

A Seat at the Table — Is it Enough? Gender, Multiparty Negotiations, and Institutional Design in South Africa and Northern Ireland

Georgina Waylen

University of Manchester

Women actors and gender concerns have often been absent from the negotiated settlements that bring an end to violent conflicts and create new political institutions. And although scholars and activists argue that both women actors and gender concerns should be incorporated, there is less consensus about how this can happen effectively. Taking up Jane Mansbridge's (2014, 11) recent call for political scientists to analyze "negotiations to agreement" and the institutions that facilitate negotiations, this paper argues that analyzing not only the involvement of women and gender actors and their outcomes, but also the form and structure of the negotiations themselves, will give us a greater understanding of how these processes are gendered. Through a comparative analysis of two negotiated settlements — in South Africa and Northern Ireland — this paper examines how institutional design processes were gendered and the impact that gender actors (understood here as actors organizing around gender interests) had on these "new" institutions/structures. In each case, women, organized

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as women, attempted to influence from the inside the creation of new institutional frameworks intended to end long-standing conflicts.

As such, this paper takes a somewhat different focus on much existing gender literature on postconflict settlements (Anderlini 2007; Meintjes, Turshen, and Pillay 2002; Porter 2007). Little has focused on the actual processes of design, namely looking inside the “black box,” at either the formal or the informal processes associated with negotiations and subsequent agreements. Therefore, although much of the large and rich gender scholarship recognizes the importance of the negotiation processes, it has focused primarily on two dimensions. The first is women’s organizations, their actions, and links with other, primarily women, actors (Anderlini 2000; Cockburn 1998, Pankhurst 2007). The second dimension is outcomes. Legal scholars, for example, have examined agreements and constitutions more generally (Bell 2004, 2013; Ni Aolain, Haynes, and Cahn 2011). Much of this work is in the form of single case studies (sometimes by protagonists) or more general overviews rather than small-n comparative analyses.

And while more of the “mainstream” literature has looked at processes (whether in general overviews or in-depth case studies), it has been remarkably gender blind (or more recently incorporated a single discrete chapter on gender). But it can provide some tools to help us understand how negotiations can come about, how they are structured, and how they operate (Derby and Mac Ginty 2003; Ramsbotham, Woodhouse, and Miall 2011). For example, scholars have debated the conditions needed for negotiations to start (“ripeness”); the role of mediation and confidence-building measures; and the stages, agenda, and timetable for negotiations — as well as turning points, sticking points, and “spoilers” (Du Toit 2003; Guelke 2003; Wolff 2013).

Utilizing a feminist institutionalist approach that sees institutions as gendered rules, norms, and practices that shape actors’ strategies and preferences, this paper regards negotiations both as institutions in their own right with formal and informal dimensions and as design processes to create new institutions (Chappell and Waylen 2013; Krook and Mackay 2011; Mackay, Kenny, and Chappell 2010; Waylen 2014). By seeing institutions as the products of gendered power struggles and contestation, the paper can explore what room there was for agency, different strategies, and alliances within these processes of institutional design, determining how far informal norms and practices as well as formal rules and structures impacted the processes and constrained outcomes in gendered ways. It therefore focuses on gender (and other)

actors *within* these processes rather than just the engagement of women's civil society organizations with negotiations. It aims to draw out some wider lessons about how key gender actors can intervene more effectively into what are often elite and exclusionary political processes and, in turn, impact on the design of new institutions — a key question for feminist scholars and activists.

The paper uses theory-guided process tracing, a form of comparative historical analysis and a method often utilized in feminist institutionalist research, to identify key factors that affect how the negotiation processes were gendered and the impact that gender actors could have on the design of new institutions (Falleti 2006; Waylen 2011). This is done through an in-depth comparison of two cases chosen on a most similar basis, combining cross-case comparison with within-case process tracing using both primary and secondary sources (including official documents, memoirs, and 21 interviews conducted with members of political parties, women's organizations, negotiating teams, officials, and technical advisers who participated in the processes surrounding negotiations in Northern Ireland and South Africa).¹

The two cases share characteristics as deeply divided societies that underwent political settlements during the “third wave” of democratization and have often been the subject of comparison (McGarry 1998). The South African process was also held up for emulation in Northern Ireland (with contact between key actors in each) (Guelke 2000). In both, the political settlement was reached through multiparty negotiations, seen by many as relatively open, transparent, and democratic, but by others as essentially top-down elite deals with a superficial veneer of inclusiveness. Both are also unusual, not only because organized women tried to intervene inside the processes rather than just pressure from outside, but because in both, despite a number of obvious problems, gender actors had a degree of success with access and outcomes (Hassim 2006; Roulston and Davies 2000).

But there are also some significant differences between South Africa and Northern Ireland. They were divided in different ways — the major division in South Africa was race — primarily between the black majority and a white minority whose political, social, and economic dominance was upheld by the repressive and exclusionary apartheid regime. In

1. The data were collected for three research projects: ESRC grant no RES-000-22-0259, 2003–2004; “The Lessons Learned from Leaders” project, International IDEA, 2012–2013; and ERC Advanced Grant “Understanding Institutional Change: A Gender Perspective,” 2012–2017 (Grant 295576-UIC).

Northern Ireland it was between the loyalist/unionist/protestant community and the republican/nationalist/Catholic minority community that had endured systematic discrimination (Friedman 1993a; McGarry and O'Leary 1995). The balance of power between protagonists differed — the black majority in South Africa had more potential (political) power than the nationalist community in Northern Ireland. The role of external players was also different — the Irish and UK governments' role was greater in Northern Ireland than any external actors in South Africa (McGarry 1998). As we will see, these factors impacted the formal and informal processes and the strategies and alliances adopted by actors. Gender actors' interventions also took different forms — influenced in part by the different structural constraints — as did the gender outcomes.

The comparison of South Africa and Northern Ireland that follows is chronological and sequential. It identifies the key structural features and actors at each stage of the negotiations — often divided into prenegotiation, framework/substantive agreement, and implementation stages (Bell 2004; Du Toit 2003; Guelke 2003). Informed by feminist institutionalism, the paper assesses the extent to which gender actors were present on the inside and with what effect at each stage (except implementation), focusing on both formal rules and informal practices. It therefore includes the (often neglected) prenegotiation phase — the talks about talks and confidence-building measures, both secret and more public, often lasting for several years — that have a significant impact on later stages (Guelke 2003). Women often find it hard to intervene in this phase with potentially negative implications for their participation in subsequent stages (Bell 2004). We can therefore assess the relationship between the “presence” of gender actors, their efficacy, and different gender outcomes at each stage. It allows us to examine the impact of formal institutions like electoral rules and political parties; informal institutions such as networks of all types; and to consider the impact of both on strategies, agendas, and the extent to which gender actors could influence the negotiations process and the design of new institutions.

