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Women, Human Rights and Globalisation

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I would like to begin by acknowledging the traditional owners of this land.

I am most honoured to have been invited to speak at the opening of this significant conference. The IFUW has played an important role in supporting the rights of women and girls to reach their full potential. I am proud to acknowledge that I have been a beneficiary of the support of the IFUW and the AFUW, whose scholarships allowed me to complete my graduate studies in the United States.

My graduate studies at Harvard Law School introduced me to feminist legal theory, which gave me a very valuable new way of understanding both national and international legal systems. It taught me to question the apparent neutrality and objectivity of legal principles and to look beneath their surface. I would like to draw on this tradition of scholarship in discussing the theme of this conference 'Humanising Globalisation: Empowering Women'.

The term 'globalisation' has attracted a lot of negative baggage. It is associated with the march of corporate interests, lack of interest in local concerns and the loss of autonomy of individuals. Globalisation is regarded as being particularly negative for vulnerable and marginalized groups, including women. In this vein, much of the literature on women and globalisation laments the impact of the globalised economy on women's lives.

The University of Chicago academic, Saskia Sassen, for example, describes the adverse effects of globalisation on women. The global trends towards economic privatisation and increasing diffidence about the role of the public realm and the state along with the growth in power of transnational corporations has, overall, not been good for women's lives. Sassen documents the growth of export production in the Third World and the feminisation of wage labour. She also observes the low waged feminised work force in the United States. Women then appear to be at the bottom of the globalisation chain.¹

Another strand in the globalisation literature offers a more positive prospect. Richard Falk and David Held have used the terms 'globalisation from above' and 'globalisation

¹ Saskia Sassen, *Globalization and its Discontents* (1998).

from below' to distinguish varieties of globalisation: the former refers to the forms of economic globalisation which may prompt social and moral discontent (the international division of labour, rise in influence of multinational corporations etc) while the latter refers to the creation of a global civil society whose priorities include values such as human rights and environmental protection.

On this account, the challenge is to harness those aspects of globalisation that will best promote social justice. Thus my ANU colleague John Braithwaite has argued that 'there can be paradoxes of sovereignty where globalisation is associated with an increase rather than a decrease in sovereignty, properly conceived as the capacity of citizens to understand decisions that will affect their lives and to raise their voices in a way that influences those decisions.'²

Some feminists have mined this vein of optimism and considered whether the problems created for women by economic globalisation can be countered (or even just hedged) by global human rights standards. So, for example, they have taken a relatively hopeful perspective on the way that globalisation's apparent assault on state sovereignty may open up new horizons for women and other non-state actors to be represented in international law making.³ And Anne Orford argues that 'a commitment to human rights offers the promise of a global future built on something other than militarized economics. ... International human rights law potentially offers a language for resisting the dictatorship of global capitalism. Human rights lawyers ... can learn to work with those activists seeking to envision ... alternate, nonexploitative ways of being.'⁴

In this talk, I want to consider the relationship between women, human rights and globalisation. To use the words of the theme of this conference: Do human rights offer a vehicle for humanizing globalization and empowering women?

Certainly, the language of human rights has been adopted with enthusiasm by many members of the international community. The United Nations regularly emphasise the significance of talk human rights in ameliorating the position of women, particularly in 'post-conflict' societies. For example, UNIFEM's strategies for women in the reconstruction of Afghanistan and Iraq are couched in the language of women's rights.⁵

But I would like to test this optimism about human rights and their potential for women. I want to suggest that assertions of human rights need to be carefully scrutinised because the worthy language can mask real problems of implementation.

I will do so by looking at the way women have fared in the remaking of East Timor, the newest member of the United Nations, and a country in which Australia has a deep interest. Indonesia invaded East Timor in 1975. Over the 24 years of Indonesian occupation, over one third of the population of East Timor died and there were serious human rights violations.

² John Braithwaite, 'Sovereignty and the globalisation of business regulation' in P Alston & M Chiam (eds) *Treaty-making and Australia*, Federation Press, Sydney, p 115, 125 (1995).

³ See their respective contributions in *Indiana Journal of Global Legal Studies* (Fall 1996).

⁴ Anne Orford, 'Contesting globalization: A feminist perspective' *Indiana Journal of Global Legal Studies* p 184.

⁵ See www.unifem.undp.org/afghanistan.

The vote for independence by the East Timorese people on 30 August 1999 triggered great violence by opponents of independence (who were supported by some factions within the Indonesian military forces) resulting in many deaths and enormous destruction of houses and infrastructure. 750,000 of ET's population of 880,000 people were internally displaced or became refugees in West Timor during the violence immediately after the independence vote. A UN force, INTERFET, was eventually deployed to prevent further violence. The Security Council then created the United Nations Transitional Administration in East Timor (UNTAET) to oversee the transition to independence.

