

**MEASURING WOMEN'S ECONOMIC EMPOWERMENT AT THE
INTERSECTION OF GENDER, LAW, AND DEVELOPMENT: AN
EXPLORATION OF THE UN AGENDA 2030 INDICATOR
FRAMEWORK AND ITS EFFECTS**

by

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A thesis submitted to the University of Birmingham for the degree of
DOCTOR OF PHILOSOPHY

Birmingham Law School

College of Arts and Law

University of Birmingham

August 2023

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Abstract

This thesis studies how the increased use of indicators as technologies of global governance has shaped understandings of and struggles for women's economic empowerment, and the role that the law plays in them. It does so by looking at the most ambitious project of governance by indicators to this date: the UN Agenda 2030 and the Sustainable Development Goals (SDGs). At its core, this thesis argues that the turn towards indicators has contributed to cementing a particular understanding of women's economic empowerment built around formal legal entitlements that does not necessarily match the demands for economic justice put forward by the women's movement(s).

The thesis is structured by three guiding questions: what role the law plays in women's economic empowerment targets and indicators in the SDGs; what types of expertise and whose voices shaped the technical discussions behind those targets and indicators; and what we can learn about the national-level effects of those targets and indicators, through studying the case of Argentina. To answer these questions, I rely on a novel multi-method qualitative approach (that includes close reading of official and unofficial documents, interviews, and event ethnography), triangulating the data to produce a rich and multi-faceted understanding of the processes that underpinned the adoption and implementation of the SDG framework.

The findings of the thesis expose how the turn towards indicators as technologies of global governance has favoured certain types of technical expertise while sidelining the voices of women's organisations. Likewise, the turn to indicators led to

a conceptualisation of women's economic empowerment that gives a very prominent role to legal reform as a tool for change, often disconnected from many women's experiences of the law in their everyday lives. As a result, and through the case study of Argentina, I found that SDG 5 targets and indicators have underwhelming governance effects, and that the UN Agenda 2030 has very limited utility for feminists in government and civil society for advancing demands on economic empowerment at the national level.

Acknowledgments

When I started my PhD in September 2019, I kept hearing people say that writing a doctoral thesis could be quite an isolating experience. Little did I know how literal this was going to be for me and a whole generation of PhD candidates who conducted most of their research during a global pandemic. If I am writing this acknowledgement section today, it is because even when isolated, I never felt lonely: I had the support of colleagues, friends, and family, without whom the completion of this thesis would not have been possible. To them, I am forever in debt.

This thesis draws inspiration from the countless women who have dedicated their lives to changing the world. In times when progress may feel insufficient, efforts seem futile, and dangers are very real, knowing that we have each other becomes an infinite source of strength. I am especially grateful to the many women who collaborated with my research, generously taking time away from their valuable work or well-deserved leisure to contribute to this project. In particular, I would like to thank the Women's Major Group and its members, whose support and involvement have been instrumental for the writing of this thesis.

I had the privilege to work with Prof Kate Bedford and Prof Nic Cheeseman as my supervisors. Kate, a lifetime would not be enough for me to thank you for all you have taught me these years. Thank you for guiding me in this journey, for steering my curiosity (and containing it when necessary), for encouraging me to take on new challenges with confidence. And also, for being there: Maybe universities do not count unpaid care work as part of supervisors' work hours, but

without your unwavering support, I do not know if I would be submitting this thesis today. Nic, I will be forever grateful for your mentorship, and your extremely insightful comments and invaluable feedback to my work. I look forward to keeping in touch with you and discussing other things other than my thesis!

I am also very grateful to the members of the Birmingham Law School. In particular, I would like to thank the PGR team for their support throughout the years, especially Dr Andreas Kokkinis and Dr Bosko Tripkovic (who was even kind enough to wait with me in the A&E for several hours) and many of the Global and Legal Studies group colleagues, who took the time to read and comment my work. In addition, I would like to thank Dr Emma Oakley and Dr Damián González-Salzberg for their support in developing my teaching skills. Although we could not share as much as I wished to, I am also grateful for my PGR colleagues. In particular, Magda, Marcelo, Sumaiyah, and Angie were always there to help whenever I needed them.

Throughout my academic career, I have been fortunate to receive the unconditional support of several individuals whom I consider my mentors. I wish to thank Corina Rodríguez Enríquez, Radhika Balakrishnan, and Valeria Esquivel, for the infinite wisdom and the multiple recommendation letters.

I also wish to acknowledge and thank several institutions and organisations that have played pivotal roles in shaping my academic and personal growth. The International Association for Feminist Economics and the Gender and Economics Working Group of the Young Scholars Initiative have been my intellectual homes, providing inspiration and support. Additionally, I am grateful to ESCR-Net for their

invaluable assistance during my fieldwork. Their contributions have significantly impacted my research and passion for social justice and gender equality.

On a personal note, I am immensely grateful for the unconditional support and love of my mom and dad since the day I was born. Your encouragement and belief in me have been a constant source of strength throughout my academic journey and beyond. Thank you for instilling in me the confidence that I can achieve anything I set my mind to.

Lastly, I wish to thank my partner Nico. Nico, it would take another 80 thousand words to thank you for the fundamental role you have played these past years of my life, but I will try to summarise it: Thank you for encouraging me to start a PhD, for moving across the world with me, for the balance between comfort and tough love, for believing in me when I had doubts, for the hugs, the brainstorming sessions, the proofreading, the postponed vacations, and so much more. I could not have wished for a better companion to share my desk/kitchen table with while writing this thesis these past years. I love you so much, and this thesis is dedicated to you.

I am grateful for the financial support provided by the University of Birmingham through their Global Challenges Scholarship scheme. In addition to this, I received funds from the College of Arts and Law to cover my tuition fees. I also wish to recognise the Birmingham Law School for the funding provided to attend conferences and to conduct fieldwork.

This thesis was copy edited for conventions of language, spelling and grammar by the Filthy Comma Ltd.

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- *CESCR General Comment No. 12: The Right to Adequate Food (Art. 11 of the Covenant)* 1999 (resolution E/C.12/1999/5), published 12 May 1999.
- *CESCR General Comment No. 16: The Equal Right of Men and Women to the Enjoyment of All Economic, Social and Cultural Rights (Art. 3 of the Covenant)* 2005 (resolution E/C.12/2005/4), published 11 August 2005.
- *Convention against Discrimination in Education* 1960, opened for signature 14 December 1960, entered into force 22 May 1962.
- *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT)* 1984 (resolution 39/46), opened for signature 10 December 1984, entered into force 4 February 1985.
- *Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages* 1962 (resolution 1763 A (XVII)), opened for signature 7 November 1962, entered into force 9 December 1964.
- *Convention on the Elimination of Discrimination Against Women (CEDAW)* 1979 (resolution 34/180), opened for signature 18 December 1979, entered into force 3 September 1981.
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Acronyms

A4SD	Action for Sustainable Development
APWLD	Asia Pacific Forum on Women, Law and Development
AWID	Association for Women's Rights in Development
BPfA	Beijing Platform for Action
CEDAW	Convention on the Elimination of Discrimination against Women
CESCR	Committee on Economic, Social and Cultural Rights
CGT	<i>Confederación General del Trabajo de la República Argentina</i> [General Confederation of Labour of Argentina]
CNM	<i>Consejo Nacional de la Mujer</i> [National Council of Women of Argentina]
CNCPS	<i>Consejo Nacional de Coordinación de Políticas Sociales</i> [National Council for the Coordination of Social Policies of Argentina]
CPI	[Transparency International's] Corruption Perception Index
CRPD	Convention on the Rights of Persons with Disabilities
CSO	Civil Society Organisation
CSW	Commission on the Status of Women
DAC	Development Assistance Committee [of the Organisation for Economic Cooperation and Development]
DAWN	Development Alternatives for Women in a New Era
DBI	[World Bank] Doing Business Index
DESA	[United Nations] Department of Economic and Social Affairs
DNEIG	<i>Dirección Nacional de Economía, Igualdad y Género</i> [National Direction of Economy, Equality, and Gender of Argentina]
DNPC	<i>Dirección Nacional de Políticas de Cuidado</i> [National Direction of Care Policies of Argentina]
ECLAC	Economic Commission for Latin America and the Caribbean
ECOSOC	Economic and Social Council
EDGE	Evidence and Data for Gender Equality
ENB	Earth Negotiations Bulletin
ENM	<i>Encuentros Nacionales de Mujeres</i> [National Women Meetings]; also known as <i>Encuentros Plurinacionales de Mujeres, Lesbianas, Trans, Travestis, Intersexuales, Bisexuales y No Binaries</i>
FAO	Food and Agriculture Organization of the United Nations

FEIM	<i>Fundación para el Estudio y la Investigación de la Mujer</i> [Foundation for the Study and Research of Women]
GAD	Gender and Development
GBV	Gender-based violence
GDI	[UNDP] Gender Development Index
GDP	Gross Domestic Product
GEM	[UNDP] Gender Empowerment Measure
GII	[UNDP] Gender Inequality Index
GGI	[WEF] Gender Gap Index
GRULAC	[United Nation] Latin American and Caribbean Group
HDI	[UNDP] Human Development Index
HLP	High-Level Panel of Eminent Persons
HLPF	High-Level Political Forum
IACHR	Inter-American Commission on Human Rights
IAEG-SDGs	Inter-Agency and Expert Group on Sustainable Development Goals indicators
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICT	Information and Communication Technologies
IFI	International Financial Institutions
IGN	Intergovernmental Negotiations on the Post-2015 Development Agenda
ILO	International Labour Organization
IISD	Institute for International Sustainable Development
IMF	International Monetary Fund
INAM	<i>Instituto Nacional de las Mujeres</i> [National Institute of Women of Argentina]
INDEC	<i>Instituto Nacional de Estadística y Censos</i> [National Institute of Statistic and Censuses of Argentina]
INSTRAW	International Research and Training Institute for the Advancement of Women
MDGs	Millennium Development Goals
MGoS	Major Groups and Other Stakeholders
MGS	Major Group System
MMGyD	<i>Ministerio de las Mujeres, Géneros y Diversidad</i> [Ministry of Women, Genders, and Diversity of Argentina]
NGOs	Non-governmental Organisation
NIEO	New International Economic Order
NSOs	National Statistical Offices
NUM	<i>Ni Una Menos</i> [Not a Woman Less]

OAS	Organization of American States
OECD	Organisation for Economic Cooperation and Development
OHCHR	Office of the High Commissioner of Human Rights
OP	Organising Partner [of a Major Group]
OWG	Open Working Group on Sustainable Development Goals
SDGs	Sustainable Development Goals
SI	Spotlight Initiative
SIGI	[OECD] Social Institutions and Gender Index
StatCom	United Nations Statistical Commission
TST	Technical Support Team of the United Nation System Task Team
TWN	Third World Network
UN	United Nations
UN-NGLS	UN Non-Governmental Liaison Service
UNCRC	Convention on the Rights of the Child
UNCSD	United Nations Conference on Sustainable Development (also known as Rio+20)
UNDAW	United Nations Division for the Advancement of Women
UNDP	United Nations Development Programme
UNEP	United National Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNGA	United Nations General Assembly
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
UNSD	United Nations Statistical Division
UPU	Universal Postal Union
VNR	Voluntary National Review
WBL	[World Bank Group] Women, Business and the Law index
WEDO	Women's Environment and Development Organization
WEF	World Economic Forum
WEOG	[United Nation's] Western European and Others Group
WGI	[World Bank's] World Governance Indicators
WID	Women in Development
WIDF	Women's International Democratic Federation
WJP	World Justice Project
WMG	Women's Major Group
WPA	World Plan of Action for the Implementation of the Objectives of the International Women's Year
WTO	World Trade Organization

INTRODUCTION

On September 25 2015, the 193 member states of the United Nations (UN) unanimously adopted the UN Agenda 2030 and its seventeen Sustainable Development Goals (SDGs). In a crowded room in New York City, diplomats celebrated what Secretary-General Ban Ki-moon considered ‘a defining moment in human history’ (UN, 2015). For many, including UN Women’s Executive Director Phumzile Mlambo-Ngcuka, this also represented ‘a global victory for gender equality’ (UN Women, 2018, p.3), insofar as equality between men and women was recognised as a co-constitutive dimension of development. However, issues identified in its early implementation quickly overshadowed even the most optimistic views. In particular, the UN Women’s flagship report *Turning promises into action: Gender equality in the 2030 Agenda for Sustainable Development*—to which I contributed as a research assistant—noted that progress remained ‘unacceptably slow’ and ‘highly uneven’ (UN Women, 2018, p.3). In addition to pointing out specific gaps, the document also addressed challenges to the monitoring and accountability of the framework (UN Women, 2018).

While the report offers important and interesting insights on how to strengthen the implementation of the UN Agenda 2030 through gender-responsive monitoring, for me, it sparked a different set of reflections. In particular, I felt that the targets on women’s economic empowerment were very disconnected from my experiences back home. At the time the report was issued, Argentinian women were flooding the streets, fighting austerity policies promoted by the International Monetary Fund (IMF) and implemented by the government in office;

the precarious conditions that women faced in the world of work; and the increasing influence of extractivist activities on land-grabbing. The UN Agenda 2030 did not explicitly address any of these issues. Likewise, I was also surprised by the level of trust invested in the law as a solution to many of the problems faced by women across the globe, insofar as legally enabled dispossession played a central role in the injustices experienced by Argentinian women. In my country, as in many others, judges and governors use court orders and executive decrees to evict vulnerable communities from urban and rural settlements and hand these lands to big corporations.¹ Therefore, legal instruments are not central tools in women's defence of their housing and land rights. In contrast that defence tended to privilege direct action and resistance. Thus, my concerns went beyond those discussed in the UN Women's report, as I questioned how useful this framework would be to the Argentinian women's movement in advancing their demands for economic justice, even if flawlessly implemented. This concern later developed into my PhD research project.

At the start of this investigation, it quickly became evident that the adoption of the UN Agenda 2030 was part of a broader trend that others before me have referred to as governance by indicators. That is, roughly speaking, the use of indicators

¹ I discuss some of these issues in more detail in Chapters 5 and 7. However, it is worth noting some illustrative examples here, like the eviction from *Estancia Casa Nueva* in 2020 of Dolores Etchevehere—the only daughter of a family of powerful landowners, who gave away part of her inherited land as a historical reparation for the damage caused by her family—and the members of *Proyecto Artigas*, a group of peasant communities and environmental organisations who were trying to establish there a sustainable agriculture model, free from toxic chemicals and exploitation. Likewise, many scholars and activists have studied how in Argentina 'antiterrorist' law (Law No 26,268) is systematically used to prosecute Indigenous peoples when they attempt to defend their land and fight the damage caused by big corporations and their polluting activities. See for instance Leone (2020), Pautrat (2016), or Vegh Weis (2019).

to influence the production and allocation of resources. As someone with an academic background in feminist economics for whom quantitative data has played a major role in demonstrating gender inequalities, I read with both interest and concern how indicators were increasingly used to make (or force) political decisions while simultaneously using their ‘technical’ and therefore apparently ‘neutral’ nature to shield both themselves and the decisions derived from them. Thus, I decided to use this analytical lens to explore the development, adoption, and implementation of the UN SDG framework, to properly uncover some of the ideas underpinning it, many of which have become invisible through the technical rendering of the UN Agenda 2030. This path took me back to some of the key themes of the UN Women’s report (monitoring, accountability), but the alternative framing enabled me to study them in a new light.

Specifically, this thesis investigates the rise of indicators as technologies of global governance and the effect this has had on understandings of and struggles for women’s economic empowerment. Moreover, given the increasingly important role that indicators play in the current legal landscape and the limited academic literature in this field, I was particularly interested in how the turn towards indicators has affected the role envisioned for the law within the concept of women’s economic empowerment. To explore this issue, I focus on the UN Agenda 2030 and the SDGs, as they represent the most ambitious project of governance by indicators to date. Three key questions underpin and guide this research project: what role the law plays in women’s economic empowerment targets and indicators in the SDGs; what types of expertise and whose voices shaped the technical discussions behind those targets and indicators; and what

we can learn about the national-level effects of those targets and indicators, through studying the case of Argentina.

At its core, this thesis argues that the turn to indicators has tipped the scale towards a particular understanding of women's economic empowerment built around formal legal entitlements and focused on access to the market economy that does not necessarily match the demands for economic justice put forward by women's movement(s). As more international organisations and groups—including the World Bank, the G20, and more recently, the IMF—request a seat at the decision-making table of gender policies in the economy, and use their technical expertise to sustain their power claims, understanding the ideas that underpin the indicators produced and promoted by these institutions, and reflecting how far they advance the visions, priorities, and needs of women on the ground, become crucial exercises.

With this goal in mind, the first section of this introduction lays out the research context. After introducing the relevant literature on indicators as technologies of global governance, I explain how the SDGs can be understood as a governance by indicators project. Additionally, I discuss the emergence and evolution of women's economic empowerment as a development goal and the role that measurement has played in this process. The second section outlines the key questions that have shaped and guided my investigation as well as the main theoretical, empirical and methodological contributions that come out of it. While the methodology of this thesis is further explored in Chapter 1, the third section of the introduction summarises the conceptual framework and research strategy

implemented throughout this project. I explain how I have applied principles of feminist methodologies to my investigation. Lastly, the fourth section provides a thesis overview. Overall, this thesis argues that the turn to indicators has strengthened a particular understanding of women's economic empowerment built around formal legal entitlements that does not necessarily match the demands for economic justice put forward by women's movement(s).

i. Research context

a. Indicators as technologies of global governance

The use of indicators has grown exponentially for decades, spreading to new areas and disciplines (Bartl et al., 2019; Davis et al., 2015; Krever, 2013; Merry, 2011, 2016). CEOs rely on quantitative data to assess whether their companies are more or less productive than competitors; students are compared through standardised tests by universities that are in turn ranked; elected government officials appeal to statistics to prove the effectiveness of policies; and activists use indicators to demonstrate the prevalence of certain social problems. While different in nature, the utilisation of indicators has a common root: the desire to make an increasingly complex world intelligible (Bartl et al., 2019; Rottenburg and Merry, 2015).

While there is no agreed meaning of the term 'indicator' (Davis et al., 2012c; Merry, 2015), I find the working definition proposed by Kevin Davis, Benedict Kingsbury, and Sally Engle Merry (2015) to be a useful point of departure:

An indicator is a named collection of rank-ordered data that purports to represent the past or projected performance of different units. The data are generated through a process that simplifies raw data about a complex social phenomenon. The data, in this simplified and processed form, are capable of being used to compare particular units of analysis (such as countries or institutions or corporations), synchronically or over time, and to evaluate their performance by reference to one or more standards. (p.4)

Thus, indicators are a form of quantification² (Bartl et al., 2019), in the sense that they already are or can be easily transformed into numerical data (Davis et al., 2012c). However, they differ from other types of quantitative information in how they simplify 'raw' data and label the output (Davis et al., 2012c). Gudmundsson (2003) adds that what distinguishes indicators is the existence of an underlying conceptual framework. As a consequence, indicators are not neutral tools. They can reduce complex social phenomena to numerical representations and, in that process, redefine, reframe and sometimes even create the phenomena they are theoretically just measuring (Merry, 2011). This is particularly true for indicators that attempt to measure unobservable, theoretical or abstract concepts, such as 'the rule of law' (Schedler, 2012), that in turn 'acquire fixed and unproblematic meanings, which are presumed to be universally applicable irrespective of cultural context' (Broome and Quirk, 2015b, p.814).

Furthermore, once concepts are translated into indicators, previously contested dimensions seem to be 'beyond discussion' (Céspedes-Báez, 2014). Choosing an indicator to measure broad, complex or even contested concepts requires

² Wendy Espeland and Mitchell Stevens (2008) define quantification as the process of producing (and communicating) numbers that claim to represent a specific portion or aspect of the world. In this way, the process of quantification necessarily involves simplification.

narrowing them down and selecting a few specific dimensions of these issues (Schedler, 2012). In a sense, quantification can help to disambiguate polysemous terms through breaking them down and re-articulating them, but in this process, they inevitably reduce their complexity (Bartl et al., 2019) and depoliticise their content (Airey, 2015).

As noted above, indicators are used in manifold ways. For instance, they may function as *sources of knowledge*, distinguishing individual experiences from collective realities, or as *advocacy tools*, to draw attention to an issue or demonstrate the urgency or prevalence of a problem (Rottenburg and Merry, 2015). However, while distinct, in many cases, these uses are deeply intertwined and cannot be easily disentangled. Thus, while this thesis is primarily concerned with a specific practice—that is, the use of indicators as *technologies of global governance*—some of these alternative uses re-emerge throughout my analysis and are addressed accordingly.

Let me further unpack the concept of indicators as technologies of global governance. According to Davis, Kingsbury and Merry (2012a), ‘governance comprises the means used to influence behavior, the production of resources and the distribution of resources’ (p. 10). Hence, while related, governance is a broader concept than regulation: it encompasses a wide array of mechanisms beyond legal instruments and is affected by a variety of actors that do not necessarily have the power to promulgate or enforce laws (Davis et al., 2012c). Miller and Rose (2008) label all the mechanisms that affect governance ‘technologies of governance’ and point out that indicators can and are

increasingly used in this way. Judith Kelley and Beth Simmons (2015) add that the promulgation of performance indicators that can influence state policy outputs is an exercise of 'soft power.'

An interesting and important feature of the use of indicators as technologies of global governance is the ability to overcome (or at least circumvent) some of the complexities associated with agreeing on international laws on sensitive or contested issues. André Broome and Joel Quirk (2015b) consider that global benchmarking³ 'represents a new and distinctive application of authority in world politics' (p.816), in that the appearance of neutrality and objectivity conceals its normative foundations and shields its core from contestation. As a consequence, the practice of global benchmarking contributes to generalising and reifying specific modes of social organisation while simultaneously legitimising the activities of certain actors or institutions (Broome and Quirk, 2015a).

The concept of the rule of law exposes some of the points made above. The lack of an agreed definition for this term in the legal community has not prevented several organisations from developing and applying their own rule of law indicators (Davis, 2014). Among these are the World Bank's World Governance Indicators (WGI) project, the World Justice Project (WJP) Rule of Law Index, and the Heritage Foundation's Index of Economic Freedom. Logically, while these indices (or some dimensions of them) claim to measure the same concept (i.e., the rule of law), they focus on different elements that reveal the worldview of the

³ Broome and Quirk (2015b) use 'global benchmarking' as an umbrella term covering a variety of 'comparative evaluation techniques that systematically assess the performance of actors, populations, or institutions' (p.815).

organisations that produce them. For instance, while the WJP index offers a comprehensive and multidimensional definition of the concept,⁴ the WGI has a strong focus on the security of persons and their property (Versteeg and Ginsburg, 2017) and generally promotes ‘business-oriented perceptions of the rule of law’ (Krever, 2013). Hence, institutions that do not have the power to promulgate or enforce laws in the traditional sense can unilaterally produce indicators on a contested area and apply them worldwide, creating standards against which countries and institutions are judged, promoting particular interventions that align with them.

In this context, it is unsurprising that several scholars are interested in the links between indicators and the law. For some authors, while indicators are not legal instruments per se—they do not represent legally-binding norms and their non-compliance does not generate legal effects, in the strict sense—they do belong to the ‘same universe of informal normativity that already permeates all levels of the international legal system’ (Urueña, 2014, p.550, own translation). Others, like Sol Picciotto (2011), challenge this conclusion, emphasising that ‘the sharp distinction between voluntary codes and binding law is inaccurate: codes entail a degree of formalization of normative expectations and practices, and may be linked to formal law [...] in various complex ways which may be described as a “tangled web” (Webb and Morrison 2004), so the question is how they should be articulated’ (p.21). Likewise, Cassese and Casini (2012) agree that the line

⁴ Through indicators that cover a wide range of issues, such as ‘government powers are subject to non-governmental checks’, ‘government officials in the police and the military do not use public office for private gain’, or ‘freedom from arbitrary interference with privacy is effectively guaranteed’.

between what is binding and what is voluntary is not always clear. Tor Krever (2013) adds that while indicators as standards might influence behaviour by promoting 'ideals and normative visions', this does not mean that they cannot 'also facilitate more overt forms of coercion' (p.145). Particularly in the Global South, indicators play an increasingly important role as conditionalities for development assistance and as benchmarks for private capital investment, potentially promoting certain interventions, including formal legal reforms (Krever, 2013).⁵

b. The Sustainable Development Goals as a governance by indicators project

The UN Agenda 2030 and the SDGs have been the dominant framework in international development since 2015. The SDGs are seventeen 'comprehensive, far-reaching and people-centred [...] universal and transformative' (UNGA, 2015, p.3) thematic goals (see Table i in the Annex) that aim to guide the world towards the achievement of 'sustainable development in its three dimensions – economic, social and environmental – in a balanced and integrated manner' (UNGA, 2015, p.3). To operationalise the goals and enable measuring progress, each SDG has its own set of targets and indicators.

The UN Agenda 2030 'did not emerge from, and [was] not inserted into, a normative vacuum' (Kim, 2016, p.15), but is explicitly grounded in international

⁵ For instance, the World Bank's International Development Association provides credit and grants 'to countries based on their performance in implementing specific policies as measured by the Bank's Country Policy and Institutional Assessment' (Krever, 2013, p.145).

law, including human rights law. As noted in its shared principles and commitments section,

[t]he new Agenda is guided by the purposes and principles of the Charter of the United Nations, including full respect for international law. It is grounded in the Universal Declaration of Human Rights, international human rights treaties, the Millennium Declaration and the 2005 World Summit Outcome Document. It is informed by other instruments such as the Declaration on the Right to Development. (UNGA, 2015, paragraph 10)

In addition to multiple references to international law throughout the Declaration (e.g. paragraphs 18 and 19), the language of some concrete targets was taken directly from international agreements (Kim, 2016). Kim (2016), for instance, notes that Target 15.7 (ending poaching and trafficking of protected species) is traceable to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES, 1973).

Despite its links to international law, a distinctive feature of the UN Agenda 2030 is that it is not legally binding. In this context, many have argued that its successful implementation relies heavily on both the indicator selection process and formal commitments from governments (Pintér et al., 2017) insofar as the establishment of clear benchmarks and measurable pledges 'may cause embarrassment or loss of face in case of non-compliance' (Biermann et al., 2017, p.27), operating in practice as soft power mechanisms, as discussed in the previous section.

The SDGs thus represent the most ambitious project of governance by indicators in the field of international development to this date (Kanie et al., 2017). However, this approach is not new: for example, the Millennium Development Goals

(MDGs) provided an important precedent of a goals-based system in the UN (Hulme, 2007; Kanie et al., 2017; Morrow, 2018). Despite the apparent similarities between these two frameworks, most scholars agree that the SDGs are not a simple continuation of the MDGs (Kanie et al., 2017). Sakiko Fukuda-Parr (2016) identifies three key differences. First, while ‘the MDGs were a North-South aid agenda’, the SDGs are ‘universal goals that set targets for all [countries]’ (p.44). Second, the MDGs had a narrow conception of development focused on poverty alleviation, while the SDGs encompass a broader idea of sustainable development that includes economic, social, and environmental dimensions. Third, the MDGs were drafted by a small team of multilateral agencies staff, while the development of the SDGs was a more transparent process involving multiple and diverse stakeholders, including, as I discuss below, the selection of indicators. However, it is worth noting that the SDGs did introduce one additional remarkable innovation: for the first time, the negotiations took precedence over political declarations insofar as the UN 2030 Agenda for Sustainable Development was only elaborated after the SDGs were agreed (Fukuda-Parr and McNeill, 2019). This shift signals the growing importance of indicators as technologies of global governance by the UN.

A small but flourishing body of critical literature has challenged goal-setting as a global governance strategy in the UN. Valeria Esquivel (2016), for instance, is very critical of the technocratic template of goals-targets-indicators, claiming that it ignores power imbalances and presents goals as achievable through technical fixes. Likewise, Angelina Fisher and Fukuda-Parr (2019) argue that the SDGs frame ‘development problems as “technical, managerial and measurable” [...]

ignoring issues of power, structural inequalities and systemic pathologies that prop up unequal distribution of wealth and resources' (p. 383). These critical assessments of the framework have motivated my research questions, which further refine these claims by identifying and exposing the concrete effects of the turn to indicators as technologies of global governance, particularly in the area of women's economic empowerment.

c. Turning women's economic empowerment into a development goal

Under the UN Agenda 2030, there is a stand-alone goal explicitly focused on gender equality and women's empowerment (SDG 5; Table i in the Annex). SDG 5 offers a comprehensive and multidimensional understanding of gender equality through its nine targets covering, among other issues, violence against women, unpaid care and domestic work, and access to economic resources.

Including women's empowerment as a development goal is not new, as the MDGs already encompassed a commitment to this objective (MDG 3; Table ii in the Annex). More generally, the concept of empowerment gained prominence in the international development scene in the 1990s as a result of the push from advocates at the Fourth World Conference on Women (Beijing, 1995) and increased interest from some governments and multilateral institutions to demonstrate their progressiveness on gender issues (Batliwala, 2007). Since then, it has become a 'buzzword' in development discourse (Cornwall and Rivas, 2015). Notably, the concept of 'women's empowerment' was first articulated as a radical approach focused on 'transforming power relations in favour of women's

rights' (Batliwala, 1993, 2007 cited in Cornwall, 2016, p.343). As such, empowerment was linked to consciousness-raising and collective mobilisation (Cornwall, 2016; Cornwall and Anyidoho, 2010).

Empowerment is then a complex process and 'not a fixed state nor an end-point, let alone an easily measurable outcome to which targets can be attached' (Cornwall, 2016, p.344), which means that this concept (or at least this version of it) is not sufficiently 'result-oriented' for development agencies (Batliwala, 2007). Thus, to be mainstreamed into development discourse, 'women's empowerment' had to be transformed. This prompted the emergence of what some authors call 'liberal empowerment' (Sardenberg, 2008) or 'empowerment lite' (Cornwall and Edwards, 2014). Unlike the ideas discussed above, this account of empowerment is aligned with liberal values in that it primarily focuses on individual improvement within a macro liberal growth model (Sardenberg, 2008). As a result from this re-articulation process, the term 'empowerment' has been 'de-linked from questions of broader social transformation' and 'individualised' (Roberts, 2015, p.114).

Thus, the measurement imperative (i.e., the pressure to measure in some way the status or progress in this area) has played an instrumental role in the re-conceptualisation of women's empowerment within development discourse: interventions that are easier to quantify are prioritised over those that might have a more meaningful impact on women's lives. Batliwala (2007) rightly points out that these approaches tend to focus on formal structures (and equality) rather than attempting to transform the informal institutions and cultural systems that were the target of previous (and more radical) versions of empowerment

processes. It is unsurprising, therefore, that indicators have favoured the introduction or removal of formal legal provisions as measures of progress of women's economic empowerment.

This trend has also been evident in the specific case of women's *economic* empowerment. While feminist economists have exposed the need to re-conceptualise the economic system, de-emphasising the importance of markets and moving the sustainability of life to its centre (Pérez Orozco, 2014), mainstream ideas of 'women's economic empowerment' have gone down the opposite route, casting women's participation in the market economy on an equal footing to men (in whatever conditions)⁶ as the silver bullet to solving gender inequalities in every realm.

Once again, the need to translate women's economic empowerment into a measurable goal has been instrumental in underpinning the understanding of women's economic empowerment and stripping away the most radical dimensions from the concept. For instance, while the World Bank has drawn on Naila Kabeer's ground-breaking work on the topic, in their version of women's economic empowerment, its relational nature has been removed from the picture, shifting the emphasis to 'assets' and 'opportunities' (Cornwall, 2016). Many have criticised this approach, arguing that access to these elements does not necessarily produce 'empowerment' (Cornwall and Edwards, 2014). In Hania

⁶ This issue is discussed in more detail in Chapter 2, but it is worth noting here that Development Alternatives with Women for a New Era's (DAWN) manifesto introduced these debates as early as 1987, stating that '[e]quality with men who themselves suffered unemployment, low wages, poor work conditions and racism within the existing socioeconomic structures did not seem an adequate or worthy goal' (Sen and Grown, 1987, p.25).

Sholkamy's words, 'the enabling environment that confirms the right to work, to property, to safety, to voice, to sexuality and to freedom is not created by sewing machines or micro-credit alone' (2010, p.257).

Logically, the existence (or the removal) of formal legislation plays a central role in their approach to women's economic empowerment, as evidenced in their flagship indicator *Women, Business, and the Law*, which seeks to capture 'legal differences between men's and women's access to economic opportunities' (World Bank, n.d.). Once again, feminist scholars have warned about the ideas underpinning this indicator and the policies that it is implicitly (or explicitly) endorsing, exposing how women's economic empowerment, narrowly understood as their inclusion in the waged labour force, is increasingly used to promote legal reforms that support market deregulation (Bedford, 2009b).

In this scenario, it is unsurprising that many feminists in academia and elsewhere have expressed 'a profound sense of unease about this term, and the way it is put to use by some those who are most enthusiastic in its promotion' (Cornwall and Anyidoho, 2010, p.144). As a result, feminists have adopted different strategies: from ditching the term altogether to pushing forward a re-articulation of the concept grounded on autonomy and liberation (Cornwall and Anyidoho, 2010). Hoping to contribute to this discussion, I place this concept at the centre of my thesis, using it as a flexible vessel capable of carrying different meanings. It is precisely its flexibility that makes it an ideal tool with which to explore how the turn towards indicators as technologies for global governance have

influenced the way we conceptualise women's economic empowerment and the role that law plays.

Overall, there are reasons to believe that, in the past, the pressure to make things measurable has constrained the debate over meaning, and reified specific understandings of women's economic empowerment that are not necessarily the most transformative or ambitious. It is in this context that I decided to study the UN Agenda 2030, and more particularly, the understandings of women's economic empowerment embedded in and promoted by the SDG framework and its indicators—especially SDG 5—and how the role of the law is envisioned.

ii. Research questions

Despite the growing importance of indicators in global governance, the phenomenon has been understudied. More precisely, the specific impact of indicators on women, and how they have affected what we can broadly call the gender equality agenda, remains largely unexplored. Thus, this thesis attempts to fill some of the existing knowledge gaps in this area by asking **how the increased use of indicators as technologies of global governance has shaped understandings of and struggles for women's economic empowerment, and what role the law plays in them**, using SDG 5 and its indicators.

Three guiding sub-questions structure this investigation. As a point of departure and recognising the importance of better understanding the increasingly complex interactions between indicators and the law, I focus on identifying **what role the**

law plays in women's economic empowerment targets and indicators in the SDGs. Taking a genealogical approach to answering this question (explained in Chapter 1) required me to attend to the processes underpinning the development of said targets and indicators, with a particular focus on the different stakeholders involved and the power relations among them. Thus, my second guiding question delves into **what types of expertise and whose voices shaped the technical discussions behind those targets and indicators.** I also identify **whose perspectives were sidelined and on what grounds.** Lastly, I am interested in the practical consequences of the answers to these questions. Thus, my last guiding question focuses on **what we can learn about the national-level effects of those targets and indicators, through studying the case of Argentina.**

iii. A feminist-informed conceptual framework and research strategy

While Chapter 1 discusses my research methods, this section introduces some features of the conceptual framework and the research strategy that informed the project. As a feminist, I intend to apply a feminist lens to everything I do, including my work as a researcher. What defines a feminist researcher is not a pledge to a specific epistemology or methodology but a 'political commitment to produce useful knowledge that will make a difference in women's lives through social and individual change' (Letherby, 2003, p.4). The goal of the feminist researcher is, then, conducting research that can uncover 'subjugated knowledge—oppressed groups' voices and ways of thinking that have been devalued by dominant, patriarchal, forms of knowledge— and promoting social change and social justice'

(Hesse-Biber, 2012, p.2). In this thesis, I aim to produce a piece that on the one hand, systematizes the valuable experiences and often forgotten contributions of women working on the ground and, on the other, that serves them in their struggles. With this in mind, I have chosen to take a pragmatic approach that draws extensively from feminist methodologies.⁷

My experiences as a feminist scholar and activist informed the research strategy. Very early on, feminist researchers 'have questioned the possibility of and the preference for value-free or neutral research and the value of the detached, disengaged researcher who is objective in the conduct of research' (McHugh, 2014, p.145). The alternative is a commitment to reflexivity, which entails, among other things, to be conscious and transparent about how one's life experiences might have influenced the choice of topics or questions and about the underlying assumptions underpinning the research project.

In approaching this project, I see myself in a multi-layered role that involves being simultaneously a Global South researcher and a researcher based in a Global North institution, as well as a Global South grassroots feminist organiser and a gender expert who has worked for Global North women's rights organisations undertaking advocacy at the UN. The lessons learned from these multiple identities, which were sometimes in tension, have informed many aspects of my

⁷ While this a flexible concept, it encompasses some commonly agreed features, that include: consideration of existing gender relations throughout the research process, which involves recognising not only gender inequality in women's everyday lives, but also the gendered nature of the research process itself; integration of diversity in the research process, with special attention to the voices of the marginalised; analysis of the relationships between and among all research parties (including myself as a researcher); use of qualitative methods considered 'non-traditional'; and understanding research as a form of political action.

research design. For instance, they enabled me to better understand how to reconstruct some dimensions of the SDG negotiations and what kind of methods and sources of information I needed to consider in order to form a more comprehensive understanding of the relevant events. However, my previous experiences did not prevent me from approaching the research project with an open mind and curiosity. Perhaps the clearest example is my investigation of the Women's Major Group (WMG), a network I first approached with several (negative) preconceptions based on my past experiences with other women's global coalitions. However, through critically analysing the data, I identified the slippages between my expectations and my actual findings. Ultimately, I believe this led me to produce a richer and more complex understanding of the group dynamic, gleaning contextual information necessary to interpret the data.

Very early in the process, it became evident that my research questions could not be answered using a single method or data source: to conduct a meaningful analysis, I needed to approach them from different fronts. As a result, and deeply inspired by the works of Annelise Riles (2000) and Merry (2016), I relied on a novel multi-method qualitative approach that included close reading of official and unofficial documents, interviews, and event ethnography. I also gathered information through an in-depth case study, in which I explored how SDG 5 was mainstreamed into government practice in Argentina and how feminists—both in government and in civil society—had used SDG 5 to expand the women's economic empowerment agenda in the country.

Overall, triangulation—understood here both as analysing data of a similar kind generated through different methods as well as relying on alternative sources of evidence (Ackerly and True, 2010)—was a strong component of my research strategy. In particular, I used both triangulation of methods and triangulation of data sources in order to enhance the reliability and validity of my findings. Following other feminist researchers, I ‘us[e] triangulation as an analytical tool for looking at dissonant data and revealing new information that can further social change for women’ (Hesse-Biber, 2012, p.9). In particular, it is possible to view ‘discrepancies in narratives as demonstrable of power contestation and therefore analytically valuable’ (Springer, 2019, p.63). Hence, whenever ‘dissonant data’ arose, instead of automatically treating findings as invalid or data sources as unreliable, I relied on the emergent theory to make sense of these discrepancies.

iv. Thesis overview

Overall, this thesis discusses **how the increased use of indicators as technologies of global governance has shaped understandings of and struggles for women’s economic empowerment and the role that the law plays in them.** I focus on the UN Agenda 2030 and the SDGs as the most ambitious project of governance by indicators to this date.

Chapter 1 offers an account of the multi-method qualitative approach developed to tackle my research questions and an in-depth exploration of the diverse sources of information that supported this investigation. This chapter reveals how these different methods and the triangulation of the information obtained through

them allowed me to produce a rich and multi-faceted understanding of the processes under study and enhanced the robustness of my findings.

Part I of the thesis puts my research into context, discussing the alternative framings of women's economic empowerment that have arisen in the global arena prior to the adoption of the SDGs. I focus first on how ideas around women and the economy evolved in and around the UN over time (**Chapter 2**) and then on the emergence and use of gender indicators to measure women's economic empowerment (**Chapter 3**). I locate the establishment of the MDGs and later the SDGs at the intersection of these two parallel processes.

In **Chapter 2**, I argue that the increased attention paid to legal equality in the 1990s displaced concerns with economic justice and that this shift paved the way for the re-articulation of a watered-down understanding of women's economic empowerment in the 2000s, focused primarily on women's participation in the formal market economy. **Chapter 3** shows how indicators have been instrumental in the dispute over the meaning of this contested concept, tipping the scale in favour of less ambitious definitions of women's economic empowerment, grounded on a very narrow and easy-to-measure set of legal provisions linked to female participation. Although these two findings—how the turn to law has displaced conversations on economic justice in the field of gender and development and how the turn to indicators have favoured legal reform as a tool for achieving women's economic empowerment—are interesting in their own right, it is by bringing them together where my thesis produces the most valuable insights. Concretely, in Part I, I show using several gender indicators as

examples, how these metrics favour a particular understanding of women's economic empowerment in which the existence of formal legal entitlements plays a central role, displacing, in many cases, women's experiences, priorities, and demands.

Following Merry (2016), **Part II** offers a genealogical account of the development of SDG 5 ('Achieve gender equality and empower all women and girls') and its indicators to trace its evolution and uncover the hidden dimensions that, once an indicator settles, become invisible. Through a detailed account of the negotiation process that shaped the UN Agenda 2030, I demonstrate how the turn towards indicators has limited ideas of what women's economic empowerment is and how it is achieved.

Chapter 4 then focuses on the macro and micro dynamics that shaped SDG 5 and its indicators, zooming in on Target 5.a on access to economic resources. I demonstrate that, while initial statements offered a wide range of visions of women's economic empowerment across member states (some of which were very expansive), the need to translate them into targets operated as a standardising tool, erasing substantial differences in the original conceptualisations in favour of narrower understandings that privilege formal legal equality as a central component. In turn, the selection of indicators further diluted the ambition of the target, despite UN Women's efforts and relative success in leveraging their technical expertise to prevent data inertia from substantially influencing the selection of SDG 5 indicators.

Chapter 5 deepens our understanding by exploring the involvement of women's organisations in the processes of developing targets and indicators. While acknowledging that the SDG negotiations granted unprecedented access to civil society and that the WMG (the network that coordinated the participation of organisations and people working on gender and women's rights) made substantial efforts to bridge the structural barriers that remained in place, I show that women's organisations (especially those with fewer resources) still had very limited opportunities to influence the negotiations around the SDG framework. This is particularly true for the indicator selection process. Thus, it is unsurprising that the final language does not reflect many of the most pressing concerns raised by these groups in the area of economic empowerment, including in relation to the role of law.

Overall, **Part II** demonstrates that while SDG 5 improves upon MDG 3 on many grounds, when it comes to women's economic empowerment, it does not go beyond the language agreed in the Beijing Platform for Action in 1995. Moreover, when looking at the indicators, the focus is much narrower, and the role envisioned for the law takes us closer to the ideas of women's economic empowerment promoted by international financial institutions and frequently criticised by feminist academics, practitioners, and activists. Thus, historically speaking, the SDG framework does not offer a more expansive understanding of women's economic empowerment. This is partly explained by the need to translate the goals into (measurable) targets and indicators and by the limited influence of women's organisations in these decisions. Conversely, the use of indicators was envisaged as a potential solution to ensure government

accountability and commitment to a non-legally binding framework: Thus, the loss of ambition could be considered the price of compliance. **Part III** of the thesis delves into this hypothesis, exploring empirically the governance effects of SDG 5 concerning women's economic empowerment by studying the case of Argentina. While this issue is discussed in more depth in Chapters 1 and 5, briefly, I argue that Argentina constitutes a particularly relevant case study with which to explore the potential and limitations of using SDG 5 to expand the government's women's economic empowerment agenda because, between 2015 and 2019, it provided an interesting scenario that combined a government that promoted a women's economic empowerment agenda which follows classic neoliberal tenets with the women's movement gaining power and visibility, both in and outside the government. Thus, it offers an ideal opportunity to evaluate whether SDG 5 can be used by feminists to expand the official discourse surrounding women's economic empowerment.

Chapter 6 explores whether the SDGs affected the national women's economic empowerment agenda by looking at changes in data collection, resource allocation, and legislation enactment. I conclude that the framework had little effect in expanding the women's economic empowerment agenda defined by governments. Nonetheless, I find that, under some enabling circumstances, feminists in government can leverage the tool in support of their objectives.

Lastly, **Chapter 7** discusses whether the UN Agenda 2030 has been a suitable mechanism for conveying the demands of Argentinian women's organisations in relation to economic empowerment and for holding their government accountable

for progress made in that regard. By comparing the SDG follow-up process to a human rights-based mechanism (the International Covenant on Economic, Social, and Cultural Rights), I conclude that the former was not a productive advocacy platform. I attribute its poor performance to two major limitations of the framework: the limited role envisioned for civil society and the lack of a robust accountability process. To conclude, I reflect on the differences in the role played by indicators in these two processes, arguing that while quantitative measures are and should be an important part of any follow-up process, they cannot substitute for the absence of a robust accountability process.

As a multidisciplinary research project, my thesis contributes to filling many knowledge gaps in the academic literature by creating bridges across epistemic communities. For instance, in **Part I** of the thesis, I explore the evolution of ideas around women's economic empowerment in and around the UN by threading together ideas from gender, law, and development, which have been studied chiefly in isolation. In so doing, I propose an original account of how these three fields are interconnected. I argue that the law has played an instrumental role in de-centring conversations about economic justice from gender discussion at the UN, which in turn reinforced a narrow understanding of 'women's economic empowerment' grounded on the existence (or removal) of formal legal provisions.

Likewise, Part II offers a novel approach to studying civil society involvement in the SDG process and how the different institutional arrangements underpinning the negotiations around the targets and the indicators impacted their ability to engage in these conversations. Methodologically, I contribute to the legal-

anthropological projects started by Riles (2000) and Merry (2016), that introduced novel ways of studying gender and development practice. Furthermore, the careful academic exploration of the functioning of the WMG in the SDG negotiations points out structural barriers that cannot be resolved by removing bureaucratic barriers, and that require a serious overhaul of the UN's existing channels for civil society engagement.

Lastly, **Part III** studies the effects of the turn to governance by indicators on the women's economic empowerment agenda in a particular country. Although many others have studied the SDGs, and many have linked the framework to the broader issue of governance by indicators, to the best of my knowledge, my thesis is the first empirical study of its kind. Furthermore, while my research focuses on a specific case study (Argentina), I argue that my findings travel beyond its national frontiers. Concretely, the problems identified through my research point to systemic flaws in the design of the UN Agenda 2030 and its follow-up mechanisms that cannot be solved by goodwill within the national realm. Specifically, I identify the limited space for civil society engagement and the absence of a robust accountability process as unavoidable barriers to the successful implementation of the SDG framework. As indicators become an increasingly central component of global governance, with complex and contested links to law, my research highlights the importance of addressing these issues in the design and implementation of future development frameworks.

v. Annex

Table i. The Sustainable Development Goals

Goal 1. End poverty in all its forms everywhere
Goal 2. End hunger, achieve food security and improved nutrition and promote sustainable agriculture
Goal 3. Ensure healthy lives and promote well-being for all at all ages
Goal 4. Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all
Goal 5. Achieve gender equality and empower all women and girls
Goal 6. Ensure availability and sustainable management of water and sanitation for all
Goal 7. Ensure access to affordable, reliable, sustainable and modern energy for all
Goal 8. Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all
Goal 9. Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation
Goal 10. Reduce inequality within and among countries
Goal 11. Make cities and human settlements inclusive, safe, resilient and sustainable

Goal 12. Ensure sustainable consumption and production patterns
Goal 13. Take urgent action to combat climate change and its impacts*
Goal 14. Conserve and sustainably use the oceans, seas and marine resources for sustainable development
Goal 15. Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss
Goal 16. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels
Goal 17. Strengthen the means of implementation and revitalize the global partnership for sustainable development

Source: Own elaboration based on UNGA (2015).

Table ii. The Millennium Development Goals

Goal 1. Eradicate extreme poverty and hunger
Goal 2. Achieve universal primary education
Goal 3. Promote gender equality and empower women
Goal 4. Reduce child mortality
Goal 5. Improve maternal health
Goal 6. Combat HIV/AIDS, malaria and other diseases
Goal 7. Ensure environmental sustainability
Goal 8. Global partnership for development

Source: Own elaboration based on UNGA (2015).

CHAPTER 1. A SOCIO-LEGAL STUDY OF THE SDGs: APPLYING A FEMINIST LENS, AN INTERDISCIPLINARY FRAMEWORK, AND A MULTI-METHOD QUALITATIVE APPROACH

i. Introduction

As my thesis aims to explore the effects of the turn towards indicators on understandings of and struggles for women's economic empowerment, it was clear from the very beginning that a complex and multi-dimensional question had to be matched by an equally elaborate and multi-pronged research approach. Specifically, I found that the most appropriate way of answering my research questions was through applying a feminist lens (discussed in the Introduction), an interdisciplinary framework, and a multi-methods approach. I discussed some aspects of the former in the introduction of the thesis. This chapter focuses on the remaining two.

As noted in the introduction, three guiding questions structured my investigation: i) What role does the law play in women's economic empowerment targets and indicators in the SDG? ii) What types of expertise and whose voices shaped the technical discussions behind those targets and indicators? Whose voices were side-lined?; and iii) What can we learn about the national-level effects of those targets and indicators, through studying the case of Argentina? To answer these

questions, I relied on a multi-method qualitative approach, gathering data from multiple and diverse sources and triangulating the information obtained. For Part I of the thesis, I carried out a literature review that combined academic sources across different disciplines (law, gender studies, and international development) with empirical research focused on key UN conferences documents (Chapter 2) as well as statistical reports and related methodological notes linked to selected indicators of gender equality (Chapter 3). For Part II, I carefully reconstructed the negotiation processes that shaped the SDG framework and its indicators, collecting data from official and unofficial documents and secondary sources, interviews, and event ethnography. I explain this in depth below. In Part III of the thesis, I explored the governance effects of the UN Agenda 2030 in Argentina between 2015 and 2021. I argue that Argentina constitutes a particularly strong case study through which to explore the implementation of the SDGs and its effects on the women's economic empowerment agenda because, between 2015 and 2019, it provided an interesting combination of a government that promotes a women's economic empowerment agenda with neoliberal undertones, with the women's movement gaining power and visibility, both in and outside the government. Thus, it offers a unique opportunity to evaluate whether SDG 5 can be used by feminists as a tool to expand the official women's economic empowerment discourse and agenda. Furthermore, the change of government in 2019 also allows us to compare how the SDG 5 targets are used under different circumstances.

While the use of qualitative research methods is more frequently identified with social sciences and humanities, there has been increasing recognition of the

important role that they can play in the study of legal phenomena (Creutzfeldt et al., 2020; Mulcahy and Cahill-O'Callaghan, 2021; Webley, 2010). In particular, socio-legal research projects are well suited to qualitative research methods, given their nature. In the specific field of law and development, many before me have paved the way. Yves Dezalay and Bryant Garth (2002), for instance, have used 'lengthy personal interviews, which follow a strategy that can be characterized as relational biography' (p.9) to investigate 'the place of law in specific national contexts to which law is exported or imported' (p.5). Balakrishnan Rajagopal (2003) has relied on discourse analysis and case studies to deliver a thicker understanding of legal transformations and, more specifically, the role that social movements play in it. Luis Eslava (2021) has drawn upon auto-ethnography and historical analysis to explore how the feeling of being 'out of place' relates to international law and its effects on the Global South.

Since my thesis focuses on the effects of a framework that, while playing a role in the international legal system, does not constitute a formal legal instrument, I find a socio-legal approach a suitable strategy with which to tackle my research questions. As I further explain below, Merry's academic legacy and her exploration of the socio-legal dimensions of quantification (Merry, 2021) have deeply inspired my work.

Lastly, it is worth mentioning that most of my PhD journey coincided with the COVID-19 pandemic. Like many other doctoral candidates, the situation forced me to rethink several areas of the project as I first envisioned it. In particular, my plans for Part III of the thesis had originally involved conducting participatory

action research in Argentina but had to be drastically changed. Throughout this chapter, I discuss other examples of how the context affected my research plan and reflect on the limitations and challenges of conducting a research project during a global pandemic. I return to some of these issues in the conclusion of the thesis, where I discuss future directions.

Having outlined the main components of my research strategy and the context surrounding the development of my thesis, the rest of the chapter explores the diverse methods and sources of information used throughout this project. In the second section, I reflect on the methods that built my understanding of the SDG negotiation process and the internal dynamics of the WMG. I discuss the value of gathering data from official documentation, secondary sources, interviews, and event ethnography, at an individual level, and I reveal how using them together strengthened the robustness of my findings. The third section focuses on the methods of Part III of the thesis and the case study of Argentina. This section briefly discusses why Argentina constitutes an interesting case to study the implementation of SDG 5, presenting some of its main features and describing the methods used to explore it. Likewise, I also offer a reflection on the scope and limitations of the case study, concluding that while Argentina has a peculiar relationship with the UN (insofar as there is a general resistance towards externally-imposed agendas), the findings of my exploration are still very relevant for understanding the governance effects of the framework by itself. The fourth section reflects on the ethical considerations that emerged during the research project, a key aspect of a feminist investigation. I discuss the main challenges in relation to the interviews and the event ethnography and how I addressed them.

Finally, the fifth section summarises the strengths of my research strategy and discusses some of the limitations and difficulties posed by the COVID-19 pandemic.

ii. An ethnographic approach to the SDG negotiations and the Women's Major Group dynamics

One of the key contributions of Merry's work is the importance of understanding the contexts that surround the development of indicators to fully grasp the assumptions and theories that are embedded in them. In her own words,

[t]he genealogical, ethnographic approach foregrounds the actors, the institutions, the processes of theoretical development, and the temporality of the process. It indicates how quantified measures acquire authority and influence, supported by the power of numbers and the role of expertise and experience with measurement. (Merry, 2016, p.209)

Thus, to explain to what extent the ideas about women's economic empowerment embedded in the UN Agenda 2030 sustain or diverge from previous understandings promoted at the international level (both in UN conferences and gender indicators promoted by global governance institutions), in Part II of the thesis, I take a genealogical, ethnographic approach to reconstruct the negotiation processes that shaped the SDG framework and its indicators.

Throughout this process, I was particularly interested in tracing the role that women's organisations played. I took inspiration from Annelise Riles's thoughtful anthropological analysis of Fiji-based women's organisations engaging in the Fourth UN World Conference on Women (Beijing, 1995). Like Riles, I focus on

‘artifacts of institutional life’ (such as reports, terms of reference documents, and websites) to produce a rich account of the operation of a women’s network involved in the SDG negotiations.

To achieve this two-pronged aim—understanding more generally how the negotiations around SDG 5 targets and indicators unfolded and what role women’s organisations played in them—I draw upon various methods and sources that include official documentation, unofficial documentation and secondary literature, interviews, and event ethnography. While all of these are crucial to understanding the process that shaped the UN Agenda 2030, none of them can explain by itself the dynamics that ultimately led to the adoption of SDG 5 as we know it today, nor the role that women’s organisations played in this process. Thus, below, I discuss these research methods and sources of information in more detail to clarify their value, their limitations, and how combining them provided a richer and more comprehensive picture of these negotiation processes and the involvement of women’s organisations in them. This research approach is both inspired and validated by the strategies others have developed for studying similar objects (Bedford, 2009a).

a. Official documentation

For a genealogical study of SDG 5 and its indicators, the official documents of the Open Working Group (OWG, the main workstream involved in the development of the SDGs) and the Inter-Agency Expert Group on SDG indicators (IAEG-SDG) sessions are the obvious points of departure. There are different types of documents available online to the general public, including government,

major group, and inter-governmental agencies' statements; reports elaborated by the OWG co-chairs summarising discussions and meetings; presentations delivered by invited organisations or experts; statistical notes; concept and position papers; information on side events; agendas and programmes of work; and lists of speakers. Thus, together, they can provide insights into different aspects and dimensions of the negotiations. I read all these documents multiple times and with different approaches: I read them 'with the grain' to understand what those who wrote them were trying to communicate to the public, and 'against the grain' to identify gaps, omissions, and silences.

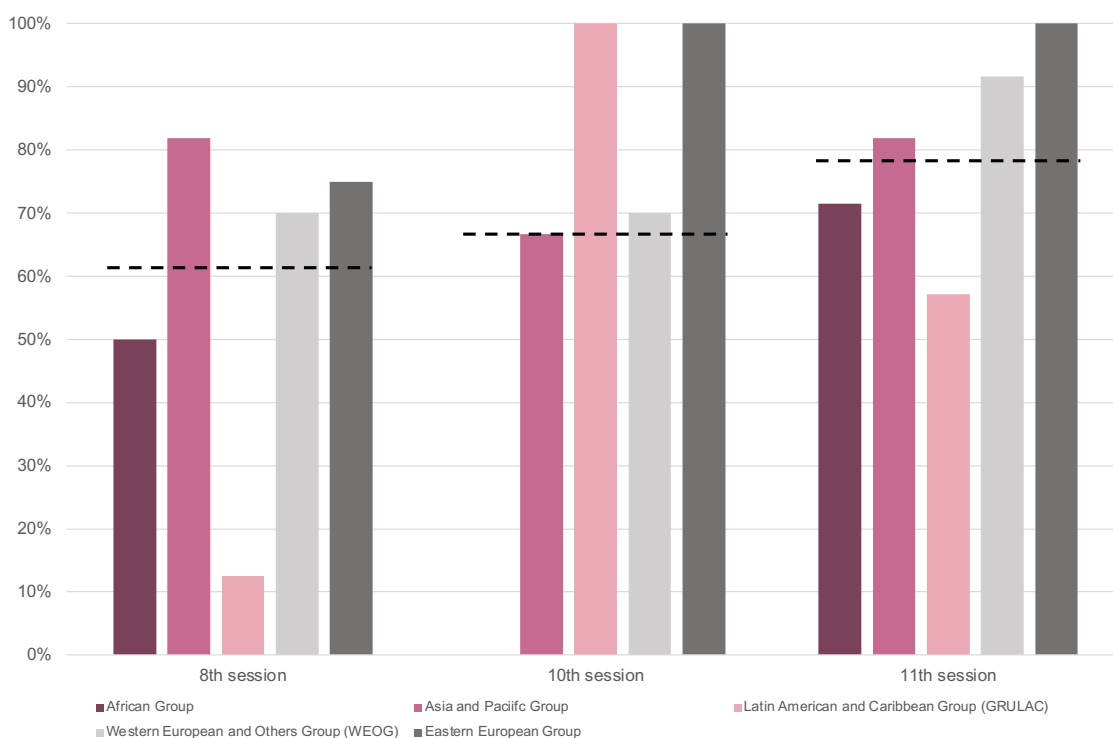
However, even with a careful reading, these documents cannot tell by themselves the full story behind the SDG negotiations. To begin with, these documents are not systematised, and availability varies from meeting to meeting. Particularly relevant to my research is the fact that not all statements concerning gender equality delivered during the OWG sessions are accessible on the official website. To estimate the scale of this discrepancy, I used the Institute for International Sustainable Development (IISD) flagship publication Earth Negotiations Bulletin (ENB) to reconstruct the speaker lists for the relevant meetings (OWG-8, OWG-10, and OWG-11).⁸ I then compared this list with the files uploaded to the official website for that meeting,⁹ concluding that the documents available cover between 57% (OWG-8) and 76% (OWG-11) of the

⁸ In this thesis, I use the format OWG-N to refer to the Nth meeting of the OWG.

⁹ In some instances, it is possible to find statements that were submitted (i.e., that are available in the webpage) but that there is no record of their delivery in the ENB reports. For consistency, I decided to omit those cases.

statements focused on gender equality¹⁰ actually delivered in the session. While the limited availability of original sources can be problematic *per se*, another related and perhaps more concerning issue is whether the sample is representative of the population.

Figure 1.1. Availability of official statements per session, by UN Groups



Source: Own elaboration based on IISD-ENB and information from the official OWG website.

Note: The dashed line is the session average availability.

As Figure 1.1 shows, while the availability of official statements for the Eastern European Group, the Western European and Others Group (WEOG) and the Asia

¹⁰ For this classification, I relied on the website classification. If a statement focused on gender equality was uploaded under a different heading, it was not considered for consistency purposes.

and Pacific Group is always above average, the African Group is systematically underrepresented in the sample, as well as the Latin American and Caribbean Group (GRULAC) in most cases. Therefore, the sample of available official statements is biased because some regional groups and their positions are less likely to be included. Thus, if I only relied on this source of information to develop my understanding of the contrasting perspectives on women's economic empowerment discussed during the UN Agenda 2030 negotiations, I would miss the contributions of African and Latin American representatives, which may well differ from those promoted by other regional groups. Without acknowledging this gap in data, I would be at risk of presuming that the positions of these countries were not ignored or defeated, but that they were absent, falling into a pattern of epistemic injustice (Fricker, 2007).

In addition, another limitation of this data source is that, logically, there is no official information on informal negotiations, which were central towards the end of the process: according to Körösi (2015), '[a]round 80% of meetings and consultations took place in between sessions' (p.75). Hence, while extremely valuable, to fully understand the genealogy of SDG 5 and its indicators, it was necessary to draw on additional sources.

Concerning the Women's Major Group, there were also very valuable primary sources I consulted: in addition to the statements, presentations, and position papers discussed above (which, in the case of the WMG, were generally available either on the official UN website or on its own), the group and its members produced several reports on their experience throughout the negotiation of the

UN Agenda 2030. Furthermore, the WMG made available several documents that shed light on its governance structure and working methods.

Nonetheless, even when available, documentary evidence tends to be insufficient to fully comprehend how political processes developed. As Oisín Tansey notes,

documents can often be incomplete and present a misleading account. By presenting the official version of events, documents often conceal the informal processes and considerations that preceded decision making (George and Bennett 2005, 103). They may also imply consensus and agreement with a decision, when in reality disagreements may have been widespread and that other, undocumented, decisions may have been considered extensively (Davies 2001) (2007, p.767).

The same could be argued in relation to how organisations work in practice. For instance, in her analysis of the dynamics among Fiji-based women's organisations engaging in the Beijing conference, Riles notes how 'personal relationships beyond the purview of the Network provided a means of resolving tensions within the formal structure' (2000, p.61). Addressing these gaps is crucial for a research project of this kind, and it is further supported by a feminist research ethic given the importance of uncovering subjugated knowledge.

b. Unofficial documentation and secondary sources

To overcome some of the issues noted above, I complemented the information from official documents with additional sources. In particular, the IISD¹¹ produced

¹¹ The IISD is an independent think tank working on sustainability challenges. The IISD's reporting service division has a flagship publication titled the 'Earth Negotiations Bulletin' (ENB), which provides daily coverage of selected UN environment and development negotiations, including OWG meetings.

short reports summarising the discussions and outcomes of each meeting, including informal negotiations (although statements made off the record are not directly attributed to any government, following UN protocol). The format of IISD reports and the fact that they include information on informal conversations allows for a better understanding of how negotiations played out. However, the fact that they are summaries (and not transcripts) and, as such, are a subjective recollection of the events is an important limitation of this source.

Despite this caveat, there is evidence to support the credibility of the organisation and the reports. For instance, each issue includes information about the author and editors of the publication as well as the founders supporting it. In addition, when I could compare the original sources (i.e., the statements) with the information provided in the ENBs, I found them to be fair summaries.