THE PRENEGOTIATIONS STAGE

In this section we explore the structure of the initial processes, both formal and informal, that formed the precursor for multiparty negotiations and identify the key actors, highlighting the similarities and differences

between the cases. In both South Africa and Northern Ireland the main protagonists realized that military force or violence would not achieve their aims or defeat the other parties, so a negotiated political settlement was necessary (Friedman 1993a; Tonge 2014). In South Africa, by the 1980s both the multiracial African National Congress (ANC)² (a left-leaning mass-based organization with an armed wing) and the ruling National Party, which had dominated the apartheid regime since 1948, recognized that a political solution must include the African National Congress. Although the right-wing National Party was extremely male-dominated, women, fighting for gender equity, had been increasingly active in the ANC (Meintjes 1998). Women activists, framing their demands in constitutionalist terms of equality for all, had achieved much within the African National Congress, but realized that alone they could not effect the change they wanted. However, significant women's organizing – autonomously and part of the mass opposition movement – existed in South Africa in the 1980s (Hassim 2002).

In Northern Ireland, catalyzed by the mainly Catholic Civil Rights movement, “the troubles” had brought violence from the late 1960s. But the UK and Irish (and U.S.) governments were keen to solve the stalemate (Dixon 2001). Political parties had been marginalized after the imposition of UK direct rule in 1972. The mainstream nationalist party, the Social Democratic and Labour Party (SDLP), was indifferent to gender issues and unionist parties (largely right-wing and conservative) and associated them with republicanism (Wilford and Galligan 1999). Although republican Sinn Fein and its linked paramilitary organization, the Irish Republican Army (IRA), (which was essential to any settlement but without the power or support of the ANC), were more open to some gender issues, the “double militancy” (simultaneous feminist and left-wing activism by gender actors seen in some left-leaning organizations elsewhere) was rare (Roulston 1997). Political parties were therefore a hostile environment for women and unsympathetic to gender issues.

However, in Northern Ireland, perhaps partly because of women's exclusion from political parties, an active and feminized civic society, with significant women's organizing (much with a working-class base and links to trade unions), operated separately to political society (McWilliams 1995). Some organizations like the Women's Support Network (WSN) brought together unionist and nationalist women. But O'Rourke (2013, 53) argues there was no one “women's movement,”

2. See the Appendix for a glossary of acronyms used in this article.

rather a diverse women's sector with some links to broader campaigns around equality, inclusion, human rights, and community development. The sector included organizations with differing views on the national question and Northern Ireland Office (NIO) policy initiatives like the community relations program, which were felt by some to exclude "undesirable" (sometimes identified as republican-sympathizing) women's organizations (Cockburn 2013; Mulholland 2001).

In both South Africa and Northern Ireland, despite their activism, few women or gender actors were involved in the prenegotiations stage — either in the covert or more formal official (and publically acknowledged) "talks about talks" (Haysom 2001). In South Africa, secret talks (like the UK-based Mells Park meetings) took place between the National Party or its proxies and Nelson Mandela and a few other African National Congress leaders in exile during the 1980s. But the small number of key negotiators were all male (Sparks 1996). In Northern Ireland, public talks took place between the British and Irish governments and mainstream political parties (e.g., the Brook-Mayhew talks in 1991–1992) (McGarry and O'Leary 1995). There were also secret meetings (e.g., the Hume Adams talks) with Sinn Fein and/or the IRA (Murray and Tonge 2005). But there was no direct contact between militant loyalists and republicans. Unsurprisingly perhaps, few women represented parties and governments (and many of the few women at the Brook Mayhew talks were note-taking and tea-making).³

However, in both cases, and particularly in South Africa, gender actors recognized the dangers of marginalization and had begun thinking/strategizing about how to influence the upcoming negotiations and to prevent further marginalization. In South Africa, internal activists and ANC women in exile met in January 1990 at the Malibongwe Conference, coordinated by the ANC Women's Section, to discuss including gender equality in the future democratic constitution, women's political participation (including quotas within the African National Congress), violence, education, and customary law (Waylen 2007). After some contestation, an outline program of action for intervention into the future constitution-making processes was agreed upon. Influenced by the strategic thinking of key gender actors within the African National Congress like Frene Ginwala, it emphasized the

3. Interview with Eileen Bell, Alliance Party of Northern Ireland member, Belfast, October 2013. And even when women did play a role (e.g., Mary McAleese), they are rarely mentioned in academic studies.

need for a united women's structure and to ensure that gender equality was meaningfully enshrined within the constitution (Hassim 2006).

In the North and the Republic of Ireland, organized women also responded to the developing processes. The Northern Ireland Women's European Platform (NIWEP) and the National Women's Council of Ireland (NWC) responded jointly to the Downing Street Declaration, asking how women were to be included into the peace processes (Hinds 1999). At "A Women's Agenda for Peace" conference held in March 1994, Sinn Fein women expressed concern about the exclusionary nature of the Hume Adams talks, demanding women's involvement in any negotiations (Connolly 1995). And community-based organizations like the WSN, together with radical trade unionists, formed Women Working for Change to participate in EU-sponsored initiatives to ensure that the inclusion, equality, and human rights agenda were part of the developing peace process (Mulholland 2001, 172).

In each case, the turning point, marked by a watershed event – the declaration of the IRA cease-fire on August 31, 1994, and the release of Mandela and the unbanning of the African National Congress in February 1990 – was followed by nearly two years of public negotiations to establish the conditions for formal multiparty talks. And in both cases, gender activists remained alert to the dangers of exclusion and organized to prevent it. In South Africa, formal (and informal) negotiations continued. Although two senior women were in the 11-person ANC team that negotiated the Groote Schuur memo in May 1990 (committing both sides to a negotiated settlement), later teams (e.g., signing the Pretoria minute of September 1990) were all male (Ebrahim 1998). Mbete-Kgositsile (2003, 6) argues that, with hindsight, women did not organize or strategize sufficiently about women's involvement at leadership levels in the National Peace Accord signed by all major groupings in September 1991. As a result, gender issues were not discussed as much as they should have been (Mbete-Kgositsile 2003).

