10. Empirical and theoretical conclusions

"Schauen Sie, für mich sind die Theorien in den Sozialwissenschaften unterentwickelt, und die Versuche, Theorien ohne empirische Grundlage zu etablieren, kommt mir wie der falsche Weg vor."
Marie Jahoda (1997: 134)

This study has presented the reconstruction of empirical processes around the CEDAW Convention based on a constructivist theoretical framework. In this conclusion, the findings are discussed in the spirit of Marie Jahoda, one of the pioneers of social science research of the 20th century: as the theoretical perspective chosen has brought about a range of findings, these empirical processes are perceived as source and inspiration for further theory building. Accordingly, this conclusion first summarizes the empirical results of the study. In the light of diverse constructions of meaning of the CEDAW process, it maps out the dimensions of impact of the Convention, as well as the supportive conditions and major impediments for its repercussions (10.1). Second, the empirical findings are reflected upon as results of the methodological perspective and discussed in the light of their potential to contribute to further IR theory building (10.2).

10.1 The repercussions of CEDAW – constructing multilevel impact

The CEDAW Convention came into being as a women's rights regime following an intergovernmental rationale that kept its mandate limited, but international, national and transnational activism has led to an expansion of its functions. This process of strengthening the mechanism has been embedded in an international context being based on the predominance of state sovereignty - that is, on the free decision of states to interact or not with the monitoring body, to accept or not the intensification of the monitoring procedure, and to support or not the international normative discourse on the human rights of women.

During the time of CEDAW's existence, this international context has changed considerably – it was first shaped by block confrontation, then by the dissolution of this confrontation and a resulting confidence in mechanisms of global governance, and finally by a renaissance of fundamentalism and unilateralism. These changes have affected the significance of women's rights norms in general and CEDAW in particular: After a period of intergovern-
mental hostility and emphasis on state sovereignty during the Cold War, the increased confidence in multilateral cooperation has helped to strengthen the CEDAW monitoring procedure. If the current revival of the security discourse combined with several nationalisms and fundamentalisms will have any effect on multilateral human rights protection remains to be seen. For now, this change in the international normative discourse has certainly contributed to delegitimize the United Nations as a whole, yet ironically, the failure of the UN reform has at least kept the material status quo of the Human Rights monitoring mechanisms.

This study analyzed the development of the CEDAW regime in four stages: first, the intergovernmental context of its creation, second, the Convention's operationalization within the international context of the United Nations, third, national compliance with the Convention, and fourth, transnational activism to enhance the link between international discourses on women's rights and their domestic interpretation and implementation. It found that the mandate and the possible effects of the Convention expanded significantly beyond its initial intergovernmental construction, yet at the same time, remained tightly connected to it. To elucidate this argument, the findings of the four contexts are summarized with a focus on those developments that have influenced the impact of the Convention.

The intergovernmental context: As graph 2 illustrates, the Convention is the result of an intergovernmental drafting process taking place within the CSW and the GA.

Graph 2: The intergovernmental context of the creation of CEDAW

[Diagram of the intergovernmental context of the creation of CEDAW]
It provides for a monitoring procedure of advisory character carried out by the CEDAW Committee. The independent experts comprising the Committee are elected by the States Parties to the Convention. The UN Secretariat provides administrative support for the procedure, and Specialized Agencies of the United Nations are invited to contribute relevant information to the constructive dialogue.

The Convention is set in the United Nations system for human rights promotion and protection that is, to a large extent, contingent on the interests of states. For a long time, human rights violations specifically suffered by women were not sufficiently addressed within this framework. Only after several decades of awareness raising on the status of women within the UN and in a time of increased publicity for women's issues did this change. In 1979, the CEDAW Convention became the first international legal document that integrated the human rights of women into a global human rights perspective. Especially its comprehensive definition of discrimination against women and the goal to reach gender equality as spelled out in its articles make the Convention a useful guideline to realize women's rights. However, it remained contentious among governments what "women's rights" should exactly comprise. The crucial line of conflict emerged between a secular construction of women as individual bearers of rights and a religiously informed notion of women as fulfilling certain functions within family and society.

Two features were particularly characteristic for the context of the Convention's creation: Before a concrete text could be drafted, it was first necessary to create a supportive normative background, that is, the integration of women's issues into the human rights discourse. This process of embedding CEDAW took many years and required engaged women's rights proponents within the United Nations. In fact, awareness raising activities did not only take place previously and simultaneously to the drafting process, but have been ongoing ever since. Second, the priorities of states were the principal guidelines along which the Convention was developed – thus, as states reject an effective control mechanism of their inner affairs, the international monitoring mechanism was designed in a cautious manner and is exclusively state-oriented. This general trend notwithstanding, the newly emerging awareness regarding gender issues was also reflected in the negotiations, particularly because many states sent committed women delegates to the negotiations.