At first sight, UNTAET might be seen as an example of women's rights-sensitive nation-building. In establishing UNTAET, the Security Council emphasised the 'importance of including in UNTAET personnel with appropriate training in international humanitarian, human rights and refugee law, including child and gender related provisions'.⁶ This was the first such reference in the mandate of a comparable body and was consistent with the UN's commitment to 'mainstreaming' gender perspectives in peace operations.⁷

Women had suffered terribly during the Indonesian occupation and had sustained all types of violence. Sexual violence was common, as it was in the lead up to the independence vote. Some victims of rape and sexual slavery in East Timor were later ostracised by their families.

The UNTAET era also saw considerable domestic violence. Violence against women by male family members was estimated to constitute 40% of all offences committed in East Timor during the year 2000.⁸ One explanation for the increase of domestic violence is the unemployment rate of 80% in urban areas. Domestic violence thus becomes a way for men to reassert their leadership.

Against these problems, the language of human rights was used by some groups of East Timorese women. One significant human rights claim made by ET women was a request to UNTAET that it ensure at least 30% of the East Timorese people employed by UNTAET were women. Apart from this, the main changes sought by East Timorese women activists in the UNTAET era focussed on the high rate of female illiteracy (85%), the absence of women in public life and the issue of violence against women. The advocacy has been within the context of a deeply Catholic society.

⁶ Security Council Resolution 1272 (1999) on the Situation in East Timor, UN Doc. S/RES/1272 (1999) at para 15.

⁷ See the Windhoek Declaration and the Namibia Plan of Action on "Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations" 31 May 2000, available at <<http://www/unifem.undp.org/unseccouncil/windhoek.html>.

⁸ Maggie O'Kane, 'Return of the Revolutionaries' Guardian Weekly.

What role did the UN play in promoting women's rights?

The language of gender-mainstreaming has become prevalent within the UN system.⁹ The United Nations Economic and Social Committee (ECOSOC) has defined the mainstreaming of a gender perspective as:

the process of assessing the implications for women and men of any planned action, including legislation, policies and programmes, in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality.¹⁰

UN Field offices are now encouraged to address particular gender issues or to provide training. However the United Nations Interim Administration Mission in Kosovo (UNMIK) was the first peace-keeping mission to have an administrative unit dedicated to gender issues.¹¹

A proposal for an administrative unit devoted exclusively to gender issues was included in the original structure proposed for the UNTAET in November 1999 but it was not implemented because of budget priorities. The Gender Affairs Unit (GAU) was ultimately reinstated in April 2000. The quest to establish a gender unit within the corporate structure of UNMIK and UNTAET was a difficult task in both cases.

In addition to the absence of institutional precedents, the lack of consistent support for and interest in East Timorese women's concerns by senior UNTAET managers led to the formulation of GAU's mandate in an ad hoc way and ineffective publicity was given to it.

It took the intervention of two senior women UN officials, Angela King (Assistant Secretary-General and Special Adviser on Gender Issues and the Advancement of Women) and Mary Robinson (then United Nations High Commissioner for Human Rights) to ensure the creation of the GAU.

The GAU was responsible for some significant initiatives in East Timor. But the delay in establishing it had serious repercussions for the way that it was ultimately established. Funding that had initially been allocated for the payment of gender affairs officers was redistributed, and no program or operational budget was created even when the GAU was reinstated. Thus, preliminary tasks that should underlie the functions of the GAU, such as an assessment of the impact of the post-referendum violence, or identification of different needs of men and women were slow to be achieved

⁹ See, for instance, the Report of the Secretary-General titled 'Integration of the Human Rights of Women and the Gender Perspective' UN Doc. E/CN.4/2000/67 (21 December 1999).

¹⁰ UN Doc. E/1997/L.30, A/52/3/Rev.1, chapter 4.

¹¹ For a gender analysis of a range of recent reconstruction programs in south eastern Europe, with an emphasis on the key areas for attention and successes and failures of UNMIK to enhance the lives and opportunities of Kosovar women up until June 2000, see C.Corrin, 'Gender Audit of Reconstruction Programs in South Eastern Europe' <http://www.bndlg.de/~wplarre/.html>.

What lessons can we draw from women, human rights and globalization from the ET experience?