South African women activists were also organizing in parallel. The African National Congress Women's League (ANCWL) was relaunched in August 1990, with the development of a charter of women's rights for the new constitution and the creation of a broader women's organization as two of its aims. And in response to pressure from gender activists both within the African National Congress and women's movements in South Africa, the ANC had also produced a statement on the emancipation of women, incorporating many ideas from the Malibongwe conference in May 1990 (Hassim 2006). But for women activists within the ANC, the

failure to get quotas through the 48th ANC Congress in 1991 underlined their weakness and confirmed the need for a broader women's movement to help them within the ANC.⁴ In September the ANCWL hosted a meeting of 40 women's organizations to consider how to ensure participation of women in the constitutional negotiations and a charter campaign for women's rights. It set up an interim committee to establish a women's coalition to both develop a women's charter and influence the political process.

In Northern Ireland, formal and informal negotiations continued throughout 1995 (including between the UK government and Sinn Fein). They were based on the Framework Agreement published by Irish and British governments in February 1995 advocating, as a basis for discussion, a power-sharing government in Northern Ireland accompanied by cross-border cooperation (Dixon 2001). The Irish government also set up a Forum for Peace and Reconciliation (which included Sinn Fein but no unionist delegations) in Dublin as part of the process in 1995. But again, despite having a woman chair, relatively few women (13 out of 64 delegates and alternates) were included in the process (McWilliams 1995, 39).

However, Irish women, too, continued to organize around the developing process. At a conference in Dublin in October 1994, 200 women called for a bill of rights, quotas, and an inclusive peace process (Hinds 1999). It was followed by a meeting in March and culminated in June 1995 with the now-famous Draperstown conference, "Women, Politics and the Way Forward," attended by women from more than 200 organizations. After heated discussions, the Draperstown conference concluded that mechanisms were needed to involve women in constitutional talks and highlighted that concepts like parity of esteem were not framed to include gender (Fearon and McWilliams 2000). NIWEP/NWCI also made a joint submission to the Forum for Peace and Reconciliation in 1995 (Hinds 1999).

It is apparent, therefore, that in both South Africa and Northern Ireland, the secret small-scale informal (i.e., not public or formally rule-bound) processes were male dominated with few women or gender actors participating. And these served as confidence-building measures creating relationships between people who had been adversaries. The subsequent (or parallel) more structured formal public negotiations that took place prior to the multiparty talks were also dominated by male leaders. In

4. Interview with Mavivi Manzini, ANC delegate MPNP, Johannesburg, August 2003.

both cases, gender actors realized that (formal and informal) processes had been exclusionary but were determined to prevent further exclusion. When it was clear that formal negotiations would take place, they began strategizing, creating networks, both formal and informal, that cut across organizations.

There were also significant differences between the cases. In South Africa, a key player, the ANC, was relatively open to gender concerns as a consequence of women's prior activism. Some gender actors and sympathetic allies were in powerful positions, and it had adopted policy positions and framed demands in ways that facilitated inclusion of gender issues. In contrast, none of the key political parties in Northern Ireland were receptive to gender equality (Sinn Fein was limited in the extent that it would pursue gender issues) or had gender activists in significant roles within them (Roulston 1997). But the UK government wanted more participants in the peace process and, in particular, the smaller unionist parties. This sentiment extended to other groups who, it was hoped, would broaden the talks agenda.⁵ As a result (controversially for the women's organizations who were hostile to the NIO), the NIO had supported the Draperstown conference, and Jean Denton, a conservative minister within the department, and Jean Mayhew (in an informal capacity as wife of the secretary of state), had acted as "champions."⁶ These differences subsequently impacted the incorporation of gender actors in each case.

GETTING TO THE TABLE: ESTABLISHING THE PROCESSES

Before multiparty talks could begin, the formal processes — including the rules about the timetable, participants, agenda, and structures of the negotiations — had to be established, and in each case gender actors continued their struggles for inclusion.

South Africa

After much negotiation, a two-stage formal process emerged in South Africa. Multiparty talks would design the interim constitution and

5. This was stressed in interviews with two former NIO officials: Chris MacCabe, Belfast, October 2013, and Peter Bell, Oxford, October 2013.

6. Both Avila Kilmurray (NIWC) and Monica McWilliams (NIWC) stressed this in separate interviews, Belfast, July 2013.

framework for a transitional government, and, after elections, the new multiracial parliament would finalize the constitution. The Convention for a Democratic South Africa (CODESA) held its first plenary in December 1991, after the National Party and African National Congress decided the participants (Ebrahim 1998). Among the 19 groups that participated were political parties, the government, and the leaders of nominally independent homelands, organized into five working groups. De Klerk and top leadership of National Party and Democratic Party leaders chose their delegations. The African National Congress team included its prominent leaders and negotiators (Mbetse-Kgositsile 2001, 27).

Despite the presence of prominent women like Frene Ginwala (ANC) and Patricia de Lille (PAC), women comprised only 23 of 400 delegates (5%). Protests were lodged by Helen Suzman and women from African National Congress and the Inkatha Freedom Party (IFP) at the first plenary and outside the negotiations. The ANCWL also demanded more women (Ebrahim 1998). Key gender actors within the ANC and ANCWL, like Frene Ginwala, started strategizing. They pressured the ANC to adopt a proposal for a sixth working group — a Gender Advisory Committee (GAC) — to monitor the negotiations and make recommendations (Friedman 1993b). With support from women delegates in other parties (such as the Democratic Party), the argument was won. But GAC, set up just before CODESA collapsed, was seen as a “toothless dog.”⁷ Although CODESA achieved no formal outcomes, commentators (and participants) argued that it was important for forging informal links. Delegates, for example, bonded by swapping jokes over drinks and dinner (Ebrahim 1998), enabling men to get a “head start” in a context where there were few women delegates.⁸ But women from different parties also recognized common interests; and gender activists and academics, developing partnerships to address gender issues, engaged in the negotiations process (Albertyn et al. 1999, 11).

Although women did not get the representation that they wanted, the demise of CODESA also occurred just after the launch of the Women’s National Coalition (WNC), which was discussed the previous September (Cock 1997). ANC women played a key role in its creation, but more than 70 (later to become 90) organizations participated,

7. Both Mavivi Manzini (Johannesburg, July 2003) and Thenjiwe Mtintso (ANC delegate to CODESA, January 2013) stressed GAC’s weakness in interviews.