Similarly, the book *Transforming Multilateral Diplomacy: The Inside Story of the Sustainable Development Goals* by Ambassador Macharia Kamau (co-chair of the OWG and co-facilitator of the IGN), Pamela Chasek (Professor of Political Science at the Manhattan College and editor of the Earth Negotiations Bulletin), and David O'Connor (former Chief of Policy and Analysis of the UN Division for Sustainable Development) provides a very thorough, informed, and credible recollection of the SDG process, including substantive 'insider' information, given the privileged positions of the authors. To reconstruct the WMG's engagement in the SDG negotiations, I complemented the sources discussed above with academic analyses of their experiences (in some cases produced by the members themselves).

Although the use of these additional sources addresses some of the existing gaps in official documentation, it is worth recognising that not all voices are necessarily represented through them because not everyone has the same opportunity to publish their reflections on a given matter. Furthermore, these publications generally followed Chatham House Rules, so they also give limited information on informal negotiations or behind-the-scenes dynamics. Thus, I concluded that additional methods were required to fill the remaining gaps.

c. Interviews

Recognising that official documents and secondary sources, no matter how detailed and comprehensive, can never tell the full story of global governance negotiations, I have drawn extensively from interviews with a wide range of stakeholders to fully understand the genealogy of SDG 5 and its indicators as well as how the WMG experienced this process.

With this goal in mind, I conducted 26 in-depth semi-structured interviews, fifteen of which focused specifically on these topics, whereas the rest are linked to Part III, as discussed below (a list of interviewees is in the Annex). Interviews are a widely used data collection method for feminist researchers since, as noted in the introduction of the thesis, giving voice to those not typically recognised as active subjects in knowledge-production processes is a key concern. Among my participants were UN officials (3 interviewees), academics studying different aspects around UN processes (2), activists deeply engaged in the SDG process but only tangentially involved with the WMG (6) and people who were part of its leadership structure (4). Attentive to the existing power imbalances within the

feminist movement that frequently privilege the voices of white, highly educated women, working for well-resourced Global North organisations, my sample included many participants from and based in the Global South, people with diverse gender identities and sexual orientations, people from different ethnic groups, and other key characteristics.

The first group of participants were selected based on information that came up in the process of reading primary and secondary documentation (for instance, names that repeatedly appeared in participant lists of relevant events or of those who delivered statements) as well as my own experience as a feminist activist involved in UN processes. As a result, many of these interviewees were people I knew to some degree and who trusted me enough to share some sensitive opinions, as well as the names and contact information of others who could have relevant perspectives for my research.

For the rest of the sample, I relied on a combination of 'reputational snowball' criteria and theoretical sampling. When working with elite interviewees (understood here as stakeholders with privileged access to this process who can provide first-hand information on some aspect of my research), this reputational approach can be

successful at identifying influential actors who might otherwise have been ignored, as elites can often suggest influential players who researchers may not initially have presumed relevant to the study. Similarly, this method has advantages in assessing the level of influence of key elites, as the number of nominations that each person receives provides an indication of their stature within a policy or issue arena. When individuals receive several nominations from peers, it suggests they may be particularly influential in their

fields, and thus be critical interviewee subject. (Tansey, 2007, p.765)

Nonetheless, I hoped to capture the voices of those in the margins, I have also endeavoured to include the perspectives of those who did not have such a leading role to be acknowledged by their peers as potential key informants. Hence, although I used a traditional snowball technique to gather information about potential participants, the final selection of the sample depended on the theoretical line of inquiry that progressively emerged from analysing my data and the need to strike a balance between the voices of those in leading positions and those who participated from the margins.

In line with common practice, theoretical saturation determined the sample size. Likewise, this criterion is further supported by a feminist research ethic that pushes us to be attentive to our relationship with participants and mindful about the time we take from them (Ackerly and True, 2010). Nonetheless, it is also worth noting that the last group of interviewees, while they might only have provided a few pieces of new information, were crucial for validating some of the emerging findings as my research progressed.

As mentioned, these interviews were semi-structured: Although I had a general idea of what kind of information I wanted to gather from interviewees (shaped mostly by a prior review of the sources discussed above), I did not allow this to prevent them from telling me the stories that they wanted to. None of my interviewees could give me insights on all aspects of my research project but all these pieces together made up a rich and complex patchwork of experiences that provided a much more interesting story about the phenomena under study.

All these interviews were conducted between 2020 and 2022 remotely using Zoom, due not only to the COVID-19 pandemic, but also to the fact that participants lived in different parts of the world. However, since they were generally used to working online, I do not expect this to have had a significant impact on how comfortable they were sharing information with me through this medium. Although this was not mandatory, all interviewees agreed to be video recorded; not having to take notes during the interviews allowed me to be more engaged in the conversation and identify key areas that required further exploration. In addition, all interviewees received the transcripts from the interview and had two weeks to make amendments or corrections. Most of these interviews were conducted in English, with some in Spanish according to the preference of the interviewee.

Concerning the analysis of the data emerging from these interviews, I found the reflexive thematic approach (reflexive TA) developed by Virginia Braun and Victoria Clarke (2006) an appropriate and well-suited method for both exploring my particular research questions and honouring the feminist research values discussed above. Under this approach, coding is an iterative, open, and organic exercise that evolves with the research project and the researcher's conceptualisation of the data. In this process, the final aim of coding and theme development is not to provide an accurate summary of the data, but to develop a 'coherent and compelling interpretation of the data, grounded in the data'. In this process, the researcher becomes a storyteller, who is 'actively engaged in interpreting data through the lens of their own cultural membership and social

positionings, their theoretical assumptions and ideological commitments, as well as their scholarly knowledge' (Braun et al., 2019, pp.848–849).

I thoroughly and systematically reviewed and analysed the transcripts with the assistance of qualitative research software (NVIVO) looking for fragments that were potentially interesting, relevant, or meaningful to my research questions. The use of qualitative research software is an increasingly widespread practice among socio-legal researchers (Webley, 2010).¹² I conducted a round of coding immediately after finishing the familiarisation phase with the interviews. I went chronologically through the whole dataset, coding segments that resonated with my research questions and simultaneously refining the codes as I went through it. At this point, most of my coding was semantic/descriptive.

For the second round of coding, I reviewed the documents in a random order. At this stage, I focused on further refining the codes and, most importantly, on moving from descriptive to analytical codes. In this exercise, I did not rely on any existing theory, but coded the data in constant comparison with the information learnt from documentary sources.

In the subsequent stage of the analysis, I focused on developing themes. A key feature of the reflexive TA approach is that themes do not *emerge*: They 'are built, molded, and given meaning at the intersection of data, researcher experience and subjectivity, and research question(s)' (Braun et al., 2019, p.854). For the development of initial ('candidate') themes, I used 'codes as building blocks',

¹² For examples of how others have used NVIVO or similar textual analysis software for socio-legal research in the past, see Bedford (2009a) or Tapia Tapia (2021).

collating similar codes and their associated data 'into coherent clusters of meaning that tell a story about a particular aspect of the dataset' (Braun et al., 2019, p.855). I paid particular attention to convergence across data sources and 'data dissonance.' Lastly, I tested these candidate themes against the whole dataset, which led to further reviews and refinements of initial codes and themes.

From hundreds of codes identified in the first round, I narrowed down to 45 key codes, which were then used to structure the thematic analysis carried out in Chapters 4 and 5. Some of the most frequent codes that emerged at this stage included: the negative assessment of the MDGs as a development framework and their impact on women's rights; the common belief, that despite its limitations, the UN Agenda 2030 is a powerful framework for advancing women's demands; and shared concern over the poor accountability mechanisms that underpin it.

The information collected through interviews was invaluable for reconstructing some dimensions of the processes and filling knowledge gaps. For example, against the backdrop of the limited academic literature and official documentation available in relation to the development of the SDG indicators, my interviewees provided a very detailed picture. At the start of my research, I came across some sources that noted that civil society access diminished considerably when the negotiations moved from the goals and targets to the indicators, due to the characteristics of the process (for instance, the fact that the meetings were held in a rotating location). However, many of my interviewees felt differently and claimed that it was 'logistically easy to engage' (Interviewee #11) in this process and that the interactions with the IAEG-SDG 'have been quite positive'

(Interviewee #6). Surprisingly, despite that favourable assessment, most of them eventually disengaged from that process, and almost none of them could name a single person they knew that had been continually engaged in the negotiations. When asked why, none of them mentioned bureaucratic barriers (which, based on my initial readings, was the answer I was expecting). On the contrary, the answers revolved around their own organisations not seeing indicators as a priority (Interviewee #6), lack of technical expertise (Interviewees #1, #6 and #11), and lack of resources or capacity (Interviewees #1, #2, #6 and #11). None of these important insights would have emerged without the interviews.

d. Event ethnography

In addition to the data sources listed above, I also observed some 2022 High-Level Political Forum (HLPF) sessions at the United Nations Headquarters in New York, as well as other relevant side events and strategy meetings. Event observation and ethnography are increasingly proposed by academics as valuable methods for understanding how power and influence are exercised in such settings (O'Neill and Haas, 2019; Dumoulin Kervran, 2021; Brosius and Campbell, 2010). In the specific case of socio-legal studies, Riles has been one of the first scholars expanding the 'anthropology of law [...] beyond the explicit topics of "law" and "culture" to other subjects' (2000, p.xiii). In particular, fieldwork has shed light on 'artifacts that are ubiquitous but untheorized elements of international legal practice' (Riles, 2000, p.xiii) such as civil society networks that undertake advocacy work at the UN, which is one of the main objects of both her research project and mine.

I used this method to gain a general understanding of how the discussions around the SDGs evolved in practice to contextualise the information gathered through primary documentation and interviews. With this objective in mind, I participated in the following sessions/activities that were relevant to my research project:

Table 1.1. Events attended at the 2022 HLPF

Title of the event	Date	Venue	Type of event
SDGs in focus: SDG 5 and interlinkages with other SDGs – Gender equality	Thursday, 07 Jul 2022	UN Headquarters*	Official session
The Centrality of Human Rights to SDG 5 & Agenda 2030	Thursday, 07 Jul 2022	UN Headquarters	Women’s Major Group side event
Making Women's Land Rights a Reality in the 2030 Agenda	Monday, 11 Jul 2022	Virtual	Oxfam International side event
Voluntary National Reviews (Togo, Uruguay)	Monday, 11 Jul 2022	UN Headquarters	Official session
Women’s Major Group Morning Caucus	Tuesday, 12 July 2022	Church Center of the United Nations	Strategy meeting
Vision of civil society: Leaving no-one behind in recovering better	Tuesday, 12 July 2022	UN Headquarters	Official session
Voluntary National Reviews (Latvia, Philippines, Switzerland, Argentina, Ghana)	Tuesday, 12 July 2022	UN Headquarters	Official session

Source: Own elaboration based on HLPF 2022 programme.

**While this event was held in Conference Room IV, since the Gallery (where those who are not part of the official delegations can observe the meeting) was full when I arrived, I joined this session online.*

I was particularly interested in observing (and experiencing) the dynamics of these negotiations and the practical aspects of participating in them, including how easy it was to access the building or meeting rooms for people representing civil society institutions, how seats were distributed and allocated, how many people attended these meetings, how much time civil society organisations had to deliver their statements, and whether government representatives and UN staff paid attention to them. This was extremely valuable information that I could not collect in any other way, and directly inspired the work I carried out in Chapter 7.

Overall, through working concurrently on the collection and the analysis of the data, I could identify more clearly the limitations of each data source and what kind of additional information was needed to overcome these. As noted in the introduction of the thesis, it is through the triangulation of these sources that I managed to produce a simultaneously robust and complex understanding of the phenomena under study.

In sum, the use of multiple methods and sources in my research has fulfilled many objectives at the same time. First, it has enabled me to produce a rich and multi-faceted understanding of the processes that underpinned the adoption and implementation of the framework. In doing so, I leveraged the advantages of each method, while addressing some of its limitations. Secondly, the process of contrasting information gathered through different methods has supported my feminist research strategy and the specific goal of uncovering subjugated knowledge by recovering perspectives that were frequently not reflected on

official accounts. Lastly, the use of multiple, diverse methods and sources has been crucial for ensuring the robustness and validity of my research through triangulation.

iii. The case study: Learning from the Argentinian experience

In recent years, Argentina, prompted by the massification of the feminist movement after the emergence of the *Ni Una Menos* movement, has gone through an important process of gender mainstreaming and institutional transformation that culminated in the establishment of the Ministry of Women, Genders, and Diversity (MMGyD, *Ministerio de Mujeres, Géneros y Diversidad*) and the reopening of the UN Women country office in 2019. These changes have been accompanied by an expansion of the gender agenda beyond gender-based violence (GBV) and more specifically towards economic issues, which led to the creation of additional and specific agencies such as the National Directorate of Economics, Equality, and Gender (DNEIG, *Dirección Nacional de Economía, Igualdad y Género*) and the National Directorate of Care Policies (DNPC, *Dirección Nacional de Políticas de Cuidado*). I am interested in exploring the role of the UN Agenda 2030 in these changes.

As noted in the introduction, I argue that Argentina constitutes a particularly strong site from which to explore how SDG 5 has been mainstreamed into government practice in the area of women's economic empowerment because, between 2015 and 2019, it offers the interesting combination of a government that promoted a women's economic empowerment agenda that has neoliberal undertones, alongside the enhancement of the institutional machinery oriented

towards women's advancement and the inclusion of feminists in its leadership structures. Thus, it provides a particularly fertile ground to explore whether SDG 5 can be used by feminists to expand the official discourse on women's economic empowerment and foster concrete changes in data collection, resource allocation, or legislation enactment. At the same time, the fact that this same administration wished to portray itself as a 'women's rights champion' at an international level creates the perfect scenario to further investigate whether feminist activists could leverage the UN Agenda 2030 to push for their demands for legal reform in the area of women's economic empowerment. Furthermore, the change of government in 2019 also allows us to compare how the SDG 5 targets are used under different circumstances.

a. Methods

While I originally planned to carry out participatory action research as the key method for Part III of the thesis, I ultimately had to abandon this idea due to the pandemic, as explained in the introduction. Thus, I relied on similar methods and sources like those used in Part II for gathering information.

For Chapter 6, where I explored how SDG 5 was mainstreamed into the government agenda, I reviewed the extensive official documentation related to the UN Agenda 2030 implementation in Argentina. This includes three Voluntary National Reports (VNRs), a report that analyses the SDGs implementation in the country from a gender perspective, technical notes, official discourses, and national budgets. Concerning legal sources, I did not only look at relevant case law and existing legislation, but also two hundred standing bills related to gender

equality to identify their main themes and any connections to the UN Agenda 2030. I also requested (without success) additional information on budget allocations and the UN Agenda 2030, in line with Law No 27,275 on right to access to public information. Lastly, I complemented this information with secondary sources, including reports produced by civil society actors.

In Chapter 7, I assessed how useful the UN Agenda 2030 has been as an advocacy platform by comparing how a series of demands for legal reform in the area of GBV and access to land identified as priorities by a sizeable and diverse group of women are addressed in Argentina's first VNR (2017) and fourth report to the Committee on Economic, Social and Cultural Rights (CESCR; 2016-2018). Let me give some context before going into the methods and sources.

Argentina ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966) in 1986. Later, this instrument was explicitly incorporated (along with others) into the 1994 amended National Constitution (Article 75, Section 22) and granted constitutional status (Pinto and Sigal, 2018). Since then, the State has been subject to four periodic reviews by the Committee on Economic, Social, and Cultural Rights (CESCR). In terms of justiciability, Argentine civil society organisations have used both the Covenant and the concluding remarks of the Committee for strategic litigation.¹³ In turn, the Argentine Supreme Court has overseen the application of the rights contained in

¹³ Technically, the concluding remarks are not legally binding. However, Article 75, paragraph 22 of the Constitution establishes that the ICESCR (and the other treaties explicitly included in this section) have constitutional hierarchy 'in the full force of their provisions', which includes 'any reservations the State may have made and also the interpretative criteria provided by the application authorities of the system' (Ucín, 2020, p.95).

the ICESCR and included explicit references to the instrument in multiple rulings concerning labour rights, the right to social security, and the right to health, among others.¹⁴ Likewise, many court rulings that sustain women's right to work under equal conditions are grounded on either the ICESCR itself (particularly Article 3) or the CESCR General Comment No. 16 on the equal right of men and women to the enjoyment of all economic, social and cultural rights (2005).¹⁵

Two key reasons support the choice of 2016-2018 as the period for conducting this comparative analysis. First, at the time of writing, this is the only time with an overlap in both reporting processes, as it encompasses the first VNR and the last report to the CESCR to this date. Thus, focusing on these years gives consistency and cohesion to my analysis insofar as one can reasonably expect the same issues to appear to some extent in both reports. Secondly, as I discuss in more detail in Chapter 6, the Alberto Fernández administration (which began in December 2019) granted prominence to women's demands, including economic empowerment; thus, it is less likely that feminists resorted to the 2020 or 2022 VNRs to gather international support for their causes instead of going directly to the state with them. By contrast, the first VNR coincides with a

¹⁴ See, for instance, *Campodónico de Beviacqua, Ana Carina v. Ministerio de Salud y Acción Social – Secretaría de Programas de Salud y Banco de Drogas Neoplásicas; Asociación Benghalensis et al. V. Ministerio de Salud y Acción Social – Estado Nacional; Supreme Court (Argentina) No Q.64.XLVI, Q. C., S. Y. c/ Gobierno de la Ciudad Autónoma de Buenos Aires s/ amparo, 24 April 2012 (cita Fallos: 335:452)*. For more information see Dirección General de Derechos Humanos (2018).

¹⁵ See, for instance, *Gallo, María Liliana c/ Provincia de Buenos Aires – Ministerio de Salud – s/ demanda contencioso administrativa, CSJ 616/2014 (50-G); Sisnero, Mirtha Graciela y otros c/ Tadelva S.R.L. y otros s/ amparo – S 932 L XLVI; Ríos Zorrilla, Clara Elena c/ González, Graciela Aida y otro s/ Tribunal de Trabajo Doméstico - S.C. R. 452, L. XLVII; Geizerstan, Marianne Elena c/ Alianza Francesa s/ Despido – CNT – 13904/2010; Puig, Fernando Rodolfo c/ Minera Santa Cruz SA s/ despido” – CNT 57589/2012/1/RH1*. For more information see Dirección General de Derechos Humanos (2018).

government administration in Argentina that promoted neoliberal economic policies (as discussed above). Hence, the 2016-2018 period also provides an ideal timeframe to evaluate to what extent these instruments are useful to convey demands for women's economic empowerment in unfavourable contexts and gather support from international allies when it is most needed.

In turn, this further supports the choice to focus on the ICESCR as a key space for articulating women's demands for economic empowerment instead of CEDAW. While many feminist academics have rightly criticised the ICESCR approach to gender¹⁶ (Fredman, 2013; Elson and Gideon, 2005), one particular feature makes it stand out. As Diane Elson and Jasmine Gideon note, 'the ICESCR precludes equalising downwards (that is, narrowing gender gaps in ways that reduce the standard of living of both women and men)' through its non-retrogression principle¹⁷ whereas 'CEDAW, with its focus on eliminating discrimination, is not so well-equipped as the ICESCR to provide a basis for resistance to the erosion of living standards in neo-liberal economic restructuring' (Elson and Gideon, 2005, p.18). Thus, in a context of economic adjustment, ICESCR emerges as a useful way to protect women's economic status.

To carry out this comparison, I relied on three groups of documents. Firstly, resources related to the 2017 HLPF, which include Argentina's first VNR report

¹⁶ A key critique has been its predominantly 'add-on' approach that treats gender equality as something that can be simply added to the otherwise 'neutral' socio-economic rights (Fredman, 2013). Another important gap is the lack of recognition over the unequal distribution of care responsibilities and how this shapes women's lives and opportunities (Elson and Gideon, 2005).

¹⁷ Articulated in Article 2(1) and CESCR General Comment No. 3: The Nature of States Parties' Obligations (Art. 2, Para. 1, of the Covenant)

and the recording of the HLPF session. Secondly, documents linked to the ICESCR process, including: the State party's report, the shadow reports (by CSOs), the list of issues, the reply to the list of issues, and the concluding observations by the ICESCR committee. Although these last two processes entail several different components (e.g., formal and informal consultations, background documents developed by different entities), the comparison conducted in chapter 7 focuses on the official reports produced by member states, as they reflect to what extent the government has been held accountable for the (lack of) progress in certain areas. In turn, I rely on supplementary materials (such as CSOs alternative reports) to provide context and explain any differences identified in the documents under analysis.

Thirdly, of particular novelty is my original use of the conclusion documents of the *Encuentros Nacionales de Mujeres* (National Women's Meetings, ENM) to identify the key demands in relation to women's economic empowerment that resonate most strongly with a broadly defined Argentinian women's movement. The Encuentros are yearly gatherings that bring together tens of thousands of women to discuss their experiences and strategize around the most pressing issues affecting them. As such, the collective documents developed during these meetings offer a very raw and rich source of information on the concerns and demands of a diverse group of women across a wide array of topics. It is worth noting here that I do not intend to evaluate whether the government drew from the ENM documents as sources of information for their reports to the HLPF or the CESCR; instead, I use the ENM to grasp the most pressing issues affecting women in the area of economic empowerment at the time the follow-up processes

took place, to offer an insight on how far what is reported in the international arena connects to women's reality.

Despite the undeniable value of this source of information, these documents are, for the most part, not easily accessible. As a result, collecting this information required tracking down the names of specific people involved in the organising committee (which changes year to year depending on the location of the meeting), searching for contact information, and sending individual requests. Notably, it was not uncommon that even members of those organising committees did not have access to these documents and would have to reach out to others to request them. Ultimately, I could gather all the information I needed, thanks to the kindness of some of these women, as noted in the acknowledgment section of my thesis. It is also worth noting that I originally envisioned a more prominent role for the ENMs in my research; however, this would have required conducting archival work in specialised libraries and archives in Argentina, which was impossible due to the pandemic.

While these official and unofficial reports provided a solid background for my investigation of the Argentine case, the key method for gathering data was again through in-depth semi-structured interviews with key informants. I conducted eleven interviews with key stakeholders including former and current government officials, inter-governmental organisations representatives and members of civil society organisations. Furthermore, many interviewees were able to provide different perspectives since they played different roles in the period under analysis, following the usual trend of staff turnover in the public sector when

governments change. The rest of the relevant information concerning this method (e.g., sampling strategy, saturation point, type of interviews) is the same as discussed above in relation to the interviews for Part II of the thesis.

b. Scope and limitations

The fact that even in an extremely favourable context for the implementation of SDG 5, its national-level governance effects were so underwhelming is very telling about the limitations of the UN Agenda 2030. However, specific aspects of the country may indicate certain limitations to the generalisability of my findings. As emphasised by a high-level officer at the Ministry of Women, Gender, and Diversity (MMGyD), Argentina has a long tradition of mistrust towards international institutions, particularly due to its history with the IMF (Interviewee #18). It is worth noting that over the course of the 67 years since Argentina's official accession to the IMF in 1956, the country has spent a total of 43 years under programmes regulated by this financial institution, rendering it the middle-income nation with the lengthiest tenure under such arrangements (Brenta, 2021). While this does not necessarily imply that the feelings of the society (or the politicians) towards the IMF can be directly transposed to the UN (or any other international institutions), it does signify a degree of unease regarding externally imposed agendas.

These perceptions were echoed by UN country officers, who emphasised that their experiences working in Argentina have been quite different when compared

with other countries in the region. For instance, a former officer involved in the implementation of the SDGs noted:

Another lesson learned is that the UN holds a different position depending on the government and the country it is in front of. In Central America it's kind of a semi-God that everything it says and touches is sacred. Here [in Argentina], we are sometimes the annoying people that come to tell the Government what we want to do and without that much money [...] some governments see us as a wallet, others see us as a technical, institutional, and financial support... (Interviewee #23, interview conducted in Spanish, own translation)

Likewise, another UN officer involved in the implementation of the Spotlight Initiative (an EU-funded project linked to SDG 5 that I discuss in detail in Chapter 6) pointed out:

It's not the same like in other countries, where you can see people doing everything in their power for a picture with someone from the UN... our historical problem with funding, indebtedness... I think there is a sum of elements that leads to this dynamic of 'you don't come and tell me how to do things'... and it's not like the UN puts a lot of resources here for... so it's much harder to orient actions... On the other hand, I don't believe that Argentina has a very clear strategic planning... but, in any case, I don't think it is the UN who establishes where to go... (Interviewee #24, interview conducted in Spanish, own translation)

Thus, it would be important to test my findings in countries where the UN plays a bigger role, not only in terms of funding, but also in providing technical and institutional support. Similarly, and in line with the main topics discussed in this thesis, it would be equally important to consider countries where funding or membership to a group or another kind of tangible reward is tied to SDG performance.

However, it is also worth noting that finding contradictory evidence in these cases would not invalidate my results insofar as the hypothetical examples discussed above refer to countries where additional enforcement mechanisms (even if implicit and informal) are in place. Hence, my claim that SDG 5 has underwhelming national-level effects and is, by itself, incapable of changing local agendas on women's economic empowerment, remains unchallenged.

iv. A feminist ethics of research in practice

Before concluding this chapter, it is worth mentioning how I dealt with ethical issues, given that it is a core element of feminist research. While the whole research strategy was carefully informed by a feminist ethic of research, I paid particular attention to these issues during the interview process and the event ethnography, as they were the most sensitive components.

Let me start with the interview process. Informed consent has been debated by feminist scholars, identifying three constitutive dimensions of informed consent: i) the ability of respondents to consent; ii) the level of understanding that they have about the research project and their expected involvements; and iii) the potential harms (McCormick, 2012). Given the nature of my project, the second element is perhaps the most relevant as it was generally possible to assume that participants could freely consent to the interview and that none of them were in significant danger in general, nor because of my investigation. With the goal of ensuring that potential interviewees would accept (or decline) the invitation to participate in my research with full awareness of the implications, I prepared a short document that I sent in advance with the consent form to those who

expressed interest in being interviewed. This document (available in English and Spanish) provided detailed information about the nature of my research project, the conditions attached to their participation (including relevant time windows for withdrawing their information from the project if they wished) as well as issues of confidentiality, privacy, and data security. Finally, in the spirit of creating more horizontal and respectful relationships with participants who made invaluable contributions to my research project, I committed myself in writing (and in this same document) to share with them some of my findings, and to make myself available to discuss them as they see fit.

Let me now turn my attention to the event ethnography. Doing this type of work required me to be particularly mindful of ethical issues. Most of the events that I attended, while restricted to those that hold a badge that grants access to the UN building, were not 'secret': many organisations—including universities and research centres—send delegates to observe; many of the speeches and statements are publicly available online, and sometimes parts of the event are even live-streamed or recorded. However, things get more complicated when it comes to conversations or situations in which the participants can expect some degree of privacy (that is, essentially any situation in which they do not have a microphone or a camera in front of them). In those cases, I made sure to disclose my role as a PhD researcher and explicitly address the nature of the observation activities that I was carrying out, as well as ensuring that any report on this type of situation or conversation maintained the anonymity of the participants and the confidentiality of any sensitive piece of information disclosed.

Lastly, for the WMG's morning caucus, I asked permission to attend in writing, sharing detailed information about myself, my research, and how I would treat any information gathered. Moreover, once I got there, I repeated this information to everyone who was there to make sure that they were comfortable with me being there. I did not take any notes, and I do not report on this meeting in this thesis; nonetheless, being there allowed me to gain valuable insider knowledge about the group dynamic that transpired in my analysis of the group.

v. Conclusions

This chapter has discussed the different methods used throughout this project, revealing how each of them has provided invaluable information and unique insights for my research. I have reflected on how the use of multiple sources enabled me to fulfil the triple goal of producing a more complex (and interesting) picture of the phenomena under study, strengthening the robustness of my findings, and honouring a feminist research ethics that attends to those voices that are further in the margins. In addition, I have provided additional information on the ethical considerations surrounding this research project and exposed how my approach aligned with my feminist-informed research strategy.

Throughout this chapter, I have also reflected on how the COVID-19 pandemic impacted my research process. Putting the different examples together shows that the main losses were in attempts to capture the voices from women on the ground, particularly in Argentina. While I have made active efforts to bring those voices and perspectives into my thesis (for instance, using the ENM documents

available online instead of discarding the source altogether), there is no substitute for conducting participatory action research and giving those who are typically the 'objects' of research projects the role of active subjects in the knowledge production process. I will pick up some of these conversations in the conclusion of the thesis, when I reflect on future directions.

vi. Annex

*List of interviewees (in alphabetical order)*¹⁸

Part II

- A gender and law expert (who was involved with negotiating legal standards on gender-based violence at national and regional levels);
- Academic with expertise in the field of diversity and inclusion in global sustainability governance;
- Dra Alicia Marcela Ballara, Focal point of the Civil Society Participation Mechanism in the Sustainable Development Agenda and the Forum of the Countries of Latin America and the Caribbean on Sustainable Development;
- Feminist economist involved in research, teaching, and activism in Argentina as well as at the regional and global levels;
- Former Asia Organising Partner, Women's Major Group (2016-2020);
- Long-time Women's Major Group member with a lot of knowledge about its functioning;
- Mexican feminist activist;
- Person who attended and reported about most SDG negotiation meetings;
- Radhika Balakrishnan, Professor Rutgers University;
- Sakiko Fukuda-Parr, Professor of International Affairs at The New School; author of several academic articles on the politics of SDGs;
- Staff member at an international human rights organization based in New York;
- UN Agency Officer;
- UN Agency official, based in New York (a);
- UN Agency official, based in New York (b).

Part III

- Director at the Ministry of Women, Gender, and Diversity (Argentina);
- Feminist activist and former officer of the Argentinean government;
- Former international organization Officer involved in the implementation of the SDG in the world of work;
- Former Public Officer (Argentina);

¹⁸ The descriptions here (including the full disclosure of names and other relevant information) were chosen by the participants themselves and noted in the respective consent forms.

- Gender budgeting expert;
- National Director – Information, Communication and, Dissemination of the National Institute of Women of Argentina (2015/2019), focal point for the organism in the national adaption of the UN Agenda 2030. Current coordinator of the campaign to eradicate gender-based violence (2020-today);
- María Inés Costilla, member of the Gender Equality Commission of the Civil Society Consultive Council [of Argentina Foreign Affairs Ministry];
- Member of *Asociación Civil por la Igualdad y la Justicia* working on, among other things, gender budgeting;
- Ministry of Women, Gender, and Diversity (Argentina) Officer;
- Sexual and Reproductive Rights Activist;
- UN staff member involved in the implementation of Spotlight in Argentina.

**PART I – TRACING IDEAS ABOUT WOMEN’S
ECONOMIC EMPOWERMENT IN THE GLOBAL ARENA:
AN EXPLORATION AT THE INTERSECTION OF
GENDER, LAW, AND DEVELOPMENT**

CHAPTER 2. (RE)DEFINING WOMEN'S ECONOMIC EMPOWERMENT: THE EVOLVING STORY OF GENDER, LAW, AND DEVELOPMENT IN AND AROUND THE UNITED NATIONS

i. Introduction

While this thesis is specifically concerned with the understanding of women's economic empowerment embedded in the SDG framework and the effects of this understanding, discussions located at the intersection of gender and economics have a much longer and more complex story in the UN. On the one hand, this chapter allows me to put my research into context by tracking how ideas about women and the economy evolved throughout time in and around the UN, which will later function as benchmarks for comparing the SDGs. On the other, it contributes to a broader project: while an ever-growing body of scholarship on gender and development offers a historical account of the emergence and evolution of women as a constituency and a theme in development theory and practice, a less explored topic is the role played by law (as a discipline, as an institution, and as a discourse). This chapter helps bridge this gap by focusing on one specific issue: the legal dimensions underpinning alternative framings of women's economic empowerment that have emerged in the global arena.

More concretely, through systematising the scarce existing literature on this topic and carefully analysing primary documentation, I reconstruct a detailed account

of how the ideas around women's economic empowerment and its relation to the law evolved in and around the UN. To do this, I focus on a set of key global events and milestones related to gender in which discussions on women's economic empowerment played a relatively central role—including UN World Conferences on Women and their outcome reports (see Table 2.1). Although lawyers have frequently disregarded these artifacts due to their 'non-binding' nature, there is increased recognition of the importance of 'soft law' components in international law (Riles, 2000). While there is no universally agreed definition of 'soft law', the concept is generally understood as 'those rules of conduct which, in principle, have no legally binding force but which nevertheless may have practical effect' (Snyder, 1993, p.32). Soft law instruments come in many forms, including treaties that only encompass soft obligations, non-binding resolutions, and voluntary codes of conduct elaborated and adopted by international organisations (Chinkin, 1989). Human Rights Treaty Bodies General Comments, International Labour Organisation (ILO) Recommendations, or UN General Assembly (UNGA) Resolutions are all examples of 'soft law' instruments in international law.

In the specific case of UN conferences, Doris Buss notes that '[t]he seriousness with which the international community treats [them] appears to be out of step with the "soft" law results which would not initially seem to justify the significant expenditure of time and resources' (Buss, 1998, p.342). Nonetheless, some of those who spend time and resources drafting conference outcome documents do this in the hope that some of the agreed language gradually becomes rules of 'customary international law' (Riles, 2000). As Rosalind Eyben and Rebecca Napier-Moore add, these policy documents 'are an eclectic mixture of old and

new clichés, assembled together through a complex process of political negotiations, compromises and strategising, idiosyncratic whim and an almost unconscious collective response to the *Zeitgeist* (Eyben and Napier-Moore, 2009, p.287). Hence, I argue that these documents provide an ideal source of information to identify alternative (and sometimes competing) framings of what women’s economic empowerment is and what role, if any, the law plays in it.

Table 2.1. Main UN events and documents related to women’s economic empowerment analysed in Chapter 1

Year and place	Event	Key documents
1975, Mexico City	World Conference of the International Women’s Year (also known as the First World Conference on Women).	World Plan of Action and the Declaration of Mexico on the Equality of Women and Their Contribution to Development and Peace
1979	Adoption of the Convention on the Elimination of Discrimination against Women (CEDAW)	
1980, Copenhagen	World Conference of the United Nations Decade for Women	World Plan of Action for the Implementation of the Objectives of the International Women’s Year
1985, Nairobi	Third World Conference on the status of women	Nairobi Forward-Looking Strategies for the Advancement of Women
1995, Beijing	Fourth World Conference on Women	Beijing Platform for Action
2000, New York	Millennium Summit	Millennium Declaration and the Millennium Development Goals (MDGs)

Source: Own elaboration.

With this goal in mind, this chapter is structured in chronological order, delving into a set of milestones and events in the history of gender, law, and development before 2015, with a focus on women’s economic empowerment. The second

section focuses on the beginning of gender debates at the UN and their emphasis on women's civil and political rights. The third section revolves around the First UN World Conference on Women and discusses how Cold War tensions shaped ideas on women's economic empowerment and the law expressed in the outcome document. The fourth section focuses on a landmark moment in the field of gender and the law, namely, the adoption of CEDAW and the role that socioeconomic rights play in this instrument. The fifth section addresses a significant shift in the dominant gender and development paradigm and the rise of Third World women's perspectives, including on the role of law. The sixth section discusses how 'women's rights are human rights' ideas transpired into the Beijing Platform for Action (1995) and how this shaped debates around development in general and women's economic empowerment in particular. Lastly, in the seventh section, I touch upon the adoption of the MDGs (explored further in Chapter 3) and link it to broader debates on women's economic empowerment promoted by international financial institutions (IFIs) that have gained purchase at the UN level.

By bringing together the accounts of gender, law, and development, which have been studied chiefly in isolation, I propose an original account of how these three fields are interconnected. I argue that while the law did not play a central role in earlier conceptualisations of women's economic empowerment, this changed towards the end of the past millennium. In particular, the institutionalisation of the 'women's rights are human rights' framework, while producing significant gains for women worldwide, was accompanied by the de-centring of conversations about women's economic empowerment and the broader context (i.e., the

economic system) in which they are embedded. I conclude that this paradigm shift unwittingly paved the way for the re-emergence of a sterilised version of these conversations in the 2000s that integrated select feminist movement ideas (including in relation to women's rights) into neoliberal rationales (Prügl, 2015) producing a concept of women's economic empowerment built around a reduced set of rights that are functional to women's individual improvement through their participation in the labour market. Finally, while it is not the primary focus of this chapter, throughout this chronological account, I reflect on the distinct roles that data and indicators have played at the different stages, a thread that I resume and move to the centre in Chapter 3, where I discuss the use of women's economic empowerment indicators as technologies of global governance.

ii. The origins of Women in Development: putting the law back in its place

In 1946, a year after the establishment of the UN, the Commission on the Status of Women (CSW) was created under the purview of the Economic and Social Council (ECOSOC) as the main entity overseeing women's issues within the UN system (Tinker, 2004). Following a liberal tradition, the CSW originally focused almost exclusively on women's legal rights (West, 1999; Tinker, 2004). In particular, civil and political liberties were seen as the path to achieving gender equality (Parisi, 2017; Snyder, 2006). As Devaki Jain (2005) points out, '[w]ithin the CSW there was an opinion that development was not really a women's issue and that too much attention to economic development would divert the commission from its primary goal of securing women's equal rights.' (p.35)

This started to change as the UN became increasingly interested in development in the 1950s and '60s, pushed by the growing number of newly sovereign but economically restricted states in the Global South emerging from decolonisation processes. At this time, modernisation theory shaped the dominant narratives of international development. From this perspective, development was conceptualised as an evolutionary, cumulative, and unilinear process that allowed societies to move from a pre-modern to modern status defined according to Western experiences and standards and supported by economic growth that would in turn 'trickle down' to all the members of society. Within this framework, the role envisioned for women was very limited and followed typical gender stereotypes (i.e., women as housewives or mothers). Thus, women were not the direct targets of development policies focused on the economy.¹⁹

By the end of the First UN Development Decade (1960-1970), it was clear that this approach not only increased inequality between rich and poor but also between men and women (Razavi and Miller, 1995a). In this context, the push to integrate women into development processes and recognise their economic roles took shape (Tinker, 2004), leading to the emergence of the Women in Development (WID) approach in the early 1970s (Kabeer, 1994; Razavi and Miller, 1995a).

¹⁹ On the other hand, women received 'a disproportionate amount of attention' in relation to population control policies (Kabeer, 1994, p.190). In this sense, during the first development decades, there was a serious concern that 'population growth in the Third World would literally eat into the fruits of economics progress' (Kabeer, 1994, pp.188–189). As a result, the first population control policies (deployed in the Global South and funded mostly by the Western governments) aimed to disseminate contraceptive technology in the region (Kabeer, 1994).

One important formative influence on WID was the resurgence of the women's movement in the Global North, particularly in the US. Liberal feminism was 'critical in determining the language of political strategy used by WID advocates' (Razavi and Miller, 1995a, p.3). Insofar as equal employment opportunities for women was a central theme of the feminist movement in the 1970s, it is unsurprising that development efforts in the Global South focused primarily on women's productive labour and that their integration into the market economy was the lead strategy for improving their status (Razavi and Miller, 1995).

A second source of influence on WID also supported these conclusions: academic research focused on Global South women, including Ester Boserup's trailblazing work on the subject. In her book, *Woman's Role in Economic Development* (1970), Boserup criticised the conceptualisation of women in dominant development discourses (as mentioned above, chiefly as housewives and mothers), demonstrating with empirical research the existing diversity in the gender division of labour around the globe and the important (and yet invisible) contributions of women to local economies (Kabeer, 1994). For her, the emphasis was also on integrating women *productively* into development processes and, more specifically, into the market economy, for which education and training played a key role.

Interestingly, Boserup's ideas departed from classical liberal feminist thinking and its faith in the law as a tool with which to bring about gender equality, at least in the economic realm. Kate Bedford (2020) argues that, on the contrary, Boserup promoted a socio-legal approach to law and other types of norms focusing on its

impacts on women's everyday lives rather than on whether formal entitlements were in place. Furthermore, in opposition to classic modernisation thinkers, Boserup recognised the role of colonialism and colonial legacies in the deterioration of the living conditions of women in the Global South, as well as the specific role that legal restrictions emerging from this context played in their ongoing pauperisation (Bedford, 2020). For instance, Boserup pointed out that, in some areas of Africa and Southeast Asia, the promotion of formal land ownership stripped women of the right to use that land (Tinker, 2004). Hence, law arises here as a cause of gender inequality rather than a tool for resolving it (Bedford, 2020).

On this account, under the WID lens, women's economic empowerment meant integrating women into the economy as workers or farmers by strengthening their productive capacities through education and training. Law played only a minor role, if any, in this endeavour. Insofar as women's subordination related to their exclusion from the market economy, their integration was both a mean to improve their status (in relation to men) and a positive contribution towards 'development.' As the CSW started to pay more attention to development issues, these ideas were progressively translated into their approach. Boserup herself was invited to serve as the rapporteur of an expert meeting devoted to exploring the links between women and development in 1972, which – in her own words –was an attempt by the CSW secretariat 'to get members of the Commission to change their focus from the generally unpopular subject of abstract women's rights to the popular one of economic development' (1999, cited in Tinker, 2004, p.xvii).

Interestingly, data (in particular, data collected and produced by the United Nations Educational, Scientific and Cultural Organization, UNESCO) played an important role in changing CSW's (and ultimately the UN's) dominant ideas on the power of law to bring about change for women:

a wealth of information poured into the UN from all parts of the world on diverse issues relating to the status of women [...] helped the UN in general and the CSW and other agencies in particular to move away from a purely law-based strategy toward policies that addressed issues of inequality, lack of access, and discrimination. This is not to say that the CSW no longer believed in law as the agent of social change. But it was no longer the sole or even the most important factor. (Jain, 2005, p.32)

Thus, in an example of what I called in the introduction *indicators as sources of knowledge*, data and quantitative measures played a key role in improving development practitioners' and UN diplomats' understanding of the situation of women, particularly in relation to Global South women, and correcting some biases and misconceptions,²⁰ which in turn led to a change in the role envisioned for the law. As I will explain in the following section, some of these trends strengthened towards the middle of the decade, as Soviet/Eastern bloc women gained influence in UN conferences and their outcome documents.

²⁰ As Kabeer (1994) points out: the imprint of sex-role stereotypes on the data-collection practices of development agencies had played a powerful role in defining women as housewives, regardless of the local reality. One important consequence of WID's challenge to the universality of the nuclear family and the sex-role dichotomy was therefore the call for better data on household structures and on the nature of women's work in the Third World. (p.24)

iii. The World Conference of the International Women's Year (Mexico City, 1975): Moving the Law out of the way

In 1975, thousands of official delegates and NGO (non-governmental organisation)²¹ representatives travelled to Mexico City for the World Conference of the International Women's Year (also known as the First World Conference on Women). The discussions at this meeting were highly influenced by Cold World politics, with multiple and often contrasting perspectives on the links among gender, law, and development shaping the ideas at the intersection of women and the economy.

For Western feminists,²² these international meetings were essentially 'a venue to discuss specific topics such as legal barriers, employment discrimination, inequalities in educational attainment, or women's representation in political office' (Ghodsee, 2010, p.5). Prompted by WID's increasing popularity, they expanded their initial focus on political and civil rights and promoted a new argument that saw socioeconomic deprivations as preventing women from enjoying civil and political liberties (Parisi, 2017). However, they still endorsed 'a

²¹ While, in line with many practitioners, I prefer the term 'civil society organisation' to refer to initiatives led by citizens and run independently from businesses and governments, the UN has historically used the term 'non-governmental organisation' to capture this type of institution, probably to emphasise their separateness from instruments of the state. Thus, throughout this thesis, I use those two terms interchangeably.

²² Throughout this chapter, I use the terms 'Western', 'Soviet/Eastern bloc', and 'Third World' women to refer to different groups of women, for whom development priorities differed as they were shaped by competing world views. While these are not categories I use often in my work, these are the classifications generally prevalent in this literature, used alike by authors from different backgrounds. Ultimately, I believe it is an accurate reflection of a time when international spaces of all kinds were deeply intertwined with Cold War politics and the identities that emanated from it.

strictly legalistic view defining women's political, economic, and familial rights only in terms of those enjoyed by men' (Zinsser, 2002, p.146).

For their part, Eastern bloc women tended to emphasise that, in their countries, women already enjoyed equal rights (Zinsser, 2002) and that international women's conferences should be used as a forum to discuss the same issues that men debated in the UN, particularly concerning world peace (O'Donoghue and Rowe, 2021). Lastly, Third World women's agenda revolved around addressing economic concerns and advancing a fairer international economic system as a prerequisite for gender equality (O'Donoghue and Rowe, 2021).

As a result, the documents adopted at the Mexico conference—the World Plan of Action (the WPA, which included specific targets) and the Declaration of Mexico on the Equality of Women and Their Contribution to Development and Peace (the Declaration)—had three overarching themes that mirrored the priorities of these three constituencies: equality, peace, and development.²³ However, the ideological differences were so deep and the debates so heated that these documents enshrined rather than reconciled the different positions (Zinsser, 2002). In particular, the Declaration 'encapsulated most of the political aspects of the Soviet position on women's issues' to the extent that it was

²³ Some authors argue that those themes did not carry the same weight. For instance, Zinsser (2002) considers that 'development' was prioritised over 'equality/women's rights'. She argues that, as noted in its introduction, the main purpose of the WPA is 'to stimulate national and international action to solve the problems of under-development and of the socio-economic structure which places women in an inferior position' (United Nations, 1976, p. 11). Hence, for her, references to women's disadvantaged status are only brought up to justify a broader economic agenda.

deliberatively created 'to get the most controversial items out of the World Plan of Action' (Ghodsee, 2010, p.6).

Logically, there were shared ideas and concerns across constituencies. For instance, most women agreed that paid employment was key to improving women's socioeconomic status (Campbell, 2018). However, the ideological underpinnings connecting these two issues (i.e., women's participation in the labour force and their economic status) were quite different (Campbell, 2018), as were the main barriers identified by them. While WID proponents emphasised lack of training and education alongside limited economic opportunities as the main causes of women's impoverishment (and in turn saw these as the best route to women's incorporation into the market economy), notably, the Declaration is explicit in placing women's precarious status in the Global South in the context of 'a profoundly unjust world economic system' (UN, 1976, p.5), more in line with Soviet/Eastern bloc and Third World ideas. Hence, improvements in women's education and training would result in limited (if any) changes in their economic status insofar as they would not be able to substantially alter the global economic order.

In this scenario, while the Mexico City conference endorsed the demand for legal equality for women (Tinker, 2004)²⁴, it is not surprising that the role envisioned for the law and legal reform at the national level was limited concerning women's

²⁴ See for instance Chapter I of the Declaration, which stresses 'that women and men of all countries should have equal rights and duties and that it is the task of all States to create the necessary conditions for the attainment and the exercise thereof' (UN, 1976, p.3).

economic empowerment in the context of development initiatives. Concretely, the WPA underscores that, while important, the adoption and enforcement of legal instruments need to lead to changes at a lower level and ‘be a significant means of influencing and changing public and private attitudes and values’ (UN, 1976, p.15). Hence, there is an underlying assumption that gender equality requires a change in attitudes and values—as identified by WID scholars—and that, while the law could be a valuable instrument to achieve this, its merit should be evaluated against this goal.

Furthermore, in line with the Soviet/Eastern bloc and Third World agenda, there is a recognition that women’s (and men’s) material conditions will not improve unless there is a change in the global economic order that allows developing countries to break existing dependency patterns based on colonial and imperial histories. Hence, the conceptualisation of women’s economic empowerment emerging from WID was further complicated by overlapping inequalities (between men and women but, more importantly, between countries) that, in turn, required structural changes in order to reach a solution. The report is explicit in its support for a New International Economic Order (NIEO), an ambitious programme aimed at altering economic relations across states to ‘correct inequalities and redress existing injustices’ and focused on the effective control of natural resources, the regulation of multinational corporations, improvements in terms of trade, among others (Whyte, 2019).²⁵ While an in-depth discussion of this topic is beyond the scope of my thesis, it is important to acknowledge that many Third World women

²⁵ On NIEO, see Bedjaoui (1979); Bhagwati (1977), Sauvant (1989).

drew directly from broader debates at the UN about the NIEO and attempted to bridge those conversations (from which gender was virtually absent) with discussions in the area of gender and development, and more specifically, women's economic empowerment.

iv. The rise of women's socioeconomic rights: the Convention on the Elimination of Discrimination against Women (CEDAW, 1979) and the Mid-Decade Review (Copenhagen, 1980)

Soon after the Mexico City conference, the UNGA proclaimed 1976-1985 the UN Decade for Women to address the ambitious objectives laid out in the WPA (Pietilä, 2007) and committed to a second UN World Conference on Women in 1980 in Copenhagen that would serve as a mid-decade review (West, 1999). One of the most important changes brought about by the First World Conference was in data collection. As a result, throughout the UN Decade for Women, the UN system took action to map the situation of women across the world (Jain, 2005). Likewise, the WIDF (Women's International Democratic Federation, a civil society organisation aligned with Soviet women) produced a report documenting how the first years of the UN Decade for Women had led to the worsening of the situation of women in the developing world, referring to the growth in unemployment, inflation and the cost of medical assistance, among other things (Jain, 2005).

Interestingly, the worsening of women's living conditions ran in parallel to important advances in their legal status, including one of the most important landmarks of women's advocacy at the UN: the development and adoption of the *Convention on the Elimination of Discrimination Against Women* (CEDAW, 1979),

a binding treaty obliging governments to fight and end discrimination against women (West, 1999). Drafted by the CSW, CEDAW seeks 'to recast women as subjects rather than objects of development' (Parisi, 2017, p.8). With this goal in mind, the convention goes one step forward and articulates a women's rights agenda guided by the principle of 'structural indivisibility'.²⁶ Unlike CSW's previous work, which focused primarily on civil and political rights,²⁷ CEDAW features women's socioeconomic rights more prominently. This was in part thanks to Global South and Scandinavian representatives who put forward many proposals 'to enrich socioeconomic rights in CEDAW' (Campbell, 2018, p.39), while Western countries opposed the broadening of state commitments and fought to give governments more discretion (especially on how to fund many of the provisions included in the treaty). As a result, the final version has a strong focus on socioeconomic rights, although the instrument is still firmly grounded on liberal ideas. As noted by Parisi (2017):

The majority of the 30 articles of CEDAW are concerned with social, economic, and cultural rights embedded in the liberal feminist WID and non-discrimination framework that relies heavily on the principle of equality before the law; only four articles deal explicitly with the political

²⁶ Dianne Otto (2001) argues that the principle of indivisibility of human rights serves three main purposes, or can be interpreted in three senses. First, it is used to challenge a traditional hierarchical understanding of the relationship between certain (groups of) human rights (in particular, the idea that civil and political rights take precedence over social, economic, and cultural rights). Secondly, the indivisibility principle has been used to substantiate the exclusion of certain type of rights (such as women's rights) from the spectrum of universal human rights. Lastly, Otto introduces a third sense that she calls 'structural indivisibility' that 'stress[es] interconnections between political, economic, environmental, and security priorities of the international order and violations of human rights' (p.54).

²⁷ Between 1949 and 1959, the Commission elaborated the Convention on the Political Rights of Women (1953); the Convention on the Nationality of Married Women (1957); the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1962); and the Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1965) (United Nations Department of Public Information, n.d.).

and civil liberties of women. However, the preamble and some of the articles of CEDAW address additional concerns important to third world feminists, Marxist feminists, and radical feminists. (p.8)

Among the provisions that are primarily economic in nature, those on women's (equal) participation in the paid labour force (articulated in *Convention on the Elimination of Discrimination Against Women* [CEDAW] 1979. art. 11) are perhaps the most salient and comprehensive. This is not unexpected since, as previously discussed, both Western and Eastern bloc women saw this issue as a key area for improving women's economic status.

While carrying out a detailed analysis of CEDAW is beyond the scope of this thesis,²⁸ it is worth highlighting two additional dimensions of the instrument and how these relate to its conceptualisation of women's economic empowerment. On the one hand, many Soviet women felt that the convention still reflected mostly Western perspectives. For instance, Vida Tomšič—first president of the Federal Women's Organisation and first female Minister in the government of Slovenia (Jain, 2005)—considered that CEDAW 'concentrated primarily on the personal and civil rights of women, following the criterion of the legal status of men to whom women should become equal' whereas '[t]he general socio-economic and social status of men, class differences in society as well as the conditions for the enjoyment of human rights by both sexes, are to be hardly noticed' (pp.93-94). However, several scholars have argued that Article 14 on rural women (CEDAW 1979, art.14) can be interpreted as summarising the

²⁸ For a comprehensive and detailed analysis of different dimensions of CEDAW see Hellum and Aasen (2013). For a study focused on economic dimensions (particularly, poverty), see Campbell (2018).

concerns of Global South women, attempting to bring together gender equality and development issues (Campbell, 2018). Lisa Pruitt argues that in Article 14, the term *rural women* is an euphemism for *women in developing countries* (Campbell, 2018).

On the other hand, it is also important to note that CEDAW has also been credited with moving on from the idea of *formal equality* and embracing the concept of *substantive equality*, emphasising that equal treatment is only fair among true equals (Jain, 2005). However, scholars like Sandra Fredman (2013) qualify this conclusion, noting that some key provisions—including labour rights (CEDAW 1979, art.11) and the right to credit, benefits and recreation (CEDAW 1979, art.13)—regard gender equality as an ‘add-on’ to existing socio-economic rights and have not been transformed by the substantive equality principle. Hence, we might conclude that, while the convention offers a more complex understanding of women’s status around the globe and what is needed to end discrimination, it does so without abandoning the liberal paradigm and its limitations.

Member States were invited to ratify CEDAW during the Copenhagen Conference (Pietilä and Vickers, 1996; Jain, 2005). However, despite having achieved more than fifty signatures for the convention, this conference was generally regarded as a major disappointment for Western feminists due to the loud and strong influence of the Eastern bloc throughout the outcome document. Overall, the language resembles that of the Mexico report, although there are some significant shifts. In particular, the economic sections of the Copenhagen Programme recognised multiple images of women that followed two overarching

premises: 'women are described outside of the family context, regardless of their reproductive capacity, and structural obstacles and societal attitudes limit them, not their physiology or inherent intelligence' (Zinsser, 2002, p.154).

Concerning the latter, the Copenhagen Programme concludes that 'while tradition, customs and practices greatly hinder the advancement of women, some serious constraints to the economic participation of women in national development are international in nature and derive from the pattern of relationships between developing and developed countries' (UN, 1980, p.13). Hence, once again, legislative enactments *per se* are deemed insufficient to bring about change—not only because some of these legal provisions 'are not always matched by adequate enforcement measures and machinery' (UN, 1980, p.8) — but because some these structural obstacles to gender equality in the economy are international in nature.

Lastly, it is also worth noting that the Copenhagen Programme emphasises the need to improve the mapping of women's economic status, challenging existing dominant concepts and analytical tools related to data and centring quantitative data as a key tool for 'gendering' development institutions and initiatives. Overall, as Zinsser (2002) notes, the Programme presumes that 'women's material conditions and participation in structures and institutions will change once there is an "*Improvement of the data base*"' (p.157, emphasis in text) insofar as quantitative data constitutes 'statistical irrefutable proof' that could in turn force changes in development practice. Thus, it is possible to observe in this document

a consolidation of the use of indicators as advocacy tools that can potentially catalyse change in development institutions.

v. The End-of-the-Decade Conference (Nairobi, 1985): Making development work for women

The Third World Conference on Women held in Nairobi (1985) witnessed a paradigm shift in dominant ideas on gender and development. Building on successful civil society participation during the Mexico City and Copenhagen conferences, Nairobi's NGO forum doubled in size, bringing together more than 14,000 women from 150 countries (Pietilä and Vickers, 1996). This context enabled women from the South to emerge as increasingly powerful actors within NGO fora, voicing their critiques of WID analysis and policies (Sen, 2018). In particular, DAWN (Development Alternatives for Women in a New Era) emerged as a key actor, unifying the voices and demands of Third World women and laying down the foundations for consolidating the Gender and Development (GAD) framework. Against 'WID attempts to harness women's labour for top-down economic development', this new approach 'stressed women's self-empowerment through bottom-up development involving women's NGOs' (Krook and True, 2012, p.116).

For GAD proponents, structural power imbalances in gender relations lay behind the subordination of women (Razavi and Miller, 1995a). Thus, GAD's overarching goals were more radical than WID's, as they focused on transforming the systemic conditions that produced and reproduced unjust outcomes (True, 2003).

Under this framework, development initiatives that left power structures at the global level unaltered would not lead to women's economic empowerment. Furthermore, gender equality in countries impoverished by colonialism, imperialism, and globalisation was not an ambitious enough goal, as, if nothing else changed, women would still suffer inadequate living conditions, even if those were the same as men. As a result, GAD promoted a systemic critique of the idea of development and the development initiatives that emerged from it.

While DAWN's vision of alternative development was underpinned by justice (as well as equality and dignity), their take on justice was non-legalistic, based on basic needs rather than on formal rights²⁹ (Bedford, 2020). In this scenario, it is unsurprising that in DAWN's narrative, the law is once again seen as a cause of women's subordination but not as a useful tool to bring about gender equality through its mere existence. As Bedford (2020, p.244) notes,

[t]heir emphasis on the limits of liberal, equal treatment anti-discrimination arguments would suggest an impatience with strategies privileging formal legal equality. This would inevitably lead them beyond not only formal equality initiatives but also 'law plus' measures that seek to ensure effective implementation of anti-discrimination, without tackling legally-enabled dispossession and repression.

While for some scholars (West, 1999; Krook and True, 2012), DAWN's structural critiques did not significantly impact the Forward-Looking Strategies for the

²⁹ For example, in the book *Development, Crises and Alternative Visions: Third World Women's Perspectives* that many consider to be DAWN's manifesto, Gita Sen and Caren Grown (1987) summarise: 'Only by sharpening the links between equality, development, and peace, can we show that the "basic rights" of the poor and the transformation of the institutions that subordinate women are inextricably linked. They can be achieved together through the self-empowerment of women' (p.82).

Advancement of Women (henceforth, the Nairobi report), others assert that this document still 'go[es] further in their [its] analysis of the causes of women's disadvantaged status than previous conference documents and constitute[s] a sharp critique of national and international ideologies and institutions' (Zinsser, 2002, p.161).

Notably, at the national level, laws that discriminate against women are posited as the most important structural obstacles to overcome (Zinsser, 2002). Nonetheless, the Nairobi report offers a more complex understanding of the existing legal landscape, concluding that it is precisely the interaction between formal rules and regulations with customary provisions and law that has produced 'compound discrimination' (both *de jure* and *de facto*), subjecting women to 'double standards in every aspect of life' (Zinsser, 2002, p.162). Hence, it is unsurprising that the reports highlights that '[l]egislative enactment is only one element in the struggle for equality, but an essential one as it provides the legitimate basis for action and acts as a catalyst for societal change' (UN, 1986, p.17) and that '[a]bove all, laws guaranteeing equality for women must [...] be fully and comprehensively Implemented to ensure a truly equitable socio-economic framework' (UN, 1986, p.15).

Nonetheless, the Nairobi report is cognisant of '[t]he sharp contrasts between legislative changes and effective implementation of these changes' (UN, 1986, p.17) and adds that '[t]he law as a recourse does not automatically benefit all women equally, owing to the socio-economic inequalities determining women's knowledge of and access to the law, as well as their ability to exercise their full

legal rights without fear of recrimination or intimidation' (UN, 1986, p.17). Moreover, at the international level, the critiques related to the unjust global economic relations remained central to the report since the Soviet delegations continued to influence the negotiations (Ghodsee, 2010), while Third World women—who also promoted this perspective—gained prominence. Hence, while the importance of introducing and enforcing legislative measures as a tool to bring about gender equality gained some ground, its power was still qualified by the existing global economic order.

Lastly, the report explicitly calls for governments to compile 'gender-specific statistics and information' (UN, 1986, p.34). Notably, it does so by emphasising that they should 'support local research activities and local experts to help identify mechanisms for the advancement of women, focusing on the self-reliant, self-sustaining and self-generating social, economic and political development of women' (UN, 1986, p.34). Recognising the importance of enhancing local capacities is a distinctive feature, acknowledging that, while data is important, it is also context-specific and that relevant indicators should be identified and developed at a local level to reflect local needs and priorities.

vi. The Fourth World Conference on Women (Beijing, 1995): are women's economic rights human rights?

Many changes at the global level contributed to a shift in the priorities of and dominant approach to women's issues in the UN during the 1990s. To begin with, the end of the Cold War and the dissolution of the Soviet Union in 1991 neutralised one of the most important forces shaping the outcome documents of the three prior UN Conferences on Women. Consequently, Western perspectives, agendas, and framings became more prominent in the UN. At the same time, the 1990s witnessed the consolidation of neoliberalism as the dominant ideology shaping global economic relations. In this context, IFIs gained prominence and increasingly challenged the UN's role in development, grounding their claims in their alleged greater technical expertise (Sen, 2018). This turn coincided with an increased interest in law as a co-constitutive element of development and a substantive expansion of development assistance projects directed at legal reform in the Global South (Trebilcock and Daniels, 2008; Trubek, 2006). Conventional narratives on law and development have referred to this period as the 'third moment'. Among the salient features of this moment are an expansion of the idea of development beyond economic growth and a re-centring of law, not only as an instrument but as an end in itself. In other words, legal reform is understood as a constitutive part of development, regardless of whether it leads to economic growth (Trubek and Santos, 2006). In turn, this re-centring of the law within development was also evident at the intersection of gender and development, as I will discuss later.

Concerning women's status, it is possible to identify two distinct trends. On the one hand, the ongoing pressure from women's movements led to significant improvements in women's legal status and women's access to training and education—two key areas for liberal feminists—between the last years of the 1980s and the early 1990s, according to the 1994 UN World Survey on the Role of Women. Furthermore, at the UN level, women were able to sustain some important gains for the gender equality project in early 1990s conferences on the environment (Rio de Janeiro, 1992), human rights (Vienna, 1993), and population (Cairo, 1994).³⁰ On the other, the same report notes that economic progress was less straightforward, exposing that improvements in women's labour force participation had often gone hand-in-hand with worsening working conditions (particularly relevant is the case of Free Trade Zones in the Global South) and that increasingly widespread structural adjustment programmes had had a disproportionate effect on women.³¹

Failure to substantially improve women's material conditions across the globe prompted the advancement of a third approach to gender and development in the UN: gender mainstreaming. As a core principle, gender mainstreaming proposes that changes in processes are a critical step towards changes in outcomes (True, 2015). Thus, it attempts to 'integrate women' more fully into development policy and practice (Cornwall et al., 2007b) by 'ensur[ing] that gender considerations

³⁰ For instance, the recognition of women's rights as human rights and violence against women as a violation of those rights in Vienna; and the achievement of strong language against population control and in support of Sexual and Reproductive Health and Rights in Cairo (Sen, 2018).

³¹ For some key feminist critiques of structural adjustment programmes, see for instance: Elson (1987), Moser (1992), Sparr (1994), Benería (1999).

are routinely included in the way an organization operates' (Razavi and Miller, 1995b, p.3). This approach was officially adopted by the UN at the 1995 World Conference on Women in Beijing (Cornwall et al., 2007b; True, 2003). Thus, the Beijing Platform for Action (BPfA) calls for 'a gender perspective in all policies and programmes so that, before decisions are taken, an analysis is made of the effects on women and men, respectively' (United Nations, 1995, paragraph 189).