First, UNTAET's achievements relating to gender appear to be largely the products of uncoordinated pressures. Although there was implicit recognition in various public statements made by the Transitional Administrator that East Timorese men and women had quite different experiences under the Indonesian regime, and also that gender is a significant factor affecting their opportunities in the transitional and independence eras, this was not reflected in resource or management terms. UNTAET's goals and achievements relating to sexual equality did not derive from an overall master plan and suffered as a result.

Second, the employment of women in UNTAET also suggests a failure in planning and execution. East Timorese women's groups sought an assurance that one third of the East Timorese people employed by the UN would be women. A directive issued from the Transitional Administrator on 7 September 2000, after intense lobbying by the major NGO, REDE, stated that:

a minimum of all national and district hiring shall comprise 30% women within every classification/level of employment. Where there are two candidates (male and female) of equal merit, priority will be given to the female candidate; indeed, we shall set as a target gender balance within all hiring. Training shall be given to women on a priority basis.¹²

But in the end this commitment was hard to realise: 33% of the international civilian officials working for UNTAET were women but women comprised only 11% of the UNTAET East Timorese staff. Women were represented in even lower numbers in the civilian police and peacekeeping force in East Timor, composing 4% and 2.4% respectively.¹³

A third significant issue to be confronted is the reaction of local groups to assertions of women's rights. Observers of women's participation in political and economic activities in the context of conflict and post-conflict societies suggest that traditional law and indigenous practices that disadvantage women can be reinforced by religious conservatism and also in patriotic expressions by male leaders of cultural pride.¹⁴ This phenomenon is evident in East Timor, and was mixed with an ambivalent attitude to the UN's presence, combining gratitude and resentment. Thus in his 2001 New Year's speech to the nation the resistance leader and now President, Xanana Gusmao, criticised what he called the:

¹² UNTAET Internal memo, dated 7 September 2000, sent to all Cabinet ministers, heads of departments, district administrators and Chair of the Public Service Commission.

¹³ Information about the numbers of women, men and total employees were obtained from a staff member working in the personnel section of UNTAET, and then calculated in percentage terms .

¹⁴ See Heather Wallace, 'Gender and the Reform Process in Vanuatu and Solomon Islands', 51 *Development Bulletin* 23 (March 2000); Suzette Mitchell, 'Women in Leadership in Vietnam', 51 *Development Bulletin* 30 (March 2000); and Anne Hellum, 'Human Rights and Gender Relations in Postcolonial Africa: Options and Limits for the Subjects of Legal Pluralism', 25 *Law and Social Inquiry Review* 635.

obsessive acculturation to standards that hundreds of international experts try to convey to the East Timorese, who are hungry for values:

In this speech, Gusmao acknowledged that some of the 'standards' that UNTAET aspired to entrench in law and in administrative practice in East Timor were universal in the sense that they are recognised as such in international law. However, he implied that the standards relating to the rights of women, particularly the right of women to determine their own lives, did not find natural affinity or reflection in East Timorese culture. These standards were regarded by Gusmao as difficult to absorb locally. Gusmao also implied that the values and the process by which international standards, especially with respect to women's human rights, were being introduced into East Timorese society were beset by strong elements of colonial hypocrisy amongst the international workers, and unthinking receptiveness by some East Timorese.

A response to this approach was given by Milena Pires, Deputy Speaker of the National Council and an active member of the Timorese diaspora in London before she returned to East Timor in 2000. Pires spoke of the common phenomenon whereby men's pride in traditional culture is combined with religiously-based social conservatism:

cultural discourse is invoked frequently to quash attempts to introduce discussions on women's rights into the East Timorese political equation. The incompatibility between East Timorese culture and what is popularly cited as a western feminist imposition is used to dismiss even the notion that Timorese women's rights may need to be nurtured and defended so as to become a reality. Undermining the importance of women's human rights because it only considers half of the East Timorese population is another argument put forward to prevent its elaboration.

These type of arguments have been invoked against various proposals to boost the political representation of women in East Timor, and not just by the East Timorese – they were used also by members of the UN in ET. For example, a public debate about quotas for women was ignited by a proposal to entrench in law a requirement for political parties to field women in at least 30% of their nominated representative positions for election to the Constituent Assembly. Some influential UNTAET officers were very negative about the proposal, arguing that quotas infringed the concept of free and fair elections. The proposal was ultimately defeated in the National Council in March 2001, although in the end 27% of the seats in the Constituent Assembly were held by women.

The sense that equality for women is a type of luxury and inappropriate in societies in transition is a common one, although it ignores the well-established link between empowerment of women and the well-being of a society. Whenever arguments of 'culture' or 'tradition' are invoked to argue against women's rights, I think we need to ask *whose* culture is being invoked and what political uses are being made of that culture.

