United Nations Convention Documents in Light of Feminist Theory

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UNITED NATIONS CONVENTION DOCUMENTS
IN LIGHT OF FEMINIST THEORY

R. Christopher Preston*
Ronald Z. Ahrens**

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INTRODUCTION

Many feminists recognize the power and potential of international human rights discourse to promote the recognition of full and equal rights for women.¹ While noting that the international law forum is itself inherently androcentric,² many feminist scholars nonetheless feel that the best approach to combatting domestic injustice is increased attention to international human rights law with the goal of creation or revision of customary international norms.³ Some feminists reason that

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changing accepted norms to declare all forms of inequality toward women to be human rights violations would encourage governments and private citizens to end odious policies and behavior. To this end, certain international legal documents require signatory countries to modify domestic law to conform to the document's principles, and many argue that documents containing international norms concerning women's rights should replace or at least effect changes in domestic laws.

During the last decade, this women's human rights approach has met with some success within the international community. At recent United Nations (U.N.) conferences in Nairobi, Istanbul and Beijing, non-governmental organizations (NGOs), and supporters within the

Charlotte Bunch, et al., Making the Global Local: International Networking for Women's Human Rights, in 1 WOMEN AND INTERNATIONAL HUMAN RIGHTS LAW 91 (Kelly D. Askin & Dorean M. Koenig eds., 1999) (outlining the strategic development of the women's human rights movement through international conferences). Customary international norms are practices that come to be treated as law by the international community over time. See V.D. Degan, SOURCES OF INTERNATIONAL LAW 4–5 (DEVELOPMENTS IN INTERNATIONAL LAW, Vol. No. 27, 1997).

4. See Askari, supra note 3, at 33 (noting that the establishment of women's rights as jus cogens would eliminate governmental resistance to treaty enforcement). "Jus Cogens represents those rules of international law that are of fundamental importance to the international community." Id. at 3.


6. "Women's human rights" is a term designed to highlight the inclusion of women's issues into the mainstream of international rights discourse. It refers to those rights which deal either directly or indirectly with women. Hilary Charlesworth, General Introduction, in 1 WOMEN AND INTERNATIONAL HUMAN RIGHTS LAW, supra note 3, at xix, xix [hereinafter Charlesworth, Introduction].

7. This success can be seen through the successful conferences sponsored by the United Nations which have focused on women's issues. See infra Part II.F. (reviewing the results of three recent conferences).

8. Non-governmental organizations are defined as "any international organization which is not established by intergovernmental agreement." INTERNATIONAL INFORMATION: DOCUMENTS, PUBLICATIONS AND ELECTRONIC INFORMATION OF INTERNATIONAL GOVERNMENT ORGANIZATIONS 8 (Peter I. Hajnal ed., 1997) (quoting Resolution 288(X) of 27 February 1950) [hereinafter INTERNATIONAL
U.N. system, have focused large amounts of attention on issues affecting women, including reproductive rights, poverty, armed conflict, and participation in the political and economic arenas. Despite organized opposition, supporters of women's rights have successfully negotiated the inclusion of language in U.N. Convention documents which focuses attention on these issues, seeks to change women's position in society, and, in some cases, arguably recognizes new human rights.

To some, it is not completely clear what norms the resulting language in U.N. documents aim to create. Feminist jurisprudence has not developed a single global perspective through which to criticize flawed international legal constructs and to suggest methods for change, although there are areas of agreement. Most feminist theories agree on the importance of highlighting the lack of equality for women and viewing international problems and events through women's eyes. Scholars disagree, however, on the definition of equality and on the best
method through which realization of women’s rights may be obtained.\footnote{16} Academic writing within the last decade is replete with several different feminist theories, some more useful and accepted than others.\footnote{17}

Despite this disagreement over which feminist theory best represents the needs of women, it must be acknowledged that feminist theory plays a major role in the U.N. system. This article proposes that language identifying human rights of women in U.N. Conference documents has its origin in several different feminist theories. An understanding of these theories can help to clarify meaning, resolve inconsistencies, and predict the future direction of language in U.N. documents. Part I examines three prominent feminist theories and their relation to international law.\footnote{18} Part II examines the history of women’s

\begin{enumerate}
\item Some feminists argue that emphasis on rights does not advance the progress of women. See Otto, supra note 11, at 131–35. Discussion of the merits of rights-based discourse is beyond the scope of this paper.
\item See generally Katharine T. Bartlett & Rosanne Kennedy, Introduction, in FEMINIST LEGAL THEORY (Katharine T. Bartlett et al. eds., 1991) (discussing various feminist theories and their contributions to the development of women’s rights). Commentators recognize the theories of Liberal Feminism, Cultural Feminism, Dominance Feminism, and Postmodern Feminism as having the most influence on the law. See Kathleen Mahoney, Theoretical Perspectives on Women’s Human Rights and Strategies For Their Implementation, 21 Brook. J. INT’L L. 799, 800–01 (1996) (offering an excellent summary of several feminist theories and a general discussion about how they have been and may be used in furthering women’s human rights). Ms. Mahoney’s article does not do an in-depth survey of the theoretical influences on U.N. documents.
\item Due to the limits of this paper we have confined ourselves to three theories: Liberal/Equality Feminism, Cultural Feminism, and Dominance Feminism. Others which could be discussed include: Marxist Feminism, Psychoanalytic Feminism, Socialist Feminism, Eco-feminism and Existentialist Feminism. See Mahoney, supra note 17, at 801 n.8. Mahoney has listed Postmodern Feminism as one of the leading theories. Id. at 801. Because Postmodern techniques and thought influence all varieties of feminism we choose to label Postmodernism as a method rather than a theory. Both Cultural and Dominance Feminists rely on Postmodern techniques in their efforts to identify and break down the public/private distinction. Similarly, Dominance, Cultural and Liberal Feminists apply Postmodern thought when they
\end{enumerate}
rights in U.N. documents and examines the influence of feminist theory on the document language. Using the Women and the Economy section of the Fourth World Conference on Women, Platform for Action (Platform for Action), 19 Part III shows how feminist theories can aid observers in understanding the documents and in making predictions about future trends. Comparison of the Platform for Action with a recent U.N. document titled Further Actions and Initiatives to Implement the Beijing Declaration and the Platform for Action 20 supports predictions made based on the use of certain theories. Although language in U.N. documents still shows the influence of each of the three major theories, this article concludes that Dominance Feminist theory has the greatest impact.


I. PROMINENT FEMINIST THEORIES AND THEIR IMPLICATIONS FOR INTERNATIONAL LAW

A. Liberal/Equality Feminism

Liberal Feminism\(^2\) has its roots in philosophical liberalism, the idea that the inherent nature of persons demands "equal treatment of all as a matter of legal, political, and moral right, irrespective of the particular characteristics" of the individual.\(^2\) Relying on this reasoning, Liberal Feminism argues that because all people share this inherent nature, women should be granted equal rights under the law. A state's role is to ensure that gender neutral laws exist and that women have access to the protection of these laws.\(^2\) This view assumes that a state is a neutral actor, free from gender bias and able to enforce the law equally to both men and women.\(^4\)

Consequently, Liberal Feminists work for the reform of international law, seeking the international community's recognition of norms that would allow women the same privileges as men and the eradication of biased norms which prevent women from attaining equal status.\(^5\) Reforms of this type mainly affect civil and political rights.\(^6\) These rights are most often conceived of as negative rights, prohibiting government actors from limiting rights rather than requiring affirmative steps to secure the rights of citizens.\(^7\)

Liberal Feminism was once the approach of the women's rights movement. No longer. Many modern feminists downplay or even repudiate its worth in helping to emancipate women because of its reliance on male-dominated institutions and its narrow conception of

\(^{21}\) Also known as "equality theory" or "formal equality." See Kathryn Abrams, The Constitution of Women, 48 ALA. L. REV. 861, 867 (1997); Mary Becker, Patriarchy and Inequality: Towards a Substantive Feminism, 1999 U. CHI. LEGAL F. 21, 32.

\(^{22}\) Adam Thurschwell, Radical Feminist Liberalism: At the Heart of Freedom: Feminism, Sex, & Equality, by Drucilla Cornell, 51 Rutgers L. Rev. 745, 747 (1999).

\(^{23}\) Mahoney, supra note 17, at 803.

\(^{24}\) Mahoney, supra note 17, at 804.

\(^{25}\) See Hilary Charlesworth, What are 'Women's International Human Rights?', in HUMAN RIGHTS OF WOMEN supra note 5, at 58, 63–64 [hereinafter Charlesworth, Women's Int'l Human Rights].

\(^{26}\) These are often categorized by scholars as "first generation" human rights. Berta Esperanza Hernandez-Truyol, Human Rights Through a Gendered Lens: Emergence, Evolution, Revolution, in 1 WOMEN AND INTERNATIONAL HUMAN RIGHTS LAW, supra note 3, at 3, 25.

\(^{27}\) Hernandez-Truyol, supra note 26, at 26.
equality. Some feminist writings expand this view by suggesting that the term “equality” has been co-opted by traditional agendas to “reduce women’s opportunities.” Because the other theories discussed in this paper respond to Liberal Feminism, we discuss more detailed criticisms below.

B. Cultural Feminism

Whereas Liberal Feminism relies on the proposition that men and women are fundamentally the same, some feminist jurisprudence posits that men and women are in many ways different. Cultural Feminism, also called Difference Theory, critiques legal systems because they fail to recognize important differences inherent in the natures of men and women. Cultural feminists believe that Liberal Feminism’s focus on equality diminishes many important differences between the two sexes. According to Cultural Feminists, women reason differently than men. They prioritize values of nurturing, caring, conciliation, and responsibility. Women also make moral decisions differently and have different ideas concerning justice. While the male conception of self is that of an autonomous individual, female self-conception is largely connected to the world and others.

