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Analysis of “How an Effective Transformation and Implementation
of CEDAW into National Laws can be possible with the Main Goal of
Voice Entitlement Nexus” and “the Role of Transnational Feminist Networks in it”

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ABBREVIATIONS

AWMR	the Association of Women of the Mediterranean Region
CEDAW	Elimination of all forms of Discrimination against Women
CSOs	Civil Society Organizations
DAWN	Development Alternatives with Women for a New Era
IWRAW	International Women's Rights Action Watch
NGO	Non Governmental Organization
SIGI	Sisterhood Is Global Institute
TANs	Transnational Advocacy Networks
TFNs	Transnational Feminist Networks
TNs	Transnational Networks
UN	United Nations
UNIFEM	United Nations Development Fund for Women
WEDO	Women's Environment and Development Organization
WIDE	Women in Development Europe
WLP	Women's Learning Partnership
WLUML	Women Living Under Muslim Laws

SUMMARY

ANALYSIS OF “HOW AN EFFECTIVE TRANSFORMATION AND IMPLEMENTATION OF CEDAW INTO NATIONAL LAWS CAN BE POSSIBLE WITH THE MAIN GOAL OF VOICE ENTITLEMENT NEXUS” AND “THE ROLE OF TRANSNATIONAL FEMINIST NETWORKS IN IT”

This study has discussed the role of Transnational Feminist Networks in norm building, particularly by concentrating on their role in transformation of CEDAW to concrete and applicable laws. In contrary to the current literature, mainly addressing to the individual based advocacy activities of TFNs, within this thesis, these networks will be concentrated on, with their role in representing the voices of women in a legitimate way and transforming their voices to norms in an effective way – named voice entitlement nexus-. The driving force behind this focus is the increasingly important role of TFNs in democratic governance since the state-centred model of sovereignty has been challenged by decentration -resulting from globalization. Yet, considering the dominancy of global norm generation system including the UN and CEDAW as well as state actors, TFNs shall be investigated in respect to their contribution to the voice entitlement nexus “within the existing system”, but not as “an alternative global actor”.

For this aim, it will be searched for an effective way of transformation of global norms into national laws as well as the role of TFNs in it, by stressing the relevant theories and by analyzing various TFNs. During this investigation, it will be mainly focused on the identities of Eastern countries basing on the argument that; as long as global norms are tried to be transformed with ignorance of the religious and cultural life system of east, the inequalities that women face with can not be solved effectively. On this regard, within the global norm generating system, it will be investigated if TFNs do and can manage the transformation of CEDAW to concrete and applicable laws, particularly the laws in Islam Countries– mainly laws concerning “family life”-. For better understanding, the norm transformation activities of Collectif 95, based in the Maghreb region will be analyzed.

Keywords: Decentration, Voice-Entitlement Nexus, TFNs, Global Norm Building, Domestic Transformation, Women living in Muslim Countries, Morocco

ÖZET

CEDAW'IN 'İFADE – YETKİ İLİSKİSİ' ÇERÇEVESİNDE ULUSAL YASALARA ETKİN BİR ŞEKİLDE UYARLAMASI VE UYGULANMASI; TRANSNASYONEL FEMİNİST AĞLARIN BUNDAKİ ROLÜ

Bu tezin amacı norm inşasında, bilhassa da CEDAW in somut ve uygulanabilir yasalara dönüştürülmesinde, transnasyonel feminist ağların (TFA) rolünü tartışmaktır. Daha çok bireysel savunuculuk faaliyetleri yürüten ağları ele alan mevcut literatürün aksine, bu tezde, bu ağlar, kadınların yasal olarak temsili ve bu temsilin etkin bir şekilde yasalara yansıtılması çerçevesinde ele alınacaktır. Bu yaklaşımın temel sebebi; globalleşme sonucu devlet merkezli hâkimiyetin azalmasından dolayı, transnasyonel ağların demokratik yönetimde artan önemleridir.

Ancak. UN, CEDAW ve devlet birimlerinin de içinde olduğu küresel norm belirleyici sistemin baskın rolü dikkate alındığında; TFA, alternatif bir küresel aktör olarak değil, mevcut sistemin bir parçası olarak incelenmektedir. Bu amaç çerçevesinde, küresel normların ulusal yasalara etkin aktarılması ve TFA'nın bundaki rolü mevcut teorilere değinilerek ve çeşitli TFAlar analiz edilerek araştırılmıştır.

Bu araştırma Doğu Avrupa ülkeleri örneğinde yapılmış; araştırmada “küresel normlar doğunun dini ve kültürel yaşam sistemi göz ardı edilerek aktarılmaya çalışıldığı sürece, kadınların karşı karşıya olduğu eşitsizlikler etkin bir şekilde çözümlenemez” tezi savunulmuştur. Bu çerçevede, küresel norm belirleyici sistemde TFA'nın CEDAW'i somut ve uygulanabilir yasalara dönüştürme kapasitelerine bakılmış, özellikle islam ülkelerindeki yasalar dikkate alınarak –aile hayati üzerine yasalar-; Magreb bölgesinde faaliyet gösteren Colleftif 95 in norm dönüştürme faaliyetleri incelenmiştir.

1. Introduction

Throughout the 20th century and especially with the end of the Cold War, globalization has started to dominate the world's political, economic and social agenda. While it prompted deregulation and decentralization, one of the main discourses is that; "the predominance of the nation states has eroded which results from the damage of democratic decision making based on effective voice representation and regulation - secured by states before". On this regard, this situation prompted many scholars to investigate possibilities of democratic decision making beyond states. Hence it has been discussed alternative global governance structures and their role on it.

With respect to the fact that states lose ground and are not capable of managing voice representation and securing relevant guarantee and rights – which are the elements of democratic governance- anymore, various scholars focus on new actors, emerging on the transnational scene with the process decentring. These actors network without and with states and are actively engaged in establishing or fostering new rules for the new world system (Mückenberger 2008; Hein W. 2007; Hamann A. 2008). While the networks of these actors have operations in different fields like human rights, market rules, code of conducts or environmental standards, they have been increasing their power on political, economic and social relations in global network society. On this regard, these networks – which are organized in transnational level-, are the main focus of the investigations of "new actors and systems for democratic decision making even not states".

In the context of economic, political, and cultural globalization, one of the main groups who have formed Transnational Networks (TNs) and operating above and across national borders are women from different geographical, political, economical and cultural environments. While having various problems because of neo liberal policies and religious fundamentalism, they are also subject to marginalization in their society and especially in legislation mechanisms, since they do not have enough protection in national laws (Metcalf 2008; Naples 2002). In this respect, women from around the world have come together under transnational feminist solidarities via regional meetings and world conferences and form Transnational Feminist Networks (TFNs) (Desai 2002:15).

Although there are a lot of TFNs which perform various activities in order to represent the voice of women, they are mainly doing advocacy activities by struggling against the subordination of women in individual cases. However with respect to their capacity of organizing women in local, national, international and transnational level; it has been questioned if they can be an alternative to state actors in order to represent the voices of women in a legitimate way and transform their voices to norms in an effective way.

This thesis will be mainly on the above question accompanied by the relevance of the role of the United Nations (UN) due to the fact that women rights subject is already intervened by international community with the leading role of the UN. Besides national laws, since the 1980s, the problem of subordination of women – specifically the problem of discrimination against women- has been tried to be regulated by the establishment of international norms under the roof of the UN - which has been claimed as world's premier global norm-setting institution (Synder 2006). These norms are expected to be transformed to national norms and enforced by the state actors. And what TNs are expected to do is facilitating this global norm building process.

However there are existing many discussions and oppositions to this global based norm creation and implementation process, claiming that there exists "mismatch" between global norms and "localized specificities of gender inequalities" (Grewal 1999) stems from the hegemonic character of the process of global norm creation from which most voices on this globe are excluded' (Zwingel 2005). In this respect while it is criticized to be western, the norms produced by this system are argued not to be comprehensive enough – not be able to represent the voice of various women from different regions, cultures and religions-. And states are also criticized to be silent parts of this system.

In accordance with these discussions, within this thesis, it will be tried to be developed an "alternative approach" for the transformation of these global norms to national laws in a way that the voice will be represented legitimately and these norms will be transformed to concrete and applicable laws effectively - instead of investigating an alternative system concerning decentralization-. And; in respect to this alternative approach, TFNs will be analyzed, by questioning whether they are able to serve this approach effectively – and in an autonomous way- , or if not, how it can be possible.

This examination will be made by mentioning the role of TFNs around one specific instrument, the Convention on the Elimination of all forms of Discrimination against Women (CEDAW)¹ since it is one of the main international conventions on women rights and, since the subject area of this thesis is gendered based inequalities resulting from effects of globalization.

On this regard, it will be mainly focused on the TFNs targeting women living in Muslim countries based on two reasons. The first one is that; - originating from extreme patriarchal applications- women living in Muslim countries are subject to gendered base discrimination resulting from both neo-liberalism and religious fundamentalism which increase the level of discrimination, enforced in these countries. And the second reason is; considering Muslim countries, differences between global norms and local specificities are wider. As a result, these countries are the ones which are in need of anti-discriminative laws at high levels whereas in which the transformation and implementation of CEDAW is much more difficult due to their diverse local practices.

Moreover when the focus is on the rights of women in family life, these differences relying on cultural and religious circumstances become much more dominant (Snyder, 2006:48). In addition, as indicated by Collectif 95 (2005) family law in Muslim countries governs every aspect of a woman's life - from minimum age and conditions of marriage, to divorce, child custody, and the right to work, travel, or decide on a place of residence-; reform in family law is therefore crucial to women's ability to participate on equal terms in both family life and public life (Moussavi 2005: Guide from Collectif 95). Regarding on this; it will be particularly concentrated on family law.

Concerning all the above mentioned points; my assumption will be; within the current norm generating system, the majority of TFNs – that are organized on a universal base- do not and can not have an effective role on the transformation of CEDAW to concrete and applicable laws in Islam Countries – mainly laws concerning “family life”.

¹ which is adopted in 1979 by the UN General Assembly.

While questioning my assumption, after the part of introduction, the second chapter will begin with an explanation of the problem – consist of globalization, decentralization and their effect on voice-entitlement nexus-, which will also give me a chance to clarify these concepts that the analyzes will be built on in further chapters. In the third chapter, it will be explained the period and dynamics of the emergence of TFNs.

Then in the fourth chapter, it will be clarified the global norm creation and implementation process, targeting discrimination against women, including the UN and CEDAW by also mentioning implication activities within states. Accordingly, the chapter five will point out the oppositions to the current global norm building system.

After introducing the main elements of the global norm generation system including the UN and CEDAW, as well as emphasizing the current discourses on them; in the sixth chapter, it will be searched for an effective way of transformation of global norms to the national laws, and implementation by stressing the relevant theories which are also including the role of TFNs in them.

In the seventh chapter, concerning the elements of these theories, some sample TNs - supported by the UN- will be stressed, which are considered as good examples to effective norm transformation of CEDAW (The analysis of their activities will be performed in chapter 9).

Then, in the eighth chapter the activities of TFNs will be analyzed – by referring some of them as an example- by concerning the theories referred in the previous chapter and it will be searched if these activities serve to democratic decision making based on legitimate representation and effective norm building. The chapter will be concluded with a discussion which examines the findings mentioned during this chapter.

Based on the discussion in the previous chapter, in chapter nine it shall be examined the reasons of the insufficiencies of TFNs in effective norm building.

Based on the results, in the tenth chapter, some recommendations will be made according to the questioning “Then, how should TFNs should be structured?” Moreover, these

recommendations will be supported with an analysis of a sample TFN named Collectif 95, which is carrying similar characteristics with the recommended structure. By investigating the effectiveness of norm building activities of this network, it will be tried to be understood in which level such a network could affect a “UN leaded and state controlled norm building process”.

Methodology

I will try to build my work on current literature which involves relevant concerns with my subject matter but not specifically, due to the fact that there is not much academic work targeting the role of TFNs in norm building for the transformation of global norms to concrete, applicable legislations.

First of all, as Moghadam (2005) mentioned – and as I also recognized resulting from my researches-; attention to the women’s movement or to women’s organizations is limited to only a few studies (Moghadam 2005: 1-20). And there is not much conceptual literature on the characteristics of TFNs (Zwingel 2007). And within this limited literature, just a few of feminist scholars concentrates on the norm-building role and capacity of TFNs. However within these studies –such as Zwingel (2005)-, TFNs are not described as autonomous actors, but as facilitators to the national governments and international community. And by focusing on this facilitator role of TFNs, they simply trying to find the ways to connect women’s movements and organizations to international or global processes (Aftab 2002; Brenner 2003; Mackie 2001, Meyer, M. K. & Prügl, E. 1999). Relevant with the active participation of TNs in norm building, two scholars (Hamann & Fabri 2008) have made research on the role of these networks in parallel norm setting concerning health rights.

Because of this research gap, with my thesis, I would like to make a contribution to the literature specifically on the subject of “the role of TFNs in norm building activities on the way to be a global governance actor”

2. Definition of the Problem; Democratic Governance Challenged by Decentration

As being challenged by globalization, the future of democratic governance has been currently debated. Since the power of states has been weakening as being the former actors controlling democratic decision making, the alternative ways has been questioned by many scholars (Mückenberger 2008; Hamann 2008; Hein 2007; Grewal 1994).

If it needs to be examined the elements of this discussion first, democratic decision making should be explained through the terms voice and entitlement. While “voice” is explained as ‘rights and opportunities of articulating, namely organization and participation’; related secured advantages, guarantees and rights are mentioned as entitlement. Addition to that there is a specific nexus between voice and entitlement which is emphasized as a constitutive element of democracy. More detailed, this nexus is explained to the extent that while voice is mostly in the form of representation of interests, entitlement refers to the rights and duties to which the owner of the voice within a given community is entitled - it also includes duties in addition to positive rights- (Mückenberger 2008).

Then it has been emphasized that before globalization this nexus was secured through the nation states. When state actors started to loose their ground to manage it as a central power, this nexus got weak or even broken².