8. Cathi Albertyn, WNC legal monitor, emphasized this (interview Johannesburg, March 2013.)

including political parties, the girl guides, and Soroptomists. (One National Party politician claimed political parties wanted to be involved to know what was happening.)⁹ The WNC had two aims: to create a national grassroots campaign to draft a charter for women's equality and to influence the design of a new constitution and political system (Meintjes 1998). The two aims were not always compatible and reflected different visions of the WNC's purpose.¹⁰ Intervening into fast-moving negotiations required strategic flexibility and quick responses whereas grassroots organization and mobilization required different activities (Waylen 2007). In part because of tension between these, the mass-based charter campaign took longer than hoped and was too late to be included in the interim constitution (Govender 2007).

Northern Ireland

In Northern Ireland the unionists' preferred option – a settlement negotiated by elected delegates – was agreed on (Elliott 1997). After a short consultation, electoral rules designed to increase the number of participants (no candidate deposits or electoral threshold) and bring in smaller unionist parties like the PUP were announced in March 1996. Using a constituency and regional list system, the top 10 parties would send 110 delegates to a forum that also included two top-up seats from a regional list (Elliott 1997). A week later, a designated list of 15 possible parties was published but was left open for 10 days to allow additional participants to come forward. NIWEP responded with two papers arguing for a system that would maximize the number of women ("gender proofing the elections") but got little response from the parties (Hinds 1999).

Using the NIWEP papers, key gender actors (like Bronagh Hinds, Monica McWilliams, and Avila Kilmurray) who had been involved in the Draperstown conference brainstormed about getting women into the negotiations. Although there were no mechanisms to encourage existing political parties to field women candidates (and so few were likely to be selected), the proposed system did allow the election of a women's party with only a small share of the vote through the top-up seats (Elliott 1997). These discussions provided the template for the Northern Ireland

9. Interview, Sheila Camerer, National Party MP, Johannesburg, July 2003.

10. Pregs Govender, WNC coordinator, (interview, March 2013) and Sheila Meintjes, WNC research chair, (interview, January 2013) both emphasized this.

Women's Coalition (NIWC) (Fearon and McWilliams 2000). A meeting was organized to discuss the possibilities. But just prior to that meeting, the NIO, keen to encourage their participation, indicated through informal contacts that there would be space for a women's party and that names were needed immediately (Fearon 1999). The NIWC was registered just before the deadline and appeared in the final list of designated parties. Elections would follow in only six weeks, with negotiations beginning shortly afterward.

At the prearranged meeting, it was agreed that the NIWC should contest the elections. A broad range of organizations were represented alongside many of the 100+ women who attended the Draperstown conference, forming a wide civil society alliance with a deliberate cross-community base (the invitation letter included signatories from the Derry Women's Centre, Shankill Women's Forum, as well as the NIWEP) (Fearon 1999). Divisive issues like reproductive rights and the national question were avoided, but few women from political parties were involved. Some republican women left because there was no position on the national question (Ward 2004), and others felt that difference was suppressed rather than acknowledged within the NIWC (Mulholland 2001).

In the short election campaign, to maximize its chances of getting in the top 10 and gaining two top-up seats, the NIWC had to find as many candidates as possible. Out of a target of 100, 70 women who agreed with the NIWC manifesto and met the loose selection criteria were recruited at short notice (Fearon 1999). The NIWC's three core principles, which were decided at its second meeting — inclusion, equality, and human rights — formed an ethical framework rather than a fixed constitutional position (Fearon and McWilliams 2000). Inclusion — that all parties including Sinn Fein and others with paramilitary links must be part of negotiations and that the institutional outcomes must include all — and equality — focusing on human rights more generally using a broad notion of equality — were central.¹¹ Monica McWilliams, a rural Catholic and academic in women's studies; and Pearl Sagar, a working-class protestant community worker, topped the regional list reinforcing the NIWC's cross-community character. As expected, the main parties (the unionist UUP, DUP, nationalist SDLP, Sinn Fein, and cross-community Alliance party) received most votes on May 30, 1996,

11. Again Kate Fearon, WNC (interview, June 2013), Monica McWilliams (interview, July 2013), and Avila Kilmurray (interview, July 2013) all stressed this.

but the NIWC came in ninth, joining three smaller unionist parties (PUP, UDP, and UKUP) and the Labour Coalition (Dixon 2001).

In both South Africa and Northern Ireland, formal processes, alongside some informal confidence-building mechanisms, were male-dominated and relatively exclusionary. As a result, in South Africa, personal relationships were beginning to build up between the key, predominantly male actors in the National Party and the African National Congress. But in Northern Ireland, although informal contact between governments and a range of actors, including Sinn Fein, increased, there was little direct interaction between the militant loyalists and nationalists. Gender actors in both cases responded to threats and the reality of exclusion by establishing formal women's coalitions, the WNC and NIWC, to fight for inclusion but in different forms in the different contexts. In South Africa, gender actors in different organizations and parties came together in the WNC to pressure from outside while women inside parties continued to pressure from within, forming a "triple alliance" of activists, academics, and political women, operating both formally and informally (Hassim 2006). In Northern Ireland, although some see the formation of the NIWC as accidental (Bell 2004), important institutional incentives such as the electoral rules, a lack of space within existing parties, and the (somewhat instrumental) support of the NIO/UK government were key to the creation of a separate women's party rather than a coalition that included gender actors from different political parties.

THE MULTIPARTY NEGOTIATIONS

We can now trace the evolution of the negotiations to see how far any trends that emerged in the largely male-dominated informal as well as formal processes prior to the start of negotiations continued, intensified, or diminished. We can also consider the extent to which organized gender actors could impact the negotiations and their outcomes in each case.

The Multiparty Negotiating Process (MPNP) in South Africa

Multiparty negotiations did not restart until several months after CODESA's breakdown. Central to their reestablishment was contact between two key negotiators, Cyril Ramaphosa (ANC) and Roelf Meyer (National Party), cemented by informal events like the Bosberaad

(meeting) in the D'nyala nature reserve (Ebrahim 1998). Participating would be 26 different groupings, with decisions made by "sufficient consensus" (but based on the agreement of the ANC and National Party). Compromise and deadlock-breaking mechanisms were included, but the talks would be more open than CODESA — only the bilaterals and planning committees would be closed. Because elections were to be held in April 1994, November 1993 became the deadline to complete negotiations. Again, according to Mbete-Kgositile (2001), the complex structures and agenda were decided by a male-dominated planning conference without women's involvement.