Cultural Feminism’s goal does not lie in merely identifying the unique traits of women—traditional patriarchy has already done that—but in celebrating them and recognizing them as strengths. Cultural Feminists argue that these traits and characteristics are not only important but must be taken into account in order for women to enjoy full

28. See Mahoney, supra note 17, at 802–05.
29. Otto, supra note 11, at 133 (“For example, many Islamic countries argued for the recognition of ‘equitable’ . . . inheritance rights for girls.”).
30. See infra Part I.C.
31. See West, supra note 13, at 11–15.
32. See Mahoney, supra note 17, at 809.
33. See Mahoney, supra note 17, at 809–11. See generally CAROL GILLIGAN, IN A DIFFERENT VOICE: PSYCHOLOGICAL THEORY AND WOMEN’S DEVELOPMENT (1982) (suggesting that many women approach problems from an “ethic of care” rather than a sense of justice).
34. Mahoney, supra note 17, at 809–11; West, supra note 31, at 17.
35. GILLIGAN, supra note 33, at 1–22; West, supra note 31, at 15–28.
37. See West, supra note 13, at 18.
equality. These traits and characteristics are worthy values in and of themselves. Such values can help restructure laws for a good society.

Cultural Feminists challenge Liberal Feminism’s focus on legal equality. Because today’s legal system still excludes women’s views and represents only one half of society, namely men, Cultural Feminists argue for inclusion of women’s experience in the development of law and recognition that women have a different conception of morality. The problem with Liberal Feminist theory is that it fails to recognize this fact: a man’s definition of equality may be different from a woman’s. To give a woman equal rights under a man’s system does not necessarily give her the equality she deserves. True equality would incorporate a woman’s method of expression as well as a man’s. For example, the current jurisprudence is dominated by a male conception of justice, with its hierarchical organization, adversarial format, language, imagery, and abstract method of resolving claims. Cultural Feminists propose restructuring the legal system in order to base it on the female ideals of responsibility and relationships. Further, they recognize that true equality may entail the recognition of human rights that are directed solely at women. They are concerned with protecting and fostering the female experience.

C. Dominance Feminism

Dominance Feminism focuses on the differences in power between men and women. It critiques not only physical power, but social, economic and sexual power as well. In doing so, it finds that women

38. See Mahoney, supra note 17, at 811.
39. Mahoney, supra note 17, at 811.
41. See Mahoney, supra note 17, at 809–10.
42. Mahoney, supra note 17, at 811; see also Charlesworth, Women’s Int’l Human Rights, supra note 25, at 65 (describing a situation in which male and female conceptions of justice diverged in the interpretation of Security Council Resolution 798 on war crimes against women).
43. See McClain, supra note 36, at 1228–32, 1242, 1243–46 (examining cultural feminist proposals in the areas of “the no duty to rescue rule in tort law and women’s reproductive freedom”).
46. Catharine A. MacKinnon, Difference and Dominance, in FEMINIST LEGAL THEORY, supra note 17, at 81, 87–91 [hereinafter MacKinnon, Difference and Dominance].
are oppressed because they are subject to social and sexual mores which require them to submit to men. As long as men's power and sexuality define the basis of women's existence, women will never be able to enjoy freedom and equality. Thus, Dominance Feminists reject Liberal Feminists' interpretations of equality (requiring equal protection under the law), and Cultural Feminists' interpretations of equality (recognizing differences between men and women), because each uses male-centered constructs as the basis for identifying discrimination.

Dominance Feminists in the international arena are not concerned with theoretical equality or rights guaranteed on paper. It is not enough for women to have the same potential opportunities as men. Women are not equal, unless they are able to take advantage of those opportunities, define them outside the male paradigm, and thereby obtain real power. Dominance Feminists demand actual social, legal, and economic equality, not just the vague assurance of equal opportunity. They argue that the current male-based social systems, designed by men to ensure that men retain power, will never provide true equality for women.

Thus, Dominance Feminism urges women to break free of the male-dominated system "with their own knowledge and power." Dominance Feminists have focused their efforts in three main areas: reproductive capacity, violence against women, and traditional institutional power structures.

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47. MacKinnon, Difference and Dominance, supra note 46, at 87–91.
49. See Mahoney, supra note 17, at 814–15.
50. See Charlesworth, Mid-Life Crisis, supra note 2, at 784; Charlesworth, Women's Int'l Human Rights, supra note 25, at 64–67.
54. See Mahoney, supra note 17, at 817.
1. Reproductive Capacity

Dominance Feminists emphasize the power imbalance underlying the issues relating to women’s sexuality and reproductive capability. Unlike Cultural Feminists who celebrate female reproductive capacity as a source of pride, Dominance Feminists view female reproductive capacity as a symbol of male domination. Traditional male views of women as sources of child-bearing, child-rearing, breast-feeding, and sexual pleasure are oppressive because these viewpoints keep women from achieving equal economic, social, and political power with men.

While recognizing the debilitating effect that male domination has had on women’s biological processes, Dominance Feminists reject societal claims that their biology makes them inherently inferior. Dominance Feminists believe that power comes from women’s ability to control their own bodies and reproductive capabilities. Birth control, abortion, counseling, sex education, and sexual orientation are all areas in which society has denied women power over their own bodies. By controlling their power of choice in these areas, women reclaim autonomy.

Additionally, Dominance Feminists seek to eliminate the traditional gender stereotypes which accompany their reproductive capacity. Thus, traditional gender conceptions which bind women to the home and make them the chief caretakers of children should be eliminated because such stereotypes prevent women from gaining power. Accordingly, any stereotype which keeps women from achieving equal power to men is outdated, old-fashioned, and just plain wrong. Many Dominance Feminists believe that governments should

55. See MacKinnon, Toward Feminist Jurisprudence, supra note 52, at 181 (“Male and female are created through the erotization of dominance and submission. The man/woman difference and the dominance/submission dynamic define each other. This is the social meaning of sex and the distinctively feminist account of gender inequality. Sexual objectification, the central process within this dynamic, is at once epistemological and political.”) (footnote omitted); West, supra note 13, at 30.
56. See West, supra note 13, at 29–32.
58. See Mahoney, supra note 17, at 818.
60. See Cook, Reproductive Health, supra note 57, at 256–60.
62. See MacKinnon, Toward Feminist Jurisprudence, supra note 52, at 181.
63. See MacKinnon, Difference and Dominance, supra note 46, at 91.
enact laws such as mandatory paid leave and child care which allow women both to have children and to pursue similar activities as men.64

2. Violence

The second way in which Dominance Feminists seek to raise a new feminist consciousness is by critically evaluating violence inflicted upon women.65 Dominance Feminists identify violence against women as a means by which men keep women from attaining power. Pornography, rape, sexual harassment and physical abuse are all forms of male dominance that, until recently, have been widely accepted.66 Until violence against women is eliminated, women will never be equal because men are not affected by systematic violence in the same way as women.67 Dominance Feminists focus on each of these issues and can largely take credit for increased social awareness and action taken to remedy them.68

3. Traditional Male Domination of Society

Finally, Dominance Feminists argue for the transformation of the current international legal, cultural, and social systems.69 Their envisioned transformation will result in women obtaining actual power. Further, Dominance Feminists argue for quotas, affirmative action, and strong government involvement in increasing the opportunities for women to obtain that power.70 They call for a reinterpretation of earlier

64. See Stark, supra note 5, at 176–81 (arguing that the U.N. human rights regime mandates domestic recognition of legal economic rights which encompasses the nurturing work of women).
65. See Mahoney, supra note 17, at 820.
66. See Mahoney, supra note 17, at 820–24.
67. See Mahoney, supra note 17, at 823.
68. See Mahoney, supra note 17, at 825–26.
69. See Charlesworth, Feminist Methods, supra note 2, at 393 (arguing for a re-conception of international law because it is “intertwined with a gendered subjectivity and reinforces a system of male symbols”); Charlesworth, Mid-Life Crisis, supra note 2, at 795 (arguing that a mid-life crisis is necessary for the system to change course in a more radical way to ensure that there is substantive change); see also Cook, The Way Forward, supra note 5, at 6 (construing Charlesworth, Women’s Int’l Human Rights, supra note 25).
generations of human rights law in order to use prior U.N. documents as leverage in their quest for obtaining greater power for women. At the same time, they call for social protections to guarantee rights protecting women’s interests. Dominance Feminists believe that one way the envisioned transformation of society can be achieved is by seeking control through current systems. Thus, while recognizing that men dominate political structures, Dominance Feminists use those structures to further their cause. By gaining power in current political systems, Dominance Feminists strive to be in a position to transform current systems into ones which meet their ideas of equality.

II. Women’s Rights in International Documents

To examine women’s rights, one needs to define what is meant by “women’s rights.” We will use the term “women’s rights” as “those areas of human rights which have evolved since World War II (WWII) to express the global community’s commitment to the outlawing of sex-based discrimination.” After World War I and the formation of the scholars calling for, or expressing approval of, these goals, see Charlesworth Feminist Methods, supra note 2, at 393; Charlesworth Mid-Life Crisis, supra note 2, at 793; Cook, Introduction, supra note 5, at 6; Margaret Plattner, The Status of Women Under International Human Rights Law and the 1995 UN World Conference on Women, Beijing China, 84 Ky. L.J. 1249, 1259–60 (1992) (“One of CEDAW’s goals is to restructure political systems to include greater numbers of women in positions of authority. . . . This would include strengthening affirmative action programs.”).

71. See Charlesworth, Mid-Life Crisis, supra note 2, at 795 (construing Radhika Coomaraswamy, Reinventing International Law: Women’s Rights as Human Rights 4 (Harvard Law School Human Rights Program, 1997) (“This ‘fourth generation’ of rights includes ‘new rights’ such as the right to sexual autonomy as well as a reinterpretation of the earlier rights in order to respond to women’s concerns.”)); Romany, supra note 5, at 87 (proposing an analytical model which will facilitate the re-conceptualization of political and civil rights).


73. See Charlesworth, Mid-Life Crisis, supra note 2, at 795 (calling for a remodeling of the U.N. human rights system that would respond to the life experiences of women).