The international context of the United Nations: the independent monitoring body provided for in the Convention was established within the United Nations (graph 5). It is embedded in a network of other UN bodies: it is serviced by the Division for the Advancement of Women, it exchanges information with the other Human Rights Treaty Bodies, and it co-
operates with a number of Specialized Agencies, in particular, UNIFEM and UNDP. There is only a low-key working relationship with the Commission on the Status of Women. The CEDAW Committee is accountable to the General Assembly and submits its annual reports via the ECOSOC to the GA.

Graph 5: The international context of the CEDAW monitoring procedure

While the work of CEDAW started under difficult conditions, the monitoring procedure was strengthened over time, particularly due to the engagement of the CEDAW experts and women's rights advocates within several UN bodies. The CEDAW Committee itself is, ideally, an independent monitoring body. In reality, it shows both a great level of diversity, e.g. in terms of professional backgrounds of the experts, and is shaped by exclusionary structures, in as far as the experts have to be proposed and supported by their governments, in as far as men are far less likely to figure as experts on women's rights, and in as far as the expertise required is closely connected to education and proficiency, which excludes gender expertise of people with low educational backgrounds. Over the last decades, the CEDAW Committee has consistently tried to improve its work and working conditions, both within its mandate and in expanding the mandate to assume wider responsibilities. Most importantly, it improved the quality of the constructive dialogue in clarifying its own role as independent monitoring body, in increasing the efficiency of the dialogue and considering additional information submitted by Specialized Agencies and NGOs, and introducing summarized recommendations - the Concluding Comments - with regard to domestic implementation. However, the
complexity of the reporting procedure also bears the danger to become complicated and over-
loaded. Apart from improving the dialogue, the Committee's general recommendations have
developed into authoritative interpretations of the Convention's provisions, and the Commit-
tee has developed an outspoken stance on reservations to CEDAW in declaring its view on
incompatible reservations. Finally, Committee members have engaged in activities beyond
their mandate as independent experts to increase the publicity of the Convention and to en-
hance the integration of a women's rights perspective into other UN activities. Taken together,
these developments have clearly improved the monitoring procedure, yet at the same time,
they concentrate on the regime's international operationalization and do not directly focus on
the elimination of discrimination against women on the domestic level. For example, Com-
mittee experts have hardly engaged in developing tangible follow-up mechanisms to increase
the Convention's domestic impact.

The administrative support the CEDAW Committee has been receiving by the Divi-
sion for the Advancement of Women was initially insufficient, yet developed into satisfying
support comparable to that of the other Human Rights Treaty Bodies, particularly since a unit
with expertise in human rights law was established within the DAW. In the context of the UN
Human Rights System, the CEDAW Committee interacts with the other Human Rights Treaty
Bodies. This networking has been positive for CEDAW, as it transformed its isolated situation
and paved the way to increase the gender awareness of the other Treaty Bodies. The coopera-
tion between CEDAW and a number of Specialized Agencies of the UN has become highly
productive: especially UNIFEM and UNDP have gone far in integrating the CEDAW prin-
ciples into their work. UNIFEM in particular has gathered experience in how to bring global
norms and local contexts together and thus adds to a bottom-up view of national and local
actors using and assessing the CEDAW Convention. The relationship between the CSW and
CEDAW is shaped by the understanding that both bodies have to be independent from each
other but at the same time, could benefit from cooperation.

Two overarching factors characterize this international network of CEDAW: First, the
working conditions of specific mechanisms such as CEDAW depend on an international nor-
mative framework. In times when women's rights were not considered relevant internationally
– e.g. in the 1980s –, the work of CEDAW was under-funded and thus cumbersome and ineffi-
cient. In contrast, a general rise of acknowledgement regarding women's rights as it took
place in the 1990s improved the working conditions of the Committee. If the current interna-
tional priority on security will result in restructuring the UN Human Rights System is still an
open question. Second, shaping international normative discourses requires concrete action to
link dialogues, exchanges of views, and to initiate learning processes. These connections are often established by individuals, e.g. the Committee members and staff of different UN bodies. Thus, international normative structures and concrete mechanisms to promote women's rights mutually constitute each other.

**National compliance processes:** The responses of States Parties to the CEDAW Convention show a great deal of diversity regarding both their international and domestic compliance. The overview of *international compliance* suggests that the performance of States Parties regarding their international duties depends both on ideological affinity to the Convention and on the resources states dispose of. In descending order, reporting obligations are fulfilled best by states from the *Developed Regions*, followed by states from *Latin America and the Caribbean, Asia and Pacific*, and *Africa*. However, this picture changes regarding patterns of domestic compliance, where virtually all levels of compliance can be found in all four regions, with the particularity that the best complier is an African state. The quality of delegations States Parties send to enter in dialogue with the Committee has improved over time, particularly their awareness of the complexity of the tasks they have to perform. Further, States Parties' attitudes towards the matter of reservations vary considerably: some have entered reservations to core provisions of the Convention, others made compatible reservations, and a small group objects to fundamental reservations of other States Parties. However, these different views regarding the integrity of the treaty are not openly discussed to avoid conflict.