Before the start of talks, women in the WNC and parties wanted to ensure that women were not absent from these negotiations (or marginalized in a separate body like GAC) (Meintjes 1998). The WNC wrote an open letter demanding women's participation at all stages, and women also began agitating in their political parties. ANC and IFP activists strategically played their parties off against each other to get support for the inclusion of women in delegations (Britton 2002). After applying pressure at different points, the battle was won. Delegations were expanded to include one woman with voting rights (Albertyn 1994).

A Negotiating Council (NC), not the larger Forum or Plenary, became the central institution of the talks, receiving reports and proposals from the Technical Committees, ratifying decisions and making final decisions on controversial matters (Spitz and Chaskalson 2000). Each Negotiating Council team had two delegates and two advisors, including one woman with speaking rights (although delegations could leave that place vacant). The Negotiating Council had a rotating chair, initially of six men, but after protests, two women, Baleka Mbete-Kgositsile (ANC) and Martheanne Finnemore (Democratic Party), were added. Many teams contained other prominent women — for example, Mavivi Manzini (ANC); Sheila Camerer (National Party/government); Dene Smuts (Democratic Party); and Stella Sigcau (Traditional Leaders). But there were also some token women, associates of male team members. Some delegations used to rotate women, reducing their effectiveness; and some male members were even hostile to women in their delegations (Finnemore 1994). Women delegates overall had a different skill set to their male colleagues (social work/teaching versus legal/political backgrounds), which mattered in technocratic and legalistic negotiations (Finnemore 1994). A Planning Committee, drawn from the Negotiating Council, oversaw proceedings, liaised between the Negotiating Council and the Technical Committees, and prioritized agenda items. Again,

after “robust discussions” (Mbetse-Kgositsile 2001) two women were added, and it eventually included three women (of 10), but none were from the two major parties, the National Party, or the African National Congress.

The Technical Committees, another compromise-seeking or deadlock-breaking mechanism, were crucial to the negotiations. Comprising around six members, they took submissions, made recommendations to the Negotiating Council, and drafted items (Spitz and Chaskalson 2000). Although their members were supposedly nonpartisan/nonpolitical experts, they were in effect sanctioned/put forward by the political parties. The Technical Committees were also very legalistic and dominated by lawyers. They played a powerful role, and because they acted through a relatively closed process, it was hard to intervene from the outside as informal lobbying, and outside support was needed for submissions to receive attention (Albertyn 1994).

At first, few women were appointed to the Technical Committees. Again, after protests, it was agreed that there would be one woman on each. The two most gender-aware Technical Committees contained two women lawyers involved in the WNC (Zenobia Du Toit and Frene Ginwala)(Albertyn 1994). However, the most important Technical Committees (Fundamental Rights and Constitutional Matters) initially were all male, and then Michele Olivier (a young government lawyer specializing in international law) joined Constitutional Matters. Olivier described how she was instructed to turn up one day without warning or briefings.¹² Sibongele Nene (a sociologist) was then appointed to Fundamental Rights. Spitz and Chaskalson (2000) claimed that, lacking the requisite skills as a nonlawyer, she contributed little but spoke effectively on women and customary law. After the Fundamental Rights Technical Committees failed to agree, an ad hoc committee, set up as a political deadlock-breaking mechanism, played a significant role in the customary law dispute. Its six senior political members contained only one woman (Sheila Camerer for the National Party/government).

In addition to these formal structures, more informal processes played an important role. Bilaterals were commonplace and were a locus of decision making from which women delegates were largely excluded (Albertyn 1994). Martha Finnemore recalls sleeping in a side room in the early hours when she woke to hear a key male ANC figure trying to

12. Interview with Michele Olivier, Technical Committee member and government lawyer, March 2013.

negotiate a deal with traditional leaders.¹³ According to Theuns Eloff (1994), head of MPN administration, other smaller groupings — like the semi-informal, all-male, three-person planning subcommittee — played a crucial role brokering agreements, troubleshooting, and strategic planning. And perhaps most famously, the legendary relationship (cemented with fishing trips and birthday cakes) between Meyer and Ramaphosa was a key element of the negotiations.

Many decisions were made in the Technical Committees and through less formal mechanisms like the bilaterals. Commentators have stressed the vital contribution informal relationships made to the negotiations, that agreement would have been harder without the relationships established between key political negotiators. These built on connections made prior to MPNP during the prenegotiations phase and even before that. A lawyer and ANC coordinator at CODESA claimed that the real success of the nature reserve premeeting was that “it allowed the negotiators to strike up a personal rapport with each other. This proved invaluable in allowing them to work with each other through difficult negotiations” (Ebrahim 1998). A network of liberal male human rights lawyers, linking some delegates and Technical Committee members, also played an important role.¹⁴ Many had longstanding connections, having played sports and partied together since the 1970s and frequently drinking together during the negotiations. But some were relatively open and sympathetic to gender issues.¹⁵ Spitz and Chaskalson (2000, 404), for example, claim that a progressive judge telephoned the chair of the Fundamental Rights Technical Committee, persuading him to add sexual orientation to the draft Bill of Rights.

These mechanisms could also exclude women (and other groups). One observer described the negotiations as “probably the ultimate boys’ game. Male bonding is the dominant culture and back-slapping and locker room tactics dictate process and debate” (Wessels 1993, 31). An ANC Commission on the Emancipation Women Report (1994) highlighted women delegates’ difficulties — due to the style of the “talks,” the horse trading, and “clinching of deals” — that both alienated women participants and meant that the gender implications of agreements were sometimes ignored. Albertyn, for example, claims that key participants in the customary law dispute tried to broker a deal. She was called by a

13. Interview with Martheanne Finnemore, Democratic Party member and a Chair of the Negotiating Council, March 2013.

14. Interview with Albertyn.

15. Interview with Albertyn.

lawyer on the ad hoc committee to discuss trading the creation of institutions (and a Gender Commission was later included at the last minute).¹⁶ In this environment, few women had the political clout or legal skills to be effective operators (although there were exceptions in the ANC like Frene Ginwala, who had both, and Mavivi Manzini, who had political clout).

