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Fiona Mackay and Elizabeth Meehan with Tahyna Donaghy and Paul Chaney

Award holders: Dr Fiona Mackay (principal investigator); Prof Elizabeth Meehan; and Prof Alice Brown (until her appointment as Scottish Public Services Ombudsman)

Research team: Dr Tahnya Donaghy, QUB (research assistant) now Hawke Institute, University of South Australia; Dr Paul Chaney, University of Aberystwyth (consultant collaborator); Ann Henderson, University of Edinburgh (research assistant) now Scottish Parliament; Haf Elgar, University of Edinburgh (consultant) now European Parliament; Gina Inglis, QUB (administrator). We also acknowledge the support of Prof Yvonne Galligan of the Centre for the Advancement of Women in Politics, QUB; and Bronagh Hinds, Senior Research Fellow at the Institute of Governance, QUB

Background

This project examined two issues under the theme of gender and constitutional change. First it evaluated the strategies used by women activists to place gender concerns onto the devolution reform agendas within Scotland, Northern Ireland and Wales. Second, it analysed the impact of constitutional change and the new devolved institutions on women, their political roles and identities, and gender relations.

The British state has undergone a dramatic transformation since the Labour victory of 1997. The devolution experiment has been characterised by a number of features, most notably the speed with which the restructuring has been effected and the asymmetry of the settlements in respect of features such as electoral systems, number of elected representatives, committee systems, model of government and legislative powers.\(^1\) Another defining – but under-reported - feature of this reconfiguration of the political landscape has been the historic shift that has occurred in terms of the gendered distribution of political power.

Although women’s lives have been equally regulated by politics as have men’s, they have not equally shared political power or influence. In international terms the UK record of female political representation has been relatively poor. Within the UK, the Celtic fringe of Scotland, Wales and Northern Ireland has been poorer still.\(^2\) However women have an unprecedented voice and place in the new devolved institutions. Scotland and Wales rank amongst world leaders in terms of their proportions of women elected members (37% and 42% respectively) and far outstrip the 18 % female presence at Westminster. In the case of Northern Ireland, although women make up a relatively modest 14% of Assembly members, this represents a considerable improvement upon past records in the Province. These high levels of women’s representation are not a ‘natural’ or inevitable outcome of devolution rather they are the result of determined action by different alliances of women in the three jurisdictions.

It is striking how seldom standard accounts of institutional reform and constitution building focus upon gender dimensions. However we argue that

\(^1\) For a detailed discussion of devolution ‘in the round’ across the UK, including the impact of the centre, see the Constitution Unit edited collections, Hazell (2000) and Trench (2001). A useful summary of the different settlements can be found in Hazell pp.3-5.

\(^2\) See Russell, Mackay and McAllister (2002)
issues of gender – and women activists - have played a significant role in the
very different processes of constitutional reform in Scotland, Wales and Northern
Ireland and Wales in the 1990s.

The origins and dynamics of women’s involvement differ across jurisdiction. In
Scotland women managed successfully, although not unproblematically, to
engender debates about the shape and form of constitutional change over a
period of ten years or so and to entrench themselves visibly as actors in the
reform process. In Northern Ireland the concern to end violent conflict was the
primary motivating factor for the most powerful players and it was only at the
last stage of the process that women were able to effectively intervene in debates
and promote broader ideas of inclusion into political dialogue. In Wales,
opportunities were constrained by the relative lack of public and political debate
on constitutional reform and the prevailing ambivalence about the devolution
project but nevertheless women were able to press for significant concrete gains.
In all three places, the prospects of devolution sparked off debates about
democracy and representation and demands for new, more inclusive,
constitutional arrangements and institutions. In this context, the fair
representation of women became a powerful symbol or shorthand for the new
sort of politics to which many campaigners aspired: a move away from the old
‘command and control’ model to more fluid models which promote wider
participation and inclusion.3

In exploring the question of women’s representation and whether devolved
institutions can alter traditional patterns of politics and policy-making we
distinguish between three different meanings of political representation. First we
use symbolic (or descriptive) representation to denote the presence of women as
elected members of parliaments and assemblies. Second, substantive
representation is used with regard to the opportunities for the concerns and
interests of women to be heard and taken into account in the policy-making
process. Third, we employ the idea of discursive representation to explore the
extent to which ideas of ‘new politics’ and ‘inclusion’ may be considered to
constitute a regendering of traditional concepts of politics and the polity.4

Objectives

Aim: To analyse and understand the specific gender dimension of the processes
dynamics of constitutional change, exploring the ongoing interaction between
gender relations, new political agendas and institutions in the devolved nations of
the UK.

Objectives:
1. To identify the strategies used by women activists to place gender within the
political agenda of constitutional reform in Scotland, Northern Ireland and Wales

2. To assess how far the working and consequences of new electoral systems,
recruitment and selection procedures and specific mechanisms have improved the
political representation of women

3. To evaluate the extent to which the political process has become more open to
women in terms of:

3 The links between gender and shifts in governance are underdeveloped in the literature and will be a future
research priority.

4 The masculinist underpinnings of politics and concepts such as authority are explored by, for example, Jones
(1993)
• **Symbolic representation** (political representation of women in the new elected bodies)
• **Substantive representation** (women’s engagement in public policy-making through inclusive mechanisms such as consultative fora and mainstreaming strategies) and
• **Discursive representation** (the engendering of ideas of an inclusive ‘new politics’ post-devolution)

4. To contribute to wider theoretical debates surrounding constitutional change, democratic participation and representation.

**Methods**

The project explored the impact of this agenda for change in three phases: (i) how women entered political debates and influenced processes of constitutional change in Scotland, Northern Ireland and Wales; (ii) what impact post 1999 structures, institutions and practices have had on women and women’s political roles; and (iii) what lessons can be drawn from UK experience and transferred to other contexts.

The research techniques employed were largely qualitative and were designed to meet the different research questions, objectives and tasks in each phase of the project. They included

*initial phase:*

- Survey and analysis of relevant documentation including: records kept by the Scottish Women’s Co-ordination Group and the Women’s Coalition in Northern Ireland and other groups in Scotland, Northern Ireland and Wales involved in the campaign for constitutional reform; submissions, reports and working papers from statutory equality agencies and other relevant groups on electoral systems, recruitment and selection procedures, institutional design and equality machinery and mechanisms; internal party political briefing papers, motions and policy documents relating to recruitment and selection procedures; reports of the Scottish Constitutional Convention, the CSG (Scotland), NAAG (Wales) and the Northern Ireland Forum; the Scotland Act, the Wales Act and the Northern Ireland Peace Agreement; together with relevant press commentary. These were used to construct a detailed narrative of the stories of women and devolution and to assess the role of feminist ideas in the drawing-up of institutional blueprints in the three jurisdictions.

- A literature search relating to the pre-devolution period and key works identified on the women’s movement and devolution in Scotland, Northern Ireland and Wales and other relevant materials in order to establish the characteristics and trajectories of women’s movement/s in the three places and their levels of constitutional activism.

- In-depth semi-structured interviews with 25 key informants each (female and male) in NI, Scotland and Wales involved in debating and shaping the new structures (including politicians, civil servants, party activists, academics, trade unionists, advocates from equality agencies and women’s organisations). Interviewees were all identifiable actors in the process. Interview schedules were tailored to the different ‘types’ of interviewee although, in reality, many individuals cut across a number of categories. Interviewees were asked to recount their own/their organisation’s role in the constitutional change process, their motivations for participating and
their expectations of outcome, their assessment of the influence of women and of feminist ideas in the key debates/arenas, and their thoughts on ‘new politics’. Semi-structured interviews were conducted which lasted between one and one-and-a-half hours and were taped and transcribed. A coding frame was developed to enable identification of themes from the interview material. The QSR (NuDIST) qualitative data package was used for data entry and coding.

- Early in the research process, workshops were held in NI and Scotland with women’s organisations, party and trade union activists, equality agencies and other relevant actors for the purpose of enabling user-input into the project in terms of both identification of key themes and of useful practical outcomes.