In order to explain the reason of the this nexus to get damaged; the term “decentration” is used instead of “decentralization” since it means the damaging of centres but not only due to globalization but also localization of important economic and political decision-making processes³ (Mückenberger 2008). As a result, it has been bringing loss of democratically

² The nexus between voice and entitlement can be political pertaining to the relationship between the state and citizens; but it is also an economic nexus influencing the relationship between capital and labour, as well as a social nexus relating to the life worlds of people, like family. So this nexus is challenged politically, economically as well as socially by destroying centres of old mode of governance: nation state, companies, family (Mückenberger 2008)

³ This new global system is described more detailed by Hein and Kohlmorgen (2007) with a charter including the actors and their interactions in their article (Hein W., Kohlmorgen L. 2007). Within this new system, it is mentioned that; ‘capacities to regulate and conduct policies are transferred upwards and downwards from the nation state to international actors on the one hand (internationalisation) and local actors on the other hand (regionalisation, localisation), as well as

legitimized power and influence which were under the control of nation states before. In this situation, it has been asserted that while voice aims continue to exist, states do not have (or partially) its former legitimate decision making power. Therefore states are no longer – or no longer entirely- capable of reacting to voice with the effective awarding and guaranteeing of entitlement (Mückenberger 2008).

Referring to this problem, the fundamental question is raised as “whether voice and entitlement can find a new nexus beyond the boundaries of non-state”.

Concerning this question, new transnational norm building actors and actor constellations are to be observed in a great variety of fields and within a great variety of actions⁴ which – rather states and firms- ‘want to allow for the voice of those who are confronted with the outcomes of decision making’ (Mückenberger 2008). Due to this fact, they are considered as alternative formations beyond the boundaries of nation states that can manage to shape a new form of a voice-entitlement nexus on a global societal level (Mückenberger 2008)

In this respect, in order to examine if Transnational Networks can really be a new mode of democratic governance; it has been focused on their norm generating activities and has been investigated their emergence, effectiveness and legitimacy (Mückenberger 2008, Grewal 1994).

In this frame, one of the formations that are also called as Transnational Networks and came to existence as transnational social movements resulting from globalization are TFNs. While addressing to the hegemonic trends of globalization, they are advancing criticism of inequalities and forms of oppression, neoliberal economic policies and patriarchal controls over women. (Moghadam 2005: 104) Since in literature, they have been mainly mentioned for their advocacy activities and there exists only a very limited amount of research on their

sidewards from state actors in general to a wide range of non-state actors (privatisation, transnationalisation) (Hein W., Kohlmorgen L. 2007)

⁴ They appear in the field of human rights and global health, in the codes of conduct of multinational enterprises, in social standards, in environmental stances, etc.(Mückenberger 2008)

norm generating activities, this thesis will concentrate on them with their norm building activities.

3. Transnational Networking of Women; accompanied with the UN Support

3.1 Emergence of Transnational Feminist Networks

As a result of the harming effects of globalization, women have been forming agencies based on solidarity which vary from local grassroots movements⁵ and community based Non Governmental Organizations (NGOs) to national and TNs. Within these organizations, TNs are the ones which are evolved against state actors. As Zwingel (2007) mentioned, despite of the diverse living situations of women, due to the need to fight against social injustice based on gender hierarchies and other hegemonic structures, rather than joining intergovernmental negotiations, women have tried to establish counter-hegemonic forms of cooperation, especially transnational coalitions between women's organizations beyond state institutions. (Zwingel 2007: 47) By this way, it is tried to be developed alternatives to global capitalist hegemony as a form of solidarity across class, culture and national borders.

As a result TFNs came to existing which has evolved as networks between non-governmental women's organizations as well as women's movements. They have been indicated by many scholars as being, comparatively to international organizations, more crucial in transforming gendered international power hierarchies than inter-governmental cooperation (Friedman 2003; Naples & Desai 2002; Meyer & Prügl 1999).

They have been mainly highlighted as the organizations that women movements and organizations based on different localities from different parts of the world could meet and share their discourses (Moghadam 2005: 1-20).

⁵ Grassroot movements or organizations are described as organizations composed of local women's NGOs. As Metcalfe mentioned, they make significant contributions to women's advance that they support women's empowerment through raising literacy levels, making provisions for business programmes as well as supporting entrepreneurial development (Metcalfe 2008: 97).

The other reason for them to be prioritized by many scholars is the fact that; they have such organizational structures that consist of active and autonomous local/national women's groups but that transcend local or national (Moghadam 2005: 196). Besides that, as it is also pointed out by Naples (2002a), TFNs consist of transnationalist feminist organizing for locally based women's movements (Naples 2002a: 4). At this point, the role of transnational contexts for feminist work referred by Ferree (2006) to the extent that transnational arena is the intersection of the international and the local which contradicts the homogeneity of women and focus on the diversity of local (Ferree 2006).

While they have evolved by feminist activism, concerning a brief history of these movements; the first organizations were on the idea of feminism⁶ on global base there for called 'global feminism'⁷ (Ferree 2006). Yet, as being actually a popular feminist slogan in 1970s, "global feminism" has been highly criticized of being mainly built on the idea of 'all women share the same conditions of oppression as if all women around the world agree on gender as the primary basis of oppression' (Davis 2006: 276).

But then transnational feminist activism has started which redefined the subordination of women concerning the major changes that are "the expansion of neoliberal capitalism, the decline of the welfarist and developmentalist state, persistent inequalities, the power of core countries in global governance, and the growth of transnational fundamentalist movements" - which of these were related direct to the effects of globalization- (Moghadam, 2005: 170).

To analyze this period more in deep; before the collective action -on the part of women- around the world started; the women's movement which emerged in North America and Europe in the 1960s consisted of feminist groups that emerged within national borders and governments. In the early 60s while the women groups are nationally based and national oriented, they encompass different ideologies and political differences (such as liberal,

⁶ Feminism is defined as the broad of challenging and changing gender relations that subordinate women to men and that thereby also differentially advantage some women and men relative to others. (Tripp 2006)

⁷ Global feminists were bound together by a common discourse of globalization and were struggling against subordination of women under men (Ferree 2006).

radical, Marxist). In addition, with respect to first world, third world differences⁸, they diverged in terms of priority feminist issues. In the eyes of first world countries, legal equality and reproductive rights are considered as key feminist demand. Yet by women from third world countries, this was criticized as not reflecting their priorities” (Mohanty 2004: 106). They reflect their problems as underdevelopment, colonialism and imperialism which are considered as the basic obstacles to women’s advancement (Moghadam 2005: 1-21).

But in the 1980s new economic and political realities brought a convergence of feminist perspectives across the globe -first of all concerning a new international division of labour which relied heavily on cheap female labour (Moghadam 2005: 6)-. Hence women started to suffer commonly from being involved in irregular forms of employment while they remained responsible for work related to family. In addition while the numbers of women in labour force increase, they were disadvantaged in new labour markets in terms of wages, training and occupational segregation with worse working conditions (labour standards, income and employment status). Secondly, with respect to the decline of in welfare of the states; for many first world feminists, economic issues and development policy became increasingly important which led them to share common problems with the third world. (Moghadam 2005: 6)

Another significant evolution which narrowed the political and ideological divide between first world and third world feminist was the rising of religious fundamentalism. These movements try to strengthen the traditional norms and codes, including patriarchal laws and family roles for women putting pressure on states to enforce public morality, increase religious observance and tighten controls over women (Moghadam 2005: 7).

⁸ During my research based on the literature about transnational networking; I have faced with various terms, which are used to refer to the regions -where women live- and to mention the differences that these regions have due to the economic, social and cultural circumstances. The ones which are used very often are “west-east”, “north-south”, “developed-underdeveloped”, “first world-third world”. While each pair has its own explanations different than the other, due to the fact that I shall mainly concentrate on Muslim countries located in North Africa and Middle East, and since “Third World was adapted by the African and Asian countries which took their position in the cold war neither on the side of USA nor USSR, as non alignment camp”, I prefer to use the term “third world” while using the term “third world” to mention North America and Europe (and during the comparisons sometimes “west-east” besides “first world-third world”) to avoid the inconsistency.

All these evolutions demonstrate that, at the mid 1980s, these twin processes of global economic restructuring and religious fundamentalism united women around the world, led to a convergence of previously divergent perspectives, and resulted in the formation of TFNs⁹.

3.2 Contribution of the UN Conferences to Transnational Feminist Networking

Concerning the emergence of TFNs, the UN has to be also pointed out in accordance with its vital contributions to the development of feminists/women movements, NGOs and networks with the support of its institutions¹⁰ and world conferences¹¹. Since the focus of this thesis is particularly the networking of women, as they played an important role to bring women together from developed and developing countries, it will be focused on the world women conferences -which are held since 1975 under the sponsorship of UN-. As Snyder (2006) argue that 'UN became women's guardian and advocate, the "unlikely god mother" that to offer women chances to meet across national and regional borders, to open doors for them to join discussion of issues that impact their lives' (Snyder 2006).

While they have important influence on global political process (Finke 1998), within this intergovernmental conferences with the participation of state actors as well as national, regional, international and transnational NGOs, feminists/women from all over the world had a chance to share their experiences.

Referring to Moghadam (2005), 'mainly starting with the third conference held in 1985, these conferences helped to bridge the North – South divide among feminists/women

⁹ such as Development Alternatives with Women for a New Era (DAWN), Women in Development Europe (WIDE), Women Living Under Muslim Laws (WLUML), and the Sisterhood Is Global Institute (SIGI)-which shall be explained more detailed within the following sections.

¹⁰ Such as United Nations Development Fund for Women (UNIFEM), the International Women's Tribune Center, Women's World Banking, programs of the UN Regional Commissions, and specialized UN Agencies (Snyder 2006:45).

¹¹ World Conference in Women Rigths at Mexico City in 1975, at Copenhagen in 1980 and Nairobi in 1985, at Vienna in 1993 and at Beijing 1995.

activists and transcended the earlier political and ideological differences through the adaptation of a broader feminist agent that included a critique of neo-liberalism, structural adjustment policies and religious fundamentalism with the impulsive gluing campaigns “violence against women” and “Women Rights is Human Rights”. (Moghadam 2005:9)

Concerning this period from the beginning; the UN Women’s Conference in 1975 and 1980 were actually not that successful and witnessed arguments occurring among national or regional framed feminism from North and South. Basically these disagreements were caused during the preparation of a common framework of feminist activities and actions. Since this framework mentioned mainly the legal inequalities of women and more or less ignored the input of third world women, criticism of cultural imperialism were brought up. In this respect, southern women challenged Northern women to see development issues as women’s concern. (Tripp 2006b) For example within these conferences, Latin American women insisted on that equality for women would only be attainable only economic and social changes had been made. (Moghadam 2005, 85)

However, in the 1980s, it has been discussed the common problems of women under economic pressure and patriarchal movements. Consequently feminist activists in the North had come to accept the importance of global development concerns as relevant to women while women in South became more willing to focus on gender equality. (Tripp 2006b) And in 1985 at the UN Nairobi Conference, the earlier North-South tensions subsided. In this respect, 1980s witnessed convergence of feminist perspectives and women movements started to get organized under TFNs. However it has been pointed out that in the year 1985, with the third the UN World Conference on Women, women’s organizing and mobilizing has been accelerated although they had not developed a collective identity and common forms of organizing yet. (Tripp 2006b)

In 1990s these debates found a solid shape and it had been started to be criticized neo-liberalism and the growth of fundamentalist movements much more clearly. It has been discussed that with neo-liberalism, the inequalities between men and women increased. Since as Moghadam mentioned ‘global accumulation as the driving force of the world-system not only hinge on class and regional differences across economic zones, but it is also a gendered process’ (Moghadam 2005: 192). As a result of the globalization and neo-

liberalist capitalism – as being one of its outputs- women are started to be considered as flexible and cheap labor (Metcalf 2008: 87, Naples 2002a). On the other hand, as being one of the other adverse global processes, fundamentalism is also criticized as suppressing women under patriarchal policies and no commendable religious and cultural applications (Moghadam 2005: 154).

Moreover, again in this period, through the adoption of a broader feminist agenda; women's reproductive rights, bodily integrity and autonomy have been also included. As a result, in 1990s, new TFNs¹² are devised around women's health and against the inequalities of neo-liberalism and against religion fundamentalism (Moghadam 2005: 9).

Nevertheless, there was still an underlying disagreement which was, “while sharing the struggle of Southern Women against religious fundamentalism and patriarchal inequalities, western feminists had such an approach that for example female genital cutting was treated as “exotic practices signifying the primitive nature of national cultures”” (Tripp 2006b).

Yet, the World Conference on Human Rights held in Vienna at 1993 can be seen as a turning point. In the Vienna Conference, under the slogan of “women rights is human rights” and issues of violence against women in public and private life, women rights became a central part of the human rights agenda.

On the other hand, with its inclusiveness, this approach has enabled many local as well as transnational women groups to challenge current customs and legislation that discriminate against women all around the world. (Davis 2006:276) It also gave attention to the harmful effects of certain traditional or customary practices, cultural prejudice and religious extremism. (Moghadam 2005: 9). Moreover, with this rights based approach, human rights are seen as the central focus of sustainable human development. (Tripp, 2006a)

And the last women conference at Beijing held in 1995, was mentioned as the most unified and productive conference of all (Snyder 2006: 44). As stated by Metcalfe (2008) ‘it sparked a global commitment to the empowerment of women everywhere and drew

¹² Such as WEDO and AWMR which are emerged in the beginning of 1990s or WLUML emerged at the end of 1980s (Moghadam 2005).

unprecedented international attention' (Metcalf 2008: 92). The internationalization of discourses on equality, development, empowerment, autonomy, democratization, participation and human rights has been taken on by women's organizations and governments around the world (Moghadam 2000).

In this respect, due to Synder (2006), the conferences have introduced larger numbers of women from around the world to each other and each other's concerns and ideas. And with the support of these conferences women's rights is perceived as a universal goal rather than as a Western feminist project (Tripp 2006b).

After introducing the TFNs, concerning my main research topic – “whether TFNs could develop an alternative system against lack of state power” and “if they could play a vital role in the transformation of voice of women in Muslim Countries to the legislations”- ; considering the current norm building system, it is confronted with the fact that it functions not only national but in the international level. For the very reason, this system should be examined first with its components. Later on it can be possible to question whether TFNs can produce alternative solutions by taking into consideration the current system.