The analysis of *domestic compliance patterns* in 43 States Parties reveals a moderate and low/ moderate degree of compliance in the majority of states, while only seven states show a high or high/ moderate degree. As generally supportive domestic conditions for good compliance with CEDAW could be identified:

- A pluralistic political context that allows the substantial representation of women's interests.
- The rhetorical support of governments for international gender norms.
- Civil society organizations that "import" international gender norms and develop support strategies based on their transnational cooperation.
- A high level of prosperity helps states to implement the Convention, particularly in the fields of socio-economic rights, yet is not a prerequisite for good compliance as such.
- As a tendency, there is no correlation between a high "cultural match" with CEDAW and a high level of national compliance. However, ideological affinity or distance does affect compliance: on the one hand, states with a lower cultural match are not likely to fulfill the *whole spectrum* of the Convention's provisions, but they might use it as a starting point in
their efforts to eliminate gender-based discrimination. Thus, they are not automatically low-level compliers. On the other hand, a number of States Parties with a good record in public gender policies do not consider themselves but other, seemingly less advanced states in need of an international monitoring procedure. The construction of high cultural affinity with CEDAW then results in non-compliance combined with an understanding of national superiority.

The case of the United States that is not a State Party to CEDAW underlines the argument that international and domestic normative contexts are more likely to overlap than either "match" or "mismatch". It also sheds light on the principal reasons of states to refuse becoming a State Party to the Convention. These are general reluctance towards any form of international control, lack of credibility of the treaty from the point of view of domestic actors, and misinterpretation of the nature of the CEDAW monitoring procedure.

The analysis of domestic compliance dynamics in Chile and Finland confirm the relevance of supportive factors. As table 2 illustrates, the positive factors prevail in Finland, especially regarding the political system, prosperity and transnational connections, while in Chile, particularly the political system and representation of women's interests are less favorable for meaningful implementation. The two states also differ regarding the "cultural match" – thus, different ways of compliance can be assumed.

**Table 2: Factors enhancing compliance with CEDAW in Chile and Finland**

<table>
<thead>
<tr>
<th></th>
<th>Chile</th>
<th>Finland</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Political System</strong></td>
<td>Not Favorable (-)</td>
<td>Favorable (+)</td>
</tr>
<tr>
<td><strong>Rhetoric of State Leaders</strong></td>
<td>Partly Supportive (+/-)</td>
<td>Supportive (+)</td>
</tr>
<tr>
<td><strong>Transnational links</strong></td>
<td>Established by both Women's Rights Proponents and Opponents (+/-)</td>
<td>Established by Women's Policy Agency (+)</td>
</tr>
<tr>
<td><strong>Prosperity</strong></td>
<td>High and Unevenly Distributed (+/-)</td>
<td>High and Evenly Distributed (+)</td>
</tr>
<tr>
<td><strong>Cultural Match</strong></td>
<td>Considerable Mismatch (-)</td>
<td>Largely Compatible (+)</td>
</tr>
</tbody>
</table>

Which types of compliance strategies have domestic actors developed in these widely differing contexts? The following processes – visualized in graph 13 - could be identified:
In both Chile and Finland, the WPAs have used CEDAW to shape public policies and to influence legislation. In Chile, this was possible in those fields where CEDAW is compatible with domestic gender norms - e.g. in policies supporting "responsible motherhood" or preventing domestic violence. In Finland, the ratification process of the Convention was used for a comprehensive review of legislation. Legal changes in reference to the Convention could also be found in many other States Parties to CEDAW; sometimes, as in the case of Japan, these changes required strong NGO commitment to pressure reluctant governments and legislators.

In both Chile and Finland, the dialogue with the CEDAW Committee has led to an increased awareness of international obligations. In Finland, especially in the issue of violence against women was taken up as an impulse of the Committee. In Chile, the procedure has intensified the debate around reproductive rights. In other cases, this awareness was only rhetorical, yet used by NGOs to emphasize the government's obligations domestically.345

In Chile, both the WPA and women's organizations have used CEDAW to stimulate domestic normative change and to widen the discursive space, especially in the field of reproductive rights. Especially the NGOs working in the field use their transnational con-