**second phase:**

- A further 25 in-depth semi structured interviews each in Scotland, NI and Wales with politicians and civil servants, party activists, equality agencies, representatives from women’s organisations, journalists and commentators were carried out. These were supplemented with recall interviews and updated briefings. All data were entered using QSR (NuDIST). Semi-structured interview schedules were designed to elicit experience and perceptions of post-devolution developments around a number of themes including mainstreaming and consultation. As in the first phase, the interviewees were recognisable key informants and established activists. The purpose was to tap the post-devolution experiences of established key activists and commentators, rather than to assess the experiences of a representative sample of civil society. In addition, the project also shared interview data with concurrent ESRC-funded projects (Mackay, Myers and Brown’s study of women in the Scottish Parliament ROO223281 and Chaney and Fevre’s study of Welsh civil society)

- Relevant official documents such as programmes for government, progress reports, strategy documents and working papers were surveyed and analysed along with selected parliamentary/assembly committee reports; extracts from the Official Record and briefing papers relating to the development of equality ‘mainstreaming’, ‘women’s agenda’ and consultation. A survey and analysis was conducted of reports, briefings and research papers from statutory equality bodies and women’s sector organisations. These were used in a number of ways: first, to construct chronologies of developments in our key areas of mainstreaming and consultation; Second, to draw out emerging themes and assist analysis of developments; third, to assess the extent to which gender and equality issues have been integrated in mainstream policy areas through raw counts of key words and more detailed qualitative analysis.

Keywords have been identified in documents and transcripts (such as ‘new politics’ ‘participation’ ‘inclusion’ and so on) using NUDIST and the contextual material around the keywords has been analysed and relationships explored, however this work is at a preliminary stage.

Two further dissemination workshops were held with relevant users to discuss preliminary findings and obtain feedback (and a third is planned).
Results

The run-up to devolution

General Findings:

- Women activists in all three jurisdictions mobilised to place gender within reform agendas, to promote women’s political representation and to influence the process and form of constitutional change. The pressure exerted by women campaigners for gender concerns to be integrated into the design of new assemblies and parliaments was grounded not only in the belief that women’s political representation mattered, but also in the understanding that institutions mattered and that it was important to get women and women’s ideas in at the start.

- Women’s agency has been significant in shaping constitutional reform agendas and emerging institutions in Scotland, Northern Ireland Wales. However, the opportunities, experiences and outcomes have been shaped by very different political conditions in terms of political contexts, the patterns of women’s political activism, the stances of political parties, and the process and form of the devolution process.

- To varying degrees, women activists succeeded in ‘gendering’ mainstream debates about political representation, democratic renewal and ‘new’ or ‘inclusive’ politics. The founding ‘blueprints’ of the new institutions contain important commitments or statements in respect of women’s representation and mechanisms that institutionalise women’s access to the policy process.

Country-by-country focus:

In Scotland: Determined not be excluded ‘this time round’, Scottish women from different backgrounds and organisations, including grassroots women’s groups, trade unions, feminist academics and political parties, formed a broad coalition to campaign for ‘50: 50’ equality of representation in the Scottish parliament. At each stage of the long campaign and throughout the ten years of the Scottish Constitutional Convention women, with the support of some men, successfully intervened in the process to make specific claims about women’s representation and to gender wider campaigns to redress the so-called ‘democratic deficit’ and promote the case for greater democratic participation and ‘new politics’. Using the institutional, political and discursive opportunities presented by the reform process, they worked to build a public and political consensus around the key aims of improving representation of women in political office (symbolic representation) and institutionalising gender concerns in a new Scottish Parliament through policy machinery and channels for consultation and participation (substantive representation). They used lessons from other countries in Europe and elsewhere first, to expose Scotland and the UK’s poor international record, and second, to assess the implications of different electoral systems for women’s representation and to tailor positive action measures to the

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5 The Scottish Constitutional Convention was an unofficial body established by key groups in civil society together with some political parties, which debated and considered potential blueprints for a Scottish parliament including electoral systems. From an early stage women members of the SCC and their activist networks ensured that gender equality was taken into consideration at each stage of the design process. Many of the recommendations of the SCC were adopted by the incoming Labour government in 1997 in its White Paper Scotland’s Parliament. See Brown et al., 1998.
AMS system eventually proposed for Scotland. Political parties were pressed to adopt the principle of gender balance in their candidate selection procedures and told what they would need to do in order to improve their performance. So, for example, ‘twinning’ was designed for parties such as Labour who would win most of its seats through the FPTP constituency contests and ‘zipping’ was advocated for parties whose strength lay in the List vote. They also lobbied for a role in shaping a ‘women-friendly’ parliament and politics in order to counteract the traditional masculinist biases of political institutions and the prevailing gladiatorial political culture (discursive representation). It came to be expected that the so-called ‘new politics’ that was to be realized through devolution would mean nothing if it did not address the gender question.

As a result of intensive campaigning by women’s organisations and women activists within parties on ‘50/50’, three of the four main political parties made commitments to take steps to improve gender balance, through improvements in selection and recruitment procedures, ‘soft’ positive action measures such as balanced short-lists, and quota-type measures such as the ‘twinning’ of constituencies or the alternation of male and female candidates on regional lists. In the final event, the Labour Party was alone in introducing official quota measures in the form of ‘twinning’, when proposals for positive action failed to find sufficient support from the membership of the SNP and the Liberal Democrats. However a ‘contagion’ effect could be discerned in the case of the SNP who, faced with the prospect of unfavourable comparisons with their main electoral rival Labour, used unofficial positive action in terms of encouraging the placement of women in favourable positions on their regional lists. The results of the election are shown in Table 1 (Appendix A) and demonstrate the significant gains made in the symbolic representation of women. In addition, the institutional ‘blueprints’ of the parliament contained important statements and mechanisms for promoting the enhanced participation and influence of women in policy development (substantive representation). Women working through the

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6 Under AMS, 73 of the 129 MSPs are elected from constituencies. The remaining 56 members - the ‘additional members’ - are selected from eight regional party lists (based upon the former European Parliament constituencies). Voters cast their first vote for a constituency MP and their second vote for a political party of their choice. Votes for constituency MSPs are counted on a first-past-the-post basis. Additional Seats (also known as ‘top-up’ seats or List seats) are then allocated correctively to reflect the percentage of votes received by political parties. The system is similar to those used in Germany and New Zealand.

7 Under this scheme, constituencies are matched as far as possible in terms of a variety of indicators, including winnability. Both men and women could stand for selection for a pair of constituencies. The mechanism was devised by Labour women activists and academics as a way around any possible legal challenge to positive action in the aftermath of an earlier Industrial Tribunal ruling in England that the Labour Party’s policy of all-women shortlists prior to the 1997 General Election contravened the Sex Discrimination Act. Under twinning, the woman applicant with the highest number of votes was selected as the Labour candidate for one of the twinned seats, at the same time as the man with the highest number of votes was selected for the other. Women Labour party activists, bolstered by detailed analysis and the vocal groundswell of support from women’s organisations, applied sustained pressure to get ‘twinning’ accepted by the Scottish leadership and then endorsed by the UK leadership.

8 New politics is a broad and rather vague term but may be summarised in the four key principles of the parliament (the CSG key principles): the sharing of power, accountability, access and participation, and equal opportunities. For discussion of ‘new politics’ see for example Mitchell 2000, Brown 2000 and Sloat 2002). Women introduced a gender perspective to ‘new politics’ debates and, in the process, transformed them. They claimed that women in Scotland suffered from a ‘double democratic deficit’ on the grounds that as Scots they were governed by a party which they did not support; and, as women, they were relatively excluded from decision-making positions within Scottish and UK political parties and were poorly represented in elected office. Women argued that it was not enough to achieve a Scottish Parliament if it reproduced the gender inequalities and exclusions so evident at Westminster. Not only would the equal presence of women contribute to a parliament of all talents, gender balance would provide a powerful and visible symbol of a modern, relevant and democratic Scotland. They further argued that if the new institution was to realise its vision of radical difference, women needed to play their part in shaping the parliamentary blueprints.

SCC, women’s organisations and the Equal Opportunities Commission all played a role as did women members of the Consultative Steering Group on the Scottish parliament (CSG), the body established in 1998 to advise on standing orders and procedures. The key features of the post devolution settlement are summarised below:

- Women are 37 percent of MSPs in the Scottish Parliament
- Women are about a third of cabinet ministers and a third of conveners of parliamentary committees
- ‘Family friendly’ working hours are observed in the parliament which also recognises Scottish school holidays. It is proposed that the new parliament building, when completed, will have a visitors’ crèche.
- A cross-party Parliamentary Group on Women has been established, serviced by the Equal Opportunities Commission
- Access, consultation and participation are key principles of the parliament and government. Examples of this include the Scottish Civic Forum set up by the Scottish Executive where women constitute 30% of Council members; the Women in Scotland Consultative Forum; and the Parliamentary Public Petitions Committee.
- An Equal Opportunities Committee has been established in the Parliament and an Equality Unit has been set up within the Scottish Executive.
- Equal opportunities is a key principle of the parliament and a stated priority of the government. Both are committed to ‘mainstreaming’ equality – including gender equality - across all their areas of work including legislation and policy-making.
- The Scottish Parliament has the power to encourage equal opportunities and to impose duties on public bodies to ensure they have due regard to equality legislation.
- Memoranda accompanying executive bills must include an equal opportunities impact statement.