4. The Global Norm Building System on Women Rights; UN, CEDAW and its Implementation Process

First it will be tried to clarify the global norm building system before examining norm building activities on women rights in global level. For this reason, concerning the components of global norm building process; “norm” is a standard of appropriate behaviour for actors with a given identity” (Finnemore & Sikkink 1998: 891) while *global norm building mentions the processes that certain values are converted into internationally authoritative norms as well as the dynamics that make those international norms meaningful in domestic contexts.*

In order to explain this process better; Finnemore and Sikkink (1998) developed a model of a “norm life-cycle”, containing the three stages which are norm emergence, norm cascade, and norm internalization. According to this model, for a norm to unfold its validity, it is

pushed on the international agenda by norm entrepreneurs¹³ (norm emergence), is taken over by states until they are transformed into widely accepted standards on the international level (norm cascade), and finally, get internalized within national contexts (norm internalization). Although there have been some critical comments to this framework in the academic discourse, this model has been taken into consideration particularly during the researches of alternative global governance models – while some scholars such as Hein and Kohlmorgern (2007) propose some aspects to supplement Finnemore/Sikkinks approach¹⁴.

By also referring to this model, due to the scope of this thesis, these steps will be mentioned under four headings which are “norm creation” (by International Governmental Organisations), “ratification” (by governments), “transformation” (transformation of these norms to national laws by governments with the facilitation and/or influence of various national international and transnational actors) and “enforcement” (by governments). In some parts of the thesis, it will be used the term “norm implementation” in order to refer the transformation and enforcement process together.

Based on the above mentioned definitions and clarifications, in order to better comprehend the dynamics of the norm building process in women rights and the role of the different involved actors (UN, states and TFNs in our case), the following chapter will enhance UN.

4.1 The UN: concerning its Role in Global Norm Building

The norm building activities on women rights had been started first on international level hosted by the UN. One of the main reasons of the UN being “godmother” (Synder 2006) was the fact that the UN has become the primary site for the whole arena of human rights since 1948 Universal Declaration of Human Rights (Davis 2006: 279). In 1945 the UN Charter was developed with the goal of protection of the rights of every human being including equality of women and men. And in 1967, it has been developed the International

¹³ Hein and Kohlmorgern calls them norm carriers and explain them in a way that; ‘Norm carriers are such as Civil Society Organizations (CSOs), International Governmental Organisations and governments raise a certain issue and try to disseminate and generalise these in the general public and among decision makers by trying to make the underlying ideas and concept hegemonial by making claims and framing the discourse’. (Hein and Kohlmorgern 2007)

¹⁴ (Hein and Kohlmorgern 2007:4)

Human Rights Charter including “UN Charter”, “Political and Civil Rights of Human Beings” and “Economic, Social and Cultural Rights of Human Beings” (Finke 1998).

Yet this understanding of Human Rights is criticized by feminists and it is claimed that although the UN Human Rights charter is based on the equality of women and men, this was still men dominated since “equal” is defined by men and on men experiences. Moreover, it was also argued that there is gender specific violence directed to women which not exist in statistics in the past. Therefore feminists demand gender specific perspective of all human rights instruments of the UN (Finke 1998).

As it is also mentioned on the UN Web Page¹⁵ itself; the 1960s saw emerge of a new consciousness for the patterns of discrimination against women in many parts of the world and a rise in the number of organizations committed to combating the effect of such discrimination. And as also many scholars pointed out, both the international and the national dynamics that have been strongly influenced by these non-governmental women's organizations have shaped a global discourse on gender norms (Friedman 1995; Meyer and Prügl 1999). This discourse has been consisting of awareness rising on gender hierarchies, the struggle for universal standards to eliminate discrimination against women, and the development of mechanisms to enforce these standards¹⁶.

In this respect, it has been established The Commission on the Status of Women to promote women's rights and equality by setting standards and formulating international conventions. The aim of its activities was to change national discriminatory legislation and foster global awareness of women's issues (Synder 2006). Hence, for the elimination of the discrimination against women, it has been prepared CEDAW.

4.2 CEDAW

CEDAW is adopted in 1979 by the General Assembly of the United Nations as being the first international human rights instrument explicitly defining all forms of discrimination against women as fundamental human rights violations.

¹⁵ <http://www.un.org/womenwatch/daw/cedaw/history.htm>, July 2009

¹⁶ http://www.allacademic.com/meta/p_mla_apa_research_citation/0/7/4/0/1/pages74015/p74015-1.php, July 2009

Mentioning more detailed, the Convention focuses on three key areas: first of all The Convention provides the basis for realizing equality between women and men through ensuring women's equal access to, and equal opportunities in, political and public life -- including the right to vote and to stand for election - as well as education, health and employment. Besides that, the Convention is the only human rights treaty which affirms the reproductive rights of women and thirdly targets culture and tradition as influential forces shaping gender roles and family relations¹⁷.

As of the end of 2008, 185 states have ratified the CEDAW and therewith have assumed the responsibility to eliminate all forms of discrimination against women according to the Convention's provisions. In other words states parties are expected to agree to take all appropriate measures, including legislation and temporary special measures, so that women can enjoy all their human rights and fundamental freedoms; which means, it has been expected from states a commitment to social and economic change (Metcalf 2008: 92) and a norm implementation and enforcement on the domestic level (Zwingel 2005:53).

Until here, it has been stressed the global norm creation on women rights in the international level and the main international convention for the elimination of all kinds of discrimination against women. Now it will be also mentioned the implementation activities of CEDAW as a part of the global norm building process.

4.3 The Implementation of CEDAW, through the UN System

In addition to its role on the creation of global norms, the UN also plays a significant role in contribution of implementation of these global norms.

Firstly, in order to improve national enforcement mechanisms, it was developed a body to monitor the normative implementation process of states which is called CEDAW Committee. As this Committee is responsible for collecting monitoring reports on improvements in implementation and the conditions of women in each state, countries who

¹⁷ <http://www.un.org/womenwatch/daw/cedaw/>, July 2009

have become party to the treaty are obliged to submit regular reports to the Committee on how the rights of the Convention have been implemented and enforced. During its sessions, the Committee considers reports including its concerns and recommendations to each State party¹⁸.

Next, it is emerged some organizations¹⁹ that they connect with women's NGOs -working on the national level- and facilitate them to get organized as national NGO networks and follow activities in order to contribute to the diffusion of global norms in national and local level. In this respect, these UN organizations particularly organize trainings and capacity building programs to make CEDAW better known among women's organizations and to enable local NGOs to connect their work to these networks. (Zwingel 2005: 344)

And what these national NGO networks mainly do is monitoring the fulfilment of states' obligations under CEDAW on the national level -that function as long-term monitoring bodies for the implementation of the CEDAW principles- and preparing shadow reports including their observations in order to present to CEDAW Committee (Moghadam 2005).

It has been claimed that, by connecting local NGOs with the CEDAW monitoring procedure, these national NGO networks link international women's rights norms with local activism in a way that, NGOs can draw the attention of experts to the most pressing issues in their countries. On the other hand, these NGOs have the opportunity to take note of the critical questions and recommendations expressed by the Committee and use them for developing follow- up strategies to monitor governmental policies (Zwingel 2005).

Until here, it has been reflected the current global norm building and implementation activities. Bearing in mind this, it can be said that "the norm building process on human rights has been performed in global base under the dominancy²⁰ of UN, and based on

¹⁸ <http://www1.umn.edu/humanrts/iwraw/proceduralguide-08.html>, July 2009

¹⁹ Three of these organizations that shall be also mentioned within this thesis, which were evolved by the UN for the generation of the implementation of CEDAW are; IWRAW, IWRAW Asia Pasific, CEDAW Monitoring Network.

²⁰ As Finke mentioned (1998) the UN's Human Rights regime results to global governing of Human Rights, in other words global human rights system is dominated by UN. While states can not decide on their own human rights system

implementation of global norms in nations by state actors with influence of international actors and national NGO networks". Concerning this fact, while questioning the role of TFNs in voice entitlement nexus beyond the state actors, it needs to be taken into consideration the current system. In addition, since states are still vital actors for implementation – as being responsible from norm transformation and as holding enforcement power (Zwingel 2007)-, the state factor should also be included to this analysis.

Since they have influence on the structures and strategies of TFNs, when these actors are analyzed more detailed, it has been faced with many criticisms.

5. Criticism of Global Norm Building System on Women Rights, referring to UN, CEDAW and State Actors.

5.1 Criticism of UN

The first element which maybe considered as the reason of the insufficiency of TFNs is the global norm building system leaded by the UN in respect to the significant amount of debates and objections.

First, referring to the debates on the goal of global norm building; it has been claimed that the world is managed by western economic actors, and the discussion attempts of the women from developing regions on the world economy would never be seriously considered by the rich countries since their new world order was ruled by "market forces" (Snyder 2006). Consequently, it has been stressed that as being seen as cheap labour, through anti discrimination rights, women are tried to be individualized²¹ to be pulled to the

and have to obey the UN norms since they have already signed the UN Charter, there is also no other platform for state actors in order to discuss on human rights on international base. (Finke 1998)

²¹ As metioned by Naples (2002a); 'global feminism, as mainly representing the western ideas, elided the diversity of women's agency in favour of a universalized Western model of women's liberation that celebrates individuality and modernity" (Naples 2002a: 6).

work market²². As mentioned by Moghadam (2005) 'in the era of economic globalization, the pressure for greater competitiveness through lower labor and production costs has encouraged the demand for and supply of female labor' (Moghadam 2005: 192).

According to these assumptions, the UN is considered as a part of this system, and is being dominated by western values. As Finke (1998) highlighted; 'the UN can not be neutral based on its history as being founded by alliance (modern industrial countries) after the war and with a western point of view' (Finke 1998:1). And she asserts that, western dominancy also exists in global ruling as Human Rights, by taking into consideration the fact that women are tried to be individualized in the UN Human Rights Regime as civil and political rights are given priority (Finke 1998).

Second, in regard to the criticism of the UN's methodology in norm building; the international conventions produced at the UN platforms are considered as normative standards that should get into domestic level and thus correct normative dissonance. Yet this correction is argued as being not targeting the changing of subordination of women but changing the norm system to transform east in the direction of western demands and living style. (Zwingel 2005:53) This point is also mentioned by Metcalfe. She reflected the opposition of feminists from Global East concerning the fact that 'so-called global norms are predominantly influenced by Western values in which experiences of women from the Global East are not substantially represented, but merely used as illustrations'(Metcalfe 2008, by referring Mohanty 2003, Oloka-Onyango and Tamale 1995).

5.2 Criticism of CEDAW

As being an output of global norm building, CEDAW has been also criticized, regarding its creation period and the interests that it represents.

Concerning the criticisms on CEDAW, if the debates on "which actors were involved in the creation of CEDAW?" is mentioned first, the main argument was that; this period held particularly at the UN by the participation of the UN Regional Commissions and Agencies,

²² For example" The New International Economic Order: What Roles for Women?" report prepared by UNECA's women's centre.

together with government representatives (Synder 2006: 30) but not having enough cooperation with the women movements and organizations²³. Despite the fact that there was engagement of coalitions between female proponents of women's rights from different governmental delegations and from within the UN, it is underlined that these coalitions were by no means representative for the world's women. Instead, the women behind the CEDAW were more representative for middle-class women than for women in extreme poverty or for women experiencing multiple forms of discrimination²⁴.

In addition, most of the participants to CEDAW were governmental delegates that they had to represent the interests of their governments instead of the interests of civil society (Zwingel 2005).

These discussions then brought the questioning that, 'if an instrument created by intergovernmental cooperation is *not* connected to domestic norms and discourses, it will be destined for non-implementation because of those missing links' (Zwingel 2005).

²³ Although it is claimed that CEDAW was the outcome of the First World Conference on Women, held in Mexico City at year 1975 with the participation of women from first world and third world countries, as it is mentioned before in the chapter three, the first two conferences were not actually corporation and agreement platforms (Moghadam 2005).

²⁴The multiple forms of discrimination results from the intersection of discrimination based on gender and based on race, class and ethnicity. In this respect, equality is perceived as the opposite of several intersecting discriminatory dimensions (Zwingel 2005: referring to the commitments of IWRAW Asia Pasific). Relevant with discrimination "based on class" for example, as mentioned by Naples, in compare to middle class women, mainly poor women bear an unequal burden of the economic and social dislocation resulting from these 'gendered, racialized and internationalized processes' (Naples 2002a:11).

However in the case of CEDAW, gender-based discrimination is seen as privileged over discrimination based on class, ethnicity, race or nationality. Yet these kinds of discrimination are equally or even more relevant to the subordination of women. Regarding the text of the Convention, only article 14 on the special situation of rural women and article 1 in reference to married women address the problem of intersectional discrimination *directly*. However as IWRAW Asia Pacific underlined, the articles of the Convention should based on; "*all* dimensions that reinforce notions of inferiority and superiority between the sexes should be eliminated" (Zwingel 2005: referring to the commitments of IWRAW Asia Pasific).

Second, referring to the arguments on “which interests are represented in the treaty”; as it is mentioned in the UN Page²⁵; the Convention is based on equal opportunities in political and public life. In addition to that in this page it is emphasized that the Convention is the only human rights treaty which targets culture and tradition as influential forces shaping gender roles and family relations”. Yet the main criticism is; CEDAW does not take into consideration the cultural circumstances that women are woven instead, targets culture separately and considers it as a factor restricting women's enjoyment of their fundamental rights. As it is referred in this page, “

However, for example, especially in Muslim Countries, this approach is one of the reasons that governments show resistance to transfer these norms by prioritizing their cultural and religious values. Since, as Metcalfe stressed, in international level what is mainly ignored is the fact that Eastern and Western world is diverse economically, socially, historically and politically. Yet, as Snyder underlined gender equality cannot be achieved and maintained separately from other major social, economic and political issues (Snyder 2006:48).

More specifically if the Arab region is considered, the great majority are linked by common language (Arabic), religion (Islam) and cultural identity and heritage (by referring Ahmed, 1998; Ali, 1995, 1999; UNIFEM, 2004). If it needs to be identified their cultural identity for example, gender, work and social relations are governed by a traditional patriarchal structure (Metcalfe 2008:90). Women’s most significant role, according to the society, is as a homemaker and mother, while the man’s responsibility is to support and protect the wife and the family. And these cultural practices create gendered work relations and organization structures (Metcalfe 2008: 90-97).