Interestingly, gender mainstreaming was not the only discursive shift shaping the BPfA. Championed mainly by Western civil society organisations, women's rights were increasingly framed as human rights, especially after the World Conference on Human Rights (Vienna, 1993). This approach was fairly successful, in achieving, *inter alia*, the recognition of women as equally protected under existing legal and political rights (e.g., due process under the law, property) and broadening the scope of human rights to conceptualise violence against women as human rights violations (McLaren, 2017).³² By the time the Beijing conference took place, the 'women's rights are human rights' framework had consolidated as the leading (and sometimes only) discourse and strategy for articulating feminist demands for social justice. Therefore, it is unsurprising that the BPfA—the

³² See for instance paragraph 18 of the Vienna Declaration and Programme of Action, which establishes that 'the human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights. The full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex are priority objectives of the international community' and that 'Gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking, are incompatible with the dignity and worth of the human person, and must be eliminated. This can be achieved by legal measures and through national action and international cooperation in such fields as economic and social development, education, safe maternity and health care, and social support'.

outcome document from this conference—embodies this discursive shift (Cranney et al., 1996; Bunch, 2012).

More generally, and beyond the specific articulation crystallised in the BPfA, the encounter between development and human rights has been met with both hope and scepticism by feminist activists. According to Dzodzi Tsikata (2004), the main area of disagreement is not on the importance of injecting ‘rights’ into development (insofar as the importance of rights is recognised by all) but whether human rights instruments can actually transform development practice.

In the specific case of the ‘women’s rights as human rights’ framework, many feminists from the Global South took issue with the articulation of this discourse. In particular, they argued that, due to the influence of Western feminists,³³ this approach had a strong focus on legal and political rights, relegating social and economic rights to a secondary role (McLaren, 2017). Hence, it is unsurprising that the BPfA continues in a similar spirit. As Joan McFarland (1998) notes, economic justice, so prominent in Nairobi’s report, was not addressed in the BPfA. Furthermore, in line with broader criticisms of the human rights framework itself, other authors claim that ‘[p]robably the most serious limitation of the Platform for Action is its implicit and explicit endorsement of existing global economic and political relationships’ (Isla et al., 1996, p.116).

³³ Perhaps the most colourful piece of evidence supporting this claim is Hilary Clinton’s speech at the Beijing Conference (as First Lady of the US), in which she stated ‘[i]f there is one message that echoes forth from this conference, let it be that human rights are women’s rights and women’s rights are human rights once and for all’ (Clinton, 1995, n.p.)

In turn, this document shows a renewed faith in and enhanced role for the law in the struggle for gender equality compared to its predecessors. While recognising that legal reform must be accompanied by correct implementation and enforcement (hence that the law alone might not be sufficient), the multiple references to the law, including international law and human rights law made throughout this report³⁴ contrast with the outcome documents from previous conferences. On the other hand, language on colonisation, imperialism, and global unequal economic relations (and the responsibility of the Global North in these) vanished. In Diane Otto's (1996) words,

Causes are identified at the national and international levels, particularly the lack of women's participation in economic decision-making and the failure to mainstream gender perspectives in economic analyses and planning. But notably absent from the list of causes is global capitalism itself, which has been enforced by international economic institutions and transnational corporations through structural adjustment programmes and economic liberalisation.

The Platform ignores the reproduction of gender hierarchies by free market economic competition in its strategies. Instead, the problem for poor women is characterised as a lack of equal access and opportunity. The actions that governments and other actors are called upon to take are aimed at increasing women's participation in the marketplace, including providing access to economic resources and

³⁴ That include the Universal Declaration of Human Rights (UDHR, 1948); the International Covenant on Civil and Political Rights (ICCPR, 1966); the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966); the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD, 1965); the Convention on the Rights of the Child (CRC, 1989); the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT, 1984); the Declaration on the Right to Development (1986) and the Declaration on the Elimination of Violence against Women (1993).

establishing lending institutions and financial services for women.
(pp.20-21)

This analysis was echoed by social movements and activists from the South. For instance, an alternative document³⁵ produced by Indigenous Women argues that:

[the BPfA] does not acknowledge that this poverty is caused by the same powerful nations and interests who have colonized us and are continuing to recolonize, homogenize, and impose their economic growth development model and monocultures on us. It does not present a coherent analysis of why it is that the goals of "equality, development, and peace," become more elusive to women each day in spite of three UN conferences on women since 1975. While it refers to structural adjustment programs (SAP), it only talks about mitigating its negative impacts, not questioning the basic framework undergirding SAPs. It even underscores the importance of trade liberalization and access to open and dynamic markets, which to us, pose the biggest threat to our rights to our territories, resources, intellectual and cultural heritage. (Indigenous Peoples Council on Biocolonialism, 1995, para. 26)

Therefore, it is possible to argue that the BPfA embrace of human rights is problematic for some feminists because it fails to challenge the *status quo* in the prevailing economic system, which many consider a precondition for gender equality. This does not mean that economic issues are not addressed at all in the BPfA: 'inequality in economic structures and policies, in all forms of productive activities and access to resources' (UN, 1995, p.31) is listed as a critical area of concern and the plan includes six strategic objectives under the overarching theme of 'women and the economy' (see Table 2.2).

³⁵ I discuss extensively the role that alternative and shadow reports play in inter-governmental processes in Chapter 7.

However, while more comprehensive in some respects,³⁶ the ideas related to women's economic empowerment presented in the BPfA resonate more with those from WID than GAD: women are once again mainstreamed into what is seen essentially (once gender disparity is accounted for) as a benevolent system.

Hence, it is possible to conclude that while the BPfA has been an important milestone in women's rights advocacy at the UN, achieving some invaluable victories for the movement, including the expansion of the women's economic empowerment agenda to some extent, advances concerning individual rights came at the expense of decentring broader conversations on economic justice. Unlike in the Nairobi report, whenever economic issues appear, the focus is on ensuring that individual women can be successfully integrated into the global market economy without any discussion of structural or systemic changes. As a result, the empowerment of women appears to be possible through some minor changes to the current global economic system.

³⁶ For some authors like Bina Agarwal (1996), the BPfA even does a better job than the Nairobi outcome report in outlining the economic agenda insofar as 'the gender gaps in economic power, property rights, and poverty occupy centre-stage' (p.90). However, others have criticised the approach, noting that it fabricates an artificial separation across issues (e.g., by separating 'economic development' from 'environment') denying the interconnections that for some communities are key in their conceptualisations of the problems and solutions (Riles, 2000).

Table 2.2. Strategic Objectives under the theme ‘Women and the Economy’

F1. Promote women’s economic rights and independence, including access to employment, appropriate working conditions and control over economic resources.
F2. Facilitate women’s equal access to resources, employment, markets and trade.
F3. Provide business services, training and access to markets, information and technology, particularly to low-income women.
F4. Strengthen women’s economic capacity and commercial networks
F5. Eliminate occupational segregation and all forms of employment discrimination
F6. Promote harmonization of work and family responsibilities for women and men

Source: Own elaboration based on United Nations (1995)

Finally, and in line with the turn towards evidence-based practice (i.e., the idea that decision-making should be grounded on scientific evidence), it is worth noting that these are the first signs of the emergence of gender indicators as technologies of global governance with the introduction of the United Nation Development Programme (UNDP) GDI (Gender Development Index) and GEM (Gender Empowerment Measure). These indices were launched as part of the 1995 Human Development Report (and presented at the Beijing conference), and represent the first composite gender indicator, both assessing the situation of gender equality and empowerment in different countries, and comparing and ranking them accordingly (Karlsson et al., 2021). This shift in how gender data is used was further deepened with the turn of the new millennium.

vii. The 2000s: turning gender equality into a development goal

The adoption of the BPfA, together with the establishment of the gender mainstreaming strategy in 1995, led to a significant increase in the number of gender experts working within the UN system (Hannan, 2013). However, despite the growing number of allies within the UN bureaucracy, the balance of power shifted towards the end of the millennium, stalling progress on the feminist agenda and threatening past victories (Sen, 2018). After 1995, the feminist strategy focused on keeping 'agreed language' (as opposed to advancing in new policy positions) to the extent that feminists working in the UN, governments, and NGOs systematically opposed a fifth world conference due to the fear of losing ground (Goetz, 2020; Hannan, 2013; Sandler and Goetz, 2020). Hence, in the absence of additional world conferences on women, my quest to reconstruct the story of the conceptualisation of women's economic empowerment in the UN must continue elsewhere. It is against this background that the Millennium Development Goals (MDGs) were developed and later adopted by UN member states, and it is in this framework that I locate the next key event.

The MDGs were a set of eight goals (see Table ii in the Annex of the Introduction) that sought to establish global priorities between 2000 and 2015. While the inclusion of goals in UN conference outcome documents was not new, the MDGs represented a step further in that direction, giving them a much more prominent place than their predecessors (Fukuda-Parr, 2014). MDG 3 specifically aimed to empower women and promote gender equality, but the only target under this goal focused on gender disparity in education. Hence, to the disappointment

of the women's movement, the commitment to gender equality embedded in the MDGs did not represent an advance on previous agreements (Azcona and Bhatt, 2020). Peggy Antrobus (2006), a well-known feminist activist and co-founder of DAWN, even renamed the MDGs the 'Major Distraction Gimmicks' (p.39), as she considered them as a diversion from the priority areas identified in the BPfA.³⁷

Notably, the indicators chosen to measure progress in this area partially extended this understanding of women's empowerment and gender equality, by including women's participation in national parliaments and in waged, non-agricultural employment (see Table 2.3). This second element constitutes the most explicit reference to women's economic empowerment within this framework, but does not represent an expansion of the women's economic agenda compared to the language from previous conferences discussed above. Thus, for many feminists, the MDGs represented a roll-back from the gains of Beijing, taking the agenda back to the 1970s and to WID's ideas and proposals (Tesfaye and Wyant, 2016).

³⁷ Gita Sen and Avanti Mukherjee (2014) estimate that only a quarter of the issues addressed by the BPfA are covered directly or indirectly by MDG targets and/or indicators.

Table 2.3. MDG 3 target and indicators

Goal	Promote gender equality and empower women
Target	Eliminate gender disparity in primary and secondary education, preferably by 2005, and in all levels of education no later than 2015
Indicators	Ratios of girls to boys in primary and secondary education
	The ratio of literate females to males among 15–24-year-olds
	Share of women in wage employment in the non-agricultural sector
	Proportion of seats held by women in national parliament

Source: Millennium Project Task Force on Education and Gender Equality (2004)

Considering that only a few years separate the adoption of the BPfA and the MDGs, such shrinkage in the gender equality and women’s empowerment agenda is striking. Two points can provide a partial explanation. The first relates to the process that underpinned their development and the contrast between the thousands of women (both in government delegations and NGO forums) that engaged in the UN Conferences and attempted to influence the outcome documents on the one hand, and the closed-door, expert-led, and opaque process that led to the adoption of the MDGs on the other. More specifically, their development was spearheaded by the Development Assistance Committee (DAC) of the Organisation for Economic Cooperation and Development (OECD), the UNPD, the World Bank, and the IMF (Rose Taylor and Mahon, 2019), in what

was carefully portrayed as a purely technical committee (Hulme, 2009). Logically, the composition of the committee influenced the issues prioritised. The second point relates directly to the turn towards goal-based development frameworks and how the measurement imperative shapes the aims. For instance, references to women's rights, so prominent in the BPfA and that were to some extent part of the Millennium Declaration³⁸ got lost in the translation into goals, targets and indicators (Hannan, 2013; Kabeer, 2015; Tesfaye and Wyant, 2016). This issue is at the core of my research project and is explored in detail in Chapter 3.

Notwithstanding the general level of dissatisfaction with the MDG framework, most of the women's transnational movement chose to 'critically engage' with the framework, identifying advocacy opportunities and getting involved in the 'struggle for interpretative power' (Cornwall et al., 2007a) in an attempt to bridge the gaps between the MDGs and a more transformative approach to women's empowerment (see Chapter 3). But women's rights groups were not the only ones engaging (critically or otherwise) with MDG 3: the World Bank also took an interest in it, as noted in their 2007 four-year Gender Action Plan (Bedford, 2009b) that seeks 'to advance women's economic empowerment by enhancing women's ability to participate in land, labor, financial, and product markets, thus promoting shared growth and accelerating the implementation of MDG 3' (World Bank, 2006, p.9).³⁹

³⁸ See for example paragraphs 6, 20, and 25.

³⁹ This explicit reference to MDG 3 is far from coincidental, as Sylvia Chant (2012, p.201) notes: 'Given many critiques of the shortcomings of the MDGs in feminist circles (see, for example, Antrobus, 2004; Barton, 2005; Chant, 2007; Johnsson-Latham, 2010; Saith, 2006; UNMP/TFEGE, 2005), the harnessing, if not hijacking, of MDG 3 to [World] Bank policy may not

The World Bank Gender Action Plan starts by stating that, while eliminating gender disparities in education (i.e., the only target of MDG 3) is a critical vehicle for achieving gender equality, it is not the only one, and that their plan focuses ‘on the equally important vehicle of women’s economic empowerment, which has received much less attention in development policy’ (World Bank, 2006, p.2). Subsequently, the plan elaborates on that concept, proposing a series of key interventions focused on the product, financial, land, and labour markets. Notably, while the World Bank expanded the MDG 3 focus on economic empowerment and re-introduced the law as a key tool with which to achieve this aim, it did so in a different way than that attempted in the BPfA. In their narrative of women’s economic empowerment, the priority is to ensure the enjoyment of the subset of rights that allow women to freely participate in the market economy (in particular, the right to own property and the right to inherit and own land, although as I will discuss in Chapter 3, the set of rights endorsed and promoted by the World Bank has been further expanded to include freedom of movement—including international travel, freedom to work in the same—arguably dangerous—sector of the economy, etc.). This approach is generally referred to as ‘smart economics’ since, roughly speaking, it is grounded on the idea that supporting women’s incorporation into the formal labour market will result in economic gains for the whole society.

be particularly surprising. The World Bank is not renowned for advancing a particularly radical or rights-based approach to gender (or any other ‘development issue’ such as health for that matter), so the rather conservative remit of MDG 3 is entirely in keeping with this proclivity.’

Hence, in a sense, the World Bank proposal expands the scope of previous understandings of women's economic empowerment because it captures and recognises alternative types of employment beyond paid work. Interestingly, these additional forms of work are fundamentally those that do not require the state or the private sector to create employment, placing more responsibility on the women themselves: under this framework, women are responsible for getting an adequate level of education and training and for creating their employment (using their 'entrepreneurial spirit') and ultimately improving their own lives.

At the same time, it can also be considered a narrowing down of previous understandings to the extent that other important issues surrounding economic activity (articulated in CEDAW or the BPfA), like adequate working conditions or access to social protection, are frequently absent in World Bank analysis. Furthermore, this perspective takes us even further away from the outcome documents of Copenhagen and Nairobi (and even Mexico), in which women's economic disempowerment was intrinsically connected to a harmful economic system that creates and recreates structural inequalities. If the BPfA was implicitly endorsing the current economic system and merely asking for minor reforms to include women, the World Bank is overtly supporting the current economic system and asking for 'more' capitalism to solve gender inequalities in the economy. In this scenario, as discussed above, the law is only useful to the extent that enables the expansion and strengthening of capitalist relationships.

Hence, it is possible to conclude that the MDGs' silence on women's economic empowerment created a vacuum that at least two different forces were attempting

to fill. On the one hand, women's rights activists and organisations attempted to promote a more comprehensive and expansive definition of gender equality and women's empowerment, including in the economy (see Chapter 3). On the other, the World Bank pushed for deepening the economic content of MDG 3, but in a way that supports rather than challenges their own objectives. However, this battle of interpretation was not on equal footing, as I will expose in Chapter 3.

viii. Conclusions

In this chapter, I have reconstructed the histories of gender, development, and law at and around the UN to set the scene for a better understanding of how far the SDGs continue or depart from previous conceptualisations of women's economic empowerment, as further discussed in Part II of the thesis. In doing so, I have exposed how the evolving role of law has affected dominant ideas of what women's economic empowerment is and how it is achieved. In particular, I have argued that, while earlier conceptualisations of women's economic empowerment have envisioned a narrow role for the law (if any), things have changed with the introduction of the 'women's rights are human rights' framework. While this framework was useful to sustain some gains in terms of the recognition of violence against women and other crucial issues related to gender equality, it was at the expense of de-centring conversations on economic justice. Furthermore, this shift also led to the erasure of systemic critiques of capitalism, colonialism, and imperialism, and existing global economic relations. I argue that this erasure, unwittingly, paved the way for the subsequent de-politicisation of the women's economic empowerment agenda, later converted by IFIs into a synonym for

women's integration into the market economy. In turn, the removal of legal barriers was seen as the silver bullet for achieving this goal.

Finally, I have also introduced measurability as a key thread underpinning these changes. Concretely, I have suggested that the shift in the role of indicators in development has also played a key role in supporting a more technocratic approach towards women's economic empowerment. As a result, those proposing an understanding of women's economic empowerment that is easier to measure and that also have the technical capacity to carry out this measurement (as the World Bank has) are in a better position to influence the re-interpretation of the concept and transform it into something that is aligned with their own ideas and goals. Finally, while disputing the meaning of a concept is not new in the realm of politics, when the discussion is brought into the terrain of indicators, its apolitical and objective veneer makes it harder for actors to challenge meanings on an equal footing. All of these issues will be further explored in Chapter 3, where I discuss the use of gender indicators, with a specific focus on the measurement of women's economic status and its legal dimensions.

CHAPTER 3. THE NUMBERS DON'T SPEAK FOR THEMSELVES: A CRITICAL ACCOUNT OF THE USE OF GENDER INDICATORS AS TECHNOLOGIES OF GLOBAL GOVERNANCE

i. Introduction

Chapter 2 revealed how the law has been instrumental in de-centring the issue of economic justice from conversations at the intersection of gender and development, leading to an understanding of women's economic empowerment anchored to women's individual improvement and the removal of formal legal barriers to participating in the market economy. In this chapter, I complement these findings by examining the role that gender indicators played in this process.

I explore the development of gender indicators by global organisations before the adoption of the SDGs. Specifically, I am interested in identifying how gender indicators were used to measure women's economic empowerment in the past and what were the main critiques of those uses, paying particular attention to their legal components or dimensions. To frame my analysis, I draw extensively on the limited but critical scholarship on the interconnections between the law and the use of indicators as technologies of governance, especially at the global level. Overall, I argue that indicators have been instrumental in the dispute over the meaning of women's economic empowerment, further tipping the scale in favour

of less ambitious definitions grounded on a narrow set of easy-to-measure rights. In addition, I claim that this trend is partly explained by the power relations that underpin the turn to indicators as technologies of global governance, which gives rise to a particular group of stakeholders (i.e., those who have the 'right' kind of technical expertise) while sidelining others. Thus, rendering political discussions technical has concrete effects on which understandings of women's economic empowerment are advanced and which interventions are promoted.

This chapter is structured as follows. The second section discusses in more depth the implications of the turn to indicators as technologies of global governance. Throughout this account, I use the MDGs to illustrate some of the problems with this trend, emphasising how it has led to the rise of technical expertise, while simultaneously narrowing down the type of expertise that is recognised as valid and relevant. The third section briefly discusses the use of indicators to measure the realisation of rights (or a proxy for this), particularly in relation to human rights law, to show how the 'indicatorisation' of rights (Airey, 2015) has often led to overly formal and arguably less expansive understandings of them. The fourth section reviews three examples of gender-indicators developed by different global governance institutions. Specifically, I explore what aspects of women's economic empowerment they attempt to measure and the relevant legal dimensions. The fifth section offers a thorough critique of these indicators and their use. Finally, the sixth section summarises the main findings, concluding that the turn towards indicators as technologies of global governance has been largely detrimental to advancing more expansive understandings of women's economic

empowerment and has contributed to sidelining the voices and experiences of women.

ii. The turn to indicators as technologies of global governance and the rise of technical expertise: The case of the MDGs

In the previous chapter, I suggested that part of the chasm between the BPfA and the MDGs in terms of gender equality can be attributed to the turn to goal-based frameworks in international development. Here, I substantiate that claim. David Hulme (2010) argues that the alignment of the organisations involved in the development of the MDGs with result-based management strategies and their tenet of ‘SMART’ metrics (specific, measurable, agreed, realistic and time-limited) significantly influenced the MDGs in three main ways: it determined the structure (i.e., goals-targets-indicators focused on time-bound outcomes); it shaped the specification of goals (to keep them ‘achievable’); and it led the framework away from ‘difficult-to-measure’ areas, such as human rights. Thus, it should not be surprising that many dimensions of the BPfA are absent from the conceptualisation of women’s economic empowerment embedded in the MDG framework. In this section, I delve into this conclusion and explore the concrete mechanisms through which indicators operate to shape development frameworks. In particular, I am interested in exposing how the rise of indicators has diluted the ambition that underpins commitments in international development. With this goal in mind, I use the MDGs to expose some of the main features of these mechanisms.

As discussed in the introduction of the thesis, indicators have become increasingly popular tools, influencing decision-making in virtually all realms of modern life. However, despite the appearance of constant innovation that surrounds the development of indicators (partly incited by the continuous introduction of new metrics), measurement tends to build substantially on pre-existing models and approaches, further refining, expanding, or even correcting them, but seldom radically transforming them (Merry, 2016). In particular, Merry (2016) identifies two forms of inertia that reinforce one another and inhibit the emergence of new ideas, perspectives, and ultimately, proposals: data inertia and expertise inertia. Let me further unpack these concepts.

The production of an indicator entails linking the conceptualisation of that indicator with actual data (and vice versa). This interaction is crucial, as each element shapes the other. According to Davis et al. (2015):

Statisticians tend to start with data and derive indicators, while advocates tend to begin with concepts and look for data. The order matters. If the indicator must rely on existing data, its definition is limited to what has already been measured or what can be interpreted from it. To move into new territory, it may be necessary to develop new data, which requires funding to collect it and even more funding to collect it over time. (p.14)

Merry (2016) points out that since gathering data is often very expensive, existing data frequently determines what an indicator can measure, favouring the statisticians' approach. Moreover, in the case of indicator frameworks aiming to provide comparable metrics for most, if not all, countries in the world, the restrictions are even more daunting, as limitations of data availability lead to a

‘least common denominator approach’ that can contribute to a further de-coupling between the concept and its respective metric (Parsons, 2011).

Thus, data availability plays a huge part in limiting the development of new indicators. Merry refers to this as ‘data inertia.’ In the specific case of MDG 3, many scholars have argued that some of the commitments in the Millennium Declaration—including several issues that were extremely important to feminist advocates, such as violence against women—were dropped in the process of being translated into goals and targets, on the grounds of measurement difficulty (Antrobus, 2006; Kabeer, 2015). Likewise, it is a well-documented fact that indicators were chosen based on data availability (Tesfaye and Wyant, 2016). To quote former UN High Commissioner for Human Rights Navi Pillay, ‘[i]n the process of selecting the MDGs, we “treasured what we measured” – and perhaps that was the wrong way round. Rather, as has been observed, we should measure what we treasure’ (OHCHR, 2013, n.p.).

Data inertia creates a problematic dynamic as metrics often do not react fast enough to shifts in the conceptualisation of phenomena. Thus, indicators are more likely to reinforce the *status quo* than challenge it. Perhaps the clearest example of this is how today’s understanding of societal progress has expanded to include wellbeing, inequality, and sustainability, while most metrics of progress are still firmly grounded in gross domestic product (Kaufmann et al., 2023). This lag is particularly troublesome when indicators are used as technologies of governance and influence how priorities are set and resources allocated.

Moreover, data inertia is also an obstacle when trying to challenge existing measures. For instance, many renowned feminist including Diane Elson, Gita Sen and Joan Sandler were part of the Millennium Project Task Force on Education and Gender Equality (Open Society Foundations, n.d.), which tried to expand the reach of MDG 3 by suggesting the inclusion of country-level additional targets (Millennium Project Task Force on Education and Gender Equality, 2004). The task force also noted that the selected indicators did not capture the priority areas they had identified, and recommended replacing them with a set of 12 indicators that covered issues including education, sexual and reproductive health and rights, infrastructure, property rights, employment, participation in national and local government, and violence against women (Grown et al., 2005). However, many of these proposals were ignored due to the lack of data (Morrison et al., n.d.; see Table 3.1 in the Annex for the full list of proposed indicators).

Interestingly, the production of an indicator is still seen as a very pragmatic process in which a technical expert (i.e. a statistician) does 'the best she can with the data available [...] It is not typically understood or announced as a political, conceptual, or interpretive process, even though it requires politics and interpretation' (Davis et al., 2015, p.13). This is done through a fictitious separation of the political and the technical realms: while indicators might be *used* in political ways, they are *created* by technical experts, whose work is perceived to be outside the political domain. This idea resembles the 'foundational myth' proposed by Annelise Riles in her anthropological analysis of central banks:

[t]he gulf between experts and the public was long managed by one foundational myth [...] The myth was that there are two kinds of

things government actors do. Some things are political—those are things that in a democracy are properly decided by the people through their elected officials. Political decisions should be taken by prime ministers, presidents, and legislatures. But there is another category of things that are technical. In this area, the public does not need to be consulted; in fact, the public should not be consulted. Rather, experts should decide what is best for everyone as a whole [...] The myth was that there are spheres of life that belong to the public, and there are spheres of life in which it is best to trust the experts. (Riles, 2018, p.38)

However, if indicators are (at least potentially) technologies of governance, then the actors who produce them are among the governors (Davis et al., 2012a). This takes us to the second issue: expertise inertia. Merry (2016) uses this term to describe a pattern in the development of indicators, according to which priority is given to the ideas and perspectives of those who already have experience and technical expertise. If we go back to the example of the MDGs and the organisations involved in the opaque process that led to their development, we can find the names of institutions that already had plenty of experience producing indicators widely used in the international development arena, including gender-related ones. As discussed in Chapter 2, the UNDP had already published gender indices for the Beijing conference, and as I discuss below in section iv, both the OECD and the World Bank released their own indicators in the years that followed the adoption of the MDGs. Notably, neither UNIFEM (the United Nations Development Fund for Women) nor UNDAW (the United Nations Division for the Advancement of Women)—the two main women’s organisations within the UN system at that time—were part of these discussions (Fukuda-Parr et al., 2014; Kabeer, 2015; Rose Taylor, 2020).

Remarkably, this pattern of excluding ‘gender experts’ from development discussions is not only a feature of technical discussions around indicators. Many scholars (Altan-Olcay, 2020; Çağlar et al., 2012; Prügl, 2012, 2015, 2017; Sandler, 2015; Sandler et al., 2012) have done extensive research on feminists working inside governance institutions struggling for proper recognition among their peers. The context of technical discussions further exacerbates some features of this exclusion pattern, as the translation of ‘feminist knowledge’ into ‘gender expertise’ (Cağlar et al., 2012; Sandler, 2015) becomes more complex when only a very specific type of expertise is valued, while qualitative and contextual knowledge are marginalised (Nagels, 2021).

The role that experts play in the development and the implementation of an indicator cannot be emphasised enough: previous research shows that the presence of experts promoting specific statistics (instead of particular policies or scientific ideas)—people that Justyna Bandola-Gill calls ‘statistical entrepreneurs’—has played an instrumental role in the success of some metrics (Bandola-Gill, 2022). Interestingly, the dynamics that underpin the process of selecting an indicator in these technical discussions conceal its political grounds insofar as these entrepreneurs work ‘on creating conditions under which these [policy] solutions implicitly emerge in response to measurement’ rather than directly promoting specific policies (Bandola-Gill, 2022, p.509).

In a sense, the turn to indicators does not suppress ‘the role of private knowledge and elite power in decision making but replaces it with technical, statistical expertise’ (Merry, 2011, p.85). This opens the question of who these experts are:

they are entitled to produce information, which is in turn regarded as scientific, neutral, and objective. On the one hand, experts from civil society organisations and social movements are often seen as biased and the information provided by them as subjective or not rigorous. On the other, ‘technical experts’ (statisticians, economists and legal experts) working in or for international organisations are perceived as neutral. They not only have the ‘right’ skills to perform the task but are unbiased, given their alleged distance from the object of study. This is, of course, a very distorted idea: even if these technical experts (or the organisations for which they work) do not have an agenda of their own, they do—as discussed before—have their own theories of the world and how it works, which are then expressed in the indicators they create, whether this is made explicit or not.

It is important to note that while power under this mode of governance is now embodied in technical experts rather than political leaders, this does not mean that it is more democratic or egalitarian: these experts are not necessarily elected to occupy that role nor subject to public scrutiny of any kind (Powell, 2016). Furthermore, since there are no formal entry barriers to the ‘indicators market,’ resourceful private actors and powerful governments can influence states in a way previously only possible for official intergovernmental organisations (Urueña, 2015).⁴⁰ As a result, ‘the governors’ are usually located in the Global North, while

⁴⁰ For instance, the *Freedom in the World* indicator of Freedom House (a US-based NGO) rates how ‘free’ countries are. Christopher Bradley (2015) points out that, among other things, Freedom House has used this indicator ‘to bring about what it considers positive policy advancements by seeking to tether investment and aid decisions to indicator performance’ (p.57) and that ‘[t]he pursuit of what Freedom House considers policy advancement has been driven by the priorities and principles embedded in the indicator itself, and by the ideological convictions of the organization’s members, with little regard for nuances of development policy realities’ (p.57).

indicators have greater impact on the Global South (Powell, 2016; Merry, 2016). Once again, the MDGs illustrate this dynamic: while the framework is, in theory, universal, in practice indicators provided concrete targets and timeframes for evaluating progress made by developing countries, while the commitments linked more directly to the developed world (e.g., overseas aid assistance, debt relief) are loosely defined and not linked to any measure of progress (Bissio, 2003).

To sum up, while the turn to indicators in global governance might create the illusion of a more democratic and equalising space for decision-making, in reality it still favours specific actors and perspectives, and thus those seeking to enter this space for the first time or use indicators to challenge hegemonic ideas are in disadvantage. As discussed both in Chapter 2 and earlier in this section, both women's organisations and the World Bank hoped to re-interpret MDG 3, including in the area of women's economic empowerment. However, the rendering technical of these discussions further disadvantaged the former, for two reasons. First of all, the existence of certain formal rights (e.g., the individual right to inherit and own property or the right to access credit) as articulated by the World Bank is easier to measure through indicators than the enjoyment of women's socioeconomic rights as formulated by many women's rights organisations, especially those attempting to use the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966) and its provisions (e.g., the right to enjoy just and favourable conditions of work or the right to an adequate standard of living). Secondly, the rise of evidence-based policymaking was accompanied by an increased valuation of technical expertise and statistical capacity. Hence, even though some women's organisations were also focusing

on formal aspects that are arguably equally easy to measure (e.g., the ratification of CEDAW), the World Bank was in a privileged position due to their legitimacy as a ‘technical’ institution.

The problems attached to the rise of technical expertise are further complicated by the fact that the production and use of indicators remains largely unregulated. As a result, private corporations, individual countries, or powerful organisations can take advantage of the lack of regulation and unilaterally use indicators as technologies of global governance, further tipping the scale in favour of those who have power and resources.

iii. Indicators and the Law: Re-interpreting Rights More Narrowly

Despite the increasingly relevant role indicators play today, their production and usage are still insufficiently regulated.⁴¹ This lack of oversight frequently leads to

⁴¹ The increasing role that indicators play in governance and decision-making has led to a call for an ethics of quantification (Saltelli et al., 2021) and for regulation of the production and use of indicators. Cassese and Casini (2012) argue that when an indicator is used in a binding (rather than voluntary) way, global administrative law principles—such as legality, impartiality, transparency, accountability—must apply (Davis, 2014). The authors identify four approaches to the regulation of indicators. First, according to one perspective, indicators are protected by free speech rights and consequently should remain unregulated. However, with the growing reliance on indicators for decision-making, a second approach that proposes to regulate *the producer* of indicators emerged, while a third alternative promotes legislating *the process* by which indicators are produced. Finally, another approach suggests that indicators themselves should be subjected to regulation. This last perspective has gained momentum as indicators produced by private institutions became more prominent.

On the other hand, it is also possible to consider regulatory interventions that target *the users* of indicators—e.g. promoting educational efforts that enable the general public to fully understand the costs and benefits linked to the use of indicators—as well as *the subjects* of indicators—e.g. granting access to the expertise needed to contest those indicators (Davis et al., 2012b). Finally, Nelken (2015) asks whether ‘juridifying’ indicators is always desirable, as this might legitimate larger projects that indicators were supporting in the first place. Nevertheless, to this day, there are no globally agreed principles governing the production or use of indicators.

the same group of ‘experts’ as judge, jury, and executioner. Unlike with law, in addition to articulating the standards, indicators simultaneously apply it (Davis et al., 2015), giving a huge amount of power to a unique entity that can frequently operate without any control or restriction. Jacobsson (2002) rightly points out that when expert knowledge is crystalised in standards, there are no well-established mechanisms for expressing disagreement or criticism. This is further complicated by the opaque nature of many indicators, which often cannot be replicated because their methodology or input data are not publicly known. As indicators increasingly become part of the legal landscape, the opacity surrounding their development and application raises fundamental rule of law issues.

As discussed in the introduction of the thesis, there is growing recognition of the role of indicators in modern international legal architecture. Nonetheless, the nature of that role is still under-theorised. Urueña (2014) identifies three ways in which indicators might interact with international law. Firstly, indicators can be used to *replace* formal international regulations. For instance, according to Marie Besançon (2003), Transparency International’s Corruption Perception Index (CPI)—an indicator that is highly regarded by donors—has prompted some countries to address corruption. Christiane Arndt and Charles Oman (2006) have found at least one example of a major donor that stopped funding a country based on its CPI score, and Urueña (2014) adds that many Eastern European countries took this indicator very seriously because poor performance could compromise their membership of the EU. The CPI example then illustrates how indicators can replace international regulations, highlighting the appeal of achieving a similar outcome (i.e., influencing the behaviour of a government in a certain way) through

an indicator developed unilaterally in comparison to the lengthy and costly process of negotiating, adopting, and ratifying an international norm.

Secondly, indicators might *supplement* formal international law insofar as international institutions can use them to communicate lack of compliance with a specific norm, even if there are no other tangible consequences (Urueña, 2015). This contributes to a key unresolved issue at the core of international law: enforcement. In the specific case of human rights law, Merry (2015) points out that the use of indicators ‘tends to harden soft law in transnational contexts’ since ‘[i]n the human rights legal order, recourse to indicators helps define legal obligations more clearly and specify the terms of compliance’ (p.374). Urueña (2014) adds that this is particularly relevant to economic and social rights: while individual violations of civil and political rights can be revealed more easily, analysing individual violations of and compliance with economic and social rights requires quantitative tools. Similarly, in the 1990s, both the Special Rapporteur and the Committee on Economic, Social and Cultural Rights ‘identified indicators as a way to make the seemingly vague obligations imposed on states parties by the ICESCR (1966) more concrete’ (Satterthwaite and Rosga, 2009, p.299).

Interestingly, Merry (2016) points out that while many human rights lawyers consider that ‘identifying human rights violations requires legal judgement, not statistical patterns’ (p.445), there is an increasing interest within the human rights community in developing indicators to measure state compliance with human rights treaties. Consequently, the Office of the High Commissioner of Human Rights (OHCHR) conducted a research and consultation process that established

a conceptual and methodological framework of indicators. Likewise, in America, the Organization of American States (OAS) required the Inter-American Commission on Human Rights (IACHR) to develop indicators to assess compliance with the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, also known as the 'Protocol of San Salvador' (Pautassi, 2010). While part of the explanation for these requests is linked to improving monitoring, as explained above, Margaret Satterthwaite and Annjanette Rosga add that indicators are also expected to legitimise treaty bodies' authority through 'transform[ing] a judgment-laden process into one that appeared technical, scientific' (2009, p.35).

Finally, indicators can build bridges between different regimes of expertise, creating common ground between epistemic communities (Urueña, 2014). Perhaps the most striking example is how indicators have fostered interaction between the human rights and economic development expert communities (Urueña, 2014). Urueña claims that the MDGs are an example of this dynamic: while the goals are not explicitly grounded in human rights, the UN Millennium Declaration that provides the MDGs' conceptual framework refers to human rights law. Moreover, as discussed in Chapter 2, this framework was widely adopted by governments and IFIs, including the World Bank. According to the author, the translation of human rights into indicators played a key role in enabling this integration. Indeed, between 2003 and 2015, the World Bank's *World Development Indicators* flagship report included a chapter discussing progress under the MDGs (Urueña, 2014). Nonetheless, the question of what has been lost in this translation remains, as discussed in the section above.

It is important to recognise that the coexistence of law and indicators is not always harmonious: indicators might ‘challenge classical concepts in the discipline of international law’ (Buchely, 2015, p.25). For example, Urueña (2015) uses the World Bank’s Doing Business Index (DBI)⁴² to illustrate how indicators can undermine existing international labour regulations by giving better scores to countries that bypass ILO conventions. Furthermore, even when indicators do not clash with or undermine existing rights, the turn towards indicators, particularly in the case of human rights law, has not been neutral in terms of how we conceptualise the enjoyment of those rights. For instance, Merry (2016) points out that in order to produce human rights indicators, the traditional ‘respect-protect-fulfil’ framework utilised by human rights lawyers was replaced with a ‘structure-process-outcome’ template in development planning. Many scholars have reflected on the imperialistic tendencies of economics (i.e., the ‘colonisation’ of the subject matter of other social sciences by economics) and its influence on development practice and institutions (Bergeron, 2006). Specifically, Perry-Kessaris (2011) associates the increase in the use of indicators with the arrival of economic imperialism in the field of law and development. Moreover, the influence of economists is evident in the ‘form and style’ of legal indicators (Twining, 2009).

⁴² At the time of writing, the World Bank Group (WBG) has discontinued its Doing Business Report. While civil society organisations and other stakeholders have questioned this indicator on many grounds (including methodology, data selection and scope, the robustness of the aggregate rankings, and its anti-regulation bias) for years (361 Signatories, 2021), the WBG has arrived at this decision after conducting an internal investigation, prompted by data irregularities in the *Doing Business* 2018 and 2020 reports (Machen et al., 2021). Further, the audit raised ethical issues (mostly concerning staff manipulating the index to favour certain countries) that led the Bank to discontinue production of the index and report on September 16, 2021 (World Bank, 2021b).

This change has not been neutral, as it has shifted the focus from monitoring the actual attainment of rights to assessing government efforts that are presumed to pursue the fulfilment of those rights (Merry, 2016). While the respect-protect-fulfil framework envisions the state playing a central role in both preventing the violation of people's rights and creating the preconditions for the realisation of those rights, 'structure-process-outcome', in line with current development thinking, internalises the assumption that specific state institutions and laws can produce specific outcomes. As a result, there is excessive emphasis in the formal existence of legal provisions, which are considered good proxies for the actual enjoyment of those legal entitlements. We will return to this issue in the next section, where I discuss specific gender indicators and the ideas on women's economic empowerment embedded in them.

This problematic dynamic has been reinforced by a different yet related phenomenon: the prevalence of data inertia. More concretely, '[t]he lack of data on more complex human rights can make these harder to identify and track' which can in turn 'potentially contribut[e] to their receding visibility within the human rights canon' (Airey, 2015, p.85). Rosga and Satterthwaite (2012) use the right to gender equality in education as an example of this problematic dynamic. States' efforts in this direction are usually measured using the ratio of girls to boys enrolled in primary education as a key indicator. However, as the authors point out, in the absence of contextual information (e.g., are the curricula taught to boys and girls qualitatively equivalent? Is there sex segregation of any kind in schools? What is girls' actual attendance rate compared to that of boys?), this indicator is insufficient to assess 'substantive rights fulfilment' (Rosga and Satterthwaite,

2012, p.305). This contextual information is logically harder (i.e., more costly) to gather and might require a more thorough discussion of what the right to gender equality in education entails. However, the continued uncritical use of the aforementioned indicator progressively erodes the original content of the right to education—as articulated in the UNESCO Convention against Discrimination in Education (1960), in Article 13 of the ICESCR (1966); Article 10 of CEDAW (1979); and Articles 28 and 29 of the Convention on the Rights of the Child (1989); among other human rights instruments—in the eyes of the public.

Thus, the turn towards indicators to specify the content of international agreements has not been neutral. Siobhán Airey (2015) offers another illustrative example: after unsuccessful attempts within the UN in the 1980s and 1990s to clarify the Declaration on the Right to Development to support its implementation, a High-Level Task Force established in 2004 produced a set of Right to Development indicators to specify state obligations and assess compliance. Airey concludes that, through this process, several key concepts and ideas ‘were re-articulated in subtle but significant ways that both diverge from and progress ideas contained in the UN's 1986 Declaration on the Right to Development’ (2015, p.115). For instance, while the latter document called for the ‘fair distribution of the benefits of development’ (therefore committing to the principle of substantive equality), the indicator framework re-interpreted this provision as ‘fair access to’ and ‘sharing’ the benefits of development, focusing on equality of opportunity (and not outcomes) in health, housing, and education (Airey, 2015). Airey traces back the language of ‘equitable sharing’ of the benefits of development (in lieu of fair distribution) to the World Bank World Development

Report 2006: equity and development. As a result, the emerging indicators did not only include perspectives developed within the UN but also captured ideas promoted by the World Bank (Airey, 2015). Airey links this to the specific power dynamics that underpin the work on indicators and that can foreground and legitimise particular values and worldviews.

Airey concludes that, while the 'indicatorisation' of human rights does not necessarily lead to a more regressive conceptualisation of rights,

its reliance on available data sets (whose own orientation reflects particular world views), and the contingent nature of the selection and choice of data used (though these decisions can be made by 'experts' and appear to be mainly technocratic, they are, in fact, political in nature), impacts on the contestative and emancipatory role of human rights. (Airey, 2015, p.115)

As a result, due to data and expertise inertia (Merry, 2016), the turn towards indicators has diluted more ambitious conceptualisations of human rights, prioritising interpretations that support rather than challenge the *status quo*.

iv. The Emergence of Gender Indicators as Technologies of Global Governance

Previous sections have explained how, despite the appearance of creating more democratic ground for political dispute, the turn to indicators further disadvantages those perceived to lack the necessary technical expertise and those who seek to challenge the status quo. In addition, I have explained how this dynamic operates in the realm of law, with a specific focus on human rights law, showing how the turn towards indicators can and often does lead to a more

formal and less ambitious conceptualisation of those entitlements. Now, I turn my attention to the implications for understanding of women's economic empowerment. This section briefly reviews the emergence and use of gender indicators as technologies of global governance and then discusses through three concrete examples, what ideas of women's economic empowerment they promote and what role (if any) they envision for the law. This exploration allows me to put my study of the SDG framework into context, exposing whether the UN Agenda 2030 continues or departs from previous trends.

Broadly speaking, gender indicators provide information about the state of women's rights or women-related issues. They are a particular sub-set of indicators that aim to detect existing differences in the enjoyment of rights between men and women. This typology encompasses both gender-sensitive indicators—i.e., sex-disaggregated indicators on the same topic—and gender-specific indicators—i.e., indicators that address specific issues affecting men or women (Gilleri, 2020). Chapter 2 gestured towards subtle shifts in the role envisioned for these: from indicators as knowledge to indicators as advocacy tools. As such, data and indicators are no longer just useful to understand better women's situation: they are indispensable advocacy tools ('evidence') to convince development practitioners and policymakers alike of the importance of addressing an issue (Rottenburg and Merry, 2015). Thus, they play an increasingly important role into what Keck and Sikkink call 'issue creation and agenda setting' (1998, p.25).

Over time, gender indicators have become more complex, gaining even more prominence in the field of gender and development (Azcona and Bhatt, 2020). In particular, I argue that this trend can be associated with their more recent reconfiguration as technologies of global governance (see Introduction), supported by the way that many international organisations and inter-governmental agencies took an interest in producing gender indicators. Below, I unpack three key influential gender indicators to expose the ideas on women's economic empowerment that they reflect and the legal interventions that they promote. This analysis is supplemented with Table 3.2 in the Annex, which summarises all the indices, sub-indices, and indicators discussed, as well as other influential indicators like UNDP's GDI and Gender Inequality Index (GII).

a. The World Economic Forum: The Gender Gap Index

In 2006, the World Economic Forum (an international NGO 'for Public-Private Cooperation', henceforth WEF) launched its Gender Gap Index (GGI) that monitors four components of gender inequality: economic participation and opportunity, political empowerment, educational attainment, and health and well-being. In particular, the gender gap in economic participation and opportunity is captured by three concepts: i) the advancement gap (measured through the ratio of women to men among legislators, senior officials, and managers, and the ratio of women to men among technical and professional workers); ii) the participation gap (measured through differences in formal labour force participation); and iii) the remuneration gap (measured through a 'hard data indicator'—the ratio of estimated female-to-male earned income—and a variable estimated through an

expert opinion survey that seeks to capture ‘wage equality for similar work’) (Hausman et al., 2006; see Table 3.2 in the Annex).

Interestingly, WEF does not offer any methodological information that explains the need to complement the ‘hard data indicator’ on female-to-male incomes with expert opinion, nor about why this is the only component that requires this type of supplementation. Furthermore, in line with the discussion above about whose expertise is considered, it is worth noting that the experts surveyed about their perceptions of the prevailing wage gap in their countries were not gender experts, but business leaders⁴³ and there is very scarce information about the composition of this sample.⁴⁴

Given the organisation’s composition and mission, it is unsurprising that the GGI promotes a ‘gender equality as a smart economics approach.’ In particular, the WEF has made explicit attempts in their reports to link gender gap metrics to measures of economic competitiveness at the national level—more specifically, as noted by Juanita Elias (2013), to their own measures of economic competitiveness. In this vein, it is worth noting that among the various reports that the WEF produces, the Gender Gap reports are the only ones that ‘undertake a comprehensive benchmarking and indexing of states in terms of a range of measurable criteria’ (Elias, 2013, p.159).

⁴³ However, it is important to acknowledge that this information is captured as part of a stand-alone survey carried out by the organisation among the business community that serves multiple purposes.

⁴⁴ For instance, there is no data on the gender composition of the group surveyed; nonetheless, if the sample aims to represent the population, it is reasonable to expect that it will be overwhelmingly male dominated.

The attempt to link gender equality and economic competitiveness becomes even more relevant if one considers that the GGI was developed with the explicit aim of influencing behaviour. As stated in the launch report, country comparisons are expected to work ‘as a benchmark to identify existing strengths and weaknesses; and as a useful guide for policy, based on learning from the experiences of those countries that have had greater success in promoting the equality of women and men’ (Hausman et al., 2006, p.3).

It is through this channel (the links with competitiveness) that the role envisioned for the law—fundamentally absent in the GGI, as it focuses primarily on outcomes—resurfaces: legal instruments can support gender equality through promoting economic competitiveness. Although a comprehensive analysis of the very complex WEF economic competitiveness index is beyond the scope of this thesis, when considering the multiple components (Schwab, 2019), it becomes evident that the legislative changes the indicator is attempting to measure (and promote) are closely related to the usual approach of the private sector of using the law to create a more ‘market friendly’ environment (Krever, 2013), through measures such as protecting property rights and labour market flexibility.

b. The OECD Development Centre: The Social Institutions and Gender Index

The OECD Development Centre started producing the Social Institutions and Gender Index (SIGI) in 2009. This index focuses on how social institutions (including formal legislation, values, perceptions, among others) impact men and women (OECD Development Centre, n.d.). Thus, it suggests a much more

prominent role for law than the GGI. In essence, the SIGI attempts to address issues of implementation, balancing the existence of legislation on the matter with qualitative measures of 'law in practice.' With its focus on social institutions, the SIGI gives a great level of influence to expert opinion. All qualitative data is sourced directly from SIGI country profiles. Interestingly, while for its 2014 edition, the country profiles were 'drafted by gender and development experts' (OECD Development Centre, 2014, p.14), in its 2019 edition, the questionnaires were filled out by 'legal consultants' (Ferrant et al., 2020). Thus, there is a shift in how expertise is evaluated, with legal knowledge gaining more prominence. While the idea that legal experts are more qualified than gender experts to provide input for a gender index is at least controversial, this choice is grounded in the belief that '[t]he SIGI's main value-added lies in the legal data collected' (Ferrant et al., 2020, p.23). Unsurprisingly, the opacity of the process is also noteworthy: although the list of people involved in the SIGI is available online, there is no clarity on the qualifications of these experts or how they were selected.

Among SIGI's five original key areas, the one with the closest relationship to women's economic empowerment would be 'ownership rights' that captures access to land, access to property other than land, and access to bank loans.⁴⁵ Hence, at least in relation to the economic realm, the priorities that underpin the SIGI resonate with the 'smart economics' approach discussed in Chapter 2,

⁴⁵ Later, the dimension was renamed 'restricted resources and assets' but the focus remained essentially unchanged, the only exception being that, in the 2014 SIGI, the indicators under this overarching area seek to measure secure access to land/non-land assets (Ferrant et al., 2020).

focusing almost exclusively on a particular subset of rights that I have linked to women's individual participation into the market economy.⁴⁶

c. The World Bank Group: Women, Business and the Law

As discussed in the introduction of the thesis, in 2010, the World Bank Group introduced the WBL index, an indicator that seeks to collect data on existing legislation that might affect women's economic opportunities (World Bank, n.d.). Hence, with the SIGI, the WBL embodies an explicit turn towards the law. However, unlike the SIGI, the WBL only considers codified law (it does not address how legal regulations are implemented in practice, nor the impact of customary law unless it has been codified). While there is recognition of the limitations of this approach (World Bank, 2021a, p.71), the report reaffirms its own relevance by establishing that 'identifying legal differences is one step toward a better understanding of where women's economic rights may be restricted in practice' (World Bank, 2020, pp.25–27). However, as Catherine Powell (2016) notes, this choice is once again made based on simplicity rather than on importance: '[t]his focus on *de jure* inequality is based on the fact that it is easier to identify *de jure* law than it is to measure *de facto* inequality' (p.802).

This metric also shares the role envisioned for experts as sources of information with the SIGI. For instance, the indicators are constructed with feedback from

⁴⁶ While the 2019 edition of the SIGI also included a dimension on workplace rights that seeks to capture laws on workplace rights, attitudes towards working women and representation in managerial positions, the general spirit of the indicator remains very much in line with the smart economics approach.

people ‘with expertise in family, labor, and criminal law, including lawyers, judges, academics, and members of civil society organizations working on gender issues’ (World Bank, 2020, p.24). Nonetheless, given the indicator’s focus on formal law, these expert responses ‘are verified against codified sources of national law, including constitutions, codes, laws, statutes, rules, regulations, and procedures in areas such as labor, social security, civil procedure, tax, violence against women, marriage and family, inheritance, nationality, and land’ (World Bank, 2020, pp.24–25). Originally, the WBL ‘focuse[d] on gender differentiations in legal treatment’ (World Bank, 2010, p.1) under six main areas: accessing institutions, using property, getting a job, dealing with taxes, building credit, and going to court (World Bank, 2010). In its 2020 version, the WBL covered legal differences between men and women in terms of mobility, the workplace, pay, marriage, parenthood, entrepreneurship, assets, and pensions (World Bank, 2020). Hence, economic dimensions remain the most prominent, compared to any of the indicators discussed above.

As discussed in Chapter 2, the World Bank has explicitly adopted and promoted a ‘smart economics’ approach to women’s economic empowerment, and this has also permeated the WBL index. For instance, under the indicator on pay that ‘measures laws and regulations affecting women’s pay’, three of the four questions refer to whether women *can* work in the same dangerous jobs or industries as men, as well as working night hours. Likewise, the pensions indicator focuses mostly on whether men and women are subject to the same requirements for retiring and whether they can retire at the same age. This fails to take account of actual demands made by the women’s movement: rather, it

(arguably) promotes a downward equalisation of working conditions for both men and women, as discussed in the previous chapter (see fn 31). Hence, it is possible to conclude that, at a deeper level, the WBL is a key component in the World Bank's effort to use women's economic empowerment to further promote free-market reforms, including through the law (Bedford, 2009b).

To sum up, several international organisations have introduced gender indicators that attempt to measure (components of) women's economic empowerment in the last decades. Notably absent is UN Women (and its predecessors UNIFEM and INSTRAW—the International Research and Training Institute for the Advancement of Women). This could be taken as a red flag about women's lack of involvement in the process of defining the measurement of our own status.

The next logical step would be to consider the role of gender experts within the international organisations that produce gender indicators, something I briefly addressed in section i. Interestingly, while these governance organisations have increasingly incorporated gender experts into their staff (Prügl, 2012), recognising their expertise as important for improving their development projects, these gender professionals have had to conform to the prevailing institutional culture, which significantly limits their ability to push for actual change in frameworks, methodologies, and policies. For instance, the prioritisation of legal experts by the OECD and the World Bank, or of business executives by the WEF, over gender experts sheds lights on how this type of expertise is seen as insufficiently technical in this kind of work. Moreover, gender experts had limited influence on the privileged place. As noted by Goetz (1994):

Gender policy advocates seeking to widen the data base on women's 'problems' with development have come up against a serious constraint given this bureaucratic requirement for statistical simplification and aggregation. The problem is that the sheer, infinite variety in women's experience of development and their position relative to men eludes any systematization or easy categorization into bureaucratic information systems [...] there is no shortage of information about women and gender differences, but the problem is, it is the wrong kind of information for bureaucracies. (Goetz, 1994, p.31)

This conclusion is in line with the findings of Emily Springer (2019), who, through a thorough investigation with international development professionals in an East African country, demonstrated that while gender experts tend to be sceptical about the usefulness of quantitative metrics as 'measurement tools'—which can be 'problematic measurements of women's lives' (p.58)—they value them as 'bureaucratic tools' to gain support from their male co-workers. Hence, based on their experience and expertise, they consider qualitative data to be better suited to capturing the complexities of women's lives, but tend to focus their efforts on reclaiming more quantitative metrics for strategic purposes.

Furthermore, if gender experts face significant barriers when trying to influence international organisations attempts to measure gender equality and women's empowerment, such obstacles are even more daunting for women's organisations whose expertise is often dismissed as subjective or biased. As Goetz (1994) notes 'information about women tends to receive policy recognition in proportion to the social and political significance of the "informer"' (p.28). This issue is discussed in more depth in Chapter 5.

v. The numbers don't speak for themselves: Feminist critiques of gender indicators in global governance

The last section introduced three key examples of gender indicators put forward in the global governance arena before the adoption of the SDGs. In this section, I complement this view by discussing what I consider the most salient feminist critiques of their use. While all these indicators have been criticised on various methodological grounds (Klasen, 2017; Jain, 2005), this section does not attempt to summarise those appraisals; rather, I discuss the use of gender indicators as technologies of global governance, drawing on the scarce and yet important contributions of feminist scholars who have studied this issue before me.

First, feminist scholars and practitioners have benefited extensively from indicators used as knowledge or advocacy tools. For instance, in the absence of official statistics, civil society organisations (such as *La Casa del Encuentro* in Argentina) and private citizens (such as María Salguero under the pseudonym *Princesa* in Mexico) compiled information on femicide from newspapers and other media outlets (D'Ignazio and Klein, 2020; Trebisacce and Varela, 2020). This information has been crucial in demonstrating the prevalence of femicide (indicators as knowledge) and in mobilising the women's movement, achieving tangible results, such as formally introducing the concept of femicide in legal systems and creating official entities in charge of measuring the intentional killing of women because they are female (indicators as advocacy tools).⁴⁷

⁴⁷ However, whether this has contributed to redirecting much-needed resources to those areas identified as a priority by (local) feminist activists remain unclear. One may wonder if the greater

Whether indicators have been useful to advance women's demands when used as technologies of global governance is less clear. Gender indicators have had important effects on the allocation of resources for development projects, but not necessarily in the direction desired (or needed) by women. The US Millennium Challenge Corporation, a bilateral United States foreign aid agency, for example, uses data from the World Bank WBL index to produce a new composite indicator on gender in the economy, which is in turn used as a selection criterion for funding, but there is no evidence that the priorities that emerge from this process coincide with those articulated by local women. Likewise, the WBL 2021 report claims to have impacted many Global South regulatory frameworks:

Increasingly, World Bank Group operations are using Women, Business and the Law data and evidence to inform project design and target discriminatory legal frameworks. The World Bank recently supported the government of Madagascar with an ambitious agenda to improve human capital. One of the three main pillars of the development policy operation aimed to strengthen legal frameworks for the protection of women and girls. Women, Business and the Law data also helped to identify important legislative gaps, such as lack of legal protection against domestic violence. In Azerbaijan and Vietnam, the World Bank supported the reform of labor legislation to remove job restrictions for women as identified by Women, Business and the Law data. And government demand is increasing for advisory services related to Women, Business and the Law indicators, with new World Bank and International Finance Corporation operations supporting

visibility of femicides and the introduction of specific legislation just discussed translated into a decrease in femicides and a safer environment for women. Furthermore, the prominence given to quantification in the overarching approach to gender-based violence has also received criticism *within* the feminist movement: for instance, discussing the case of Argentina, Catalina Trebisacce and Cecilia Varela (2020) claim that feminists ought to engage not only with discussing *how* to solve certain problems but also with contesting the way in which they are framed, and that resorting to the 'politic of numbers' has granted visibility to this issue at the expense of promoting a punitive solution.

legal reforms to improve women's access to employment in Chad and Sierra Leone. (World Bank, 2021a, p.24)

Hence, while there is no doubt that the use of statistics has been instrumental in putting many important issues that concern women under the spotlight, some feminists have expressed discontent with the increased use of gender indicators as tools of global governance, questioning the capacity of measurements to capture the complexities and aspirations that lie behind the phrase 'gender equality' (Buss, 2015) or to address the underlying causes of gender inequality (Gilleri, 2020). Further, women's organisations have challenged the authority of some of these institutions to shape the gender agenda through their metrics.⁴⁸

Particularly in the field of development, Goetz (1994) notes that 'the privileging of an economic framework for assessing the meaning of information, for understanding motivation, and for defining problems and their solutions has fundamentally misconstrued the implications of women's experience of development' (p.31). I take up this line of inquiry by critically exploring understandings of women's economic empowerment embedded in the gender indicators discussed in the previous section, and those embedded in MDG 3.

Debra Liebowitz and Susanne Zwingel (2014) argue that frequently used measures of gender equality depart substantially from the notions and commitments in feminist discourses and human rights norms. They analysed nine of the most popular gender-related measures (including those mentioned above)

⁴⁸ For instance, civil society organisations have criticised the IMF intention to include 'gender conditionalities' into their programmes in the future (Action Aid International et al., 2022).

and found that these indicators support a specific and problematic narrative because they

articulate a very narrow understanding of gender equality; they produce a logic of ranking rather than problem solving; they construct the South as deficient “at the bottom”; they lump women together into a collective without differences; and they obscure processes of agency in social change. (Liebowitz and Zwingel, 2014, p.371)

It is worth unpacking each of these dimensions and discussing them in the specific case of women’s economic empowerment. Firstly, the authors point out that while most of these indicators claim to measure gender equality, they actually focus on gender equity or parity, which is much more vaguely defined and does not create any state obligations (Liebowitz and Zwingel, 2014). Additionally, gender equality is generally conceptualised as the simple ‘sum of the parts’, and its achievement is transformed into a box-ticking exercise. Further, these components of or steps towards ‘gender equality’ are in most cases not selected because they represent the most crucial aspects, but because there is relevant data available, falling into a pattern of data inertia as discussed with reference to MDG 3 (see section ii). Lastly, Liebowitz and Zwingel (2014) highlight the androcentric biases present in these indicators: since many of them attempt to compare the situation of women with that of men, this excludes situations for which there is no equivalent male experience such as reproductive rights or violence against women. To this list, I also add unpaid care work, which is particularly relevant to women’s economic empowerment. As a result, the promotion of these composite indicators might contribute to the problematic idea that gender equality is achievable without making progress in these areas.

Catherine Powell (2016) points out that the excessive emphasis on formal equality arising from these indicators is very much in line with the ideas of first-wave feminism. The same applies to women's economic empowerment here: for instance, if we were to define economically empowered women by WEF's GGI, it would be possible for a country to achieve the maximum score regardless of women's access to social protection (including maternity leave); whether they face violence and harassment at work at a disproportionate rate; or how unpaid care work is distributed within the household and across institutional actors.

Secondly, most of these indicators led to the establishment of global rankings. Rankings are problematic: for those that are at the top, it creates the illusion that the transition towards a gender-equal world has been almost completed, even in the face of local feminists (Liebowitz and Zwingel, 2014). For those at the bottom, the indicator often brings shame with little or no guidance on how to improve (Liebowitz and Zwingel, 2014). For instance, if a country wished to improve its score under the 'wage equality for similar work' indicator of WEF GGI, it would be unclear how it can change the perception of executive leaders on this issue. Moreover, it is debatable whether changing that perception would lead to material improvements for female workers. Here, it is worth noting that while 'shame' can sometimes be leveraged by activists, it can also divert resources to areas that do not reflect local advocacy priorities, as discussed regarding MDG 3 in Chapter 2.

Thirdly, as mentioned above, indicators are usually produced by the Global North but deployed in the Global South. Thus, gender equality indicators tend to perpetrate colonialist discourses that portray the latter as backward or even

uncivilised countries where women are by default oppressed and need to be saved (Liebowitz and Zwingel, 2014), while letting Global North nations off the hook. Perhaps the most blatant example is the OECD SIGI from which advanced economies were intentionally excluded until 2014 (Ferrant et al., 2020).⁴⁹ Furthermore, when Global North countries are included, they are usually posed as models to be followed. Finally, sometimes the indicators are implicitly biased in the sense that they tend to capture certain forms of discrimination while omitting others. Of course, the former group is comprised of certain practices, attitudes, and behaviours usually associated with the Global South (Liebowitz and Zwingel, 2014). Liebowitz and Zwingel use Cingranelli-Richards Women's Social Rights Index to illustrate this point, in which violence against women is measured exclusively by performance in two indicators that assess freedom from female genital mutilation and freedom from forced sterilization. In the case of women's economic empowerment, one of the most telling examples in this area is the overemphasis on property rights over land and land ownership within these indices, which is not an appropriate framing of the problem of precarious access to land that many rural, peasant and Indigenous women face, as I discuss in more depth in Chapters 4 and 5.

⁴⁹ The 2012 SIGI report sheds some light on the rationale behind the country selection: 'The selection of non-OECD and non-European union countries is not based on the justification that discriminatory social institutions do not exist in these countries. Discriminatory social institutions exist in various forms across all countries and indeed, data from several surveys indicates that discriminatory attitudes and practices exist across all OECD and European union countries. however, the OECD Development Centre's rationale for measuring discriminatory social institutions is to understand their impact on gender and development outcomes and as such, the primary focus of the SIGI is on developing countries or countries which have undergone rapid development in recent years. Another reason why OECD countries are excluded is that the primary role of the OECD Development Centre is to produce analysis relating to non-OECD countries' (OECD Development Centre, 2012, p.10).

Fourthly, these indicators contribute to the essentialist idea that all women share certain universal experiences. Hence, even if they capture inter-discrimination—between men and women—they ignore intra-discrimination—among women (Gellers, 2016). Minority or particular experiences tend to be completely invisible in aggregate measures, even if they are widespread within specific groups such as women of colour, trans* women or lesbians (Liebowitz and Zwingel, 2014). Furthermore, due to their excessive focus on formal institutions, mainstream gender indicators tend not to contribute to intersectional analysis, supporting a narrative that prioritises certain forms of gender inequality—those that affect mostly hegemonic women—while neglecting others. Gendered analyses of the labour market illustrate of this trend: while the prevalence of vertical segregation (i.e., how men and women are unequally distributed along the occupational ladder) is a well-documented feature of labour markets across the world, ‘glass ceilings’ (i.e., invisible barriers that prevent women from accessing senior, managerial or powerful positions) have received much more attention than their less glamorous counterpart of ‘sticky floors’ (i.e., the concentration of women in low-paid and precarious jobs). This is in turn reflected in the indicators, which are only concerned with the percentage of women in hierarchical positions (e.g., WEF’s GGI).