Conclusion

The spread of human rights discourse is often presented as one of the positive aspects of globalisation. It is seen as offering a counterweight to the effects of economic globalisation and offering women a language to challenge their exploitation and marginalisation. In the context of societies emerging from a period of severe conflict and

violence, human rights and the promise of sex equality are typically regarded as important building blocks of the new order.

For this reason, conflict is sometimes seen as a way of clearing the ground and offering a new dispensation for women. Thus Simona Sharoni has argued that 'while in some instances, political conflict may complicate women's lives and set back their struggles for gender equality, in a different context and under different circumstances, a heightened political conflict may become a springboard for gender equality'.¹⁵ She notes, for example, that in Ireland 'far from being mutually exclusive or irreconcilable, feminism and nationalism are presented as two complementary movements wh[ich] seek to radically transform existing social and political relationships and structures as a stepping stone for the future envisioned nation'.¹⁶

The UN at least supports women's ability 'to take their rightful and equal place at the decision-making table in questions of peace and security'.¹⁷ But the case of East Timor in the UNTAET era illustrates the complexity of the translation of the worthy public statements about the equality of women and the issue of marginalization of women's concerns.

A basic issue arising from the inclusion of gender as the basis for an administrative unit is how it should tackle culturally specific social constructions of gender and identify problems ensuing from these constructions. In East Timor, gender roles assigning men to a public world of politics and employment and women to a private world of home and family pervade social and economic relations. They are supported by religious doctrine, low levels of education and traditional practices.

The most significant counter pressure was the persistence of particular East Timorese women's groups and some individuals within UNTAET to achieve official recognition of gender issues. They have used international and local networks to pressure UNTAET to take East Timorese women's concerns seriously.

Many different views exist in East Timor on the value and priority that should be accorded certain social reform programs, and in particular with respect to gender. In the East Timorese leadership cadre, men, factional fighting, ideological disputes and power-broking were regarded by many UNTAET insiders as shaping the transitional government's agenda.

By contrast, women interested in equality issues operated largely within NGOs that have limited spheres of influence in respect of government policy. Another factor is the significant proportion of male UN officials who were sceptical, hostile or resentful of the distraction that they perceive gender issues are, either generally as they are currently presented in East Timor.

¹⁵ Paper presented to a World Bank conference on Gender, Armed Conflict and Political Violence on June 10 and 11 1999, 1.

¹⁶ *Ibid.*, p 7.

¹⁷ Press Release from the United Nations Secretariat on the Secretary-General's address to the special meeting of the Security Council meeting on women and peace and security: UN Doc. SG/SM/7598

Another issue is the tendency to emphasise civil and political rights for women over economic, social and cultural rights. While civil and political rights are very important, women's lives are particularly entwined with economic, social and cultural rights, such as the right to adequate food and shelter and the right to education.

The project of gender mainstreaming in East Timor was also limited by a general problem facing all such programs in international institutions. The concept of 'gender' is understood in only a partial way – it is interpreted as being all about women. For example, Security Council Resolution 1325,¹⁸ the high water mark of UN concern with gender and peace, used the term 'gender perspective' in peace negotiations to refer to giving attention to the special needs of women and girls during repatriation, supporting local women's peace initiatives, and protecting the human rights of women and girls in any new legal order. In other words, the concept of gender has not been employed to analyse or influence male gender identities and patterns of behaviour. These are assumed to be somehow standard and fixed.

We tend to think of the empowerment of women as requiring simply the inclusion of women in various spheres of public life. This is of course very important, but there is a danger that this will lead to what feminists have termed the 'add women and stir' approach. If we focus on women's participation without examining the rules of the game that they are required to play, we are relegating them to a marginalized role.

The challenge ahead is, I think, to try to redefine the structures of public and private life so that they respond better to the realities of women's lives.

For example, we need to rethink traditional ideas of economic activity and value so that they can cover unpaid work undertaken by women. We need to question the way that we measure success and progress in the work place so that women are not forced to model their lives on those of men. We need to understand equality as more than equal treatment; indeed often it will require special treatment of disadvantaged groups. We need to think through the effects of the unequal balance of domestic labour which limits the capacity of women to operate in the public, political sphere. And we need to redefine the outmoded and limited understandings our politicians have of the idea of security. Security should mean more than simply attacking terrorist groups and should focus on achieving a good and dignified life for all.

I wish you all well in your deliberations over the next few days and I am confident that such a talented and enthusiastic international group will be able to make a contribution to humanizing the unwieldy phenomenon of globalization.

¹⁸ 31 October 2000.