In Wales: Matters were complicated by the general indifference of many sections of civil society to the devolution project, the weak infrastructure of the women’s movement and the insular nature of the Welsh Labour Party which prevented the development of important spaces for civil society and cross-party debate and dialogue such as the Scottish Constitutional Convention. However against this rather unpromising backdrop, a small group of influential women activists – gender experts, femocrats, politicians and trade union officials - did manage to insert themselves and concerns about gender equality into political dialogue. In a process that mirrored the top-down character of the general reform project in Wales, these ‘strategic women’ staked a claim for women and promoted measures for their improved symbolic and substantive representation. They were

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10 Women members of the CSG were instrumental in the promotion of equal opportunities as one of the key principles of the CSG, which were adopted by the Scottish Parliament and the Scottish Executive. However interviewees stress that the consensus that had built up around the gender question, as a result of sustained debate and campaigning, meant there was widespread support from other CSG members. Civil servants, who had not been party to any of the previous discussions were alone in their initial scepticism.

11 Interestingly, our research discovered that the Petitions process was relatively underused by women and women’s organisations in the first two years of the parliament. This had gone unnoticed because equal opportunities monitoring did not take place. A briefing was prepared for the Committee and this, together with the subsequent recommendations of the Civic Forum’s (2002) Audit of Democratic Participation, has prompted subsequent committee proposals for reforms.

12 A separate Equal Opportunities Unit dealing with internal employment issues predated devolution but has since been strengthened to deliver a series of diversity targets.

13 The power to legislate to prohibit discrimination and to regulate equal opportunities is reserved to the UK parliament. However lobbying by statutory equality agencies, equality groups and women activists resulted in the insertion of ‘exceptions’ to the reservation in the Scotland Act 1998 in these two respects. See Scotland Act, Schedule 5 Section L.2.
able to take advantage of prevailing ideas of ‘inclusion’ and new politics, which became hallmarks of the campaign as it gathered pace and support. In the absence of a wider grassroots mobilisation, the network took advantage of a short period of intense planning and campaigning between 1997 and 1999 to achieve significant gains. Many of these strategic women held positions of influence in the Labour Party and the Welsh nationalist party, Plaid Cymru and worked within their respective parties to push for positive action to promote women candidates, and to link gender equality with internal programmes of party modernisation and arguments about winning female votes. In the end, both parties operated specific mechanisms to try to achieve gender balance in representation, despite considerable opposition and controversy. They also improved their selection and recruitment procedures for candidates seeking to join the national panels of candidates.

Women as members of NAAG – the counterpart of the CSG in Scotland- tasked with drawing up proposals for standing orders and procedures were also able to press home their claims including the drafting of a legal duty to promote equality of opportunity to be contained in the Government of Wales Act 1998. Ironically, the ‘politics of catch-up’ with Scotland resulted in outcomes that not only caught up but, in many respects, overtook it. As Table 2 (Appendix A) demonstrates, the National Assembly for Wales has one of the highest proportions of female representatives in any national or regional elected body in the world and one of the highest proportions of women in Cabinet.

- Women are 42 percent of AMs in the National Assembly for Wales
- Women are two-thirds of cabinet ministers and 40% of committee conveners
- ‘Family friendly’ working hours are observed in the Assembly which also recognises Welsh school holidays.
- An Equality of Opportunity Committee has been established in the Assembly and an Equality Policy Unit has been set up within the NAW Government
- A statutory equality duty is in place which requires that the Assembly and Assembly sponsored public bodies have ‘due regard' for equal opportunities in all their functions
- NAW is committed to ‘mainstreaming’ equality – including gender equality - across all areas of work and policy-making
- NAW sponsor a National Wales Women’s Coalition as one of four consultative networks with equality groups.

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15 In the absence of a home-grown alternative, ‘twinning’ – the scheme designed in Scotland and reluctantly endorsed by the UK party leadership – was proposed for Wales. The women’s organisation in Welsh Labour was relatively weak and disorganised as compared with their Scottish sisters nevertheless they did maintain pressure for positive action in candidate selection and were able to use unfavourable comparisons with Scotland as a means to press for action. In 1997 a new network - Twin to Win - was formed, comprising senior Labour women officials and politicians together with key male supporters from the modernising wing of the party to lobby Labour members to endorse positive action. The strong centralising and standardising tendency of the Labour Party at UK level had acted initially as an obstacle to Scottish feminist activists trying to press for twinning in Scotland however once it had accepted the twinning proposals it was a powerful ally to feminist Labour activists in Wales in pushing through the policy in a hostile Welsh party context (See Russell, Mackay and McAllister 2002 for further discussion). Eventually the policy was adopted in Wales by the narrowest of margins – and in the teeth of bitter opposition from traditionalists and many trade unions.
16 Most of the ‘strategic women’ involved in the campaign are now in the Assembly and many have a place in the Assembly Cabinet. At the most recent elections in 2003, the proportion of women members of the NAW rose to 50 per cent, the highest in any political representative assembly in the world, See Table 5.
17 Unlike Scotland, this unit combines policy work with equal opportunities in employment issues.
In Northern Ireland: inimical political and institutional constraints prevented the development of the pluralist coalitions possible in Scotland or the possibility of strategic women exerting influence within parties as in Wales. The legacy of divided communities and violence meant there was less space in which women as women in Northern Ireland could mobilise. Nevertheless grassroots women worked across significant divisions in pursuit of the common purpose of playing a part in the shaping of new constitutional settlements. Women had similar motivations to their counterparts in Scotland and Wales. A study of Women and Citizenship in the mid-1990s noted the comment by one women activist in the policy-negotiating system that operated under Direct Rule; ‘if you’re not in, you can’t win’. The Northern Ireland Women’s Coalition, drawing on those community activists, across the sectarian divide, was formed just six weeks before the 1996 elections to the Forum and Multi-Party Talks which would hammer out a new constitutional settlement. The Coalition was formed in response to party indifference to the demands of women to be involved in this reform process. At the subsequent elections they were ranked the ninth most popular party out of 24, which gave them two elected Forum members and a team at the Multi-Party Talks. Overnight they had brought the issue of women’s political representation into the public and political arenas and had attracted international attention.

The Women’s Coalition struggled in the Talks to insert a gender perspective in difficult circumstances. However the Good Friday Agreement, which paved the way for the new Assembly, reflected their contribution in, for example, its declaration of women’s right to participate in political life and its recommendations to establish a Civic Forum. The Coalition also worked with human rights organisations and other equality groupings to broaden the dominant conceptions of equality in Northern Ireland as relating primarily to religion and political allegiance to include gender and other equality groups. The Coalition and other parties such as Sinn Fein and the new Loyalist parties ensured the inclusion of women under the Agreement’s section on Economic, Social and Cultural Issues.

One of the Women’s Coalition calls at the Talks was for an electoral system which, like those used for the Forum and in Scotland and Wales, included an element of an additional member system. This was not achieved and the election results for the first Assembly are, on the face of it, less impressive than those for Scotland and Wales (see Table 3, Appendix A). However, they are a

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18 Women and Citizenship (1995), no named author, written by a collective under the management of the Women’s Resource and Development Agency and funded by the Equal Opportunities Commission NI. Belfast EOCNI

19 By 1995 it had become clear that Northern Ireland’s political landscape was undergoing significant change. The British and Irish governments produced Frameworks for the Future, which outlined important elements of a settlement, including the proposed structures of an Assembly, the establishment of North/South institutions and a reiteration of the principles of the 1991/2 round table talks. Women realised that if they were to be included in the political process, they needed to have their contributions heard in devolution debates. In response to this, women activists – from academia and grassroots women’s sector organisations - sought to develop a strategy for promoting women’s formal political participation in Northern Ireland and their involvement in the proposed Forum and Multi Party talks. Despite support from high profile women and the Northern Ireland Office, it was still regarded as a peripheral issue for Province’s main political actors and decision makers. See Brown et al, 2002, Mackay et al., 2002 and Donaghy 1999.