74. See Afra Afsharipour, Note, Empowering Ourselves: The Role of Women’s NGOs in the Enforcement of the Women’s Convention, 99 Colum. L. Rev. 129, 171 (1999) (discussing a Bangladesh case study showing “the benefits of a savvy strategy to increase cooperation between non-governmental and governmental entities, thus increasing NGO access to positions of power”).

League of Nations, a number of international documents were drafted which dealt specifically with the rights of women, but our focus will remain on women’s rights as they have developed after the creation of the United Nations. Since that time, the global understanding of women’s rights has evolved. At first, the focus was on the equal treatment of women. Now, the focus is on the masculine conception of the way things are (and have been). A survey of women’s rights through U.N. documents and conventions since WWII will show this development.

A. United Nations Charter

When delegates from around the world met to found the United Nations, they wanted a document that would benefit all people of the world. They focused on creating an international body that could and would bring nations closer together, promote peace, and protect the basic rights of all people. In a very general way, the U.N. Charter proclaims the rights that the international community supported. “We the peoples of the United Nations determine...[t]o reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women of all nations large and small.” To this end, the international community promised through the Charter to “promot[e] and encourag[e] respect for human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.” In addition, the Charter allowed for men and women to participate equally in all United Nations functions. This, however, was the full extent of any protections of women’s rights within the founding document of the United Nations. The language in the Charter embodied the liberal ideal of equality because it was basically gender neutral and focused strictly on equal treatment under the law.

76. See, e.g., Convention Concerning Compulsory Widows’ and Orphans’ Insurance for Persons Employed in Industrial or Commercial Undertakings, in the Liberal Professions and for Outworkers and Domestic Servants, June 29, 1933, 39 U.N.T.S. 259; Convention Concerning the Employment of Women During the Night, Nov. 29, 1919, 38 U.N.T.S. 67.
78. See Basic Facts about the United Nations 3.
79. U.N. CHARTER pmbl.
80. U.N. CHARTER art. 1, para. 3.
81. See U.N. CHARTER art. 8.
Later United Nations' documents expanded on the theme of human and women's rights.

**B. Universal Declaration of Human Rights**

Not long after the creation of the United Nations, the U.N. provided the world with a Universal Declaration of Human Rights. This declaration listed rights and freedoms that "everyone is entitled to . . . without distinction . . . such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." As a sweeping proclamation of equality for all people, the Declaration, in the Liberal Feminist tradition, used language that made it clear the document guaranteed equality for men and women. Specifically, the Declaration called for equality in marriage and equality in the workplace. Although this document sought to guarantee certain rights to all peoples, its generic nature failed to address women's rights specifically.

**C. The Two International Covenants**

Nearly twenty years after the Declaration of Human Rights, the United Nations proposed two new resolutions to expand the conception of basic human rights. Both the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights purported to expand human rights and therefore, expand women's rights.

82. Universal Declaration of Human Rights art. 2, para. 1 (1948) [hereinafter Universal Declaration].
83. Universal Declaration art. 7 ("All are equal before the law and entitled without any discrimination to equal protection of the law.") (emphasis added).
84. Universal Declaration art. 16.
85. Universal Declaration art. 23. However, Article 23 simply stated that "[e]veryone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment [and] to equal pay for equal work." Id. The Declaration did not specifically protect or proclaim these rights for women.
1. International Covenant on Economic Social and Cultural Rights

The International Covenant on Economic, Social and Cultural Rights called on member states "to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights." It called for member States to recognize the right to work and the right to "just and favorable conditions of work" which included for the first time special protections for women. A special guarantee that "conditions of work not [be] inferior to those enjoyed by men, with equal pay for equal work" showed a desire by the U.N. to recognize the need for specific protection of women's rights. Perhaps this marked the beginning of a specific focus on women's rights. While this document focused on the Liberal Feminist idea of equal treatment for women under the law, it also recognized the special need for women's rights.

2. International Covenant on Civil and Political Rights

Partner to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights aimed at protecting human rights in the political arena. This Covenant encouraged member States "to ensure the equal right of men and women to the enjoyment of all civil and political rights." Specifically, the Covenant held that "all persons are equal before the law and are entitled without any discrimination to the equal protection of the law." Laws should prohibit discrimination on any ground including sex and should guarantee equal and effective protection against discrimination. In addition, the Covenant stated that all people equally have the right to vote, participate in "public affairs" and have access to public services. Not only did this document seek to protect the equal

88. ICESCR, supra note 87, art. 6, para. 1.
89. ICESCR, supra note 87, art. 7.
90. ICESCR, supra note 87, art. 7, para. a(i).
92. ICCPR, supra note 91, art. 3.
93. ICCPR, supra note 91, art. 26.
94. ICCPR, supra note 91, art. 26.
95. ICCPR, supra note 91, art. 25.
The opportunity of men and women to participate in the political process, but it also stressed equality in family relations. The Covenant stated that “State Parties . . . shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution.” The Covenant on Civil and Political Rights protected all people equally. Because of this focus on equality without distinction, it is apparent that Liberal Feminism strongly influenced the content of this document. It is also clear that Liberal Feminism continued to influence the wording of later United Nations documents.

D. Convention on the Elimination of All Forms of Discrimination Against Women

In 1979, the United Nations General Assembly adopted the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). CEDAW’s introductory language repeatedly acknowledged that its purpose was to promote “equality of rights of men and women.” While focusing on equality without distinction, CEDAW developed specific rights with a particular focus on women. Condemning all forms of discrimination against women, CEDAW called for all signatory countries

[to embody the principle of the equality of men and women in their national constitutions] to adopt appropriate legislative and other measures . . . prohibiting all discrimination against women; . . . to establish legal protection of the rights of women on an equal basis with men] . . . [and] to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women.

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96. See ICCPR, supra note 91, art. 23.
97. ICCPR, supra note 91, at art. 23, para. 4.
98. The document refers to “all peoples” (art. 1), “all individuals” (art. 2), “every human being” (art. 6), and “everyone” (art. 9), showing an intent to apply these guarantees equally to all.
99. LANGLEY, supra note 75, at 155.
101. See generally CEDAW, supra note 100.
102. CEDAW, supra note 100, art. 2, paras. a–c. f. This article also calls for the repeal of all penal laws discriminating against women and for governments to ensure that
CEDAW allowed governments to enact “temporary special measures aimed at accelerating de facto equality between men and women” and stated that such laws would not be considered discriminatory.\textsuperscript{103} CEDAW included provisions granting women “equality with men before the law,”\textsuperscript{104} and equal rights with men in the family.\textsuperscript{105} CEDAW signatories should give women equal rights with men to vote and hold public office,\textsuperscript{106} get an education,\textsuperscript{107} and seek all types of employment.\textsuperscript{108} Appropriate measures should be taken to “modify the social and cultural patterns of conduct of men and women” and to eliminate prejudices and stereotypes.\textsuperscript{109} Although CEDAW sought equal treatment of men and women, it required special considerations for women. It also called on governments to change social and cultural behaviors.\textsuperscript{110} CEDAW seemed simply to rely on Liberal Feminist theories of equality to expand on other U.N. documents. The language just cited, however, reveals that some ideas from Cultural and Dominance Feminism also influenced the document’s language. By requiring a change in societal understanding of men’s and women’s roles, the document revealed the influence of Cultural Feminism; looking to the government to create temporary inequalities to hurry the development of equality shows the influence of Dominance Feminism.

\textbf{E. The Nairobi Forward Looking Strategies}

Another important document building up to the Beijing Conference was the Nairobi Forward Looking Strategies.\textsuperscript{111} At this conference, public officials and institutions act in accordance with the Convention. See CEDAW, supra note 100, at art. 2, paras. d, g.

103. See CEDAW, supra note 100, art. 4, para. 1.
104. CEDAW, supra note 100, art. 15, para. 1.
105. CEDAW, supra note 100, art. 16, para. 1. These rights include the right to choose a spouse; equal rights in a divorce; equal parental rights and responsibilities; right to family planning; right to choose a family name, profession and occupation; and the right to own property. See generally CEDAW, supra note 100.
106. See CEDAW, supra note 100, art. 7.
107. See CEDAW, supra note 100, art. 10.
108. See CEDAW, supra note 100, art. 11.
109. See CEDAW, supra note 100, art. 5, para. a.
110. See CEDAW, supra note 100, art. 5, para. a.
three objectives were recognized: equality, development and peace.112 Nairobi defined equality "as meaning not only legal equality, the elimination of *de jure* discrimination, but also equality of rights, responsibilities and opportunities for the participation of women in development, both as beneficiaries and as active agents."113 Conventional liberal topics of equal work for equal pay and the equal sharing of responsibility within the family found their way into Nairobi.114 Most of these ideas did not constitute new ideas, but rather seemed a natural development of the documents that had come before.

While much of the document was not new, Nairobi also contained some novel elements. Some parts of the document called for governments to become more involved in affirmatively improving the status of women115 by creating departments to encourage and monitor increased participation of women in government activities.116 Other new ideas included changes in perceptions of women's position in the family to allow different or new gender roles117 and increased participation of women in the creation of educational norms.118 These and other new

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113. *Ibid.*, supra note 111, ¶ 10. This definition comes from the conference and closely follows the Liberal Feminist theory.
114. *Ibid.*, supra note 111, ¶ 54 (trying to "promote equality of women and men. Governments should ensure, for both women and men, equality before the law"); ¶ 59 (talking about sharing responsibilities at home and within marriage); ¶ 67 (talking about equal access to benefits); ¶ 69 (trying to "secure the participation of women as equal partners with men in all fields of work, equal access to all positions of employment"); ¶ 73 (noting that "[c]areful attention should be paid to the equal participation and valuation of both partners [in marriage] so that the value of housework is considered equivalent of financial contributions"). The actual language of the document in these sections is valuable to consider.
115. *Ibid.*, supra note 111, ¶ 84 (calling for "[e]mployment equity programmes [to] be developed to integrate women into all economic activities on an equal basis with men. Special measures designed to redress the imbalance imposed by centuries of discrimination against women should be promoted to accelerate de facto equality between men and women. Those measures should not be considered discriminatory or entail the maintenance of unequal or separate standards. They are to be discontinued when the objectives of equality of opportunity and treatment have been achieved.")
117. *Ibid.*, supra note 111, ¶ 121 ("To this end, priority should be given to the provision of a social infrastructure that will enable society to share these responsibilities with families and, simultaneously, to bring about changes in social attitudes so that new or modified gender roles will be accepted, promoted and become exercisable.")
118. *Ibid.*, supra note 111, ¶ 163 ("Governments should strengthen the participation of women at all levels of national educational
areas addressed by the Nairobi Forward Looking Strategies grew out of
the realization that some obstacles to women's development had not yet
been addressed by international documents. By evolving to address
"new" areas of concern, Nairobi showed the international community's
continuing attempts to redress societal inequalities.