But women did act collectively to influence outcomes. Around three-fourths of the women team members participated in the MPNP women's caucus, gaining valuable support from women outside their parties (Mbetse-Kgositsile 2003). Regular meetings facilitated cross-party networking and information sharing, and in some issue-based meetings, lawyers from the WNC like Cathi Albertyn made presentations to members.¹⁷ The caucus also made submissions and was active in the debates around customary law in the final Negotiating Council.

The WNC provided another important space in which women could share information and network, with considerable overlap between members of the women's caucus and the WNC (Abrams 2000). The WNC had three aims for the talks, which were the inclusion of (1) women, (2) nonsexism in the constitutional principles, and (3) an equality clause that would override the right to custom (Albertyn 1994). In June 1993, it set up a negotiations monitoring team. Funded by the Danish government, it monitored the Technical Committees and Negotiating Council and advised the women's caucus. It also made submissions to the negotiations on its own account (Albertyn et al. 1999). Beside it, a caucus of ANC women activists and academics grouped around Frene Ginwala and wrote submissions to the ANC on key gender issues like rights and customary law (Hassim 2006).

Nonsexism, for example, was initially excluded from the draft constitutional principles (Albertyn et al. 1999). Albertyn claims this was primarily because influential liberal male lawyers felt it was covered by more general clauses, and so did not need naming.¹⁸ Gender activists protested (e.g., the WNC made a submission), and it was resolved relatively easily in their favor. The more difficult issue was whether customary law would be exempt from any equality clause. This pitted traditional leaders against the women's lobby and negotiations continued until the end. The customary law dispute has been written about extensively and is sometimes seen as a "chance" victory, with the

16. Interview with Albertyn.

17. Interviews with Finneamore and Albertyn.

18. Interview with Albertyn.

traditional leaders contributing by overplaying their hand and demanding too much (Albertyn 1994, Albertyn et al. 1999).¹⁹ Several features belie this interpretation. Organized women strategized effectively: activity inside the negotiations was accompanied by lobbying from outside by the WNC and other organizations, such as the Rural Women's Movement. Successful pressure was also brought to bear inside ANC by the Emancipation Committee (set up in May 1992 with Frene Ginwala as its deputy chair) after a meeting of ANC women and lawyers. The ANC then pressed the National Party in secret bilateral meetings for the removal of the clause. The tone of the debate then altered in the ad hoc committee, with Sheila Camerer, the government/National Party representative, supporting the gender equality position, while the traditional leaders would not compromise, which was seen by some mainstream observers like Spitz and Chaskalson (2000) as a sudden inexplicable change of views, particularly by the ANC. Unresolved in the ad hoc committee, the issue was referred back to the Negotiating Council where women delegates (like Stella Sigcau, who refused to vote with her delegation) united against the traditional leaders' position. The motions were also taken in such a way as to make defeat for the traditional leaders more likely.

Overall, gender actors in a triple alliance of academics, activists, and politicians acted in multiple ways — formally and informally — to impact on the negotiations (Albertyn et al. 1999). They pressed within parties and networked across them. As a result, women were included in the formal negotiations after contestation at every stage. Of the two issues prioritized by gender activists — the nonsexism clause and customary law — both were resolved quite favorably. And for the issues not engaged with, such as reproductive rights, gender activists knew that they would have a second “bite at the cherry” when parliament, sitting as a constituent assembly, finalized the constitution.²⁰

Multiparty Negotiations in Northern Ireland

The negotiations made little progress for the first six to twelve months (Sinn Fein was absent after the breakdown of the IRA ceasefire, and procedural wrangling was rife) (Tonge 2014). There were two main structures: the Forum and the Talks. All 110 delegates participated in the unionist-dominated Forum for Political Understanding and Dialogue, widely

19. In her interview, Camerer said that traditional leaders made excessive demands.

20. Interview with Albertyn.

regarded as a powerless “talking shop” (Fearon 1999). There were only 15 women (13.6%) delegates. Although the largest parties (UUP, SDLP, DUP) had few women (7 of 74), with virtually none from the smaller parties except NIWC, 5 of Sinn Fein’s 17 delegates (29%) were women. The Forum was weakly chaired by a UUP member, and many women, particularly the NIWC, were treated badly. As has been well documented, they were shouted down and endured verbal abuse and heckling, such as mooing, when speaking.²¹

The atmosphere in the Talks was more serious. The three independent chairs (including the American George Mitchell) ran proceedings effectively. Mitchell (1999) claims that the same people could behave entirely differently – as children in the Forum and adults in the Talks. Each party sent two or three Forum delegates to the Talks. Although there were no permanent women delegates apart from Monica McWilliams and Pearl Sagar, many of the parties’ bigger teams did contain some women. Dawn Purvis, for example, ran the Progressive Unionist Party (PUP) team, and parties could use nonelected team members on subcommittees (important for small parties with few resources like the NIWC), which increased women’s participation a little. The NIWC’s core team of around 10 included Bronagh Hinds (from NIWEP), Avila Kilmurray, and May Blood (Fearon 1999). But NIWC members sometimes felt that more resources, more access to information, and greater expertise in the technicalities of agreements would have enabled them to operate more effectively.²²

After nearly a year of little formal progress, things changed with the election of New Labour in May 1997. Mo Mowlam became Secretary of State, and Sinn Fein came back into the Talks after the IRA ceasefire, but DUP and UKUP were out (Dixon 2001). There was a sense that things might now happen. An agenda was decided, a business committee and two subcommittees to discuss arms decommissioning and confidence building were set up. Talks were organized into three strands. Strand 1 included the GB government and political parties (with the SDLP and UUP as key actors) and considered matters internal to Northern Ireland. It designed the new institutions, and the NIWC submitted proposals on the structure of a new 50/50 electoral body, on a civic forum, on a bill of rights, on a new Bloody Sunday enquiry, and on prisoners *and* victims (Fearon 1999). Strand 2 considered relations

21. Monica McWilliams and Kate Fearon both stressed this in interviews.

22. Both Avila Kilmurray and Monica McWilliams made this point in interviews.

within Ireland, included the UK and Irish governments and political parties, and was chaired by the independent chairs. It was here that the NIWC emphasized jointly designing outcomes, stressing joint citizenship. Strand 3 covered issues for the UK/Irish governments, and both pledged to keep others informed and that all participants could consider their discussions (Murray and Tonge 2005).