20 Women faced derisive opposition and the sexualised insults from the Unionist camp. As Ward reports one ‘favoured insult was to moo when Coalition delegates began to speak’. See Ward 2001, p.6. See also Fearon 1999 and Ward 2000.


22 What impact did the creation of a women’s party have on the main parties and their candidate procedures? We have noted that in Scotland and Wales the issue became one upon which the parties felt they might be compared and judged. However in Northern Ireland gender equality did not feature as an electoral issue. In a fractured polity, competition for electoral support exists not between communities but within. Therefore, different approaches to
big advance on elections to the old Stormont, the Westminster Parliament and the European Parliament. Also, a larger proportion of the Northern Ireland Assembly is made up of women than is the case in the Dáil, the proportion of TDs who are women is about 11 per cent.

- Women form 14-15 per cent of Assembly Members, But:
- Women have or had three of the ten departmental ministerial posts.
- Women figure strongly in some Assembly committees: Health, Social Services and Public Safety (45 per cent); and some 27 per cent on Employment and Learning, Enterprise, Trade and Investment and on Public Accounts;
- Women form 37 per cent of the Civic Forum, an institutional manifestation of women’s influence on the shaping of devolution;
- The Assembly operates according to ‘family friendly’ hours (as in Scotland and Wales)
- An Equality Unit has been established in the Office of the First Minister and Deputy First Minister (OFMDFM), although a specialist equality committee has not been created and equality issues come within the remit of the Committee of the Centre.
- All policy and legislation must be ‘equality-proofed.’
- The Northern Ireland Act 1998 created a powerful statutory duty (Section 75) placed upon all public bodies, including government departments, to have due regard to promote equality of opportunity and to draw up equality schemes. A new Northern Ireland Equality Commission (formed from the merger of previously separate equality bodies) is empowered to implement the duty.

**Pre-devolution summary**

- Constitutional reform processes opened up opportunities in Scotland, Wales and Northern Ireland for women to mobilise around the issue of political representation in its broadest sense. Being involved, albeit in different ways, in the design of new electoral systems and new institutions has meant that women activists have played a part in improving symbolic and substantive representation and, arguably, discursive representation. As such, devolution has resulted not only in the renegotiation of powers between centre and sub-state nation or region but also some redistribution of political power between the sexes.

- Considerable progress has been achieved with regard to women’s representation in Scotland and Wales through two means: first, in terms of the high proportions of women MSPs and AMs sitting in the new institutions; and, second through the enhanced opportunities for women’s organisations to represent and promote their ‘interests’ and ‘concerns’ and to participate in policy development. Women therefore have an unprecedented place and a voice in the new politics of Scotland and Wales. These significant achievements are a source of pride and

gender equality policies by Unionist and Nationalist camps were of little electoral consequence, as long as the parties within the different camps were consistent (which was the case). As a consequence there was little electoral incentive for parties to be seen to be promoting gender equality and no special measures or mechanisms were implemented.

23 By promoting institutional features which promote less gladiatorial politics such as horseshoe-shaped chambers, cross-party committees and working groups, and a greater emphasis (in Scotland and Wales at least) upon collaborative modes of working; by the institutional recognition of the interdependence of public and private spheres through the adoption of family-friendly working hours; and by the recognition in all three places of the expertise gained in the ‘politics of everyday life’ through the involvement of women’s organisations and other groups in policy development (see later discussion).
celebration amongst politicians, women activists and other social commentators.\textsuperscript{24} In Northern Ireland devolution has therefore resulted in modest improvements in the symbolic representation of women with the opportunity for significant progress with respect to substantive representation through the creation of new channels of participation and through new equality measures (discussed below). It is also recognised that gains in all three places are \textit{contested and uncertain}.

- Women shared knowledge and experience with other women in Europe and beyond through international activist and academic networks (sometimes networks with considerable overlap of members) around institutional design and strategies for change. In turn, the lessons to be transferred from the experience in Scotland, Northern Ireland and Wales are, first, that the reform of electoral systems and the design of institutions present opportunities but do not guarantee results: resources, agency, congruence with party agendas and luck also play their role.\textsuperscript{25} It is also the case that change in one arena may result in change in another.

\textbf{Post-devolution}

We turn now to examine what impact post 1999 structures, institutions and practices have had on women and women’s political roles. We have noted that there have been significant improvements to the symbolic or descriptive representation of women, especially in Wales and Scotland. We ask to what extent have opportunities opened up for the substantive representation of ‘women’s concerns’? First, we discuss the role and activities of women parliamentarians and assembly members (symbolic and substantive representation); second, we briefly examine policy agendas in Scotland, Wales and Northern Ireland (substantive representation) before moving on to focus upon equality mainstreaming policy and practice in the three administrations (substantive with the promise of discursive representation);\textsuperscript{26} finally, we outline our findings with respect to women activists’ experiences of access and consultation (substantive representation).

\textbf{Women in the new parliament and assemblies}

\textit{Having a critical mass of women parliamentarians has made a difference to what we talk about, what we prioritise, what we do, and it’s made a big difference about how we do it. (female AM, National Assembly for Wales)}

\textit{I expected the Parliament to look different, but it doesn’t. It looks like the rest of life, where women and men are present in roughly equal numbers except when gender segregation is imposed - openly or otherwise – for a special reason. (Sue Innes, activist, writer and academic)}\textsuperscript{27}

\textsuperscript{24} However, the failure to elect any black or minority ethnic representatives is a source of disappointment in Scotland and Wales and is seen as a ‘\textit{wasted opportunity}’.

\textsuperscript{25} In comparing the conditions for women’s political representation in Norway and the UK, Lovenduski notes that whereas Norway had all of the features characteristically favourable to women’s representation (including enabling electoral systems, sympathetic political culture and an effective women’s movement) in contrast, the UK had a range of unfavourable conditions, ‘a simple majority, single member constituency system, a highly fragmented women’s movement and a marked lack of tolerance for equality measures such as quotas or other forms of political action.’(1999:196). It can be argued that the devolution process resulted in the creation of similarly favourable conditions in Scotland.

\textsuperscript{26} Cockburn coined the term ‘women’s concerns’ in preference to (and incorporating elements of) ‘women’s interests’ and ‘women’s needs’ (1996 p.14).

The extent to which political culture within the institutions is different from Westminster as a result of the presence of women [and of equality requirements outlined later] is still an open question. In Scotland and Wales, there is some evidence that it has changed.28

- There is a broad consensus amongst politicians, women activists, equality bodies and commentators that the presence of women political representatives has made at least some ‘difference’ to political practices and political agenda in the Scottish Parliament and the Welsh Assembly although party politics still dominate.

- Woman across party argue they have made a difference – as women across a range of policy areas including domestic violence, sexual offences, women’s and men’s health, childcare, free personal care for the elderly and the repeal of section 2a. They have also brought gender perspectives to work on enterprise, transport, rural development and environment. Females MSPs and AMs perceive that they work differently to men and have been at the forefront of developing constructive working practices in the parliamentary committees and breaking down old patterns of ‘tribal, confrontational politics’.

- In Scotland and, to some extent, Wales there are perceptions that the presence of women has enabled (some) male politicians to ‘do’ politics differently and to become involved in different political issues. For example, the Scottish Parliamentary cross-party group on Men’s Violence against Women is convened by a male MSP from the Scottish National Party. In Wales, one of the key equality champions is a male Conservative AM.

- Scottish activists had very high, perhaps unrealistic, expectations of women politicians. As a result of the 50:50 campaign (see above), women’s organisations shared a sense of achievement at the high proportion of female MSPs elected. They had higher expectations of women parliamentarians than they did of their male counterparts and this led to some early disappointment and disillusionment. Some of the disappointment has been caused by the lack of visible caucusing by women MSPs. However female parliamentarians argue that women within – and across parties – do exchange information and plan strategy on an informal basis, ‘talking in corridors and trains; over coffee and fags’.29 Such disillusionment is less evident in Wales where women’s organisations were less involved in the pre-devolution struggle.30

28 We argue elsewhere that it is difficult to disentangle effects that may be due to the principles and institutional design of the new institutions and effects that may be due to the high proportion of women. We contend that they are mutually reinforcing. See, for example, Mackay, Myers and Brown 2003 forthcoming and findings posted at www.pol.ed.ac.uk/gcc

29 One source of frustration is the parliamentary cross-party group on women was set up early in the life of the parliament. It was envisioned both as a support for women MSPs and as a mechanism of communication between women MSPs and women’s organisations. In practice (and in common with many cross-party groups) it has been poorly-attended by MSPs and has failed to achieve either purpose. Although there is disappointment, support remains for the group. Some female MSPs across party intend to give priority to the development of the group in the next parliamentary session, primarily as a forum to develop and progress a more high profile women’s agenda.