Beside cultural processes that influence gender relations, one important aspect that needs attention is the religious context²⁶. ‘Both men and women living in Muslim countries believe that Islam defines gender and family roles as well as responsibilities and these are taken very seriously’ (Metcalfe 2008:97). On this regard, when the understanding of

²⁵ <http://www.un.org/womenwatch/daw/cedaw/>, August 2009

²⁶ It has been argued that religion is one of the many factors that can contribute to the formation of national culture, and which, through national culture as a result plays a significant role in shaping economic and social relations. (Metcalfe 2008: 90)

women-men equality is examined; due to the religious laws men and women are treated differently, but not unequally that it concentrates on the complementary roles of men and women (Metcalf 2008).

While these principles are accepted by the community, in accordance with the problem of “suffering of women living in Muslim Countries from extreme religious applications”, Islamic is found as a vehicle for rebellion against current political (male) authority – rather than CEDAW. As Amat-al-Aleem Alososwa, the first woman to be appointed to a ministerial position in Lebanon commented: ‘women’s rights are human rights are Islamic rights’ (Metcalf 2008)

Considering CEDAW, Yet, actually Arab states argue that they are not against the principles of CEDAW but wish to maintain their commitment to Islamic law. However; on one hand while feminist issues have been emphasized, on the other hand religion is still an important regulator of everyday life and of a source of female identity. For that reason; it is proposed that difference - equality strategy, acknowledging the importance of the family, is the most appropriate way forward to develop women’s rights (Metcalf 2008:90) – which has been conflicting with the principles of CEDAW.

On this regard, the Convention is claimed as not serving solutions that could be applied in various nations unless it are reshaped due to the special needs and conditions of each culture.

5.3 Criticism of States

States, as being a part of international society, have been criticized for serving to the system. Some feminist scholars mention that, governments represent certain interests and exclude many others while they are engaging in international cooperation. And as Naples stressed, women are one of the groups that governments marginalize and do not really address at these international platforms (Naples 2002b).

Particularly in regard to the UN led international norm building process, although they mostly sign CEDAW, they are criticized as doing this for gaining international prestige.

When we look at the responses of them to their treaty obligations; especially the third world countries formulate reservations and eschew transforming these international norms to their laws by arguing that these norms contradict with their cultural conditions²⁷ and by fearing of losing their sovereignty²⁸. But on the other hand they do not play a role on the reinterpretation of these norms to reach political and public compliance.

In addition to these points, while networks are trying to serve to the effective transformation of CEDAW, they are suppressed by states. For that reason; many feminist organizations have resisted interaction with governmental or intergovernmental organizations out of principle, or the desire to resist any co-optation or loss of political purity²⁹ (Moghadam 2005).

As a result, the insufficiency of TFNs can be connected to the problems of current norm building system concerning the above identified discussions and criticism. On one hand the UN is criticized as being western and serving to the neo liberal capitalism. On the other hand the global norms themselves - that TFNs have been trying to transform to national laws in an effective way - are criticized as not really targeting the main problems of women from diverse localities and their diverse problems.

However, despite the above mentioned oppositions on the current global norm building system, the UN still plays an important role as a transnational location in which women and feminists from different parts of the world would meet and cooperate (Synder 2006)

²⁷ Of the 22 Arab League states, 16 have ratified or acceded to CEDAW although most have stated reservations (Metcalf 2008:91)

²⁸ For example, "In the context of Singapore's multi-racial and multi-religious society, the Republic of Singapore the government rejected to apply the articles on marriage and family life where compliance with these provisions would be contrary to their religious and personal laws." (UN-Doc. CEDAW/SP/2002/2: 28) (Zwingel 2005)

²⁹As an example; WLUML gives priority to creating strong networks and ties of solidarity among women who live under Muslim Laws rather than seeking to influence national or global policy through interaction with governments or intergovernmental bodies. (Moghadam 2005:162) Although it circulates petitions that are forwarded to the UN, it does not engage in lobbying at the national level since it views most of the national governments as patriarchal, authoritarian or corrupt (Moghadam 2005: 170).

For example, one of the members of a TFN stressed that the UN record, especially with its world conferences, has a very important role on promoting women's rights, especially in Muslim Countries. She said that, 'international pressures provide a great tool for mobilizing locally. These conferences have been enormously helpful for networking and for funding'. (Moghadam 2005: 168).

Concerning the global norms, particularly CEDAW; first of all the fundamental principles that it carries can not be ignored – based on human dignity Zwingel (2005). Next even if it had been created within a context that did not represent the interests of different nations and locals, as stated by Naples (2002b), national and local groups can use these universal standards in different local contexts to further their own aims (Naples 2002b:272). As also emphasized by Zwingel (2005) the Convention can still be developed further in interpreting it from the particular shape of gender hierarchies concerning the domestic contexts (Zwingel 2005).

Lastly, concerning the critics around "west", Stivens argued that 'it is too simple to understand human rights as "imports" from Western liberalism or neo-colonial imposts. Instead, the claim of human rights for women is a highly specific product of local social movements, which arise 'in the context of multiple, divergent modernities within a globalizing regional and world order' (Zwingel 2005)

To sum up, there have been serious oppositions to the current global norm building system. However, in respect to the counter arguments, this system is a dynamic process that could be developed and used for the interests of women living in various regions and localities. In this respect, the priority should be given to; "how an effective transformation and implementation of current norms in national laws –with the main goal of voice entitlement nexus- can be possible and the role of TFNs in it³⁰".

In this respect, instead of searching for their role in setting parallel norms, TFNs shall be examined whether they can be leading this process effectively.

³⁰ instead of trying to investigate the role of TFNs to create parallel sets of norm.

There already exist some theories on the effective implementation of CEDAW in nations which also contain a discourse on the role of TFNs in this process. Considering these theories, within the following chapters, it shall be possible to modify voice entitlement nexus to these effective implementation methods for TFNs to be still able to serve democratic governance.

6. Theories on ‘the Ways of Effective Implication of CEDAW and the Role of TFNs’

CEDAW is one of the most important conventions that 185 countries are ratified but still wait to be transformed to national laws and to be implemented in many of these countries. While the reason of non-transformation and implementation is questioned, it has been also investigated how this process could be facilitated in a more effective way. In this investigation, it has been developed 3 theories questioning the effective implementation containing also an investigation of role of TFNs in this process.

6.1 Regime Theory

The implementation process is explained first with regime theory, which is a traditional view of International Relations theory on state-centred mechanisms. In brief, according to this theory, the main actors in this regard are states since they have ratified the Convention. Yet the UN as international support structure as well as non-governmental organizations are given a role in international cooperation. (Zwingel 2005: 23)

As also claimed by Collectif 95, a purely international existence is not sufficient for universal rights. The effectiveness of these rights depends on entirely how well they are received and integrated into domestic legislation within nations (Moussavi 2005). As also stated by Zwingel (2005), ‘global norms only unfold their meaning in ongoing and collective interpretations and re-interpretations within local practices which bring better integration to domestic legislation’ (Zwingel 2005).

And besides their role to support the norm transformation and implementation process by facilitating and monitoring, NGOs are expected to contribute this process with transnational

activism which will also be explained in these theories as the underlying item of effective implementation. These approaches will be explained with the following two theories called; global norm diffusion theory and theory of transnational feminism.

6.2 Global Norm Diffusion Theory

While building on the norm life-cycle model – mentioned in chapter 4- the theory of global norm diffusion mainly concentrated on how global norms gain relevance in domestic contexts. This is based on particularly the idea that ‘Domestic and global norms are neither separated nor fundamentally different in nature, but hang together. On the other hand, global norms must always work their influence through the filter of domestic structures and domestic norms, which can produce important variations in compliance and interpretation of these norms’ (Finnemore and Sikkink 1998: 893).

Within this theory it is argued that internationalization with national context, with other words the repercussion of global norms in domestic contexts, depends on diverse factors, especially on the match with the domestic cultural values, on their incorporation into domestic institutions, and on the interests of influential domestic actors. According to this fact, internationalization of the global norms requires norm interpretation.

Yet it has been claimed that a “fit” between global norms and domestic understandings can be achieved, even in cases where a cultural match does not exist. In order to achieve this; it has been mentioned the necessity of concrete actors which have been identified as transnational non-governmental activism in strategic cooperation with governments (Zwingel 2005) or in transnational advocacy networks (TANs) (Keck and Sikkink, 1998).

In accordance with this concern TANs³¹ are considered as actors which have a significant role to link “international” with “domestic”. They are expected to raise international awareness on norm-violators- in order to support, empower and protect domestic oppositional groups-; and to create transnational structures pressuring norm-violating regimes both from the international and the domestic level.

³¹ For more information please refer to chapter 8.1

In this respect TANs are expected to join normative transformation and implementation with their activist role by making the promotion of the pre-accepted norms, pressuring states to transform CEDAW to their legislation in regard to CEDAW norms and giving expertise while these norms are tried to be accepted by domestic culture and transformed to national laws.

So concerning the role of TNs, there does not really exist a normative interpretation role but TNs are considered as supporting and promotion mechanisms on pressuring the domestic opponents to transform in the direction of global norms. And while TFNs are seen as simply advocacy networks, in order to contribute to implementation, the role given to them is border-crossing activism which enhances dialogue, cooperation and "soft pressure" between governments and civil society groups, but not an active participation to normative transformation (Zwingel 2007).

However, the main contribution of this theory is; regarding the notion of state sovereignty; it goes beyond the analysis of a concrete process of international cooperation. By doing this, it focus on actors, that connect domestic with international discourses by linking state society actors, international organizations and TANs which provides a new way to look at modes of impact of the Convention beyond mere state action. (Zwingel 2005:23).

6.3 Theory of Feminist Transnationalism

The feminist transnationalism theory originates from the statement that; global norms only unfold their value in ongoing and collective interpretations and re-interpretations within local practices, in other words, as long as they are interpreted concerning the domestic cultural values. Contrary to the assumption of cultural homogenization pointed out in global norm diffusion theory -which do not search for cultural fit, consequently do not concentrate on cultural differences -, it has been pointed out the importance of match between global norms with the domestic cultural values. And, the process of appropriation is mentioned as depending on current cross-cultural and intra-cultural dialogues (Zwingel 2005:54).

On this regard, local is given a high importance with its various cultural values and the “necessity of interpretation of norms concerning local circumstances” forms the main idea of this theory.

Then, while norm life-cycle model is criticized having still international perspective (Davis 2006), the theoretical approach on feminist transnationalism perceives global norm creation not as a predominantly international discourse, but as a process that takes place in multiple contexts and based on diverse local practices.

And the main actors in this theory are TFNs, but not TANs anymore. Concerning the role of TFNs, they are neither responsible to "import" global norms nor to develop support strategies based on their transnational cooperation (Keck and Sikkink 1998). But what is highlighted is their role in interpreting global norms from within their domestic contexts to give them contextualized weight.

On this regard, while global norm diffusion theory was criticized as being top-down, in accordance to this theory TFNs have the role to link global normative standards with locally or nationally contextualized interpretations and thus, have played an important role to legitimize - or to criticize and reject - global norms from the "bottom up" (Zwingel 2005:24). In this frame, with this theory local is not considered as a passive receiver of global norms but as space of creating, negotiating or resisting them.

As a result, for effective transformation of global norms, transnational feminist theory focused on norm transformation which is based on interpretation, performed by local as well as concerning their interests and cultural conditions. In addition it is mentioned as profoundly transformed international relations, especially regarding the notion of state sovereignty.

Concerning the elements of these theories, within the following chapter it will be examined the activities of two TNs -supported by the UN-, which are demonstrated as, by many scholars, good examples for effective norm transformation of CEDAW. The analysis of their activities will be performed in chapter 9, while the effectiveness of norm building activities of TFNs are discussed.

7. Examples of networking built by the UN, for effective implementation of CEDAW

7.1 CEDAW Monitoring Network

Besides its activities on public awareness, it has been also contributed to the transformation of CEDAW in a more direct way by CEDAW Monitoring Network³², which will be explained here with an example. In the case of Pakistan, the Aurat Foundation was the core group of the CEDAW Monitoring Network and prepared a baseline report on women's political participation as a starting point for its monitoring activities. This report was published in 2000 and campaigned for a 33% allocation of seats for women. A broad coalition of women's organizations headed by the Aurat Foundation campaigned in support of women running for elections and did capacity building programs for potential candidates. The outcome of this campaign was the impressive number of over 36,000 women being elected in local government institutions. (Zwingel 2005: 336)

Concerning this campaign, scholars claimed that Pakistani CEDAW Monitoring Network presented a much more comprehensive interpretation of global gender norms than the government, so that it convinced the government to take temporary special measures to increase women's political participation. And in this way, its focus of work is described not only global awareness rising but use CEDAW to change gender biased political and cultural traditions.

7.2 IWRAW Asia Pasific

International Women's Rights Action Watch Asia Pasific (IWRAW Asia Pasific) which is founded in 1993 in Kuala Lumpur, Malaysia is defined as transnational network contributing to the diffusion of global norms in national and local level by making the convention more public among women's NGOs -as being already mentioned in chapter 4.3- By doing so their aim is preparing a suitable ground for policy chances as an inside influence.

³² CEDAW Monitoring Networks are established in different countries to monitor public gender policies in the light of the Convention. By working together with local NGOs, their main activity is global awareness rising targeting women on their current rights (<http://www.un.org/womenwatch/daw/cedaw/>, July 2009)

Besides that, IWRAW Asia Pacific has been highlighted as good example for effective norm transformation of CEDAW since it has developed a transnational mission that connects local activism with the global framework to influence national policy change also from outside³³. In order to realize this goal, it made contribution to drawing up of CEDAW with regard to the local, which is highly important to improve the international procedure in connecting it with local voices. While it provide alternative information of women's NGOs into the CEDAW monitoring procedure, it made various statements in front of the CEDAW Committee and in other international for a interpreting the meaning of gender equality in the light of experiences of women from the Asian Pacific region.

Due the these theories and sample examples on implementation, including the scholar debates, to summarize what makes TFNs effective in norm building -that they are able to do within the current system is- is; “contextualising of CEDAW concerning the cultural relativism³⁴”, “make local actors participate to this process”, “facilitate national and local actors to influence states from inside and outside”.

In order to manage strengthening the inside influence, it has been stressed the activities focusing on civil society as an influencing mechanism to the states -organizing the local actors and national NGOs and contribute to transformation of political and cultural values of society-. For outside influence, it has been referred the activities focusing policy actors in the international era -by lobbying, giving expertise, or facilitate the UN to monitor CEDAW implementation process particularly through Shadow Reports-.

Concerning this model, before analyzing whether TFNs are able to join it effectively; it shall be identified how voice-entitlement show itself within this above mentioned model.