Likewise, many of these indices promote a Northern characterisation of political power (focused on parliaments and professional associations) that leaves out cooperatives and trade unions, which constitute key spaces for the political empowerment of women in the Global South (Jain, 2005)—and arguably also in the Global North. Furthermore, these formal indicators of political participation

can be weaponised to ‘genderwash’ autocratic regimes (Bjarnegård and Zetterberg, 2022). For instance, Elin Bjarnegård and Pär Zetterberg (2022) have argued that by promoting gender quotas in parliaments, ‘an authoritarian regime can pose as committed to the democratic value of inclusion while sidestepping pressures to allow that parliament to be freely and fairly elected’ (p.62).

This is linked to the last critique articulated by Liebowitz and Zwingel: most of these measures focus on individualistic dimensions of women’s empowerment rather than collective interpretations of concepts. In terms of women’s economic empowerment, the overemphasis on access to (micro) credit and financial instruments promoted through many of these indicators (see, for instance, the WBL) contrasts with the community-based solutions that women have collectively developed to combat ongoing impoverishment (Federici, 2020; Kabeer, 2005).

The previous section exposed how the most widely used gender measures promote a particular view of women’s economic empowerment grounded in women’s individual access to the market economy. This section went further, demonstrating specifically how the criticisms other scholars have made more generally of gender indicators apply concretely to the underlying ideas of women’s economic empowerment embedded in these measures. I showed that these indicators tend to ignore gendered dimensions of the economic system (such as the distribution of unpaid care work); favour the perceptions of business leaders and legal experts over women’s perceptions of their own situations; uphold objectives grounded on Western values (e.g., land ownership over access to land) and on the needs of the women with relatively higher socioeconomic

statuses; and promote individual solutions to women's ongoing pauperisation. These findings constitute to point of departure of my exploration of SDG economic empowerment targets and indicators.

vi. Conclusions

This chapter argues that, while the turn to indicators in global governance might create the illusion of a more democratic and equalising space for decision-making, in reality it still favours specific actors and perspectives. Due to data and expertise inertia, those seeking to enter this space or use indicators to challenge hegemonic ideas are at a disadvantage. Thus, as concluded before, the turn towards indicators does not rebalance elite power, but replaces it with technical expertise. This is further complicated by the fact that the production and use of indicators remains unregulated. As a result, resourceful individual, countries, and organisations can benefit from their normative power, further tipping the scale in their favour. Of particular relevance is understanding how indicators interact with the law at the international level when used as tools of global governance. I have argued that this encounter has not been neutral and has led to a shift in focus from monitoring the actual attainment of rights to assessing government efforts (institutions, laws) that are presumed to produce specific outcomes.

In the introduction of this thesis, I suggested that measurability has played an instrumental role in the re-conceptualisation of women's empowerment within development discourse insofar as interventions that are easier to quantify are prioritised over those that might have a more meaningful impact on women's lives

and that this has favoured a specific understanding of women's economic empowerment, grounded on women's individual access to the market economy. Through analysing three key gender indicators, in the fourth section of Chapter 3, I provided further support for this claim, exposing how most of these measures promote a 'smart economics approach'. Furthermore, I also exposed how the measurement imperative has contributed to enhancing the role of the law in them. Lastly, I have delineated the problems with this approach, demonstrating how the ideas of women's economic empowerment embedded in these indicators ignore important aspects of women's economic empowerment, favour hegemonic and/or Western values that might not be relevant to most women, and promote an individualised approach.

These findings constitute the backbone of my exploration of the SDG framework. Knowing that, in the past, the turn towards indicators has favoured a 'smart economics' approach to women's economic empowerment and within it, a particularly relevant role for the law, I intend to explore whether the UN Agenda 2030 continues or departs from this trend. As noted in the introduction of the thesis, the process that underpinned the adoption of the SDGs and its indicators was more open and participatory than those around the development of any of the indicators discussed above (including this MDGs) suggesting that things might be different in this case. And if they are, this opens up interesting lines of inquiry, including what SDGs' gender indicators (and the process by which they were developed) can tell us about the role of indicators in broader discussions of women's economic empowerment at the intersection of gender, law, and

development; and what can we learn from tracing how those indicators are and are not being used in practice by women's groups at the national level.

vii. Annex

Table 3.1. Alternative MDG 3 indicators proposed by the Task Force on Education and Gender Equality

Priority area	Indicator
Education	The ratio of female to male gross enrolment rates in primary, secondary, and tertiary education.
	The ratio of female to male completion rates in primary, secondary, and tertiary education.
Sexual and reproductive health and rights	Proportion of contraceptive demand satisfied.
	Adolescent fertility rate.
Infrastructure	Hours per day (or year) women and men spend fetching water and collecting fuel.
Property rights	Land ownership by male, female, or jointly held.
	Housing title, disaggregated by male, female, or jointly held.
Employment	Share of women in employment, both wage and self-employment, by type.
	Gender gaps in earnings in wage and self-employment.
Participation in national parliaments and local government bodies	Percentage of seats held by women in national parliament.
	Percentage of seats held by women in local government bodies.
Violence against women	Prevalence of domestic violence.

Source: Own elaboration based on Grown et al. (2005)

Table 3.2. Gender indices, sub-indices and indicators developed by global organisations.

Index	Sub-Indices	Indicators	
Gender Development Index (GDI-UNDP)		Life expectancy at birth (years)	
		Expected years of schooling (years)	
		Mean years of schooling (years)	
		Estimated gross national income per capita (2017 PPP \$)	
Gender Inequality Index (GII-UNDP)		Maternal mortality ratio (deaths per 100,000 live births)	
		Adolescent birth rate (births per 1,000 women ages 15-19)	
		Share of seats in parliament (% held by women)	
		Population with at least some secondary education (% ages 25 and older)	
		Labour force participation rate	
MDG 3: Promote Gender Equality and Empower Women		Ratio of girls to boys in primary education	
		Share of women in wage employment in the non- agricultural sector (%)	
		Proportion of seats held by women in national parliament (%)	
Global Gender Gap Index (GGGI-WEF)	Economic Participation and Opportunity	Labour-force participation rate	
		Wage equality for similar work 1-7 (best)	
		Estimated earned income (int'l \$1,000)	
		Legislators, senior officials, and managers	
		Professional and technical workers	
	Educational Attainment	Literacy rate	
		Enrolment in primary education	
		Enrolment in secondary education	
		Enrolment in tertiary education	
	Health and Survival	Sex ratio at birth*	
		Healthy life expectancy (years) **	
	Political Empowerment		Women in parliament
			Women in ministerial positions
Years with female/male head of state (last 50)			

Social Institutions & Gender Index (SIGI - OECD)	Discrimination in the family	Legal framework on child marriage
		Percentage of girls under 18 married
		Legal framework on household responsibilities
		Proportion of the population declaring that children will suffer if mothers are working outside home for a pay
		Female to male ratio of time spent on unpaid care work
		Legal framework on inheritance
		Legal framework on divorce
	Restricted physical integrity	Legal framework on violence against women
		Proportion of the female population justifying domestic violence
		Prevalence of domestic violence against women (lifetime)
		Sex ratio at birth (natural =105)
		Legal framework on reproductive rights
		Female population with unmet needs for family planning
	Restricted access to productive and financial resources	Legal framework on working rights
		Proportion of the population declaring this is not acceptable for a woman in their family to work outside home for pay
		Share of managers (male)
		Legal framework on access to non-land assets
		Share of house owners (male)
		Legal framework on access to land assets
		Share of agricultural land holders (male)
Legal framework on access to financial services		
Share of account holders (male)		
Restricted civil liberties	Legal framework on civil rights	
	Legal framework on freedom of movement	
	Percentage of women in the total number of persons not feeling safe walking alone at night	
	Legal framework on political participation	

		Share of the population that believes men are better political leaders than women
		Percentage of male MPs
		Legal framework on access to justice
		Share of women declaring lack of confidence in the justice system
Women, Business and the Law (WBL – The World Bank)	Mobility	Can a woman choose where to live in the same way as a man?
		Can a woman travel outside her home in the same way as a man?
		Can a woman apply for a passport in the same way as a man?
		Can a woman travel outside the country in the same way as a man?
	Workplace	Can a woman get a job in the same way as a man?
		Does the law prohibit discrimination in employment based on gender?
		Is there legislation on sexual harassment in employment?
		Are there criminal penalties or civil remedies for sexual harassment in employment?
	Pay	Does the law mandate equal remuneration for work of equal value?
		Can a woman work at night in the same way as a man?
		Can a woman work in a job deemed dangerous in the same way as a man?
		Can a woman work in an industrial job in the same way as a man?
	Marriage	Is there no legal provision that requires a married woman to obey her husband?
		Can a woman be head of household in the same way as a man?
		Is there legislation specifically addressing domestic violence?
		Can a woman obtain a judgment of divorce in the same way as a man?
		Does a woman have the same rights to remarry as a man?
	Parenthood	Is paid leave of at least 14 weeks available to mothers?
		Does the government pay 100% of maternity leave benefits?
		Is paid leave available to fathers?
Is there paid parental leave?		
Is dismissal of pregnant workers prohibited?		
Entrepreneurship	Does the law prohibit discrimination in access to credit based on gender?	
	Can a woman sign a contract in the same way as a man?	

		Can a woman register a business in the same way as a man?
		Can a woman open a bank account in the same way as man?
	Assets	Do men and women have equal ownership rights to immovable property?
		Do sons and daughters have equal rights to inherit assets from their parents?
		Do female and male surviving spouses have equal rights to inherit assets?
		Does the law grant equal administrative authority over assets to both spouses during marriage?
		Does the law provide for the valuation of nonmonetary contributions?
	Pension	Is the age at which men and women can retire with full pension benefits the same?
		Is the age at which men and women can retire with partial pension benefits the same?
		Is the mandatory retirement age for men and women the same?
		Are periods of absence due to childcare accounted for in pension benefits?

Source: Own elaboration based on UNDP (2022), UNSD (2015b), WEF (2022), OECD (2019) and World Bank (2022).

PART II – NEGOTIATING THE UN AGENDA 2030
WOMEN’S ECONOMIC EMPOWERMENT TARGETS AND
INDICATORS: LEAVING NO ONE BEHIND?

CHAPTER 4. A GENEALOGICAL ANALYSIS OF TARGET 5.A AND ITS INDICATORS: TRACKING DOWN IDEAS ABOUT WOMEN’S ECONOMIC EMPOWERMENT AT THE OPEN WORKING GROUP AND THE INTER- AGENCY EXPERT GROUP ON SDGs

i. Introduction

This chapter picks up the discussions started in Part I of the thesis and introduces the SDGs—specifically, SDG 5 on gender equality and women’s empowerment—as the site where the debates on women’s economic empowerment at the UN (Chapter 2) and the increased use of gender-indicators as tools of global governance (Chapter 3) merge. Here, I draw on the findings from Part I to explore one of the key guiding questions of my thesis: what role does the law play in SDG women’s economic empowerment targets and indicators? Cognisant of the fact that once indicators become settled, important dimensions—theories, actors, assumptions—that underpin them are obscured, I take a genealogical approach to this, delving into how the turn towards indicators as global governance tools shaped the specific processes that surrounded their development and how this ultimately influenced the selected framework. I pay particular attention to the actors involved and the power relations among them to start exploring what types of expertise are valued and whose voices carry more weight in the technical discussions on measuring progress, which is another key theme of the thesis.

To do this, I focus specifically on Target 5.a on women's access to economic resources. I argue that this issue has been interpreted in a myriad of ways, ranging from women's ownership of land in the form of private property to the recognition of Indigenous women's rights to natural resources. Acknowledging that women's economic empowerment is broader than women's access to economic resources, I claim that Target 5.a is a suitable site to explore how the turn towards indicators influences how a loosely defined aim translates into concrete policy. In turn, the findings from this exercise—that the measurement imperative that guided the SDG process ultimately led to less ambitious understandings of women's access to economic resources, grounded on the existence of formal legal entitlements rather than on the enjoyment of those rights—sheds light on a general dynamic that can be extended to other areas or components of the overarching concept of women's economic empowerment.

With these goals in mind, this chapter is structured as follows. The second section offers a detailed account of the main features of the SDG negotiations, identifying key differences between the processes that shaped the goals and targets on the one hand, and the indicators on the other. In particular, I am interested in those that facilitated or conditioned the access and influence of different stakeholders. The third section provides an initial assessment of how the issue of women's economic empowerment is addressed in the UN Agenda 2030 and its goals, targets, and indicators. Drawing on the work of feminist activists and scholars, I point to what we already know as a point of departure and locate the gaps that my thesis in general (and this chapter in particular) will contribute to filling, through the genealogical investigation of the development of Target 5.a and its

indicators. I argue that while the idea of women's economic empowerment embedded in Target 5.a returns us to the liberal tenets that underpinned the BPfA, the limitations of the target are further exacerbated at the indicator level, which waters down its ambition by narrowing the focus. Taking this finding as a point of departure, I implement a genealogical approach in an attempt to recover all the alternative visions on the topic that were discussed and provide elements to better understand what motivated the adoption of the target and indicators as we know them today. The fourth section then explores how the general features of the process behind the UN Agenda 2030 goals and targets played out concretely in the negotiations around Target 5.a, limiting the ambition of some of the original concepts of women's access to economic resources and giving its legal dimensions a very prominent role. The fifth section focuses on the selection of indicators under Target 5.a, and shows how the measurement imperative led to further watering down of the original target and a much more central role for the law. In the sixth section, I connect these findings with discussions around expertise and reflect on whose priorities, concerns, and worldviews are reflected in those targets and indicators and why. To conclude, the sixth section discusses how far attempts to make the SDG process more open and participatory could counterbalance some of the common features of the turn towards indicators.

ii. The SDG Process: The Rendering Technical of Development

Politics

This section provides a brief but detailed summary of the different processes that led to the adoption of the UN Agenda 2030. I focus on the Open Working Group

(OWG), the main body involved in developing the language of the goals and targets, and in the Inter-Agency and Expert Group on SDG indicators (IAEG-SDGs), which in turn spearheaded discussions on indicators. Through this exercise, I identify the main features of these processes, the main differences between them, and how these affected access and influence for different stakeholders. This section prepares the ground for the subsequent genealogical analysis of Target 5.a and its indicators carried out in the fourth and fifth sections.

a. *Democratising global governance through institutional innovation: The Open Working Group of the UN General Assembly*

In July 2012, the UN Secretary-General appointed a High-Level Panel of Eminent Persons (HLP)—composed of 27 civil society, private sector, and government experts—to lead the Post-2015 Process. The HLP published its final report *A New Global Partnership* in May 2013, outlining a list of illustrative goals and targets. However, many UN Member States (particularly those from the Global South) were reluctant to support another UN Secretariat-driven process after the negative experience of the MDGs (Sen, 2018). The demand for more transparency and participation—combined with the need for the UN to reclaim its role in international development at a time when it was losing ground to powerful institutions such as the G20 and the WEF (Abelenda, 2014)—contributed to a different workstream taking the leading role in the SDGs process: The Open Working Group (OWG) of the UNGA. The OWG was formally established in January 2013 following the mandate of the UN Conference on Sustainable Development (UNCSD, also known as Rio+20) to formulate the SDGs. In

September 2013, these two parallel processes (i.e., the Rio+20 and the Post-2015 Process) were officially merged.

The UNGA gave the OWG flexibility to decide their work methodology, and participating Member States chose an ‘innovative, constituency-based system of representation’ (UN DESA, n.d.). Typically, when the number of Member States interested in participating is larger than the number of available seats, a selection process follows. The issues on the agenda were so sensitive that there was concern that excluding interested parties would undermine the process (Chasek et al., 2016). The solution was to allow seats to be shared by several countries from the same UN Regional Group.⁵⁰ As a result, a total of thirty seats were shared seventy participants (Kamau et al., 2018). According to Joachim Monkelbaan (2018), ‘[t]his seat-sharing arrangement led to the breakdown of traditional coalitions that had made previous sustainable development negotiations intractable’ (p.4). Others support this view and add that this structure enhanced the role of smaller countries, promoting more diversity in positions, perspectives, and agendas helping to overcome the traditional North-South political divide (Chasek et al., 2016; Fukuda-Parr and McNeill, 2019).

The OWG also had to decide how ‘open’ it would be. Despite pushback from some member states,⁵¹ civil society had unprecedented access to this process, contrasting with previous UN negotiations, particularly the adoption of the MDGs

⁵⁰ The UN is divided into five regional groups: the African Group, the Asia-Pacific Group, the Eastern European Group, GRULAC and WEOG.

⁵¹ This is not a particular feature of the SDG process, on the contrary, as explored in Chapter 5, the participation of NGOs in UN processes has always been contentious (Hannan, 2013).

(Fukuda-Parr, 2016; Sen, 2018; Sénit, 2019). As I will discuss in more detail in Chapter 5, in a major departure from previous processes, civil society organisations (CSOs) were allowed to attend and intervene in official meetings; have access to official information and documents; and even meet with the co-chairs before each negotiation (Chasek et al., 2016; UNGA, 2013).

The OWG met thirteen times between March 2013 and July 2014. The first eight sessions were for compiling information, envisioned as a collective learning phase to level the playing field, build a common understanding of sustainable development, and ‘depoliticise’ the debate (Kamau et al., 2018). The co-chairs—Mr. Csaba Kőrösi, Permanent Representative of Hungary, and Mr. Macharia Kamau, Permanent Representative of Kenya—and the Secretariat—staffed by the UN Department of Economic and Social Affairs (DESA) Division for Sustainable Development—created thematic clusters based on the main topics arising from *The Future We Want* (the outcome document of the UNCSD) and deliberately chose to place less contentious issues earlier in the agenda (Kamau et al., 2018).

The remaining sessions aimed to set priorities and shape the SDGs. During OWG-11, the co-chairs acknowledged that while most issues previously addressed by the MDGs (e.g., poverty eradication, health) had widespread support, there was no agreement on the inclusion of ‘newer issues’, such as climate change or the rule of law (Kamau et al., 2018). In OWG-12, the co-chairs presented a ‘zero-draft’ of goals and targets to which participants submitted amendments. For the proposed targets, the Secretariat consulted scientific

literature and experts, as well as the UN technical support team to assess the feasibility and ambition of the targets. During OWG-12, participants worked mainly in informal sessions on the goals that were more widely supported (Kamau et al., 2018). Lastly, during OWG-13, and after a new set of informal negotiations, the complete proposal for the SDGs was finalised and adopted by consensus.

A year of intergovernmental negotiations (IGN) followed the work of the OWG (Sen, 2018). The IGN was mainly in charge of drafting a declaration and providing further details on the means of implementation, global partnerships, and follow-up and review processes. Thus, there were no substantial changes to the goals and targets developed by the OWG.⁵² Negotiations formally concluded in August 2015, shortly followed by the adoption of the 2030 Agenda in the UN General Assembly in September. Officially, the SDG era started on January 1st, 2016.

b. Measuring development as a technical process: The Inter-Agency and Expert Group on SDG indicators

Although some OWG members preferred to keep the development of the indicators within their purview to ensure that every country had a say (because the outcome needed to be approved by the UNGA), the co-chairs convinced them to focus on the goals and targets and leave the indicators to national statistical offices (NSOs) working under the supervision of the United Nations Statistics Division (UNSD) (Kamau et al., 2018). Hence, decisions on indicators were tasked to a different workstream: the IAEG-SDGs. In a similar fashion to that

⁵² There were only a few (17) targets ‘tweaked’ at this stage, and only because in the rush to complete the framework in time during the OWG, some had missing numerical values (e.g., ‘[x] percent’) or similar minor errors (Kamau et al., 2018).

discussed in Chapter 3, this division reflects the fact that discussions around indicators were conceptualised as merely ‘technical’, as opposed to the negotiations around the goals and targets, which were understood to be political.

Several factors—including the characterisation of this space as *technical*—contributed to a different set of stakeholders taking the leading in these negotiations. In particular, government representatives and diplomats—who spearhead most UN negotiations, including at the OWG—were replaced by NSOs technical staff.⁵³ This was not uncontested: as noted by Serge Kapto, the first IAEG-SDG meeting ‘descended into a shouting match, chaotic at times, between technically minded statisticians eager to get started and politically minded diplomats’ (Kapto, 2019, p.134), with the dispute ultimately settled in favour of the former.

Additionally, UN agencies that led the technical process behind the MDG indicators were expecting to play a similar role in this process but were displaced by NSOs. It was not until a ‘near-rebellion by UN Agencies’ (Kapto, 2019, p.135) which demanded a more prominent role in the process that the IAEG-SDG modified its format to give them more space, partially motivated by the realisation that they would play a key role in implementation. Evidence of this increased prominence is the introduction of the custodianship system—the selection of a UN body or international organisation responsible for compiling, verifying,

⁵³ Moreover, unlike the OWG in which special arrangements were made to ensure that all Member States that wished to be engaged in this process were included, the IAEG-SDG is made up of 28 representatives of NSOs (nominated through existing regional mechanisms) whereas others can only attend as observers.

submitting, and harmonising country data for a given indicator, as well as developing international standards and methodologies to monitor it (van Driel et al., 2022)—that at times fostered competition among them to take the lead on some indicators (Kapto, 2019). Likewise, arrangements were made to include civil society (as well as academia and private actors) as observers.

The IAEG-SDGs meets twice a year in a rotating location.⁵⁴ As noted by Kapto, this decision hoped to reduce the influence of NY-based politicians (Kapto, 2019). Unlike most UN meetings, which are conducted in different languages and have simultaneous interpretation,⁵⁵ IAEG-SDGs meetings ‘are technical and therefore no translation [from/to English] is available’ (UN DESA Statistics Division, 2015, p.4). These features negatively impacted the ability of some stakeholders to engage. For instance, flying NSO staff to IAEG-SDGs meetings was extremely expensive for most Global South countries, as opposed to attending OWG sessions at the UN Headquarters in New York, since most governments have permanent missions and representatives based there (Interviewee #01).

In preparation for the first meeting, the United Nations Statistical Commission (StatCom) produced a list of potential indicators based on the suggestions of different agencies and included a tentative priority indicator under each target. After this meeting, the IAEG-SDGs conducted two rounds of open consultations: one for Members and Observers and one for civil society, academia, and the

⁵⁴ Unlike the OWG, the IAEG-SDGs has continued with their work after the adoption of the indicator framework in 2017, although with changes in its membership. Since 2020, the frequency of the meetings has been reduced to one session per year (UNSD, n.d.).

⁵⁵ The UN has six official languages: Arabic, Chinese, English, French, Russian, and Spanish.

private sector. All proposed indicators were assigned a colour code: green for those with general support (i.e., less than 25% of respondents expressed strong concerns); yellow for those with unresolved issues or different alternative proposals that could be easily resolved; and grey for those that required more in-depth discussion or further methodological development (UNSD, 2015c).

The second meeting of the IAEG-SDGs focused on the yellow indicators, hoping to re-classify them as either green or grey (UNSD, 2015c). At the third meeting, the IAEG-SDGs discussed how to move forward with those indicators for which an internationally agreed methodology has not yet been developed. Shortly after, a revised version of the framework was submitted to and agreed upon at the 48th session of the Statistical Commission of the UN Economic and Social Council.⁵⁶

In summary, the features shaping the indicator framework process differed substantially from those of the OWG and IGN. In turn, this led to some specific stakeholders and forms of expertise gaining prominence (statisticians and international agencies with statistical capacities), while others (government representatives and CSOs, as discussed in Chapter 5) lost ground. This would not have been possible without the 'rendering technical' of these discussions.

⁵⁶ However, this version was not intended to be final: a plan for future refinements included potential annual refinements (to specify or correct a unit of measurement; clarify terms used in the indicator; make spelling or editorial changes or address any other minor issues) and two comprehensive reviews in the 2020 and 2025 sessions of the Statistical Commission, in which the addition, deletion or adjustment of indicators could be discussed (ECOSOC, 2015).

iii. On women's rights and empowerment without power: What does the SDG framework say about women's economic empowerment?

Before exploring its genealogy, let me briefly unpack SDG 5 women's economic empowerment targets and indicators as a point of departure. As noted in the introduction of the thesis, the SDG framework is not the simple continuation of the MDGs. In terms of gender equality, the differences are immediately evident. Compared with MDG 3, SDG 5 offers a much more comprehensive and multidimensional understanding of gender equality through its nine targets that cover, among other issues, violence against women, unpaid care and domestic work and access to economic resources (see Table 4.1). Furthermore, gender was mainstreamed throughout the UN Agenda 2030, with gender-responsive targets under most goals. For instance, SDG 2 on Zero Hunger; Target 2.2 focuses on ending malnutrition and emphasises the importance of addressing the specific needs of pregnant and lactating women; and under SDG 3 on Good Health and Well-being, Target 3.1 centres on reducing maternal mortality rates.

Table 4.1. Targets under SDG 5

Target 5.1	End all forms of discrimination against all women and girls everywhere
Target 5.2	Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation
Target 5.3	Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation
Target 5.4	Recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate
Target 5.5	Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life
Target 5.6	Ensure universal access to sexual and reproductive health and reproductive rights as agreed in accordance with the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action and the outcome documents of their review conferences
Target 5.a	Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws
Target 5.b	Enhance the use of enabling technology, in particular information and communications technology, to promote the empowerment of women
Target 5.c	Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels

Source: Own elaboration based on UNGA (2015).

Note: The targets most directly related to women's economic empowerment and highlighted.

Likewise, while women's economic empowerment was virtually absent from the MDG framework (as discussed in Chapter 2), the issue was re-introduced in the

UN Agenda 2030, through SDG 5 (particularly Targets 5.1, 5.4, 5.5, and 5.a, see Table 4.1) and gender-based targets under other goals (see Table 4.2).

Table 4.2. Examples of targets related to women's economic empowerment in the UN Agenda 2030 (except under SDG 5)

SDG 1 – No Poverty	Target 1.4	By 2030 ensure that all men and women, particularly the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership, and control over land and other forms of property, inheritance, natural resources, appropriate new technology, and financial services including microfinance
SDG 4 – Quality Education	Target 4.5	By 2030, eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples, and children in vulnerable situations
SDG 8 – Decent Work and Economic Growth	Target 8.5	By 2030 achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value
	Target 8.8	Protect labour rights and promote safe and secure working environments of all workers, including migrant workers, particularly women migrants, and those in precarious employment
SDG 10 – Reduced Inequality	Target 10.3	Ensure equal opportunity and reduce inequalities of outcome, including through eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and actions in this regard

Source: Own elaboration based on ILO (n.d.)

Some of these positive shifts can be attributed to the pressure exerted by actors such as UN Women and women's organisations, whose voices were completely absent during the design of the MDG framework, as noted in Chapters 2 and 3 (Razavi, 2016; Rose Taylor and Mahon, 2019). Conversely, during the SDG negotiations, these actors pushed hard for far-reaching and ambitious goals focused exclusively on gender equality and the mainstreaming of these issues throughout the agenda (and were relatively successful).

Nonetheless, despite the important gains noted above, the final result is far from perfect, and many have pointed out at remaining gaps and areas of concern. In particular, many feminist activists, practitioners, and academics have lamented the absence of explicit references to human rights—an illustrative example is the absence of an explicit reference to women's rights or women's human rights in the title of SDG 5 (Morrow, 2018; Razavi, 2016)—and the limited recognition of power concentration and wealth imbalances within and between countries as a key structural factor behind gender inequality (Abelenda, 2014; Morrow, 2018).

Building on the gaps identified by these feminists, I attempt to critically reflect more specifically on the meanings of women's economic empowerment embedded in the SDG framework and its targets and indicators. To do this, as discussed in the introduction, I focus particularly on Target 5.a, which relates to women's access to economic resources. However, I argue that the findings from this exercise can shed light on the dynamics of other areas or components that relate to the overarching concept of women's economic empowerment.

While the issue of women’s access to economic resources was absent altogether from the MDG framework, as noted in Chapters 2 and 3, it is not the first time that it has been brought up at the UN level. In particular, the BPfA offered very similar language to that of Target 5.a (see Table 4.3).

Table 4.3. Relevant recommendations/targets concerning women’s rights to economic resources in the Beijing Platform for Action v the UN Agenda 2030

Beijing Platform for Action	UN Agenda 2030
Paragraph 165 (e). Undertake legislation and administrative reforms to give women equal rights with men to economic resources, including access to ownership and control over land and other forms of property, credit, inheritance, natural resources and appropriate new technology	Target 5.a. Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws

Source: Own elaboration based on UN (1995) and UNGA (2015).

Many feminist scholars have pointed out problems with how the issue is framed in the UN Agenda 2030. Esquivel (2016), for instance, criticises the prevalence of equality of opportunity over equality of outcome and points out that ‘[t]he qualification in the target, though, “in accordance to national law”, reads strangely within a target that proposes to “undertake reforms”, presumably to legal frameworks, when it is precisely in these laws that legal gender discrimination is enshrined’ (Esquivel, 2016, p.16). Gisela Carrasco-Miró (2020) goes a step further and argues that while the UN Agenda 2030 considers some demands that arise from feminist economics, it is also rooted in colonial modes of development. She argues that the demand for access to land promoted by feminist economists and featured in the SDG framework does not acknowledge that market and land

reforms seldom provide improved life conditions to Indigenous women and, more importantly, that it ignores Indigenous' women and communitarian feminist worldviews that place land at the centre of their material organisation of life, rather than as an external resource that can be exploited for individual purposes. These critiques echoed the issues raised by civil society organisations concerning the indicator framework (see Table 4.4), which has a strong focus on land ownership (discussed later in this chapter and more extensively in Chapter 5).

Table 4.4. Indicators to measure progress under Target 5.a

Indicator 5.a.1	(a) Proportion of total agricultural population with ownership or secure rights over agricultural land, by sex
	(b) share of women among owners or rights-bearers of agricultural land, by type of tenure
Indicator 5.a.2	Proportion of countries where the legal framework (including customary law) guarantees women's equal rights to land ownership and/or control

Source: Own elaboration IAEG-SDG (2016).

Thus, the idea of women's economic empowerment embedded in Target 5.a returns us to the liberal tenets that underpinned the BPfA and some of the problems discussed in Chapter 2. More concretely, it creates the illusion that women's access to economic resources materialises in a vacuum, ignoring the structural and systemic causes of women's dispossession. Likewise, the 'solutions' implicitly promoted by the target, as discussed before, correspond with a particular worldview and are not necessarily relevant or even desirable to all groups of women. The limitations of the targets are further exacerbated at the indicator level, which waters down the ambition by narrowing the focus to

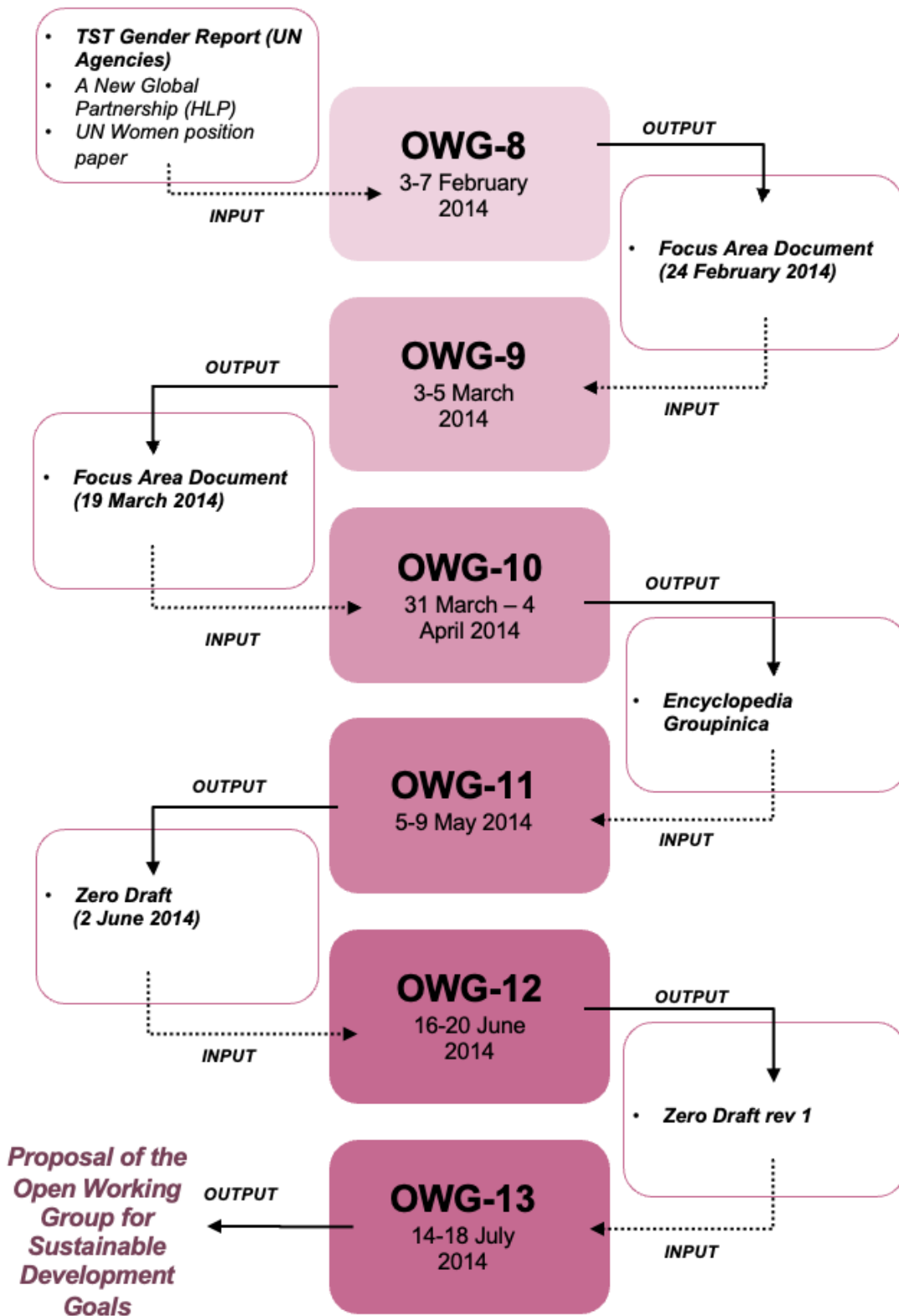
agricultural land and exacerbates the biases in the approach, by overemphasising ownership as the primary form of land security.

This preliminary examination of the understanding of women's economic empowerment underpinning Target 5.a and its indicators constitutes the point of departure of my investigation. As discussed in the introduction of the thesis, I argue that a comprehensive analysis of the ideas and theories embedded in an indicator requires a genealogical approach to track down the micro and macro dynamics that ultimately led to their selection. Throughout this process, I am particularly interested in identifying how the turn to indicators shaped the actors involved in the process and the final language selected.

iv. A genealogical analysis of Target 5.a: Framing women's economic empowerment through a selective engagement with human rights

This section seeks to provide a full account of the negotiations around SDG 5 and Target 5.a on women's access to economic resources, identifying the main actors involved and how their positions evolved. In line with Chapters 2 and 3, I am particularly interested in which understanding of women's economic empowerment is embedded in the different proposals and the role envisioned for the law (explicit or implicit). The reader may find it beneficial to refer to Figure 4.1 to follow the chronological order of the relevant meetings, and the inputs and outputs used in each of them.

Figure 4.1. A roadmap between OWG-8 and OWG-13.



Source: Own elaboration.

As discussed above, the HLP did not play a leading role in the development of the SDGs, but its final report served as a stepping-stone to a comprehensive stand-alone goal on gender equality as part of the Post-2015 framework (Tesfaye and Wyant, 2016). In *A New Global Partnership*, the HLP made a case for a goal on ‘empower[ing] girls and women and achiev[ing] gender equality’ that included an ‘illustrative target’ that focused on ‘[e]nsur[ing] equal right of women to own and inherit property, sign a contract, register a business and open a bank account’ (High-Level Panel of Eminent Persons on the Post-2015 Development Agenda, 2013; see Table 4.5). This important shift can be partially attributed to changes in the process that led to this report—which was less opaque and involved a different set of stakeholders than that related to the MDGs—as well as the advocacy of UN Women, which drew on findings from public consultations to demonstrate widespread concern over prevailing, worldwide gender inequalities (UN Women, 2013).

Although this was a significant improvement on MDG 3, important gaps remained. The HLP explicitly proposed to move the focus from health and education to social, economic, and political issues, recognising that progress in these areas had been limited (High-Level Panel of Eminent Persons on the Post-2015 Development Agenda, 2013). However, this shift was shaped and constrained by a market-driven agenda. As Kabeer (2015) rightly points out, while the report made several references to human rights and the rights of women and girls, ‘[t]he only rights explicitly mentioned under the gender equality goal are the right to inherit property, sign a contract, register a business and open a bank account’ (p.391). Hence, despite the use of rights-based language, the approach

to gender equality in development proposed by the HLP report was predominantly instrumental and in line with the smart economics approach.

For its part, the OWG started to discuss gender equality in the last session of the stocktaking phase (OWG-8), along with all the other issues perceived as more contentious. In preparation for this session, the Technical Support Team of the United Nation System Task Team (TST) put together an issue brief on gender equality and women's empowerment (hereafter, the TST gender report). Unsurprisingly, given that the agency was involved in its preparation, this document draws extensively on the UN Women's report *A Transformative Stand-Alone Goal on Achieving Gender Equality, Women's Rights and Women's Empowerment: Imperatives and Key Components* (hereafter, UN Women's position paper) signalling that the agency was able to successfully influence the framing of the issue. Both documents underscore the need to address three core areas: i) freedom from violence against women and girls; ii) equality in human capabilities, access to opportunities and resources; and iii) equality in agency, voice and participation across the full range of decision-making arenas. Concerning this second issue, the TST gender report highlights that '[s]tructural inequalities and disadvantages in access to resources and opportunities limit women's and girls' capabilities' and that '[m]any of these capabilities play a key role in enabling women's resilience to economic volatilities and environmental risks' (Technical Support Team of the UN System Task Team, 2014, p.6). Finally, the report offers a very critical perspective on how gender equality was addressed in the MDG framework, noting that targets were selected based on data availability (Technical Support Team of the UN System Task Team, 2014).

While the TST gender report does not offer concrete language for the UN Agenda 2030, the UN Women's position paper encompasses a proposed target focused on 'build[ing] women's access to, and control over, productive assets' (UN Women, 2013, p.26). The choice of 'build' as the verb reads oddly for a UN Document, offering less clarity than the more usual 'promote', 'strengthen', or 'ensure' used in the other targets proposed in the same document. This document also suggests two indicators—proportion of adult population owning land and proportion of population with access to institutional credit (other than microfinance), both disaggregated by sex—and notes that although this information is not widely available, 'efforts are underway to develop and agree at the international level on methodologies for collecting and harmonizing these data' (UN Women, 2013, p.26). Specifically, an endnote notes that the Evidence and Data for Gender Equality (EDGE) programme, a joint initiative of UN Women and the United Nations Statistical Division (UNSD) in collaboration with the World Bank and the OECD, is 'working to develop methodological guidelines to measure asset ownership and entrepreneurship' (UN Women, 2013, pp.37–38).

The TST gender report was used as a background document for OWG-8. In this session, Phumzile Mlambo-Ngcuka (UN Women's Executive Director) delivered a presentation and reinstated the three core focus areas identified in both the UN Women's position paper and the TST gender report, emphasising that the post-2015 development framework needed to be anchored in human rights principles. In particular, the issue of equality in human capabilities, access to opportunities, and resources is conceptualised as the 'essence of the economic and social rights of women and girls' (Mlambo-Ngcuka, 2014) including, among others,

equal access to assets and resources (such as education, land, and finance). She ended by condemning systematic under-investment in gender statistics, highlighting the need to choose targets and indicators based on what is important, not on what is already measured (Mlambo-Ngcuka, 2014). Studying the original documents from OWG-8 provides a unique opportunity to identify the different positions that governments took concerning gender equality and women's rights, since at this stage Member States were not reacting to other countries' positions nor strategically engaging with a draft (other than the TST gender report).

During this meeting, most WEOG and Eastern European countries re-emphasised the priority areas identified by UN Women in their interventions. Interestingly, they tended to frame their demands using human rights language. Nonetheless, a careful reading of these statements shows that in many cases, there was selective engagement with this framework, using human rights language mainly concerning sexual and reproductive health and rights (see, inter alia, the statements by Slovenia and Montenegro; or France, Germany, and Switzerland) or to GBV (see for instance, Australia, the Netherlands, and the United Kingdom statement). References to economic, social, and cultural rights were limited (see the statement delivered by Italy, Spain, and Turkey) and, in many cases, women's economic empowerment (and the policy demands associated with it) was narrowly defined and framed in instrumental terms, closer to the 'smart economics' approach. An excerpt from the statement prepared by Israel and the United States (2014) offers an illustrative example:

Access to quality education for women and girls, including comprehensive sexuality education, as well as skills and

entrepreneurship training, are key to achieving women's economic empowerment. And we all know that the fruits of this economic independence are often almost entirely re-invested in their children and their families (p.3).

At the same time, other countries were concerned with the introduction of rights language, worried that this might open the door to sexual and reproductive rights, including the rights of people with diverse sexual orientations and gender identities or the right to abortion (see, for example, the statements by Malta or Egypt). These countries preferred to talk about gender equality or women's empowerment (as opposed to women's rights) and even introduced alternative concepts such as 'human security' (see, for instance, the statement by Japan).

Finally, one statement stands out for the use of language uncommon for a UN negotiation process. The governments of Argentina, Bolivia, and Ecuador (2014) asserted that

Likewise, women's organisations must be promoted and strengthened, including labour organisations and indigenous and peasant women organisations. It is important to empower the participation and political organisation of women and their access to political spaces of decision-making in line with the full enjoyment of their political, economic, and social rights (p.3, own translation)

[...]

To do this, we have to promote the values and principles of gender equality in line with a liberating education that eradicates the spiritual poverty conveyed in *machismo*, discrimination, racism, individualism, mercantilism, consumerism, egoism among other ills. We must build communities of living well [*vivir bien*] where respect, peace, and complementarity in harmony with nature prevail (p.3, own translation)

[...]

We must set goals that favour the revitalisation and the strengthening of the cultures, as a basis for the construction of sustainable societies, enhancing models of social, plural, community and solidarity-based economies, promoting respect for human rights, the knowledge and ancestral wisdom of indigenous peoples and peasant communities, and fostering participation in conditions of equity and interculturality, in harmony with nature. (p.4, own translation)

Hence, it is possible to conclude that there were diverse positions and framings of gender equality and women's economic empowerment. Nonetheless, not all these approaches had equal support. In particular, human rights emerged as the shared language able to bridge the gaps and frame the demands of a diverse group. Evidence of this phenomenon is the joint statement delivered by Argentina on behalf of a group of 50 countries,⁵⁷ in which they asserted that

The promotion, respect, protection and fulfilment of all human rights and fundamental freedoms, without discrimination on any grounds, must be the basis of a sustainable development agenda rooted in principles of equality, equity and social justice for all.

Achieving gender equality and the empowerment of women and girls must be a priority in the new agenda, as well as mainstreamed, with commitments across the range of social, cultural, economic, civil and political rights. Emphasis should be placed on ensuring equal rights for women and girls to education, health, social protection, economic opportunities, access to justice and decision-making in public and private life; and on fostering shared rights and responsibilities with men and boys. (Argentina, on behalf of 50 governments, 2014)

⁵⁷ Albania, Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Cape Verde, Colombia, Costa Rica, Czech Republic, Denmark, Dominican Republic, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Ireland, Israel, Italy, Japan, Kyrgyzstan, Latvia, Liberia, Liechtenstein, Luxembourg, New Zealand, Mexico, Montenegro, Mozambique, Netherlands, Norway, Panama, Papua New Guinea, Portugal, Slovenia, South Africa, Spain, Sweden, Switzerland, Turkey, United Kingdom, Uruguay.

Given the complicated story of human rights and women's rights in the UN, it is not surprising that, despite this important demonstration of support (which includes countries of both the Global North and the Global South), this did not automatically translate into this being the preferred language with which to articulate demands around gender equality in the Post-2015 agenda.

Based on the data gathered in the stocktaking phase, the co-chairs prepared a document containing nineteen focus areas for OWG-9 (see Figure 4.1). This document included a stand-alone focus area on gender equality and women's empowerment (Focus Area 5; FA5) and noted equal access to assets and resources as a potential issue to be considered under this goal. Once again, the importance of gender equality was instrumentalised and equality (at least in the economic realm) narrowly defined as equality of opportunity. Nonetheless, the scope was more ambitious than that of MDG 3, encompassing most of the priority areas identified in the UN Women position paper and the TST gender report. After this meeting, the focus area document was 'tweaked' by the co-chairs based on the input provided by Member States, and natural resources management was included as a specific case under the target that calls for equal access to assets and resources (Open Working Group Co-Chairs, 2014a).

Table 4.5. Chronological evolution of Target 5.a

DATE	DOCUMENT	AUTHOR	PROPOSED TARGET
May 2013	A New Global Partnership	HLP	Ensure equal right of women to own and inherit property, sign a contract, register a business and open a bank account
June 2013	A Transformative Stand-Alone Goal on Achieving Gender Equality, Women's Rights and Women's Empowerment: Imperatives and Key Components	UN Women	Build women's access to, and control over, productive assets
Mar 2014	Focus Area document (19 Mar 2014)	OWG	Equal access to assets and resources, including natural resources management
June 2014	Introduction and Proposed Goals and Targets on Sustainable Development for the Post 2015 Development Agenda (Zero-Draft)	OWG	Ensure women's equal access to, control and ownership of assets and natural and other productive resources, as well as non-discriminatory access to essential services and infrastructure, including financial services and ICT
July 2014	Introduction and Proposed Goals and Targets on Sustainable Development for the Post 2015 Development Agenda (Zero-Draft rev1)	OWG	ensure women's equal right to own and control assets and productive resources
July 2014	Open Working Group Proposal for Sustainable Development Goals	OWG	Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws

Source: Own elaboration.

During OWG-10, Member States focused on proposing concrete targets. These proposals served as input for the working document the co-chairs prepared for OWG-11. In this revised document (known as ‘Encyclopedia Groupinica’), goals were reduced from nineteen to sixteen⁵⁸ and delegates were presented with a compilation of proposed targets for the first time. The scope, content, and language of the proposed targets varied significantly. For instance, concerning women’s access to economic resources (see Table 4.7 in Annex for a comprehensive list), the proposals put forward by Germany (‘Improve women’s economic opportunities, including entrepreneurship, capabilities, income security, as well as access to and control over productive assets and a fairer distribution of family care and household work’) differed substantially from those proposed by Pakistan (‘By 2030 ensure equal right of women to own and inherit property, sign a contract, register a business, open a bank account and secure credit’) or by the US/Canada/Israel troika (‘Promote equal rights to productive assets and resources, including the right of women to own and inherit property, sign a contract, register a business or open a bank account’), which were based on a formal legal approach with a narrow focus on selected rights linked to economic markets.

However, it is also important to acknowledge that, while different, proposed targets were more similar to each other than the positions originally articulated

⁵⁸ Three separate focus areas—economic growth, employment, and infrastructure—were combined into one. In addition, a focus on promoting equality was split in two, with the components related to inequalities within countries moving to Focus Area 1 (on poverty eradication) and issues on inequalities among countries merged with the focus area on industrialisation.

during OWG-8. Perhaps the most glaring example of this is the case of Argentina, Bolivia, and Ecuador. In contrast with the statement discussed above—grounded on collective empowerment, solidarity economies, *buen vivir*, and Indigenous values—this troika proposed a series of possible targets that (in line with the others) resonate with the tropes of the ‘smart economics’ approach and that re-centre the law as the silver bullet for achieving women’s economic empowerment:

- Ensuring access, ownership and control of finances and productive resources to women;
- Building a legal framework and regulatory mechanism to ensure equal rights and equal access of opportunities for women; and,
- Full access, control and management of commercial, financial, credit, banking and economic services to women.

Hence, it is possible to conclude that the translation process of a general standpoint to concrete targets (that will be in turn measured by an indicator) had a normalising effect, erasing nuances and bridging gaps between relatively dissimilar approaches. Likewise, as discussed in Chapter 3, it is crucial to recognise that this is not a neutral action: shaped by what can be measured (or what we think can be measured), the establishment of targets and indicators leads to the stabilisation of contested concepts in particular meanings. In the case of women’s economic empowerment, as shown in Chapter 3 and the proposals in Table 4.7 in the Annex, the re-articulation of the perspectives into targets led to the prioritisation of positions linked to individual empowerment and the pursuit of legal reform, over more collective understandings of women’s economic empowerment that promoted more radical change in the economic system (such as that presented by Argentina, Bolivia, and Ecuador during OWG-8).

The discussions held at OWG-11 substantiated two main areas of concern for member states regarding access and control of economic resources. Saudi Arabia, for instance, called for further clarification on the meaning of ‘control of assets’ and India specifically demanded that access was only about *productive* assets (IISD, 2014a). In addition to this, it is also possible to presume that some member states took issue with the explicit inclusion of ‘rights’ more generally: during the 58th Session of CSW (2014)—which was concurrent with OWG-9—a group of African countries was determined to replace language on women’s rights with ‘women’s empowerment’ arguing that the MDGs were concerned with ‘development’ and not ‘rights’ (Kabeer, 2015).

Based on the input from this meeting, the co-chairs prepared a ‘zero-draft’ document, including a target on access to economic resources. The explicit reference to *productive* resources (requested by India) was also included under the target, although it was only partially modifying the scope of the language, since the new target read ‘ensure women’s equal access to, control and ownership of assets and natural and other productive resources, as well as non-discriminatory access to essential services and infrastructure, including financial services and ICT’ (Open Working Group Co-Chairs, 2014, p. 7, see Table 4.5).

The discussions held during OWG-12 are harder to reconstruct since the co-chairs encouraged informal conversations to facilitate negotiations. With the outcome of the formal and informal conversations and using the amendments submitted in this meeting as input, the co-chairs prepared a revised version of the zero-draft for OWG-13, in which the targets under the gender equality goal

were reduced from eleven to nine, three of which were categorised as ‘process targets’ or ‘means of implementation targets’ noted with letters instead of numbers, including the one on access to economic resources. The latter, the revised target reads ‘ensure women’s equal right to own and control assets and productive resources’ (see Table 4.5). Here, women’s legal status became more prominent (none of the previous versions of this target discussed in the OWG had language on rights), although the access component was now missing.

It is important to highlight that, by OWG-13 (the last meeting of the OWG), there was still no agreement on sexual and reproductive rights. The co-chairs put together a contact group to seek consensus (Kamau et al., 2018). While many states rejected the target and some even threatened to reject the entire goal (Kamau et al., 2018), they ultimately did not follow through and this new version was later adopted by the UN General Assembly as part of the UN 2030 Agenda.

On economic resources, the final version of the target reads ‘undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance, and natural resources in accordance with national laws’ (see Table 4.5). The revised language differs substantially from the previous version, combining rights, access, and control, which may provide a more ambitious foundation for the target. Nonetheless, it is also worth noting that the commitment to ‘ensure’ has been watered down to ‘undertaking reforms’ and the qualifier clause ‘in accordance with national laws’ further dilutes the original meaning.

In trying to trace the influences that shaped the final version of the target, it is possible to identify a multiplicity of actors behind this language. Firstly, both the qualified beginning and end of the target ('undertaking reforms' and 'in accordance with national laws') were requested by member states belonging primarily to Arab and African groups that refused to accept the target without these changes (Interviewee #05). While there are no formal records that can confirm these testimonies (insofar as these negotiations were carried out informally as discussed above), this is in line with previously recorded interventions from some of these governments (both in the SDG negotiation and other processes) and common practice among 'norm spoilers' (Sanders, 2018).⁵⁹

For the rest of the target, the *Encyclopedia Groupinica* document constitutes a valuable resource as a baseline (see Table 4.7 in the Annex). At a general level, the final language retrieves many of the elements first brought up by the France, Germany, and Switzerland troika in the proposal. Nonetheless, the latter only mentions *rights* in relation to inheritance and property. Language on 'economic resources' was only used in the proposals put forward by Sweden and Iceland. Interestingly, none of those talked about *rights*. Furthermore, almost all the proposals that include language on rights do this exclusively in relation to property rights or other rights linked to women's participation in the market

⁵⁹ For instance, in their *Resource guide to UN consensus language on family issues*, Family Watch International—a conservative CSO that has actively contested the women's rights agenda at UN negotiations (Sanders, 2018)—lists a standard technique to 'identify and request to delete inflexible language when it mandates negative actions' (Family Watch International, n.d., p.vi), which includes opposing mandatory actions like 'ensure', 'require' or 'guarantee', proposing instead more flexible language like 'promote' or 'encourage' and modifying phrases such as 'as appropriate' or 'according to the needs of the member state.'

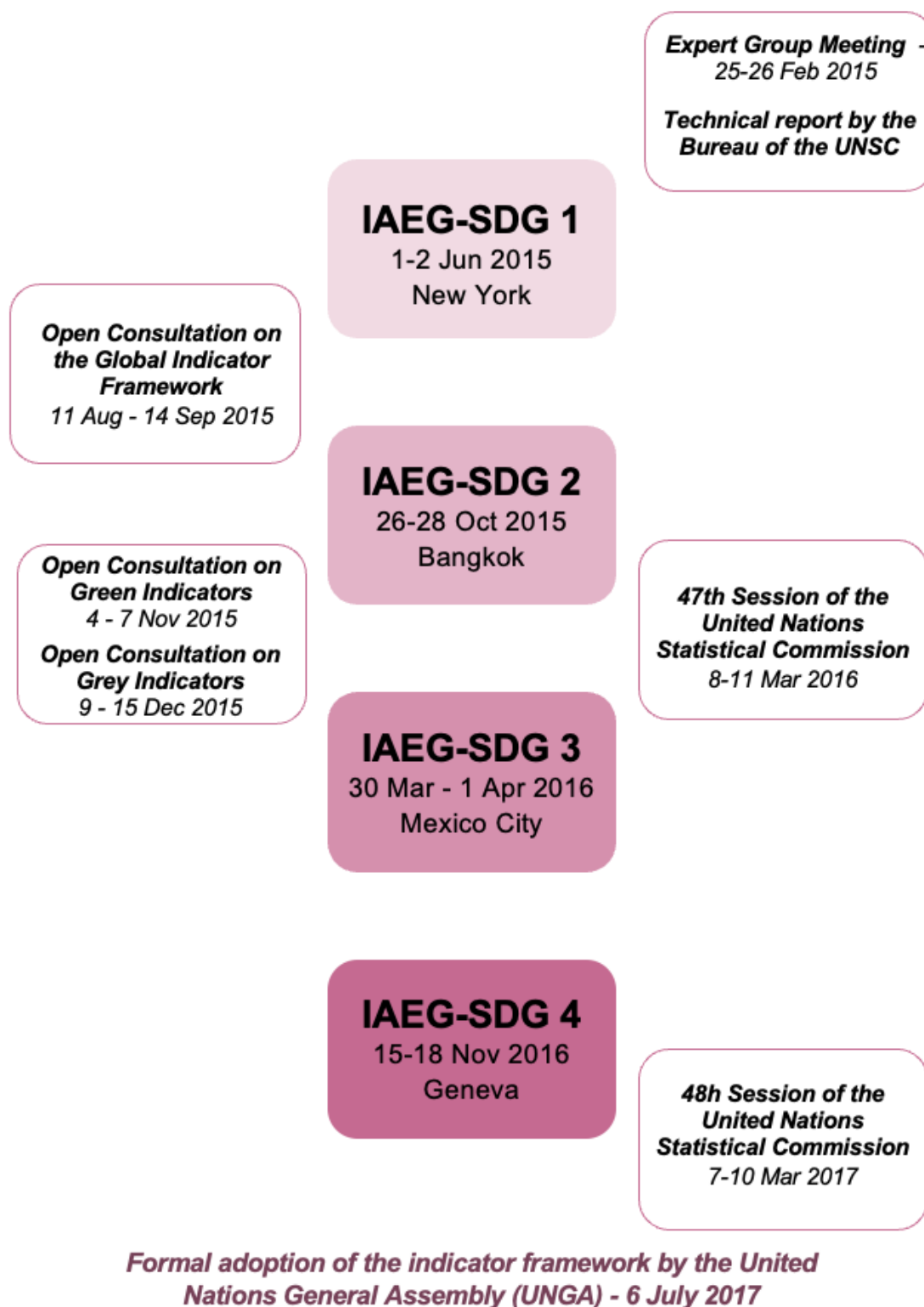
economy (e.g., signing contracts, opening bank accounts). The only exception is the proposal put forward by a civil society coalition calling for the target to ‘realize women’s equitable rights and access to, control over and ownership of land, productive assets and natural resources that promote fair asset redistribution’ offering a broader interpretation of women’s access to economic resources that puts fair redistribution at its core. This proposal is discussed further in Chapter 5.

Overall, it is possible to conclude that while Member States offered a wide range of perspectives concerning women’s access to economic resources (as evidenced in their statements during OWG-8), the necessity to transform them into measurable targets had a standardising effect, bringing them closer together. Nonetheless, this should not be understood as a mere reconciliation of positions insofar as the effect of translating ideas into targets is not neutral, as I have exposed throughout this thesis. In particular, the transformation into targets privileges elements that are easier to measure, and with them, enhances the role of the law. However, the inclusion of the ‘right to economic resources’ (which is not a completely clear entitlement insofar a ‘right to economic resources’ is not articulated as such in any legal instrument) leaves the door open to alternative interpretations of the target that might go beyond the narrower conceptualisations that focused exclusively on the right to inherit and own property.

**v. Expertise inertia in the development of the SDG indicator
framework: Who counts?**

Having explored the genealogy of Target 5.a, I now turn to its indicators, the process underpinning their development, and the actors that led these negotiations. I am particularly interested in how the indicator reframes the target and whether expertise and data inertia played a role in this process. As for the previous section, the reader may wish to refer to Figure 4.2 to follow the chronological order of the relevant meetings.

Figure 4.2. A roadmap of the work of the IAEG-SDG.



Source: Own elaboration.

During the IGN phase (and before the first IAEG-SDGs meeting), the Bureau of the StatCom prepared a technical report with an initial assessment of proposed indicators. A list of 304 indicators was compiled from submissions by ‘experts’ from international agencies, and the StatCom asked NSOs to evaluate their feasibility, suitability, and relevance, ranking them in each of these areas with a letter ranging from A to C. The StatCom then aggregated the individual assessments to create a unique rating and selected a maximum of two priority indicators under each target to keep the framework concise. Interestingly, the StatCom acknowledged that the results might not be fully representative as ‘[d]ue to the tight deadline, many countries could not provide their initial assessment. Furthermore, the survey could only be made available in English, making it more difficult for countries in some regions to respond’ (Bureau of the United Nations Statistical Commission, n.d., p.11). Nonetheless, there were no proposed solutions to these limitations, and they moved forward with this approach.

For Target 5.a, the selected provisional indicators were the proportion of adult population owning land (Indicator 5.a.1) and the proportion of population with an account at a formal financial institution (Indicator 5.a.2), disaggregated by sex among other things (see Table 4.6). In both cases, these were ranked as BBB. Interestingly, the classification of these indicators in terms of feasibility (feasible with strong effort) could be interpreted, at least in principle, as a positive sign in terms of innovation: proposals are not necessarily restricted by the data that already exists or that is easily collected. Nonetheless, it is not possible to form such a charitable interpretation concerning the B classification of suitability/relevance.

Table 4.6. Chronological evolution of Target 5.a indicators

DATE	DOCUMENT	PROPOSED (PRIORITY) INDICATOR(S)
March 2015	Technical report by the Bureau of the United Nations Statistical Commission (UNSC) on the process of the development of an indicator framework for the goals and targets of the post-2015 development agenda	5.a.1 Proportion of adult population owning land, by sex, age and location 5.a.2 Proportion of population with an account at a formal financial institution, by sex and age
May 2015	List of proposals (May 2015)	Share of women among agricultural landowners by age and location (U/R)
November 2015	Results of the list of indicators reviewed at the second IAEG-SDG meeting	5.a.1 Percentage of people with ownership or secure rights over agricultural land (out of total agricultural population), by sex; and b) Share of women among owners or rights-bearers of agricultural land, by type of tenure 5.a.2 The legal framework includes special measures to guarantee women's equal rights to land ownership and control.
March 2016	IAEG-SDGs report to the 47th Session of the United Nations Statistical Commission & IAEG-SDGs report to the 48th Session of the United Nations Statistical Commission	5.a.1 (a) Percentage of people with ownership or secure rights over agricultural land (out of total agricultural population), by sex; and (b) share of women among owners or rights-bearers of agricultural land, by type of tenure. 5.a.2 Percentage of countries where the legal framework (including customary law) guarantees women's equal rights to land ownership and/or control

Source: Own elaboration.

Although the report clarified that '[t]he proposed indicators are provisional and have not been discussed or endorsed by national experts and hence do not pre-judge or pre-commit the work of the IAEG-SDGs' (Bureau of the United Nations

Statistical Commission, n.d., p.1), they were, in fact, the basis of the discussions in the first meeting of the IAEG-SDGs. This gestures to a certain degree of data inertia (as discussed in Chapter 3), as, from the very early stages, the negotiations around the SDG indicator framework started were shaped by pre-selected metrics.

After a second round of consultation, the StatCom compiled a new document with agencies' comments or alternative proposals on the suggested indicators. Here, the proposed indicators were re-classified into three tiers by the Secretariat: 'a first tier for which an established methodology exists and data are already widely available; a second tier for which a methodology has been established but for which data are not easily available; and a third for which an internationally agreed methodology has not yet been developed' (UN DESA Statistics Division, 2015, p.8). It is important to highlight that, unlike the previous ranking framework, the three-tier system was only concerned with whether data availability was widespread, and an agreed methodology already existed, and with this move, important discussions on suitability or relevance vanished.

Concerning Indicator 5.a.1, the Food and Agriculture Organization (FAO), supported by UN Women, proposed it should be replaced with a rights-based indicator ('The legal framework includes special measures to guarantee women's equal rights to landownership and control'), arguing that 'it allows for monitoring progress towards gender equity through the adoption of women-specific measures to strengthen women's secure rights to land and other productive resources' (IAEG-SDGs, 2015a, n.p.). Additionally, FAO noted that if an outcome

indicator was still preferred, an alternative formula focused on the percentage of female/male agricultural landowners would work better. On the one hand, by changing the denominator, this version is more suitable for contexts in which land ownership is not widespread. On the other, narrowing the scope to agricultural land would help to refocus the indicators more specifically on economic resources. While the first proposal was dismissed—as noted by some of the interviewees (#13; #15) statisticians tend to prefer outcome indicators over metrics focused on processes—the second one prevailed and the new version of Indicator 5.a.1 (share of women among agricultural landowners) accommodated some of the concerns raised by FAO. This indicator was classified as Tier III, although it was noted that it would soon become Tier II. Finally, other agencies, such as the World Bank and the Universal Postal Union (UPU), identified Indicator 5.a.2 as their priority, although they suggested a new version that included the use of mobile money services (% adults with a formal account or personally using a mobile money service in the past 12 months).