Bilateral meetings were also important, particularly in the later stages. Decision making was to be on a “sufficiency of consensus” (modeled on South Africa but influenced by the NIWC) of a majority of parties, not just the two main groupings (Guelke 2000). Chairs, governments, and civil servants all played important roles. In January 1998 the civil servants and government began producing draft outlines, sometimes basing the wording on submissions from different groups (smaller parties in particular made detailed submissions). The text on prisoners and victims, for example, included parts of the NIWC submission.²³ The Good Friday Agreement was finally signed six months later after the relatively short-lived negotiations had become very frantic in the run-up to the Easter deadline imposed by Senator Mitchell (Dixon 2001).

The key players — the larger political parties and the UK and Irish governments — and their agendas dominated the talks. Both the formal and informal dynamics were sometimes strained and difficult. Personal relationships between many loyalists and nationalists remained poor. There were instances reported of delegates refusing to talk to each other in toilets (Trimble and Adams).²⁴ And there was even animosity between some unionist parties (e.g., the DUP closing doors in PUP faces).²⁵ The iconic example of this is the separate planes insisted on by unionists for a trip to South Africa so as not to travel with Sinn Féin — Mandela reportedly quipped that they were bringing back apartheid (Guelke 2000).²⁶ But warm relationships did develop between some parties, government teams, and chairs, with coffee lounge and corridor negotiations among smaller parties and various officials.²⁷

Many male-dominated political parties were unsympathetic to the NIWC, and their reactions ranged from hostility (some unionist parties)

23. Interview with Avila Kilmurray.

24. See a film of the discussion among 14 negotiators at the Good Friday Agreement 10th Anniversary Event, hosted by US-Ireland Alliance, Belfast, April 10, 2008 (www.us-irelandalliance.org, accessed August 21, 2014).

25. As described by Dawn Purvis (PUP negotiating team co-ordinator) in an interview, Belfast, October 2013.

26. Interview with McWilliams.

27. Interview with Purvis.

to indifference (Mowlam 2002). Some saw the NIWC as potentially taking votes away from them. The NIWC were branded amateurs, opportunists, and outsiders. A leading unionist supposedly humorously dubbed them the “WC” (toilet) party. Relations between many of the few women delegates/team members and the NIWC were also not close (e.g., the DUP Forum women) (Murtagh 2008). The NIWC felt women in other parties saw them as a threat – undermining their position within their own parties. But some women politicians felt that the NIWC was not very open to them.²⁸ As a result, there was little cross-party collaboration among women team members, either formally or informally, around gender issues, as most believed that the focus of the talks – constitutional issues – did not encompass gender or women’s inclusion (with the exception of Sinn Fein and PUP’s commitment to the rights, equality, and inclusion agenda [Mulholland 2001, 173]).

In this context, the NIWC adopted multiple strategies to impact the negotiations in ways that enhanced the peace process but could leave them open to claims of playing a stereotypical female nurturing role (O’Rourke 2013). As part of their emphasis on undermining adversarial politics, inclusion, and keeping the process going, they talked to everyone. This included less formal meetings (Fearon 1999). They met with Sinn Fein, sometimes in pubs and cars, sharing documents and information when they were excluded from the negotiations. They worked with small parties – PUP, Labour, UDP – cooperating on a Bill of Rights and equality with the PUP. And to ensure that they were not identified with one community, they deployed women strategically to speak about issues and concerns that were viewed as the prerogative of the “other” community.²⁹

For the NIWC, keeping people on board was a key part of their role, particularly in the last week of negotiations. This involved hanging round corridors talking to people, dispersing information among different actors, and developing back channels. They had developed good relationships with the chairs and their aides, such as Martha Pope, some civil servants, and some ministers like Mo Mowlam (who would talk to them in the women’s toilets to outwit male civil servants) and Liz O’Donnell, a junior minister in the Irish government.³⁰ Much effort went into these behind-the-scenes activities, which helped to establish

28. Interview with Eileen Bell.

29. Information from interviews with Fearon, McWilliams, and Kilmurray.

30. Interview with Kilmurray.

a sense of solidarity among some women delegates, technical advisors, and government ministers.³¹

Even in a context where two polarized positions could dominate proceedings and exclude many issues, the presence of the smaller parties did broaden the talks' agenda. And as part of this the NIWC had an impact not only on the negotiations but also on the agreement itself. Alongside the activities of a rainbow "equality coalition" (an alliance of TUs and NGOs, such as the Committee on the Administration of Justice and civil society organizations), NIWC involvement brought greater prominence to issues of equality and human rights (Campbell 2008).³² An equality clause was advocated by the NIWC, who engaged Mo Mowlam's and Liz O'Donnell's support. Victims also had a higher profile in the final agreement than might have been the case (again as part of the human rights agenda and to balance the emphasis on prisoners). The participatory (but ill-fated) Civic Forum, created to include civil society, was also a result of the NIWC's intervention, despite opposition from the SDLP and UUP.

However, the design of the new electoral system demonstrates the limits to broadening the agenda. NIWC wanted to maximize the representation of women and advocated one with top-up seats similar to the elected forum. Despite some support for their plans from the UK and Irish governments (and from some smaller parties), the NIWC felt forced to abandon this demand after being told by the chairperson of the talks that they had to decide between their proposal for a (subsequently short-lived) civic forum or for electoral reform.³³ The SDLP and UUP, key players in strand 1, were also implacably opposed to any system that might undermine their dominance, and their only compromise was a small increase in constituency size. Although regretted by some NIWC members, others felt that NIWC proposals were always doomed in the face of this opposition.³⁴ But it can also be seen as further evidence that the prioritization of some issues over others limited the NIWC's agenda and fuels claims that women's inclusion into negotiations is often only permitted on the basis of a perceived link between femininity and peacefulness not to address gender issues (O'Rourke 2013, 203).

31. Interview with McWilliams.

32. Interview with Christine Bell, chair of Committee on the Administration of Justice (CAJ), Edinburgh, December 2013.

33. Interview with McWilliams.

34. Interview with Purvis.

CONCLUSIONS

Through an in-depth comparative analysis of two negotiated settlements — in South Africa and Northern Ireland — we opened the “black box” of institutional design processes to examine the impact of gender actors *inside* the negotiations processes and their outcomes at different stages. Using an approach informed by feminist institutionalism that sees institutions as products of gendered power struggles and contestation, we focused on both formal and informal rules and practices and key actors’ strategies and alliances to improve our understanding of multiparty negotiations in Northern Ireland and South Africa and more generally. It showed us, first, the importance and also the limits of “presence” as both a mobilizing idea and way of incorporating women actors into the processes and, second, the importance of processes themselves and their development over time. Third, it showed us that formal and informal structures and processes constrain the agenda, impact what is considered suitable for discussion, and set the parameters of the settlement. These factors help determine outcomes and whether gender actors can achieve their goals.