³³ www.iwraw-ap.org/aboutus.htm, July 2009

³⁴ Cultural relativism is highlighted by Zwingel as a process that not only legitimates these norms but also renders them more useful and effective worldwide (Zwingel 2007).

On this regard; while “the norm interpretation activities concerning and with the leading role of local actors” represent the voice, “the activities in order to facilitate norm transformation and implementation” can be valued as entitlement.

Concerning this alternative approach, it can be assumed that in the current system, it is possible to question and expect TFNs perform effective CEDAW implementation through voice-entitlement nexus. Thus, within the following chapter, it will be examined TFNs, based on their aims and activities in norm generating, by questioning “to what extent do they fit with this approach”.

8. Analysis of TFNs, concerning Effective Norm Building

Before discussing the general activities and effectiveness of TFNs in the normative transformation and implementation of CEDAW with relevant examples, it needs to be differentiated the individual based advocacy activities of TFNs³⁵ from norm based advocacy activities of them.

8.1 Transnational Advocacy Networks (TAN)

By targeting particularly to avoid women rights violations, TFNs mainly engage in activities defending individual cases of abuses, oppressions and discrimination against women. As an example; WLUML³⁶, which has been formed basically in response to the growing crisis of religious fundamentalism, responds to as well as initiates campaigns

³⁵ It should be mentioned that in literature, TFNs are mainly named as TANs although there exist also TFNs which are not mentioned as advocacy networks. Since TANs not only perform individual advocacy activities but also norm building activities, it is hard to differentiate TFNs from TANs. For that reason; it is preferred to include in this thesis all transnational networks working on women issues but by focusing on their normative implementation activities.

³⁶ WLUML, as being the first feminist network as having focus on women in Muslim countries and communities, was formed in 1984. It mainly consists of local and national movements from Algeria, Morocco, Tunisia, Egypt, Sudan, Nigeria, India, Pakistan and Sri Lanka. It is described as an antifundamentalist network of Muslim feminists and secular feminists who link with other women’s networks to advance the human rights of women in the Muslim World. It was formed in response to concerns about changes in family laws in the countries from which the founding members come. (Moghadam 2005: 149)

pertaining to violations of women rights in Muslim World. In this respect it has issued numerous action alerts by individual cases such as an alert on the campaign to end the trafficking of Burmese women and girls into Tai brothels; an alert regarding the rape of an eleven-year-old Bangladeshi girl by police in Delhi; numerous appeals regarding the situation of Algerian women and fundamentalist terror (Moghadam 2005: 149,150).

Besides these individual based advocacy activities, TANs also perform norm based advocacy activities – consist of advocacy and lobbying- which can be considered as being a part of the norm creation activities, since they have important contribution to norm interpretation and normative implementation by aiming of influencing states to make transformations in the scope of CEDAW.

But even if they do not carry the aim of normative transformation and in particular engage in advocacy work, in many cases campaigns for individual women became an illustration for general points in law and policy regulations (Davis 2006: 278).

In the contrary to the above mentioned activities, as stressed by Mückenberger, although TAN have a significant role in articulating the concerns and interests of civil society actors, they should not simply concentrate on one particular issue or interest. Instead, with an intention of norm building, their goal should be to establish a rule that is to be valid and applied in an unknown number of future cases. Afterwards they should try to influence the actors to transfer and implement this norm. Only in this way they can support in achieving a breakthrough (Mückenberger 2008).

On this regard, it needs to be concentrated on the norm building activities of TFNs.

8.2 Activities of TFNs, in regard to CEDAW Implementation through Voice-Entitlement Nexus

In the previous chapter, it has been summarized the main issues that TFNs matters in national and global level. Concerning firstly their aims and consequent activities; their main goal is to establish equality and to provide empowerment for women in order to reach “social justice and democratization” in the society and globally. And in order to reach this

goal, TFNs engage in information exchange, mutual support and advocacy activities. And the target of their advocacy and activism are local structures and national governments as well as global institutions –since these institutions have been the leading actors in the current norm generating system- (Moghadam 2005: 20). In doing so, they take advantage of other global processes, including the development and spread of information and computer technologies (Moghadam 2005: 20196).

After referring to the aims and relevant activities of TFNs very briefly, here, by taking into consideration mentioned theories and sampling examples, it will be analyzed their norm generating activities under two headings; “voice” and “entitlement”.

The aim this analysis is; by referring the norm building activities of TFNs through voice and entitlement; making an analysis on whether these could really contribute to effective transformation of CEDAW, - in other words if CEDAW could be voice of local women and if this voice could be represented in legal level and in a legitimate way-.

8.2.1 Voice

In this chapter the capability of TFNs -especially the ones enforcing their activities in Muslim Countries- for representing voice will be analyzed under two aspects. *First* it will be questioned whether they have such organizational structure which gives chance local being represented efficiently. *Second* it will be investigated if they manage, besides facilitating norm transformation and implementation, norm interpretation activities managed by local and concerning the cultural differences of local.

First; many feminist scholars claim that TFNs serve for more effective organization of women groups -from various regions and cultures. Moreover, it is also stated that they facilitate the direct and active participation of women from their activity region (such as global south, North, etc) in international debates concerning their rights (Moghadam 2005:146).

However, although TFNs are platforms that they bring together women movements and organizations based on different localities from different parts of the world, in order to investigate whether there exist a legitimate representation of the various groups of women from eastern and southern countries, following points should be examined which are; “do NGOs – which make up TFNs- really represent the grassroots groups?”, “are these groups or NGOs -developed by these groups- really represented within TFNs?”, “can these networks really represent these groups in the international arena?”.

Concerning the first question, although TFNs are prised as being down-top – in other words social movement emphasis on bottom-up citizen protest especially with grass-root organizations-; when Naples (2002a) examines who is deemed grassroots -by giving example from African NGOs as they are mainly grassroots organizations-, she makes her emphasize the problem that, in these NGOs the term “grass roots” has been used by white and middle class women of western organizations to refer to black and rural women. While these groups are the targets of intervention, it creates a hierarchy in these NGOs which brings undemocratic applications (Naples 2002a).

In regard to the second question, according to Naples (2002a), TFNs fail to portrait accurately the range of actors including foundations and international and regional organizations. As also underlined by Zwingel (2005); transnational feminist activism has ambivalent features as it may reproduce current inequalities, e.g. between professional NGOs and grassroots organizations which are mainly from the Global South (Zwingel 2005:49). Thus, she stressed the risk of unrealistic and unfair representation of women groups from different regions, different economic level and cultures within TFNs. The reason of this feature is owned to the fact that within TFNs there exist dominancy of middle class and elite which are mainly from professionalized NGOs (Moghadam 2005).

Actually, Moghadam (2005) claims that class lines are blundered as women professionals and women proletarians find common cause around personal, economic, social issues - including violence against women, poverty, job security, the redistribution and socialization of domestic work, reproductive health and rights and women’s roles in decision making - (Moghadan 2005:192).

However, Naples (2002a) directs the following questions ‘who gets to define issues to be brought to the transnational political stage, which gets to participate in this form of activism and whose voices are left out of the dialogue?’ (Naples 2002a:4). Moreover she stated that ‘professionalized NGOs, based in the West or whose members are primarily white, middle class, well educated women usually held a leading role in feminist organizations while grassroots organizations from eastern women do not find an accurate place as an equal partner’ (Naples 2002a: 4).

Besides the problem of inequalities based on class; the exclusion problem is also stressed by Zwingel (2005) by referring this debate with the following indication. There are globally shared cultural values which become internationally accepted norms. Those cultural values however which do not fit with the globally accepted values are excluded (Zwingel 2005:23). As an example; at the world conference on women in 1995, the Beijing Platform for Action was constructed as an irreversible achievement by many scholars (Moghadam 2005, Synder 2006, Ferree 2006) while, as (Zwingel 2005) pointed out, ‘the voices opposing it were termed backward or fundamentalist – that is, non-legitimate to renegotiate global standards’ (Zwingel 2005: 53).

As another example, in respect to the all case-studies on TFNs that Moghadam (2005) has examined -including the researches on Muslim or Mediterranean women’s human rights- it has been observed that the discourses of these networks are not particularistic but universalistic. They emphasize solidarity and commonality rather than difference (Moghadam 2005: 196). Nevertheless Moghadam emphasized that the circumstances of women are different and this kind of universalist approaches does not provide the effective solution since, while searching for common solutions, these differences could be put aside under TFNs (Metcalf 2008).

Targeting the third question which was “if these networks can really represent these groups in the international arena?”; as claimed by Finke (1998), the third world NGOs and their concerns are not given attention in the international arena unless they have strong connections with western NGOs and/or donors.

She explains this situation to the extent that, the World conferences are organized among state actors and NGOs do not have a formal status except giving expertise or being advisor. Due to her, not every government can represent its society sufficiently – especially not the marginalized groups- as there is a lack of expertise concerning these groups within governments. Accordingly NGOs' participation is motivated as experts. And some of these NGOs have consultative status in addition if their state allows them. Yet as she underlined, the consultative position is given only to NGOs which are big, well organized, have enough money, have good international connections and located in western industrial countries (Finke 1998). So it can be easily observed that governments are under the pressure to accept the consultancy of NGOs when these NGOs secure the mentioned conditions. As these NGOs have such power to influence the states that they can join in the international arena, this means that they also have significant power to influence the state policies in the direction of women rights (Finke 1998).

On this regard, the east is facing with the lack of representation in TFNs neither in their own organizations nor in the international arena.

Second, it has been expected from TFNs to perform interpretation of CEDAW, including local actors and in the own specific contexts of local. However, when the current TFNs in the transnational arena are examined, they do not show a connection with norm interpretation activities. In literature many TFNs are given as an example doing transformation of global norms into concrete national norms in order to bring CEDAW home (Zwingel 2007). But they facilitate particularly to import CEDAW, without interpretation concerning the interests of local. This situation will be analyzed in entitlement part.

8.2.2 Entitlement

In this chapter the activities of TFNs – specifically those targeting women living in Muslim Countries- will be pointed out under the entitlement aspect. As it is mentioned in the end of chapter 7.2, concerning the alternative approach, for effective norm building, TFNs are expected to influence state actors for them to make transformation of global norms in to their national laws and enforce. These activities of TFNs are performed in two ways. One is

organizing society to be an influence mechanism to a state from inside, and the other one is joining international activities, especially international conferences to influence state actors from outside – by influencing international community with lobbying activities. Considering these activities, in order to investigate whether they have managed transformation of interpreted norms to national laws;

Firstly these networks act within states to strengthen the capacity of women for them to realize their situations as well as act locally and work together. In this way they are expected to turn to influencing mechanisms as an inside pressure.

In order to do this, they first enhance public awareness activities on existing violations. They link with local partners such as working with labour and progressive religious groups, the media and human rights groups, take part in local coalitions and provoke or join public protests (Moghadam 2005). For example the WLUMML³⁷ branch in Pakistan has organized protests against patriarchal laws in Pakistan and for Afgan women's rights. On the other hand, a Nigerian Based group that is also associated with WLUMML has protested the Islamization of laws in Nigeria.

As a part of awareness rising activities, they also perform dissemination of current discriminated legislation. Referring to the activities of WLUMML again; it sets up a network of information and solidarity; disseminates information, facilitates interaction and contact between women from Muslim countries and communities, in order to disseminate information on formal and customary laws in the Muslim world, as well as on women's lives, struggles and strategies (Moghadam 2005: 142-173).

Moreover, they also perform norm diffusion activities. In order for women to be informed on their basic rights guaranteed to them under international human rights conventions, specifically CEDAW; their main activities are again education programs and relevant meetings (Moghadam 2005:146).

³⁷ Besides it is advocacy activities on individual cases – which we have mentioned in chapter 8.1; in legal arena, it is lobbying for changes in the collective legal position of women. Its actions are mainly campaigns with the objective of: revoke of discriminatory legislation, the end of oppressive gender practices and the enactment and/or enforcement of legislation favourable to women (Moghadam 2005: 142-173).

To facilitate norm transformation and implementation with inside pressure, in order to contribute to the domestic acceptance of the CEDAW, they follow activities with the aim of transformation of gender biased political and cultural traditions of society³⁸ through CEDAW principles.

Besides awareness rising activities, they work toward empowering women and developing their communication and leadership skills³⁹ (Moghadam 2005:145). To realize these goals, they develop human rights education programs; organize series of meetings, conferences and symposium.

Moreover, many of them build cooperation with state actors; give them expertise and action support during the normative transformation and implementation period such as WEDO, and WIDE⁴⁰.

Secondly; to be able to influence policy actors and world community through international arena, one of the main activities that TFNs do is lobbying delegates in international activities. In order to do it, they participate in multilateral and intergovernmental political arenas such as observing and addressing the UN departments, consulting the UN agencies and regional commissions, and participating in the World Bank's External Gender Consultative Group.

To influence on national and international policies, they also take part in intergovernmental organization meetings, such as the UN's Human Rights Conference in 1993. As Finke (1998) pointed out, TNFs, with partnerships with other advocacy networks, performed

³⁸ such as the campaign of CEDAW Monitoring Network in Pakistan, mentioned in chapter 7.1.

³⁹ As an other example, alongside WLUML; SIGI, which is also formed in 1984 and in response to the religious fundamentalism like WLUML, was flowing activities to promote human rights awareness among women and empower them with leadership skills to claim their rights. As Moghadam (2005) mentioned, the workshops that SIGI organized enabled the women participants to understand the concept of basic rights and to see violations of these rights in their daily lives (Moghadam 2005: 142-173).

⁴⁰ Please refer to Moghadam, V. M. (2005): *Globalizing Women: Transnational Feminist Networks*. Johns Hopkins University Press, Baltimore, pp. 78-105.

lobbying activities in these Conferences⁴¹ by trying to influence the state actors and world community (Finke 1998: 5). In addition, they submit background papers, and reports (Moghadam 2005: 13). Consequently, the lobbying and expertise of these TFNs led to the insertion of significant items into final declarations of these conferences on the themes; such as “violence against women is an abuse of human rights”, “attention to the harmful effects of certain traditional or customary practices”, “cultural prejudice and religious extremism” (Moghadam 2005: 9).