Besides addressing new problems, Nairobi also showed new theo-
retical influences. Elements of Cultural Feminist theory can be found in
many sections of the document. Early in the document, Nairobi en-
couraged recognition of the distinctive contributions women provide to
society. "To achieve optimum development of human and material re-
sources, women's strengths and capabilities, including their great
growth to the welfare of families and to the development of soci-
eity, must be fully acknowledged and valued." In addition, the
document emphasized

\[ \text{the need for women's perspective on human development} \]
\[ \ldots \text{since it is in the interest of human enrichment and prog-
ress to introduce and weave into the social fabric women's} \]
\[ \text{concept of equality, their choices between alternative devel-
opment strategies and their approach to peace, in accordance} \]
\[ \text{with their aspirations, interests and talents.} \]

Other sections focused on the social and cultural contributions of
women and the need to support, encourage, and recognize these unique
contributions by women to society. This focus showed the strong in-
fluence of Cultural Feminism on the document. While Liberal Feminist
theory still influenced the creation of the Nairobi document, Cultural
Feminist theory provided for the development of new and important
language in the Nairobi Forward Looking Strategies.
F. Three Recent U.N. Documents

1. Declaration on the Elimination of Violence Against Women

More recent documents show that while Liberal Feminist and Cultural Feminist theories continue to influence U.N. documents, other theories, especially Dominance Feminism, now hold greater influence. In 1993, the General Assembly issued the Declaration on the Elimination of Violence Against Women, expressing concern "that violence against women is an obstacle to the achievement of equality ...."125 The Declaration stated that all women have the right to equal enjoyment of all human rights including the right to equality and the right to just and favorable work conditions.126 To avoid further violence towards women, the Declaration encouraged signatory states to "[ad]opt all appropriate measures, especially in the field of education, to modify the social and cultural patterns of conduct of men and women to eliminate prejudices, customary practices and all other practices based on the idea of inferiority or superiority of either of the sexes and on stereotyped roles for men and women ...."127 While granting women the benefit of human rights, the Declaration also calls for governments to change patterns and stereotypes regarding men and women.128 Because the Declaration called for changes in government structures and traditional stereotypes, it clearly showed the influence of Dominance Feminism in its formation.

2. International Conference on Population and Development

During Reparatory Committee Sessions for the International Conference on Population and Development in 1994, "[t]he need for gender equality, equity and empowerment of women [was] emphasized throughout the draft Programme of Action of the Conference."129 One of the chapters of the Conference document, entitled Gender Equality,

126. Declaration on the Elimination of Violence, supra note 125, art. 3.
127. Declaration on the Elimination of Violence, supra note 125, art. 4.
128. Declaration on the Elimination of Violence, supra note 125, art. 4(j).
Equity and Empowerment of Women, states that “countries should act to empower women and should take steps to eliminate inequalities between men and women as soon as possible.” By promoting programs that empower women and requiring governments to ensure the development of equality, the drafters demonstrated that they had turned away from Liberal Feminism for more contemporary forms, especially Dominance Feminism.

3. The Beirut Workshop for the Beijing +5 Conference

A U.N. report of a recent workshop held in Beirut on women's rights issues also shows how the shift from Liberal Feminism to Dominance Feminism occurred. During the Beijing +5 Conference held in November 1999, “[a]n international Workshop . . . was convened by the United Nations . . . to elaborate action-oriented recommendations for discussion by the Commission on the Status of Women.” Ten “experts” and ten observers attended the meeting. The participants at this workshop used three themes (equality, development and peace) chosen more than twenty years ago to organize their discussions. However, the experts noted that “changing context had led to considerable shifts in their meaning.” When these themes were first developed, “‘equality’ was . . . still a term that had legalistic and equality of opportunity connotations.” Because the world had outgrown these themes, “the experts decided to move beyond [them]

132. The Beijing +5 Conference was actually a special session of the General Assembly entitled “Women 2000: Gender Equality, Development and Peace for the Twenty-First Century.” In preparation for the conference, several activities were held that could be attended by U.N. member states, specialized agencies and observers (such as NGOs). These preparatory activities included this workshop in Beirut, five regional meetings, and online working groups. See United Nations Women Watch, Action for Gender Equality and the Advancement of Women, at http://www.un.org/womenswatch/daw/followup/session/presskit/brochure.htm (last visited Mar. 20, 2001).
133. Beirut Workshop, supra note 131.
134. Beirut Workshop, supra note 131.
and to focus on five broad areas where interventions would make
the most appreciable difference in the coming period.\textsuperscript{137} The new
areas or themes that these participants recommended were: attitudes
and practices, governance, alliances and coalitions, social and eco-
nomic justice, and peace-building.\textsuperscript{138} By moving beyond the theme of
legal equality, these participants abandoned the old reliance on Liberal
Feminist theory and seemed to be operating under new theories.

Examining the historical development of women's rights in
United Nations documents reveals that the feminist theories support-
ing these documents have changed over time. At first, Liberal
Feminist theories established the protection of equal treatment of men
and women under the law. As time progressed, more and more ideas,
first from Cultural Feminism, then from Dominance Feminism, crept
in, calling for governments to enact affirmative actions for women and
to change cultural and societal understandings of women's roles. It
even appears that Cultural and Dominance Feminist theories have
taken over by changing the focus from themes of equality to attitudes
and practices and social and economic justice.\textsuperscript{139} By next looking at
the Beijing Platform for Action and the Proposed Outcome Paper for
Beijing +5, we see how much has changed in just the last five years. By
understanding the feminist theories that created these U.N. docu-
ments, they may be read as the drafters intended.

III. Using Feminist Theories to Understand
and Interpret U.N. Documents

A. Introduction

Knowledge of the various feminist theories is important to read-
ers of new U.N. documents because understanding feminist theory
helps observers understand their intended meaning. Observers should
be familiar with feminist theory because the U.N. women's organiza-
tions are run and advised by feminists. An analysis of scholarship
published by current CEDAW members reveals a wealth of published
material on feminist subjects.\textsuperscript{140} A similar survey of past members of

\textsuperscript{137} Beirut Workshop, supra note 131.
\textsuperscript{138} Beirut Workshop, supra note 131.
\textsuperscript{139} Beirut Workshop, supra note 131.
\textsuperscript{140} See Savitri Goonsekere, Children, Law and Justice: A South Asian Perspec-
tive 117 (1998); Savitri Goonsekere, Women's Rights and Children's Rights:
CEDAW yields the same results. Additionally, comments, speeches and interviews with other members of the U.N. system are widely used by feminist scholars in their published works. Other evidence of current feminist influence in the U.N. system is the expert panelists who have appeared before various committees in conjunction with the 1995 Fourth World Conference on Women and the preparatory work for Beijing +5. Notable and respected feminist scholars such as Rebecca Cook, Andrew Brynes, Krisztina Morvai, and


142. Authors who frequently cite members of the U.N. system include Hilary Charlesworth and Diane Otto.


144. For an example of Rebecca Cook's writings, see Cook, Reproductive Health, supra note 57.


others\textsuperscript{147} have shared their perspectives before these committees. Finally, the boards of many accredited feminist NGOs are full of current, high-ranking U.N. officials including a member of the governing board of United Nations Educational, Scientific and Cultural Organization's (UNESCO) Institute for Education,\textsuperscript{148} an Advisory Committee member of the World Bank's Economic Development Institute,\textsuperscript{149} the Special Rapporteur on Violence Against Women to the U.N. Commission on Human Rights,\textsuperscript{150} the director of the United Nations Development Fund for Women (UNIFEM),\textsuperscript{151} the Public Information Officer for the United Nations Development Program,\textsuperscript{152} a staffer of the United Nations Development Program,\textsuperscript{153} and a former CEDAW member/member of the U.N.

\begin{quote}
\end{quote}

\textsuperscript{147} Others include Nadia Hijab and Yoriko Meguro. See, e.g., NADIA HIJAB, WOMAN-POWER: THE ARAB DEBATE ON WOMEN AT WORK (1988); YORIKO MEGURO, WOMEN'S ROLE-ANALYSIS OF CONTROL OF THE SEX (1980); Nadia Hijab, Countering Conservatism, \textit{Forum '95}, Sept. 3, 1995, at 2. For more information about these scholars, see Biographical Notes, supra note 143.


\textsuperscript{149} Adele Smith Simmons is a board member of the Global Fund for Women. See Board of Directors, supra note 148.


\textsuperscript{151} Noleen Heyzer is one of the Board of Directors of Women, Law and Development, International. WL&DI, supra note 150.

\textsuperscript{152} Afifa Dirani Arsanious is the Vice President of the Sisterhood is Global Institute (SIGI). SIGI, SIGI Officers, Steering Committee, & Advisory Board, at http://www.sigi.org/boardbio.htm [hereinafter SIGI Board] (last visited March 13, 2001).