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345 E.g. in the cases of Zimbabwe, NGOs used the statement of the government before CEDAW to prevent the repeal of a law granting gender equality; in Mauritius, NGOs published the Committee's concern on the lack of legislation prohibiting sex based discrimination that had been withheld by the government (UNIFEM 1998: 35; 37).
nections to underline the legitimacy of their – domestically widely disapproved - arguments. However, civil society groups opposing the notion of reproductive rights enshrined in CEDAW have also referred to the Convention in a negative way to emphasize their position. In Finland, CEDAW was used as a discursive framework to strengthen specific understandings of gender equality in legislative debates.\textsuperscript{346}

- In Chile, especially women’s organizations have engaged in promoting CEDAW among ‘ordinary women’ to make them aware of their rights. In the Chilean context of political and socio-economic exclusion, it is a crucial for the impact of international gender norms that women are enabled to know and claim their rights.\textsuperscript{347}

Some complementary findings to the two case studies based on the dynamics in other States Parties should be added:

- Contrary to Chile and Finland, the Convention was used in several countries in court cases with the end to change discriminatory legislation. For example, in Nepal, NGOs specialized in public interest litigation before the Supreme Court to challenge discriminatory laws by invoking CEDAW. In some cases, the judgment followed their reasoning and suggested legislative change.\textsuperscript{348}

- In the exceptional case of South Africa, the Convention was used both by civil society organizations and by state institution to implement a women’s rights perspective in the process of regime transformation. CEDAW was referred to in drafting a new Constitution and in reforming legislature, yet beyond this, CEDAW served as international framework to overcome not only racist, but also sexist structures of South African society.

The international compliance patterns of states show that, first, the constructive dialogue with the CEDAW Committee serves to a certain extent as a platform enabling learning processes in governments. This tendency supports the argument that monitoring mechanisms emphasizing a joint problem-solving perspective can have a significant degree of influence. Second, states develop differing constructions of their national sovereignty facing their obligations under CEDAW: some interpret their national sovereignty as autonomy and make their compliance contingent upon so-called cultural traditions. Other states stress an understanding

\textsuperscript{346} The use of the Convention to strengthen the rights of women’s in domestic discourses is part of implementation strategies in most States Parties. For example, this is true for four cases described in 6.2.3, namely South Africa, Nepal, Panama and Japan.

\textsuperscript{347} Not only in Chile is this strategy of promoting the Convention a crucial part of NGO activism; both transnational NGOs engaged in spreading knowledge about CEDAW and international women’s rights among NGOs in various states (see 8.3.1.3; 8.3.2.1).

\textsuperscript{348} Similarly, laws were changed as a result of judiciary judgments in Botswana (Citizenship Act) and Tanzania (inheritance of clan land). The laws were found to be discriminating against women using CEDAW as guideline (UNIFEM 1998: 20f).
of "cooperative sovereignty" (see 2.1.3.5): they fulfill their reporting duties, try to benefit from the dialogue, and take measures to protect the integrity of the treaty from too far-reaching reservations. The avoidance of open confrontation in the question of admissible reservations could either be interpreted as the subordination of international norms under national interests, or as the attempt to make the treaty inclusive and to avoid ideological splitting.

The analysis of domestic compliance indicates that compliance patterns depend on material and discursive conditions. In Finland, high and evenly distributed economic prosperity is combined with a self-construction of a gender-equal state and society and an international attitude of cooperative sovereignty. Thus, the Finnish compliance process is predominantly shaped by state actors themselves, and it includes corrective measures that are based on the allocation of a significant amount of resources. In Chile, socio-economic prosperity is unevenly distributed, and public policies do either not reach or are not designed for all segments of society. Chilean state institutions have a strong international orientation, but due to domestic pressure, often take an attitude of "autonomous sovereignty", particularly in matters with a low cultural match, e.g. reproductive rights of women. As a consequence, compliance with CEDAW by state institutions has its limits where predominant social idiosyncrasies disagree with CEDAW, and most measures lack sufficient funding. At the same time, civil society organizations have turned to transnational strategies to put pressure on the state, both to promote and to block the implementation of CEDAW. Another interesting dynamic of implementation of international norms in domestic contexts is that the integration of the norm into domestic discourses seems to be a prerequisite for institutional and policy change (Cortell and Davis 2000). However, more than a process of discursive implementation, it is a process of appropriation, that is, the international norms are adjusted to the domestic context, and sometimes even modified. Thus, international norms are not defined in international arenas and then exported to the domestic contexts, but they become meaningful in an ongoing process of interpretation, both in international and domestic negotiations. Best guarantors for an adequate contextualization of norms without their relativization are transnational proponents of these norms, particularly in cases where international and domestic discourses are not well connected and differ from each other. However, as the case of Chile shows, bridge-building activism alone does not necessarily lead to norm harmonization, but may find its limits in domestic hegemonic structures that firmly reject international norms.