To support the implication of CEDAW, it also follows activities to increase expertise of issues so that some experts who are active in WLUML serve as consultants to UN. Moreover they make monitoring of the human rights of women in Muslim countries, and prepare reports on women in Muslim countries for the UN Agencies (Moghadam 2005: 151). For example WLUML submitted a shadow report on Algeria to the UN’s Committee on CEDAW that was critical of both the government and the Islamist groups that terrorized women during the 1990s (Moghadam 2005:156). In addition some other TFNs produce reports on countries’ implementation of the Beijing Platform for Action.

Moreover they also have a role supporting national and local NGOs to be crucial actors in making the international conventions effective, in their contribution to the international monitoring procedure and in supporting domestic implementation of these conventions in cooperation with their governments (Moghadam 2005:146).

8.2.3 Relevant Analysis

Here the activities of TFNs in norm generation will be analyzed by addressing a discussion on ‘entitlement’ accompanied with ‘voice’ - although the effectiveness of the activities of TFNs under ‘voice’ in chapter 7.2.1 has been already started to be examined.

Concerning the all the above mentioned activities, it can be observed that TFNs do not really play a role in norm building since their activities to facilitate inside and outside

⁴¹ Besides World Conferences specifically on women issues, the other conferences of the UN also hosted the lobbying activities of TFNs; such as 1992 the UN Conference on Environment and Development, the Human Rights Conference in Vienna in 1993, 1994 International Conference on Population and Development (ICPD), the March 1995 Social Summit.

pressure mechanisms consist of transformation attempts of CEDAW directly but not the interpreted version. What they simply do, as norm building activity, is rights based advocacy work and trying to increase public awareness of women on their current rights – which are guaranteed by CEDAW. This situation is also stressed by Zwingel (2005) that “what is taking place on the domestic level is norm implementation, not a process of active appropriation, negotiation or even reformulation of the norm” (Zwingel 2005:56).

Nevertheless, some scholars could still claim that, with the collective action, women could accomplish national priorities by being able to bring their problem to international arena as well as by influencing global norms and conventions, in addition to the challenge they created to the state and global forces⁴² (Moghadam 2005: 191-203). Yet, as Finke (1998) explained, and as already mentioned in chapter 8.2.1, eastern women can not find a place in the international arena so that do not have power to influence policy actors within their domestic contexts.

So who are these women who could accomplish to influence policy actors and even could influence global norms due to their priorities?

Due to the above mentioned points; the answer address the TFNs which are either western ones such as DAWN, WEDO, WIDE or eastern ones but managed and supported by the UN such as national NGO networks or CEDAW Monitoring Networks evolved by the UN as well as IWRAW Asia Pacific.

Concerning the western networks, since they are organized under UN, have centres in western countries, have good connections with state actors, they do not have financial problems (as mentioned before in chapter 8.2.2). They have a strong power in the international arena for lobbying with the aim of transformation and implementation of CEDAW in nations. As it was pointed out by Moghadam (2005), while they are in a

⁴² As Moghadam (2005) mentioned, women’s organizations become major non-state political actors on the global, regional and national scenes (Moghadam 2005: 191-203). Moreover as it has been claimed by Moghadam (2005), with TFNs, as being represented in the international arena, women play a vital role in global debates and influence on policy and actions of national and international actors (Moghadam, 2005:146). Consequently, as Synder (2006) claims, women are now agents of change; influence government actions as their movement broaden and deepen (Synder 2006).

dynamic relationship with states, the media and intergovernmental organizations; they use the global, intergovernmental and the transnational public sphere (Moghadam 2005: 191-203).

*Referring to eastern networks, –or eastern NGOs in networks-, actually they do not have influence on government actors neither directly nor through international channels unless they target a direct CEDAW implementation and take position next to west. Naples (2002a) referred this situation with the following question that; why certain third world NGOs receive sustained attention and support from the east, while others that have more grassroots connections are marginalized on the international political stage*⁴³*(Naples 2002a: 4).*

Besides, they either do not perform interpretation activities but simply concentrates on public awareness – such as WLUML - or the ones who concentrates on – and do not close connections with west - have less influence power (due to the reasons that have mentioned under the heading *voice*.)

When the work of CEDAW Monitoring Network and IWRAW Asia Pacific are analyzed; in CEDAW Monitoring Network, although it accept CEDAW as a legitimate instrument for change, it can be observed that its interpretation brought changes only on implementation base as we have seen in Pakistan example. As it is also underlined by Zwingel (2005) “CEDAW Monitoring Network is not anymore transnational advocacy but implementation network”.

What the CEDAW monitoring network did basically was increasing public awareness on equal participation of men and women in political decision making and preparing women to run for elections. And it was actually targeting the development of the civil and political rights of the women although these women were mainly suffering from the violation of their economic and social rights. As it is indicated by Finke (1998) if the subordination of women is eliminated in this sphere, women will be able to participate to civil and political

⁴³ In order to reach relevant examples, please refer to: Naples, N. A. Changing the Terms, Community Activism, Globalization and the Dilemmas of Transnational Feminist Praxis. in: Naples, N. A. and Desai M. (Eds.) (2002a): *Women's Activism and Globalization. Linking Local Struggles and Transnational Politics*. London, New York: Routledge, pp. 3-15.

life equally (Finke 1998). In this respect, although it was argued that this success was a significant step by the government to conform to the CEDAW, since it was not subject to permanent normative changes, it is introduced as a temporary special measure (Zwingel 2005). Moreover as stressed by Naples the women who are selected were fundamentalist (Naples 2002a).

In the case of IWRAW Asia Pasific; like CEDAW Monitoring Network, this network is basically targeting the states and was giving consultancy – but not aiming for a movement above state actors-. And the activities in bringing national NGOs in CEDAW procedure are not direct rather indirect attempts for interpretation. It is expected from international community to make relevant arrangements concerning the local's circumstances that are reflected by the IWRAW Asia Pasific's reports -which are presented to CEDAW Committee-.

Concerning the mentioned above points, within the current system, eastern NGOs/networks particularly *Muslim countries based ones* have difficulty to follow the requirements of the alternative approach mentioned at the end of chapter 7.2 -except the ones which are UN supported and cooperated with West-. While voice of eastern women do not exist within, and through, these NGOs/networks, the movements and organizations build by these women either do not have a role in entitlement or they are dependent to the west. For that reason, I highly doubt that these NGOs and/or TFNs can serve an effective norm building for the elimination of the discrimination against eastern women and for managing democratic society.

On this regard, these disputes brought to my mind such a question that “Is it necessary and efficient for eastern NGOs to coexist with western ones under the universal TFNs”. Could there be another form of networking to make “effective norm building” possible particularly in eastern countries. Concerning these questions, it shall be analyzed this problematic structure of TFNs closer.

9. Analysis of the networking of Eastern and Western NGOs/TFNs, from Eastern Perspective

As stated by Finke (1998), Eastern NGOs can not find a place for themselves at international political platforms as long as they do “not good connections with other NGOs located in western countries”, “do not have a sound financial base” and “are not well organized (professionalized)” (Finke 1998). On the other hand, as it will be explained through the following paragraphs, when they have close relations or even build TFNs with western NGOs or networks, an independent women’s organization movement is challenged.

Cooperation with West

Regarding the first point that Finke (1998) mentioned; when Eastern NGOs/networks have good connections with other NGOs located in western countries, there is most of the time the problem of hierarchy, which result in undemocratic applications (Finke 1998)⁴⁴. This situation is addressed to the fact that most of the networks have centres in North America. For that reason, as some activists claim, these “New York Offices”, such as WEDO, have been too central, that there is a one-way relationship with the contacts in Third World countries (Moghadam 2005:193).

This hierarchy is also emphasized as being responsible from the fact that, “lobbying work and advocacy is dominant in compare with fostering or supporting grassroots women’s organizations⁴⁵” (Moghadam 2005: 194).

Financial Strength

The second point which is pointed out by Finke was the requirement to have a financial base. Yet since most of them are in the absence of a mass membership base, for an eastern NGO or network; *having a sound financial base* means relying on soft money from external

⁴⁴ Pls also refer to chapter 8.2.1

⁴⁵ Such as WIDE whose members see themselves as European feminists with a responsibility to ensure that their governments devise development policies “that ensure the well-being of women in Third World countries” (Moghadam 2005).

grants of foundation assistance, with its attendant problems of being under the hegemony of their donors being mainly western NGOs or networks” (Moghadam 2005: 194).

Besides that, concerning the support from western NGOs/networks, it is not only financial but mainly accompanied by development projects, with the aim of transforming social and cultural values of eastern societies in long run (Tripp 2006a).

Yet, although the necessity of the transformation of cultural and social values of east is stressed also by eastern feminists, when the leading role is taken by west, it is mostly mentioned the risk of ignorance of the conditions and cultural sensitiveness of eastern local. As a result, in some cases women were endangered more than helped (Tripp 2006a).

Tripp explained the main reason of this situation by referring to the fact that effective interventions necessitates including the local dynamics and an understanding of the different positions taken by various local actors which is most of the time missing in development projects (Tripp 2006a).

According to the above mentioned reasons, there exist many networks which do not want to give place to western based organizations and try to deliberately avoid external funding or paid positions in order to avoid possible co-optation or bureaucratization. On the other hand, the cost of trying to be independent is keep facing with financial difficulties. As an example; in order to enforce its activities, the Association of Women of the Mediterranean Region (AWMR)⁴⁶ often lacks the necessary financial and other resources for real growth or more effective participation and lobbying.

Professionalization

The last point, which led NGOs to be able to find place in international political platforms, is the requirement of professionalization. However like external funding, many feminist

⁴⁶ AWMR, which is claimed as being the TFN with largest participation from Arab women, is devised by 19 Mediterranean countries in Malta in 1992. By defining itself anticapitalist and antimilitarist, its aim was to promote the human rights of women at the local, national, regional and global level, exposing fundamentalist and state collusion, and realization of women’s equality, social justice, full employment and demilitarization (Moghadam 2005).

organizations have also resisted professionalization to avoid any co-optation or loss of political purity (Moghadam 2005: 191-203)

If it needs to be pointed out the discussions on professionalization of NGOs/ networks; Ferree (2006) identified that most women's movements including TFNs have a loose organizational framework and are characterized by lack of formalized institutional bases of power (Ferree 2006). And this situation is found positive as being 'flexible and adaptive and resonate with larger constituencies through different tactics eg, direct action versus lobbying and legal strategies' (Ferree 2006). This structure is also claimed to be promoting innovation and experimentation in generating and implementation of social changes (Moghadam 2005:80)

By contrast, Suzanna Staggenborg has argued that structurelessness is a disadvantage, and that professionalization and formalization assist the realization of goals. In accordance with her research; she claimed that the consequences of professionalization included fiscal stability and organizational maintenance (Moghadam 2005:80).

On the other hand considering this discussion from another perspective, Bagic (2006) called professionalization "the process of NGOization⁴⁷" which will bring actually the need for more external funding, and a possible decrease in the numbers of feminist organizations. He claims that the "NGOization" of feminist activism brings involving contractual relationships with donors due to project-based goals. Hence, in order to realize their projects, NGOs will be always depended to external funding (Bagic 2006).

He elaborates his statement by referring to the fact that, while many funders of western feminist NGOs share the goals of the advocacy organizations, this is not always the case and inevitably this kind of accountability affects the priorities and policies of NGOs (Bagic 2006:161). This risk is also pointed out by Davis (2006) to the extent that, to whom these NGOs are accountable are primarily their founders. In other words the alternative that emerged in the 1990s to the feminist "tranny of structurelessness" has become the "tranny

⁴⁷ Bagic explained NGOization as the process of transformation of social movements into professional organizations (Bagic 2006).

of funders” (Davis 2006). In this respect, although ‘NGOization gets the traditionally complex feminist agenda of emancipation and equality as well as translate them into specific, single issues’; it does it either with state oriented focus or donor oriented⁴⁸. (Bagic 2006:161)

Moreover, as another problem concerning professionalization, it was pointed out that; since it created a certain stratification and top-down quality within it⁴⁹, ‘this top-down nature is anchored in its deductive nature as advocacy for predetermined rights’ (Davis 2006: 289). In other words; an advocacy mainly concentrated on importing global norms instead of transforming them addressing different belief systems and cultural backgrounds.

Because of these above mentioned points, women from Muslim countries do not want to take place in networks or organizations which are basically consisting of western NGOs and/or networks.

All these points actually answer to my question as “NO” considering the necessity and efficiency of networking of eastern and western women movements/NGOs under universal TFNs. Concerning this conclusion I would like to focus my investigation on “how TFNs should be organized so that an effective norm building through voice-entitlement norm building can be possible”.

10. Recommendation

As a result, because of the above mentioned points, TFNs are observed as not serving to the “alternative approach” and are not being able to manage effective norm building as long as they emerge with the networking of I. World and III. World women coming from diverse local practices. Concerning this finding, I am more supporting a different kind of

⁴⁸ While in Latin Amerika for example, international organizations are the most significant instigators of NGOization. In Germany and other western countries state appears as the major donor (Bagic 2006:161).

⁴⁹ Please also refer to 8.2.1.

organizational structure that I will try to describe within this chapter - under the heading “voice” and “entitlement” and then through a case study.

Referring to the basic idea of my recommendation -before indicating its elements-; I come to the conclusion that eastern women movements and/or organizations should get organized under networks on “regional base” instead of under global networks and professionalized organizations -with western based movements, organizations or networks-.

First, I need to mention what kind of an organizational structure should these regional based TFN have – for effective and legitimate voice representation-.

10.1 Concerning “Voice”

Reconsidering women to be able to get organized and participate; more regional networks should emerge. They should be built by and with the participation of grassroots movements and organizations, which are organized on national and local levels, as well as not being part of the educational or decision making elite of the country. In this way it will be possible to have a real down-top organization and, as explained by Naples, everyday practices of ordinary persons will be represented⁵⁰ (Naples 2002a). Then western influences could be avoided and brought more homogenous groups⁵¹ would build.

⁵⁰Due to Naples; Transnationalism from above as multinational corporations, media, commoditization and other macro level structures and processes that transcends two or more states are not produced and projected equally in all areas but are controlled by powerful elites who seek political, economic and social dominance in the world (Naples 2002a:7) whereas; Transnationalism from below (or grassroots) generates multiple and counter-hegemonic powers among non-elites. Moreover, it describes “the ways that the everyday practices of ordinary people, their feelings and understandings of their conditions of existence, often modify those conditions and thereby shape rather than merely reflect new models of urban culture” (Naples 2002a:7).