30 In turn some women politicians at Holyrood feel activists fail to understand the practical, political and personal constraints under which they operate such as: heavy workloads and steep learning curves, intense personal scrutiny from a mostly hostile press, and the demands of party discipline and competing loyalties. These concerns are also expressed by some of the women MLAs at Stormont.
It is not clear that anything comparable has happened in Northern Ireland yet. This may arise from the fact that there is no ‘critical mass’ of women in Northern Ireland, as there is in the two devolved administrations on the mainland. Findings about MLAs’ understandings of their role as representatives suggest little difference between women and traditional male parliamentarians - with one exception. Female Assembly Members, like women elsewhere and more often than their male counterparts, see it as their role to bring public attention to unrecognised issues and to provide access for marginalized or excluded voices. However, they are not keen to do so by acting across party boundaries, whereas in Scotland this does happen in an informal way. With respect to male politicians, observations about changed or unchanged behaviour still focus on how the two sides of the sectarian divide treat each other. Indeed, the allocation of committee memberships which seemingly sometimes favour women are sometimes seen by women themselves as based on gender stereotyping or arising from women being given what their male party colleagues did not.

Policy Agendas

While it is too early to reach concrete conclusions about the impact of devolution, much of the thrust of Scottish Executive and Welsh Assembly policies relates to reducing social, economic and health inequalities, eliminating child poverty, improving public services and regenerating local economies and communities- policies which are broadly beneficial to women and their families. Specific gender initiatives include: childcare strategies which enable women to access jobs; education and training; the Close the Gap initiative to tackle the gender pay gap; campaigns to reduce unwanted teenage pregnancies; the promotion of breastfeeding; widening access to sport; women’s micro-credit programmes; work with women offenders; and the mainstreaming of gender equality into European Structural Fund programmes.

Action against domestic violence is a key achievement of the first session of the Scottish parliament and executive. The issue has a higher profile in Scotland than elsewhere in the UK and spending is proportionately greater. There have been significant improvements in service provision such as the new refuge-building programme, enhanced protection through legislative developments such as the Protection from Abuse Act (which was the parliament’s first committee bill), and prevention work such as the SE advertising campaign. Women parliamentarians and ministers, together with some key male champions, have been instrumental in placing domestic violence in the mainstream political agenda.

In Wales, the key achievement of the first session is the promotion of equal opportunities and action to close the gender pay gap in the Assembly civil service. Recruitment practices have been changed to increase the diversity of the workforce. In 2002 an equal pay deal was agreed which would add 22% to the Assembly’s wage bill. The initiative was pioneered by the female Minister for Finance, who also held the portfolio for equalities. The Assembly has recently received a UK Government Castle Award for its work on equal pay.

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31 The exception to this took place over a motion to prohibit the extension of the 1967 Abortion Act and an amendment to the motion by the Women’s Coalition to refer the matter to the Health, Social Services and Public Safety Committee.
32 See also Cowell-Meyers (2003).
• In Northern Ireland, there is evidence that women within the Assembly and, through the Civic Forum, used the existence of a consultation process for the first Programme for Government to ensure that its provisions (for example, on lifelong learning\textsuperscript{33}) took account of women’s situations. The Programme(s) for Government also include other noteworthy provisions; for example, its taking up of the provision in the Agreement about women’s equality in public life\textsuperscript{34} and the intention to bring forward a Single Equality Bill (inspired not only by devolution but also the European Union). And, as in the other administrations, some policies, while couched in gender-neutral terms, are in the interests of women; for example, free travel for the elderly (a population where women predominate) and childcare support for mature students. However, in contrast to Scotland, where new policies on domestic violence are regarded as a major success, in Northern Ireland women are ignored and the focus is on children.\textsuperscript{35}

• Contexts affect capacity for action and the contexts are, of course, different. Scotland and Northern Ireland have more powers than the Welsh Assembly.\textsuperscript{36} In Scotland, devolution has realised the promise of quicker and more responsive government. Under the old system, there was time only for five Scottish bills per session at Westminster. The first session of the Scottish Parliament passed more than 60. Despite Northern Ireland’s greater similarity to Scotland than to Wales, it has had particular limitations to its capacity to act. The Assembly was in ‘shadow mode’ for its first year and was subsequently suspended three times, as it is now. There are also significant differences in terms of political culture and the space for the ‘politics of everyday life’ within the new bodies. Whereas, overall only a small proportion of parliamentary and assembly business relates explicitly to ‘women’s issues’ or gender equality in Scotland and Wales, this still represents considerably more than is the case in Northern Ireland, where extraordinary constitutional politics still predominate.

**Mainstreaming Equality: policy and practice**

• **Equality** is a high profile value and goal in the rhetoric of the administrations in Northern Ireland, Scotland and Wales. However the dominant definitions and understandings of equality, and the privileging of particular issues or groups differ across the three jurisdictions.\textsuperscript{37}

• **Equality Mainstreaming\textsuperscript{38}** is an area of significant policy innovation, dynamism and distinctiveness in Northern Ireland, Scotland and Wales.

\textsuperscript{33} The Civic Forum highlighted the potential adverse effects on women in reference to provisions for people on unemployment benefits – likely to be men rather than women.

\textsuperscript{34} Without, however, paying attention to the childcare implications of this.

\textsuperscript{35} One interviewee spoke of her struggle to get the Civic Forum to address women’s problems of domestic violence but that the furthest she could persuade them was to take up the absence of the topic altogether in the first draft in terms of children.

\textsuperscript{36} See Hazell (1999) for breakdown of respective powers. Scotland and Northern Ireland each has extensive primary legislative powers across most areas of domestic policy (although with some important exceptions). The Scottish Parliament is alone in having tax-varying powers. Wales has only limited legislative powers, although it has the opportunity to tailor its secondary legislation to Welsh needs within Westminster frameworks. It can also lobby for amendments to primary legislation.

\textsuperscript{37} The devolved administrations of Scotland, Wales and Northern Ireland were each given explicit remits in founding legislation to promote equality of opportunity across a broad range of dimensions in exercising their duties.

\textsuperscript{38} Equality mainstreaming is based upon gender mainstreaming models. For further elaboration see Mackay and Bilton 2000, Rees 2002, Mackay 2001, Donaghy 2003.
Lessons have been learned from international experience and lesson-sharing appears to operate across the three jurisdictions, sometimes at the level of civil servants but most often through networks of equality activists and experts, and the respective statutory equality bodies. There are also developing interchanges with Ireland, reinforced by British-Irish council activities. Progress and political commitment appears more advanced at devolved level than at UK level.

- While equality mainstreaming is high on all three agendas, the approach to it in Northern Ireland is perhaps the most entrenched and sophisticated in the statutory equality mainstreaming duty (Section 75 of the 1998 Northern Ireland Act) placed on all public bodies to produce and implement rigorous equality schemes. The particular circumstances of Northern Ireland contributed to the strength of this set of provisions and the arrangements in each of the devolved administrations differ. This leading role stems from a confluence of a number of pressures. On the one hand, it was already advanced on tackling inequality but, in terms of salience, on a relatively singular dimension - religion. Secondly, there were pressures on the British government, anxious to meet international obligations, to bring about (predominantly gender) equality. And thirdly, civic groups were mobilizing around the need for a statutory duty for a wider form of mainstreaming. The methods promoted from the bottom-up, notably from the Equality Coalition were critical in the form of mainstreaming that came to be adopted in Northern Ireland. This 'participative-democratic' approach which focuses upon the expertise which resides amongst civic actors and groups can also be discerned in Scotland where it has tapped into parallel processes promoting civic participation; in Wales, a more 'expert-bureaucratic' approach appears to have been taken so far, although capacity-building work is underway with civil society groups.

- Equality Mainstreaming, including statutory duties, has been introduced relatively recently and much work is still at the stage of 'process' with the development of instruments and the preparation of schemes. It is therefore too early to assess the impact of mainstreaming in producing 'better policy' and in reducing inequalities.

