows that both have historically been absent. If, as a result, the mainstream is read to be gendered masculine, this might serve as an impediment to the realization of women’s rights within the mainstream. Gender mainstreaming would be simply another attempt to fit women’s rights discourse within parameters defined by men, with potentially problematic consequences. Indeed, as Charlesworth notes elsewhere, “[w]omen, so often on the margins of the international arena, are more likely to drown in, than wave from, the mainstream, unless they swim with the current” (2001, 18). Because this exclusion is part of what defines the structure of the mainstream, gender mainstreaming is unable to question it.

Despite room for critique of Charlesworth’s idea of cultural coding, social and cultural ideas of women and gender remain a useful point of departure for interrogation.29 Indeed, women and men are socially constructed and entrenched into differential gender roles through multiple cultural forces, such as religion, beliefs about tradition and history and mass media, among others. Feminists have long identified some of the more problematic constructions of women as the mold from which

29 Charlesworth’s analysis of international law poses a number of questions in need of clarification. When she refers, for instance, to how the adversarial and hawkish nature of law reflects on a masculine gender, is she talking about de facto or de jure law? Would she say the same of law that utilizes an inquisitive method rather than an adversarial? And where do these ideas of masculinity and femininity come from? She seems to argue that they are part of a difference that just exists, essentially and inherently, between men and women. While the existence of such definitions that place men and women into a distinguishable binary is still contentious, the idea that cultural ideas of gender roles can somehow be reflected in law and consequently have implications for women and men, is however, a useful one.
women should be free to diverge. These are the images of the wife, the mother, the cook, the cleaner, the caretaker, the understanding, the sensitive, the virginal, the fragile and the proper, to name but a few of the many cultural roles and characters that have been assigned to women. Though these are concededly different between and within cultures, it seems to me irrefutable that cultural ideas do exist about what women and men should be within societies. These ideas make up the mainstream, the structure that cannot itself be critiqued by gender mainstreaming. It’s not, as Charlesworth might argue, that the mainstream is masculine or feminine. Instead, mainstreaming is gendered in the way that it reifies limited ideas about men and women that make their subversion, a central lobbying point amongst many feminists, increasingly difficult and rare.

With regards to discourse, Charlesworth highlights the ways in which the language of international law is constructed in relation to gender (Charlesworth 2002, 97). Though she refers back to ideas of cultural coding in her critique, I believe that the construction of terms and categories of international legal discourse offer a useful point of departure from which to critique the mainstream. For instance, as we have seen, the category of woman upon which gender mainstreaming relies on is constituted in a narrow and limited fashion, leading to the exclusion of many women who do not fit within the parameters of that category. Additionally, as women are reduced to being “different from men,” the questions of what constructed that difference are ignored. According to MacKinnon, “considering gender a matter of sameness and difference covers up the reality of gender as a system of social hierarchy, as an inequality” (1989, 218). The same can be said of the constricted definition of gender, which fails to advocate for gender behaviors beyond a man-woman binary and in doing so drastically reduces the gender spectrum. These ideas are produced by the mainstream itself, and so fall beyond the scope of interrogation.

Without questioning whether or not the mainstream is itself problematic, gender mainstreaming is a problematic strategy. It precludes scrutiny of the ways in which its own discourse
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and history of participation may be sources of marginalization. As gender mainstreaming is advocated, the ideas that make up the mainstream are never questioned, but entrenched and reified. Advocating equality within the frame of this mainstream necessarily implies the promotion of a mainstream, which itself is problematic for women’s rights.

Conclusion

In this paper, I have highlighted the ways in which gender mainstreaming, the main discourse of women’s empowerment within international law, reflects upon some of the tensions brought forth by feminist theory. The three primary critiques made, the complications associated with a gender perspective, the focus on women rather than on gender, and the inability to interrogate the mainstream, are all interrelated in the sense that they reinforce each other and are complicit in the construction of a gendered mainstream.

A common thread running through the definitions of gender mainstreaming presented in this paper, however, relates to the constructivist scope of the strategy. That is, in each of its applications, gender mainstreaming is concerned with the creation of a new structure that appropriately addresses gender. Whether by advocating for the inclusion of a gender perspective, for formalized participation of women or for greater responsiveness to women-specific concerns, each project of mainstreaming has as a goal the emergence of a new, improved institution. The end is a coherent system suitable for women’s rights. But there is always an end, a perfectable construction that is somehow able to serve the multiplicities of marginalization experienced by women.

It is perhaps possible to imagine an alternative strategy for women’s empowerment and to revise the way we think about gender policies. To challenge the constructivist tendency, I propose the following series of questions. What possibilities for women’s empowerment are opened up in
recognizing forms of gender beyond the man-woman binary? What potential options are opened up if we move beyond the need to generate structures that are inclusive of “gender”? In what ways can we imagine a self-reflexive strategy capable of interrogating constructions of gender and that is favorable to expressions of contestation and fluidity? Considering these questions, perhaps we can begin to pave a path towards a more responsive paradigm of women’s rights.
References


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Official Publications and Documents