Transnational activism linking CEDAW and domestic visions of women's rights: Transnational NGOs have established links between the international women's rights dis-
course, national actors responsible for designing gender policies, and domestic civil society organizations formulating and struggling for women's rights most meaningful in their specific context. While this kind of activism was not originally part of the CEDAW monitoring procedure, it has arguably added a crucial new dimension to it and has significantly increased the domestic repercussions of the Convention. The two most relevant transnational organizations are IWRAW and IWRAW Asia Pacific. As graph 14 illustrates, they have in several ways contributed to enrich the CEDAW procedure and to extend it into the domestic sphere:

Graph 14: Transnational non-governmental activism around CEDAW

- Both organizations have improved the CEDAW procedure in bringing independent information and national NGOs to the monitoring process.
- Through transnational networking, the CEDAW Convention became better known among several women's organizations with a predominantly domestic scope.
- Both organizations have engaged in influencing the international human rights discourse within the CEDAW Committee and beyond it.
- IWRAW Asia Pacific has developed a multilevel approach to connect local, international, and national efforts to realize women's rights: it strengthens local activism through capacity building on international women's rights; it contributes to the international human rights discourse in adding a contextualized gendered perspective; and it uses this transnational link to support domestic implementation of the CEDAW Convention. UN agencies such as UNIFEM cooperate with IWRAW Asia Pacific in these activities.
IWRAW and IWRAW Asia Pacific’s transnational activism is an example of promoting a reciprocal way of connecting domestic with international women’s rights norms. On the one hand, the dynamics disprove the notion of international norm creation as “trickling down”, on the other hand, transnational activism transforms the dominant notion of national sovereignty into a form of sovereignty that implies cooperation across boundaries. The idea of cooperation, linkage and mutual influence between international, local and governmental actors also sheds new light on the interrelation of these different spheres: domestic appropriation of international norms may reinterpret them, yet also strengthens the international framework because it becomes integrated in domestic power structures. Thus, appropriation of international norms by domestic actors is the crucial mechanism of norm implementation; social change in the light of international norms is most likely to be produced if internal actors integrate these norms into their strategies.

Transnational NGO activism is based on the principle that for the achievement of substantial equality of women, it makes sense to use the international human rights framework and to establish an ongoing dialogue or even cooperation with the government. Both transnational NGOs follow a strategy of connecting unconnected discourses and integrating excluded perspectives in the international human rights framework, and thus implicitly try to overcome exclusionary structures of the international system. In this sense, they have enhanced marginalized voices to contribute to the CEDAW monitoring procedure – both in enabling discursive representation and real presence before the Committee. These interventions have contributed significantly to show that most women of the world are not exclusively discriminated because of their gender, but also because of dimensions such as nationality, race and class, and they have drawn the Committee’s attention to a wide range of hegemonic structures that reinforce gender hierarchies.

The newly created mechanism of a complaint procedure laid down in the Optional Protocol to CEDAW reiterates the argument found in this study that the Convention expanded beyond its initial intergovernmental construction, yet at the same time, remained tightly connected to it. The Optional Protocol is both a product of intergovernmental negotiations and transnational non-governmental activism. The project was endorsed by a broad coalition of favorable delegations among UN member states and a number of NGOs, yet the opponent delegations also shaped the text significantly, which meant a weakening of the perspective of the victims for the sake of strengthening the principle of state sovereignty. Internationally, the Optional Protocol is – other than the Convention itself in its initial years - embedded in appropriate resources. The CEDAW Committee has started its activities regarding the OP, and
in doing so, has to find creative ways to use the OP in the interests of each victim while maintaining cooperative relations with the states concerned. States attitudes regarding the OP can be divided into three strands: the first group of states agrees with the procedures the OP provides for and has ratified it, yet as these states consider themselves to fully endorse and already fulfill the international standards, they actually support their implementation elsewhere. However, the cases brought before the Committee indicate that governmental commitment for women's rights is not identical with enjoyment of these rights. The second group of states has partial ideological differences, and the third group is entirely rejecting the OP. States of both groups usually make an argument that combines "culture" and "sovereignty": they declare to fully respect women's rights, yet follow a model to advance the status of women that is different from the international framework and reject any form of imposing international standards.

NGOs have spent a lot of energy to fruitfully use the OP. Their strategies include the promotion of the OP, the lobbying of governments to accept the new control mechanism, the interpretation of the Protocol's scope, and the discussion of model cases. Also, NGOs have brought concrete complaints to the attention of the Committee.