39 See Mackay and Bilton 2000.
40 The provisions for north-south cooperation include the possibility for a north-south consultative forum about which discussions were taking place before the October 2002 suspension of Stormont. The British-Irish Council, which somehow has survived suspension, has a programme of work which links Ireland, not only on the old Anglo-Irish basis between Dublin and London, but also with the devolved administrations through Britain. The social inclusion strand of the British Irish Council’s work is being led by Scotland, assisted by Wales. Scotland is setting up a ‘virtual community forum’ in this area. Thus the new institutions provide more formal channels than ever before for policy-learning on both the north-south and the east-east axes.
41 Donaghy 2003. Another important influence in all three jurisdictions has been New Labour discourse as exemplified in the UK government’s 1997 White Paper Modernising Government, which made explicit the links between mainstreaming and responsive government, arguing there was a need to understand diverse needs of different social groups in order to make ‘better policy’ for all. However this reprioritisation of equalities as part of the ‘Third Way’ move from governance from hierarchies and markets to networks and partnerships (cf Newman 2001) is refracted through different prisms in each of the devolved polities, according to their distinctive traditions, contexts and preoccupations. It has also taken hold to a greater degree than it has at the centre.
42 Nott (2000) coined the terms participative-democratic and expert-bureaucratic to describe competing approaches to mainstreaming. The first focuses primarily upon consultation and the second focuses primarily upon in-house expertise and technical instruments. In reality, most approaches combine elements of both. For an early assessment of Scotland see Mackay 2001. For discussion of the development of civil society in post-devolution Wales see Chaney, Hall and Pithouse 2001. Activists in all three places tapped into international lesson-sharing networks developed primarily around gender mainstreaming, see Mackay and Bilton 2000; Donaghy 2003. For the international diffusion of mainstreaming see True and Mintrom 2001.
In Northern Ireland equality mainstreaming is constitutionalised in the founding legislation of devolution, the Northern Ireland Act 1998 and it is enforced and monitored by a single equality body the Northern Ireland Equality Commission (NIEC). To date 175 equality schemes have been prepared which have each involved extensive consultation on the likely impact of policies on equality of opportunity. The NIEC’s annual report for 2001-2002 recorded considerable progress with equality screening exercises and equality impact assessments. The NIEC is currently finalising an evaluation of the initial impact of Section 75, including an assessment of the extent that cultural change has been achieved in public bodies. Some interviewees assert that there is clear evidence of cultural change in, for example, the civil service and the health service. However it is acknowledged that mainstreaming has resulted in significant burdens (time, expertise, resources) for public bodies, civic actors and organisations, and the NIEC. A commitment has been made to review the guidance in 2003.

In Scotland, the work is championed by the SE Equality Unit and the parliamentary Equal Opportunities Committee. Progress has been made through improved research and data collection, the development of consultative equality fora in addition to specific consultative exercises, pilot work in Education and Housing, the equality-proofing of legislation at drafting and scrutiny stages, the encouragement of gender pay audits in local government and other public bodies, equality as a key component of Best Value regimes in the public sectors, and progress towards the gender analysis of budgets and spending plans. Although statutory duties have been included in a number of pieces of legislation, in contrast to NI and Wales, there has been a greater emphasis in Scotland on voluntarism and the encouragement of equality mainstreaming through the invocation of the parliament’s key principles (see earlier discussion).

In Wales, work is driven by the Equality Policy Unit and the Equality of Opportunity Committee. Work has involved annual equality audits of departments and public bodies, annual reporting to NAW on progress, impact statements in policy submissions, pilot work on engendering budgets, the sponsoring of equality consultative networks, radical reform of the public appointments process, and the ongoing development of tools such as contract compliance to ensure equal opportunities is mainstreamed in the practices and services provided by contractors to the public sector. In this respect, the Welsh statutory equality duty is viewed by many commentators as an important driver of change.

Despite undeniable progress, developments have been uneven and there remain substantial shortfalls in capacity, expertise and resources for mainstreaming in both Scotland and Wales. Analysis of subject committee annual reports in both Wales and Scotland reveals a general absence of references to equal opportunities or related issues. Furthermore in Wales, the Equality of Opportunity Committee seldom monitors the activities of subject committees in response to the statutory equality duty. Whereas in Scotland, the Equal Opportunities Committee has taken a proactive stance in terms of scrutinising legislation and presenting reports on equality.

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43 O’Cinneide notes that although the implementation of Section 75 has created a heavy workload for NIEC, it has found it ‘an extremely effective tool in bringing about change in the public sector’. However some interviewees in the women’s sector indicate that the burden of consultation that the NI mainstreaming model places on civic groups may be unsustainable. See also Hegarty 2001.

44 See Chaney and Fevre 2002.
implications to subject committees; and, in some cases, sharing the taking of written and oral evidence from equalities groups on specific pieces of legislation. There has also been joint working between the Finance Committee and the Equal Opportunities Committee on developing ways to consider the equality implications of budgets and spending plans. However the current arrangements still fall far short of detailed and routinised scrutiny. Turning to the respective executives, stated commitment is strong from politicians and from senior civil servants. Initiatives include equality audits and training programmes, pilot projects, development of equality proofing tools for policy and draft legislation. In the case of Scotland, there has also been progress with respect to statistics, research data and web-based mainstreaming resources. However overall progress is also slow and there are key weaknesses in capacity and the integration of equalities perspectives into routine processes and documents. This failure to achieve ‘joined-up’ government is a key weakness in both administrations. Beyond declaratory statements of commitment to equality, the treatment of equality issues in key policy documents remains very uneven and the setting of measurable targets remains the exception rather than the rule. Furthermore, institutional and political resistance to mainstreaming should not be underestimated.

- As noted earlier, a broad equalities agenda is being pursued in Northern Ireland, Scotland and Wales across a number of grounds. The advantage of such an approach is that there is the potential to address the intersections between different dimensions of inequality. On the other hand, anxieties have been expressed in two regards, particularly in Scotland. First, that a hierarchy of equalities has emerged and that gender has slipped down the agenda. ‘Sexism is not being addressed seriously enough- it’s not headline news’. Second, that generic approaches can result in bland, one-size-fits-all policies that do not address specific needs. Some activists argue that the language of generic equality is rendering ‘women’ as a group invisible.

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45 SP Equal Opportunities Committee, 5th report 2002.
46 Various recommendations have been made to improve mainstreaming practices in the Scottish Parliament, including training for MSPs and AMs, the appointment of equal opportunities champions on all subject committees, and the creation of an equal opportunities ‘expert panel’ on the Scottish Budget. See SP Equal Opportunities Committee (2003) and Procedures Committee (2003). In Wales the pursuit of equality mainstreaming is one of ten future action points for 2003-4 listed in a draft copy of the Assembly Government’s EPU Divisional Plan with plans to amend Standing Orders and Procedures to place a formal requirement on subject committees to report annually on how their work programme has complied with the Assembly’s statutory equality duty following the Assembly Equality Committee’s endorsement of recommendations made by academics (Chaney and Fevre 2002b).
47 Evidence about commitment is mixed. A Welsh AM described the civil service as having ‘unconscious resistance written through it like a stick of Brighton Rock’.
48 NIEC and its counterpart in the Republic of Ireland are currently working on developing case study materials on multiple identity and discrimination.
49 The political and legislative imperatives of the Race Relations Amendment Act and the requirements for public bodies to produce race equality schemes, foregrounded race for much of the period under study in Scotland and Wales. In Scotland, the abolition of Section 2a (Clause 28) also led to a focus on issues of sexual orientation, with gender and disability taking a relatively lower profile. Gender equality was seen to predominate in the first two years of the National Assembly for Wales, with race and the Welsh language gaining greater prominence on the equality agenda in the latter part of the session.
50 For example, women tend to be included in strategies as pensioners or lone parents, which makes it difficult to focus upon underlying structural gender inequalities. These concerns mirror those of activists South of the Border who have argued this ‘disappearing’ of women is a feature of New Labour Third Way discourse. However in Scotland, politicians have become more responsive to feminist concerns and ministerial assurances were made shortly before the election that more emphasis would given to highlighting, for example, the gendered dimensions of poverty in the next parliament. There are also plans to commission research to assess the appropriateness/ effectiveness of adopting a generic mainstreaming equalities strategy.
Although it still ‘early days’, gender mainstreaming (albeit as part of wider equality mainstreaming initiatives) has delivered improvements in the substantive representation of women’s concerns in the policy process through improved consultation, processes etc although somewhat modest and uneven. It also has the potential to improve the discursive representation of women by questioning the presumed gender-neutrality of political and policy institutions and highlighting the ways in which these institutions reproduce and contribute to gender inequality through assumptions, taken-for-granted values and working practices, policy processes and work priorities.  