Between August and September 2015 and before the second meeting, the IAEG-SDGs started the second round of open consultation: Members and Observers of the group, alongside civil society, academia, and the private sector, were asked to comment on a new set of proposed indicators (UNSD, 2015a). The background document kept the latest version of Indicator 5.a.1 discussed above as a priority indicator for Target 5.a, but re-introduced FAO's suggestion of an indicator focused on legal frameworks as an additional priority indicator. The World Bank and UPU proposed indicator on access to financial services was also

included in the background document for stakeholders to comment on, but not as a priority indicator (see Table 4.6).

During the open consultation, proposed indicators under Target 5.a received some pushback. Several Members and Observers (including Ecuador, Germany, Colombia, and Turkey) noted that, among other issues, the suggested ‘indicators do not cover economic resources, financial services, inheritance and natural resources as required by the target’ (IAEG-SDGs, 2015b, p.93). Additionally, as I discuss in Chapter 5, many CSOs found the word ‘ownership’ problematic because it did not consider issues of land concentration and the consequences of land-grabbing (see, for instance, Asia Pacific Forum on Women, Law and Development—APWLD—comment in Table 5.4) and it was not adequate for places where ‘ownership’ was not the primary means of securing land tenure or where it is impossible (see for instance the contributions by Columbia Center on Sustainable Investment; Land Alliance, Inc., and Landesa in Table 5.4).

Finally, in both consultations, concerns over the gap between existing legal frameworks and their implementation, and the limitations of only focusing on the former were raised (for instance, see the remarks made by the Land Alliance, Inc in Table 5.4). FAO and UN Women proposed a new formulation for Indicator 5.a.1 to address some (although not all) of these concerns: a) percentage of people with ownership or *secure rights* over agricultural land (out of total agricultural population), by sex; and b) share of women among owners or *rights-bearers* of agricultural land, by type of tenure (emphasis added). Using the feedback from this round of consultation as input and after the second IAEG-SDGs meeting (26-

28 October 2015), the secretariat prepared a new document in which each indicator was assigned a colour code that, as explained above, aimed to signal the level of agreement behind it. Both indicators under Target 5.a (including a modified version of Indicator 5.a.1 noted above) were classified green.

In November and December 2015, the IAEG-SDGs conducted a new round of open consultation on green and grey indicators. Once again, Indicator 5.a.1 was criticised for excessive emphasis on ‘ownership’ and the narrow focus on agricultural land, by many NSOs (e.g., Italy, South Africa, Switzerland), CSOs (e.g., ActionAid International, OXFAM, APWLD, Namati, the Land Alliance Inc., Landesa) and donors (e.g., the Bill & Melinda Gates Foundation). Some of them underscored that an alternative formulation that focuses only on the ‘secure rights to land’ was preferable since this phrase captures ‘both the existence of the rights and its substantive quality’ (IAEG-SDGs, 2015c). Concretely, they expressed concern that the word ‘ownership’ would bias the implementation of indicators ‘toward a particular bundle of rights that is not feasible, attainable or desirable for millions around the world ignoring different bundles of rights that, when secure, can contribute to the economic progress and empowerment of the right-holders’ (IAEG-SDGs, 2015c). Regarding the focus on agricultural land, these organisations pointed out that, if narrowly interpreted, this indicator could leave behind millions of people living in rural areas but not technically engaged in agricultural production. They also highlighted the risk of creating perverse policy incentives that promoted the destruction of land dedicated to other important purposes such as housing, gardens, conservation, sustainable tourism, or cultural heritage (IAEG-SDGs, 2015c). The World Bank criticised Indicator 5.a.1

on the grounds that there was no data available (and that despite recent efforts, it was not realistic to expect to have data available for several years) and expressed a preference for a priority indicator focused on the population with an account at a formal financial institution. They also suggested a change in the language of the indicator on agricultural land to include both sole and joint tenure (share of women among owners or rights-bearers of agricultural land either as sole or joint owners/rights bearers).

Indicator 5.a.2 on legal frameworks received considerably less feedback in consultation. One of the very few organisations that expressed support but offered a slight modification was UN Women, which suggested a new formulation focused on the percentage of countries where the legal framework guarantees women's equal rights to land ownership and control.

In March 2016, the IAEG-SDGs submitted a report to the 47th Session of the United Nations Statistical Commission summarising the work done (ECOSOC, 2015). Surprisingly, despite the negative feedback on Indicator 5.a.1 and the alternative formulations put forward, it was included unaltered in the report. Furthermore, the amended version of Indicator 5.a.2 proposed by UN Women (with an additional explicit reference to customary law) was included in this new report, even though the original version faced little criticism. In preparation for the third IAEG-SDG meeting (April 2016), the secretariat compiled a list of the provisional proposed tiers for the chosen SDG indicators. Indicators under Target 5.a were classified as Tier III. Interestingly, FAO claimed that there was an existing methodology for indicator 5.a.1 (although it had not been tested) but UN

Women, the World Bank, and the UN Environment Programme (UNEP) considered that there was still no agreed methodology. There was also disagreement on Indicator 5.a.2: while FAO insisted that there was an established methodology that had been tested for this indicator, the World Bank argued the opposite. Ultimately, the secretariat ruled in favour of the World Bank and re-classified the indicator from Tier II to Tier III. During this meeting, both civil society and the business sectors were offered the opportunity to comment on the proposed indicators, but none of them addressed indicators under Target 5.a.

These indicators were included in the Report of the IAEG-SDGs to the 48th Session of the Statistical Commission (March 2017) and officially adopted by the UNGA in July 2017. Following the UNGA resolution, the indicator framework is subject to annual refinements and a comprehensive review was carried out in March 2020 at the 51st session of the Statistical Commission. Nonetheless, none of the indicators under Target 5.a were modified in this process.

Although the spirit of not allowing existing data to determine the indicator framework was a leitmotiv continuously repeated throughout the IAEG-SDG meetings, the process was not free from data inertia. On the one hand, NSOs representatives were constantly considering the infrastructure, capacity, and resources of their local institutions when making decisions (Interviewee #10). On the other, the UNSD had very limited staff to deal with a considerable number of proposed indicators. In this scenario, they approached their task pragmatically, accepting 'anything that looked like a green indicator' and moving on quickly to the next discussion (Interviewee #10). Interestingly, against this common trend,

data inertia did not seem to have played a central role in the choice of indicators to measure progress under Target 5.a. At a general level, evidence shows that there was a preference for those indicators with established methodologies and relatively widespread data availability (i.e., Tier I indicators). Nonetheless, in this case, the classification of indicators under Target 5.a as Tier III did not seem to have negatively affected their chances of being selected as priority indicators.

The analysis carried out in the chapter demonstrates that UN Women played a key role in the shaping of Target 5.a indicators. Hence, while expertise inertia was relevant in the process, UN Women could leverage this opportunity, departing from previous experiences in which gender expertise was sidelined as discussed in Chapter 3. This finding is in line with those of Sara Taylor (2020): Through a careful reading of key reports, she argues that UN Women saw the improvement of monitoring and evaluation as an institutional priority and that the agency was fairly successful in promoting a feminist approach to measurement. However, it is important to notice that while UN Women is in constant interaction with women's rights organisations, it is not their representative, and their perspectives and priorities might not align on every issue. While this discussion will be further explored in Chapter 5, the fact that many organisations, including some that are very active in the Women's Major Group (although notably not echoed by the group itself), repeatedly voiced concern about the explicit references to 'ownership', the narrow focus on agricultural land and the lack of acknowledgement of land-grabbing, and that many of these issues were systematically ignored could be considered a red flag. In particular, it can signal

that while ‘data inertia’ did not completely condition the selection of indicators under Target 5.a, it did narrow down the scope and limit the ambition.

Notably, the measurement imperative tended to favour the legal components of the targets once again, and among these, the aspects that are easier to measure. Evidence of this is the fact that, although it was possible to expand the original focus on ownership and use a broader term to encapsulate other forms of secure land tenure, the indicator is still firmly grounded on the existence of documentation, rather than on the perceptions of the right-bearers. As noted by many CSOs in their submissions, while documented rights are important to hold governments accountable, whether these rights are viewed as secure by right-holders is ‘an important condition for their empowerment and economic development’ (see APLWD and others entry in Table 5.4). Nonetheless, this important aspect was ignored in the final formulation of Indicator 5.a.1.

vi. Conclusions

This chapter has explored understandings of women’s empowerment and the role of the law embedded in SDG 5 targets and indicators. I started the analysis by noting that, at first glance, Target 5.a and its indicators brought us back to the language of the BPfA and the liberal conceptualisation of women’s economic empowerment underpinning that framework. Consequently, both the target and the corresponding indicators confer a central place on the law as a solution for women’s barriers to accessing economic resources.

However, to deepen that analysis, I conducted a genealogical study of Target 5.a and its indicators, to better understand the negotiation processes that ultimately led to their adoption and identify more clearly whose voices are reflected in the final language. On the one hand, I demonstrated that while Member States offered a wide range of perspectives concerning women's economic empowerment more generally and women's access to economic resources in particular, the need to transform these into measurable targets had a standardising effect, bringing them closer together. Moreover, I showed how this standardisation was not neutral and tipped the scale towards dimensions that were easier to measure.

The process surrounding the selection of the indicators further emphasised some of these elements. Expertise inertia was a defining feature of the process, and UN Women was able to leverage this and lead the discussion on these indicators, making sure that indicators were not merely chosen based on data availability and pushing for the selection of an indicator that was not still well-established. As a consequence, data inertia played a less significant role in the selection of Target 5.a indicators when compared with other targets. Nonetheless, institutional constraints linked to the monitoring process of the SDG implementation ultimately limited the ambition of the indicators, leaving out many important aspects brought up by civil society organisations, such as people's perceptions of the security of their tenure rights and problems related to land-grabbing and displacement. In the next chapter, I discuss in more detail the involvement of women's organisations in the indicator-selection process and their (in)ability to influence the process.

vii. Annex

Table 4.7. Proposed targets on women's access to economic resources

Proposed Target	Proponent
Ensure equal right of women to own and inherit property, sign a contract, register a business and open a bank account	<i>Guatemala & Colombia</i>
Ensure women's access to land and other productive assets, credit, finance and extension services, training	<i>Ethiopia</i>
Ensure adequate and predictable financing and technical assistance	<i>Ethiopia</i>
Ensuring women's equal access to productive assets and resources, financial and banking services, to markets, and women's equal land, inheritance and property rights, as well as to information and communication technologies	<i>Latvia</i>
Eliminate gender- based differences in access to and control over economic resources, e.g. to access to finance, land and ICT	<i>Sweden</i>
Promote equal rights to productive assets and resources, including the right of women to own and inherit property, sign a contract, register a business or open a bank account	<i>US/Canada/Israel</i>
By 2030 ensure equal right of women to own and inherit property, sign a contract, register a business, open a bank account and secure credit	<i>Pakistan</i>
Ensuring access, ownership and control of finances and productive resources to women	<i>Argentina/Bolivia/Ecuador</i>
Building a legal framework and regulatory mechanism to ensure equal rights and equal access of opportunities for women	<i>Argentina/Bolivia/Ecuador</i>
Full access, control and management of commercial, financial, credit, banking and economic services to women	<i>Argentina/Bolivia/Ecuador</i>
Ensuring women's equal access to, control and ownership of assets and natural and other productive resources including access to land, water, inheritance and property rights, financing and banking services, and equal access to economic opportunities, as well as equal employment opportunities and equal pay for equal work, while valuing, reducing	<i>France/Germany/Switzerland</i>

Proposed Target	Proponent
and redistributing more equitably the burden of unpaid care work	
Ensure equal access to financial services for women and female and male	<i>Mexico & Peru</i>
Ensure the equal right of women to own and inherit property, work and be fairly remunerated, sign a contract, register a business and open a bank account	<i>Australia/Netherlands / UK</i>
Access to quality education at all levels and life-long learning as well as safe and supportive learning environments	<i>Romania/Poland</i>
By 2030, realize women's equitable rights and access to, control over and ownership of land, productive assets and natural resources that promote fair asset redistribution	<i>Women, Children & Youth, Local Authorities, NGOs and the Feminist Taskforce.</i>
Protection of assets, property and inheritance rights for women of all ages	<i>Other stakeholders – aging peoples</i>
Eliminate gender disparities in access and control over economic resources, including land	<i>Iceland</i>
Ensure women's access to modern forms of information technology	<i>Brazil/Nicaragua</i>
Increase women's access to productive assets and affordable financial services	<i>Zambia/Southern Africa Region</i>
Ensuring gender quality in the distribution, access and ownership of productive resources, assets and opportunity	<i>Bolivia/Group of 77</i>
Ensure equal rights of women to access to assets and resources and employment opportunities	<i>Bhutan/Thailand/Viet Nam</i>
Ensure equal access to assets and resources, including women's equal land, property and inheritance rights and as well as equal access to natural resources management by year Y	<i>Liechtenstein</i>
Improve women's economic opportunities, including entrepreneurship, capabilities, income security, as well as access to and control over productive assets and a fairer distribution of family care and household work	<i>Germany</i>
Equal access to services in the fields of finance and credit, inter alia, micro-finance and micro-credit for women's productive self-employment	<i>Cyprus/Singapore/UAE</i>

Proposed Target	Proponent
Women with an account at a formal financial institution	<i>Group of Friends of Financial Inclusion (Indonesia, Peru and Tanzania)</i>
Female-owned SMEs with a loan or line of credit	<i>Group of Friends of Financial Inclusion (Indonesia, Peru and Tanzania)</i>

Source: Own elaboration based on 'Encyclopedia Groupinica: A Compilation of Goals and Targets Suggestions from OWG-10.'

CHAPTER 5. SIDELINING WOMEN'S PERSPECTIVES: THE STRUGGLE FOR THE RECOGNITION OF DIFFERENT FORMS OF EXPERTISE IN TECHNICAL DISCUSSIONS

i. Introduction

The previous chapter reflected on some of the contrasting features of the processes that led to the selection of SDG targets on the one hand and its indicators on the other, and how these shaped the access and influence of different stakeholders. In particular, I discussed how the turn towards indicators shifted the power away from diplomats and government representatives to statisticians and technical experts from international agencies. In doing so, I started to explore what types of expertise are valued and whose voices carried more weight in the technical discussions on how to measure progress under the UN Agenda 2030. In this chapter, I deepen this analysis and explore how far women's organisations could participate in and influence the different stages of the SDG negotiations. I study the experiences of the Women's Major Group (WMG), a network that coordinates the engagement of organisations working on gender and women's rights in UN processes, including those linked to the UN Agenda 2030. Understanding that not all women's organisations have the same resources or capacity, I pay particular attention to how the key features of these processes affected how different types of organisations could engage in them.

At first glance, as briefly mentioned in Chapter 4, civil society enjoyed unprecedented access to the negotiations (McCandless, 2016): throughout the OWG phase, in addition to the usual informal lobbying activities, CSOs were allowed to attend and intervene in official meetings; access official information and documents; submit documents and written and oral contributions; make recommendations; and organise side events, in cooperation with member states and the Secretariat. Moreover, the OWG co-chairs held morning hearings with them each day before the official sessions (Chasek et al., 2016; UNGA, 2013). As a result, the overall level of CSO engagement was a distinctive feature of the OWG. Some numbers might be helpful to emphasise this point: during this phase, civil society representatives had the opportunity to deliver 63 statements throughout the 13 official meetings and 273 interventions in a total of 34 morning hearings. If side events and multilateral and bilateral meetings are added, interventions by civil society representatives reach a total of 877 (Sénit, 2019).

However, a more in-depth analysis of civil society engagement in the SDG process offers a more nuanced picture. First, not all stakeholders had equal opportunities to be involved. For instance, Sénit et al. (2017) note that during the OWG hearings, 30 per cent of the speakers representing civil society were US citizens and 25 per cent lived in New York City. This number contrast with the 36 per cent of speakers living in developing countries, nations that are home to 83 per cent of the world population (Sénit et al., 2017). Thus, despite the enhanced channels for participation, issues of inclusivity require further exploration.

Secondly, while often correlated, more access cannot be automatically understood as more influence. For instance, most civil society interventions took place during morning hearings, and although co-chairs encouraged Member States representatives to join, they seldom attended these sessions (Kamau et al., 2018; Interviewee #12). As a consequence, there were mixed feelings among women's organisations about this space, with some valuing its symbolic importance (Gabizon, 2016) and others considering it almost insulting (Interviewee #02). Despite the limited engagement from Member State representatives, a survey carried out by CIVICUS among OWG participants noted that 87% of respondents considered the morning meetings useful. What might bridge the gap between these two views is the role played by the OWG co-chairs that contributed to bringing the arguments exposed in these hearings into the official negotiations (Interviewee #08).

This survey also revealed that an overwhelming majority of respondents considered that civil society had some influence over the Agenda during the stock-taking and report-writing phases (83%). Likewise, 86% of respondents felt that attending the sessions was worthwhile and 82% were confident that the final OWG report would reflect their views (Driscoll, n.d.). However, academic research qualifies these initial levels of optimism. In her analysis of CSOs' influence on some SDGs, Sénit found that while civil society prevented some issues being dropped from the UN Agenda 2030, their ability to influence the way issues were framed or to shift positions of governments was very limited. CSOs influenced the final language only very marginally (Sénit, 2019). This is in line

with the views of many of my interviewees, for whom the greatest success was the inclusion of certain issues in the framework (Interviewees #01 and #06).

Thirdly, while civil society engagement was a salient feature of the OWG phase, this did not necessarily translate into the other stages of the process. In particular, questions around civil society participation re-emerged concerning their engagement with the IAEG-SDG. Given the first meeting turmoil discussed in Chapter 4, it should not be surprising that clarifying CSOs' avenues for participation was not a priority at the beginning of the indicator selection process. A group of CSOs pushed the co-chairs to ensure the openness and transparency of the process.⁶⁰ While the IAEG-SDG made subsequent arrangements to accommodate CSOs in the process—for instance, after CSOs asked for a channel through which to provide feedback during the IAEG-SDG second meeting (CLOSING Civil Society Statement, 2015), they were allowed to comment on indicators in the following consultations—civil society organisations were virtually absent from these conversations (Interviewee #10). For example, while the WMG sent relatively large delegations (10-20 people) to each OWG meeting (Sénit et al., 2017), it did not engage collectively in the IAEG-SDG in a

⁶⁰ Among their demands were: i) a clear timeline on the process and programme of work; ii) clarity and transparency about the engagement of civil society in the process; iii) clarity on how civil society inputs collected through the public consultation process have been used and shared with IAEG members; iv) a draft set of indicators released ahead of meetings and available, at the minimum, in all UN languages; and v) formal interactions between the co-chairs of the IAEG-SDGs, civil society and other stakeholders, during IAEG-SDGs meetings (Open Letter to the Co-chairs of the United Nations Inter-Agency and Expert Group on Sustainable Development Goal Indicators (IAEG-SDGs), 2015, p.3).

systematic way, and the number of individual members engaging in this process was significantly lower (Interviewees #06 and #11).⁶¹

This chapter picks up these lines of inquiry, reflecting on how participation opportunities were distributed across women's organisations, how far these participation opportunities translated into actual influence over the final framework, and how access evolved and changed throughout the process. I argue that, despite efforts to make the negotiations more open to a wide range of civil society organisations, women's organisations (especially those with fewer resources) still had very limited opportunities to engage in and influence the development of this framework. This is particularly true for the indicator-selection process. Therefore, it is unsurprising that the final language does not reflect many of the most pressing concerns raised by these groups around economic empowerment, including the role of law. While many factors contribute to the *de facto* sidelining of women's organisations and their perspectives throughout this process, I demonstrate that the turn towards indicators (and the prioritisation of 'technical' expertise it entails) was key in this dynamic.

The sections in this chapter act as 'building blocks' that expose how, despite the improvements introduced by the UN (i.e., the major group system, in addition to

⁶¹ According to IAEG-SDGs participant list, there were 55 registered participants under the category "other stakeholders" (that comprises civil society, academia, and the private sector) for its 2nd meeting, 45 for its 3rd meeting, and 43 for its 4th meeting. Unfortunately, UN DESA has not shared publicly disaggregated information on OWG registered participants to compare the numbers. Nonetheless, an open letter issued at the time of OWG-12 claimed that 330 civil society organisations gathered in New York City to attend this session (Open Letter to the Co-chairs of the United Nations Inter-Agency and Expert Group on Sustainable Development Goal Indicators (IAEG-SDGs), 2015).

the specific arrangements made for civil society participation in the OWG discussed above) and the proactive attempts of the WMG to bridge some of the remaining gaps, this was not enough to enable women's organisations (especially those with fewer resources) to significantly influence the indicator-selection process.

The second section reviews the history of CSO involvement in the UN, from its origins to the now well-established major group system. Combining insights from political science and socio-legal scholars on the emergence and evolution of a global civil society with empirical studies of their participation in the UN, I contextualise CSO engagement with the SDG process and further support the claim that they had unprecedented access to OWG meetings. I also emphasise how these changes tackled mostly bureaucratic barriers. Third section further elaborates on the limitations of the major group system identified in previous empirical studies and discusses the actions implemented by the WMG to mitigate them, drawing from multiple sources that include internal documentation, surveys, and interviews. I conclude that while the WMG made important efforts to resolve well-known problems of the UN system, structural inequalities remained and not all women had equal opportunities to participate in and influence these conversations. In the fourth section, and in line with Chapter 4, I use these findings to explore WMG's engagement with the OWG and the IAEG-SDG concerning Target 5.a and its indicators. Through statements, submissions, participant lists, and interviews, I reconstruct this process and flesh out how their ability to engage was drastically reduced in the indicator negotiation and that, as a consequence, their voices were practically absent from this process. Lastly, the

fifth section reflects on how the technical nature of these discussions was a major barrier to CSOs engaging in this process, and the implications of this.

ii. From consultative status to self-regulation: The emergence of the Major Group System as a better framework for civil society participation in the UN

Since the establishment of the UN, the number of NGOs actively participating in its activities has grown exponentially from 41 organisations with consultative status in 1945 (Anheier, 2018) to 6,319 (own calculations based on UN DESA NGO Branch, n.d. last accessed 11 August 2022). This growth has been both quantitative and qualitative, with NGOs increasingly playing a key role at the international level that go beyond the *consultative* status originally envisioned in the UN Charter, as they set political agendas, influence rulemaking, and contribute to the implementation of norms (Rebasti, 2008). However, the path to the formalisation of this enhanced collaboration has not been linear: NGOs and Member States have a delicate relationship, which has led to multiple revisions of the rules governing NGOs' participation in UN processes and the establishment of additional bureaucratic requirements and oversight mechanisms, as I discuss in more detail below. Nevertheless, despite these changes, there is consensus that the evolution of their formal status has not matched their level of access in practice, creating a widening gap between 'the legal definition of the NGO–IGO relationship and the concrete dynamics of their interplay' (Rebasti, 2008, p.26).

Legal scholars have focused on whether NGOs enjoy international legal status (Bakker and Vierucci, 2008). As Christine Bakker and Luisa Vierucci (2008) note, on one end of the spectrum, it is possible to locate those who promote a traditional approach to international law, who believe that states and intergovernmental organisations are the primary subjects of international law and as such are wary of the idea that other entities can have international legal personality. On the other end are those with a more 'liberal' view who feel that 'an entity can be considered a subject of the international legal system if it has rights and/or obligations under that system' (Reinisch, 2005, p.70). For instance, in line with some examples discussed in Chapter 3, W. Michael Reisman (2005) argues that some NGOs have enough weight to influence rulemaking (what he calls 'media-law') and consequently have gained some degree of *de facto* international legal status, even if it is not formalised. Between these extremes, we have two additional perspectives: those who advocate the 'cautious recognition' of NGOs' legal personality within the traditional legal framework that continues recognising states as the primary subjects of international law; and a group that proposes an 'undogmatic', flexible, and pragmatic approach to this question, granting NGOs legal rights and responsibilities on a case-by-case basis without the need to define their legal status (Bakker and Vierucci, 2008). The UN stance on NGO participation has fluctuated between these last two perspectives. Nonetheless, the quantitative and qualitative increase of NGOs actively engaging with UN processes depicted above has led both scholars and practitioners to conclude that the consultative status framework is an inadequate means to both control and facilitate the participation of non-governmental entities in inter-

governmental negotiations (Rebasti, 2008) and that some degree of formalisation is therefore necessary.

One of the first efforts in this direction was ECOSOC Resolution 1996/31⁶², which regulates the scope of NGO participation and identifies the requirements for obtaining ECOSOC consultative status. Despite being the most extended framework for civil society engagement in UN processes, the ECOSOC consultative status scheme has many limitations, especially concerning accessibility and inclusivity (United Nations, 2004). For instance, while ECOSOC resolution 1996/31 explicitly encourages greater participation of civil society organisations from developing countries and countries with economies in transition, the conditions included in this same document (such as being officially recognised by a government or having an established headquarter) create bureaucratic barriers unsurmountable for many (Willetts, 2000). As a result, organisations informally constituted or unrecognised by their national governments are less likely to meet the eligibility criteria to attain or retain consultative status.

Consequently, the growth in organisations with ECOSOC status noted above is not equally distributed across the globe: over half are based in North America (24%) and Europe (29%). Moreover, 21% have their headquarters in the US, which is more than the share of organisations based in Asia (20%), Africa (20%), or Latin America and the Caribbean (6%) (own calculations based on UN DESA

⁶² As Jurij Daniel Aston (2001) notes, 'Resolution 1996/31 is in many respects insufficiently drafted' and '[t]he ambiguous language of Resolution 1996/31 reflects the disagreement among UN member states on how wide the door shall stand open for non-state actors.' (p.946)

NGO Branch, n.d., accessed 11 August 2022). Hence, it becomes evident that the ECOSOC consultative scheme has fallen short in opening engagement opportunities for Global-South-based civil society.

Moreover, in addition to meeting the formal requirements outlined above, NGOs must be approved by the ECOSOC Committee on NGOs to gain consultative status.⁶³ While this is formally a *technical* committee, recommendations are often *politically* motivated (Aston, 2001; Boström, 2011). Aston (2001) explains that many NGOs dealing with human rights—such as Human Rights in China (Rebasti, 2008), the International Council of the Association for Peace in the Continents, or the Transnational Radical Party (Aston, 2001)—were denied consultative status or had their status suspended under the pretext of ‘misbehaviour.’ This is not surprising when looking at the composition of this Committee: many of the governments targeted by human rights NGOs are those deciding who is granted consultative status and who is not. ‘Misbehaviour’ is then used to muzzle critical voices in the UN (Aston, 2001).

Seeking a better model to support multi-stakeholder dialogues (Bäckstrand, 2006), the emergence of the Major Group System (MGS) was positive, able to overcome some of the limitations of preceding models, including on accessibility and inclusivity. Organisations do not intervene individually through the MGS but via thematic coalitions, which are given a relatively high degree of freedom to decide their working methods. In consequence, the MGS opened up the

⁶³ Strictly speaking, the NGO Committee *recommends* to ECOSOC whether to grant a given organization consultative status or not. However, in practice, ECOSOC usually follows the recommendations of the Committee, with few exceptions (Aston, 2001).

possibility—at least in principle—for organisations without ECOSOC status to channel their voices in collective statements and position papers, apply for a ground pass to enter UN premises and attend key negotiations in person.

The MGS was first introduced in the realm of environmental governance, during the UN Conference on Environment and Development (also known as the Earth Summit, 1992), representing the interests of specific social groups⁶⁴ (Fukuda-Parr, 2016).⁶⁵ Originally, the emphasis was simply on increasing civil society participation (Bäckstrand, 2006), but with time, the UN realised that

[m]ore participation was not enough; it had to be structured to encourage deliberation and collaboration of disparate actors with a stake in the implementation of Agenda 21. The CSD [the United Nations Commission for Sustainable Development] made ‘multi-stakeholdership’ a cornerstone of its work, which moves beyond participation to include new forms of hybrid governance and deliberation between state, business and civil society. (Bäckstrand, 2006, p.470)

Therefore, its novelty lay in not only providing more channels for civil society to actively engage with UN processes but also enabling the inclusion of different constituencies and encouraging self-organisation. By the time of the Rio+20 Conference (2012), the MGS was well-established as a mechanism for funnelling civil society participation in UN negotiations, including those linked to sustainable

⁶⁴ The nine Major Groups are: Business and Industry, Children and Youth, Farmers, Indigenous People, Local Authorities, Non-Governmental Organizations, Scientific and Technological Community, Women, and Workers and Trade Unions.

⁶⁵ According to Catherine Corson et al. (2015), the choice of the areas reflects the groups that were the most ‘vocal and influential’ at the time the MGS was established (p.862). Molly Ruhlman (2014) disagrees with this perspective and noting that ‘[w]hen asked about how these groups in particular were selected for Agenda 21, conference deputy secretary-general Nitin Desai, whom Maurice Strong called UNCED’s “chief orchestrator,” responded that they just happened to be the ones that were thought of, and that their selection was essentially “random.”’ (p.137).

development. Consequently, the MGS was the main framework for civil society engagement with the SDG process.⁶⁶

While the MGS was undoubtedly a positive introduction, it dealt mainly with bureaucratic barriers to participation, leaving most structural factors unaltered. As early as 2001, a report of the Secretary-General on Major Groups pointed to several gaps in the framework, including geographical imbalances in participation, insufficiently accountable and transparent participation mechanisms, lack of meaningful participation in decision-making processes, and limited reliable funding for Major Groups (ECOSOC, 2001). However, despite these limitations, most civil society organisations engaging in UN processes welcomed the emergence and establishment of the MGS. For instance, a survey carried out by UNEP and the UN Non-Governmental Liaison Service (UN-NGLS) found great support for the major group concept, noting that the structure has been ‘good for fostering active participation, for its inclusiveness and its comprehensiveness, and for creating good results’ (Adams and Pingeot, 2013, p.10). In a similar spirit, one of my interviewees observed:

When I came into doing this kind of work, this advocacy around the SDGs, I just had so many doubts about the major group system and whether it was useful at all. But then speaking to people, speaking to other people involved in advocacy, it was clear that there was like a deep kind of history and attachment to it, that you know, it came out of Rio, and they fought really hard for it. So, there was a kind of real sense of “this is the space that we built. And we know

⁶⁶ The system continued to evolve after the adoption of the UN Agenda 2030, with the establishment of the Major Groups and Other Stakeholders High-Level Political Forum Coordination Mechanism (MGoS HLPF Coordination Mechanism) in 2017, which fostered further collaboration among civil society groups working in different fields.

it's not perfect, but we have to protect it [...] we shouldn't be undermining the space.”

I do think the major group structure, you know, it had good intentions in terms of accessibility of groups from the Global South, and in some ways, it probably did improve upon what would have happened otherwise because, just from other experiences with other UN processes, if it's up to the UN secretariat to pick speakers for a session or whatever... they don't know who are the interesting grassroots organisations working on XYZ and they end up picking the same people all the time. At least with the major group structure, depending on the, the major group itself... which major group you're talking about and what... how good their intentions were and how broad their reach were they, at least some of them, did make good faith efforts to really reach out to groups from the Global South and make sure that when they had speaking slots that they would give them to groups from the Global South. (Interviewee #01)

This interview excerpt ties together two key insights. First, it repeats the idea that for activists with experience in the international arena, the MGS was a positive development in relation to civil society engagement with UN processes. Moreover, it adds a concrete example that exposes how its introduction favoured accessibility. At the same time, the interviewee qualifies this initial assessment, noting that while the MGS improved accessibility, its effective realisation relied on the internal dynamics of each group. Thus, in order to fully understand how far the negotiations around the UN Agenda 2030 and its indicator framework were accessible to women's organisations, we need to look in more detail at the internal dynamics of the WMG.

iii. The Women's Major Group: When feminist solidarity is not enough to overcome structural barriers

Like the MGS, the WMG was created at the 1992 Earth Summit and since then has been an official participant in inter-governmental processes on sustainable development, including the SDG negotiations.⁶⁷ It is an open-ended alliance of organisations and individuals 'working to promote human rights-based sustainable development with a focus on women's human rights, the empowerment of women and gender equality' (Women's Major Group, n.d.). Its main role is to 'facilitate women's civil society active participation, information sharing and input into the policy space provided by the United Nations' (Women's Major Group, n.d.). To do this, the group is coordinated by a small secretariat and a team of Organising Partners (OPs).

As discussed above, there is a general sense that even with its imperfections, the MGS overcomes some of the limitations and inadequateness of previous regulatory frameworks for civil society participation. The WMG OPs concluded:

The Major Group structure provides a clear, intentionally democratic framework that enables diverse constituencies to have a voice in the UN process. There is a clear and rich history that was developed, and that feminists and activists fought for, to enable this kind of democratic participation. While the structure is imperfect, with room to grow in realizing its ambitions of truly representative participation, it does

⁶⁷ The MGS is not the only possible platform for civil society engagement in UN processes. For instance, shortly before the Rio+20 Summit, a group of women's organisations created the Post-2015 Women's Coalition. However, when after this meeting the WMG became the 'official' channel through which to participate in the SDG process, the Post-2015 Women's Coalition shifted their efforts towards 'outside' activities (Gabizon, 2016). This was not without tension, but after many meetings the two groups decided to take this pragmatic and tactical approach (Okech and Musindarwezo, 2019).

provide a framework that enables open, transparent, democratic processes and, critically, enables self-organizing by different constituencies. (Women’s Major Group, 2019, pp.1–2)

To fully understand the effective access that women’s organisations had to the SDG negotiations, it is important to critically discuss the nature and scope of these *imperfections*. Here, I draw on the comprehensive study by Barbara Adams and Lou Pinget (2013) on the MGS and the different areas of concern identified, following their structure in the subsequent sub-sections (see Table 5.1).

Table 5.1. Selected areas of concern and recommendations in Adams and Pinget (2013) report on the MGS

Areas of concern	Recommendations
a. Representation vs. facilitation/lack of clarity and transparency	R1. More structure in Major Groups governance
b. Insufficient respect for the consultation process/tight timelines	R2. Clear mandate/terms of reference
c. Insufficient resources	R3. Accountability and transparency
d. Too much English	R4. Minimum standard for a “Major Group” statement
e. Limited engagement of people’s movements	R5. Recognition of diversity
	R6. Prioritize people on the frontlines
	R7. More language diversity
	R8. Gender and regional balance
	R9. Put emphasis on the regional and local levels
	R10. Inclusiveness, including outreach

Source: Own elaboration based on Adams and Pinget (2013).

I complement this analysis with a discussion of how these issues played out specifically in the case of the WMG, based on a thorough reading of WMG’s

official documents and interviews with WMG members (including former and current OPs). I link the actions implemented by this group with the recommendations that emerge from the report by Adams and Pinget. Through this exercise, I demonstrate that, despite the important and active efforts made by the WMG, organisations with limited resources had insufficient access to the negotiations.

a. Fighting the 'tyranny of the structurelessness'

One of the main areas of concern identified by Adams and Pinget (2013) was the lack of clarity in major groups' governance structures and participation procedures. In particular, they warn that the absence of clear rules often leads to undemocratic practices. This is of course not restricted to the MGS, nor is it new. In her famous essay *The Tyranny of Structurelessness*, Jo Freeman analyses how women's movements organise, showing that in groups without transparent or formal structures, power is in practice exercised by informal elites of individuals (or, in this case, organisations) that share similar traits and backgrounds (Freeman, 2013). As Carl Death explains,

[t]he UN approach to securing representation for the major groups has been to allow a self-selection process through which prominent organizations nominate each other, and usually the largest, best resourced, and most experienced emerge as the 'automatic choice.' (2010, p.46)

While in the past (specifically, between 1992 and 2013), WMG OPs were chosen relatively ad hoc, based on who was already engaged (or had the capacity to engage) with a given process, over the past decade the nomination and election

process of OPs as well as their role and responsibilities have been well-registered in official and public documents (in line with R1, R2, and R3, see Table 5.1). However, the existence of a formal governance structure, while positive, does not necessarily imply the removal of barriers to becoming OPs. Like most major groups, the WMG has developed its criteria for appointing OPs following a list set by the UN DESA (Sénit and Biermann, 2021). For instance, organisations seeking to become WMG OPs must prove their independent juridical status and non-profit or tax-exempt status in a state member of the UN and have an established office or address with an executive officer in compliance with ECOSOC consultative status rules. In addition, prospective OPs should have experience in proposal writing and fundraising and have sufficient financial and human resources to engage in the policy process for at least two years. These conditions clearly have a direct impact on who can ultimately become an OP. Consequently, the OPs team has been predominantly constituted by well-established NGOs (see Table 5.2).

Table 5.2. Women's Major Group Organising Partners (2014 – 2020)

Region	Period			
	Jan 2014 – Dec 2016	Jan 2017 – Dec 2018	2019 (1 st part of staggered elections)	2020 (2 nd part of staggered elections)
Global	Women's Environment and Development Organization (United States)		Women's International League for Peace and Freedom (United States)	
	Global Forest Coalition (Paraguay)	International Women's Health Coalition (United States)	Equidad de Género: Ciudadanía, Trabajo y Familia (Mexico)	Asian-Pacific Resource and Research Centre for Women (Malaysia)
	Women Engage for a Common Future (The Netherlands)	<i>THE NUMBER OF GLOBAL OPs WAS REDUCED FROM 3 TO 2</i>		
Africa	Women Environmental Programme (Nigeria)		African Women's Network for Community Management of Forests (Cameroon) for Francophone Africa	
			ENERGIA (The Netherlands) for Anglophone Africa	Education as a Vaccine (Nigeria) for Anglophone Africa
Asia	Asia Pacific Forum on Women, Law & Development (Thailand)			
Europe and Central Asia	Forum of Women's NGOs of Kyrgyzstan (Kyrgyzstan)	Women Engage for a Common Future (The Netherlands)		GENDER-CENTER (Chisinau) as co-OPs
				L' Associació de Drets Sexuals I Reproductius (Catalonia and Spain) as co-OPs

Region	Period			
	Jan 2014 – Dec 2016	Jan 2017 – Dec 2018	2019 (1 st part of staggered elections)	2020 (2 nd part of staggered elections)
Latin America and Caribbean	Equidad de Género: Ciudadanía, Trabajo y Familia (Mexico)		Foundation for Studies and Research on Women (Argentina)	
Arab States	N/A	Kenana Association for Sustainable Development and Women Empowerment (Egypt)		
Pacific Small Island States	N/A	Diverse Voices and Action (DIVA) for Equality	<i>No candidate was elected for this position</i>	<i>No candidate was elected for this position</i>
North America	International Women's Health Coalition (United States)	<i>No candidate was elected for this position</i>	<i>No candidate was elected for this position</i>	<i>No candidate was elected for this position</i>

Source: Own elaboration based on the document 'Herstory of the WMG Leadership Structure' (WMG, n.d.)

The prevalence of big, well-resourced organisations among OPs is not an exclusive feature of the WMG, but of the MGS more generally. For instance, in their study on procedural representation in seven major groups, Carole-Anne S nit and Frank Biermann (2021) found that 15 of 16 global OPs came from a transnational or national civil society organisation with headquarters in a Global North country. Nonetheless, it is worth emphasising the efforts made by the WMG to open its governance structure and favour Global South organisations' leadership (in line with R8, Table 5.1). In particular, the inclusion of an increasing number of regional partners contributes to (at least partially) counterbalancing the problematic trend discussed above. Moreover, the number and composition of regional OPs has improved in terms of geographic representation throughout the years, as shown in Table 5.2. For instance, the group decided to split the Asia-Pacific region to allow Pacific Small Island States to have a representative of their own, and it increased the number of regional partners representing Africa (one for Anglophone Africa and one for Francophone Africa).

At the same time, the group has strived to diversify the composition of global partners. While there are no actual differences in terms of 'power' in decision-making between global and regional partners (they each have one vote), the roles are qualitatively different, with the former overseeing the whole advocacy effort and building bridges across regional and thematic processes (Interviewees #07 and #11). While it is true that for logistical purposes, New York-based organisations with easy access to the UN Headquarters were prioritised for this role, the group has established that at least one of the global partners must be Global South-based (Interviewee #11).

Finally, it is also worth noting that bureaucratic barriers are not the only obstacle to organisations with fewer resources being involved in major groups' leadership structures. OPs are unpaid roles, hence the amount of time they can allocate to their work in the major group is constrained by the capacity of their home institutions. Given the time commitment that these roles require (especially during certain key negotiations or events), it is not surprising that, even among OPs, there are substantial differences in their level of engagement (Interviewee #07). Therefore, while formal entry barriers can and do prevent some actors from accessing leadership positions, their removal would not guarantee that all organisations could be part of major group governance structures on an equal footing. As Yoke Ling Chee, Director of the Third World Network (TWN), put it,

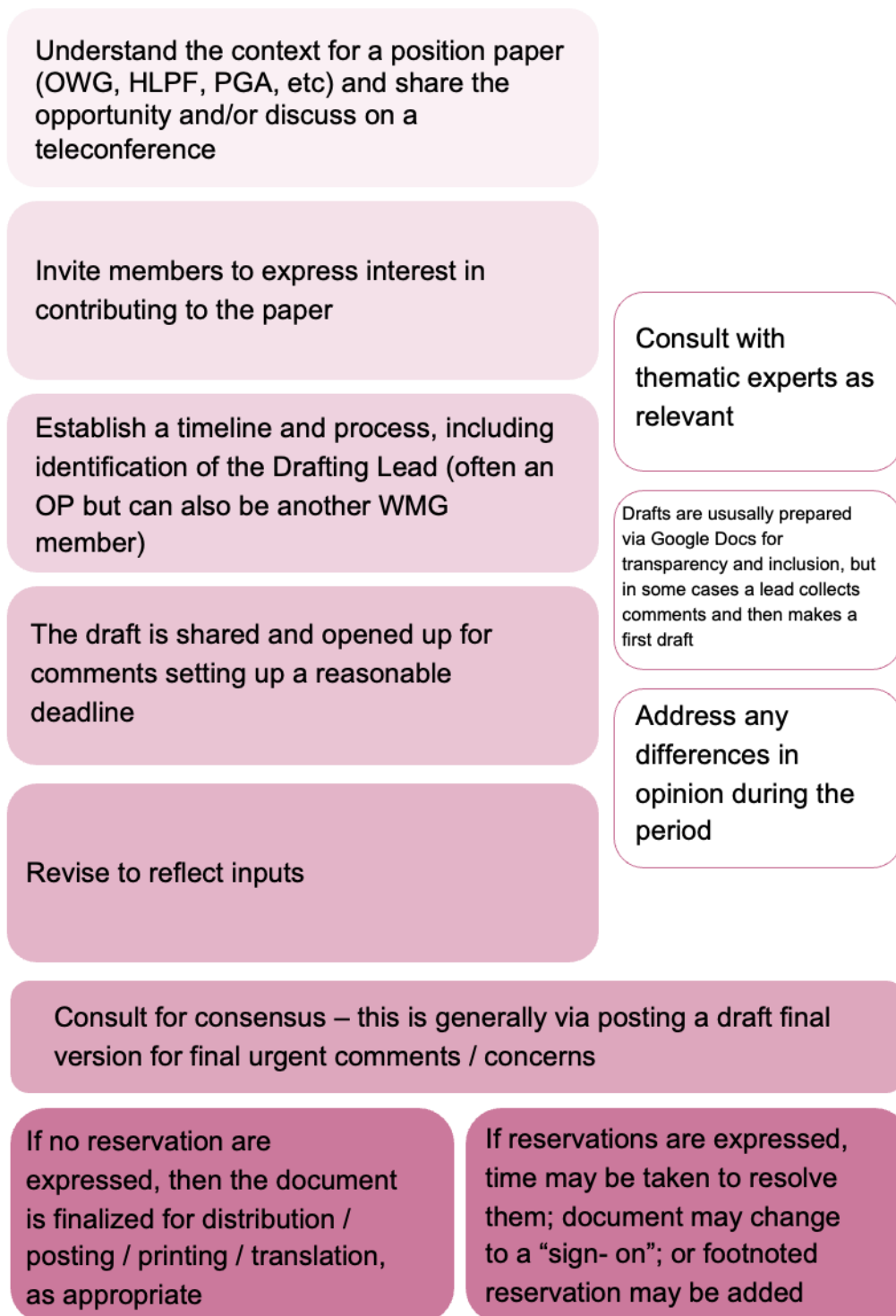
the tendency for groups like TWN to play major roles at the international level is not necessarily symptomatic of their 'taking space away' from grassroots movements. Such a voluntaristic interpretation assumes that movements could otherwise simply step into abstracted political spaces from which they have already been structurally excluded. (Carroll and Sapinski, 2017, p.884)

It is also worth highlighting additional measures that the WMG has taken that can—at least partially—counterbalance these limitations. In particular, the WMG recently incorporated into its leadership team two organisations that serve as co-OPs for the same region (Europe and Central Asia). The opportunity to share a seat between several organisations enables entities with smaller capacities to engage in the WMG governance structure without compromising all of their scarce resources. While it is too soon to evaluate the result of this innovation, it is a promising introduction concerning the improvement of grassroots movements' access to leadership positions.

b. Facilitating an inclusive and democratic consultation process

The issue of who can serve as an OP in practice becomes even more important when consultation processes are not always respected. As noted by Sénit and Biermann, the WMG is one of the few MGs that ‘have set up clear and detailed procedures to draft position papers and statements’ (2021, p.584). In line with R4 (see Table 5.1), when developing a statement or a position paper, the WMG strives to respect the steps depicted in Figure 5.1.

Figure 5.1. Outline of the WMG consultation process for position papers or statements



Source: Own elaboration based on Women’s Major Group (n.d., p.3)

Nonetheless, frequently consultation processes were circumvented due to time constraints. For instance, as Interviewee #06 noted, even though they did their best to avoid this situation, the short turnaround times given by UN DESA forced the leadership team to take some decisions into their own hands. Once again, this issue is not confined to the WMG. In their study of the MGS, Adams and Pinget (2013) quote an OP complaining that sometimes they were given only 24-hours' notice before an important meeting, which affected their capacity to consult their constituents, especially those in different time zones. Moreover, this dynamic disadvantages organisations with more democratic and inclusive internal consultative processes, which in this scenario are unable to provide input.

c. Fundraising and pooling resources to support collective work

Several surveys identify insufficient resources as a major factor affecting Global South organisations' ability to engage in UN processes (Adams and Pinget, 2013; McKeon, 2009). Since funding allocated directly to the MGS has been historically scarce, participation has frequently relied on institutional or even individual funding. Naturally, this has undermined the participation of those actors and organisations that do not have the financial resources to cover these expenses (Adams and Pinget, 2013). For instance, a study carried out by the Association for Women's Rights in Development (AWID) shows that in 2010, the median annual income of women's organisations based in South and South East Asia was USD 24,000; in Latin America, USD 20,000; in the Caribbean, USD 18,000 and in Sub-Saharan Africa USD 12,136 (Arutyunova and Clark, 2013). Hence, even if engaging in the SDG process was an institutional priority for these

organisations, all their funding would still be insufficient to cover a staff member travelling monthly to New York. These numbers contrast with those from Europe and North America, for which the average median income in the same year was USD 100,000 and USD 281,500, respectively (Arutyunova and Clark, 2013). An updated version of this study shows very limited progress in the following years (Dolker, 2021). Consequently, the WMG's own resources have been instrumental in making up for these imbalances. Currently, the WMG is primarily funded by private donors.⁶⁸ However this has not always been the case: many noted that donors were slow to become interested in providing funds for the WMG, according to Wood and Austin-Evelyn (2017): 'donors working with the UNDP on SDGs did not prioritize gender, and those supporting women's rights did not get involved in Post-2015' (p.35).

Interestingly, while Sascha Gabizon (2016), a former WMG OP, highlights that 'women's rights and feminist organisations are generally much smaller and less well funded than other CSOs in the development sector' (p.103) such as OXFAM or CIVICUS, S nit et al. (2017) note that the WMG (together with the NGO major group) had on average more financial resources than others. One of her interviewees offered an illustrative example: while the WMG brought 10 to 20 women for each OWG session, the Indigenous Peoples WG could only bring one or two per meeting. Hence, while raising funds to bring women to UN meetings

⁶⁸ According to the information on their website, the WMG received funds from UN Women, UNEP, UN Sustainable Development, the Friedrich Ebert Stiftung and the Deutsche Gesellschaft f r Internationale Zusammenarbeit (GIZ). In addition, the WMG also receives in-kind support from OPs and that some relatively better resourced organisations—both from the Global North and the Global South—have redirected some of their own funding to support the day-to-day operation and structure of the coalition (Interviewees #06 and #11).

was a major challenge of the WMG (Gabizon, 2016; Wood and Austin-Evelyn, 2017), the group was relatively successful in this endeavour.

In line with R6 (see Table 5.1), the WMG has prioritised Global South women when allocating funding to attend global events (Interviewees #02, #06, #07 and #11). For example, the Women's Environment and Development Organization (WEDO) 2015 Annual Report notes that in the role of the administrator of funds for the WMG 'WEDO facilitated the travel of 107 women [...] 85% of the fund[ed] participants came from the global South' (WEDO, 2015, n.p.). Nonetheless, this dynamic is not free from power imbalances. Awino Okech and Dinah Musindarwezo (2019) studied the participation of FEMNET (a pan-African network that seeks to advance women's rights in the region) in the SDG process and the WMG, and conclude that the lack of resources described above

results in a situation where organisations located in the global South, in this case Africa, are forced to choose between fund-raising to sustain organisations and ongoing work on the one hand, and organization on important policy-shaping opportunities that will ultimately have a major impact on their work and institutional survival on the other. This financial conundrum generates a dynamic in which African women's rights organisations are reliant on Northern institutions to fund their participation in global-level advocacy, as was the case in respect of the Post 2015 Development Agenda. (p.266)

Therefore, while well-intentioned and positive, this measure does not resolve the structural issues at the core of the resulting geographic imbalances. Furthermore, the lack of resources undermines the ability of some stakeholders to participate in more fundamental levels. As pointed out by a former WMG OP:

Another element is that you basically had to have internet access and access to visas. And these are, again, two elements that relate to structural issues, right? I mean, internet access [...] was a problem when trying to integrate some grassroots groups, Indigenous peoples, migrant people...

And on the other hand, the visas... when the time to go to meetings in New York came, well, there are many countries that had issues, that have political bans from the United States... in addition to problems of discrimination... [...] So we always had problems with our colleagues from Africa and some countries in Central America that could not get their visas on time. (Interviewee #03, interview conducted in Spanish, own translation)

Logically, these issues cannot be simply solved with more funding for or by women's organisations and create structural inequalities in terms of who can and cannot participate in practice.

d. Challenging the English hegemony

Language barriers have been identified by many as a major obstacle preventing the engagement of a large group of organisations in international negotiations (Adams and Pingeot, 2013). Although as discussed in Chapter 3, the UN has six official languages, during the SDG negotiations, official UN documents were often only available in English (or translated with delays), which disadvantaged organisations for whom English was not a working language (Wood and Austin-Evelyn, 2017). Furthermore, one-on-one interactions in the UN building were almost exclusively in English, including key advocacy activities such as lobbying in hallways (Interviewee #02). The hegemony of English in intergovernmental negotiations also shaped the internal functioning of the MGS. According to Gabizon, while '[a]ll the main positions and publications of the WMG are

translated, often on a voluntary basis, into different languages the day-to-day communication via the email list-serves remains predominantly in English' (Gabizon, 2016, p.104). The WMG implemented several efforts to mitigate the negative impact of this dynamic (in line with R7, Table 5.1). As noted by one of my interviewees:

we also split up Africa because we were seeing that a lot of the engagement from our francophone speaking African members was really silent, and so we felt that if we had created a separate platform for them, they would be more engaged [...] One of the things that we struggled with women's major group, of course, is really around language barriers and how do we continue to create access for folks that didn't necessarily speak English. And so, really trying to translate a lot of our documents, really trying to mix up our communication strategies, so that we target these different audiences and having different language groups for WhatsApp. So that really tremendously helped when we had the francophone and then anglophone African OPs. (Interviewee #07)

While introducing a specific OP for francophone Africa is undoubtedly a positive step that contributes to undermining the hegemony of English, it is still an imperfect solution. On the one hand, in the absence of funding, the burden of translating materials falls on those OPs that work with constituencies with limited knowledge of English, who must either increase their own unpaid/voluntary work or reduce the amount of time they dedicate to programmatic work (*vis-à-vis* their colleagues who work with constituencies that are either native speakers or proficient in English). On the other, even if some materials are translated into French, Spanish, or Arabic, many people still do not speak any of those languages either (Sénit and Biermann, 2021).

e. Amplifying the voices of those further in the margins

The limited engagement of grassroots organisations in UN negotiations and the disconnections between the global and the local levels have been key for those concerned with making the UN more inclusive. As noted above, many factors undermine grassroots organisations' ability to engage in global governance. These findings are consistent with a survey conducted by Nora McKeon (2009) in which most respondents agreed on the low success rates in reaching people's movements in UN processes. While the MGS was implemented to provide a more flexible framework than the ECOSOC consultative status, enabling the participation of different constituents, its success has been limited, as shown by Adams and Pingeot (2013). Thus, it is unsurprising that social movements were underrepresented in the SDG negotiations. Sénit et al. (2017) found that among those able to speak during OWG hearings, 61 percent represented international NGOs (or global coalitions) while only 11 percent spoke on behalf of grassroots organisations. Part of the explanation is that, in addition to bureaucratic barriers, there are structural barriers that the MGS cannot counterbalance, as discussed in relation to lack of resources and language limitations.

It is undeniable that the WMG has made active efforts to reach these communities and support them in engaging in global negotiations. In addition to the financial support discussed above, the WMG has given careful consideration to other types of barriers preventing these groups from engaging in UN-level negotiations:

a lot of the focus was for women from the global South, particularly folks really coming from the communities, and so there was a good chunk of those that we funded that never have even stepped into the

West, right? [...] And so, supporting them, training them, thinking about care and security for them, a lot of these folks are women human rights defenders and so, how do we make sure that we have a platform for them to speak their voice, but also ensure protection. Giving UN tours, making sure they're not lost, going through trainings around how to handle UN Security: Some of the participants we had were like trans women and not necessarily the way they presented themselves matched their IDs... (Interviewee #07)

This interview shows both sensitivity to and awareness of the structural barriers that prevent grassroots organisations and vulnerable communities from engaging and a genuine intention to support their participation (in line with R5, R6, and R10, see Table 5.1). Nonetheless, these actions, though important, are not sufficient to offset power imbalances among organisations and people with different levels of political, cultural, and financial resources.

Lastly, Adam and Pingeot (2013) note that the UN frequently fails to recognise different forms of expertise and their value. In particular, civil society participants are seldom seen as experts; this category is almost exclusively reserved for academics, scientists, or representatives of think tanks. In turn, this influences the type of activities CSOs are invited to participate in. As discussed above, the combination of the MGS and the active efforts of the WMG contributed to expanding not only the concept of 'expert' but also the pool of people from which these experts are drawn. I explore this issue in more depth below, as I study to what extent women's organisations and their expertise were considered throughout the SDG process, particularly concerning women's economic empowerment targets and indicators.

iv. From women's economic rights to women's economic empowerment: A reflection on WMG involvement in the development of Target 5.a and its indicators

The previous sections demonstrate that, despite the improvements introduced with the MGS in terms of reducing the bureaucratic barriers that CSOs face when trying to engage in the UN, and the numerous initiatives implemented by the WMG to overcome some of the limitations of this framework, important structural barriers remained, complicating (if not completely preventing) the involvement of some groups in UN-level processes. In this section, I am interested in exploring more concretely how women's organisations participated in the SDG negotiation process in general and the indicator framework in particular. I expect to gather additional information to answer my question of what types of expertise were valued and whose voices carried weight in the technical discussions on how to measure progress and, conversely, which ones were sidelined.

The technical nature of the negotiations around the indicators and the kind of expertise perceived as appropriate for these discussions created a particularly hostile environment for CSOs. Women's organisations were virtually absent in these debates, and the perspectives of the few that managed to get involved were generally sidelined. In line with Chapter 4, I follow the engagement of the WMG in the debates around Target 5.a and its indicators, highlighting the differences between their involvement and level of influence in these two separate processes.

a. *Pushing for women's economic rights: The Women's Major Group involvement in the OWG*

I begin by discussing WMG's involvement in the OWG, focusing on the difficulties they faced in participating and their key demands. At the beginning of this process, just a few days after the first OWG session, the WMG convened in Bonn to discuss their strategy. In a joint statement, the group emphasised the interlinks between the economic system and gender inequality and, among other issues, asserted that the Post-2015 agenda must '[g]uarantee women's equitable access to and control over resources that promote fair asset redistribution among different social groups regarding the use of land, ocean, credits, technology, intellectual and cultural property' (Women's Major Group, 2013a, p.7).

Throughout the SDG negotiation process, the WMG adopted a dual strategy, simultaneously advocating for a stand-alone goal on gender equality and gender-equality targets mainstreamed into the other goals. As noted by several of my interviewees, the WMG made active efforts to influence the whole agenda and not just the specific goal on gender equality, taking advantage of the increased access granted by the MGS (Interviewees #02 and #06). Evidence of this is that there are WMG statements on practically every issue discussed in the OWG.

The WMG explicitly grounded their approach in human rights and women's rights.

A case in point is their response to the HLP's report *A New Global Partnership*:

Even though human rights are universal, indivisible and interdependent the report focuses on the achievement of just a few human rights – and prioritizes civil and political rights over economic, social and cultural rights.

[...]

The report falsely equates the rights of business with human rights. The real priorities of the 'new' and ambitious agenda are exposed when the report recommends that businesses have the same rights of women, men and children, to that of business, regarding land and property rights (target 1b). This creates conditions for more land-grabbing, when the opposite is necessary: a target that redistributes assets from corporations to women, indigenous peoples, people living in poverty, and other groups that are marginalized. (Women's Major Group, 2013b, n.p.).

Thus, it is clear that, from the very beginning the WMG understanding of women's economic empowerment, even when some of their members are reluctant to use this specific term (as I will discuss in more detail later), promotes an expansive interpretation of the concept, firmly grounded in human rights and that goes way beyond the 'right to participate in economic markets' as discussed in previous chapters. As such, it moves away from more liberal and traditional takes on the human rights framework, centring issues of redistribution and explicitly challenging the idea that people and business have the same 'rights' to land.

As noted in Chapter 4, gender equality issues were mostly addressed in OWG-8, together with all the other topics perceived as contentious. Yvette Kathurima (FEMNET's Head of Advocacy) presented the WMG's position in which they emphasised the need to, among other things, have a target focused on 'guarantee[ing] women's economic rights & ensur[ing] women and girls have access to, control over and ownership of natural and productive resources including land, credit, energy, information and technology' (Women's Major Group, n.d.). Thus, unlike most of the targets proposed by Member States and discussed in Chapter 4, WMG's suggestion focused explicitly on economic rights.

During OWG-9, the WMG shared their views on the initial focus area document in a morning hearing. Sascha Gabizon expressed disappointment at the limited references to women's rights throughout the focus area document and underscored the need to ground the SDG framework on human rights and support a strong narrative focused on the redistribution of both wealth and power (IISD, 2014b). These points were further emphasised in a document containing WMG's response to the focus area document, noting that this language is retrograde compared to the document presented at OWG-8 and that while '[e]quality and empowerment are necessary [...] they alone are not sufficient and cannot be achieved without firm commitment to and fulfilment of women's human rights' (Women's Major Group, 2014b, n.p.).

Concerning the revised version of this document prepared for OWG-10, the WMG (in a joint statement with other major groups) welcomed the inclusion of sexual rights and unpaid care work in the new version but noted the need for a more ambitious framing. In particular, the group proposed renaming the goal as '[a]chieve gender equality, women's empowerment *and the full realization of women's human rights*' (Godden, n.d., emphasis added) and underscored the need to address the unsustainable levels of wealth concentration and its socio-environmental impacts (Women's Major Group, n.d.).

After OWG-10, the group started discussing concrete targets. As noted in Chapter 4, in relation to women's access to economic resources, most Member States' proposals focused on issues such as promoting women's equal rights to own property, register a business, or secure credit. These differed substantially

from the target proposed by the Women, Children & Youth, Local Authorities, NGOs major groups, and the Feminist Taskforce that focused on realising women's equitable rights and promoting fair asset redistribution, which offers a much more comprehensive understanding of women's economic empowerment than the alternatives (see Table 5.3 and Table 4.7 in Chapter 4 annex).

While the 'zero-draft' document presented by the co-chairs after OWG-11 included many of the WMG's priorities, it lacked specific language on women's rights. The group compiled their comments on all the proposed goals and targets for OWG-12. Concerning access to economic resources, the WMG suggested adding after 'ensur[ing] women's equal access to, control and ownership of assets and natural and other productive resources' a line focused on 'secur[ing] rights to land, property and inheritance' (Women's Major Group, 2014a, p.12). They hoped to open the possibility of conceptualising the right to land beyond the specific form of ownership (Table 5.3).

Table 5.3. Evolution of WMG proposals regarding women's access to economic resources vis-à-vis official proposals put forward during OWG meetings.

SESSION(S) AND PERIOD	OFFICIAL PROPOSED TARGET	WMG's ALTERNATIVE PROPOSAL
OWG-9/10 (Mar-Apr 2014)	equal access to assets and resources, including natural resources management (<i>in Focus Area Document dated 19 March 2014</i>)	By 2030, realize women's equitable rights and access to, control over and ownership of land, productive assets and natural resources that promote fair asset redistribution (<i>in Encyclopedia Groupinica</i>)
OWG-11/12 (May-Jun 2014)	ensure women's equal access to, control and ownership of assets and natural and other productive resources, as well as non-discriminatory access to essential services and infrastructure, including financial services and ICT (<i>in Zero Draft document</i>)	By 2030 ensure women's equal access to, control and ownership of assets and natural and other productive resources, secure rights to land, property and inheritance By 2030 ensure non-discriminatory access to essential services and infrastructure, including financial services and ICT (<i>in Comments prepared by the Women's Major Group on the zero-draft presented by the OWG co-chairs on 2 of June 2014</i>)
OWG-12/13 (Jun-Jul 2014)	ensure women's equal right to own and control assets and productive resources (<i>in Zero Draft rev.1 document</i>)	N/A
Final language	Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws	N/A

Source: Own elaboration.

As shown in Table 5.3, despite WMG efforts, the final language of Target 5.a does not reflect many of their concerns. Nonetheless, as discussed in Chapter 4, the inclusion of an explicit reference to *rights* that, at least in principle, goes beyond the right to own property, sign a contract, or other rights that I previously defined as the ‘right to participate in the market economy’ can be traced back to the constant efforts of the WMG in this direction. Thus, I conclude that, although the language is weaker than that promoted by the WMG (especially after the introduction of the clause ‘in accordance with national laws’), the inclusion of a reference to ‘rights to economic resources’ is a partial victory for the group that can be used as a point of departure for expansive interpretations of the targets in its implementation. In the words of one of my interviewees,

the other language that we wanted was specifically around the realisation of economic rights. Because definitely one of the critiques that comes not just from the Women’s Major Group, but a lot of society is that there’s too much focus on so-called Women’s Economic Empowerment as if access to capital is the only thing. And this is what this structure and this language is suggesting: that we need to give them rights to economic resources, but actually economic rights is bigger than that. (Interviewee #06)

Lastly, it is worth highlighting that this achievement is even more important if one considers that there are only two explicit references to rights under SDG 5.⁶⁹ Furthermore, as noted before, one of the major disappointments for the WMG was the absence of an explicit commitment to women’s rights in the title of SDG 5, which only refers to gender equality and women’s empowerment. Notably, and as hinted above, this last concept does not resonate with many members of the

⁶⁹ in addition to Target 5.a, Target 5.6 mentions sexual and reproductive rights.