The Optional Protocol to CEDAW contains different normative constructions and interests of international, national and transnational actors. Internationally, the OP strengthens the individual woman as bearer of the set of rights set forth in the Convention. The intergovernmental drafting process entailed a learning process, in as far as governmental delegations were willing to integrate the knowledge of non-governmental experts in the field. Different States Parties relate to the OP either in terms of cooperative or of autonomous sovereignty: about a third of all States Parties to CEDAW commit themselves to the OP's international scrutiny and therewith show a principally cooperative manner, the others refuse to accept such external control. From a non-governmental perspective, the crucial question is if the OP can strengthen the interests of the victims. From that point of view, it is paramount to link the international procedure with cases of violations. In sum, the OP is a commendable innovation in the international human rights discourse, it requires considerable resources to materialize into an effective and legitimate procedure on the international level, it is partly a threat to state sovereignty, and thus not accepted by a number of states. It is, despite the manifold efforts, not predominantly tailored according to the needs of the victims, as the use the OP depends on a lot of requirements for the complainant, yet does not result in a binding judgment including compensations for the suffered violation of rights.

Given these results, what are crucial enforcement strategies for the CEDAW Convention, and what are the impediments for such enforcement? The empirical findings of this
study indicate that the implementation of an international set of norms requires, beyond an international monitoring procedure, additional activism that connects separated international and domestic discourses. The CEDAW process has been significantly improved by NGOs unfolding this kind of activism, even if the need for transnational connections was not considered necessary when the instrument was created. Also, the increasingly cooperative attitude of governmental actors has contributed to translating the Convention into domestic settings; the Finnish response to the CEDAW Committee's inquiry regarding domestic violence is one example for such governmental commitment (see 7.2.3.1). Successful strategies to implement CEDAW aim at bringing overlapping value systems together instead of separating them: for example, the CEDAW monitoring networks initiated by IWRAW Asia Pacific try to unite governmental policies and non-governmental strategies under the normative umbrella of CEDAW, even if they may follow different goals. In the Pakistani case of the 33% quota for women in local governments, the cooperative strategy led both to a significant increase of women in political decision making and to an emancipatory shift in public discourses. This would not have been possible without the NGOs' broad vision of social change in the spirit of the Convention (see 8.3.2.3).

To increase repercussions of the CEDAW Convention, transnational activism should not only be rhetorically encouraged, but also enhanced in terms of resources. Both the UN and governments of States Parties could be by far more proactive in this regard. An organizational model for linking domestic activism with the international monitoring procedure has been developed around the Committee on the Rights of the Child: a Liaison office of the NGO-Group for the Convention on the Rights of the Child financed by UNICEF links national NGO coalitions with the international reporting procedure with the aim to strengthen domestic follow up processes (see 8.1). Of the seven Human Rights Treaty Bodies, however, the CRC is the only one that disposes of such supportive structures; in the case of CEDAW, the initiative for creating a transnational network enhancing implementation has almost entirely been the work of NGOs. In sum, strategies to enhance the impact of CEDAW need to strengthen independent non-governmental expertise, and at the same time convince governments to take part in joint measures to make the enjoyment of rights a reality for women. The implementation of international norms in domestic contexts has to be understood as a process of active appropriation by part of domestic governmental and non-governmental actors.

The greatest impediments for the implementation of CEDAW lie in its basic principle, that is the exclusive focus on states under conditions of their sovereign decision if and how to comply. One the one hand, it is a problematic concept to aim at the elimination of discrimina-
tion against women without addressing also private actors. Women's rights are often violated in private relations where the responsibility of states is only indirect and thus, accountability of states is difficult to construct. On the other hand, many states comply only to a very limited extent with their international obligation to eliminate discrimination against women. As they are sovereign entities, it is difficult to figure any strategy to reliably increase the States Parties' willingness to implement CEDAW. Coercive measures – if they were possible - would first and foremost foster domestic resistance to international women's rights norms; the hostile reactions of a considerable amount of States Parties to any measure that has increased accountability under the Convention, e.g. the Optional Protocol, support this assumption (see 9.2.2).

Another crucial impediment for the implementation of CEDAW is that the Convention stands for a set of rights, but it is a discursive mechanism without any additional material structures that could spread the normative foundations of gender equality. In contrast, many institutions that promote gender differences and hierarchies, e.g. several religious organizations, have over a long time established structures to spread ideologies in combination with material and spiritual support for the well being of many people. Arguably, a mechanism with such scarce resources as CEDAW has only limited means to weaken long established institutions representing norms adverse to gender equality. In the light of these encumbering structures, it is even more necessary to understand the implementation of CEDAW as a decentralized process within transnational networks of supportive actors.

10.2 Methodological and theoretical contributions to further IR theory building

How can these empirical findings be connected with methodological and theoretical considerations? The following reflections first ponder the impact of methodology on research results, and then discuss the contribution of this study to IR theory building as well as to transgressing the limits of the discipline.