**Access, consultation and lobbying**

- **Access** has improved noticeably for women’s organisations in the post-devolution period as it has for other groups in civil society. The new devolved bodies provide multiple points of access and there are enhanced opportunities to be consulted about policy development. Innovations include the Parliamentary Public Petitions Committee in Scotland, the executive-sponsored Civic Forums in Northern Ireland and Scotland, the NAW sponsored Wales Women’s National Coalition and the Voluntary Sector Partnership Council. Other useful developments include the development of on-line consultations and video conferencing. Whilst progress has been uneven, there is clear break with the pre-devolution culture of civil service secrecy and limited often tokenistic consultations. In Northern Ireland this is driven by Section 75, which formalises new ‘partnership’ relationships between civic actors including the women’s sector and government. In Scotland, the ‘four key principles’ provide the impetus. In Wales, the primary focus has been to develop women’s sector and equality group networks and to build capacity in order to respond to consultation through new assembly-funded umbrella groups such as the Wales Women’s National Coalition; only modest progress has been made so far in developing a wider participatory mode of politics that engages a broad cross-section of women in civil society.  

- Increased ‘access’ and ‘voice’ has sometimes resulted in increased influence but that is neither automatic nor inevitable. Examples of successful lobbying include: Scottish Women’s Aid’s work on domestic abuse; the Scottish Women’s Budget Group development work with the SE and parliament to ‘engender’ budgets and spending plans; and lobbying by the Equal Opportunities Commission together with other equality statutory bodies and equality networks for the inclusion of equality duties in key legislation such as Standards in Scotland’s Schools (2000), the Housing (Scotland) Act (2001) and the Local Government Act (2003). In Wales, the WWNC has lobbied the Assembly on diversity in public appointments.

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51 This cultural or discursive dimension relates to Rees’ ‘visioning’ component of mainstreaming – see Rees 2002.  
52 Although the method of consultation remains traditional (paper-based) with often impractical timescales.  
53 A great deal of energy has been expended in Scotland to develop meaningful forms of consultation. The consultation process for the Equality Strategy 2000 is seen as a model for inclusion. However, there is disappointment about the stalled development of the Women in Scotland Consultative Forum which has led to plans for new consultative structures, including a funded Women’s Convention. In addition, a short-life Strategic Group on Women was established by the Minister of Social Justice in March 2003 and will shortly report with a suggested agenda for women in the coming Session.  
54 In all three places there is scepticism as well as optimism about the degree of political commitment to widening participation and inclusion. See, for example, McAllister 2000 and Mitchell 2000.  
55 Despite these evident successes, there is a something of a sense of a stalled agenda and a loss of momentum, in Scotland amongst women activists. This follows the pattern observed in the social movement literature and
• In Wales, the women’s sector was less organised and developed prior to devolution than was the case in Scotland and Northern Ireland. However, post-devolution, there are also serious concerns about resources, infrastructure and capacity across the board. Activists in all three countries identify the strain of responding to the new cultures of consultation and participation; the experience is particularly acute in Northern Ireland as a result of Section 75, where it is dubbed ‘the burden of the answered prayer’. These increased demands have coincided with cuts or standstill funding of women’s sector organisations.56

Post-devolution summary

• Devolution has presented opportunities for women, many of their own making. Women have an unprecedented voice and place in the politics of Scotland and Wales. The visible presence of women as backbenchers and ministers, and as lobbyists and civic actors has challenged ‘politics as usual’. Whilst women are less visible in Stormont, nevertheless their showing is a significant improvement on the pre-devolution status quo. Whilst it remains premature to make definitive assessments, there is much that is promising for women’s representation in the broadest sense (symbolic, substantive and discursive): stated principles of equality and commitments to mainstream equality (including gender equality); high profile champions; sincere attempts at meaningful consultation and inclusiveness; important groundwork and some limited gains. Domestic violence policy in Scotland, gender pay audits in Wales and Section 75 in Northern Ireland provide concrete illustrations of progress. On the other hand, it has proved difficult to turn rhetoric into reality, progress has been halting, resistance entrenched and, without vigilance, gender equality issues can slip off the agenda. There are competing loyalties and priorities that mean ‘politics as usual’ is often gender-blind at best and gender-biased at worst. In Northern Ireland, the continuation of extraordinary politics and the fragility of the peace settlement present particular difficulties for other sorts of politics to thrive.

• We contend that gender is a crucial dimension in the study of institutions and processes of political change. Understanding political and social institutions as gendered is central to understanding the practices, ideas, goals and outcomes of politics; the dynamics of change (and continuity); and also reveals the ways in which institutions reflect, reinforce and structure unequal gendered power relations. It is still an open question as to whether the pressures exerted by women and feminist ideas, as embodied within early institutional blueprints and formal structures, will be more influential than the legacy of Westminster politics, national contexts,
specific party political culture and existing patterns of traditional gender relations (including ‘armed patriarchy’ in Northern Ireland). The first years of these new devolved institutions have been marked by fluidity as early preferences from above and below, in terms of institutional design (structures, practices, values) are adapted and embedded or discarded and replaced by other practices, including the possibility of the reassertion of ‘politics as usual’\(^\text{57}\). Nevertheless, the new gender settlements and the broader equality agendas have largely held firm despite the instability and bruising politics that have sometimes characterised the first sessions of each devolved body. Overall, our case studies of gender and constitutional change in Scotland, Northern Ireland and Wales suggest that agency has been significant and continues to be significant in reform processes but that gains remain contested and future outcomes uncertain.

- These understandings are shared by our informants. As the first sessions of the parliament and the assemblies draw to a close, there is a growing sense of realism and a recognition by women activists that they are ‘in for the long haul.’ There is greater familiarity with the complexities and contingencies of the political process and the new mechanisms for access and lobbying, as well as recognition of the practical and political constraints.

‘I think the fact that more women got elected is fine and it looks good on the publicity stuff but it’s not the whole issue. I think it is complicated and I think people need to realise that we have to be in it for the long haul and it’s not good enough to be saying “well, there you are, that’s it, tick, we’ve done it.” It’s really only the beginning of the process’ (woman activist, voluntary sector, Scotland).

**Postscript: the 2003 elections**

The 2003 elections to the Scottish Parliament and the National Assembly for Wales resulted in new records for women’s political representation in the UK- most notably Wales which succeeding in achieving the first gender-balanced political assembly in the world. In Scotland, the proportion of women MSPs rose slightly from 37.2% to 39.5%.

As Tables 4 and 5 demonstrate, in both cases the best results are in the first-past-the-post element of the election and can be seen to constitute the legacy of ‘twinning’ in the first election. Women are benefiting from incumbency at a level seldom seen before. The increases have come from very different political trajectories: in Scotland we have seen a further fragmentation of the party system with the consolidation of a six party system and several independents; in Wales, Labour tightened its grip winning half of all seats. Despite recent enabling legislation\(^\text{58}\) passed by the UK government only the Labour Party and the Scottish Socialist Party used specific measures in Scotland \(\text{both on the lists}. \) In Wales Labour used all-women shortlists in target seats and quotas on lists, and Plaid Cymru used a gender template whereby disparities in constituency contests were ‘balanced’ by the ranking of women candidates on the regional lists. In Wales, women party activists succeeded in keeping the issue of gender balance as an issue for electoral competition between Labour and the nationalists, whereas in Scotland the axis of competition changed

\(^{57}\) According to commentators such as Pierson 1997 and Steinmo et al., 1992, development within institutions may be more path-determined by past commitments, institutional legacies and practices than by self-conscious programmes of change. Whereas much of the literature classed as new institutionalist underplays the role of agency, we would argue, in the same vein as Hay and Wincott that a dynamic relationship exists between ‘institutional architects, institutionalised subjects and institutional environment.’ (1998:p.955). It is clear from our preliminary findings that women as institutional subjects have been able to exercise some agency within and around institutions and ideas. Over the coming months, we intend to build upon our analysis to explore the explanatory power of new institutionalist models.

\(^{58}\) The Sex Discrimination (Election Candidates) Act 2002 permits political parties to take positive measures to improve the number of women candidates they select.
slightly. Women activists in the left-wing SSP party successfully struggled for the adoption of 50:50 as official policy on the grounds, at least in part, that they needed to demonstrate they could match the Labour Party on the territory of gender equality. A strong performance by the party has resulted in six MSPs being returned to Holyrood, four of whom are women. This compensated for the drop in SNP female members.