WMG (particularly those based in Asia and Latin America) since they consider that this approach shifts the responsibility from governments to the women themselves (Interviewee #03). For instance, the Women's Working Group on Financing for Development (WWG on FfD)—an alliance of women's organisations and networks that advocate in the Financing for Development-related UN processes—rejects the concept of 'women's economic empowerment' altogether and, as a coalition, only promotes gender equality and women's human rights (Interviewee #03). Conversely, some of my interviewees noted that the concept of empowerment was central to UN Women's strategy, which they attributed to the influence of their current donors (Interviewees #03 and #11).

b. Statisticians meet feminists: communication barriers across epistemic communities

Let me turn now to WMG's involvement in and influence over the negotiations around Target 5.a indicators. The WMG attempted to engage with the IAEG-SDG as much as possible. For instance, they produced a document of recommendations in response to the StatCom report on its 46th session (in which the IAEG-SDGs was established). In this document, they called for an open, transparent and inclusive process that ensures civil society and women's rights organisations had meaningful participation (Women's Major Group, n.d.). This would include—in addition to having space within discussions to make proposals, respond to drafts, and engage with governments—being invited to participate as experts and the recognition of the crucial role that civil society plays in data collection and analysis through participatory approaches (Women's Major Group,

n.d.). Lastly, the document emphasised the importance of developing new indicators as needed and not being restricted by existing data.

Nonetheless, and unlike in the OWG, throughout the indicator selection process, civil society participation was not funnelled through the MGS (Kapto, 2019). Hence, while the WMG still made efforts to coordinate their engagement, participation was more on an individual basis. Interestingly, even though the IAEG-SDG made progressive efforts to accommodate CSOs into the process, as discussed above, many of my interviewees mentioned that they gradually disengaged. Most interviewees could only name one or two people who consistently participated in IAEG-SDG meetings (Interviewees #02, #03, #06, #07 and #11). This number contrasts with the 10-20 people that the WMG brought to OWG meetings discussed above.

The reasons for this important gap between CSO participation in the OWG and the IAEG-SDG are manifold. Many organisations noted lack of capacity as a core constraint. In a context of limited resources, many felt that what could be actually achieved through these negotiations did not match the economic effort that participating in these meetings represented for their organisations (Interviewee #02). Others were disappointed by how little influence the indicators had on the actual implementation of the SDG framework, and stopped engaging with the IAEG-SDG after the first Voluntary National Reports were submitted (Interviewee #03), an issue discussed in Chapter 7. Lastly, some organisations continued to do advocacy around the UN Agenda 2030, but with limited resources, have

prioritised the work around the follow-up and review process rather than the development of the indicators (Interviewees #01 and #06).

However, one of the most important barriers preventing CSOs from engaging in this process was the lack of technical expertise (Interviewees #01, #06 and #11). At the most basic level, engaging in the IAEG-SDGs required learning about the technical aspects of data and statistics, which were new to many of these groups:

it was definitely a learning curve for a lot of us because suddenly we had to get a lot more specific [...] we had to learn what metadata was, you know, all those things [...] what are indicators and what are indicators meant to do, and how do you populate indicators, how do you collect data on indicators, what's qualitative versus quantitative [...] there's kind of basic things that definitely not everyone in civil society [...] already knew... so yeah, there was definitely a learning curve. (Interviewee #01)

While many of the CSOs engaged in the WMG have decades of experience doing advocacy in UN-led processes, most are used to dealing with UN staff and Member States representatives. However, statisticians are a completely different group with their own priorities, motivations, and ways of thinking. Thus, in addition to studying the technical aspects that surround the indicator development and data collection processes, CSOs also had to get acquainted with statisticians as an epistemic community and, more specifically, learn how to influence them, which added another layer of complexity (Interviewee #11).

Lastly, even if CSOs developed the technical and political expertise needed to successfully engage in these conversations, their perspectives, experiences, and contributions were frequently sidelined by the members of the IAEG-SDG. One of my interviewees noted that 'it was very easy for the statistical people [...] to

dismiss us and say “oh, you don’t, you don’t understand” (Interviewee #01).

Another interviewee highlighted that they faced resistance because

what you think and know that is possible to be a good indicator for the field, may not be considered as such by statisticians because the way they see the data, the way they observe the situation is different than we do as feminist organizations working on the grassroots level. (Interviewee #11)

Others shared similar experiences, noting that their proposals were frequently ignored because they did not align with the statisticians’ preferences (such as in the case of qualitative indicators) or their pragmatism: for instance, when additional levels of disaggregation were discussed in line with the UN Agenda 2030 ‘leave no one behind’ principle (Interviewee #12). As noted in Chapter 3, while civil society organisations start from concepts and assess the suitability of indicators based on how well they reflect the phenomena they claim to measure, statisticians tend to take indicators as the starting point and judge them based on other types of attributes such as data availability, reliability of the sources and representativeness of the sample, among others.⁷⁰

These findings align with prior research showing that, while academics and inter-governmental agencies’ staff were frequently consulted as experts in this process, CSOs’ expertise was often dismissed. For instance, Satterthwaite and

⁷⁰ For instance, Target 5.4 calls to ‘recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies, and the promotion of shared responsibility within the household and the family as nationally appropriate’. Although feminist organisations like APWLD have proposed ‘percentage of children and other dependents with access to publicly funded or employer funded care’ and ‘percentage of government budget dedicated to care services’ as indicators to measure progress under this target, the IAEG-SDGs ultimately chose an indicator proposed by UN Women and the World Bank—that only measures the proportion of time per day spent by women on unpaid domestic and care work.

Dhital (2019), who explore the genealogy of Target 16.3 indicators, concluded that NSOs tend to favour 'inputs from parties they viewed as objective, meaning divorced from an advocacy agenda, with a statistical mandate and strong statistical capacity' (Satterthwaite and Dhital, 2019, p.102), which in practice meant the prioritisation of the contributions of those with '[formal] expert knowledge' and discrediting the feedback provided by civil society organisations.

Interestingly, bureaucratic barriers appear to have played a much smaller role than expected. For instance, while the fact that meetings were conducted exclusively in English could be considered a key obstacle in a context in which language barriers were repeatedly highlighted as preventing some organisations from engaging in global negotiations, none of my interviewees mentioned this in our conversations in relation to the IAEG-SDG. This does not mean that it was not an impediment, but could signal that there were other elements preventing CSOs participation that took precedence. Moreover, some issues that were identified as potential obstacles for civil society engagement—such as the rotating location of the meeting (Kapto, 2019)—were identified as positive changes: as noted by one of my interviewees, attending meetings in the Global South tends to be easier for Global South organisations than flying to UN Headquarters in New York or Geneva (Interviewee #06). The participant lists from the IAEG-SDG meetings hosted in Bangkok and Mexico City support this, and it is possible to identify many local organisations among attendants.

While attendance was relatively low, many organisations made use of the open consultation processes to share their views. As noted in Chapter 4, several

organisations, including some that are part of the WMG used this channel to express concern regarding the proposed Target 5.a indicators, in three central areas.⁷¹ First, many warned that the use of ownership as the primary channel to secure tenure would leave behind

those who cannot own land because they live in countries where the State owns the land (e.g. China and Vietnam); reside on communal land (e.g. under customary tenure in Africa, indigenous peoples in Latin America, Tribal communities in India); or cannot afford to own land but need secure use rights. (See for instance LANDESA submission in Table 5.4 in the Annex)

In addition, others warned about putting too much emphasis on documentation to support secure land tenures, noting that assessing people's perception of the security of their rights was equally important (see for instance APLWD submission in Table 5.4 in the Annex). Secondly, many pointed out that since the target was not limited to agricultural land, nor should the indicator be, noting that the proposed language ignored that there are other types of land and resources (such as common lands) that are crucial for women's livelihoods and ignores, among others, the needs of the urban poor and those who live in the forest, practice nomadic pastoralism or live in rural areas without engaging in agricultural production (see for instance LANDESA and Columbia Center on Sustainable Investment entries in Table 5.4 in the Annex). Lastly, others emphasised that the proposed indicators ignored the impact of land-grabbing on women and that it was important to consider the gendered effects of land-grabbing and the

⁷¹ Notably, the WMG did not echo these requests. Nonetheless, when I asked interviewees about this discrepancy, they mentioned that it was not due to a difference in opinion, but just a logistical discoordination.

concentration of landownership, insofar as women are particularly vulnerable to dispossession (see APWLD submission in Table 5.4 in the Annex).

While the last two areas of concern were ignored altogether, the issue of ownership was partially addressed by the inclusion of people *with secure rights* within the scope of the indicator 5.a.1. Notably, this language was absent from early proposals put forward by UN Women. Thus, its introduction can be linked to the efforts of LANDESA who worked directly with UN Women in the development of these indices (Interviewee #15). Nonetheless, while the final language is certainly broader than earlier drafts, it does not cover those who claim property rights that are denied by the state in which they live (for instance, ancestral land rights). Furthermore, any positive conclusion regarding this introduction is quickly counterbalanced by the methodology that EDGE (the joint initiative of UNSD and UN Women with the Asian Development Bank, the FAO, and the World Bank discussed in Chapter 4) developed for measuring Indicator 5.a.1. As noted in their document, interestingly titled 'Guidelines for Producing Statistics on Asset *Ownership* from a Gender Perspective' (emphasis added), ownership and land tenure rights are measured by three proxies: having one's name on a legally recognized document; having the right to sell; or having the right to bequeath. Hence, the issues raised by CSOs concerning the emphasis on ownership (or other forms of private or individual tenure) and the existence of documentation remain unaddressed.

To sum up, it is possible to conclude that only a few women's organisations could participate in the IAEG-SDG process and that the technical expertise required to

engage in these conversations constituted one of the most (if not the most) important barriers preventing their participation. Additionally, the few organisations that could engage in this process frequently saw their contributions dismissed or sidelined. As a result, Target 5.a indicators do not reflect many of the positions and concerns put forward by CSOs, revealing that their influence in the framework is minimal at best. The only exception was LANDESA collaboration with UN Women. Thus, in the absence of clear means of influencing the process directly, some organisations opted for the alternative strategy of lobbying those seen as having the right kind of technical expertise and whose contributions were considered in IAEG-SDG debates, such as UN Women.

However, not all organisations have equal access to these informal configurations either. Unsurprisingly, INGOs and inter-governmental organisations are better placed to influence this kind of space. Interviewee #09, who works for one of these, pointed out:

So, the indicators for this target [5.2 on violence against women], for example, are taken from a very sort of long process that has happened with a Group of Friends on... Group of Friends of the statistical division [...] So, obviously the UN statistical division was in the front seat in terms of developing these indicators, but they were trying to build on work that was ongoing so then... I know that my colleague, for example, participate... my colleague here in The Hague, one of my colleagues who is more of an expert on land rights, she participated in other conversations about other indicators... And... so there were like expert groups that were looking at each and every indicator... (Interviewee #09)

v. Conclusions

I started this chapter by highlighting the improvements in accessibility and inclusion introduced by the UN with the MGS, but noting that these changes dealt mostly with bureaucratic obstacles, leaving structural barriers unaltered. Next, I exposed how the WMG proactively implemented a series of initiatives to bridge some of the remaining gaps. Although they succeeded extent in opening up spaces to some groups that otherwise would have been unable to participate, it is also important to recognise that structural inequalities remain and that not all women had equal opportunities to participate in and influence these conversations.

Taking these findings as a point of departure, I then explored WMG engagement with the OWG and the IAEG-SDG in relation to Target 5.a and its indicators. I found that the WMG made the most of all opportunities to influence the development of the SDG framework. While their approach to women's economic empowerment—grounded on economic rights and social justice—did not penetrate deeply into the final language of the target, the reference to 'right to economic resources' could be partially attributed to their efforts. Whether the explicit inclusion of 'rights language' on the target has a positive effect in its application is a different question, which I begin to address in Chapters 6 and 7. However, I found that only a few women's organisations could systematically participate in the IAEG-SDG process and that the technical expertise required to engage in these conversations constituted one of the most important barriers to participation. Likewise, the few organisations

that attempted to engage in these often saw their contributions ignored, as they did not align with the statisticians' preferences. As a result, Target 5.a indicators do not reflect many of the positions and concerns put forward by CSOs.

This chapter has shown how, despite active efforts on many fronts to make the negotiations more open to CSOs, women's organisations still had limited opportunities to significantly engage in the development of the SDG indicator framework. While many factors contributed to the *de facto* sidelining of women's organisations and the dismissal of their perspectives throughout this process, I demonstrate that the turn to indicators (and the valorisation of technical expertise that goes with it) played a key role in this dynamic.

vi. Annex

Table 5.4. Selected comments submitted by civil society, academia, and the private sector during the open consultation (11 August – 15 September 2015)

Organisation	Target 5.a: Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws
Asia Pacific Forum on Women Law and Development	<p>Proposed indicators should not limit measurement to agricultural land or to formal land ownership. We propose indicators that measure the percentage of women with secure rights to land, property, and natural resources measuring percentage with legally documented or recognized evidence of tenure; and who perceive their rights are recognized and protected.</p> <p>It is also critical to include a measure of concentration of land ownership to address the phenomenon of land-grabbing which has resulted in diminishing land available to local communities. Women are particularly vulnerable to dispossession because of multiple barriers they face to secure tenure.</p>
Columbia Center on Sustainable Investment	<p>Although this suggested indicator will measure an important aspect of women's access to economic resources, its current formulation focusing on ownership of agricultural land, risks narrowing other ways in which women should have access to land and other forms of property. An indicator that was broader than "ownership" and focused on productive resources more generally would be more useful in places where ownership is not the primary means of securing tenure, and where other types of land and resources, including commons lands or forest resources, are equally as important as agricultural land for women's livelihoods.</p>
Kimse Yok Mu	<p>It should be emphasized that cultural norms and the specific contextual conditions determine to a large extent the way women perceive the world, this should be taken into account while framing the reforms and making it accessible for everyone</p>

Organisation	Target 5.a: Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws
Land Alliance, Inc.	<p>The current proposed indicator "The legal framework includes special measures to guarantee women's equal rights to land ownership and control" might seem strong at first. Legal recognition of women's rights to land is vital. However, it is not sufficient that the law provide for equal access. There is a gap between law and practice in many countries. Also, this indicator should be applied to non-ownership forms of tenure e.g., in China, no one can own land. The indicator below (also suggested under 1.4 and 2.3 and relevant to 11.1 and 15.a) covers the law and practice and broadens from ownership to tenure security (a term that includes but is not limited to ownership rights).</p> <p>Percentage of women, men, indigenous peoples and local communities with secure tenure rights to individually or communally held land [measured by (i) percentage with legally documented or recognized evidence of tenure; and (ii) percentage who perceived their rights as recognized and protected]</p>
LANDESA	<p>Targets 1.4, 2.3, and 5.a see secure land rights as foundational and cross-cutting to the agenda, which to live up to its full intent must include a meaningful and universal land rights indicator. The current indicator leaves behind millions by limiting its scope to:</p> <ul style="list-style-type: none"> • agricultural land, ignoring those who live in the forest, practice nomadic pastoralism, live in rural areas without engaging in agric. production, and the urban poor • ownership, ignoring those who cannot own land because they live in countries where the State owns the land (e.g. China and Vietnam); reside on communal land (e.g. under customary tenure in Africa, indigenous peoples in Latin America, Tribal communities in India); or cannot afford to own land but need secure use rights • a gender ratio among right holders, ignoring those who do not have secure rights. <p>See http://landpost2015.landes.org/resources/land-rights-</p>

Organisation	Target 5.a: Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws
	an-essential-global-indicator-for-the-post-2015-sdgs/ for an indicator that is universal and feasible.
Women for Expo	<p>The call for reforms can be misleading as in many countries law and regulations in favour of women, already exist. The problem is related to the lack of implementation of these regulations.</p> <p>Many women we interviewed insist on the lack of guidance in driving their economic empowerment. Having access to credit is not enough and can result also in a harm for women, if they are not provided with the right infrastructure to help their idea grow and get economically viable.</p>

Source: Own elaboration based on input from the Open Consultation with Civil Society, Academia and Private Sector.

PART III – Y AHORA QUE ESTAMOS JUNTAS... Y

AHORA QUE SI NOS VEN⁷²

⁷² Lines taken from a popular feminist chant in Argentina and other Latin American countries, typically sang in demonstrations. In English: 'Now that we are together, now that we are seen'.

CHAPTER 6. THE UNDERWHELMING GOVERNANCE

EFFECTS OF SDG5 AT COUNTRY LEVEL: A CASE

STUDY OF ARGENTINA

i. Introduction

Part II of the thesis explored the genealogy of Target 5.a and its indicators, shedding light on the actors involved in its development. I demonstrated that the need to transform women's economic empowerment into measurable targets had a standardising effect, which cemented a limited understanding of empowerment, centring women's individual access to the market economy and an exaggerated role for formal law as an enabling factor. Likewise, I exposed how the turn towards indicators created a particularly hostile environment for women's organisations insofar as their expertise was dismissed and their perspectives sidelined, notwithstanding the efforts of the WMG towards inclusion.

In Part III, I empirically explore the national-level effects of the UN Agenda 2030 on women's economic empowerment agendas through studying the case of Argentina. In line with this overarching objective, this chapter is concerned with how the economic empowerment targets and indicators under SDG 5 have been mainstreamed into government practice.

In December 2015, shortly after the SDGs were adopted by the UNGA, Mauricio Macri became President of Argentina. While gender was not a central component of his election platform, it quickly became evident that a gender agenda would be

necessary to both gain internal support (particularly after the emergence of the *Ni Una Menos* movement) and enhance the external image of the country as a human rights champion, a key component of his foreign policy. As a result, he gave more prominence to the women's advancement agency in place and appointed a feminist with a civil society background to spearhead it. Notably, due to Macri's government neoliberal orientation, the women's economic empowerment official agenda promoted by the President and his cabinet was shaped by the 'smart economics' approach (see Chapter 2), materialised in a two-pronged strategy focused on access to micro-credit for low-income women and increasing the number of women in leadership positions. It is this particular combination of factors that enable us to explore whether feminists in key-decision making positions were able to mainstream SDG 5 into government practice to expand the women's economic agenda beyond this. Furthermore, with the change of government in 2019 and a shift in the country's political orientation, studying Argentina allows me to explore how feminists in government have used the SDGs in different scenarios and compare the outcomes. As a result, I am able to develop a rich understanding of the governance effects of SDG 5 that shed light more generally into the potential and limitations of using this framework to shape political agendas that hold valuable insights beyond the specific area of women's economic empowerment and the national frontiers of Argentina.

Combining data gathered through public reports of various official sources with information obtained through interviews with key stakeholders, I offer a detailed analysis of the concrete impacts of SDG 5 targets and indicators on the women's empowerment agenda in Argentina (specifically through changes in data

collection practices, resource allocation, and the enactment of regulations). Likewise, I developed a detailed account of how and with what results the SDG framework has been used by feminists in key decision-making roles to expand women's economic empowerment. The findings from this exercise shed light on the potential and limitations of using the framework to catalyse positive change.

The chapter is structured as follows. The second section provides more details on the Argentine context, focusing on women's economic status and the government's approach to women's economic empowerment. The third and fourth sections discuss the implementation of the UN Agenda 2030 in Argentina and its effects on the women's economic empowerment agenda, first during the presidency of Mauricio Macri (2015-2019) and then Alberto Fernández (since December 2019).⁷³ I specifically attempt to establish whether SDG 5 influenced how the government collected data, allocated resources, or enacted legislation related to women's economic empowerment. On the one hand, during Macri's presidency, I found that while the feminists involved in the UN Agenda 2030 national adaptation process successfully pushed for the prioritisation of Target 5.4 on care work, which was not part of the government's official women's economic empowerment agenda, this did not have a substantial impact on how the government designed programmes, collected data, or allocated resources. Notably, the only relevant dynamic that can be observed in this period is the

⁷³ While the government of Fernández is still in place as I write this thesis, I focus my analysis in the period between December 2019 and December 2021. Although the COVID-19 pandemic might distort some of the results affecting the comparability across periods, I minimised bias by focusing on those interventions designed for the longer term rather than those that seek to provide temporary support in a critical context.

'massaging of data' to give the illusion of efforts being made in the area of care policies, even in a context in which important (and pre-existing) social programmes were suffering budget cuts. Thus, it is possible to conclude that the UN Agenda 2030 had practically no tangible governance effects related to women's economic empowerment.

On the other hand, in the fourth section, I argue that there were some interesting differences in Fernández's presidency. While this period is marked by the prioritisation and expansion of the gender agenda including economic empowerment, feminists in key decision-making positions do not think that the UN Agenda 2030 played a role in this process. However, they agree that the SDGs are useful for other purposes, such as attracting external funding for gender policies and that the holistic 'spirit of SDG 5' has been instrumental for re-directing that funding to local priorities, which often do not align with those of the funders.

Lastly, in the fifth section, I connect these findings to produce a clearer picture of how SDG 5 women's economic empowerment targets and indicators have been mainstreamed into government practice in Argentina. Drawing on the previous sections, I conclude that SDG 5 has had underwhelming governance effects and that, by itself, cannot substantially expand the women's economic empowerment agenda, reallocate resources to it, improve data collection, or push for the enactment of new regulations. However, my findings also suggest that SDG 5 can be a valuable instrument for feminists in government seeking to advance

women's economic empowerment. Nonetheless, this also requires these feminists to have real decision-making power and political will.

ii. Gender inequalities in the Argentine economy

As noted in the introduction, I consider that Argentina constitutes a strong case study to explore how SDG 5 has been mainstreamed into government practice in the area of women's economic empowerment because, between 2015 and 2019, it offered the interesting combination of a government that promotes a women's economic empowerment agenda that has neoliberal undertones with an increased role for the women's advancement institutions and the feminists within it. Thus, it allows us to explore more concretely whether SDG 5 can be used to expand the official discourse on women's economic empowerments and foster concrete changes in the area of data collection, resource allocation, or legislation enactment.

Before going into the detailed analysis of the case study, it is worth giving some additional context to readers unfamiliar with Argentina. Recognising the problems of over-reliance on indicators to produce knowledge on a subject or a phenomenon, as discussed in Chapter 3, it is also true that they can provide a useful point of departure, especially if one is aware of the limitations and attempts to counterbalance them through additional evidence.

Argentina is an upper middle-income country in South America, that, despite continuous economic crises, has managed to maintain relatively high living standards, particularly in relation to health and education, achieving the status of

‘very high human development’ by the UNDP and ranking 47th in the world (out of 191 countries and territories) and second in the region (behind Chile). In terms of gender equality, as evidenced by the WEF GGI in Table 6.1, the benefits of these relatively high standards in health and education are well-distributed between men and women. In 2015, when the SDG era started, the country ranked 35th (out of 145 countries evaluated) in the world.⁷⁴

However, while Argentinian women enjoy relatively equal conditions to men in many realms, they are still behind when it comes to economic opportunities and outcomes. Notably, the GGI shows significantly poorer levels in relation to economic participation and empowerment, with Argentina ranking 105th that same year. This conclusion is supported by feminist activists, practitioners and policymakers, who have drawn attention to the multiple inequalities that women face in the labour market, including lower participation and employment rates, higher rates of under-employment, unemployment and informality, prevailing income gaps and the connections between these results and the unequal distribution of care responsibilities between men and women (D’Alessandro et al., n.d.).

⁷⁴ For an extended compilation of the updated values (2022) of all the relevant indices discussed in Chapter 3, see Table 6.7 in the Annex. There, the reader might notice that GGI values have not changed substantially between 2015 and 2022.

Table 6.1. World Economic Forum Gender Gap Index – Values for Argentina (2015)

Index	Value	Rank	Sub-Indices	Value	Rank	Indicators	Value	Ranking
Global Gender Gap Index (GGI-WEF) – (imparity = 0, parity = 1)	0.734	35 th (out of 145 countries)	Economic Participation and Opportunity	0.615	105 th	Labour-force participation rate	0.67	100 th
						Wage equality for similar work (survey)	0.51	130 th
						Estimated earned income (int'l \$ 1,000)	N/A	N/A
						Legislators, senior officials, and managers	0.45	64 th
						Professional and technical workers	1.0	1 st
			Educational Attainment	0.996	55 th	Literacy rate	1.0	1 st
						Enrolment in primary education	0.99	89 th
						Enrolment in secondary education	1.0	1 st
						Enrolment in tertiary education	1.0	1 st
			Health and Survival	0.980	1 st	Sex ratio at birth*	0.94	1 st
						Healthy life expectancy (years) *	1.06	1 st
			Political Empowerment	0.347	22 nd	Women in parliament	0.57	24 th
						Women in ministerial positions	0.29	51 st
						Years with female/male head of state (last 50)	0.23	14 th

Source: Own elaboration based on WEF (2015).

*For all indicators, except the two health indicators, parity is benchmarked at 1. In the case of sex ratio at birth, the gender parity benchmark is set at 0.944 (see Klasen and Wink, 2003). In the case of healthy life expectancy, the gender parity benchmark is set at 1.06, given women's longer life expectancy.

Now that the general context has been established, let me focus in more detail on the period under analysis. The adoption of the UN Agenda 2030 and the beginning of the SDG era coincided with the inauguration of Mauricio Macri's presidential term in Argentina (December 2015), which marked the beginning of a period that combined neoliberal economic policies with a political project focused on state modernisation, policy effectiveness, and republicanism (Rodríguez Gustá, 2021). Macri's presidential campaign gravitated around the objectives of zero poverty, defeating drug trafficking, and bringing the Argentinian people together. While neither women's economic empowerment nor gender equality more broadly defined were prominent components of the president's proposed political agenda, the internal pressure exerted by a growing feminist movement forced the government to pay attention to women's demands.

Just a few months before Macri took office, on June 3rd, 2015, half a million women took to the streets of Argentina, ignited by the murder of Chiara Pérez—a pregnant teenager killed by her boyfriend—under the slogan *Ni una Menos* (translated as 'Not a woman less,' meaning that not one more woman should die at the hands of gender-based violence. Henceforth, NUM). While the local women's movement(s) has a much longer herstory, this specific demonstration was a milestone in the recent herstory of the Argentinian women's movement as it prompted its massification (Nijehson, 2019) and its recognition as a political actor whose demands could not be ignored (Rodríguez Gustá, 2021).

Notably, this massification did not lead to the watering-down of its political agenda, which became more radical (Gago, 2020) and feminist (Lopreite and

Rodríguez Gusta, 2021), increasingly showing a structural understanding of women's oppression. For example, in October 2016, in response to the femicide of Lucía Pérez, women decided to demonstrate in the form of a 'feminist strike'⁷⁵ under the slogan 'if our lives are worthless, then produce without us.' The feminist strike in Argentina, together with Poland's Black Monday, cemented the basis of the International Women's Strikes that started in 2017. Since then, Argentinian women have engaged in this global event, further highlighting the connections between gender-based violence (GBV) and women's economic oppression,⁷⁶ which have been made more and more explicit within the movement.⁷⁷

Logically, the increased political weight of the feminist movement after the first NUM demonstration pressured the government to acknowledge and address, at least to some extent, the demands of the women's movement. At the time Macri's mandate started, the main gender agency in Argentina was the National Council of Women (CNM, *Consejo Nacional de las Mujeres*). The CNM was established in 1992 and mandated to ensuring compliance with the Convention on the Elimination of Discrimination against Women (CEDAW, 1979; Article 2, Decree

⁷⁵ Like typical strikes, feminist strikes involve women and people with diverse SOGI withdrawing their labour. However, feminist strikes also include an explicit call to stop doing unpaid care work, to demonstrate to what extent the functioning of the economic system depends on these activities.

⁷⁶ While the explicit connection between GBV and women's economic oppression was a new element, it is worth noting that demands linked to improving women's economic situation have been very prominent in the herstory of the Argentinian feminist movement, particularly since the 1990s when the economic crisis pushed many women into precarious jobs (Barrancos, 2010).

⁷⁷ As noted by Gago (2020), who is both an academic and a member of the NUM: 'The strike becomes a specific apparatus for politicizing violence against women and feminized bodies because it connects it to the violence of contemporary capitalist accumulation. In this sense, the strike produces a global map: it makes visible transborder circuits and organic relations between accumulation and violence. To convene the strike, we launched the slogan #NosotrasParamos (#WeStrike); in so doing, we forced that traditional tool of the organized labor movement to mutate, to be reconfigured, reconceptualized, and reused to reflect lives and work that escape the confines of the union (and its economy of visibility, legitimacy, and recognition)' [n. p.].

No 1426/92). Shortly after taking office, Macri designated Fabiana Tuñez, former director of *La Casa del Encuentro*—a CSO that, in the absence of official statistics, started compiling information on femicides published in the media (see Chapter 3)—to spearhead the CNM. As noted by Rodríguez Gustá, this appointment served the double objective of trying to ‘mitigate criticisms of an otherwise socially insensitive government of “chief executive officers”’ while simultaneously ‘cultivate some common ground with what had become a fundamental actor in the political landscape’ (2021, p.683).

Two years later, in 2017, the CNM was replaced by a new institution: the National Institute of Women (INAM, *Instituto Nacional de las Mujeres*) gaining in status and autonomy (Decree DNU No 698/2017). While the enhancement of the gender agency was essentially a response to the pressure exerted by the feminist movement in the streets (Lopreite and Rodríguez Gusta, 2021), it also contributed to the modern reputation that the government wanted to promote externally:

because gender equality is part of a global agenda, a stronger INAM converged with Cambiemos’ [Macri’s political party] claim of “placing Argentina back in the world.” Lastly, given accusations of human rights violations against the government that put it in an uncomfortable international situation, INAM could symbolically mitigate the damage by signaling an explicit interest in women’s rights. (Rodríguez Gustá, 2021, pp.638–639)

As noted by Rodríguez Gustá, during Macri’s presidency, foreign policy was oriented towards ‘placing Argentina back in the world’, which in practical terms meant a re-alignment with the Western hemisphere, restoring bilateral relations with the US and European powers and favouring some key multilateral fora. Highlights from the latter include Argentina hosting the Eleventh World Trade

Organization (WTO) Ministerial Conference in 2017 and taking over the presidency of the G20 in 2018 (Bezus, 2022). Notably, the women's economic empowerment agenda played a central role in this strategy, and it is through these particular events that we can see the official approach crystallising.

Due to the political orientation of the government, it is not surprising that its gender agenda was primarily focused on GBV, and that its take on women's economic empowerment followed a liberal approach, incorporating women into the formal labour market through improvements in training and education but also access to credit. This approach materialised into a segmented strategy, with a different set of actions deployed depending on the socio-economic characteristics of the targeted women (Partenio and Pita, 2020). On the one hand, the government focused on fostering women's leadership in the private sector. The *Buenos Aires declaration on Trade and Women's Economic Empowerment* is a good example of this. In the context of the 2017 WTO meeting discussed above, a series of WTO members and observers, including Argentina, endorsed this declaration 'with the aim of increasing the participation of women in trade and removing barriers faced by women in entering the global marketplace' (WTO, n.d.). Although this declaration was heavily criticised by feminists due to its 'reductionist and binary vision of women's economic empowerment without addressing the negative impacts' of neoliberalism and the WTO (Feminist Forum against Free Trade, 2018), the government of Argentina started to promote programmes aligned with commitment to this gender and trade agenda. A concrete example is the establishment of the *Programa de Mujeres Exportadoras* (in English, Exporter Women Programme), part of the global initiative 'She

Trades' (supported by Global North countries, corporations, and the International Trade Centre, managed by the UN and the WTO), which connected female entrepreneurs and businesswomen who had received funding from the Ministry of Production to promote their firms in external markets (Partenio and Pita, 2020).

On the other hand, for poor women, the economic empowerment agenda was built around financial inclusion and female entrepreneurship. This trope can be easily spotted throughout the W20 (the event that brings together female leaders of G20 countries) 2018 Communiqué. This document concludes that it is necessary to move forward on issues of women's 'labour, digital, and financial inclusion' and 'rural development' and that 'entrepreneurship' is a way of doing so (Partenio and Pita, 2020). Internally speaking, this approach transformed existing programmes. For instance, the programme *Ellas Hacen*, which aimed at training women collectively in trades and the establishment of coops, was merged with others and converted into the programme *Hacemos Futuro*, which had a completely different emphasis on individualism, self-help, and self-improvement (Pizarro, 2021).

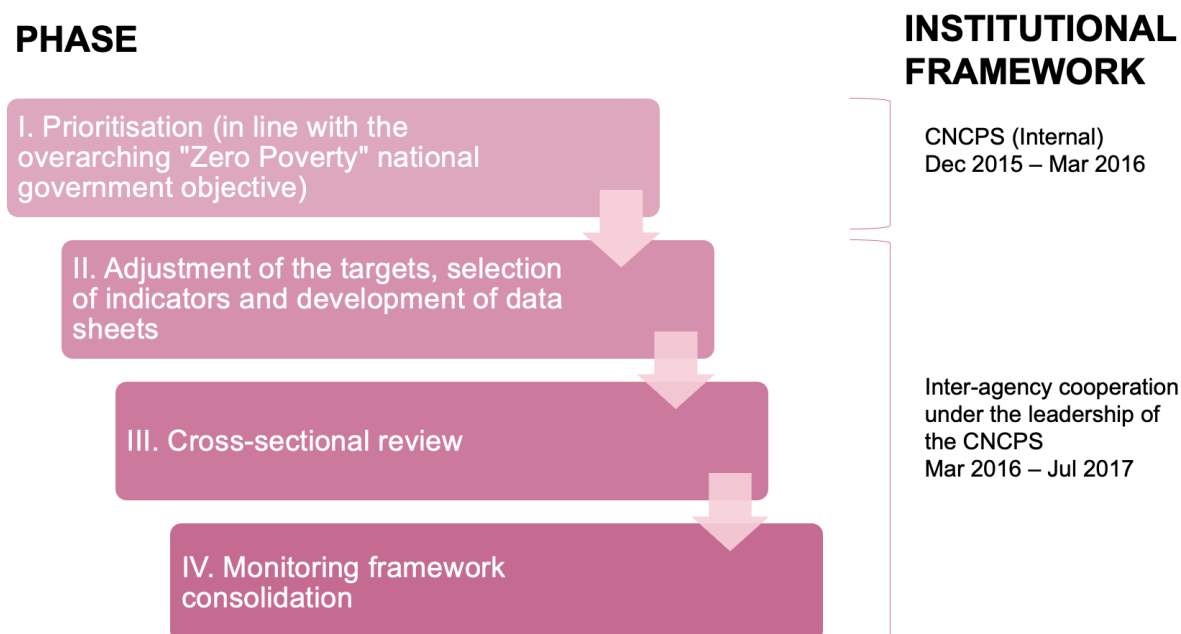
In this context, my argument is that the combination between a government promoting a women's economic empowerment agenda underpinned by 'smart economics' tropes and an enhanced institutional machinery oriented to women's advancement, led by women with a feminist background, created an ideal scenario to explore how SDG 5 was mainstreamed into government practice and whether it contributed to expanding the discourse and actions around women's economic empowerment.

iii. Early Implementation of the SDG framework: Embedding gender into neoliberal institutions

Let me now discuss in more detail how SDG 5 impacted government decisions on women's economic empowerment during Macri's presidency. The operationalisation of the SDG framework started with the adaptation of the framework to the national context.⁷⁸ The first phase of the process revolved around the prioritisation of a limited set of targets in line with the overarching 'Zero Poverty' national government objective (see Figure 6.1, phase I). This kind of prioritisation exercise is not unique to Argentina: 'cherry-picking' has been identified as common practice in the implementation of the SDG framework (Forestier and Kim, 2020). In particular, previous studies have highlighted the praxis of selectively engaging with goals and targets that are recognised as domestically important (Horn and Grugel, 2018). Nonetheless, scholars have expressed concern at this trend, highlighting that sometimes this prioritisation responds to political expediency rather than evidence (Allen et al., 2018) and that it might undermine the spirit of the UN Agenda 2030 as a comprehensive framework (Forestier and Kim, 2020).

⁷⁸ As noted in Paragraph 55 of the Transforming our World document: 'The Sustainable Development Goals and targets are integrated and indivisible, global in nature and universally applicable, taking into account different national realities, capacities and levels of development and respecting national policies and priorities. Targets are defined as aspirational and global, with each Government setting its own national targets guided by the global level of ambition but taking into account national circumstances' (UNGA, 2015).

Figure 6.1. Adaptation to the SDG framework to the national context in Argentina



Source: Own elaboration based on CNCPS (2017).

In Argentina, the prioritisation exercise was carried out internally by the National Council for the Coordination of Social Policies (*Consejo Nacional de Coordinación de Políticas Sociales*, henceforth CNCPS)—the agency spearheading the implementation and the monitoring of the UN Agenda 2030—and led to the selection of 88 targets out of the proposed 169. Under SDG 5, the prioritised targets were 5.2 on violence against women; 5.4 on unpaid care and domestic work; and 5.5 on leadership and decision-making positions.

At first glance, with only 3 (out of 9) targets selected, this meant a deprioritisation of SDG 5 within the framework's implementation in Argentina.⁷⁹ However, while

⁷⁹ On average, more than half (52%) of the targets under each goal were prioritised.

Target 5.5 (the inclusion of women in leadership and decision-making positions) was in line with the government's women's economic strategy, the prioritisation of a target on unpaid care work represents an expansion of the gender agenda promoted by the government at the time, thanks to the CNM staff involved in these discussions. One of my interviewees participated in this process and noted that there was some room for the CNM to influence the selection of priority targets under SDG 5. However, there was a clear limit set by data availability:

There was a recognition that the [UN] Agenda [2030] was important, that it was important to make a real national adaption and not just adding one thing here and another thing there. It was a conscious exercise and we [the CNM] had some margin for presenting our own proposals... but the limit was data availability [...] I honestly don't think we made very revolutionary bets here... we were always very conscious of the scenario and how much we could move forward... and the result is a reflection of that time. (Interviewee #17, interview conducted in Spanish, own translation)

Argentina carried out its first nation-wide time use survey in 2013 (results published in 2014). Thus, the CNM staff could leverage that relatively up-to-date data to push for the inclusion of unpaid care work as a priority target. At the same time, although civil society was not invited to take part in the prioritisation process, they found ways to get involved. As noted by Mabel Bianco, president of the *Fundación para el Estudio y la Investigación de la Mujer* (FEIM):

utilizing different connections that we had, we had informal meetings with staff of different governmental offices that were working on defining the targets and indicators. These discussions enabled us to have some input. (Women's Major Group, 2017, p.4)

Thus, with the efforts of the women of the CNM on the inside and the support of women's organisations on the outside, it was possible to choose a priority target that was beyond of the scope of the official women's economic empowerment agenda. Below, I explore whether the fact that Target 5.4 was one of the prioritised targets under SDG 5 had any tangible effect on three key governance areas: data collection, resource allocation, and legislation enactment.

a. Data collection

Each of the targets selected had a designated national agency that oversaw its analysis, review, and adaptation (see Figure 6.1, phase II). In the case of SDG 5, the CNM (and the INAM, after 2017) was the responsible institution. In an interesting departure from the working procedures described in Chapter 4, the commissions that led the work of this second phase were deliberately constituted as simultaneously political and technical, understanding that each dimension brought crucial elements to the process (CNCPS, 2017). These commissions were in charge of adjusting the scope and content of the selected targets and choosing indicators to measure progress (CNCPS, 2017). The CNM was also in charge of ensuring that gender was mainstreamed throughout the whole framework (see Figure 6.1, see phase III).⁸⁰

Lastly, the final version of the selected targets and indicators was compiled into a monitoring framework (see Figure 6.1, phase IV). Following the IAEG-SDG

⁸⁰ It is also worth noting that gender was not the only dimension that was mainstreamed. Among others, the framework was reviewed to ensure that it followed a rights approach, and that the inclusion of Indigenous Peoples was appropriate.

criterion, selected indicators were classified into Tier I, II, or III (see Chapter 4). It was then decided that only progress under Tier I indicators would be reported and that the CNCPS would continue to work with responsible and collaborating institutions and the Argentine NSO (*Instituto Nacional de Estadística y Censos*, henceforth INDEC) in developing Tier II and III indicators (CNCPS, 2017).

While the three prioritised targets under SDG 5 were adopted without any changes, some of the indicators proposed by the IAEG-SDG were adapted to the national context (see Table 6.2, adapted indicators are highlighted). However, there were no changes to the proposed indicators for Target 5.4.

Table 6.2. Proposed Target and Indicators adapted to the Argentinian context.

Target	Proposed Indicator(s)	Tier	Responsible Institution
5.2 Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation.	5.2.1 Proportion of women and girls aged 15 years and older subjected to violence by a current or former intimate partner in the previous 12 months	II	CNM – CNCPS
	5.2.2 Proportion of women and girls aged 15 years and older subjected to sexual violence by personas other than an intimate partner in the previous 12 months	II	CNM – CNCPS
	5.2.3 Number of femicides in one year in the national territory	I	CNM – CNCPS
5.a Recognize and value unpaid care and domestic work through the provision of public services infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate	5.4.1 Gap between the time allocated to unpaid work between men and women per day	I	CNM - CNCPS
5.5 Ensure women’s full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life.	5.5.1 Proportion of seats held by women in both chambers of the National Congress	I	CNM – CNCPS
	5.5.3 Proportion of women in managerial positions	I	CNM – CNCPS

Source: Own elaboration based on CNCPS (2017).

Notably, while indicator 5.4.1 was classified as Tier I, at the time of these discussions, Argentina had only carried out a single national-wide time use survey and there were no plans for a follow-up, let alone to incorporate it into the

roster of regularly collected statistics. Despite the efforts of the CNM, improving data collection on unpaid care work was not a priority for INDEC. As noted by one of my interviewees,

we [the CNM/INAM] pushed a lot... a lot... but it was not until the end of [Macri's] term that these efforts translated into the start of a conversation... and the result is the time use survey... for us, time use was key... the data we had then was from 2013, which in 2016 was not that old... but we knew that it was kind of frozen in time... so we tried to work with INDEC (...) and with the time use survey we had to move very slowly... in the technical team there was a clear consensus... about its convenience... there were professionals that saw it as necessary... but it was more an issue of priorities... When Argentina starts the harmonisation process to the OECD statistical system, for joining the OECD, which it's still on hold... then the idea [of a time use survey] gained purchase. (Interviewee #17, own translation)

Thus, it was not until Argentina began the process of joining the OECD in 2016—which requires data harmonisation—that this became a priority for decision-makers. Even then, the process was painfully slow: the multiple draft bills focused on improving data collection on unpaid care work presented by senators in 2016 and 2017 were not discussed and adopted in the lower chamber until 2019.

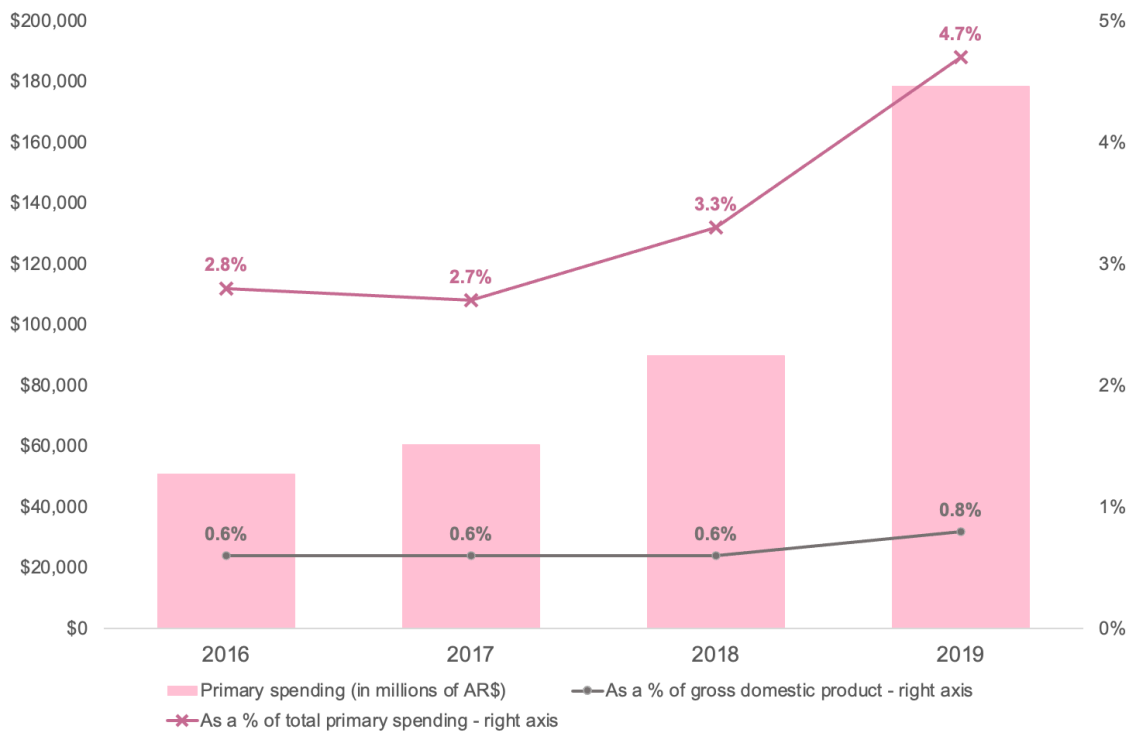
Two interesting conclusions can be derived from this. On the one hand, it is clear that the SDG framework alone was not sufficient to persuade the Argentinian government and NSO to improve data collection on gender issues, including on the same targets that the government itself decided to prioritise. On the other, the OECD example reminds us that some international organisations and frameworks can indeed exert this kind of pressure (even if they are nonbinding), insofar as there are concrete consequences for non-compliance.

b. Resource allocation

At a more general level, it is worth pointing out that, while for some the creation of the INAM (an organisation with higher status and autonomy than the CNM) was in a sense a recognition of the *technical* role that these institutions played in the monitoring of the gender dimensions of the UN Agenda 2030 (Interviewee #17), it is important to expose that this was not mirrored by an increase in the resources allocated to its work (Lopreite and Rodríguez Gusta, 2021). For instance, a group of civil society organisations publicly denounced that the funds allocated for the INAM in the 2019 National Budget meant an 18 percent reduction in real terms compared with the previous year (ELA, n.d.).

Concerning the primary expenditure linked to SDG 5, while at first glance it may look like there were important increases year after year in the resources allocated (see Figure 6.2), one must consider the impact of the high rates of inflation in Argentina to the nominal value of the Argentine peso. Thus, seeing the evolution of the primary expenditure on SDG 5 as a percentage of the total primary expenditure or the total GDP (gross domestic product) might provide a more useful indicator for analysis. The 2020 Voluntary National Report (VNR) notes that, while the share of total GDP was constant throughout the period, there was an increase in its share of total primary spending, growing from 2.8% in 2016 to 4.7% (see Figure 6.2). Nonetheless, it is worth noting that this period was characterised by economic adjustment policies that reduced government spending. Hence, this increase could be a reduction of the total primary expenditure rather than an increase in money allocated to SDG 5-related activity.

Figure 6.2 Primary Expenditure linked to SDG 5, as a percentage of GDP and total primary spending in millions of AR\$ (2016-2019)



Source: Own elaboration based on CNCPS (2020).

When looking at the expenditure disaggregated per target (see Table 6.3), it is clear that most of the primary spending under SDG 5 is explained by expenditure linked to Target 5.4, which, as discussed above, was not a component of the official government discourse on gender. Thus, one might hypothesise that the prioritisation of this target might have led to a reallocation of resources toward care-related policies.

Table 6.3. Primary expenditure per target under SDG 5. In millions of Argentinian Pesos.

Target	2016	2017	2018	2019
Target 5.2. Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation	286	425	556	773
Target 5.4. Recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate	50,577	60,291	89,229	177,695
Target 5.5. Ensure women’s full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life	103	175	9	64

Source: Own elaboration based on CNCPS (2020).

Once again, while Table 6.5 is useful in terms of understanding how funds were distributed across targets, this information is of little use by itself when attempting to understand how the expenditure on SDG 5-related activities evolved over time, insofar as the purchasing power of the Argentine peso deteriorates year on year due to the extremely high inflation rates. When looking at the number in real terms, we can see that, in 2019, the budget allocated to SDG 5-related activities increased by 31% compared to 2016, pushed forward mostly by an equivalent rise in the sum allocated to Target 5.4 (own calculations based on CNCPS 2020 and INDEC). While this number is lower than the 251% increase in nominal terms, it still signals a positive reallocation of resources to care-related policies.

Thus, one could be tempted to conclude that the prioritisation of Target 5.4 led to an effective increase in the resources assigned to improve the distribution of care work. However, this deduction is quickly challenged when looking into more detail into the accounting entries included under this heading. Almost all (99%) of the primary expenditure linked to Target 5.4 (and SDG 5) is explained by spending on family allowances, in particular *Asignación Universal por Hijo para Protección Social* (in English, Universal Child Allowance for Social Protection, henceforth, AUH), and to a lesser extent, non-contributory pensions for mothers with seven or more children (CNCPS, 2020). Notably, these measures were not new: the AUH was launched in 2009 (Decree No 1602/2009) and the non-contributory pension in 1989 (Law No 23,746). Hence, these were not new programmes created to fulfil the commitments associated with the UN Agenda 2030 and Target 5.4. Furthermore, there were no new resources allocated to these programmes and that while there was an increase in its reach, the changes in the rules to update the amounts (in the context of higher inflation discussed above) led to a decrease in the sums received by the beneficiaries (Quiroga and Juncos Castillo, 2020). In short, the prioritisation of Target 5.4 did not lead to the implementation of new programmes oriented towards redistributing care responsibilities, nor to an increase in the resources allocated to existing initiatives used as a social safety net for the poorest children and mothers.

Lastly, feminist economists have pointed out that conditional cash transfers (like the AUH) have an ambiguous effect on women's economic autonomy (Rodríguez Enriquez, 2011). While it is true that this type of programme grants women a monetary income that they would not otherwise have and that, generally

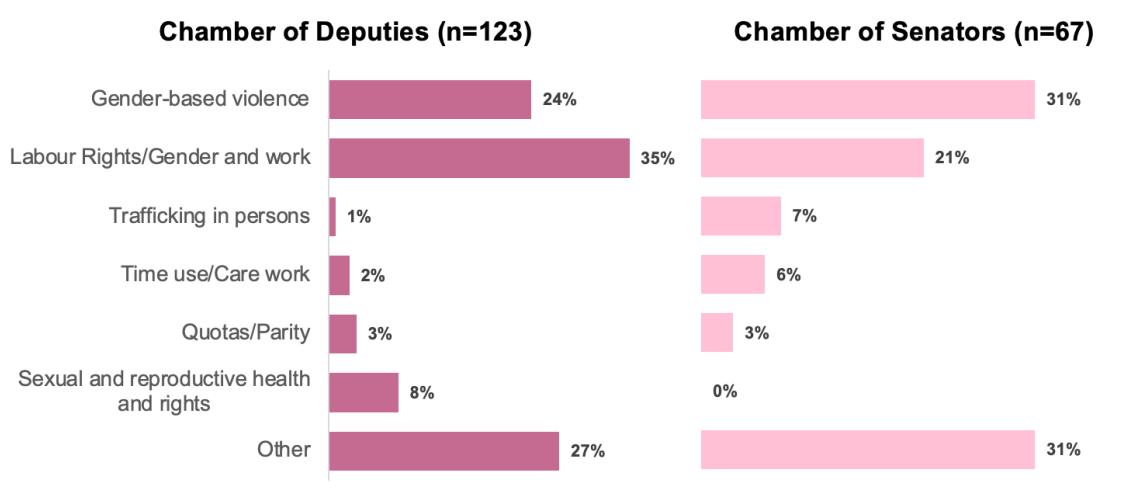
speaking, this income improves their material lives, research has found that their autonomy in the use of that income is very variable. Moreover, these programmes do not challenge or transform the existing sexual division of labour, nor do they redistribute care responsibilities (Rodríguez Enriquez, 2011). All in all, the fact that most of the funding allocated to Target 5.4 on improving the distribution of care work is explained by a programme that already existed, for which funding was not increased, and that may reinforce existing stereotypes with regards to the distribution of care work, is very telling of the limited effects that the prioritisation of Target 5.4 had on budget allocations.

c. Legal reform

According to the Human Rights Observatory of the Senate, while 59 percent of all the bills presented in Chamber of Senators in 2016 and 2017 were directly linked to one or more elements of the UN Agenda 2030, only 5 percent were related to SDG 5 (Observatorio de Derechos Humanos - Honorable Senado de la Nación Argentina, 2017). These findings are in line with a similar study carried out by the team of Parliamentary Diplomacy based on a sample of draft bills presented in the lower chamber (Observatorio Parlamentario Agenda 2030 para el Desarrollo Sostenible de las Naciones Unidas - Honorable Cámara de la Nación, 2018). Another report of the Human Rights Observatory of the Senate issued in 2018 on the occasion of International Women's Day, identified 123 standing draft bills linked to SDG 5 submitted to the lower chamber and 67 to the higher chamber (Observatorio de Derechos Humanos - Honorable Senado de la Nación Argentina, 2018). Between a fifth and a third aim for reforms in relation to

women’s labour rights or more generally gender and the world of work. There were also some draft bills related to time use and care work (see Figure 6.3).

Figure 6.3. Proportion of standing draft bills submitted to the Argentine lower and higher chambers, by theme



Source: Own elaboration based on Observatorio de Derechos Humanos – Honorable Senado de la Nación Argentina (2018).

When we look in more detail into the content of those bills linked to the women’s economic agenda (see Table 6.8 and Table 6.9 in the Annex), it becomes evident that the majority are oriented towards modifying the Employment Law Act (*Ley de Contrato del Trabajo*, Law No 20,744, 1976), particularly to expand the current licence scheme⁸¹ and to improve the institutional and material infrastructure around breastfeeding, which are care-related measures. Likewise, as mentioned earlier, several bills were oriented toward improving the measurement of unpaid care work. Notably, none of the 69 standing bills related to women’s economic empowerment (46 in the lower chamber and 23 in the higher chamber) made an

⁸¹ In Argentina, female employees are entitled to 90 days’ paid maternity leave. This is below the 14 weeks (or 98 days) established by ILO Convention 183. Male employees are only given two days.

explicit reference to SDG 5 nor to the UN Agenda 2030 in the justification of the proposal. Conversely, mentions of CEDAW and other human rights instruments were fairly prevalent, and so were references to non-legally binding agreements, such as the BPfA, suggesting that the SDGs were not resonating domestically, or at least not in the area of women's economic empowerment.

Among these, it is worth briefly unpacking the Gender Equality Bill submitted by the Executive Power in 2018 (submitted to the lower chamber and registered under file name 0001-PE-2018), signed by the president himself. This bill, which also does not refer to the UN Agenda 2030 nor SDG 5, seeks to modify the Employment Contract Act by introducing some additional licences and by removing 'barriers' to women's employment such as giving women the same rights as men to carry out hazardous work, in line with some of the recommendations promoted by IFIs as discussed in Chapter 3. While the proposal to extend licences (albeit in most cases, without pay) is positive, feminists in academic and civil society have warned about the dangers of posing this as the silver bullet for gender equality and shared parenting responsibilities if these are not supported by an integrated care system that encourages a better distribution of care responsibilities across the State, the market, and the households (Partenio, 2018). All in all, Macri's Gender Equality Bill did not have any explicit nor implicit ties with the ideas embedded in Target 5.4.

Let us now consider the laws adopted during Macri's term. According to the digital repository of care laws of the Gender Equality Observatory for Latin America and the Caribbean of the Economic Commission for Latin American and the

Caribbean (ECLAC), there were only two relevant laws enacted in this period (see Table 6.4): Law No 27,364 (2017) and Law No 27,532 (2019). While the latter (establishing a regular time use survey) could be potentially connected with the reporting commitments that emerge from the adoption of the UN Agenda 2030 and the prioritisation of Target 5.4, none of the four bills submitted by Senators that constitute the background of this law made explicit reference to this instrument.⁸² Thus, it is possible to conclude that the SDG framework did not contribute to the proliferation of legal instruments focused on women's economic empowerment.

⁸² Interestingly, there are also no references to the OECD in these bills. However, if one considers the country's history, the reluctance to admit implementing actions to comply with conditionalities imposed by an international organisation (as discussed in Chapter 1) is understandable. Notably, the UN has a less polarising effect: While there are sectors of the population that might consider this institution as a negative influence, there is a widespread feeling that being seen as compliant with UN recommendations or recognised by this entity is generally a good thing, especially in the area of gender. Evidence of this is that when during the COVID-19 pandemic, a tracker developed by UNDP and UN Women identified Argentina as one of the countries implementing the highest number of gender-sensitive measures, the president proudly claimed that Argentina led the global ranking (despite the fact that the tracker was not intended to be used as a ranking tool). I discuss more about this tracker in the next section.

Table 6.4. Care-related laws adopted during Macri's presidential term (2015-2019)

Law	Content
<p>Law No 27,364 - Support program for the graduation of young people without parental care</p>	<p>Creation of the support program for the graduation of young people without parental care. The support is provided through a referent who has the duty to accompany each adolescent / young person without parental care in strengthening their autonomy.</p>
<p>Law No 27,532 – Time Use Survey</p>	<p>It includes the National Survey on the Use of Time in the National Statistical System. The purpose is to collect and quantify, with a gender perspective, information on the participation and time devoted by human persons to their different activities of daily life, disaggregated by gender and age.</p>

Source: Gender Equality Observatory for Latin America and the Caribbean of the ECLAC.

All in all, we can conclude that, during Macri's presidency, the governance effects of the SDG framework were not sufficient to modify the government's approach to women's economic empowerment. These findings are in line with a study carried out by the *Auditoría General de la Nación* (in English, General Auditing Office of the Nation), which found that the government had insufficiently embedded SDG 5 into their planning (ACIJ and FEIM, 2022). While women in government (particularly in the CNM/INAM), with the support of women's organisations exerting pressure from the outside, successfully pushed for the prioritisation of Target 5.4 on unpaid care work, which implied an expansion on the smart economics agenda promoted by the party in power, this did not shift the government's approach to women's economic empowerment. Furthermore, as demonstrated above, it did not devote additional resources to fund care policies that actively focused on improving the distribution of unpaid care activities not only within the household, but among families, markets, and the state.

Likewise, the SDGs did not foster significant improvements in data collection on care work, with no additional data collected in this period. While a law establishing a time use survey was finally passed days before the end of Macri's mandate, it took years to get it approved, demonstrating a lack of urgency. Moreover, as discussed above, conversations in this area were not fostered by the adoption of the UN Agenda 2030, but by the requirements for entering the OECD.

More generally, the SDGs did not play a significant role in the enactment of new gender legislation related to women's economic empowerment. Particularly telling is the fact that none of the 69 projects that belong to this area made a single reference to the UN Agenda 2030 nor SDG 5 to support their proposals. While the reasons for the absence of mentions of the instrument in legislative proposals may vary—ranging from unawareness about the framework to disbelief in its strength—in any case, the result and conclusion are the same: the UN Agenda 2030 did not have strong effects on the enactment of legislation in relation to women's economic empowerment in Argentina.

iv. Late implementation: Feminists lead the gender agenda

In 2019, there was a change of government in Argentina. The beginning of Alberto Fernández's term not only entailed a departure from the more traditional neoliberal approach to the economy that characterised Macri's presidency, but also involved increased recognition of the feminist movements as relevant political actors. In his inauguration, Fernández proclaimed that women's demands would play a central role in the political agenda during his mandate and

noted that, in addition to seeing the elimination of violence against women as an urgent concern, he also considered reducing economic, political, and cultural gender inequalities as important, as well as addressing the unequal distribution of unpaid care work (Presidencia de la Nación Argentina, 2019).

This promise was rapidly crystallised in the creation of the Ministry of Women, Genders, and Diversity, an historical landmark in Argentina. Firstly, this was the first time in the herstory of the country in which a gender agency was granted ministerial rank, with its head given full participation in the national cabinet. Secondly, this led to a substantial increase of resources allocated to the gender machinery in Argentina. To illustrate this, while the INAM in December 2019 had 260 employees, around 700 people were working for the MMGyD in May 2021 (Lopreite and Rodríguez Gusta, 2021). Thirdly, the establishment of this institution led to an expansion of the feminist agenda, not only to truly embrace the needs and demands of people with diverse sexual orientations and gender identities, but also to expand the gender agenda beyond GBV, including gender inequalities in the economy. In particular, care has been one of the main areas of work of the institution, with a national directorate fully dedicated to address this (MMGyD, 2020). Further, the MMGyD was not the only gender agency created by Fernández. Particularly relevant for my research is the establishment of the National Directorate for Equality, Inclusion, and Gender (DNEIG) under the purview of the Ministry of Finance. The primary role of the DNEIG is to incorporate a gender perspective to guide macroeconomic policy towards the reduction of gaps and the redistribution of wealth (Administrative Decision 1314/2020).

Logically, this expansion of the national gender agenda led to the review and re-prioritisation of the targets under SDG 5, which were under the purview of the newly established MMGyD. Eight out of the nine targets under SDG 5 were identified as priorities.⁸³ With the hierarchisation of Target 5.a, we see the agenda of women's economic empowerment gaining more traction. While this expansion is positive, it cannot be directly attributed to the pressure exerted by the SDG framework: As noted by my interviewees, the prioritisation of gender policies in Argentina is the result of the political will of the government and the chosen priorities reflect its political agenda (Interviewees #20 and #21). This is shown by the fact that the SDG framework was adapted to capture local perspectives on the meaning of gender equality and how it is achieved (not the other way around). For instance, while SDG 5 focused exclusively on women and girls, in Argentina, seven of the prioritised targets were adapted to explicitly include LGBTI+ people.

At the same time, the Fernández government has promoted several policies that favour women's economic empowerment but that are not necessarily linked to the SDG agenda and its indicators of progress. For instance, the programmes *Acompañar* (Decree No 734/2000) and *Producir* (Resolution No 186/2021) that provide economic support to women and LGBTI+ people who suffer (or are at risk of suffering) gender-based violence, or the programme *Igualar* (Resolution No 220/220) that seeks to reduce structural gaps and barriers in the world of work through an intersectional and human rights-based approach. While these programmes are important for the economic empowerment of Argentinian

⁸³ The only target not prioritised was Target 5.3 (eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation), which were not considered prevalent problems in Argentina.

women, they do not directly improve the performance of the country in terms of SDG 5 indicators. Notably, none of these programmes include the UN Agenda 2030 as part of their justification, whereas they do explicitly refer to CEDAW. Interestingly, they also included the Yogyakarta principles.⁸⁴ Hence, the lack of references to the UN Agenda 2030 cannot be solely due to the fact that it is not legally binding.

Thus, it is clear that the new government promoted a women's economic empowerment agenda that had a completely different imprint than that of the previous term, but that was still not necessarily linked to SDG 5 targets and indicators. This gives me the opportunity to explore what role this instrument could play in a different context. To ensure comparability with previous analysis, I focus again on data collection practices, resource allocation and legislation.

a. Data collection

Concerning data collection, as in the previous process, the selection of the priority targets was followed by the identification of relevant indicators (MMGyD and CNCPS, n.d.). As noted by one of my interviewees, the SDGs have produced helpful entry points from which to push other government agencies to improve their data collection practices and implement a gender approach:

⁸⁴ The Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity is an international legal framework developed in 2007 by international human rights scholars, jurists, and practitioners (Daigle and Myrtilinen, 2018; D'Amico, 2015). It elaborates principles applicable to sexual orientation and gender identity, which are an important subset of sexual rights (Miller, 2009). Notably, these principles have never been formally accepted by the UN (D'Amico, 2015).