The empirical research in this study is based on the assumption that processes of impact of CEDAW can be best explained by the description and appraisal of involved actors and institutions (see 3.1). Thus, the study is predominantly based on qualitative research methods such as document analysis and expert interviews (see 3.2). In how far has this methodology influenced the findings? Parts of the data are of intersubjective nature and were articulated from different positions. Each of these positions constructs the dynamics around CEDAW in a specific way, but does not provide a holistic picture of it. Accordingly, the author has been
confronted with a variety of differing opinions, self-constructions, constructions of other actors, and description and assessments of the process. To interpret these perspectives, it was important not to treat them as factual data, but to treat the fact that these perspectives were articulated as data (see 3.3 and Mannheim and Rich 1986:133). The realization of interviews with actors that have different views on the CEDAW process helped to prevent an overemphasis on any particular perspective (Meuser and Nagel 1991: 466).

The empirical positions most relevant for the construction of the dynamics around CEDAW portrayed in this study are: independent experts; the United Nations; governmental actors; and non-governmental women's rights activists. Members of the CEDAW Committee are experts in women's rights, yet they understand this expertise as reaching beyond a legal dimension and encompassing all spheres of women's lives. They understand their function as crucial to bring governments to improve the situation of women, and thus have both a cooperative and critical attitude towards state actors. They welcome everything that improves the CEDAW procedure, e.g. upgraded administrative servicing or increased input of independent information. Experts in international law emphasize the international legal discourse as paramount to reach a global understanding of human rights. They also underline the relevance of law to realize human rights. From this perspective, women's rights as well as all activities supporting them are important in as far as they complement the general human rights framework. The position of the United Nations both represents intergovernmentalism and expands this framework into a position of "unbiased multilateralism". In other words, instead of favoring particular state interests, the UN represents the interests of the community of states as a whole. It safeguards multilateral agreements and offers space for inter-governmental negotiations and international norm creation. In this self-construction of impartiality represented by UN staff members, states remain constituting elements for the United Nations, yet independent monitoring mechanisms such as CEDAW add to the organization's legitimacy. The position of governmental actors is many-faceted: It contains rhetorical or substantial support for the CEDAW monitoring procedure. State actors sometimes combine this internationally articulated support with effective implementation strategies, sometimes with a self-construction of domestic powerlessness, and thus, lack of significant implementation. Other governments' support for the instrument is curbed by diverging domestic norms or power constellations that prevent compliance. Finally, governments also openly reject or criticize the instrument. For governmental positions in general, CEDAW should ideally be a helpful, but not a demanding procedure to enhance domestic policies. The position of non-governmental women's rights activists reconstructs the international framework and its norms from an external perspective,
that is, from the point of view of de-facto use for women. Contrary to the state-centered framework of international law, the focus of NGOs is on individual enjoyment of rights. They integrate CEDAW as an element into their political strategies if this is considered promising for their goals.

All positions have one characteristic in common: they contain a self-construction of legitimacy and rationality, while deficiencies, if mentioned, are externalized. For instance, Committee members construct the Committee as hard working and showing an excellent performance, while its shortcomings are presented as a result of inadequate working conditions. While CEDAW experts construct a form of adequate expertise that is holistic and goes beyond legal proficiency, experts in international law consider high-profile legal expertise as most important for the work of the Human Rights Treaty Bodies. Thus, the "other" perspective is, in both positions, less satisfactory. Especially in situations of intersubjective data collection was this self-construction of legitimacy and rationality articulated. In addition, in interviews with women's rights proponents, the implicit integration of the researcher into an "international feminist community" may also have added to a positive self-projection. The study has tried to balance these influences in grounding the analysis on differing positions and not on one of them in particular.

What are the theoretical implications of this multi-facetted construction of meaning of CEDAW? Its development from an international women's rights regime to a transnational implementation network bears at least four crucial contributions to IR theory: First, the necessity to acknowledge the complexity of political practice as base for theory building; second, the expansion of the scope of IR theory to capture transnational processes; third, new dimensions of the principle of state sovereignty; and fourth, a new perspective on the nature of international cooperation.