⁵¹ But regional base networking should still pay so much attention to differences in cultural and religious base, bearing in mind the indication made by Metcalfe that, ‘while global feminism was criticized as that all the members of oppressed social category are constructed a homogeneous and all dimensions of social locations are reduced into the primary one, the eastern western approach also homogenised eastern under the problem of suppression because of religious and culture’. (Metcalfe 90)

As an example, the African women's networks – which were emerged regional and sub regional- are considered as being well placed to avoid the international domination, besides being important for linking the local and global. Moreover, since they are rooted in the African context, they are claimed as providing legitimacy and are not labelled as “western” or “foreign”. (Adams 2006)

On the other hand, regional networks should also build cooperation with First World countries which is underlined by Tripp in a way that ‘greater transnational engagement with the West is necessary’.

When it needs to be examined how this cooperation should be built in a non hierarchical way; “Transversal Feminism” has to be mentioned.

Transversal Feminism

Transversal feminism has been developed as an alternative to assimilationist universalistic politics and to identity politics. While the former has been criticized as being a west centric commonality of interests and viewpoints, identity politics is argued as homogenising and collapsing individual into collective identities (Davis 2006). Contrary to these two, transversalism is described as ‘the politics of constructing a radical political group as a collective subject, in which there is a constant flow of communication both horizontally and vertically’ (Davis 2006) which enable feminist activism to get away from its hegemonic construction (Davis 2006:277).

In order to explain this concept more detailed; first, transversalism is based on the following principle that, ‘from each positioning the world is seen differently so, what is needed is dialogue between people of differential positioning and the wider the better’. Second, although differences are underlined as important, ‘they should be encompassed by, rather than replace, notions of equality’. Moreover, such notions of difference should not bring hierarchy but ‘a prior respect for others; positioning, including acknowledgment of their differential social, economic and political power’ (Davis 2006:277).

Based on the basics mentioned above transversal feminism is considered as; the highest feminist achievement of the last twenty years that 'inherent ethnocentric, west centric, and often even racist constructions have been rejected and that such a wide, often Southern-led dialogue has contributed to the determination of global feminist agendas'. (Davis 2006: 289)

As a result, it can be assumed that with regional based transnational networking in cooperation with I. World countries on transversal base; non hierarchic networking focusing on coordination, communication as well as north- south cooperation shall be possible.

Yet in transversal cooperation, there is one vital point that should be abstained for "legitimacy".

The identity policies, which were criticized by transversal feminist politics, were not suitable because it was based on the assumption that women were sharing the same voice which was representing the idea that activists (mainly consist of middle class and elite) of any social category or identity can speak for all the other members of that category (Davis 2006:277). Yet in reality, as emphasized by Davis, those who made the decision and spoke in the name of women typically were the unelected activists in feminist organizations (Davis 2006:286).

Referring this transversal organizational structure, which was developed against identity politics, it is asserted that instead of representativeness, various voices will find a place and will be defended in advocacy base. (Davis 2006:277)

However, referring to Davis, in this structure, advocates or activists have less legitimacy to speak in the name of all women of the specific groups (Davis 2006:286). He claims that, 'in this structure, although the practice of decision making by consensus persist, activists/advocates are self-selecting and the constitution of the activist group is arbitrary and not representative'. He also pointed out the fact that, 'as the advocates do not represent anyone and no one has chosen them to act as advocates, it is not clear who is in the position of monitoring their actions and decisions'. (Davis 2006:286)

Second, if we need to focus on “in which way these regional based TFNs should engage in entitlement (norm transformation activities)”;

10.2 Concerning “Entitlement”

Based on the mentioned points in the previous chapter; for regional based TNs to be able to play an effective role in the norm transformation and implementation – in other words to secure the rights of women by effective transformation of CEDAW-; my finding is; their main target should be influencing the state actors from inside while also trying to influence them from outside by building cooperation with western-based NGOs and networks.

As stressed by Moghadam (2005) difficulties of influencing the national and international policies through World conferences led some feminists to question the strategy of participating in international conferences and lobbying delegates (Moghadam 2005:193). One WEDO board member remarked: ‘International meetings are too distracting. It is the same people who go to the UN Meetings all the time. It is a complex, labour intensive, technical processes (Moghadam 2005:193).

As a result, since the international arena is already manipulated and requires professionalization, it should be focused on civil society actors within the regions and nations in order to influence the governments to transform CEDAW in national norms effectively. By this way, since it will be given less concentration on influencing activities from outside; the main effort will be given to organize grassroots organizations instead of spending high amounts of resources for lobbying and advocacy in the international arena.

In this way, a strong civil society network will be developed, since this policy will bring domestic compliance, the resistance of states with the argument that ‘these norms touch their cultural values and customs (Finke, 1998)’ will be precluded. Moreover since the influence will target directly to states but not through international community, the fear of states to loose sovereignty will be also diminished.

In addition to these points as mentioned before, it is still required to work on influencing international community to be able to influence governments from outside. And this brings

necessity of cooperation with western women. According to Tripp; as being women in the most powerful countries in the world, western feminists have a unique opportunity to influence the governments and institutions in the world order⁵² (Tripp, 2006b).

But in order to benefit from the advocacy power of western feminists, eastern NGOs and networks do not have to feel that they have to sacrifice. As Finke claimed, western organizations want political power, so that they want south to join them to increase their power in policy and law base. For that reason, they need east⁵³ (Finke 1998).

Concerning the discussions on whether feminism and its principles could match with the effective norm building, although it is criticized as representing west, and addressing only subordination of women against men without concentrating on the specific circumstances that women especially from III World Countries are living in⁵⁴; as Finke mentioned, women movement could agree on some feminist fundamentals which left space for experiences, culture and class specific interpretation (Finke 1998). As also mentioned by Naples; as long as they are transformed by reinterpretations and not try to impose western values and living style, these principles are in fact fundamental and vital (Naples 2002b).

⁵² They can play a vital role in trying to influence the International Monetary Fund, World Bank, World Trade Organization and other bodies that have an impact on the daily lives of millions of women around the world, and fighting for economic justice in these agencies give northern feminists more credibility when they engage in international campaigns (Tripp 2006b).

⁵³ although they are still far from the eastern interest and demands (Finke 1998).

⁵⁴ It has been stressed that "feminism is originated in the West and diffused to the rest of the world". In fact, as Ferree claim that; in spite of this common perception, 'the influences have historically been multidirectional and a product of transnational mutual learning and sharing' (Ferree 2006). Snyder contributes to this discussion in a similar way by referring that 'feminist movement is deeply rooted in women's movements around the world, not solely in western notions' (Snyder 2006).

However, Najmabadi has opposed to this debate in the context of Islamist countries. According to him, feminism is a modern phenomenon, based on a set of "foundational truths" that are part of the enlightenment heritage and that, they constitute a competing paradigm to that of Islamism and therefore can not be effective. Relevant with it, Davis (2006) mentions that even the post modern feminism, which is claimed to be able to fit to Islamic courtiers, can not solve the basic issue that feminist values are part of a normative community in which values are shared, thought and learned (Davis 2006: 289).

Lastly, concerning the relationship with state; these networks should get organized in an autonomous way above states, not to be depended on them, and work as one of the strong actors in the decision making process. Yet, as being one of the target groups of effective norm building activities from inside, cooperation with state actors is still important. As also mentioned by Zwingel; 'the implementation of international norms in domestic contexts has to be understood as a process of active appropriation by parts of the domestic governmental actors' (Zwingel, 2007). Therefore, states should not be seen as norm-violating governments that have to be disciplined in regard to the complex and reciprocal dynamics of domestic appropriation of international norms (Zwingel, 2007).

Then after regional based TFNs are described as a recommended structure for effective norm building; this structure and its effectiveness shall be observed in detailed in the following chapter through the analysis of "Collectif 95" - which is a network based on Maghreb countries; Morocco, Algeria and Tunisia and carries out research on the condition of women in the Maghreb, and, most importantly, prepares "policy recommendations and model laws". Moreover besides being based in three Muslim Countries, and involved in norm interpretation, the other reason why I chose it as the case study is that it concerns women's status in the family and family relationships in general, claiming that – due to its own researches-; 'in the Maghreb today, the question of equality between women and men in all areas is linked to the fundamental issue of secularising family law'.

Since Collective 95 is a good example of active participation of TFNs in norm building as civil actor, through this analysis, it shall be comprehended as a sample TFN involved with norm transformation activities – contrary to many TFNs which simply join advocacy activities or facilitate the direct transformation of CEDAW- that.

And since it is carrying similar characteristics with the recommended transnational feminist networking structure -mentioned in the previous chapter-, it can be learned more about the influencing capacity of regional based feminist networks on the states.

First it will be examined their structures and functions; then it will be analyzed its norm building activities – that are in a way similar to the recommended approach-.

10.3 Collectif 95 Maghreb Egalité

10.3.1 Family Law and CEDAW in Maghreb Countries

Like in many other Muslim countries, in Maghreb countries women face with many discriminative applications resulting from the patriarchal economic, social and cultural system and resulting from the discriminative regulations in their national laws which regulate their rights and responsibilities (Moussavi 2005).

When their relation with CEDAW is examined; it has been observed that they have ratified the Convention but with reservations. (Algeria ratified in 1996; Morocco ratified in 1993; Tunisia ratified in 1985) (Moussavi 2005). Yet it is claimed that the reservations that they expressed concerning the Convention are *incompatible*⁵⁵ with the object and purpose of the present Convention since they undermine the principle of discrimination and consequently, the aim of the Convention (Moussavi 2005). And Islam is stressed as the main reason of these reservations with the following words; ‘It is again in the name of “Islam, the State religion” that Maghreb countries block acceptance of the rights recognized in universal human rights instruments’⁵⁶.

10.3.2 Collectif 95

Concerning the above mentioned problems and discriminative legislations; in 1991, a network is formed, by women’s organizations⁵⁷ and researchers from the three Maghreb countries (Algeria, Morocco, Tunisia), called Collectif 95 Maghreb Egalité (Collective 95 – For Equality in the Maghreb) toward the realization of their essential goal of advancing women’s rights in the Muslim World. Concerning this goal, with the aim of the collective

⁵⁵ Such reservations are not allowed by either the Vienna Convention on the Law of Treaties or Article 28 of CEDAW.

⁵⁶ rabat.unesco.org/unfinal/IMG/pdf/unifem_21_en.pdf, july 2009

⁵⁷ The members of Collectif 95 are the Association for the Promotion of Women’s Rights and the Independent Association for the Victory of Women’s Rights from Algeria, the Democratic Association of Moroccan Women from Morocco and the Tunisian Association of Democratic Women and the Tunisian Women’s Research and Development Association from Tunisia (<http://www.gtz.de/de/praxis/6504.htm>).

reflection guided by a scientific approach, the main activities of Collectif 95 are carrying out research on the condition of women in the Maghreb and preparing model laws and policy recommendations thereon⁵⁸.

In regard to these efforts, one of the main documents⁵⁹ that have been produced were the one outlining proposed egalitarian family and personal status laws in the Maghreb, entitled “One Hundred Steps, One Hundred Provisions”⁶⁰ and described as the new Egalitarian Code. While having a legal and political character, it was a significant example to norm building activities of TFNs. By taking into consideration the national legislations on family structure -which is mainly reinforced by traditional Muslim law-, within this document, the experts in the Collectif 95 have developed 100 articles on marriage, divorce, filiations and the obligation of maintenance and ‘have based its initiative upon the elaboration of these provisions for an egalitarian codification of Family and Personal Status Laws in the Maghreb’. The ultimate objective of this new Egalitarian Code was mentioned as; ‘to ensure the compliance of Shari’a-based laws that govern and control women’s rights with the universal norms espoused in international human rights instruments’ (Ziai 1997).

As a continuation of the commitment made by “*One Hundred Measures and Provisions*”, Collectif 95 had then prepared a guide called “Guide to Equality in the Family in the Maghreb (*Guide*)⁶¹” enhancing an analysis of current family law in Maghreb countries in

⁵⁸<http://www.learningpartnership.org/>, <http://www.gtz.de/de/praxis/6504.htm>, June 2009

⁵⁹ The other two ones are;

- An assessment of the social, economic political and cultural status of women in the Central Maghreb entitled, *Les Maghrébines, Changements et Pesanteurs* (Maghrebi women, Dynamic changes and obstructing factors);
- A White Paper on the status of international conventions relating to women’s rights: their ratification, implementation and their reflection in domestic laws by the states of the Central Maghreb, entitled *Les Maghrébines Sous Réserves* (Maghrebi Women - Living with Reservations).

⁶⁰ Moussavi A. K. ed. (2005): *One Hundred Measures and Provisions for an Egalitarian Codification of the Personal Status Codes*, in: “Guide to Equality, in the Family, in the Maghreb” prepared by Collectif 95 Maghreb – Egalite, Women’s Learning Partnership Translation Series. pp. 169-203.

⁶¹ Moussavi A. K. ed. (2005): “Guide to Equality, in the Family, in the Maghreb” prepared by Collectif 95 Maghreb – Egalite, Women’s Learning Partnership Translation Series.

the light of the provisions that they had developed before in “One Hundred Steps, One Hundred Provisions”.

As it was also translated by Women’s Learning Partnership (WLP) (that Collectif 95 is one of its partners) in English; this *Guide*, including the new Egaliterian Code, was emphasized as an innovative advocacy tool to reform the family law in Muslim-majority societies. As WLP underlined, ‘it outlines a process that relates meaningful social change to women’s capability to make deliberate and thoughtful choices’. Besides its advocacy role (and resulting from it), as highlighted by WLP⁶², with this *Guide*, Collectif 95 played an instrumental role in organizing popular support for the reform of the *Moudawana*⁶³, or family code, in Morocco that had been held in 1993. As emphasized by Abiad (2008), from the perspective of women’s rights, the old Moudavana was extremely problematic (Abiad 2008).

In this respect; within the next chapter, it will be scrutinized *the Guide* particularly in respect to the old Moroccan Law. It will be examined how the relevant articles of CEDAW concerning the family law (Article 16⁶⁴) are reinterpreted within this *Guide*. In parallel with this, it will be made a comparison of these interpretations with the relevant provisions of the new Moroccan law, in order to observe the role of this work (*Guide*) on the reform of family code in Morocco.