\textsuperscript{153} Carolyn Hannan serves on the board of directors of the Association for Women's Rights in Development. Association for Women's Rights in Development, Board Bios, at http://www.awid.org/boardbios.html (last visited Apr. 21, 2001).
Human Rights Committee.¹⁵⁴ This is but a sampling of the vast interconnectedness of the U.N. with feminist NGOs. All this taken together shows the powerful influence that feminist theorists have on the U.N.¹⁵⁵ Because this influence exists, those seeking to be informed about U.N. proceedings, especially conference documents, should be well-versed in feminist theory.

The analysis which follows will show how reading U.N. documents in light of feminist theories can enhance understanding of the documents and predict future U.N. trends. Understanding the theories can help us better comprehend the documents because as we have noted previously, U.N. documents are written and implemented in large measure by feminists. A knowledge of feminist theory allows readers to step into the drafters’ shoes and see the document as they intended. Further, it gives insight into how those charged with the implementation of the document will view it. Because U.N. documents are written by people who know and understand the intricacies of feminist theory, the language of U.N. documents will mirror the current trends in the development of feminist theory.

In order to understand the influence of different theories in subsequent documents, it is necessary to compare documents that are similar in length and topic. The *Beijing +5 Proposed Outcome Document* should be valuable to compare against the Women and the Economy section of the Platform for Action because they both deal with women’s issues.¹⁵⁶ The Women in the Economy section contains thirty-one numbered paragraphs and ninety-three lettered subparagraphs.¹⁵⁷ By comparison, the *Beijing +5 Proposed Outcome Document* has sixty-three numbered paragraphs and 107 lettered subparagraphs.¹⁵⁸ Our analysis will evaluate the language in these documents in light of Liberal Feminism, Cultural Feminism and Dominance Feminism. A brief look at the *Beijing +5 Final Outcome Document* confirms the analysis from our comparison of the Platform for Action and the *Beijing +5 Proposed Outcome Document*.

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¹⁵⁴. Elizabeth Evatt serves on the Advisory Board of SIGI. SIGI Board, supra note 152.
¹⁵⁵. It should be noted that our research is but a sampling of the ties between the U.N. and feminist NGOs. We did not look at the number of former U.N. employees currently working on feminist projects. The overall connectedness of the U.N. system with the current feminist project is beyond the scope of this paper. It remains a worthy subject for another day.
¹⁵⁷. See *Platform for Action*, supra note 19.
¹⁵⁸. See *Beijing +5 Proposed Outcome Document*, supra note 20.
B. Liberal Feminism

Liberal Feminist theory strongly influenced the early international documents produced by the United Nations. Over time, that influence has waned, at least if one were to base influence on language in documents that can be directly attributed to Liberal Feminist theory. Language in newer documents shows heavy influence from other theories, first, Cultural Feminism and then, Dominance Feminism. Because an observer can identify the theory underlying the language, that observer should also be able to discern changes in a theory's level of influence. If the observer notices that a theory is losing ground, that observer could assume that later documents will continue the trend. Looking at the Platform for Action, an observer might notice that Liberal Feminist theory rarely appears in the language. From this, one might assume that later documents will contain even less language influenced by Liberal Feminist theory. To test this assumption, we compare the Platform for Action with the Beijing +5 Proposed Outcome Document.

Before looking at the documents, a review of Liberal Feminist theory provides appropriate background. As discussed previously, Liberal Feminism focuses on equality under the law, meaning that the law treats men and women equally. Gender-neutral laws satisfy the aspirations of Liberal Feminist theory. Equal access to education, employment, and government services also is associated with Liberal Feminism. This is the language the observer should look for to identify Liberal Feminist theory.

1. Liberal Feminism in the Platform for Action

Looking at the Platform for Action, specifically at the Women and the Economy section, an observer will find few sections of language that can be directly attributed to Liberal Feminism. These few sections called for equal access to be provided for all people to markets, employment, economic resources, training and education. Like many of the documents that preceded it, the Platform for Action sought to “guarantee the rights of women and men to equal pay for equal work or work of equal value.” In addition, the Platform For Action called for governments

159. See supra Part I.A.
160. Platform for Action, supra note 19, ¶ 165(a). Beijing also calls for the reduction in the gap between women’s and men’s pay. See Platform for Action, supra note 19, ¶ 178(k).
to give women equal rights with men to economic resources, including access to ownership and control over land and other forms of property, credit, inheritance, natural resources and appropriate new technology.”161 Calling for equal treatment of women and men before the law, this section clearly borrowed from Liberal Feminism. Language in the Platform for Action also required assurances that financial institutions will provide services on an equal basis,162 that men and women have equal access to training for all jobs,163 and that basic workers’ rights to equal pay for work of equal value be respected.164 Governments “as employer[s should] develop a policy of equal opportunities for women and men” to work for the state.165 The Platform for Action also sought to achieve equal market access for male and female entrepreneurs166 and the opportunity for men and women to choose full- or part-time work freely.167 Some gender-less language in the document merely called for contracts to be granted “on a non-discriminatory basis.”168 All of these examples show a definite imprint of Liberal Feminist theory. Given the size of the Women and the Economy section, though, this language makes up only a minor percentage of the whole.

2. Liberal Feminism in the Beijing +5 Proposed Outcome Document

Because language influenced by Liberal Feminist theory made up such a small part of the Platform for Action, one could expect that future U.N. documents will also contain little Liberal Feminist language. An examination of the Beijing +5 Proposed Outcome Document shows this to be true. While nearly the same size as the Women and the Economy Section of the Platform for Action, the Beijing +5 Proposed Outcome Document contains only four sentences that show Liberal Feminist influence.169 Although these sentences might be associated with

161. Platform for Action, supra note 19, ¶ 165(e). A distinction we make in this paper is that Liberal Feminist theory avoids forcing change through government action.
162. See Platform for Action, supra note 19, ¶ 165(h).
163. See Platform for Action, supra note 19, ¶ 166(l).
164. Platform for Action, supra note 19, ¶ 166(l). This section lists other workers’ rights in addition to issues of equal pay.
165. Platform for Action, supra note 19, ¶ 166(b).
166. See Platform for Action, supra note 19, ¶ 173(a).
167. See Platform for Action, supra note 19, ¶ 179(b).
168. Platform for Action, supra note 19, ¶ 177(a).
169. See Beijing +5 Proposed Outcome Document, supra note 20, ¶¶ 44, 50, 56(d), 63(e).
Liberal Feminism, the language also suggests influences from other feminist theories.

Gender equality provides a major theme for the *Beijing +5 Proposed Outcome Document*. This is demonstrated in statements such as: 

"[a]chieving gender equality includes ensuring their equal rights, responsibilities, and opportunities for women and men, girls and boys."\(^{170}\)

While it calls for equality before the law and equal protection under the law, the document also calls for "adequate means of redress against violations, knowledge about rights and access to resources and a supportive law enforcement system and judiciary . . . [to] accelerate achievement of the goal of gender equality."\(^{171}\) The only other areas where Liberal Feminist language is used in this document deal with providing equal access to education\(^{172}\) and to public goods and services.\(^{173}\) While expecting to find few sentences that show Liberal Feminist influence, we did not expect to find such a dearth of examples of Liberal Feminist theory.

Because so little language can be found in the document that can be directly attributed to Liberal Feminist theory, it indicates that Liberal Feminism has been abandoned as the primary means of achieving equality for women. The cry of "equality" was a necessary starting point for the feminist movement, and now it seems that it has grown beyond the need to focus so narrowly. One feminist, writing immediately after the Beijing Conference, suggested that

[w]hile achieving the equal representation of women in domestic and global economic and political institutions would be an important advance for women, reliance on the equality paradigm as the basis for women's civil and political rights forecloses questioning the underlying forms of these institutions which have resolutely functioned to exclude women.\(^{174}\)

Focusing on equality limits the scope of the argument. Instead, feminists want to focus more on changing societal institutions that have allowed masculine thought to repress the true nature of women.

\(^{170}\) *Beijing +5 Proposed Outcome Document*, *supra* note 20, ¶ 44.

\(^{171}\) *Beijing +5 Proposed Outcome Document*, *supra* note 20, ¶ 50.

\(^{172}\) See *Beijing +5 Proposed Outcome Document*, *supra* note 20, ¶ 56(d).

\(^{173}\) See *Beijing +5 Proposed Outcome Document*, *supra* note 20, ¶ 63(e).

\(^{174}\) Otto, *supra* note 11, at 127.
C. Cultural Feminism

In United Nations documents, the influence of Cultural Feminist theory began to appear only in the 1970s and early 1980s, although the theory had doubtless existed long before. Cultural Feminist influence on language can clearly be seen in the Nairobi Forward Looking Strategies. Even in the Platform for Action, Cultural Feminist theory remained an important underlying influence on document language. Interestingly, the best examples of Cultural Feminism can be found not in the section outlining the proposed actions, but in the introductory section describing why action needs to occur. Though Cultural Feminism visibly influenced the language, its impact in the Platform for Action, like that of Liberal Feminist theory, was also relatively small. Because Cultural Feminism minimally influenced the language in the Platform for Action, later documents may follow this pattern. To explore this assumption, we compare the Platform for Action with the Beijing +5 Proposed Outcome Document.

Cultural Feminist influence can also be found in language calling for the use of feminine ideas in regards to responsibility and relationships. Our review of the two documents will be limited to language of this nature to determine the influence of Cultural Feminism.

1. Cultural Feminism in the Platform for Action

In the Women and the Economy section of the Platform for Action, Cultural Feminism frequently influenced the language. At least six paragraphs and eleven sub-paragraphs exhibit Cultural Feminist influence. As one section pointed out, "[l]nsufficient attention to gender analysis has meant that women’s contributions and concerns remain too often ignored in economic structures, such as financial markets and institutions, labour markets, economics as an academic discipline, economic and social infrastructure, taxation and social security systems, as well as in families and households." This and other language clearly called for the recognition of women’s contributions to society. Other paragraphs noted that women’s “input should continue to be developed

175. See supra Part I.B.
176. The paragraphs that introduce the reasons for proposing action could just as easily be called the justification section because they explain the situation of women in the international community and the reasons why change is needed.
177. Platform for Action, supra note 19, ¶ 155.
and supported and their potential further realized.\textsuperscript{178} In other introductory paragraphs, the document clamored for recognition of women’s contributions to the economy through unremunerated as well as remunerated work\textsuperscript{179} and development of an appreciation for women’s “work, experience, knowledge and values.”\textsuperscript{180} The recognition of the unique contributions of women could further greater equality in the treatment of women.