Some organisms are more reluctant to update themselves... but a lot of the resistance is explained by lack of knowledge [...] sometimes it's 'I don't even know how to get started with this.' And then, in general, public agencies do not value... they do not use that often administrative records, for instance... we must standardise the administrative records of the most important programmes that nurture or shape the world of the SDGs... because some of the SDGs have four or five reporting indicators and many are linked to a given organism and these are administrative records that maybe, if they are strengthened or the way of measuring is improved... even asking for gender or sex [...] But well, there, working at that level, we moved forward a bit. (Interviewee #20, interview conducted in Spanish, own translation)

Thus, the increased demand for data collection that is tied to the prioritisation of more SDG 5 targets required the MMGyD to liaise with other government institutions on how to collect the necessary data and meet the methodological requirements, creating a productive space for cross-department collaboration.

At the same time, many interviewees pointed out that it was still relatively difficult to convince the NSO to change their practices. They recognise that their concerns are to some extent reasonable insofar as they are responsible for ensuring consistency on measurements across time and they acknowledge that legally binding tools are better for this endeavour (Interviewees #20 and #21). For instance, the recognition of non-binary people in the official registration and identification system (Decree No 476/21) was instrumental in pushing the INDEC to change their data collection practices (Interviewee #21). However, it is worth mentioning that in 2020, the MMGyD and INDEC signed a technical cooperation agreement to mainstream a gender perspective into national statistics, including in the area of time use and care work.

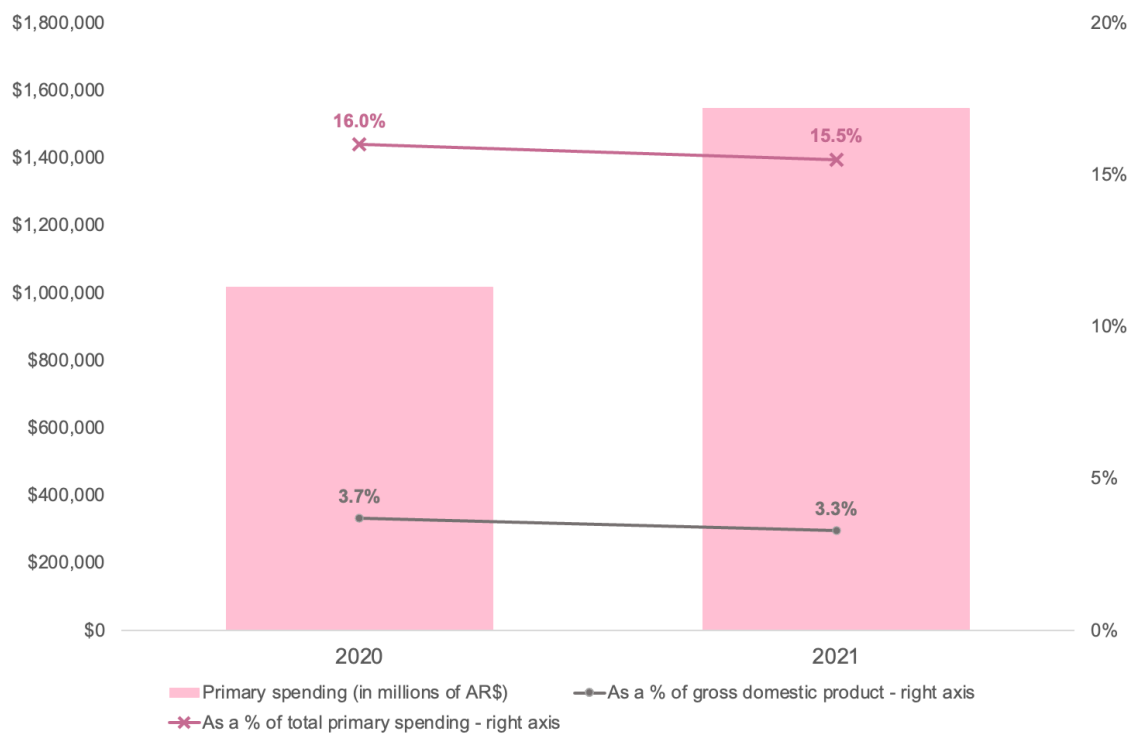
Thus, it is possible to conclude that the SDG framework has, to some extent, improved data collection practices from a gender perspective through giving more resources to the MMGyD. Nonetheless, this is not necessarily due to the influence that the UN Agenda 2030 and its follow-up mechanism exerted over the government to report progress, but because of how feminists in the MMGyD have leveraged their role and responsibilities in monitoring the implementation of the agenda to demand improvement in data collection practices across the public administration, at least to the extent that the technical capacities and existing resources allow.

b. Resource allocation

As shown in Figure 6.4, the primary expenditure linked to SDG 5 represented 3.7% of the GDP and 16% of the total primary expenditure in 2020. While part of the increase can be attributed to the COVID-19 pandemic response (Brosio and Cárdenas, 2024),⁸⁵ this is still a significant jump from previous levels (for reference, primary expenditure linked to SDG 5 represented 0.8% of the GDP and 4.7% of the total primary expenditure in 2019, see Figure 6.2). In real terms, the money allocated to SDG 5-related work in 2020 represented an increase of 276% when compared with 2019 (own calculations based on 2022 VNR and INDEC).

⁸⁵ A tracker developed by UN Women and UNDP recognised Argentina as one of the countries that most quickly and systematically integrated the gender perspective in its response to the COVID-19 pandemic. A regional report found that of the 44 measures implemented by the country, 26 had a gender perspective (that is, 59%). Thus, Argentina was highlighted as an example within Latin America and the Caribbean, and this performance was attributed in part to the influence of feminists in key positions in public administration and women's movement on the public agenda (UNDP & UN Women 2020).

Figure 6.4. Primary Expenditure linked to SDG 5, as a percentage of GDP and total primary spending (2016-2019)



Source: Own elaboration based on CNCPS (2022)

When looking at the distribution of this sum across targets, it is possible to see that Target 5.4 still captures most of the resources, which is not surprising given the context (i.e., the global pandemic). Nonetheless, it is also worth highlighting the levels of funding allocated to Target 5.a on access to economic resources (which also relates to women’s economic empowerment).⁸⁶

⁸⁶ Unfortunately, the VNR does not offer any insights on the composition of the expenditures related to Target 5.a. In the absence of public records (although Argentina has made significant improvements in this area in the last years), I made a public information request related to budget allocations and the UN Agenda 2030, in line with Law No 27,275 on right to access to public information. However, I did not receive any answer to this request.

Table 6.5. Primary expenditure per target under SDG 5 (2020-2021). In millions of Argentinian Pesos.

Target	2020	2021
Target 5.1. End all forms of discrimination against all women and girls everywhere	48,932	232,725
Target 5.2. Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation	1,566	18,062
Target 5.4. Recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate	953,910	1,660,403
Target 5.5. Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life	376	859
Target 5.a. Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws	59,440	226,557
Target 5.b. Enhance the use of enabling technology, in particular information and communications technology, to promote the empowerment of women	1,175	17,912
Target 5.c. Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels	2450	4,613

Source: Own elaboration based on CNCPS (2022).

Despite these important improvements, there is consensus in that the UN Agenda 2030 does not play a significant role in decisions concerning budget allocation

at the national level (Interviewees #18, #20, #21 and #22). As one of my interviewees put it,

budget allocation has a strong political component [...] I think there was an improvement [in the resources allocated to SDG 5] but, what I mean is that it's the combination of different factors, it's not like the Agenda by itself... because the Agenda existed before and the budget allocated [to SDG 5] was not as high as it is now... it improved, that's a reality: SDG 5 has more... not only institutionality, but the programmes of the Ministry [of Women, Gender, and Diversities] require ongoing funding... and that's the product of multiple variables... but for me political will is key, especially in the area of human rights. (Interviewee #20, interview conducted in Spanish, own translation).

However, policymakers have recognised that the framework has been useful to gather support for gender policies in a divided Congress, especially by those sectors from opposition parties that still wish to be seen as progressive in relation to gender at the international level (Interviewees #14 and #18). Hence, while the governance effects of SDG 5 have been limited, feminists who are in government positions have been able to leverage the framework in their favour in some areas.

Furthermore, many of the policymakers I interviewed as part of this research have noted that the SDG framework has been helpful for securing funding from international cooperation for several of the policies and programmes promoted by the Argentinian gender agencies (Interviewees #17, #18, #23 and #24). Perhaps the clearest example is the establishment of the Spotlight Initiative (SI), a global UN scheme funded by the EU that constitutes 'an unprecedented global effort to invest in gender equality as a precondition and driver for the achievement of the Sustainable Development Goals' and 'the world's largest targeted effort to end all

forms of violence against women and girls' (Spotlight Initiative, n.d.). With this aim, the SI deploys targeted and large-scale investment in dozens of Global South nations, including Argentina.⁸⁷ Interestingly, although the rationale behind the establishment of the SI is explicitly connected to the SDG framework, neither targets nor indicators were used to establish priorities or measure progress.

While the overarching focus of the initiative is on violence (as defined by the donors), in each region there is a specific emphasis. In Argentina, as in the other four Latin American countries that receive funding from the SI, the focus is on femicide. These resources have been instrumental in filling some important funding gaps: for instance, they have funded a survey to measure the prevalence of violence, which was not a priority for Argentina NSO. In other cases, the resources have gone directly to support governmental initiatives. For instance, SI has supported DNEIG's work on gender-responsive budgeting (Interviewee #17); and UNICEF (United Nations Children's Fund) together with ECLAC have funded several initiatives of the MMGyD related to care work (Interviewee #18). In all cases there seem to be consensus among UN agencies' country office staff as well as government officials on the fact that the SDG framework has been useful to raise resources for gender policies (Interviewees #17, #18, #23 and #24). Nonetheless, it has also been noted that sometimes it took some 'creativity' from their end to establish inter-connections across gender issues and re-direct resources to the local priorities—including in the area of women's economic

⁸⁷ This is particularly relevant because Argentina does not typically receive bilateral funding from this supranational entity: for instance, of the 1374.68 million dollars received from multilateral institutions in 2020, only 11.07 (0.8%) came from the EU.

empowerment--but they have been fairly successful here (Interviewees #17 and #18). One of my interviewees was involved in the implementation of the SI and noted that,

because theoretically everything we do is oriented towards that [femicides], but the truth is that the implementation of the programme in Argentina went way further. We even funded gender-based budgeting [...] and that was really hard to justify before the European Union... 'but where is the femicide here?' [...] for some officers, if they don't see 'blood' in the project, they will ask 'what are we funding?' [...] for someone with a more literal understanding of the concept of femicides it [the connection] is hard to see... and in that I also think that Spotlight does more than what it is strictly expected in order to apply a more comprehensive approach... and the spirit of [SDG] 5 worked as an argument. (Interviewee #17, interview conducted in Spanish, own translation)

Hence, SDG 5 was not only instrumental in securing additional funding for several general policies and programmes, but also worked as a tool for feminists in government and UN offices in justifying a more holistic approach to the goal of reducing femicides, which included, among other things, actions related to women's economic empowerment.

c. Legal reform

Lastly, it is worth considering care-related legislation enacted under President Fernández (until 2021).⁸⁸ While an exhaustive analysis of all the reforms related to women's economic empowerment adopted in this period is beyond the scope of this thesis, looking into those related to care and comparing them with reforms enacted under the previous government might provide interesting insights. Among these, of particular importance are two initiatives promoted by the executive power (see Table 6.6). First, the establishment of the Inter-ministerial Bureau for Care Policies, a cross-department government initiative⁸⁹ focused on, among other things, designing, elaborating and executing care policies in the short, medium, and long term that contribute to recognise, redistribute, and remunerate care work (Administrative Decision No 1745/2020). While this norm is directly connected to Target 5.4 on care work, there is no reference to the UN Agenda 2030 in the corresponding administrative decision. Conversely, the latter explicitly links the establishment of the Bureau with the obligations assumed by the Argentine State through the ratification of international treaties (Brosio and Cárdenas, 2024), including CEDAW (1979), CRC (1989), the Convention on the

⁸⁸ Unfortunately, there are no updated versions of the reports about the connections between the UN Agenda 2030 and legislative activity in Argentina used in the analysis in the previous section, so it is not possible to carry out a similar or comparative study here.

⁸⁹ In addition to the MMGyD, which has a coordinating role, the Bureau is made up of fourteen additional organisations that have an impact on the social organisation of care: the Ministry of Social Development; the Ministry of Labour, Employment and Social Security; the Ministry of Education; the Ministry of Health; the Ministry of Economy; the Ministry of Productive Development; the Ministry of Public Works; the National Institute of Social Services for Retirees and Pensioners; the National Agency for Disability; the National Administration of Social Security; the Federal Administration of Public Income; the National Institute of Statistics and Censuses, the National Institute of Associations and Social Economy and the National Council for the Coordination of Social Policies.

Rights of Persons with Disabilities (CRPD, 2007) and the Inter-American Convention on the Protection of Human Rights of Older Persons (2015).

Secondly, it is worth mentioning the resolution that creates a commission tasked with drafting a bill on an integral care system with a gender perspective (Resolution 309/2020). Again, the document makes explicit references to international human right treaties⁹⁰ but no mention of the UN Agenda 2030. While these examples show the importance that human rights instruments have in Argentina (an issue that will be further explored in Chapter 7), this does not mean that there is no role for nonbinding frameworks like the SDGs. As one of my interviewees put it when talking about this bill on integral care systems,

I think it [SDG 5] has impact... it kickstarts conversations. For instance, now with this bill, that the UN is talking about [care] systems, that the Inter-American Commission on Women is talking about care system will be useful for us with the opposition, because there are conversations on this at the international level, they will not want to be left out. (Interviewee #18, interview conducted in Spanish, own translation)

⁹⁰ Including CEDAW (1979, art.11), CRC (1969, arts. 3, 7, and 18), the Inter-American Convention on Protecting the Human Rights of Older Persons (2015, arts. 3, 6, and 12), and CRPD (2007, art. 28). The resolution also mentions the Yogyakarta principles, particularly principles 12 and 13.

Table 6.6. Care-related laws adopted during Fernández' presidential term (2019-2021)

Law 27.555-- Legal Regime of the Teleworking Contract	Creates the legal regime of the teleworking contract, regulated in art. 6 that people who work under this modality and who prove that they are in charge, solely or jointly, of caring for people under thirteen (13) years of age, people with disabilities or older adults who live with the worker and who require specific assistance, they will have the right to schedules compatible with the care tasks for which they are responsible and/or to interrupt the day.
Administrative Decision No 1745/2020	The Inter-ministerial Bureau for Care Policies is hereby created within the Ministry of Women, Gender and Diversity, in order to design a comprehensive strategy to be applied by the National Executive Power, which contributes to the promotion of a more social care organization. fair and gender equal. One of its objectives is to contribute to the construction of the Federal Care Map of the Argentine Republic.
Resolution 309/2020	The "drafting commission for a bill on an integral care system with a gender perspective" is hereby created within the scope of the Ministry of Women, Gender and Diversity, whose objective is the preparation of a draft national law for the regulation of a comprehensive care system with a gender perspective within a period of two hundred forty (240) calendar days from its creation.

Source: Gender Equality Observatory for Latin America and the Caribbean of the ECLAC

Thus, while SDG 5 did not have any inherent power to stimulate the production of new norms by itself, many feminists saw the instruments as a valuable resource as part of their toolkit. All in all, the findings in the area of norm-setting are similar to those in data collection and resource allocation: while the SDG by themselves do not have any straightforward governance effects, they can be used, to some extent, by feminists in supporting their initiatives and projects. Notably, I find that the lack of governance effects is not necessarily a negative outcome, insofar as Argentina has in place the necessary infrastructure to set

and carry out their own priorities, which in many cases were more ambitious than those of the UN Agenda 2030. Thus, excessive influence exerted by the framework might have had a detrimental and distorting effect, diverting resources from local priorities, as was the case with the MDGs in many countries (see Chapter 2).

v. Conclusions

Through a detailed exploration of the implementation of SDG 5 between 2015 and 2021 in Argentina, I have demonstrated that the framework has had little influence on the design and implementation of the gender agenda in the country and as such, has not been very helpful in expanding the women's economic empowerment agenda beyond the limits established by the government. Nonetheless, it is also worth noting that it also has not shrunk it, nor diverted attention from local priorities.

On the one hand, between 2015 and 2019, the women's economic empowerment agenda was shaped essentially by a 'smart economics' approach. While the pressure exerted by women internally (through the CNM and INAM) and externally (through CSOs like FEIM and in the streets with the NUM movement) led to the selection of Target 5.4 on unpaid care work as one of the priority targets for the government under SDG 5, this was more of a symbolic victory than a material one. It did not redirect resources to care-related policies and programmes and did not lead to the enactment of new legislation. Interestingly, the only relevant change that can be observed in this period is the 'massaging of

data' to create the illusion that efforts were being undertaken to address women's unpaid care burden, even in a context in which important (and pre-existing) social programmes were suffering budget cuts. The only exception to this dynamic is the establishment of a new Time Use Survey (by law) towards the end of Macri's term. Nonetheless, I have argued that the interest in joining the OECD played a more important role in pushing this initiative forward than the monitoring commitments linked to the UN Agenda 2030.

On the other, during the Fernández presidency (2020-2021), the gender agenda gained momentum and expanded beyond the issue of GBV to encompass many aspects of women's economic empowerment (together with other issues such as sexual and reproductive rights and trans* people's rights, among others). However, this positive turn can hardly be attributed to the UN Agenda 2030. On the contrary, it is a product of the combination of political will and the pressure exerted by Argentina's massive feminist movement. While I could find some positive effects in this period (particularly in relation to data collection and international funding), I conclude that these are not the product of the UN Agenda 2030 itself but of how feminists have used it to foster their work. Interestingly, the holistic 'spirit of SDG 5' has created enough flexibility for feminist working in the government to use this instrument to advance local priorities. This gestures towards a different kind of governance effect, that although it might be difficult to observe or measure (through concrete changes, as the ones I have discussed in this chapter), it can still play an important role under certain circumstances.

vi. Annex

Table 6.7. Gender Equality in Argentina - Selected Indicators

Index	Value	Rank / Evaluation	Sub-indices	Value	Rank / Evaluation	Indicators	Value	Rank / Evaluation
Gender Development Index (GDI-UNDP) - (1 = equal human development indices for men and women)	0.993 (2019)	Group 1 (countries with high equality in HDI achievements between women and men)				Life expectancy at birth (years)	80.0	v 73.2 (males)
						Expected years of schooling (years)	18.9	v 16.4 (males)
						Mean years of schooling (years)	11.1	v 10.7 (males)
						Estimated gross national income per capita (2017 PPP \$)	14,872	v 27,826 (males)
Gender Inequality Index (GII-UNDP) - (0 = equality; 1 = inequality)	0.328 (2019)	75th				Maternal mortality ratio (deaths per 100,000 live births)	39 (2017)	
						Adolescent birth rate (births per 1,000 women ages 15-19)	62.8 (2015-2020)	
						Share of seats in parliament (% held by women)	39.9	
						Population with at least some secondary education (% ages 25 and older)	59.2 (2015-2019)	v 54.8 (males)
						Labour force participation rate	50.7	v 72.7 (males)
MDG 3						Ratio of girls to boys in primary education	0.99 (2012)	Parity

Index	Value	Rank / Evaluation	Sub-indices	Value	Rank / Evaluation	Indicators	Value	Rank / Evaluation		
MDG 3: Promote Gender Equality and Empower Women						Share of women in wage employment in the non- agricultural sector (%)	42.4 (2013)	High share		
						Proportion of seats held by women in national parliament (single or lower house only - %)	36.2 (2015)	Moderate representation		
Global Gender Gap Index (GGGI-WEF) - (imparity = 0, parity = 1)	0.756 (2022)	33rd (out of 146 countries)	Economic Participation and Opportunity	0.635	102nd	Labour-force participation rate	0.698	96th		
						Wage equality for similar work 1-7 (best)	0.575	110th		
						Estimated earned income (int'l \$ 1,000)	0.558	103rd		
						Legislators, senior officials, and managers	0.492	78th		
						Professional and technical workers	1.0	1st		
			Educational Attainment	1.00	1st	1.00	1st	Literacy rate	1.0	1st
								Enrolment in primary education	-	-
								Enrolment in secondary education	1.0	1st
								Enrolment in tertiary education	1.0	1st
			Health and Survival	0.977	46th	0.977	46th	Sex ratio at birth*	0.944	1st
								Healthy life expectancy (years) **	1.051	52nd
			Political Empowerment	0.413	28th	0.413	28th	Women in parliament	0.812	13th
								Women in ministerial positions	0.222	83rd
Years with female/male head of state (last 50)	0.242	16th								
SIGI - OECD	N/A (due to	N/A (due to missing data)	Discrimination in the family	23% (2019)		Legal framework on child marriage	50%			
						Percentage of girls under 18 married	13%			

Index	Value	Rank / Evaluation	Sub-indices	Value	Rank / Evaluation	Indicators	Value	Rank / Evaluation	
Social Institutions & Gender Index (SIGI - OECD) - <i>Higher SIGI values indicate higher inequality: the SIGI ranges from 0% for no discrimination to 100% for very high discrimination.</i>	missing data)			N/A (missing data)		Legal framework on household responsibilities	50%		
						Proportion of the population declaring that children will suffer if mothers are working outside home for a pay	68%		
						Female to male ratio of time spent on unpaid care work	2.8		
						Legal framework on inheritance	0%		
						Legal framework on divorce	0%		
			Restricted physical integrity			Legal framework on violence against women	75%		
						Proportion of the female population justifying domestic violence	12%		
						Prevalence of domestic violence against women (lifetime)	-		
						Sex ratio at birth (natural =105)	105		
						Legal framework on reproductive rights	50%		
			Restricted access to productive and financial resources			Female population with unmet needs for family planning	9%		
						Legal framework on working rights	100%		
						Proportion of the population declaring this is not acceptable for a woman in their family to work outside home for a pay	6%		
						Share of managers (male)	69%		
						Legal framework on access to non-land assets	0%		

Index	Value	Rank / Evaluation	Sub-indices	Value	Rank / Evaluation	Indicators	Value	Rank / Evaluation
Social Institutions & Gender Index (SIGI - OECD) - <i>Higher SIGI values indicate higher inequality: the SIGI ranges from 0% for no discrimination to 100% for very high discrimination .</i>				7% (2019)		Share of house owners (male)	-	
						Legal framework on access to land assets	25%	
						Share of agricultural land holders (male)	84%	
						Legal framework on access to financial services	0%	
						Share of account holders (male)	46%	
			Restricted civil liberties			Legal framework on civil rights	0%	
						Legal framework on freedom of movement	0%	
						Percentage of women in the total number of persons not feeling safe walking alone at night	61%	
						Legal framework on political participation	0%	
						Share of the population that believes men are better political leaders than women	27%	
						Percentage of male MP's	61%	
						Legal framework on access to justice	0%	
						Share of women declaring lack of confidence in the justice system	54%	
						Women, Business and the Law	79.4. (2022)	
Can a woman travel outside her home in the same way as a man?	Yes							

Index	Value	Rank / Evaluation	Sub-indices	Value	Rank / Evaluation	Indicators	Value	Rank / Evaluation			
Women, Business and the Law (WBL - The World Bank) - 100 is the highest possible score						Can a woman apply for a passport in the same way as a man?	Yes				
						Can a woman travel outside the country in the same way as a man?	Yes				
			Workplace	75	v 78.1 (Latin America & Caribbean)				Can a woman get a job in the same way as a man?	Yes	
									Does the law prohibit discrimination in employment based on gender?	Yes	
									Is there legislation on sexual harassment in employment?	Yes	
									Are there criminal penalties or civil remedies for sexual harassment in employment?	No	
			Pay	50	v 72.7 (Latin America & Caribbean)				Does the law mandate equal remuneration for work of equal value?	Yes	
									Can a woman work at night in the same way as a man?	Yes	
									Can a woman work in a job deemed dangerous in the same way as a man?	No	
									Can a woman work in an industrial job in the same way as a man?	No	
			Marriage	100	v 90.6 (Latin America & Caribbean)				Is there no legal provision that requires a married woman to obey her husband?	Yes	
									Can a woman be head of household in the same way as a man?	Yes	

Index	Value	Rank / Evaluation	Sub-indices	Value	Rank / Evaluation	Indicators	Value	Rank / Evaluation			
Women, Business and the Law (WBL - The World Bank) - 100 is the highest possible score						Is there legislation specifically addressing domestic violence?	Yes				
						Can a woman obtain a judgment of divorce in the same way as a man?	Yes				
						Does a woman have the same rights to remarry as a man?	Yes				
			Parenthood	60	v 48.1 (Latin America & Caribbean)				Is paid leave of at least 14 weeks available to mothers?	No	
									Does the government pay 100% of maternity leave benefits?	Yes	
									Is paid leave available to fathers?	Yes	
									Is there paid parental leave?	No	
									Is dismissal of pregnant workers prohibited?	Yes	
			Entrepreneurship	75	v 82.8 (Latin America & Caribbean)				Does the law prohibit discrimination in access to credit based on gender?	No	
									Can a woman sign a contract in the same way as a man?	Yes	
									Can a woman register a business in the same way as a man?	Yes	
									Can a woman open a bank account in the same way as man?	Yes	
			Assets	100	v 97.5 (Latin America & Caribbean)				Do men and women have equal ownership rights to immovable property?	Yes	
									Do sons and daughters have equal rights to inherit assets from their parents?	Yes	

Index	Value	Rank / Evaluation	Sub-indices	Value	Rank / Evaluation	Indicators	Value	Rank / Evaluation		
Women, Business and the Law (WBL - The World Bank) - 100 is the highest possible score						Do female and male surviving spouses have equal rights to inherit assets?	Yes			
						Does the law grant equal administrative authority over assets to both spouses during marriage?	Yes			
						Does the law provide for the valuation of nonmonetary contributions?	Yes			
			Pension	75			v 81.3 (Latin America & Caribbean)	Is the age at which men and women can retire with full pension benefits the same?	No	
								Is the age at which men and women can retire with partial pension benefits the same?	Yes	
								Is the mandatory retirement age for men and women the same?	Yes	
								Are periods of absence due to childcare accounted for in pension benefits?	Yes	

Source: Own elaboration based on UNDP (2022), UNSD (2015b), WEF (2022), OECD (2019) and World Bank (2022).

*For all indicators, except the two health indicators, parity is benchmarked at 1. In the case of sex ratio at birth, the gender parity benchmark is set at 0.944 (see Klasen and Wink, 2003). In the case of healthy life expectancy, the gender parity benchmark is set at 1.06, given women's longer life expectancy.

Table 6.8. Standing draft bills submitted to the Argentine lower chamber related to women's economic empowerment (March 2018)

Draft Bill No	Topic	Content
6416-D-2017	Labour rights	Employment Contract Act-Law No. 20744-. Incorporation of article 158 bis and modification of article 159, on special leave for gender violence and salary calculation, respectively.
6407-D-2017	Labour rights	Model Work Statute. Regime.
6341-D-2017	Labour rights	Employment Contract Act-Law No. 20744-. Modification of article 179, on daily breaks for lactation.
6290-D-2017	Labour rights	Employment Contract-Law No. 20744-. Modification, incorporating the leave and presumption of dismissal due to paternity.
6289-D-2017	Labour rights	Employment Contract Act-Law No. 20744-. Modification of article 179 and incorporation of article 179 bis, on setting up a maternity room or childcare centre.
6244-D-2017	Labour rights	Employment Contract Act-Law No. 20744-. Modifications, on licenses and dismissal due to pregnancy. Modification of Laws No. 20744, No. 24714 and No. 26727. Repeal of Law No. 24716.
6121-D-2017	Labour rights	Extension of leave for maternity, adoption and birth of a child, for public agents who perform their powers, decentralized organizations and self-sufficient entities. Regime.
6076-D-2017	Labour rights	Employment Contract Act-Law No. 20744-. Incorporation of article 177 bis, on leave in case of multiple births.
6020-D-2017	Labour rights	Employment Contract Act-Law No. 20744-. Modification of article 177, on the prohibition to work and retention of employment for pregnant women.
5972-D-2017	Labour rights	Employment Contract Act-Law No. 20744-. Modification of article 177, on pregnancy leave.
5971-D-2017	Labour rights	Employment Contract Act-Law No. 20744-. Modification of article 158, on special licenses
5749-D-2017	Time use/Care work	National Survey of Time Use. Incorporate as a module of the Permanent Household Survey - EPH-, of the National Statistical System.
5739-D-2017	Gender and work	"Seal of Equality between Men and Women for Companies". Creation.

5736-D-2017	Gender and work	Gender parity in State companies
5688-D-2017	Labour rights	Employment Contract Act-Law No. 20744-. Modification of article 158 on special licenses.
5687-D-2017	Labour rights	Employment Contract Act-Law No. 20744-. Modification of article 177, on the prohibition of working while pregnant.
5497-D-2017	Labour rights	Employment Contract Act-Law No. 20744-. Modification of article 172, on the prohibition of discriminatory treatment of women.
5217-D-2017	Labour rights	Employment Contract Act-Law No. 20744-. Modification of articles 158 and 177, on special licenses and the prohibition to work for women on maternity leave.
5210-D-2017	Labour rights	Employment Contract Act-Law No. 20744-. Modification of article 158, incorporating the leave for gender-based violence.
5101-D-2017	Labour rights	Licenses. Modification of Laws No. 20744, Employment Contract Act and No. 24714, on Family Allowances
5028-D-2017	Labour rights	Employment Contract Act -Law No. 20744-. Modifications on equal licenses.
4893-D-2017	Labour rights	Maternity, Paternity, and family leave.
3523-D-2017	Labour rights	Employment Contract Act -Law No. 20744-. Incorporation of subparagraph f) to article 158, on special leave for women victims of gender-based violence.
3165-D-2017	Time use/Care work	Include the care economy made up of unpaid domestic and care work in the System of National Accounts.
2755-D-2017	Labour rights	Employment Contract Act-Law No. 20744-. Modification of article 158, on special licenses.
2350-D-2017	Time use/Care work	Federal System of Care. Creation.
1997-D-2017	Labour rights	Employment Contract Act-Law No. 20744-. Incorporation of subparagraph f) to article 158, on licenses for medically assisted reproduction techniques.
1778-D-2017	Labour rights	Employment Contract Act-Law No. 20744-. Modification of article 177, on the prohibition of working while pregnant.
1624-D-2017	Labour rights	Employment Contract Act-Law No. 20744-. Modification of article 158, incorporating the leave for gender-based violence.

1650-D-2017	Labour rights	Lactarians in the realm of national public administration. Implementation.
1535-D-2017	Labour rights	Employment Contract Act-Law No. 20744. Incorporation of subparagraph f) to article 158, on leave for gender violence
1531-D-2017	Labour rights	Employment Contract Act-Law No. 20744- Modification of article 179, on breaks for lactation.
1505-D-2017	Labour rights	Employment Contract Act-Law No. 20744-. Modification of article 158, incorporation of leave for gender-based violence.
1503-D-2017	Labour rights	Employment Contract Act-Law No. 20744-. Modification of articles 177 and 178, on maternity protection.
1502-D-2017	Labour rights	Employment Contract Act-Law No. 20744-. Modification of article 158, incorporating paternity leave.
1325-D-2017	Labour rights	Obligation to implement breastfeeding rooms in the national public administration.
1323-D-2017	Labour rights	Employment Contract Act-Law No. 20744-. Modification of article 179, on the fitting out of lactation rooms in work establishments.
1240-D-2017	Labour rights	Employment Contract Act-Law No. 20744-. Incorporation of subsection f) to article 158, on leave for gender violence and subsection g) to article 38 on leave for private home staff.
1212-D-2017	Labour rights	Employment Contract Act-Law No. 20744-. Modifications on the leave of parents with disabled children and aggravated compensation in the event of unjustified dismissal. Special maternity leave.
1183-D-2017	Labour rights	Employment Contract Act-Law No. 20744-. Modifications, on gender condition in the field of public and private labor relations.
1180-D-2017	Labour rights	Employment Contract Act-Law No. 20744-. Modification of article 179, on daily breaks for lactation.
0898-D-2017	Labour rights	Workers as victims of wage discrimination: right to receive an extra sum for damages.
0564-D-2017	Labour rights	Employment Contract Act-Law No. 20744-. Modification of article 179, on daily breaks for lactation and incorporation of article 179 bis, on the creation of child development centres in work establishments.
0455-D-2017	Labour rights	Employment Contract Act-Law No. 20744. Incorporation of articles 158 and 161 bis on special leave for gender violence.

0287-D-2017	Labour rights	Employment Contract Act-Law No. 20744-. Substitution of articles 178 on presumption of dismissals due to pregnancy and 182 on special compensation (reproduction of file 3233-D-15). (Abraham, Alejandro).
0166-D-2017	Labour rights	Employment Contract Act-Law No. 20744-. Modifications, on maternity leave (reproduction of file 0136-D-15).

Source: Own elaboration based on Observatorio de Derechos Humanos – Honorable Senado de la Nación Argentina (2018).

Table 6.9. Standing draft bills submitted to the Argentine higher chamber related to women's economic empowerment (March 2018)

Draft Bill No	Topic	Content
S-4473/2017	Other	Bill for the inclusion of a gender approach in the National Budget and the creation of the Technical Unit for Gender Equity
S-4323/2017	Labour rights	Bill that modifies Laws No. 20,774 (Employment Contract Act) and No. 24,714 (Family Allowances) regarding expanding the rights of the family, equal marriage, cohabitation, and adoption.
S-2404/2017	Time use/Care work	Bill that includes the National Survey on the Use of Time in the National Statistical System, with respect to collecting and quantifying with a gender perspective, information on participation and the time spent by women and men over 18 years of age, to their different daily activities.
S-2320/2017	Time use/Care work	Bill that annually implements the National Time Use Survey (ENUT) and incorporates it into the national statistical system.
S-2257/2017	Time use/Care work	Bill for the creation of the plan for caregivers and home caregivers.
S-2256/2017	Labour rights	Bill on the Special Social Security Regime for Unpaid Domestic Workers.
S-2255/2017	Time use/Care work	Bill to include the care economy made up of domestic work and unpaid care in the National Accounts System -National Time Use Survey-.
S-2211/2017	Other	Bill that adds a paragraph to article 7 of Law No. 24,241 and s/m -Integrated System of Retirement and Pensions-, regarding establishing that the maternity allowance will be computed as service time to obtain the retirement benefit.

S-1975/2017	Gender and work	Bill that modifies article 16 of its similar No. 26,476 -Regime for Tax Regularisation and Protection of Registered Employment-, regarding establishing a reduction of contributions to companies that incorporate women over 40 years of age. Bill that modifies article 16 of its similar No. 26,476 -Regime for Tax Regularization and Protection of Registered Employment-, regarding establishing a reduction of contributions to companies that incorporate women over 40 years of age.
S-1972/2017	Labour rights	Bill modifying the Employment Contract Law – Law No 20,744-, regarding the prohibition of discriminatory treatment when establishing wages according to the sex of the worker.
S-1971/2017	Labour rights	Bill that establishes a special work license in case of gender-based violence.
S-1953/2017	Gender and work	Bill that incorporates article 71 bis to Law No. 17,319 -Hydrocarbons-, regarding the establishment of a female quota at all levels of hydrocarbon activity.
S-1604/2017	Gender and work	Salary Equalisation Bill.
S-1562/2017	Labour rights	Bill substituting article 179 of Law No. 20,744 - Employment Contract Act-, incorporating the proportional reduction of daily breaks for lactation, when the worker provides services on reduced hours.
S-1470/2017	Gender and work	Reproduces the bill establishing that people who work in the public or private sphere will have the right to a license for the purpose of making a complaint for gender-based violence. (Ref. S-3736/15).
S-588/2017	Other	Bill amending Law No. 24,156 - Financial Administration and Control Systems of the National Public Sector-, regarding incorporating the gender approach into the National Budget.
S-545/2017	Gender and work	Reproduces bill on labour quota in the Hydrocarbon Sector. (Ref. S. 2741/15)
S-524/2017	Trafficking	Bill establishing the labour reintegration of victims of the crime of human trafficking in accordance with Law No. 26,364 -Prevention and punishment of human trafficking and assistance to its victims-.
S-417/2017	Gender and work	Bill creating the Programme for the Development of Argentine Businesswomen.

S-366/2017	Gender and work	Reproduces the bill for gender equality in the administrative and representative bodies of companies. (Ref. S. 1104/15).
S-110/2017	Gender-based violence	Bill modifying article 185 of the Penal Code, with respect to incorporating the crime of economic violence against women.
S-078/2017	Labour rights	Reproduces the bill modifying Law No. 20,744 - Employment Contract Act-, in relation to the equalization of biological and adoptive maternity and paternity with respect to the granting of licenses. (Ref. S. 80/15) (Fellner, Liliana Beatriz).
S-077/2017	Labour rights	Reproduces bill modifying various articles of Law No. 20,744 - Employment Contract -, extending paternity leave. (Ref. S. 78/15)

Source: Own elaboration based on Observatorio de Derechos Humanos – Honorable Senado de la Nación Argentina (2018).

CHAPTER 7. CAN THE SDGs CONTRIBUTE TO ADVANCING WOMEN'S ECONOMIC EMPOWERMENT? ASSESSING THE PERFORMANCE OF THE UN AGENDA 2030 VIS-À-VIS THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL, AND CULTURAL RIGHTS AS ADVOCACY PLATFORMS

i. Introduction

Chapter 6 concluded that while SDG 5 had underwhelming effects on Argentina's women's economic empowerment agenda, under certain circumstances, feminists in the government have been able to capitalise the framework to draw attention, support, and funding to some of their priorities. In this chapter, I complement these findings by considering the extent to which the UN Agenda 2030 has been a suitable mechanism for funnelling the demands of Argentinian women's organisations concerning economic empowerment and for holding their government accountable for the progress made in that regard or the lack thereof. That is, I am interested in assessing its performance as an advocacy platform.

25 years ago, Margaret Keck and Kathryn Sikkink (1998) coined the term 'boomerang strategy' to describe the practice of domestic groups reaching out to international allies to pressure their governments. That is, when the channels between the state and local groups are blocked (for instance, when governments

violate or refuse to recognise rights), civil society might seek international connections to express their concerns and, ideally, bring pressure on their national governments from outside (Keck and Sikkink, 1998). Logically, not all international mechanisms are equally equipped to play this part. It is within this framework that I interrogate whether the UN Agenda 2030 is useful for conveying women's demands for economic empowerment when governments are unresponsive to them, compared with other international instruments.

In the interview process, it quickly became evident that in Argentina, women's organisations have not been involved with the UN Agenda 2030 process. The reasons are manifold. At a general level, some interviewees expressed that discussions at the UN seemed 'disconnected' or 'too far' from people's everyday lives and experiences (Interviewees #2 and #25). Others lost confidence in what multilateralism can achieve and argued that the 'the UN is an increasingly irrelevant space in the global context' (Interviewee #2). At the same time (and in line with the findings of Chapter 5), representatives from civil society highlighted that they lacked the resources to advocate in international spaces (Interviewees #25 and #26). In the words of a former employee of one of the few Argentine women's rights organisations active in the UN,

To some extent it is the privilege of certain organisations, that can afford to participate in certain processes, for most of which there is no funding... you must travel and for most of them there is no funding for traveling... then, those that can access are the organisations that have enough resources to pay a person that is only doing advocacy and can participate in all these meetings, can cover their travel and so on.... For most organisations this is just not possible. In fact, I did it on a voluntary basis, too... it was not my job, the advocacy work I did, it because of my own interests... and when I could travel it's because I

received travel grants... that I applied for... so it's kind of restrictive.
(Interviewee #25, interview conducted in Spanish, own translation)

Thus, in the context of limited capacities, the few Argentinian CSOs that do work at the international level prefer to direct their advocacy efforts at other processes or spaces. While some of my interviewees focused their global advocacy on CSW or ECLAC (Interviewees #14 and #19), there was consensus that human rights treaty bodies and their related processes are the most relevant spaces for Argentinian CSOs seeking to steer international pressure into the national government. Once again, the reasons are multiple and overlapping, but without a doubt, the prominent role that human rights play in the country, both in the legal framework and the social fabric, is at the core.

The connection between international human rights and the Argentine legal system became much more straightforward with the 1994 Constitution, which establishes a moderate monism in which Human Right Conventions are superior to national laws (Ucín, 2020).⁹¹ Likewise, the importance of human rights in the National Constitution mirrors that in the social fabric. While it is not possible to talk about a single or homogenous human rights movement, there is agreement on its origins: the struggle against the impunity of state terrorism after the last dictatorship (1976-1983). Despite this initial strong focus on civil and political rights, the organisations that made up the human rights movement also led, took

⁹¹ According to Article 75, paragraph 22 of the National Constitution, treaties and concordats (including CEDAW and ICESCR) have a higher status than laws.

part in, or supported other demands for democratisation and the extension of rights broadly construed (Torras et al., 2019).

In this context, I found human rights law-related processes ideal candidates to test and compare the performance of the UN Agenda 2030 as an advocacy platform. While recognising the substantive differences between these two frameworks and their legal stances, this chapter is concerned with a separate issue: their ability to convey the demands of civil society and be used to hold their governments accountable, focusing on women's demands for legal reform on economic empowerment. To clarify, in this chapter, I am not evaluating to what extent these processes have contributed to change the government's approach to economic policy; rather, I am assessing their capacity to act as vehicles of women's organisations' demands related to economic empowerment and to command a response from the government about the actions it has undertaken in that regard.

With this goal in mind, I investigate the demands for legal reform that emerge from the women's movement about economic empowerment and explore if and how these transpired into two key reporting processes at the international level, one related to the UN Agenda 2030 and one to the International Covenant on Economic, Social, and Cultural Rights (ICESCR). In particular, I look at Argentina's first Voluntary National Review (VNR) to the High-Level Political Forum (2017) and its fourth periodic report to the Committee on Economic, Social and Cultural Rights (2016-2018).

The findings of this exercise suggest that the HLPF has been a less helpful space to women's organisations for conveying their demands in the area of economic empowerment compared to the ICESCR. There are two contrasting features between these processes. First, the role of civil society is qualitatively different. All barriers to civil society engagement in the SDG process identified in Chapter 5 were exacerbated after its adoption: participation channels are inconsistent and full of obstacles. As a result, civil society organisations have limited access to and influence on the development of the VNRs, and opportunities to challenge its content are virtually non-existent. By contrast, the ICESCR has clear, well-established, inclusive procedures to involve civil society at every step of the reporting process.

Secondly, in the case of the ICESCR, these participation channels are embedded in a broader robust accountability framework, which ensures that civil society contributions are taken seriously as an integral part of the reporting exercise. Countries that ratified the ICESCR must report on all the substantive articles of the Covenant as well as on its implementation as a whole. If they fail to do so, the Committee is likely to ask directly about this or include it as an area of concern in their Concluding Observations. Hence, this reporting process can be used to some extent by civil society to hold national governments accountable for lack of progress in certain areas. By contrast, the VNR is ill-prepared to function as an accountability mechanism insofar as countries decide on the content of the report, and there is almost no pressure (from peers nor from UN authorities) to respond on any specific areas that the government has ignored or misreported.

In turn, I connect these findings to the turn to indicators as tools of global governance more generally. I argue that overemphasis on quantitative indicators as the sole valid source of information for reporting combined with the absence of an actual follow-up process that enquire about efforts made to collect that information has given governments room to engage with the Agenda selectively, further diluting its potential. By contrast, I demonstrate that ICESCR's attempt to incorporate more indicators as sources of information to the broader and more robust accountability process that surrounds the monitoring of the implementation of the Covenant is a better approach, able to benefit from the kind of information that quantitative data can provide, while also acknowledging its limitations.

This chapter is structured as follows. The second section discusses the emergence and evolution of the *Encuentros Nacionales de Mujeres* (National Women's Meetings, ENMs) and explains why it provides such an interesting way to grasp the issues affecting women's lives at a given time. The third section identifies some of the main demands for legal reform regarding women's economic empowerment that emerged from the ENM concluding documents of 2017 and 2018. After narrowing the focus to two specific issues (GBV in the world of work and women's access to land), I compare how the Argentinian 2016 report to the CESCR and the 2017 VNR address these. I find that, while the former report discusses GBV and access to land to some extent, these topics are largely absent from the latter. The fourth section explains these findings, reflecting on the contrasting features between the reporting processes linked with the ICESCR and the UN Agenda 2030. I argue that there are two main differences between them: the role that civil society plays and the extent to which a robust

accountability framework underpins them. The fifth section focuses on how indicators are used in these two processes and takes issue with the prominence granted in the VNRs. I also expose how this connects with the general trend of the turn towards indicators as technologies of global governance discussed in this thesis. Finally, in the sixth section, I bring these findings together to reflect on what is needed to produce a robust accountability process and what role indicators should play. My research further supports the claim that indicators can complement but not substitute for an accountability framework. Although the research conducted in this chapter is informed by multiple methods, of particular novelty is my use of insights gathered through event ethnography. This approach has not been extensively used in socio-legal studies yet. Nevertheless, it that can shed light into crucial aspects of these processes that would otherwise remain invisible to the researcher.

ii. Women who meet: the experience of the *Encuentros Nacionales de Mujeres* as an open forum for movement building

In 1985, shortly after the return to democracy, a group of Argentinian women participated in the NGO forum organised around the Third World Conference on Women. They returned from Nairobi fully aware of the common struggles that women worldwide shared and convinced of the necessity of using these experiences to energise national initiatives around women-specific issues (Alma and Lorenzo, 2009). Since 1986, thousands of women and people who identify

as lesbians, trans, *travesti*,⁹² intersexual, bisexual, and non-binary from across the country (and beyond) have met every year⁹³ in Argentina, for three consecutive days in the *Encuentros Nacionales de Mujeres*⁹⁴ to discuss their experiences and organise around the most pressing issues affecting them.

Over the years, the importance of the ENMs has progressively increased, as shown by the growing number of attendees and its greater thematic breadth. Concerning the former, while the increase in the number of participants has not been linear, there has been a clear positive trend, with its highest point in 2019 (before the pandemic), when 200,000 women attended the ENM hosted in La Plata. Moreover, although originally most of the women who attended the ENMs saw themselves primarily as feminist activists and worked almost exclusively on gender, nowadays they may be outnumbered by those whose backgrounds and political identities have been shaped in other spaces such as universities, trade unions or political parties, among others, and many do not consider themselves 'feminists' (Tarducci, 2005).⁹⁵ Hence, we might conclude that the ENMs offer an ideal forum in which to explore the ideas, experiences, and demands of the women's movement(s), not only for its significant size, but also for its diversity.

⁹² In Latin America, and particularly in Argentina, the term *travesti* is used to name a political and gender identity that claims the right to self-identify beyond the men/women binary (Berkins, 2003).

⁹³ With a break during the COVID-19 pandemic (2020-2021).

⁹⁴ Recently, the ENM has been renamed (not without conflict) as *Encuentro Plurinacional de Mujeres, Lesbianas, Trans, Travestis, Bisexuales, Intersexuales y No Binarios*, emphasising the growing importance of Indigenous communities and people with diverse sexual orientation and gender identities in this space. While discussion of the name was very much live during the years under study in this chapter, I have chosen, for consistency, to use its original name (or its acronym) throughout this thesis. This does not imply in any way that I am unaware, or do not approve, of this change, nor that I attempt to conceal it.

⁹⁵ Furthermore, some are openly anti-feminist, such as activists linked to the Catholic Church who attempted to influence the ENM's stance on abortion (Sutton and Borland, 2019).

In parallel, the number of workshops—which constitute the backbone of the ENMs—has quadrupled over the years, from 21 in 1986 to 87 in 2019. Participants debate specific topics, from more traditional issues discussed in feminist fora—such as sexual and reproductive rights or gender-based violence—to ‘women and foreign debt’ or ‘women and cannabis.’⁹⁶ Everyone is free to choose the workshop of their preference⁹⁷, and they are democratic, horizontal, and plural: modalities of participation are defined by the principles of active listening, *circulación de la palabra* (no one should ‘monopolise’ the discussions), and consensus-building (Herrera, 2017). Each group is responsible for facilitating its workshop and producing its conclusions, which are in turn compiled in the final document of the ENM.

Hence, the ENM outcome documents are a unique source through which to grasp how a diverse and sizable group of women has conceptualised their needs, priorities, and demands in many areas. Moreover, they enable us to directly observe how they have framed those without any further adjustments to make them more enticing or palatable to international institutions, national governments, or donors.

⁹⁶ While the topics of the workshops are usually pre-defined by the Organising Committee, attendees are welcome to create their own workshops if they wish. For example, in the XXXII edition of the ENM (Chaco, 2017), there were four “self-convened” (*autoconvocados*) workshops: women and audiovisual media; feminist self-defense; women and non-monogamous relations; and women and impunity.

⁹⁷ There are no limits in terms of the number of participants allowed in each workshop. To keep the spirit of “small group” discussions, if a workshop is particularly popular and many people wish to participate, it simply splits into different sub-groups, which are completely autonomous and produce their own conclusions.

iii. The feminists were right: Comparing Argentina's 2017 VNR and 2016 report to the ICESCR as vehicles for women's economic empowerment demands

After providing further details on the Argentinian context in support of my research strategy, in this section, I first identify some of the main demands for legal reform linked to women's economic empowerment that emerge from the ENM. Then, I explore and compare how two different processes address them: the VNRs presented at the HLPF (which is the follow-up mechanism of the UN Agenda 2030) and the periodic reports to the CESCR (which are part of the follow-up process of the ICESCR) to assess how effective is the former as an advocacy platform for funnelling women's demands in the area of economic empowerment.

As discussed in Chapter 1, I confine my analysis to 2017 and 2018, encompassing Argentina's fourth (and last) report to the CESCR and the first VNR to the HLPF, because this is the only period in which we can observe an overlap in both reporting timelines. These years correspond to the XXXIIth and XXXIIIrd editions of the ENM (henceforth, ENM2017 and ENM2018). Considering the thematic lens, I focus on discussions in three specific workshops directly connected to women's economic empowerment: women and (productive) work (Workshop #34 in ENM2017 and Workshop #35 in ENM2018), peasant and rural women (Workshop #42 in ENM2017 and Workshop #44 in ENM2018), and women in the rural world (Workshop #44 in ENM2017 and Workshop #45 in

ENM2018).⁹⁸ When reviewing the conclusions from the different groups and cohorts, the range of issues discussed further shows the diversity of their composition. It includes specific topics, such as the particular experiences and demands of women working in concrete institutions and geographic areas, as well as cross-cutting issues such as concerns over labour flexibility and structural adjustment. In terms of strategy, it becomes evident that collective organisation is the overarching approach that underpins all concrete actions proposed, including those of legal reform. Interestingly, at least concerning women’s economic empowerment, as shown in Table 7.1, there are almost no proposals for enacting new legislation, whereas there are several references to fully implement or enforce existing regulations.⁹⁹

Table 7.1. Relevant proposals from ENM conclusions concerning demands for legal change to achieve women’s economic empowerment.

Area	Relevant proposals
Women and paid work	<p>Gender-based violence:</p> <ul style="list-style-type: none"> • Include protocols on gender-based violence and harassment in all collective agreements. (Workshop #35, Group 1, 2017). • Introduce into labour legislation leave options for gender-based violence victims (Workshop #34, Group 3, 2017). <p>Motherhood:</p> <ul style="list-style-type: none"> • Broaden leave provisions to cover early deliveries, multiple pregnancies, abortions, adoptions, school

⁹⁸ Notably, these last two workshops were ‘merged’ in practice in the ENM2018, which is evidence of how close they are thematically and of how ENM participants can truly decide on the working methods that better suit their needs.

⁹⁹ This is an interesting contrast with the approach to other issues such as sexual and reproductive rights, in which legal change is a much more substantive component within the overarching strategy.

	<p>induction, and extend existing parental to diverse family types (Workshop #34, Group 3, 2017)</p> <ul style="list-style-type: none"> • Regulate Act No. 20,582 (on day-care centres) to help mothers return to work (Workshop #34, Groups 2 and 3, 2017) <p>Trans*/travesti rights:</p> <ul style="list-style-type: none"> • Implement Provincial Law No 14,783, also known as the Diana Sacayán Bill, that establishes a 1% employment quota to be filled by trans* and travesti people in the public sector (Workshop #34, Group 1, 2017) • Introduce employment quotas for trans* and travesti people in other sectors (Workshop #35, Group 2, 2018) • Introduce specific leave to cover hormone therapy (Workshop #35, Group 2, 2018) • Modify safety and health regulations and adapt it to existing gender identity law provisions (Workshop #35, Group 1, 2018) <p>Domestic workers:</p> <ul style="list-style-type: none"> • Demand compliance with Law No 26,844 (establishes the special employment contract regime for persons employed in private homes) (Workshop #34, Group 3, 2017)
Peasant and rural women/Women in the rural world	<p>Access to land:</p> <ul style="list-style-type: none"> • Include in the legal framework different types of land tenure, other than private property, that enable and promote the access to land of peasant families (Workshop #43, 2017) <p>Working conditions:</p> <ul style="list-style-type: none"> • Full enforcement of Law No 27,118 (on family agriculture) and Law No 26,727 (on agricultural work).

Source: Own elaboration based on 32º *Encuentro Nacional de Mujeres - Chaco 2017 – Conclusiones* and 33º *Encuentro Nacional de Mujeres - Chubut 2018 – Conclusiones*.

Let me now consider if and how these demands for legal reform were addressed by the government of Argentina. It is worth reiterating that I do not evaluate here

whether the government used the ENM documents as sources of information for their reports to any extent (which I consider highly unlikely). Rather, I use the ENM to grasp what were the most pressing issues affecting Argentinian women's lives and the main concerns regarding their economic empowerment at the time the follow-up processes took place, to offer insight into how far what is reported in the international arena is connected to people's reality.

Accordingly, I have selected two issues that both the UN Agenda 2030 and ICESCR address and, therefore, that one might reasonably expect to see in the reports: GBV in the world of work and women's access to land (see Table 7.2). First, the issue of GBV in the world of work is covered by Target 5.2 on eliminating all forms of violence against women and by Target 8.8 on promoting safe and secure working environments under the UN Agenda 2030. Likewise, Article 7 of the ICESCR recognises the right to safe and healthy working environments.

Secondly, within the UN Agenda 2030, women's access to land is explicitly addressed by Target 5.a.—as discussed extensively in Part II of the thesis—and by Target 2.3, which focuses specifically on rural communities. In the case of the ICESCR, while the Covenant does not articulate a 'right to land', the Committee has consistently demonstrated in their General Comments and in multiple Concluding Observations to state party reports that 'access to and security in the tenure of land are important aspects of economic, social and cultural life' (Minority Rights Group International et al., 2015, p.3). In line with the interpretations of the CDESCR, I find in Articles 1 and 11 the most relevant connections to access to land in the Covenant. Concerning the former, the Committee has frequently

raised how economic activities linked to the exploitation of natural resources affect the life and subsistence of Indigenous communities and how land acquisition by foreign investors impacts access to land for peasant and rural communities under Article 1 (Minority Rights Group International et al., 2015). Regarding the latter, while Article 11 articulates the right to food and to be free from hunger, CESCR General Comment No. 12 (1999) further emphasises that ensuring access to food or resources for food requires states to implement full and equal access to economic resources, including the right to inheritance and ownership of land, for all people and particularly women. Lastly, although there are no specific references to women in these articles, they can be considered together with Article 3 of the ICESCR and CESCR General Comment No. 16 on the equal right of men and women to the enjoyment of all economic, social and cultural rights (2005).

Table 7.2. Relevant excerpts from the UN Agenda 2030 and the ICESCR concerning gender-based violence in the world of work and women's access to land.

Area / Framework	UN Agenda 2030 related targets	ICESCR related articles
<p>Gender-based violence in the world of work</p>	<p>Target 5.2 Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation</p> <p>Target 8.8. Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment</p>	<p>Article 7. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:</p> <p>[...]</p> <p>(b) Safe and healthy working conditions;</p> <p>[...]</p>
<p>Women's access to land</p>	<p>Target 2.3 By 2030, double the agricultural productivity and incomes of small-scale food producers, in particular women, indigenous peoples, family farmers, pastoralists and fishers, including through secure and equal access to land, other productive resources and inputs, knowledge, financial services, markets and</p>	<p>Article 1. 2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.</p> <p>Article 11. 1. The States Parties to the present Covenant recognize the right of everyone to an</p>

Area / Framework	UN Agenda 2030 related targets	ICESCR related articles
<p>Women's access to land</p>	<p>opportunities for value addition and non-farm employment.</p> <p>Target 5.a Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws.</p>	<p>adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.</p> <p>2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:</p> <p>(a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources.</p>

Source: Own elaboration based on *Transforming Our World: The 2030 Agenda for Sustainable Development* and the *International Covenant of Economic, Social and Cultural Rights*.

In the ENMs (see Table 7.1), women expressed the need to include protocols on GBV and harassment in all collective agreements and to introduce leave options for GBV victims into labour legislation. Concerning access to land, they asserted the importance of including in the legal framework different types of land tenure, other than private property, that enable and promote access to land for peasant families, an issue clearly in line with the discussions in Chapters 4 and 5. Let me now compare how the government of Argentina addressed these two topics in their reporting documents to the mechanisms under analysis. Concerning the UN Agenda 2030, for its first VNR, the government of Argentina presented a thematic analysis of the public policies implemented as well as the targets and indicators selected and adapted in line with its national strategy of ‘zero poverty’, which was more closely related to the 2017 HLPF theme: ‘Eradicating poverty and promoting prosperity in a changing world’ (CNCPS, 2017). As a result, the report only discussed certain SDGs¹⁰⁰ instead of reporting on the whole UN Agenda 2030.

Regarding the overarching theme of GBV in the world of work, there are practically no references to this issue because the country did not report on SDG 8 (promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all). Moreover, even though Target 8.8 was one of the targets prioritised by the government and in the adaptation process¹⁰¹ several additional indicators were adopted to measure progress under

¹⁰⁰ That is: SDG 1 (No poverty), SDG 2 (Zero hunger), SDG 3 (Good health and well-being), SDG 5 (Gender equality), SDG 9 (Industry, innovation and infrastructure), and SDG 14 (Life below water).

¹⁰¹ As discussed in Chapter 6, the implementation phase of the SDG started with the process of adapting the framework into the national context. The reader might find it useful to refer to Figure 6.1. to see the steps of the process in further detail.

this target, none of these additional measures refer to gender-based violence in the world of work (see Table 7.3).

Table 7.3. Target 8.8 indicators. Original v Argentine government adapted versions.

Original version	Adapted version
8.8.1. Fatal and non-fatal occupational injuries per 100,000 workers, by sex and migrant status	8.8.5. Unregistered ¹⁰² employment rate
8.8.2. Level of national compliance with labour rights (freedom of association and collective bargaining) based on International Labour Organization (ILO) textual sources and national legislation, by sex and migrant status	8.8.6. Unregistered employment rate for migrant employees
	8.8.1.a. Non-fatal occupational injury frequency rates
	8.8.1.b. Frequency rates of fatal occupational injuries by sex and immigration status.
	8.8.3.a. Incidence rate of non-fatal occupational injuries
	8.8.3.b. Incidence rate of fatal occupational injuries
	8.8.4. Percentage of workers covered by the Occupational Risk System (<i>Sistema de Riesgos de Trabajo</i>)

Source: Own elaboration based on Transforming Our World: The 2030 Agenda for Sustainable Development and Consejo Nacional de Coordinación de Políticas Sociales (2017).

¹⁰² In Argentina, the term 'unregistered' refers to workers that are not officially registered by the national social security agency (ANSES, *Administración Nacional de la Seguridad Social*) and that are therefore not fully protected by labour rights. Hence, this indicator is used as a proxy to measure informal work.

Notably, while SDG 5 was one of the goals included in the report and, as discussed in Chapter 6, Target 5.2 was prioritised by the government, there are no references to this in the 2017 VNR. Furthermore, as in the case of Target 8.8, since there are no specific indicators related to GBV in the world of work under Target 5.2, even if the government had reported the progress made under that target, it would have been unlikely for them to refer to the specific issue of GBV.

Concerning women's access to land, there are no references to the issue in the 2017 VNR report. This is not completely surprising insofar as Target 5.a was not one of the targets prioritised under SDG 5 (see Chapter 6). However, it is worth noting that Target 2.3—which refers tangentially to this issue (see Table 7.4)—was one of the selected targets under SDG 2. Nonetheless, the adapted version lost all references to women and access to land and other productive resources (see Table 7.4). Thus, the indicator chosen to report progress under this target (percentage variation in the number of registered family farmers and rural workers) does not address women's access to land either.

Table 7.4. Target 2.3. Original v Argentine government adapted versions.

Original version	Adapted version
By 2030, double the agricultural productivity and incomes of small-scale food producers, in particular women, indigenous peoples, family farmers, pastoralists and fishers, including through secure and equal access to land, other productive resources and inputs, knowledge, financial services, markets and opportunities for value addition and non-farm employment	By 2030, increase productive potential with added value through balanced and sustainable agro-industrial development that achieves a diversified exportable supply, safeguards food security, and supports small and medium-sized producers and rural workers to increase their income and improve their quality of life fostering a sense of belonging.

Source: Own elaboration based on *Transforming Our World: The 2030 Agenda for Sustainable Development* and Consejo Nacional de Coordinación de Políticas Sociales (2017).

It is possible to conclude that none of the main issues concerning GBV in the world of work or women's access to land identified by the women who were part of the ENMs under analysis were addressed in Argentina's 2017 VNR report.

Let me turn to the 2016 Argentinian government's report on the implementation of the ICESCR. Concerning GBV in the world of work, the CESCR expressed in the Concluding Observations linked to the third periodic report of Argentina (2011) concern that 'neither the penal legislation nor the labour legislation of the State party specifically prohibit sexual harassment in the workplace and that it is not specifically recognized as a crime' (CESCR, 2011, p.5). In their fourth state report, the government of Argentina resumed this conversation and reported extensively on the relevant laws, rulings, campaigns, and plans implemented to address this issue. For instance, the report states that '[i]n December 2015, the Chamber of Deputies gave preliminary approval to a draft law establishing a

“system for punishing workplace violence and sexual harassment in the private and public sectors and in any other State agency”. The draft law has been sent to the Senate for consideration’ (CESCR, 2017, p.17).¹⁰³

Likewise, in their 2011 Concluding Observations, the CESCR noted with concern that ‘Act No. 26160 (extended by Act No. 26554), regarding the possession and ownership of lands traditionally occupied by indigenous peoples, has not been fully implemented’ (CESCR, 2011, p.2) and condemned the ‘delays in providing indigenous communities with ownership titles to such lands or territories’ (CESCR, 2011, p.2). As a result, the Committee urged the government of Argentina to fully implement this norm at national and provincial levels and recommended that ‘the State party finalize the processes of demarcation in all provinces, as foreseen by the Constitution and existing laws, and that it expedite the granting of communal title of land to indigenous communities’ (CESCR, 2011, p.2). As in the case of GBV in the world of work, the government of Argentina responded to these concerns extensively in their fourth periodic report, providing data on current efforts in the implementation of the aforementioned norm as well as new developments in the area. For instance, it highlights a programme carried out in Jujuy ‘ratified by Provincial Act No. 5031, which, by means of title transfer deeds applicable to community titles, has regularized a total of 1,251,498 hectares, subject to the restrictions on ownership provided for in the Constitution’

¹⁰³ The report also notes that Articles 4, 5 and 6 of Law No. 26.485 protect women against violence at work; that the Government has ratified the Convention of Belem do Pará and, in accordance with, has undertaken to adopt public laws and policies against sexual harassment; that a number of recent bills incorporate this offence in the Criminal Code by introducing amendments to article 149 of the Code; and that several judgments have dealt with this issue.