Acknowledging complexity of political practice: The empirical findings presented indicate that tracing complex realities is enriching for sound theory building. In other words, this study is a plea for inductive theory building. While a power- or interest-based approach may be suitable to test the relevance of one particular category in a political process, the perspective developed here captures all kinds of influences enhancing or hindering the CEDAW process. A realist approach would probably have seen a non-coercive international monitoring procedure that is contingent upon states' interests and thus, unlikely to change their normative behavior. While the power of state sovereignty is one crucial element in the CEDAW process, the analysis has revealed further ingredients, in particular: CEDAW as a concrete monitoring procedure is embedded in a broader international discourse on the human rights of women.
The mechanism is both shaped by this discourse and contributes to its further development – thus, when women's rights are more acknowledged as an international norm, this strengthens the CEDAW mechanism. Further, the monitoring procedure has induced learning processes in state institutions, e.g. in documenting the status of women, and in becoming more aware of the complexities of gender-based discrimination. In this sense, CEDAW has contributed to implement international women's rights within governmental structures, even if it is often difficult to trace if this increased awareness has resulted in state action. The mechanism was also suitable to integrate originally excluded positions, namely those of transnational and national women's organizations representing situated perspectives of women regarding their rights. Thus, the view on the impact of CEDAW has to consider the contextualization of the instrument: impact is not only if States Parties present a clearly identifiable measure to realize a given CEDAW article domestically. It comprises also the strengthening of the international women's rights discourse of which CEDAW is a crucial element, as well as the connection with additional actors that proliferate the norms enshrined in CEDAW. All these dimensions indirectly add to the realization of women's rights and therewith, make the Convention meaningful.

Expanding the scope of IR theory building to capture transnational processes: This study shows that to fully envisage repercussions of international normative standards, an IR perspective has to be connected with other disciplines, in particular with Comparative Politics to integrate domestic policy dynamics. To capture the idiosyncrasies of specific national socio-cultural contexts and their mechanisms of integrating new influences, Area Studies and Geography have contributed additional insights. Further, ethnological, anthropological and psychological approaches could, depending on the research interest, add to the comprehensiveness of the analysis.

The findings of this study reveal that the discourse on international norms is not restricted to international arenas, on the contrary, contextualized appropriation is the crucial mechanism to make norms pervasive. Appropriation processes differ widely, for example, sometimes only parts of the international set of norms are accepted in a certain context and even these parts have to be very specifically interpreted to improve concrete living conditions of individuals and communities. Thus, norm realization is a highly complex process that cannot be analyzed with concepts limited to international politics and neglecting the domestic realm. The concept of human rights implies the concept of human dignity and self-determination on the individual and community level, and a responsibility to enhance and promote this goal on the state-level. From an international angle, the puzzle is to envision
both the creation of a set of norms and its growing acceptance around the world in principle, the domestic contestations of these norms when it comes to their realization, and the transnational activism that connects these dynamics.

New dimensions of the principle of state sovereignty: State sovereignty is the foundation of International Law and international politics, and accordingly, of IR theorizing. This study found a broad variation of how state sovereignty is constructed in the context of the CEDAW process. This variety indicates that it is theoretically misleading to perceive states as one sort of actors — as a matter of fact, not only their size, wealth and power, but also their self-construction as player in the international system makes states largely heterogeneous. In the context of this study, states' constructions of sovereignty have meant cooperation with an international reporting procedure; the ability and willingness to learn from the constructive dialogue with the Committee; the subordination of international principles under national idiosyncrasies; and the complete rejection of the legitimacy of international norms in the domestic context. The discussion on the reasons for such different constructions needs to be further developed. Following the argumentation of Meyer et al. (1997), it is the affinity of certain states with world culture that makes them cooperative international players; accordingly, Finland is not a surprising representative of "cooperative sovereignty", and neither is Iran a surprising non-State Party to CEDAW. However, the reluctance of the US to ratify the Convention as well as the rather intense use of it in Nepal cannot be explained in this theoretical framework. Instead, domestic dynamics, the authority of certain non-governmental actors and their transnational connections need to be considered. Thus, domestic influences on the construction of state sovereignty have to be given higher priority in IR as they have considerable repercussions on the international system. Likewise, this perspective could add to identify factors that increase states' inclination to cooperative sovereignty, as voluntary acceptance of international norms is crucial for domestic norm appropriation.

Connected to the reformulation of state sovereignty, this study brings also new insights on the nature of international cooperation: designed within the intergovernmental rationale of state sovereignty, the CEDAW procedure has been expanded by the engagement of non-governmental actors representing a marginalized position, namely that of the excluded individual bearer of rights. It is argued here that this new dimension changed the nature of international cooperation to a significant extent. One important innovation is that transnational activists have brought new voices to the international discourse on women's rights, namely women speaking from a variety of discriminated positions and thus adding to the understanding of international hegemonic structures that particularly affect women. This has helped
States Parties to understand the meaning of realization of rights. Further, non-governmental activism has developed a kind of intervention in the CEDAW procedure that is in the highest interest of the victims: in a cooperative attitude towards governments, it aims at motivating state institutions to comply with their international duties and thus appeals to states' sovereign responsibility for cooperation. This innovation finally has repercussions on the international system, as the transnational NGO activism strengthens international norms domestically and thus produces their embodiment in a way that was not conceptualized in international institutions themselves. In sum, the dynamics that make norms internationally and domestically convincing have to be understood as an ongoing process of cooperation and negotiation on different levels, as a process of reciprocity between these levels, and as a process of interpretation, appropriation and contextualized reformulation.