Additionally, language in the Women and the Economy section described obstacles keeping women from their potential and various means by which women’s contributions could be recognized. One obstacle was the lack of family-friendly work environments.\textsuperscript{181} To overcome these obstacles, the Platform for Action suggested promoting “gender-sensitive policies and measures to empower women as equal partners with men in technical, managerial and entrepreneurial fields.”\textsuperscript{182} The Platform for Action called for increased and equal participation by women on economic advisory boards\textsuperscript{183} and in leadership and managerial positions.\textsuperscript{184} In order to support women’s participation, the document also advocated support for women’s businesses,\textsuperscript{185} recognition of women’s contribution to science and technology,\textsuperscript{186} and consideration of “women’s needs when disseminating market, trade and resource information.”\textsuperscript{187} The recognition of the importance of women’s viewpoints and the solicitation of these viewpoints is a theme of Cultural Feminism. These examples show the kind of influence that Cultural Feminism had over the language in the Platform for Action.

178. Platform for Action, supra note 19, \S\ 159.
179. See Platform for Action, supra note 19, \S\ 156. The language specifically states that “[w]omen are active in a variety of economic areas, which they often combine, ranging from wage labour and subsistence farming and fishing to the informal sector . . . . Women contribute to development not only through remunerated work but also through a great deal of unremunerated work . . . . Women’s contribution to development is seriously underestimated, and thus its social recognition is limited.” Platform for Action, supra.
180. Platform for Action, supra note 19, \S\ 163. This paragraph notes that recognition of women’s contributions is required to realize fully the equal abilities of men and women to contribute to the economy.
181. See Platform for Action, supra note 19, \S\ 161. Family-unfriendly work environments include those that do not provide affordable childcare.
182. Platform for Action, supra note 19, \S\ 165(q).
183. See Platform for Action, supra note 19, \S\ 167(a).
184. See Platform for Action, supra note 19, \S\S\ 177(b), 178(g).
185. See Platform for Action, supra note 19, \S\ 174.
186. See Platform for Action, supra note 19, \S\ 175(h).
187. Platform for Action, supra note 19, \S\ 168(a).
While showing a strong impact on the language of the document, Cultural Feminist theory still only affected a small portion of the whole.

2. Cultural Feminism in the Beijing +5 Proposed Outcome Document

Looking at the Beijing +5 Proposed Outcome Document, one might expect a similarly strong but small showing from Cultural Feminist theory. However, like Liberal Feminism, Cultural Feminist theory loses ground in the Beijing +5 Proposed Outcome Document. Only seven sentences or paragraphs exhibit the influence of Cultural Feminism. Qualifying this language as Cultural Feminism is troubling, however, because the same language also exhibits the influence of Dominance Feminism. Because Cultural Feminism language appears less often in the Beijing +5 Proposed Outcome Document, it, like Liberal Feminism, may be losing ground.

Appearing in the Beijing +5 Proposed Outcome Document in a limited way, Cultural Feminism is strongest, as in the Platform for Action, in the introductory language. In one paragraph, the document lamented that “[d]espite an increased understanding of women’s human rights and appreciation for women’s contribution to society,” obstacles still exist preventing full expression of women’s rights. The document pointed out “that women’s as well as men’s interests, concerns, experiences and priorities are an integral dimension of the design, implementation, monitoring and evaluation of all actions in all areas of societal development.” The introductory language also developed the idea that women and men need to work in a partnership to develop policy and that “women’s knowledge and priorities in the conservation and management” of resources need to be integrated into all considerations. The document pointed out that women’s participation at all levels of society should be improved by implementing two programs. First, women-specific programs need to be created, and second, all programs should apply a gender main-streaming approach to include women. By using language promoting the contributions of

188. See Beijing +5 Proposed Outcome Document, supra note 20, ¶¶ 35, 43, 46, 48, 52.
189. Beijing +5 Proposed Outcome Document, supra note 20, ¶ 35.
190. Beijing +5 Proposed Outcome Document, supra note 20, ¶ 44.
192. Beijing +5 Proposed Outcome Document, supra note 20, ¶ 47.
193. See Beijing +5 Proposed Outcome Document, supra note 20, ¶ 53.
194. See Beijing +5 Proposed Outcome Document, supra note 20, ¶ 52.
women and requiring consideration of women’s ideas and needs, the *Beijing +5 Proposed Outcome Document* obviously was influenced by Cultural Feminism.

Though Cultural Feminism played an important role, a subtle transformation can be found in the language of the *Beijing +5 Proposed Outcome Document*. The document pointed out a shift in focus: “The efforts towards ensuring women’s participation in development have shifted from a focus on women’s conditions and basic needs to a more holistic and systemic approach based on the consideration of rights and equal partnerships.” What this means is that conditions of equality are not as important as looking at the rights and equal partnerships of women and men. This language shows a movement away from Liberal Feminism and perhaps away from Cultural Feminism.

Looking at the language of the *Beijing +5 Proposed Outcome Document* in comparison to the Platform for Action, Cultural Feminist theory influences U.N. documents less now than it did just five years ago. Language influenced by Cultural Feminism also appears most prevalently in the introductory or explanatory sections of the documents, not in the section dedicated to proposed actions. Cultural Feminist language is most often used when justifying or explaining why more radical actions should be taken to end discrimination against women. It may be that Cultural Feminist theory has broad support, especially when explaining the need for change. As Cultural Feminism and Liberal Feminism decrease in importance, other theories must be taking their place.

**D. Dominance Feminism**

The main feminist theory filling the void left by the decline of Liberal Feminism and Cultural Feminism in the language of U.N. documents appears to be Dominance Feminism. Though its influence can be seen in earlier U.N. documents, Dominance Feminism clearly dominates the language of the Platform for Action. The widespread usage of Dominance Feminism in the Platform for Action suggests that the theory could serve as a useful mechanism for understanding nebulous language within the Platform for Action itself. Further, consistent with our prior analysis, a large amount of language influenced by Dominance Feminism leads to the conclusion that the theory is gaining influence in the U.N. system and will play a greater role in international

law. A comparison with the *Beijing +5 Proposed Outcome Document* supports this conclusion.

1. Dominance Feminism in the *Platform for Action*

Dominance Feminism's influence on the Platform for Action can be seen in the Platform’s Women and the Economy section. At least thirteen paragraphs and forty-two sub-paragraphs exhibit origins in Dominance Feminist thought, focusing on reproductive capacity, governmental restructuring, and redefinition of traditional views. The subject of violence against women is not addressed in this section, which is remarkable considering the large amount of Dominance Feminist language in the section and the importance to Dominance Feminists of eliminating violence.¹⁹⁶

The most easily identifiable language deals with women’s reproductive capacity.¹⁹⁷ The Platform for Action noted that women’s service as mothers keeps them from achieving the same financial power as men when it said: “[w]omen, particularly those who are heads of households with young children, are limited in their employment opportunities for reasons that include inflexible working conditions and inadequate sharing, by men and by society, of family responsibilities.”¹⁹⁸ The Platform for Action’s solution to this problem was for governments to “[e]liminate discriminatory practices based on reproductive roles and functions, refusal of employment, dismissal, pregnancy and breastfeeding responsibilities.”¹⁹⁹ Governments can eliminate discrimination by encouraging society to share family responsibilities.²⁰⁰ The Women and the Economy section suggested three times that one way for society to share family responsibilities would be for governments and businesses to provide child care for women.²⁰¹ Providing child care would free women to pursue economic gain, thus decreasing the imbalance in power between men and women.²⁰²

Perhaps less obvious than provisions dealing with reproductive capacity, but just as influenced by Dominance Feminism, is language seeking to restructure male-dominated governments. The Women and

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196. See *supra* Part I.C.2.
199. *Platform for Action, supra* note 19, ¶ 178(c).
201. See *Platform for Action, supra* note 19, ¶¶ 173(g), 180(b).
202. See *Platform for Action, supra* note 19, ¶¶ 173(g), 180(b).
the Economy section called for governmental restructuring at least eighty different times. Governments were called upon to allow women more access to power by establishing new mechanisms for the formulation of policies and the definition of structures through governmental agencies. They were also to implement “positive action programmes to address systematic discrimination against women.” These new mechanisms, structures and programs were supposed to do a number of things, including: allow women workers to formulate policies and programs to be used by economic ministries and financial institutions; reformulate, if necessary, business, commercial and contract law; enact governmental regulations to ensure no discrimination against rural and urban women; and integrate a gender perspective into all economic and structural adjustment policies and design programs for women. The Platform for Action further called for governments to allow women’s organizations to participate in policy formation and for governments to support such organizations financially. If each of these proposals were implemented, women could have much more actual power in government, and current government systems as we know them could be substantially altered.

The Platform for Action also contained language calling for the elimination of traditional roles and stereotypes, which can be identified as having its roots in Dominance Feminism. The Women and the Economy section of the Platform for Action called for governments to “promote the equal sharing of responsibilities for the family by men and women, including through appropriate legislation, incentives, and/or enforcement.” Governments were also required to “change attitudes that reinforce the division of labour based on gender in order to promote the concept of shared family responsibilities for work in the home, particularly in relation to children and elder care.” The chief way the Platform for Action envisioned the change of attitude is through

203. See Platform for Action, supra note 19, ¶¶ 165(h), 165(j), 166(e), 167(a).
204. Platform for Action, supra note 19, ¶ 165(d).
205. Platform for Action, supra note 19, ¶ 178(f).
206. Platform for Action, supra note 19, ¶ 165(n).
207. Platform for Action, supra note 19, ¶ 166(h).
208. Platform for Action, supra note 19, ¶ 175(b).
209. Platform for Action, supra note 19, ¶ 167(a).
210. Platform for Action, supra note 19, ¶ 175(a) (“Adopt policies that support business organizations, non-governmental organizations cooperatives, revolving loan funds, credit unions, grass-roots organizations, women’s self-help groups and other groups in order to provide services to women entrepreneurs in rural and urban areas.”).
211. Platform for Action, supra note 19, ¶ 172(c).
212. Platform for Action, supra note 19, ¶ 179(d).
“education programmes to raise awareness on gender equality and non-
stereotyped gender roles of women and men within the family.”