Meanwhile, in Northern Ireland, elections to assembly have been further postponed due to suspension. However, leaving aside the Women’s Coalition, the other parties – as of 1 May – had selected 33 women candidates compared with 156 men. The new legislation for Great Britain which permits parties to take positive action to increase the numbers of women representatives has not been used in Northern Ireland.

Academic Dissemination: Various members of the team have been invited keynote speakers, paper-givers or discussants at a range of academic and academic-practitioner conferences, seminars, workshops and round-table discussions. In 2001 papers were presented at the PSA (FM and TBD), PSAI (EM and TBD) and BISA (TBD) annual conferences. The project co-hosted an international seminar with the Centre for the Advancement of Women in Politics at Queen’s University Belfast in October 2001 and FM was one of the paper-givers. It was also represented at an IPPR-ESRC seminar in Belfast, December (EM). In 2002 activities included: papers given at Women and Equality Unit, Cabinet Office Gender Forum, February (FM, PC; ESRC Devolution and Britishness Conference, London, February (EM); PSA Women and Politics Annual Conference, London, February (FM); Glasgow University International Centre for Gender and Women’s Studies seminar series, November (FM). Paul Chaney (PC) participated in the ‘Do Women Parliamentarians Make a Difference?’ seminar organised by the PSA at the National Assembly for Wales, Cardiff, November. FM took up a Visiting Fellowship at the University of Auckland, New Zealand (April/May 2002) to advance collaborative work on gender and democratic innovation in Scotland/UK and NZ (University of Auckland International Collaboration Fund – Inaugural Visitor). She extended her trip to visit Australia to present project findings at the RSSS seminar series at the Australian National University, Canberra in May and also participated in a roundtable discussion on mainstreaming at Hawke Institute, University of South Australia, May. In 2003 activities included: 2003 ECPR Joint Sessions, Edinburgh – FM co-directed workshop on ‘Changing Constitutions, Building institutions and (re)defining gender’ which provided another international platform for dissemination of the project results (EM and PC presented papers). PSA 2003 (TBD), ESRC seminar Belfast (EM) ESRC seminar Cardiff (PC); Irish Association Seminar on New Relationships Within and between These Islands, May (EM), University of Bristol seminar on mainstreaming in May (PC and FM).

Users dissemination and related activities:

Members of the research team have well-established relationships with key non-academic user groups in Scotland and Northern Ireland. Although relationships were less developed in Wales the research team has been able to build upon networks established in the mid-1990s as a result of Brown and Mackay’s earlier ESRC-funded project on women and local government reorganisation in Scotland and Wales, and their ESRC seminar series on Gender and the Local State (both with others). Links have been further strengthened through our collaborations with Dr Paul Chaney (currently University of Aberystwyth) and Dr Laura McAllister (University of Liverpool).

Relationships in all three jurisdictions were further consolidated through a range of activities. Team members carried out initial briefings with key stakeholders (civil servants, politicians and party activists, statutory equality organisations and
women’s sector organisations) in the early stages of the project, and distributed project summaries widely. In addition team members have made numerous presentations to relevant groups. A web-site was constructed in 2001 and was further developed and updated in September 2002 ([www.pol.ed.ac.uk/gcc](http://www.pol.ed.ac.uk/gcc)) with project information, relevant background material and preliminary findings. It is linked to the newly-established ESRC Programme web-site.

We have received key support and assistance from a number of individuals and bodies, in particular, the statutory equality agencies (the EOC in Scotland and Wales and the Northern Ireland Equality Commission) and the equality units in the devolved administrations (the Equality Policy Unit, National Assembly for Wales; the Scottish Executive Equality Unit; and the Office of the Minister and Deputy First Minister, Northern Ireland Executive). This welcome endorsement and support of the project has been maintained throughout the life of the project.

Two very successful practitioner workshops involving academics, civil servants, equality practitioners, lawyers, politicians and women’s sector organisations were held in Belfast (May 2001) and Edinburgh (June 2001), which enabled users to make an early input into the project. These were followed by two dissemination workshops held in Edinburgh (March 2003) and Belfast (April 2003). A dissemination workshop planned for Welsh practitioners has been postponed to enable the organization of a joint event with PC’s civil society research project.

We contributed to various policy-oriented/practitioner events including:

2001: Scottish Executive Equality Statistics Users Conference, January (FM); Centre for Scottish Public Policy Conference, September (FM); the Northern Ireland Equality Commission inaugural conference in Belfast, October (FM); British Council International Networking Event on CEDAW, Glasgow, October (FM); the Modern Studies Association Annual Conference in Glasgow, November (FM); LGA/UK Elected Women Members’ Network event, Edinburgh, November (FM); STUC Women’s Committee Annual Conference, Perth, November (FM).

2002: Plaid Cymru Policy Forum (PC); FM was also nominated by British Council Scotland Office as one of the UK representatives at the British Council International Networking Event on Engendering Democracy held in Belfast Jan 28-Feb1 2003; Tahyna Donaghy organised a Women’s Constitutional Convention Forum in South Australia (2002) in response to a government consultation on constitutional change. The participants submitted a gender response which drew upon the project findings in the UK. 2003: Engender Strategy Meeting, Edinburgh (FM); Minister for Social Justice’s Strategic Group on Women, Edinburgh (FM); NI Women into Politics, election hustings, Belfast (EM).

We have also given advice to the Women’s National Commission’s research into women and devolution; the Scottish Civic Forum’s research on civic participation; the Scottish Parliamentary Cross Party Group on Women; the Scottish Parliament Public Petitions Committee, the Scottish Women’s Co-ordination Group; Scottish Women’s Budget Group; Engender: the statutory equality bodies in Scotland, Northern Ireland and Wales; and Northern Ireland Democratic Dialogue. Briefings on women and political participation for international deputations have been provided for the British Council.

In addition, we have provided policy advice on comparative developments in gender/equality mainstreaming to the Scottish Executive. Presentations have been made to the Scottish Executive Management Group (headed by the Permanent Secretary) and to the Scottish Executive Equality Unit. A research briefing on equality proofing legislation was produced and is used internally by civil servants. FM sat on the Scottish Executive mainstreaming advisory expert group (2001) and was appointed by the Minister for Social Justice to the Scottish Social Inclusion Network Equality Mainstreaming Working Group (2002) and was
main author of the group’s report. An article assessing the progress of equality mainstreaming in the Scottish Executive was commissioned and published in the Scottish Executive Social Justice Annual Report 2001.

Outputs


Articles informed by the project


Short articles on the project have also appeared in the Scottish women’s NGO Engender newsletter (2001, 2003), the Welsh women’s NGO MEWN newsletter (2001) and the Fawcett Society's magazine Equality (2002)

(Impacts

This three-way comparison funded under the ESRC Devolution and Constitutional Change Programme illuminates an important and relatively neglected dimension of constitutional change.

- The study constitutes an important base line of the early years of devolution in Scotland, Northern Ireland and Wales with respect to gender
politics and provides data upon which to base future comparative work by UK and international scholars.

- It provides country-by-country and comparative analysis of the significance of women’s agency and gender issues in the processes of constitutional change in the three jurisdictions and, as such, provides a corrective to the relative neglect of these actors and dynamics in mainstream scholarship of constitutional change.

- It highlights equality mainstreaming as an emerging policy area of distinctiveness in the devolved jurisdictions, with symbolic, substantive and discursive significance. Complex patterns of lesson-learning are evident involving both civic and state-level actors, drawing from both international experience and sharing lessons across the new constitutional axes of north-south and east-west.

- The research contributes to academic debate/theory by suggesting the nuanced and contingent ways in which the symbolic, substantive and discursive representation of women plays out within a concrete setting; and the interplay between gender and new institutional structures. In so doing, it emphasises the contested nature of gains and the uncertainty of future outcomes. These are themes we will continue to develop.

- In addition to the value of academic debate, the findings have a potential impact on public and political debates about modernisation and institutional reform; have informed ongoing reform and developments in the devolved administrations; and the campaigns of women’s organisations and the EOC with respect to the impact of women’s participation in public life.

Future Research Priorities

- Ongoing ‘gender monitoring’ of activities of devolved governments and legislatures over the next term to build up a longitudinal picture
- Exploration of gendered dimension of policy agendas through detailed policy case studies, such as domestic violence, child-care, transport, local government Best Value etc both country-specific and comparative. Such studies should also include comparative developments in UK/England and Ireland .
- Detailed comparative case study of developments in equality mainstreaming in the Islands of Britain and Ireland with a particular emphasis on patterns of implementation and lesson-learning.
- Further theory-building work on gender and representation, institutional design and ‘new politics’.

Bibliography