In both cases, gender actors did ensure formal “presence” at the negotiating table, but differently: either, as in Northern Ireland, by strategically using already-determined formal rules; or, as in South Africa, by ensuring the adoption of rules requiring women’s presence once the negotiations started. In Northern Ireland, the inhospitable nature of most existing political parties and favorable electoral rules catalyzed a women’s party; and in South Africa, only considerable struggle achieved participation in all negotiating teams — but gave a higher female presence overall. However, presence at the table may be necessary but it is not sufficient. Women have to be present at all levels — including top decision-making ones, not just in the large plenaries that often rubber-stamp decisions taken elsewhere — and in all roles, not just in the negotiating teams, but also in the administrative and “expert” technical positions like the Technical Committees. They have to be there at the early stages when the negotiations’ structure, purpose, and agendas are defined. Key gender actors, like Frene Ginwala in South Africa, are needed for leadership roles and for developing strategic thinking about goals, tactics, and alliances. Individual women (such as Mo Mowlam and Stella Sigcau), not there as gender actors, can also make a difference, but this is not guaranteed.

In both cases “presence” was no guarantee of efficacy. Gender actors had problems being heard and having an impact, often due to the style of

negotiations (e.g., horse trading and the brokering of backroom deals) and the hostility of some negotiators. Having the requisite knowledge/skills and experience for negotiations was also important. In both cases, but particularly in the technocratic South African processes where Technical Committees took some key decisions, technical/legal expertise was needed to influence the process of institutional design. Their relative lack of resources compared to some other actors could disadvantage gender activists.

In addition to influencing numerical presence, formal institutions and structures could affect the extent that gender was on the agenda. Political parties in both cases were a key actor. In Northern Ireland the main political parties not only had few women in senior positions, but also were not open to gender issues. Extreme polarization, reinforced by a form of consociationalism (power sharing in divided societies), which can result in gender-unfriendly institutions, made it harder for gender activists. For example, in Northern Ireland recognition that concepts like parity of esteem should include gender or that an electoral system that might increase levels of women's representation was a worthwhile goal was hard to achieve (Murtagh 2008). However, in South Africa, in addition to having gender actors and their allies in important positions, gender activists could frame demands in ways that resonated with the ANC's equality and rights-based discourses.

Even in Northern Ireland and South Africa, where the formal processes were relatively open and inclusive, much decision making took place in secret or in informal sessions/channels away from the larger forums. In both cases, few women participated. As Mansbridge (2014) argues, informal/secret channels are probably inevitable in negotiations, but without official and transparent rules and procedures designating who will take part and how, informal processes are often harder to discern, with implications for the incorporation and effective participation of both women participants and gender activists (Chappell and Waylen 2013). It is important for gender actors to be there from the start, as early secret processes often design the formal negotiations and set the subsequent parameters. For women (and other actors like trade unionists) who have entered these informal processes, they were usually already close to power or were powerful actors within the inner echelons of parties.

We also saw that some informal processes built on already-existing informal networks. South African human rights lawyers, interacting as "technical experts" and negotiators from different parties, had long-standing connections. The burgeoning relationships that developed

between erstwhile opponents created other links that were cemented at social events (like late night drinking in South Africa) during the negotiations. These informal networks – more extensive in South Africa – were male dominated, relying on trust and bonding reminiscent of Bjarnegard's (2013) description of homosocial capital in political networks in Thailand. But networks, based on male bonding, trust, and homosocial capital, often exclude women and impede their access into both formal and informal processes.

However, women had their own networks, both formal and informal, that played a crucial role in ensuring the effectiveness of gender actors within negotiations. In South Africa, a formal structure like the WNC and semiformal/informal networks like the MPNP women's caucus and the "triple alliance" brought together women from different parties and organizations both inside and outside the negotiations. Many had preexisting connections and, despite profound contestation and disagreement, found common ground around issues like enshrining gender equality in the constitution. The same level of semiformal and informal networking was not possible between women of different parties in Northern Ireland, and although the NIWC provided "a way in and out of the talks" for many women's organizations and talked to everyone in the negotiations, its links with officials, like Mowlam, were on an individual basis. However, women's networking and behind-the-scenes strategizing played a key role in achieving outcomes in both cases, whether it was pressuring the ANC to oppose traditional leaders over customary law or to get Mo Mowlam's support for an equality clause.

Overall, the negotiation processes constrained agendas, participants, and outcomes. Several factors appear important if gender actors are to impact processes of institutional design. Ensuring an *effective* (not simply numerical) formal presence from the earliest stages is important, but so, too, is informal organizing and networking. Prior organizing by gender actors to overcome divisions, determine agendas, and work out effective strategies in that context (like contesting the Northern Ireland Forum elections as a women's party) can be crucial. Allies and alliances with organizations both inside and outside negotiations and sympathetic actors ("champions") inside – whether in negotiating teams or administrators, civil servants, members of Technical Committees – are also necessary. But context is crucial, and strategies have to be appropriate to the particular opportunities and constraints – both formal and informal – resulting in the differential participation, agendas, and outcomes pursued by gender actors that we saw in the two cases.

Georgina Waylen is Professor of Politics in the School of Social Sciences at the University of Manchester, Manchester, United Kingdom: georgina.waylen@manchester.ac.uk

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APPENDIX

Glossary of Acronyms

ANC:	African National Congress
ANCWL:	African National Congress Women's League
CODESA:	Convention for a Democratic South Africa
DUP:	Democratic Unionist Party
GAC:	Gender Advisory Committee
IFP:	Inkatha Freedom Party
IRA:	Irish Republican Army
MPNP:	Multi Party Negotiating Process
NC:	Negotiating Council
NIO:	Northern Ireland Office
NIWC:	Northern Ireland Women's Coalition
NIWEP:	Northern Ireland Women's European Platform
NWCI:	National Women's Council of Ireland
PAC:	Pan African Congress
PUP:	Progressive Unionist Party
SDLP:	Social Democratic and Labour Party
UDP:	Ulster Democratic Party
UK:	United Kingdom
UKUP:	UK Unionist Party
UUP:	Ulster Unionist Party
WNC:	Women's National Coalition
WSN:	Women's Support Network