Changing the traditional roles which keep women from achieving equal
power as men will allow them to eventually attain equal status.

The widespread influence of Dominance Feminism in the Platform
for Action naturally suggests the benefit of further study of the Platform
for Action in light of this theory. Dominance Feminist theory helps ob-
servers understand provisions of the document. For example, language
in the Platform for Action calls upon governments to support women’s
NGOs financially and allow them to have a role in making policy.

Read independently, the language suggests to a reader a mere advisory
or informational role for NGOs. Dominance Feminism calls for new
governments and organizations which are not based solely on male
power and dominance. Current Dominance Feminist human rights
scholars have suggested that women’s NGOs could serve governmental
functions, thus helping to initiate desired changes in government.

With this in mind, the Platform for Action’s call for governmental
funding of NGOs and for NGOs to play a role in policy-making takes
on a very different tenor.

Similarly, language proposing partnerships between governments
and women’s NGOs takes on new meaning when viewed in light of
Dominance Feminist theory. To the uninitiated, language about part-
nerships connotes the idea that women’s NGOs would help support
government objectives in public policy through direct interaction with
the people. A familiar example would be an organization serving as pri-
vate sponsor of a program used by government agencies, such as the
DARE program, which sponsors drug prevention information for use
by law enforcement agencies and public schools. Dominance Femi-
nism desires to form new governmental structures and to gain actual
power for women. Dominance Feminist writings speak of partnerships
with governments as ways to take control of the government’s women’s

213. Platform for Action, supra note 19, ¶ 180(b).
214. Platform for Action, supra note 19, ¶¶ 169(a), 179(a).
215. The potential of women’s NGOs to initiate such changes is especially great in the
areas of monitoring compliance and reporting and sanctioning restrictions. See gener-
ally Afsharipour, supra note 74, at 132–71 (explaining that women’s NGOs have
elevated themselves to a position from which they can have significant effects in en-
forcing treaty obligations of States).
index2_educators.htm (last visited March 3, 2001).
rights policies. Thus, language about government/NGO partnerships may be of greater import than originally suspected.\footnote{217}

Another example shows how a knowledge of Dominance Feminist theory can help to understand the meaning of terms and phrases in the document. As mentioned before, the Platform for Action calls upon governments to “change attitudes” which reinforce division of gender labor in society.\footnote{218} A cursory reading of the phrase could lead readers to assume that attitudes which need to be changed are judgments about women’s inferiority to compete in the workplace or to hold certain employment. Dominance Feminist theory posits that a male-dominated society has shaped societal norms to make women feel as if they should be mothers, thereby keeping them from achieving equality.\footnote{219} Thus, a change in attitude could cut more deeply into the social fabric than originally imagined.

A final example shows how Dominance Feminist theory may enhance comprehension of phrases in the Platform for Action. The word “access” is used four times in the introductory paragraphs of the Women and Economy section of the Platform for Action.\footnote{220} A traditional Liberal Feminist connotation of the term would imply an environment where women were not prevented by law from obtaining the same opportunities as men. Dominance Feminists are not concerned with opportunities, but with actual numbers and actual power.\footnote{221} Access to them does not focus only on equal opportunity under the law, but also equal ability of women to do as they choose. Thus, it is no surprise to find the term “access” used in a paradigmatic Dominance Feminist statement: “development of these economic structures and policies has a direct impact on women’s and men’s access to economic resources, their economic power and consequently the extent of equality between them at the individual and family levels as well as in society as a whole.”\footnote{222} Nor is it unusual to find in the Platform for Action recommendations to provide women access to resources and power, which are not related to women gaining equality under the law.

\footnote{217} See Julie Mertus, From Legal Transplants to Transformative Justice: Human Rights and the Promise of Transnational Civil Society, 14 Am. U. Int’l L. Rev. 1335, 1372–77 (1999) for an excellent discussion of the dangers due to lack of democratic process which accompany the assumption of power by NGOs.
\footnote{218} Platform for Action, supra note 19, ¶ 179(d).
\footnote{219} See supra Part I.C.1.
\footnote{220} Platform for Action, supra note 19, ¶¶ 150, 152, 156, 160.
\footnote{221} See supra Part I.C.
\footnote{222} Platform for Action, supra note 19, ¶ 150.
2. Dominance Feminism in the *Beijing +5 Proposed Outcome Document*

Given the predominance of Dominance Feminist theory in the Platform for Action, one could predict that future U.N. Documents would heavily rely on Dominance Feminism and, in fact, integrate the theoretical methods and objectives more fully into the documents. The *Beijing +5 Proposed Outcome Document* validates this hypothesis. There are over fifty paragraphs which evidence Dominance Feminist theory influence, showing that the Dominance Feminist foothold on U.N. documents is increasing.  

One would predict that more language calling for reproductive rights would be found in the *Beijing +5 Proposed Outcome Document* than in the Platform for Action. The *Beijing +5 Proposed Outcome Document* does contain language which reinforces, as expected, women's reproductive rights, thus supporting the Platform for Action. The document mentions reproductive rights several times, giving them particular emphasis in an introductory section on “Women and Health.”

The *Beijing +5 Proposed Outcome Document* validates the prediction that, given the abundance of language influenced by Dominance Feminism in the Platform for Action regarding governmental restructuring, future U.N. documents would contain provisions designed to further increase power held by women and restructure the government to reflect their needs. Whereas the Platform for Action referred to affirmative action programs as “programs for action,” the *Beijing +5 Proposed Outcome Document*, in accordance with new U.N. policy, has adopted the widespread use of quotas to gain actual power for women. The *Beijing +5 Proposed Outcome Document* calls upon governments to use quotas to increase women’s participation in the military

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225. See *Beijing +5 Proposed Outcome Document*, supra note 20.

226. This new focus on quotas can be seen elsewhere in the U.N. system. A new UNIFEM publication touts the use of quotas as a means for securing women's rights. *Targets and Indicators*, 1 (Diane Elson ed. 2000).

There is much to be gained from a stronger focus on targets and indicators as tools for ensuring accountability: progress for women would become more visible and measurable; monitoring of changes and trends would become feasible; we would be able to more easily convert our ideals into realistic, coherent plans of action; new incentives would be generated that would serve to sustain and strengthen efforts aimed at bringing about gender equality.

*Id.*
and police force,\textsuperscript{227} in the health sector,\textsuperscript{228} and in national government, including elected officials,\textsuperscript{229} local development bodies,\textsuperscript{230} and other policy-making entities.\textsuperscript{231} The \textit{Beijing +5 Proposed Outcome Document} also amplifies the call for greater government restructuring, by requiring governments to give greater power to women’s NGOs. The Platform for Action mentioned “government partnerships” with women’s NGOs twice. The \textit{Beijing +5 Proposed Outcome Document} demands that government “create new, or reinforce existing institutional mechanisms to work with national machineries and NGOs and strengthen societal support for gender equality.”\textsuperscript{232} Further, it insists on the formation of partnerships between governments, NGOs and other organizations to support gender equality.\textsuperscript{233} Perhaps most startling is the call for alliances between the judiciaries and NGOs to monitor and enforce gender justice.\textsuperscript{234} The \textit{Beijing +5 Proposed Outcome Document} suggests that governments should

\begin{quote}
[i]mprove knowledge of the availability of and accessibility to remedies against denial or violations of rights including \ldots independent human rights institutions with explicit mandates on human rights of women and international judicial and quasi-judicial procedures such as the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.\textsuperscript{235}
\end{quote}

Governments are also instructed to “facilitate the creation of alliances between governmental authorities, parliaments, the judiciary and women’s rights groups to monitor compliance with non-discriminatory legislation.”\textsuperscript{236} This is pure Dominance Feminism, because it wants to put power into the hands of women, despite the fact that women were not elected into office. The International Criminal Court is another example of broad power being given to NGOs. Thus, we can see that, as

\begin{enumerate}
\item \textsc{Beijing +5 Proposed Outcome Document}, \textit{supra} \textsuperscript{note 20}, \textsection\textsuperscript{62(h)} (asserting that thirty to thirty-five percent of all civilian police forces and the military should be women).
\item \textsc{Beijing +5 Proposed Outcome Document}, \textit{supra} \textsuperscript{note 20}, \textsection\textsuperscript{63(g)} (citing the need for affirmative action).
\item \textsc{Beijing +5 Proposed Outcome Document}, \textit{supra} \textsuperscript{note 20}, \textsection\textsuperscript{56(a)}.
\item \textsc{Beijing +5 Proposed Outcome Document}, \textit{supra} \textsuperscript{note 20}, \textsection\textsuperscript{56(c)}.
\item \textsc{Beijing +5 Proposed Outcome Document}, \textit{supra} \textsuperscript{note 20}, \textsection\textsuperscript{56(b)}.
\item \textsc{Beijing +5 Proposed Outcome Document}, \textit{supra} \textsuperscript{note 20}, \textsection\textsuperscript{56(w)}.
\item \textsc{Beijing +5 Proposed Outcome Document}, \textit{supra} \textsuperscript{note 20}, \textsection\textsuperscript{63(a)}.
\item \textsc{Beijing +5 Proposed Outcome Document}, \textit{supra} \textsuperscript{note 20}, \textsection\textsuperscript{62(k)}, \textsection\textsuperscript{63(l)}.
\item \textsc{Beijing +5 Proposed Outcome Document}, \textit{supra} \textsuperscript{note 20}, \textsection\textsuperscript{42(k)}.
\item \textsc{Beijing +5 Proposed Outcome Document}, \textit{supra} \textsuperscript{note 20}, \textsection\textsuperscript{63(l)}.
\end{enumerate}
predicted, the *Beijing +5 Proposed Outcome Document* expands upon the Dominance Feminist influences in the Platform for Action.