(CESCR, 2017, p.5). Nonetheless, it is also worth noting that the report only discusses access to land of Indigenous communities. It does not mention the situation of peasant and rural communities, nor does it make any reference to women, perhaps because the CESCR 2011 Concluding Observations do not specifically discuss women's access to land.

It is possible to conclude that while Argentina's report to the CESCR is far from perfect (some of the gaps are discussed by the Committee in their List of Issues and Concluding Observations as well as by the various CSOs' alternative reports), it does resonate to some extent with some of the main issues identified by women at the ENM. It is evident that, in line with the claim of the feminist activists interviewed as part of my research, the ICESCR mechanism is better equipped to function as a vehicle for their demands than the UN Agenda 2030. In particular, the inclusion or omission of these issues in the official progress reports enables us to grasp to what extent these mechanisms help hold the government accountable for their progress (or lack thereof). The following section discusses in more depth the root causes of this divergence by analysing the key differences between these two mechanisms.

iv. A tale of two frameworks: Fundamental differences between the UN Agenda 2030 and the ICESCR review processes and the accountability frameworks that underpin them

There are two main dimensions that, while connected, are worth exploring separately here: the involvement of civil society, and the degree to which reporting processes are underpinned by robust accountability frameworks.

a. Civil society's meaningful engagement as a basic component of a reporting process

The first key difference between these two processes is the participation channels in place for civil society, which in turn affect their ability to push their demands. I argue that, unlike the UN Agenda 2030, the CESCR has transparent, well-established, and inclusive procedures in place to involve civil society at all stages of the reporting process. Further, I show that these channels are embedded in a broader robust accountability framework, which ensures that civil society contributions are taken seriously as an integral part of the reporting exercise.

Let me start by discussing the role of civil society in the follow-up and review process of the UN Agenda 2030. First, there are no well-established pathways for civil society to provide input into their home countries' VNRs. Although the *Transforming our World* document encourages reviews of progress to 'draw on contributions from indigenous peoples, civil society, the private sector and other stakeholders in line with national circumstances, policies and priorities' (UNGA, 2015, p.33), it is up to the government to decide on their modalities of

participation, which has resulted in a limited and inconsistent approach. Further, even when consultations are held, it is not clear how inclusive these have been (Binat Sarwar and Nicolai, 2018; Action for Sustainable Development (A4SD) et al., 2023), nor how far they have actually influenced decision-making processes (Action for Sustainable Development (A4SD) et al., 2023). Additionally, it is worth noting that there is no regular procedure nor official guidance for developing or submitting 'alternative' or 'shadow' reports, and if organisations decide to produce them, there is no place for sharing them through official channels.

The situation does not improve once the VNRs are finalised and presented at the HLPF. Moreover, some of the negative trends identified in Part II of the thesis about CSOs' involvement in the development of the SDG framework worsened after the adoption of the UN Agenda 2030 (Interviewees #1, #3 and #6). Procedures have become less transparent, and participation channels have diminished (especially for those who cannot travel to New York to attend events in person). In consequence, the space to challenge the content of VNRs at the HLPF is contingent or inexistent.

My own experiences attending the HLPF 2022 to conduct fieldwork can provide clear examples of some of these problems.¹⁰⁴ Like anyone who wishes to

¹⁰⁴ While I do not discuss here in detail the preparation process and the difficulties of attending the meeting, I admit that I was in a relatively privileged position: As someone who has been granted UN ground passes in the past for both their New York and Geneva headquarters, the process of getting clearance for re-issuing my badge was not as burdensome as it might be for some of people applying for the first time. Likewise, although I got the funding to conduct fieldwork at a relatively short notice, I was able to travel to the US with an ESTA issued in a matter of hours thanks to my Italian passport. By contrast, if I had had to travel with my Argentinian passport (my nationality by birth), the process for getting a US visa would be much more difficult, involving presenting comprehensive documentation, attending the Embassy and so forth, making it impossible for me to obtain it in time for attending the events.

participate in in-person meetings at the UN Headquarters on behalf of a civil society organisation, I had to apply in advance for a ground pass through an organisation with ECOSOC status. In addition to this, a separate registration process was in place specifically for the HLPF. Nonetheless, once there, I quickly realised that none of those approvals guaranteed access to the sessions.

The first HLPF event I attended took place in Conference Room IV, although civil society (i.e., any observers who were not part of an official delegation) was only admitted in the Gallery. When I tried to enter, a security guard informed me that I needed an additional badge for this and that I could get one from a conference room that major groups used as a meeting point. Once there, I learned that neither having a ground pass through an ECOSOC credited organisation nor the separate HLPF registration process guaranteed access to the meetings and that Major Groups and Other Stakeholders (MGoS)¹⁰⁵ were given a certain number of badges per day that they could distribute to their members.

Unfortunately, the major groups' representatives there did not have any badges left for the morning session I wished to attend, so they suggested I join the session online through the UN Web TV, as many of them planned to do. While I was disappointed about not being 'on the floor', staying in this room that served as a base of operations for the major groups allowed me to observe the internal dynamics of badge allocations. I saw dozens of people like me, sent there on the

¹⁰⁵ Progressively, the MGS has expanded the included new groups (beyond the nine original groups noted in Chapter 3) such as older persons, persons with disabilities, migrants, grassroots/local ground, foundations, and philanthropic organisations. As a result, the framework has been renamed as Major Groups and Other Stakeholders (Major Group for Children and Youth, n.d.).

instructions of security guards. I learned, among other things, that no badges were given directly to CSOs. Hence, any civil society representative who wished to attend one of these sessions had to be affiliated with a major group.

Watching this interaction be repeated many times with other attendees also allowed me to see that these major groups' representatives were not operating as gatekeepers, but trying to find the best way to distribute the few passes they had, to enable everyone to participate, coming up with strategies for sharing them, like asking people to take turns to go inside the rooms or return the passes when they left for the day so they could be re-allocated. It was evident that access could not be taken for granted and that the number of CSOs representatives seeking to participate in these meetings was higher than the number of seats allocated to them.

A related but different expression of this dynamic is the distribution of speaking slots. Notably, while the goal of the follow-up and review process is 'accountability to our citizens' (UNGA, 2015, p.11), there is no formal space for national-based CSOs to make interventions from the floor and these are mediated by the MGoS. For example, when Argentina presented their 2022 VNR, Marita González from the *Confederación General del Trabajo de la República Argentina* (CGT)—a major national trade union federation—delivered an intervention from the floor and asked questions of the Argentinian representative. She did not do this on behalf of the CGT or Pampa 2030 (*Plataforma Argentina de Monitoreo Para la Agenda 2030*, a multisectoral coalition of organisations monitoring the

implementation of the SDGs in Argentina), but as the representative of the Workers and Trade Unions Major Group.

Thus, given the existing time constraints (which I explain in detail in the next section), major groups must be strategic in utilising their slots. While several countries present their reports in a given session, those intervening from the floor have only a few minutes each to comment or ask questions. Hence, even when a given major group has a time slot in a VNR session, it can only address a limited number of issues and target a single presenter. For instance, in the example above, since Ms González's whole presentation focused on Argentina, the Workers and Trade Unions Major Group (and all the national-based organisations that are part of it) were unable to comment or ask questions of the other four countries presenting their VNR reports in this same session (i.e., Ghana, Latvia, Philippines, and Switzerland). Moreover, the time slots are so brief and strict that Ms González could not finish her presentation and the microphone was turned off once her time was up, as is common practice in these meetings. Lastly, it is also worth noting that even when they get a timeslot, civil society interventions are typically pushed to the end of the session, which often results in these being cancelled due to 'lack of time' (Women's Major Group, n.d.). In sum, it becomes evident that the ability of civil society to challenge the contents of VNRs during their presentation at the HLPF is significantly limited.

While it is true that the government of Argentina has made some important efforts to include civil society in the development and delivery of their VNR reports in

recent years,¹⁰⁶ at the time of the 2017 HLPF, participation channels were limited. First, as noted in the report, most CSOs were unfamiliar with the framework (CNCPS, 2017). Additionally, a questionnaire distributed by the Action for Sustainable Development (A4SD) platform and filled out by FOCO-INPADE (*Foro Ciudadano de Participación por la Justicia y los Derechos Humanos - Instituto para la Participación y el Desarrollo*) claims that while CSOs had come together to discuss their position concerning the UN Agenda 2030, ‘the government [of Argentina] ha[d] not expressed interest in knowing these contributions’. The document adds that consultations on the VNR had been carried out only with ‘friendly’ NGOs invited informally by the government. Thus, as there were only a few CSOs active in engaging with the SDGs at the time the report was written and that these were selected by the government, it is unsurprising that there were no references to specific demands from civil society in the report, especially in areas in which the state failed to make progress.

It is worth recognising that the small group of organisations engaging with the framework at that time was given significant space: the Argentina government representative at the 2017 HLPF shared their timeslot with Mabel Bianco, who spoke on behalf of the Alliance of Civil Society Organizations of Argentina in follow-up of international commitments as well as with a representative of *Pacto*

¹⁰⁶ In terms of access, it is not unusual for the Argentine government—regardless of the political party in power—to include into their delegation civil society representatives (which gives them more access than having an ECOSOC pass) and to help them with the registration process (Interviewee #14). Nonetheless, it is also important to highlight that they do not provide financial support for attending these meetings, so some of the structural barriers for participation identified in Chapters 4 and 5 remain. Additionally, since the second VNR, Argentinian CSOs have also been granted space in the official reports to include their unedited views on progress made in the implementation of the UN Agenda 2030.

Global Argentina, an initiative of employers linked to corporate social responsibility. Nonetheless, the fact that civil society and the private sector are seen as equally important shows a problematic approach to civic participation.

In turn, only the Persons with Disabilities and Children and Youth major groups were selected to make interventions from the floor (IISD, 2017). They articulated questions on some of the most pressing issues in the feminist agenda, including abortion and the implementation of Law No 26,150 on comprehensive sexual education. However, since these speakers had only one minute each, and considering the constituencies that they represent, it is not surprising that issues such as GBV in the world of work and women's access to land were not covered in their interventions (nor in the responses from the representative of the government of Argentina)¹⁰⁷.

It is evident that the space for civil society engagement is very limited on many fronts. The extent to which civil society can engage in the development of a VNR report depends ultimately on the government's willingness, and the opportunities to challenge the content of the reports are practically non-existent.

Let me turn to the mechanisms for civil society engagement with the CESCR. Perhaps the most well-known and widely used channel for participation is the submission of parallel reports to the Committee. Any civil society stakeholder can submit a 'shadow report'¹⁰⁸ since there are no formal requirements to be

¹⁰⁷ Interestingly, in the 2022 VNR intervention from the trade unions major group discussed above, the issue of gender-based violence was very prominent.

¹⁰⁸ The term 'shadow report' commonly refers to information submitted by non-state actors to treaty monitoring bodies to 'addresses omissions, deficiencies, or inaccuracies in the official

registered in any system or to have ECOSOC status. These reports are publicly and perpetually available on the OHCHR website. Furthermore, they are read and considered by the expert committee when developing the List of Issues and their Concluding Observations. Hence, it is possible to hypothesise that these reports have, at least in principle, some impact. Moreover, the relevance given to written submissions has an equalising effect, as it narrows the differences between those who have the means to attend in-person to the review sessions and those who do not, increasing the range of organisations engaging in the process and reaching those further in the margins.¹⁰⁹

As discussed above, the inclusion of extensive sections on GBV in the world of work and Indigenous peoples' access to land into Argentina's 2016 State Report can be directly connected with the inclusion of those topics as areas of concern in the CESCR 2011 Concluding Observations. In turn, the incorporation of those issues into the Committee's remarks is tied to several civil society reports bringing these same concerns to the forefront. For instance, a shadow report produced by several women's rights organisations¹¹⁰ highlights that sexual harassment 'has not been identified as a specific form of violence in the context of labour

government reports' (US Human Rights Network, 2007). These reports can be submitted in English, Spanish, or French; can be produced by single organisations or coalitions; and can target a single issue or a broad list of topics. There are no requirements in terms of format, except for a maximum length of 10 pages or 15 in the case of reports produced by coalitions (CESCR, n.d.).

¹⁰⁹ This dynamic also fosters cross-movement collaboration, as there is no competition for scarce resources such as travel grants. Hence, it is not uncommon to see collective submissions written by dozens of organisations and movements. Furthermore, this approach gives space to smaller organisations that might not have the resources or capacity to advocate at an international level, but that can certainly write a short piece in their area of expertise to be included in a common shadow report jointly submitted with other allies.

¹¹⁰ Comité de América Latina y el Caribe para la Defensa de los Derechos de la Mujer (CLADEM), Instituto de Género, Derecho y Desarrollo (Insgenar), Católicas por el Derechos a Decidir (CDD), Casa de la Mujer-Puerto Madryn, Chubut-Diversx, and Asociación Civil Grupo Desde el Pie.

relationships’ and that ‘[c]urrent legislation fails to effectively protect victims, [whom] are then discouraged to report this form of violence’ (Comité de América Latina y el Caribe para la Defensa de los Derechos de la Mujer (CLADEM) et al., 2011, p.3). In this scenario, and very much in line with the demands that came directly from the ENM discussed above, these organisations recommend ‘[t]o include a definition of sexual harassment in the *Ley de Contrato de Trabajo* (Labour Contract Law) along with effective mechanisms for reporting and victims’ protection’ (Comité de América Latina y el Caribe para la Defensa de los Derechos de la Mujer (CLADEM) et al., 2011, p.3).

Likewise, on access to land, a shadow report written by a group of civil society organisations that frequently engage with human rights treaty bodies and mechanisms¹¹¹ noted with concern that ‘there are currently no procedures for determining the borders and titles of Indigenous lands’ which results in ‘very few Indigenous communities possess titles to the territories that belong to them’ and that ‘[t]here is also little certainty about the legal actions that may be used to secure lands’ (Fundación Sur Argentina et al., n.d., p.3).

Thus, while the existing mechanisms are imperfect, the CESCRC offers a transparent and well-established process for civil society engagement throughout

¹¹¹ Fundación Sur Argentina, Universidad Nacional de Lanús (UNLa), Fundación interAmericana del Corazón - Argentina, Centro de Estudios Legales y Sociales (CELS), Observatorio del Derecho Social, Asociación por los Derechos Civiles (ADC), Equipo Latinoamericano de Justicia y Género (ELA), Foro Ciudadano de la Participación por la Justicia y los Derechos Humanos (FOCO), Fundación para el Desarrollo de Políticas Sustentables (FUNDEPS), Grupo 14bis, Fundación Ambiente y Recursos Naturales (FARN), Lesbianas y Feministas por la Descriminalización del Aborto, Abogados y Abogadas del Noroeste Argentino en Derechos Humanos y Estudios Sociales (andhes), Asociación Civil por la Igualdad y la Justicia (ACIJ), Observatorio de Derechos Humanos de Pueblos Indígenas (ODHPI).

the reporting process. Further, careful consideration has been given to issues of inclusivity, putting in place some safeguards to avoid that unequal access to resources prevents the engagement of some groups or communities. Lastly, the mediation of the Committee guarantees that civil society contributions are taken seriously, ensuring their meaningful participation in the reporting process.

All things considered, it is possible to conclude that the CSOs engaging with the CESCR were more successful in bringing attention to the issues of GBV in the world of work and access to land than those doing advocacy around the UN Agenda 2030. As noted above, a reasonable explanation for this asymmetric performance is the difference between the engagement mechanisms in place insofar as the ICESCR has a well-defined, transparent, and inclusive procedure for civil society's meaningful participation in monitoring the implementation of the Covenant, whereas the opportunities to engage with the SDG framework have been limited and inconsistent.

As a result, in the case of the ICESCR, even if national governments do not make the necessary efforts to include civil society perspectives in official state reports (which they are, in the same fashion as in VNRs, encouraged to do), there is an additional mechanism in place that allows civil society to publicly denounce flaws and omissions in the reporting process as well and in the implementation itself. Nonetheless, it is worth noting that the mere existence of the participation channel itself is insufficient to guarantee answerability: A collection of shadow reports uploaded to the OHCHR website that no one reads would likely have no effect on the government's official reporting. Thus, the effectiveness of the existing

participation mechanisms heavily relies on the robust accountability framework that underpins the whole process, and that will be further discussed in detail in the following sub-section.

b. From a reporting mechanism to an accountability framework: The unbridgeable gaps between the UN Agenda 2030 and the ICESCR follow-up processes

At a higher level, a crucial difference between the two mechanisms under analysis is the robustness of the accountability framework that underpins the reporting process. Here, I argue that the main flaw of the UN Agenda 2030 reporting mechanism is that, ultimately, it does not contribute to holding governments accountable for their progress (or the lack thereof) at the national level. In turn, I demonstrate that even without powerful enforcement tools, the ICESCR includes a well-established follow-up process grounded on answerability that CSOs can use to demand accountability from their governments.

Let me start with the SDGs. The reporting process has two main components: the VNR report and its presentation at the HLPF. Concerning the report, while States are committed to engaging in a 'systematic follow-up and review of implementation' (UNGA, 2015, p.31) of the UN Agenda 2030, important issues such as the timeframe or the content of these reviews remain largely undefined. Hence, despite the existence of guidelines or good practices (UNDESA, n.d.), there are significant variations in what they report.

Although governments ‘are *encouraged* to provide brief information on progress and the status of *all* Sustainable Development Goals’ (Voluntary common reporting guidelines for voluntary national reviews at the high-level political forum for sustainable development (HLPF), n.d. emphasis added), analyses of multiple VNR cycles have shown that many countries fail to produce comprehensive reports (Together 2030, 2017; Binat Sarwar and Nicolai, 2018; Beisheim, 2018). For instance, among the countries presenting their VNR reports in 2017, only 11 addressed all 17 SDGs, whereas 16 countries focused their reports on those SDGs that were under review in the HLPF 2017 thematic sessions, and 16 others chose to report on their own selection of goals, related mostly to their national priorities (Partners for Review, 2018).¹¹² As there is no ‘quality’ control over the reports submitted nor authority that can request to fill any information gaps, governments can deliberately and unilaterally decide not to report on some SDGs without any consequences.

In addition to the report submitted, governments must deliver a presentation at the HLPF, after which they receive questions from the floor from other governments and major groups. *A priori*, this would be an adequate space to inquire about omissions or discrepancies in their reports. However, any promising aspects of this interactive component of the follow-up and review process have been hampered by the capacity constraints of both the Secretariat and the HLPF (Beisheim, 2018). As a result, the presentations are very brief (around 15 minutes) since an increasing number of countries is willing to voluntarily report

¹¹² This analysis lists 43 VNRs submitted in 2017, instead of 44 as in the source noted above.

on their progress in each HLPF meeting (Beisheim, 2018). As there are no formal guidelines in terms of the content for these presentations, they tend to focus solely on the key achievements, to the point that many stakeholders have referred to them mockingly as ‘promotional touristic videos’ (Interviewee #03, interviewee #06), ‘postcards from their Summer vacation’ (Interviewee #13) or ‘beauty contests’ (Beisheim, 2018). Likewise, questions from governments are pre-arranged between diplomats, so they are more of an opportunity to congratulate each other and keep highlighting their achievements rather than an occasion to reflect on areas for improvement (Beisheim, 2018). The only exceptions to this dynamic are the comments from major groups; nonetheless, as I discussed in the previous sub-section, the occasions to deliver those are scarce and must be used strategically.

Lastly, it is worth noting that there is not much of an actual follow-up process to this reporting: No UN authorities require further information or clarification from governments and there is no additional report evaluating their efforts in the implementation of the SDGs. As Marianne Beisheim helpfully summarises, “[a]t any rate, to date the HLPF-VNRs have not made countries justify themselves as ‘duty bearers’ before their citizens as ‘rights holders’ (as in the reviews of the UN Human Rights Council)” (Beisheim, 2018, p.23). Nonetheless, she also rightly recognises that doing so is not part of their mandate.

In this context, it should not come as a surprise that, as many others, the 2017 country report from the government of Argentina reads more as a document pinpointing the government priorities and strategy and a list of selected indicators

(related to only a few goals), rather than an accountability tool that can be used to assess and demand progress. In turn, the live presentation focused on the steps taken to implement the UN Agenda 2030 more generally rather than on specific goals. As a result, the presentation also did not include any specific references to GBV in the world of work and women's access to land. Since the government of Argentina did not receive any feedback from government representatives and the questions made by major groups, as discussed above, did not focus on these issues, the session concluded without any discussions on these topics.

This process diverges significantly from that linked to the ICESCR. On top of the substantive differences in the role played by CSOs discussed in the previous subsection, I identify three additional contrasting features between these two follow-up mechanisms: i) The timeline of the process; ii) The requirements in terms of the content of the report; iii) The existence of an authority that can demand answerability from Member States (even in the absence of enforceability mechanisms). I argue that these distinctive features are heavily intertwined and that, together, explain what allows to elevate a follow-up process from a simple reporting mechanism to a robust accountability framework.

Let us first focus on the timeline of the process. As discussed above, the tight schedule of the HLPF presents a material constraint to performing a thorough evaluation of a country's performance. In the case of the ICESCR, the examination of the state reports only happens after an extensive period of exchanging written contributions to have all the necessary information in hand to

produce a comprehensive evaluation of the implementation of the Covenant (see Figure 7.1).¹¹³ Moreover, if further information is required at the time of the examinations, State parties may be asked to provide this in a subsequent meeting or in writing. Hence, time constraints cannot be used as an excuse for not reporting on a given topic.

Secondly, in terms of content, countries are expected to address the Covenant as a whole and discuss each substantive article in detail. Unlike the situation of the UN Agenda 2030 discussed above (in which countries rarely report on all SDGs, although they are encouraged to do so), in the case of the ICESCR, parties tend to comply with the duty of reporting on the whole Covenant, since if they omit information on a given area, they will be called out and asked to provide further details by the Committee.

This leads us to our third element: The existence of a supra-national authority leading this process. In the case of the ICESCR, there is an expert group reviewing not only the State Report but also any shadow reports produced by civil society, noting areas in which clarification or further information is needed (known as the “List of Issues”) and requesting written responses by State parties. Hence, governments can omit information in their reporting if they wish to, but they are likely to be asked explicitly to address this topic by the Committee, especially if CSOs draw attention to it in their alternative reports.

¹¹³ Just to provide a sense of the timeline of the process, it is worth noting that Argentina submitted their fourth report in December 2016, the CESCR presented the “List of Issues” in October 2017, the State party responded by June 2018 and the Concluding Observations were issued in November 2018. Moreover, the government of Argentina sent a follow-up report in October 2020.

As noted in the example discussed in the previous section, the role of the Committee cannot be overstated: The fact that Argentina's 2016 report to the CESCR addresses so thoroughly issues concerning GBV in the world of work as well as Indigenous people's access to land is a direct result of the Committee asking for further information on this in their 2011 Concluding Observations. Likewise, the lack of information on women's access to land or discussions on peasant and rural communities can be linked to the fact that the Committee did not ask specifically about these.

Hence, even in the absence of tangible enforcement mechanisms—an issue that has been extensively studied in the field of international law and human rights law (Brudner, 1985; Bunch, 1990; Donoho, 2006; Merry, 2005; Petchesky, 2003)—having a human rights treaty body shaming a government by pointing out not only a lack of compliance but even gaps in the reporting process can make a difference. While the degree to which governments change their behaviour or suffer tangible consequences for not doing it is out of the scope of this thesis, it is possible to conclude that the ICESCR reporting process does contribute to holding governments accountable, at least at a symbolic level. Furthermore, in countries like Argentina, where human rights are enshrined in the legal system, CSOs can and have used these tools to move from the symbolic realm and achieve concrete results.

To conclude, through this detailed account of the reporting mechanisms associated with the UN Agenda 2030 and the ICESCR and how they operate in practice, I demonstrate that these are qualitatively different to the extent that the

former does not contribute to holding governments accountable for their progress (or the lack thereof). In short, I expose that, unlike the one linked to the ICESCR, the UN Agenda 2030 follow-up mechanisms are just reporting progress rather than an accountability framework.

Put together, the findings from the last two sub-sections—that civil society cannot use the UN Agenda 2030 reporting mechanism to convey their demands nor hold their governments accountable—point to major flaws in the SDG framework and its monitoring mechanism. In the next section, I discuss how indicators were originally envisioned as a tool to make up for some of these shortcomings and argue that this is not a suitable replacement.

v. Can an indicator-based monitoring process substitute for a robust accountability framework?

Before concluding this chapter, I wish to offer a reflection on how the rise in the use of indicators as technologies of global governance has operated concerning these processes. As discussed in Chapter 3, indicators can be ‘useful for articulating and advancing claims on duty-bearers and for formulating public policies and programmes that facilitate the realization of human rights’ (OHCHR, 2012, p.2). There is no doubt that improving data collection practices and implementing evidenced-based policies are important components in the pursuit of sustainable development and gender equality. Put simply, indicators can help us see how rhetoric translates into actual efforts on the ground (Yamin, 2019). However, as Shahra Razavi rightly warned:

while indicators and data can be very useful for monitoring progress, they can hardly substitute for a robust accountability framework, one that allows independent reviews and supports women's rights organizations and other civil society actors to hold governments and other duty-bearers to account (2019, p.151).

As early as in the *Transforming our World* document, it was established that the UN Agenda 2030 follow-up and review process would 'be rigorous and based on evidence, informed by country-led evaluations and data which is high-quality, accessible, timely, reliable and disaggregated' and that '[t]he Goals and targets will be followed up and reviewed using a set of global indicators' (UNGA, 2015, p.[no pagination]). Likewise, a thorough review of guidelines and manuals for SDG implementations published early after their adoption showed that these documents frequently recommended 'a range of evidence-based approaches to support SDG implementation, including indicator-based assessments and numerical benchmarking' (Allen et al., 2018, p.1458).

Nonetheless, analyses of several rounds of VNRs have exposed inconsistencies in how indicators and quantitative data are used (Partners for Review, 2018). In particular, many authors have criticised the use of indicator-based assessments without analytical frameworks that can provide adequate information 'on how multiple, interacting forces have led to specific outcomes' (Allen et al., 2018, p.1457). Moreover, Allen et al. have noted that only a few countries 'had attempted to benchmark their progress on these indicators against a target value or numerical benchmark (19%), which is critical for interpreting progress' (2018, p.1462), while Binat Sarwar and Nicolai highlighted that '[e]ven in some cases

where data on progress is presented (...) reports tend to overflow with data without any real effort at interpretation' (2018, p.5).

More importantly, many experts have cautioned 'against an overreliance on quantitative data produced by national statistical organisations as the only measure of progress on SDGs' (Binat Sarwar and Nicolai, 2018, pp.4–5). For example, through their research in India with members of the Denotified and Nomadic Tribes, Jo Howard and Tom Thomas concluded that if governments failed to consider qualitative and perception indicators along with the quantitative information, 'they will only know who they are reaching but not who they are missing – and why' (Howard and Thomas, 2017). Nonetheless, early evaluations across VNRs have demonstrated that references to qualitative data are very scarce (Environment and Development (IIED) et al., 2017). Thus, while the intention behind the indicator framework was to create a set of minimum standards that could be used as a common ground, they function in practice frequently as a ceiling, limiting the implementation of the UN Agenda 2030 and the VNR reports.

Looking at the Argentina 2017 VNR report, it quickly becomes evident that indicators constitute the backbone of the SDG 'reporting' section, which significantly constrains the content presented in the report. In essence, if there is no data for the indicator, it seems that there is no need to attempt to report on the progress under that target using alternative sources nor on the actions in place to collect the relevant information in the future. Hence, there is a vicious circle in which a country can report progress under a limited set of SDGs and targets, and

there are no clear pathways for inquiring the government about issues they might be deliberately concealing or neglectfully not measuring.

Thus, through my research, I have found that the overemphasis on using quantitative indicators as the sole means to demonstrate progress in the implementation of the UN Agenda 2030, in the absence of a robust accountability framework, has had an opposite effect than intended: Instead of pushing governments to improve data collection and produce 'evidenced-based' reports, it has given them more leeway to selectively engage with the Agenda, allowing them to leave gaps in their reports using lack of data as an acceptable excuse. In essence, the excessive role given to the indicators has shifted in practice the focus away from the actual aims (the targets), further diluting the ambition and potential of the Agenda. Just to provide an example, if a country does not have updated results from a time use survey that provides information on the proportion of time spent on unpaid domestic and care work by sex (Indicator 5.4.1), then it does not have to report the actual actions (policies, laws, programmes, campaigns) that have implemented to 'recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate' (Target 5.4). Thus, it is possible to conclude that, by itself, indicator-based monitoring cannot substitute a robust accountability framework.

This is not to say that there is no role altogether for indicators in monitoring the application of international agreements. Nonetheless, this role should be more

modest and bounded by an overarching strong accountability framework. The example of the ICESCR is illuminating of this dynamic, leading to substantially different results. In the specific case under analysis, I find that the State Report of Argentina offers a reasonable balance among the different variables that can be used to demonstrate progress, which not only provides a much more comprehensive picture of the situation, but also enables reporting on areas in which quantitative data might be scarce.

Although there has been a push for increasing the use of indicators in the monitoring of Human Rights treaties, as discussed in Chapter 3, they are still being used as a source of information for the Committee, rather than an evaluation criterion to automatically determine compliance (or the lack of it) with existing commitments. As Laura Pautassi (2010) notes, methodological triangulation that mixes quantitative and qualitative techniques is probably the most suitable approach to evaluating the enjoyment of economic, social, and cultural rights. This is in line with the findings of Chapter 2 and 3, in which I emphasise how important quantitative data has been for better understanding gender inequalities in the economy and transforming them into a problem that needs to be addressed; while also recognising the limitations in the type of information that this type of instrument can capture.

vi. Conclusions

In conclusion, evidence on how GBV in the world of work and women's access to land is addressed in Argentina's first VNR and fourth report to the CESCR

contribute to supporting the feminist activists' hypothesis about the limitations of the UN Agenda 2030 as a space for conveying their demands.

In exploring on the causes behind these differences, I found that there are two substantive dimensions that set these processes apart: The space and role given to civil society and the degree to which these reporting processes are underpinned by robust accountability frameworks. In particular, I found that civil society cannot use the UN Agenda 2030 reporting mechanism to convey their demands nor to demand answerability from their national government, which points to major flaws in the SDG framework and its monitoring mechanism.

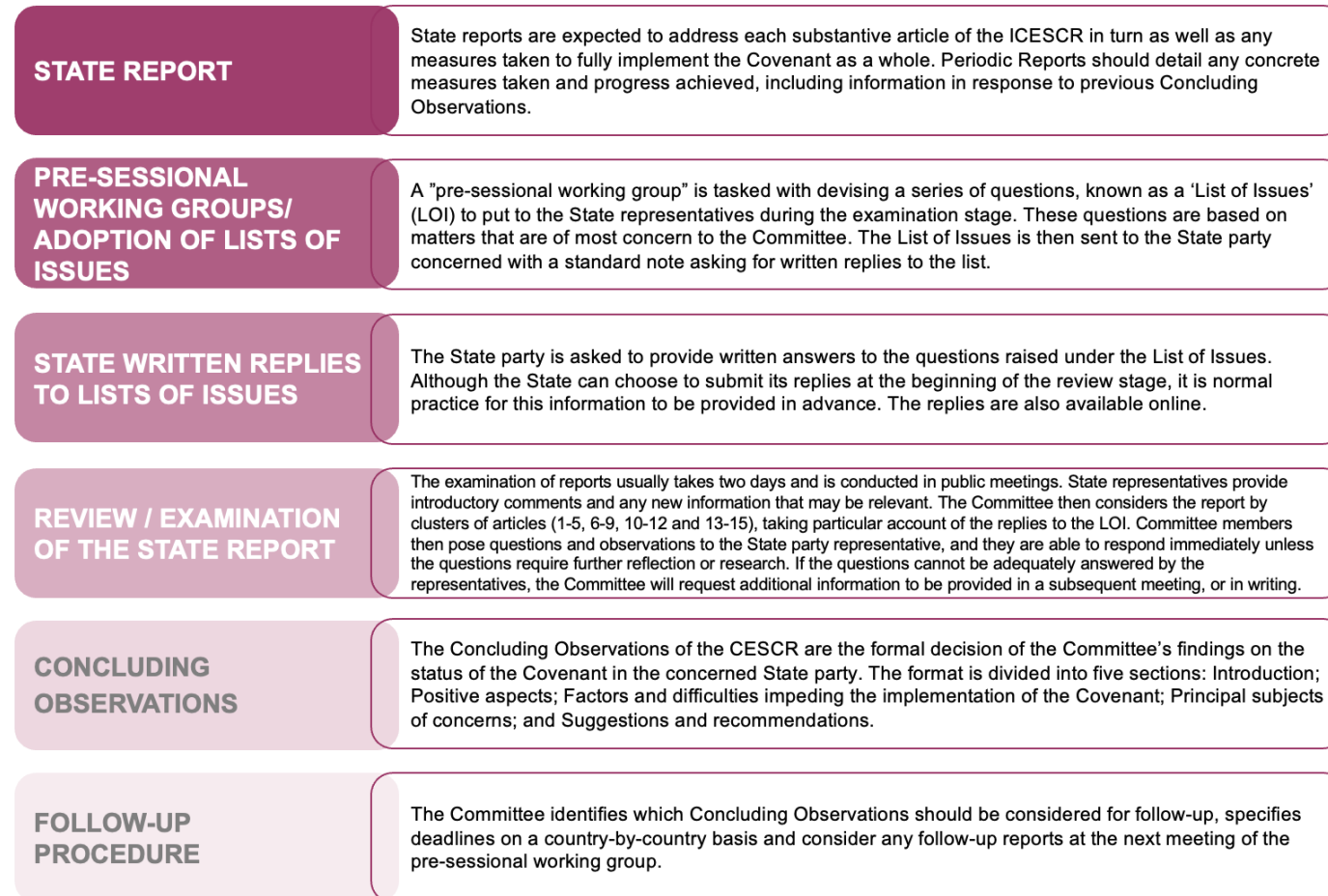
Lastly, I offered a reflection on how the rise in the use of indicators as technologies of global governance has operated in relation to these processes. I argued that indicators were originally envisioned as a tool to make up for some of the shortcomings of the UN Agenda 2030 follow-up mechanism. Nonetheless, in my research, I found that the overemphasis on using quantitative indicators as the sole means to demonstrate progress in the implementation of the SDGs, in the absence of a proper accountability framework that can oversee the progress made on data collection, has created more space for governments to selectively engage with the UN Agenda 2030 using lack of data as a valid excuse for gaps in their reporting.

These findings further support what others before me have noted: That indicators are no substitute for a robust accountability framework. However, in line with the discussions of Chapter 2 and 3, I also recognise that indicators do have an important role to play in reporting processes. More concretely, I claim that instead

of using indicators in isolation, they should be embedded into a broader and robust accountability framework that considers the type of knowledge that quantitative data can (and cannot) produce.

vii. Annex

Figure 7.1. Overview of the reporting process of the CESCR



Source: Own elaboration based on *International Commission of Jurists (n.d.)*

CONCLUSIONS: FUTURE DIRECTIONS FOR EXPLORING THE USE OF GENDER INDICATORS IN GLOBAL GOVERNANCE

In their 2022 gender snapshot on progress on the SDGs, UN Women warned that '[t]he latest available SDG 5 data show that the world is not on track to achieve gender equality by 2030' and that in spite of 'progress in reforming laws, closing gaps in legal protections and removing discriminatory laws [achieving gender equality] could take up to 286 years based on the current rate of change' (UN Women, 2022, p.10). While these findings are in line with those outlined in the UN Secretary-General progress report and discussed with concern at the 2022 HLPF, they ultimately had little impact on the Ministerial Declaration which 'once again fell short in not reflecting the systemic and structural barriers that lead to poverty and exclusion, thus failing yet again in providing necessary political leadership to move those commitments made in 2015 into concrete actions' (Women's Major Group, n.d., n.p.).

While the COVID-19 global pandemic undeniably had a devastating and disproportionate effect on women (UN Women, 2020), it is equally true that the world was hardly on track to fulfil its commitments towards gender equality before 2020 (UN Women, 2018). In identifying the causes, many before me have pointed out to 'the lack of accountability in the 2030 Agenda framework, both substantially and procedurally' (Women's Major Group, n.d., n.p.). My research further

supports this claim. However, by studying the issue through a different lens—that of governance by indicators—some of my findings shed novel insights into what are the problems with the current framework and what is needed to fix them.

In particular, my thesis has shown that the turn to indicators has favoured a narrower and less ambitious understanding of women's economic empowerment anchored on the presence of formal legal entitlements, as these constitute easy-to-measure dimensions of the concept. Likewise, it has also evidenced that the turn to indicators has led to a re-balancing of power relations that further marginalises gender experts (especially those in civil society) and gives prominence to 'technical experts' since there are difficulties in translating feminist knowledge into a form of expertise that is legible to the statisticians' epistemic community. As a result, I found that the SDG framework is relatively disconnected with women's everyday experiences, priorities, and demands, and as such, is of limited use as a tool to expand the women's economic empowerment agenda at the national level, both for feminists in government and in civil society. Overall, this thesis demonstrates some intrinsic limitations of the turn to indicators and suggests important gaps that need to be addressed in the design and implementation of a future development framework and its follow-up process, including in relation to the role envisioned for civil society and for indicators in the monitoring and evaluation of progress.

i. **A recap of the key findings: How the turn to indicators has taken us further away from radical conceptualisations of women's economic empowerment**

This thesis delves into how the increased use of indicators as technologies of global governance has shaped understandings of and struggles for women's economic empowerment, with a special emphasis on the role that the law plays in them. My primary research site has been the most ambitious project of governance by indicators to this date: the UN Agenda 2030. In essence, this thesis shows that the prominence given to indicators in the SDG framework has contributed to uphold a particular understanding of women's economic empowerment built around formal legal entitlements that does not necessarily match the demands for economic justice put forward by the women's movement(s).

Part I of the thesis established the background for my investigation, identifying the various framings of women's economic empowerment that have arisen in and around the UN prior to the adoption of the SDGs and embedded in the most widespread gender indicators. More specifically, I explored what was the role envisioned for the law (if any) in them. In **Chapter 2**, I produced a historical account of the evolution of ideas around women's economic empowerment in the UN at the intersection of gender, law, and development. By applying these three lenses simultaneously, I was able to propose a novel narrative that explains how the centring of the law in discussions of gender equality progressively displaced conversations about economic justice and contributed to crystallising a particular

understanding of what women's economic empowerment is and how it is achieved. In this process, I reflected on the role played by indicators and how it has evolved throughout the years, moving from sources of knowledge to advocacy tools to technologies of global governance. In essence, I demonstrated that while earlier conceptualisations of women's economic empowerment were little concerned with legal reform at the national level, things changed with the introduction of the 'women's rights are human rights' discourse. Without ignoring or underestimating the important changes that this framework has achieved for women all over the world (including, but not exclusively, in the area of GBV), it is also important to acknowledge that it has led to the de-centring of conversations about economic justice and to the progressive erasure of systemic critiques to capitalism, colonialism, and imperialism, and the existing global economic relations, as evidenced in the BPfA. I argued that this erasure unwittingly paved the way for the subsequent re-articulation of the women's economic empowerment agenda in the hands of IFIs, which turned it into a synonym for women's (individual) access to the market economy, promoting the removal of legal barriers as the silver bullet for achieving this goal (what I, and others before me, have called the 'smart economics' approach).

As noted above, I introduced measurability as a fundamental thread underpinning this change. More specifically, I suggested that the turn to indicators as technologies of global governance has also played a key role in favouring a more technocratic approach towards women's economic empowerment built around a formal understanding of the law (that is, focused on the existence or absence of legal entitlements, rather than on people's experiences of it), an issue that is

further explored in **Chapter 3**. There, I exposed how the level of ambition of the MDGs—the framework that preceded the SDGs—was severely hampered by the ‘measurement imperative’, including in the area of gender equality and women’s empowerment, insofar as the choice of targets and indicators was led by the existence of readily available data rather than by the importance of the different dimensions or components of the overarching goals.

Likewise, this chapter discusses the emergence of gender indicators produced by international institutions to measure women’s economic empowerment and what criticisms feminist scholars have made of that use. Through analysing three key indicators (WEF’s GGI; OECD’s SIGI, and the World Bank’s WBL), I revealed how these measures promote a ‘smart economics’ approach and how the ‘measurement imperative’ contributed to boosting the role of the law within them, shifting the focus from the enjoyment of certain wellbeing standards to the government efforts (e.g., the enactment of legislation) that are presumed to produce these outcomes. As a result, these indicators favour dimensions of women’s economic empowerment that are easier to measure over those that are most important to women, taking us further away from more transformative conceptualisations of empowerment that challenge the existing economic system and women’s role in it.

In addition to these issues, this chapter also explores the broader transformation of indicators into technologies of global governance and investigates how this has altered traditional power relations. In particular, I highlighted how rendering development discussions technical—including those around gender equality and

women's economic empowerment—gave rise to a narrowly defined group of 'technical experts' while simultaneously contributing to sidelining the voices, perspectives, and experiences of others. While there has been a historical pattern of exclusion of 'gender expertise' in development practice, the turn to indicators further exacerbates this dynamic insofar as feminist knowledge is frequently ineligible to the epistemic community of statisticians. These findings constitute the backbone of my investigation of the development and implementation of the UN Agenda 2030 women's economic empowerment targets and indicators in the remaining chapters.

In **Part II** of the thesis, I unpacked the different processes that shaped the development of the SDG women's economic empowerment targets and indicators, paying particular attention to the different stakeholders involved in them and their levels of access and influence. To do this, I focused on the macro and micro dynamics underpinning the adoption of Target 5.a on women's access to economic resources and its respective indicators.

More specifically, in **Chapter 4**, I delved into the role of the law in the UN Agenda 2030 women's economic empowerment targets and indicators. On the one hand, I concluded that, while the SDG framework is in many ways an improvement from the MDGs—including in the area of women's economic empowerment—in essence, the ideas of women's economic empowerment embedded in Target 5.a bring us back to the liberal tenets that underpinned the BPfA, and so do the 'solutions' that are implicitly promoted by the target, among which legal reform stands out. The indicators, on the other hand, not only water down the ambition

by limiting the scope of the target but further stress the role of the law as a central tool for solving women's lack of access to economic resources, overemphasising ownership as the primary form of land security. In doing so, it promotes particular interventions that ignore structural and systemic causes of women's dispossession and align with a particular worldview that is not necessarily relevant or desirable to all groups of women.

To uncover the alternative visions and proposals that emerged throughout this process, I conducted a genealogical exploration of Target 5.a and its indicators. Through this exercise, I demonstrated how the pressure to translate different understandings of women's economic empowerment into measurable targets had a standardising effect, erasing substantial differences in the original conceptualisations of the issue in favour of narrower definitions of the concept that benefited the existence of formal legal entitlements as a central component.

The process surrounding the selection of the indicators further emphasised some of these elements, and the measurement imperative significantly constrained the ambition of the indicators, leaving out many important aspects brought up by CSOs, such as people's perceptions of the security of their tenure rights and problems related to land-grabbing and displacement. As a result, the indicators departed from the BPfA-aligned target and moved closer towards a more 'smart economics' approach to women's economic empowerment.

In analysing the differences between the processes that surrounded the development of the targets and the indicators and exposing who spearheaded the negotiations in each case—diplomats and government representatives in the

former, UN Agencies and NSO staff in the latter—this chapter touches upon another guiding question, which is what types of expertise were valued and whose voices carried more weight in the technical discussions on how to measure progress under the UN Agenda 2030. In turn, in Chapter 5, I added another layer of complexity to this story by exploring the involvement of women’s organisations in these negotiations. By carefully investigating the Women’s Major Group working dynamic and their engagement with the SDG process, I showed the structural difficulties that the group faced when trying to participate and influence the indicator framework, which include, among others, lack of resources, language barriers, and insufficiently inclusive consultative processes. Consequently, it is unsurprising that the final language does not reflect many of the most pressing concerns raised by women’s organisations regarding economic empowerment, including about the role of law. As mentioned above, concerns over the importance of assessing people’s (and especially women’s) perceptions of security of their tenure rights and issues related to land-grabbing were systematically ignored. While many factors contributed to the *de facto* sidelining of women’s organisations and the dismissal of their perspectives throughout this process, I demonstrated that, in line with the findings from Chapter 3, the turn to indicators (and the prioritisation of a given type of ‘technical’ expertise that it entails) played an instrumental role in this dynamic.

Part II as a whole underscores that the understanding of women’s economic empowerment embedded in SDG 5 and its indicators does not surpass previous conceptualisations of the issue. This is partly due to the necessity of translating the goals into measurable targets and indicators, and partly due to the limited

influence of women's organisations in these decisions. Conversely, the indicator framework was envisioned as the solution to ensure government accountability and commitment to a non-legally binding framework: Thus, the loss of ambition could be considered the price to pay in exchange for ensuring compliance. **Part III** of the thesis investigates this hypothesis, exploring empirically the national-level effects of SDG 5 in relation to women's economic empowerment through studying the case of Argentina to draw key lessons from its context.

In **Chapter 6**, I studied how SDG 5 was mainstreamed into government practice in the area of women's economic empowerment. Through a detailed exploration of the implementation of SDG 5 between 2015 and 2021 in Argentina, I concluded that the framework had underwhelming effects on the design and implementation of the gender agenda in the country and as such, had not been very helpful in expanding the women's economic empowerment agenda beyond the limits established by the government. On the one hand, between 2015 and 2019, during Macri's presidency, the women's economic empowerment agenda was shaped essentially by the 'smart economics' approach and, while the pressure exerted by women internally and externally led to the selection of Target 5.4 on unpaid care work as one of the priority targets for the government under SDG 5, this did not translate into tangible changes in the political orientation of the government or their agenda. Moreover, the most relevant dynamic that can be observed in this period is the 'massaging of data' to give the illusion of government efforts in the area of care policies, even in a context in which key (and pre-existing) social programmes were suffering budget cuts.

On the other, during Fernández's administration, the women's economic empowerment agenda gained momentum and expanded significantly. However, this positive turn cannot be attributed to the UN Agenda 2030, but to the increased importance and pressure of the feminist movement and the willingness of the government in office to take some of their demands forward. Nonetheless, my research suggests that, in some cases, feminists leveraged the instrument and used it to support their own goals: In particular, the 'spirit of the SDGs' was useful for them to gain support and attract funding to local priorities, including in the area of women's economic empowerment. This gestures towards a different kind of governance effect, that although it might be difficult to observe or measure, it can still play an important role under certain circumstances and as such, it should be recognised.

Lastly, **Chapter 7** discusses to what extent the UN Agenda 2030 has been a suitable mechanism for conveying the demands of Argentinian women's organisations concerning economic empowerment and for holding their government accountable for the progress made in that regard, or the lack thereof. By comparing how demands for legal reform in the area of GBV in the world of work and women's access to land are addressed in Argentina's first VNR and fourth report to the CESCR, I conclude that the UN Agenda 2030 has not been a productive space for funnelling women's demands in the area of economic empowerment.

In exploring the causes behind these differences, I concluded that two substantive dimensions set these processes apart: The space and role granted

to civil society and the degree to which these reporting processes are underpinned by robust accountability frameworks. In particular, I found that civil society cannot use the UN Agenda 2030 reporting mechanism to convey their demands nor to demand answerability from their national government, which points to major flaws in the SDG framework and its monitoring mechanism. Lastly, I offered a reflection on how the rise in the use of indicators as technologies of global governance operated in relation to these processes. I argue that while indicators are useful and necessary tools to monitor progress, they cannot by themselves substitute for a robust accountability process.

By consolidating these findings, my thesis advances our comprehension of how the increased use of indicators as technologies of global governance has shaped understandings of and struggles for women's economic empowerment and the role that the law plays in them. First, I have demonstrated that the turn to indicators has favoured interpretations of women's economic empowerment that privilege easy-to-measure dimensions and, consequently, the existence of formal legal entitlements. This dynamic has tipped the scale towards a 'smart economics approach,' as evidenced by Target 5.a and its indicators. Secondly, I have revealed how the turn to indicators has given more power to inter-governmental organisations (including IFIs) and UN Agencies. They were able to push their priorities and worldviews into the SDG indicator framework, while the voices of women's organisations were largely marginalised in these discussions. As a result, the understanding of women's economic empowerment promoted by Target 5.a and, especially, by its indicators does not accurately reflect the priorities, concerns, and perspectives of a significant portion of the women's

movement(s). Consequently, it projects a more formalistic view of the law, rather than a socio-legal approach that considers the experiences of women in their daily lives and advances a definition of women's economic empowerment that takes us further away from more radical and transformative conceptualisations that challenge the functioning of the economic system and women's roles within it. Finally, I have uncovered how the turn to indicators has led to an understanding of women's economic empowerment within the UN Agenda 2030 that is detached from women's lives and experiences and that has minimal influence on the gender agendas of national governments. As a result, it has limited utility in advancing demands in the area of economic justice for feminists in government and civil society. In the next section, I delve deeper into these arguments.

ii. The main arguments and contributions

Collectively, the primary findings of my thesis weave together to offer a comprehensive and multifaceted portrayal of how the adoption of indicators has redefined our comprehension of women's economic empowerment, its attainment, and the role that the law assumes in this intricate interplay. Within this section, I proceed to take a forward stride by delving deeper into the principal arguments that have surfaced through my research, as well as highlighting the pivotal contributions stemming from them.

a. The perfect storm: The turn to law meets the turn to indicators.

In this thesis, I have discussed how the turn to the law that characterised development practice in the 1990s (what Trubek and Santos have called 'the third

moment of Law and Development') impacted on the field of Gender and Development. In particular, I have shown that while earlier conceptualisations of women's economic empowerment did not assign a central role to legal reform as a solution to gender inequalities in the economy, the situation changed with the emergence of the 'women's rights are human rights' discourse. Since then, the law has gained prominence as a primary channel for achieving women's economic empowerment.

In essence, I have revealed how the prioritisation of legal dimensions in conversations about gender and development came at the expense of displacing discussions on economic justice. This shift stands in contrast to the radical approaches to women's economic empowerment predominant on the global stage in the 1980s, which considered gender inequalities in the economy as symptomatic of an unjust economic system. Conversely, the 1990s introduced a sanitised rendition of women's economic oppression, severing explicit ties with capitalism and endorsing simplistic remedies for structural inequalities. In essence, capitalism ceased to be perceived as a fundamental part of the predicament, instead being portrayed as a constituent of the solution.

Simultaneously, I have demonstrated how the turn to indicators has contributed to the prioritisation of dimensions that are deemed 'more readily measurable,' over those of critical importance. In this scenario, unsurprisingly, the presence of formal legal entitlements has emerged as a central facet in many gender indicators. This dynamic is rooted in the premise that specific interventions invariably yield particular outcomes. In other words, quantifying the existence of

formal rights presents a less intricate (and, sometimes more importantly, a less costly) endeavour than gauging the effective enjoyment of those rights.

While these two findings—namely, the displacement of discussions on economic justice within the gender and development sphere due to the emphasis on the law, and the bias towards legal reform as a means of achieving women’s economic empowerment through the turn to indicators—hold intrinsic significance, it is by bringing them together where my thesis produces the most valuable insights. Notably, I have illustrated through several key indicators, including those linked to Target 5.a, how this synthesis pushes us towards a particular understanding of women’s economic empowerment in which the existence of formal legal entitlements plays a central role, displacing, in many cases, the experiences, priorities, and demands of women.

At a theoretical level, my thesis has made significant contributions towards bridging critical gaps within academic literature. On the one hand, as I have argued in the introduction of the thesis and in Chapter 2, the interplay between the disciplinary fields of Gender, Law, and Development have been insufficiently studied in academic literature. By exploring the evolution of ideas on women’s economic empowerment and the role that the law plays in them inside and around the UN, I have unveiled novel insights about the interconnections across these different disciplines that are invisible to those studying similar phenomena in isolation. In essence, I have demonstrated how the turn to law has yielded substantial implications in shaping dialogues that intersect gender and development, specifically within the realm of women’s economic empowerment.

This emphasis has led to the displacement of dialogues concerning economic justice and global inequalities, instead favouring solutions rooted in legal mechanisms at the national level.

Likewise, my thesis also contributes to extend our understanding of a phenomenon that, despite its growing significance, has remained inadequately explored: the intricate interplay between indicators and the law across varying levels. While other researchers have made important contributions through investigating the emergence and use of legal indicators, my study takes a novel approach by looking at the legal underpinnings of gender indicators instead. Specifically, my thesis advances our understanding of how the turn to indicators as technologies of global governance can amplify the pursuit of legal reform as an indicator of progress, and delves into the implications of such a trajectory.

b. Re-politicising technical discussions on Gender and Development:

Who counts?

In Chapter 5, I brought to light that despite the significant enhancements introduced with the MGS, the UN still has a long way to go to ensure the meaningful and substantive participation of civil society in political negotiations. My analysis underscored that the majority of the initiatives implemented have primarily focused on removing formal bureaucratic barriers, while political, social, or economic obstacles remain unaddressed.

Nonetheless, the ‘rendering technical’ of development discussions (including those on gender equality and women’s economic empowerment) adds another

layer of complexity to these discussions that frequently goes unnoticed. This development has engendered an environment rife with challenges, particularly for those who are not perceived to possess the 'right' form of expertise. Let me briefly unpack what have been the implications for gender experts within both governance institutions and civil society.

For the gender experts within global governance institutions, the shift towards technical discussions has afforded them a certain degree of influence, as seen in the case of UN Women. However, this relative authority is heavily contingent on their ability to continue speaking the same technical language as their counterparts. Conversely, gender experts operating within civil society have encountered a distinct yet adverse outcome due to the transition from 'political' to 'technical' conversations. While CSOs are often perceived as engaged in straightforward 'activism' and many member states harbour reservations about their intentions, their contributions and expertise have been increasingly recognised and valued in UN negotiations, as evidenced throughout the OWG process. In essence, the fact that they were overtly advocating for a cause was seen as still compatible with providing valuable insight and evidence-based inputs into the negotiation. Nonetheless, this was not the case in the technical negotiations around the indicators. I have already discussed elsewhere how the technical nature of the discussion required them to quickly learn not only about statistics but also how to deal with statisticians. However, even those who successfully surfed this learning curve, often found themselves unable to significantly influence these negotiations. This is partly due to a misalignment between the attributes prized by women's rights organisations for an indicator

and those considered fundamental by statisticians for a 'good' indicator. Within this arena dominated by expertise and entrenched data paradigms, women's organisations have found themselves struggling to shape these deliberations.

c. The future of gender and development: On accountability process and indicator frameworks

Empirically, my thesis is the first study focused on exploring the governance effects of SDG 5 on women's economic empowerment at a national level that clearly exposes the potential and limitations of this as a tool for expanding gender agendas. The insights drawn from the case study conducted in Argentina uncover the underwhelming governance effects of SDG 5. Consequently, at a practical level, the instrument holds limited utility for feminists working within government to substantively expand official women's economic empowerment agendas.

Nonetheless, my investigation also indicates that certain circumstances can allow feminists to leverage the framework. For example, under conditions where gender holds sway in governmental strategy and gender experts wield genuine decision-making authority, this framework can be harnessed to specific ends—such as securing external funding.

Likewise, I found that the UN Agenda 2030 and its follow-up process do not serve as an appropriate platform for funnelling women's demands related to women's economic empowerment nor to hold their government accountable for the lack of progress in the area. In exploring this issue, I found that part of the explanation is related to the inadequacies of the follow-up process related to this framework.

On the one hand, the absence of a transparent, well-established, and inclusive process prevents civil society from substantially engaging in it. Hence, the reporting tends to transform into a unilateral exercise wherein only successes are accounted for. On the other, I have demonstrated that the reporting process is not underpinned by a true accountability framework: Governments retain the authority to determine the timing and scope of their reports, leaving minimal room for oversight, challenge, or identification of gaps and deficiencies.

Lastly, my research suggests that while the implementation indicator-based monitoring was envisaged as a potential mechanism to overcome some of the limitations and challenges in enforcing the framework, in practice, its disconnection from a proper follow-up process have had the opposite effect. In short, instead of pushing governments to collect new data to provide evidence of the progress made under all targets, it has provided governments with a pretext to sidestep accountability. Concretely, governments can simply choose not to report on the progress made on certain goals or targets arguing lack of data, without being shamed about these omissions. In essence, my research underscores that while indicators have an important role to play in monitoring, they cannot by themselves be a replacement for a proper and robust accountability process.

While others before me have highlighted the limitations and areas of concern of the UN Agenda 2030 follow-up process, my thesis contributes to strengthen those claims, by reaching similar results through alternative routes. More importantly, I hope that my comparison between the UN Agenda 2030 and the CESCRC may

not only illuminate the shortcomings of the former but also offer insights into the valuable lessons that can be gleaned from the latter.

iii. Future directions

While my thesis makes significant strides in addressing numerous knowledge gaps, especially at the crossroads of disciplinary domains where issues often elude comprehensive exploration, it is essential to emphasise that my intention is not to settle any of the ongoing debates encapsulated within my research. On the contrary, it is my hope that this work inspires new questions among my readers, and maybe, some of them, are aligned with the future directions that I identify in the following paragraphs.

First and foremost, I find surprising that for the significant amount of research that focuses on the UN Agenda 2030, the IAEG-SDG has received so little attention, especially when juxtaposed with other parts of the processes (such as the OWG or the HLPF). Only a handful of academic works have been dedicated to unravelling the dynamics of this group. While my thesis takes a significant stride in unveiling certain details of the working dynamics within this group, there is a need for further efforts to fully comprehend the power dynamics that influence technical negotiations and the roles played by diverse stakeholders.

Some of the questions that I have asked myself during this investigation and that I could not find an answer to relate to power relations among members (i.e., NSOs staff), among custodian agencies (especially between UN agencies and IFIs), and among CSOs (in particular, whether big and well-resourced

international NGOs were recognised as technical experts). As the IAEG-SDG continues to operate to this date, it also provides a fascinating ground to explore whether this process has changed or evolved in any way in the past years and what motivated it. Lastly, I believe that an in-depth study of the workings of this group can significantly advance our understanding of the multiple, overlapping, and complex variables that underpin the development of an indicator framework of this size and scope.

Similarly, much of the research in the field of indicators as technologies of global governance, including my own thesis, have focused on critically exploring the consequences of the phenomenon. Yet, I believe that more efforts are needed in order to creatively discuss what lies ahead. Certainly, most of us, do not promote the idea that indicators are *per se* bad or unnecessary, but many of us have concerns about how indicators are being currently developed and used. In particular, I have taken issue here with the power that they confer to those who produce them. In exposing the way in which this happens, I expect to contribute to the bigger project of re-politicising and de-mystifying statistics. I see this as a first step towards what I believe should be the ultimate goal: A future in which monitoring frameworks are developed in participatory, co-creative, and bottom-up processes, in which the voices, experiences, and expertise of different types of stakeholders are heard and valued.

Lastly, during one of the side-events I attended at the 2022 HLPF, one of the feminist activists there mentioned that she was worried that the VNRs were 'crowding-out' government efforts in reporting to the OHCHR. I followed-up with

her later, and she mentioned that, for instance, Egypt had a CEDAW review due in 2014 and postponed it until 2021. Meanwhile, the country reported twice to the HLPF. The fact that there is 'nothing to lose' by reporting to the HLPF (as I exposed in Chapter 7, no government is held accountable for their progress or lack thereof in this process) might explain this behaviour. In any case, I believe that is worth exploring whether this phenomenon is more wide-spread and delving into the reasons for this approach. This is also in line with the scope and limitations of my case study that I identified in Chapter 1. While I believe that my findings are strong and very telling of the governance effects of the framework, carrying out similar studies in countries in which the UN has more weight in the political agenda would add new dimensions to my study. In particular, it would enable us to further refine the findings and identify more clearly under which circumstances the governance effects of SDG 5 are stronger or weaker.

Methodologically, I trust that my research also contributes to showcasing how a trans-disciplinary and multi-methods approach can facilitate the development of a more comprehensive and multifaceted understanding of certain processes or phenomena. Additionally, it sheds light on what I perceive to be a wealth of untapped and valuable sources of information. Other than my thesis, I have encountered only a set of academic papers written in English (by Barbara Sutton and Elizabeth Borland) that employ the *Encuentros Nacionales de Mujeres* to understand the evolution of key demands, priorities, or in their case, framings that emerged within the women's movement(s). In the introduction of my thesis, I underscored the exceptional informational value inherent in these documents and archives. It is my aspiration that my research inspires others to incorporate these

resources into their scholarly examinations of the women's movement, recognising the distinct potential they offer.

Before finishing, and since I locate my research (and myself as a researcher) at the intersection of academia and advocacy, I wish to elaborate as well on some future directions in the area of policy. On the one hand, I have demonstrated that despite the improvements introduced by the MGS in terms of reducing the bureaucratic barriers that NGOs face when trying to engage in the UN processes and the numerous measures implemented by the WMG to overcome some of the limitations of this framework and increase diversity among participants, important political, social, and economic barriers prevailed, complicating (if not completely preventing) the involvement of some under-resourced groups (in particular, grassroots organisations and social movements). Hence, if improving the inclusivity and accessibility of UN processes to civil society is desired, it is necessary to reconsider the MGS. While others before me have pointed to this issue, I hope that my study of the Women's Major Group contributes to make visible how the group has developed effective ways of self-organising derived directly from their feminist values. I believe that the WMG's experiences can offer valuable lessons on possible avenues for improving the MGS, clearly identifying what can be achieved from improving the internal organisation of the groups and what needs to be addressed at a structural level.

In addition to this, while this thesis contributes to reveal the limitations of the current framework for regulating civil society, it also highlights the need to further study the topic to develop the necessary tools to fully evaluate the functioning of

the MGS and improve its design and implementation. In particular, one key issue that remains undertheorised and that merits further exploration is the extent to which the access of civil society to intergovernmental processes is correlated with influence.

Lastly, I believe that more research is needed to explore what makes an accountability system robust, and what role should indicators play in them. As a first step, acknowledging that indicators are not objective nor neutral and that those who produce them have power are good and necessary starting points to re-politicise them and recognise that discussions over indicator frameworks should be part of public debate instead of being blindly trusted to ‘the experts.’ As 2030 quickly approaches and we will soon be confronted with the question of what comes after the SDGs, reflecting on what worked and what did not work becomes a crucial exercise. Although the UN Agenda 2030 was without a doubt an improvement from the MDG framework on many fronts, including the way it dealt with women’s economic empowerment and the role that women’s organisations played in their development—I believe that my research pointed to major flaws in the current instrument: namely, the loosely defined role for civil society, and the weak follow-up process. By drawing from the experience of the CESCER follow-up process, my thesis offers some initial suggestions on the way forward. However, further efforts are needed to understand how to improve these aspects in a politically feasible way.

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