⁶² <http://learningpartnership.org/en/advocacy/networks/regionalnetworks>, August 2009

⁶³ In order to reach the new Moroccan Family Code (*Moudawana*) of February 5, 2004; please refer to <http://www.hrea.org/moudawana.html#11>, August 2009

⁶⁴ Please refer to the Appendix

10.3.3 Analysis of Family Code Reform in Morocco, considering the New Egalitarian Code and CEDAW

Considering *the Guide*, it contains eleven thematic modules⁶⁵. In each thematic module, it is mentioned the current state of the law, then, it is proposed arguments under the following headlines; religious (based on the actual historical diversity of Islamic legal doctrines), human rights (stemming from international human rights law, one of them is CEDAW), sociological (related to social change evidenced in the Maghreb countries), and domestic legal arguments (on national laws). Last, relevant provisions are presented based on these arguments.

Within the analysis, it will be evaluated one of these thematic modules which is “abolition of the duty to obey” referring to the argument under international human right laws, particularly CEDAW.

As being one of the main articles of the *Code* which regulates the marriage including the rights and obligations of the couples who agreed on it; *first* it shall be assessed how this agreement is regulated in the old Moroccan Moudawana;

“Marriage is a legal contract.... The goal of marriage is a life of fidelity and purity and the desire to procreate, by establishing on stable foundations and under the direction of the husband, a home that allows the husband and wife to fulfil their mutual obligations in safety, peace, affection and mutual respect.” Article 1

“The husband is entitled to expect his wife to:

- be faithful;*
- be obedient in accordance with acceptable standards of behaviour;*
- nurse the children born to the couple, if possible;*
- allow him to oversee the running and organization of the household;*

⁶⁵ Standardization of the minimum legal age for marriage, consent to marriage, freedom to choose a spouse, ban on polygamy, abolition of the duty to obey, shared responsibility to support the family, equality in the dissolution of marriages, awarding of the house to the person who has guardianship of the children, the right of divorced mothers to remarry, the sharing of parental responsibilities, equality in inheritance rights.

• *be respectful of his father, mother and close relatives.*” Article 36

It can be seen in Article 1 that marriage is considered as a contract under the direction of the husband. And when we examine the role of the husband in Article 36, it looks like expectations rather than responsibilities that he is allowed to have from his wife whereas there is not any articles which regulates his responsibilities. This one sided law system is also underlined by Abiad to the extent that; ‘under the old laws, married adult women were placed under the guardianship of their husbands to whom they owed obedience’ (Abiad 2008:121).

Then when we refer to CEDAW, it can be observed that the relevant article involve only a general sentences such as;

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women: Article 16

Concerning the relevant Article of the *Guide*, which is mentioned below; by referring to the relevant Article of CEDAW, the responsibilities of couples to each other are explained more detailed and it has been emphasized that these should be mutual.

“Husbands and wives owe each other mutual respect, fidelity and assistance. Together, they shall manage the family, raise and protect the children and choose the family home. They must avoid causing each other any kind of harm whatsoever.” Article 23

Lastly, when the new Moroccan Law is examined;

Marriage is a legal contract by which a man and a woman mutually consent to unite in a common and enduring conjugal life. Its purpose is fidelity, virtue and the creation of a stable family, under the supervision of both spouses according to the provisions of this Moudawana. Article 4

The mutual rights and duties between spouses are:

- 1- lawful cohabitation on the basis of good conjugal relations, justice, equality in case of polygamy, mutual fidelity, virtue, and the preservation of family honour and their children;*
- 2- cohabitation, mutual respect, affection, and the preservation of the family interests;*
- 3- the wife's assuming with the husband the responsibility of managing and protecting household affairs and the children's education;*
- 4- consultation on decisions concerning the management of family affairs, children, and family planning;*
- 5- good relations with each other's parents and close relatives, respecting, visiting and hosting them within accepted standards;*
- 6- the right to inherit from each other. Article 51*

It can be clearly seen that, in contrary to the old version, according to new Moroccan Law, marriage is based on the mutual rights and responsibilities of the couples– as it has been particularly mentioned in Collectif 95's Egalitarian Code-. Consequently all the behaviours which are only expected from wives are the mutual rights and duties of the both spouses any more.

On this regard, it can be observed that, the new Moroccan Law and the provisions prepared by Collectif 95 have important similarities. Concerning the other thematic modules of the *Guide* in regard to the relevant provisions of the new law of Morocco, these common terms can be also recognized clearly. As a result, it can be assumed that the work of Collectif 95 made positive affects in the reformation process in the Family Law of Morocco.

10.3.4 Analysis of the Structure & Norm Building Activities of Collectif 95

In regard to the recommendations pointed out in chapter 10.1 and 10.2, Collectif 95 could be considered as an example of an effective regional networks referring to its structure as well as its aims and norm building activities – mentioned in section 10.3.2.

First of all as stated before, they have established on a regional base consisting of three Maghreb countries. It has been identified that the women founding members of the Collectif 95 chose to launch their initiative from within the framework of the autonomous women's

movement belonging to a region that 'a common history, language and civilization have endowed with a real unity and homogeneity'

(<http://mercprogram.org/content/view/115/23/lang,en/>, July 2009).

Second, rather carrying a rescue mentality which is found mainly in many networks (Tripp 2006a297), as stated by Rabéa Naciri, who is the founding member of Collectif 95, 'their real goal is basing their activism on an in-depth and well-grounded knowledge of the social, economic and political realities in their countries'.

Next, concerning the necessity of transformation of general CEDAW statements to concrete provisions, it has been observed that they do not simply pursue one particular issue or interest, instead with an intention of norm building, they try to establish rules that are to be valid and in an unknown number of future cases. When it is analyzed in which way they did it, first they compile the discriminatory laws that are inconsistent with CEDAW, analyze them due to the principle of equality and discrimination, by also taking into consideration the realities in their countries and prepare relevant provisions for the amendment. Then they also play a role in influencing government actors to transform and implement these provisions, referring to the claims of WLP and analysis which is performed by the comparison of these provisions with new Moroccan Law.

Lastly, besides the fact that they operate within a bonded geographic context, they are still linked to broader transnational and global movements as well as give efforts to benefit from the power of lobbying at international arena. While they are a member of Euro-Mediterranean Human Rights Network, mentioning their activism in the international arena, for example they have decided to seize the opportunity presented by the forthcoming World Conference on Women in Beijing to highlight the struggle of women in North African region at the NGO Forum⁶⁶. After the Beijing Conference, they re-emerged as Collectif 2000, with the mission of adoption their alternative Egalitarian Code and they have continued to publicize the Code through the media, conferences, and translation and publication of the text into different languages.

⁶⁶ Pls refer to <http://learningpartnership.org/en/advocacy/networks/regionalnetworks>, June 2009

CONCLUSION

In this paper, it was questioned the role of TFNs on the implementation of CEDAW in eastern, particularly in Muslim, countries. In the current academic discourse it is mainly concentrated on the policy advocacy role of TFNs targeting state actors and the international community, to facilitate the ratification and implementation of CEDAW as well as their role in making CEDAW better known among women's organizations to increase domestic compliance. However the subject matter of this thesis was; the role of TFNs on the interpretation of CEDAW concerning the diverse local structures in Muslim Countries, in order to transform this convention in national laws that are valid and applied in an unknown number of future cases.

The driving force behind my focus is the increasingly important role of TNs in democratic governance since the state-centred model of sovereignty has been challenged by decentralization, resulting from globalization. As decentralization raises, serious challenges for democratic decision making appear. Then its main component which is "voice and entitlement nexus" loose its formal material base, either in part or entirely - since it was under the control of the state before. Due to this fact, there is a need for alternative actors for norm building in order to guarantee the transformation of voice into norms.

On this regard, the recent researches have been concentrating on whether TNs could be an alternative actor and are capable of generating nexus of voice and entitlement under the conditions of decentralization. Although there is a variety of networks which are fundamentally concerned with the creation of norms, when the transnational norm building attempts on women rights are investigated, I observed that these are not really sampling networks which are capable of emancipating themselves from the state's requirements by creating and implementing parallel sets of norms. Instead, TFNs mainly engage in articulation of particular interests, the resolution of particular conflicts, or the compliance with legal norms.

While examining the existing norm building system on Women Rights, I observed that it has been regulated on a global level by the international community with the leading role of

the UN. And within this system, state actors have still a significant role in the international arena by holding the enforcement power of these norms in their hands.

Concerning the subordination of women, one of the outputs of this global norm building system is CEDAW which defines what constitutes discrimination against women and which sets up an agenda for national action to end such discrimination. All countries that have ratified or acceded to the Convention are legally bound to put its provisions into practice. But one of the main concerns is how it will be converted to local norms due to the fact that the legitimacy and authority of global norms depend on their active interpretation and appropriation within national and local contexts.

These arguments on “the necessity of transformation of global norms” are also resulting from the criticism on CEDAW being western, being not sufficient enough to address the specific conditions of East and not targeting the main subordination of women based on race, class and ethnicity.

In order to draw attention to these points, I concentrated on the diversities of West and East and in particular, their culture and religion specifically in Muslim Countries. In this respect I tried to identify the necessity of eastern countries to make their own interpretations which can not be managed with western influence.

On this regard, I have searched how an effective transformation and implementation of CEDAW in national laws –with the main goal of voice entitlement nexus- can be possible by focusing on the role of TFNs. In this respect, I have analyzed two main theories; global norm diffusion and transnational feminism which are concentrating on the effective implementation of CEDAW. In addition I have also examined some networks considered as good examples of effective implementation.

As a result; I first defined the basic components that TFNs should address in order to play an effective role in norm building; which enhance “contextualising CEDAW by doing interpretation concerning the cultural circumstances”, “making local actors participate in this process”, “facilitating national and local actors to influence states from inside and outside, in other words developing civil society as an influencing mechanism from inside

and try to make lobbying, targeting policy actors in the international sphere as an influencing mechanism from outside”.

Within this frame, I have developed an “approach” which should be enabling the analysis of the TFNs’s norm building activities through voice entitlement nexus. In this respect, I re-defined voice entitlement to the extent that; while “voice” corresponds to the norm interpretation activities targeting CEDAW and the role of local actors in it, “the activities in order to facilitate norm transformation and implementation of CEDAW” can be valued as entitlement. Accordingly, the mentioned points in previous paragraph have been serving to the nexus between voice and entitlement.

Then I have evaluated whether the structure and activities of TFNs could match with this approach, through the current academic researches and an investigation of some TFNs - which are formed in response to fundamentalist movements and patriarchal states in the Muslim World-. Yet I observed that, on one hand, these networks are not concentrating on norm interpretation rather doing research, lobbying and advocacy for the human rights of women in Muslim countries and communities, on the other hand, they do not have a sufficient influence power, particularly in the international sphere.

While searching for the reasons of their insufficiencies; I noticed that as long as they do not have good connections with other NGOs located in western countries, they do not have a sound financial base. In addition, if they are not well organized; eastern NGOs of networks can not find themselves a place at international political platforms. Yet, as claimed by various scholars, these requirements bring financial dependency which causes these eastern NGOs and/ or networks not being free to choose any strategy. Moreover within these circumstances, the grassroots women organizations can not really join the decision making platforms due to the hegemonic structures and hierarchical power relations. Moreover, various scholars draw the attention to the fact that professionalization and institutionalization -rather than organizing under decentralized networks- even deepens this hierarchy.

These problems prompted me to be sceptic on the effectiveness of network building activities consisting of eastern and western NGOs / networks. By also bearing in mind all

these points, I sum up with the idea that TFNs which emerge on a universal base -with the networking of I. World and III. World women coming from diverse local practices- do not and “can not” have an effective role on the transformation of CEDAW to concrete and applicable laws in Islam Countries – particularly laws concerning “family life”.

In this respect, I tried to find out how they should be structured for effective norm building within this system, and came to the conclusion that, referring to women rights, regional networks could be better formations in order to manage the voice entitlement nexus with a real unity and homogeneity, and by enabling eastern women to be the actor of their voice representation efficiently. Moreover this voice could be represented in legal level effectively and legitimately.

To clarify my points, I have focused on a regional TFN; Collectif 95, which is based in the Maghreb region, by referring to its norm transformation activities. I have examined the *Code* that they prepared, which is enhancing their reforming work of discriminative laws - based on Islamic Law- in legal documents of this region. Then I made a comparative analysis of their proposals with the new Moroccan family law, as the *Code* is claimed as playing an important role for the reformation of this family law. In this way, I could observe how their work influenced state policies that the result was “positive”, which was demonstrating the effectiveness of their work.

By also analyzing their organizational structure, I noticed that they had important similarities with the approach that I recommended. However resulting from the limited resources I could not examine how much of their effectiveness come from the fact that they focus on norm interpretation and are regionally established.

All in all; within this thesis, referring to the discussions on the possible role of TFNs as being an alternative to global governance –which requires effective and legitimate norm building activities concerning the voice entitlement nexus-; I tried to contribute to the existing literature by doing research only on their effectiveness. Yet, I concentrated on legitimacy in a very limited way. I only pointed out the recent discourses but did not make an additional research. Since, in order to contribute to voice entitlement nexus within the existing global norm building system, I noticed that questioning the effectiveness of TFNs

is prior to their legitimacy - as long as they can facilitate the transformation of the global norms into concrete and applicable legislation. Concerning this, I chose to target TFNs in respect to their contribution to the voice entitlement nexus "within the existing system", but not as "an alternative to it".

Yet, the struggle of women movements to form networks and organizations on an independent and representative level still continues. What they want is to be able to bring their voices heard by national, international and global actors while contributing to democratic governance in an equivalent level. According to this fact; it is still required further researches on TFNs, as a candidate for a new model of democratic governance, by focusing on their accountability and legitimacy.

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APPENDIX – CEDAW Articles 1 and 16

Article 1

For the purposes of the present Convention, the term “discrimination against women” shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

- a) The same right to enter into marriage;
- b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
- c) The same rights and responsibilities during marriage and at its dissolution;
- d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
- e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

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Declaration Of Authorship

I declare that this thesis and the work presented in it are my own and has been generated by me as the result of my own original research.

None of the parts of this thesis has previously been submitted for a degree or any other qualification at this University or any other institution.

The written document matches completely to the CD version.

Where I have quoted from the work of others, the source is always given within the Reference part of my Thesis. With the exception of such quotations, this thesis is entirely my own work.

Hamburg	23.02.2011	Seçil Getiner
Place	Date	Signifier