The *Beijing +5 Proposed Outcome Document* carries on the Platform for Action’s emphasis on eliminating traditional and stereotypical roles. It echoes the Platform for Action in its call for the development of policies which “target men, in particular younger men, on changing attitudes and behaviours concerning gender roles and responsibilities.”

It also seeks to “[e]xpand gender-awareness campaigns and gender training among women and men to combat the persistence of traditional stereotypes.”

In addition to seeking to expand on the Platform for Action’s directives, the *Beijing +5 Proposed Outcome Document* has two innovative ideas which push the Dominance Feminist agenda further than the Platform for Action to accelerate and expand the war against traditional roles and values. First, the *Beijing +5 Proposed Outcome Document* insists that governments “implement laws prohibiting customary or traditional practices that are violations of women’s human rights.” This directive, in conjunction with the broad powers granted to the International Criminal Court, would promote governmental retribution against men and women who choose to live certain traditional lifestyles. Second, the *Beijing +5 Proposed Outcome Document* questions the concept of gender altogether, suggesting the “need for changing the stereotypical roles and identities of women and men,” and questioning issues of masculinity and feminity.

This expansion on the ideas in the Platform for Action falls very nicely into Dominance Feminist theory, because if it was decided that gender was an acquired trait, then women could take steps to ensure that they did not acquire it and thus be on an equal footing with men. If individuals chose to foster gender stereotypes in these ways, governments would have the international legal authority to stop them.

By comparing the Platform for Action with the *Beijing +5 Proposed Outcome Document*, it becomes apparent that the influence of Dominance Feminism is increasing. For this reason, Dominance Feminism can enlighten observers as to the meaning of words and phrases in U.N. documents. Because Dominance Feminism now dominates the women’s rights landscape, one can easily predict that unless a new theory develops, future U.N. documents will continue to further the aims of Dominance Feminism. This trend will allow observers to predict that specific proposals in new U.N. documents will focus on protecting reproductive rights,

237. *Beijing +5 Proposed Outcome Document*, *supra* note 20, ¶ 63(c).
238. *Beijing +5 Proposed Outcome Document*, *supra* note 20, ¶ 63(d).
239. *Beijing +5 Proposed Outcome Document*, *supra* note 20, ¶ 56(k).
restructuring governments to give more power to women, eliminating traditional conceptions of gender and ending violence against women. These all stem from a proper understanding of feminist theory.

E. Beijing +5 Final Outcome Document

Brief mention should be made of the *Beijing +5 Final Outcome Document*. This paper looks at the *Beijing +5 Proposed Outcome Document* because the language in that document set the stage for the discussions and negotiations at the Beijing +5 Conference. This language more clearly shows the influences of the different theories on the documents because it is free from the alterations which diplomatic negotiations inevitably produce. Of course, not all of the items identified as being influenced by Dominance Feminist theory in the *Beijing +5 Proposed Outcome Document* were incorporated into the *Beijing +5 Final Outcome Document*. Those pushing an agenda driven by Dominance Feminist theory had to compromise some of their objectives as a result of the highly political process through which U.N. documents must pass before becoming final. Many countries did not support the positions of Dominance Feminists, and therefore, their delegates resisted the incorporation of some Dominance Feminist language into documents though others argued that this language represented a world view.

While the *Beijing +5 Final Outcome Document* does not contain the exact language from the proposed outcome document, it does follow the pattern that we have discussed. The language of the *Beijing +5 Final Outcome Document* shows the overwhelming influence of Dominance Feminist theory and the waning influence of Cultural and Liberal Feminist theory. The document is replete with the Dominance Feminist themes identified in the *Beijing +5 Proposed Outcome Document* such as reproductive rights (including improved reproductive health and governmental child care), governmental restructuring, and the elimination of

242. For example, the Beijing +5 Final Outcome Document does not contain any language calling for fifty percent of all countries' police forces to be women. See also supra text accompanying note 227.
243. Interview with Kathryn Balmforth, Executive Director of World Family Policy Center, in Provo, Utah (July 28, 2000).
244. See Beijing +5 Final Outcome Document, supra note 20, ¶¶ 102(i), 103(d), 107(a), 107(d), 107(g), 107(g) ter, 115(f), 118(f).
245. See, e.g., Beijing +5 Final Outcome Document, supra note 20, ¶¶ 100(a), 101(a), 102(b) (gender sensitive legal environment), 102(b), 103(a), 104(d) (national
traditional gender norms.\(^{266}\) Taken together, these items can be seen to further the influence of Dominance Feminism and work toward the outcome which Dominance Feminist theory demands.

Despite these similarities, one difference between the Beijing +5 Proposed Outcome Document and the Beijing +5 Final Outcome Document is the resurgence of language focusing on equal access and equal participation. The introductory section of the Beijing +5 Final Outcome Document notes several areas where unequal treatment for men and women still exists: for example, there is such inequality in access to economic benefits, power relationships,\(^{28}\) access to training,\(^{29}\) and the continuing gap between de jure and de facto equality.\(^{29}\) There is even the suggestion that world peace has not yet been achieved because equality between women and men has not been reached.\(^{251}\) Because of this focus on what has not yet been achieved, the Beijing +5 Final Outcome Document goes on to suggest that equal access and treatment be given to women at all levels and in all areas.\(^{252}\) Thus, compared to the Platform for Action or the Beijing +5 Proposed Outcome Document, the Beijing +5 Final Outcome Document seems to contain more language calling for equality, which is usually associated with Liberal Feminism.

This language could be interpreted two different ways. One is to assume that the language represents an apparent rebirth of Liberal Feminist influence on the U.N. system because references to equality appear so often in the document.\(^{253}\) However, the document couples many of these

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\(^{266}\) See, e.g., BEIJING +5 FINAL OUTCOME DOCUMENT, \(\textit{supra}\) note 20, \(\S\) 100(e), 101(b), 101(d) (gender sensitivity training from kindergarten), 118(b), 128(a) (gender sensitivity training for public officials), 128(b) (training for men and boys), 130(a).

\(^{27}\) BEIJING +5 FINAL OUTCOME DOCUMENT, \(\textit{supra}\) note 20, \(\S\) 5, 15.

\(^{28}\) BEIJING +5 FINAL OUTCOME DOCUMENT, \(\textit{supra}\) note 20, \(\S\) 9.

\(^{29}\) BEIJING +5 FINAL OUTCOME DOCUMENT, \(\textit{supra}\) note 20, \(\S\) 30 quinter.

\(^{250}\) BEIJING +5 FINAL OUTCOME DOCUMENT, \(\textit{supra}\) note 20, \(\S\) 17.

\(^{251}\) “Peace is inextricably linked to equality between women and men and development.” BEIJING +5 FINAL OUTCOME DOCUMENT, \(\textit{supra}\) note 20, \(\S\) 13.

\(^{252}\) The document calls for equal access to education and health services, to financial and economic resources, and to decision making and management positions. See BEIJING +5 FINAL OUTCOME DOCUMENT, \(\textit{supra}\) note 20, at \(\S\) 46, 46 bis, 49, 55 bis, 100(a), 102(k), 107(d), 107(g), 110(a), 125(l), 128(d), 128(o), 129(d), 134(a), 135(a). It also calls for equal relationships in the family, equal opportunities to participate in politics, and equal pay for equal work. See BEIJING +5 FINAL OUTCOME DOCUMENT, \(\textit{supra}\) note 20, \(\S\) 117(a), 118(b) bis, 118(e).

\(^{253}\) The phrases “equal access,” “equal participation,” “equal opportunity” and “equal rights” appear at least forty-two times throughout the document.
references with the phrase “gender perspective.”\textsuperscript{254} A gender perspective seems to hold that equal access can only be achieved if women enjoy equal power. Further, the \textit{Beijing +5 Final Outcome Document} encourages the use of quotas for achieving women’s equal access.\textsuperscript{255} This shows that the document is not concerned with equal access according to the traditional Liberal Feminist conception. These calls for equality may be viewed more as a demand for equal power—a central tenet of Dominance Feminist theory. In addition, the \textit{Beijing +5 Final Outcome Document} contains many references to the term “gender equality,”\textsuperscript{256} a term that appeared only infrequently in the Platform for Action. According to the \textit{Beijing +5 Final Outcome Document}, this term should be interpreted to mean “the full effective participation of women on the basis of equality in all spheres of society.”\textsuperscript{257} The emphasis on participation once again highlights the Dominance Feminist theme of equal power, rather than mere equal availability. Though the \textit{Beijing +5 Final Outcome Document} differs from the \textit{Beijing +5 Proposed Outcome Document}, it does not defeat this paper’s central proposition that document language can shed light on which feminist theories have the most influence.

\textbf{Conclusion}

Those seeking to understand and predict future trends relating to the quest for women’s rights in the U.N. system must understand feminist theory. With a knowledge of feminist theory, individuals can read the documents in light of their intended meaning. This understanding of the real meaning of language in U.N. documents can lead to more informative participation in the U.N. system and can help participants more effectively advance their institutional agendas. Because the U.N. system is dominated by feminist theory, anyone seeking to effect change in the system must be able to advocate their position within the feminist theoretical paradigm.

\textsuperscript{254} \textit{E.g.}, \textit{Beijing +5 Final Outcome Document}, \textit{supra} note 20, \S\S 49, 109(a), 125(I).
\textsuperscript{255} \textit{Beijing +5 Final Outcome Document}, \textit{supra} note 20, \S 100(a).
\textsuperscript{256} Gender equality is mentioned at least fifty-four times throughout the Outcome Document.
\textsuperscript{257} \textit{Beijing +5 Final Outcome Document}, \textit{supra} note 20, \S 43 ter.