1. Gender Bias in Policy Making

"If you are basing your evidence on unrepresentative, biased samples then you cannot believe a word. In fact, it is worse than knowing nothing. Knowing things that are not so is worse than knowing nothing at all."[1] (Norman Glass)

The ways "we know" and the "consequences of bias in evidence"[2] within these ways of knowing have been identified by researchers around the world as one of the main dangers to sound policy advice and good policy outcome. Experience with international impact assessments (IA) implementation suggests that not having any impact assessment might be better "than to have a bad one."[3] Sound public policy advice depends on many multifaceted, intertwined factors. Some argue that the current practice of policy advising in public administration is too reductive and fails to integrate a multiplicity of important perspectives and democratic obligations, i.e., a gender equality perspective. Others question its practicability and whether *sound* policy advice is even possible. This book is concerned with those tensions, and with the various ways of knowing and creating knowledge for and by public governance through impact assessment, with a specific focus on gender equality governance.

1.1 RESEARCH MOTIVATION, QUESTIONS AND STRUCTURE

The adoption of a gender lens in policy analysis represents an attempt to account for and overcome gender bias and to inform better, more effective policy and programme making, resulting in gender equity in accordance with human rights frameworks, including gender equality. Gender specific policy and programme analysis tools such as Gender-based Analysis (GBA) in the Canadian federal government and Gender Impact Assessment (GIA) in the European Commission in all their various forms have been introduced as analytical tools in the context

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1 | United Kingdom 2006, 52. Norman Glass was the Director of the National Centre for Social Research in the United Kingdom.

2 | United Kingdom 2006, 51. Evidence is very broadly understood as "the knowledge derived from research" (Grey 1997, 1).

3 | Renda 2006, 135.

of the international gender mainstreaming strategy.[4] The concluding document of the 4th World Conference on Women of the United Nations (UN), the *Beijing Declaration and the Platform for Women*, introduced gender mainstreaming in 1995.[5] It is binding for all signatory states, including Canada and all member states of the European Union (EU).

In the aftermath of the conference, federal governments all over the world have proceeded to implement gender mainstreaming by designing instruments such as GIA and GBA that are intended to analyse policy and programme content and outcomes. The purpose of these tools is to help government officials avoid the pitfalls of preconceived, supposedly *gender-blind* notions and predispositions, and enable them to make bias-free—or at least bias-aware—provisions for gender and supply *good* evidence-based policy advice for *better* outcomes. In this book, I evaluate these two analytical tools (and their various differentiations), namely GBA in the Canadian federal government's impact assessment system and its European counterpart, GIA, developed for the Commissions' impact assessment system, in terms of the current state of their application and structural integration.

1.1.1 Motivation

Rather than demonstrating the effectiveness or practicability of GBA or GIA in case studies, I have conducted a cross-sectoral, comparative meta-analysis of the current state of tool implementation. I started from my main guiding research paradigm: that gendered policy analysis leads to less gender bias in policy making processes and consequently to more democratic, target-group-oriented results that inform better policies and thereby contribute to a more equitable society.[6] I regard the infusion of a gender equality perspective into the policy making process as a necessary step and one that makes good policy sense in the attempt to "de-gender" the public policy making "male-stream."[7]

The need for a gender equality perspective has emerged from over 40 years of second wave feminist and gender research, as well as from more than 20 years of feminist analysis of and critical governance research in political science, sociology and the sociology of law.[8] This body of research highlights the divisiveness of bi-

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4 | The European Institute for Gender Equality calls gender mainstreaming "a strategy to achieve equality between women and men". For a detailed discussion of the gender mainstreaming obligations with regard to instrument application, see chapter 1.7.

5 | UN 1995. This declaration is often abbreviated as "Beijing Platform for Action" (BPfA) and is underpinned by strategic objectives, such as area H on institutional mechanisms for gender mainstreaming.

6 | Sellach et al. 2003, 172; Altgeld/Maschewsky-Schneider 2003, 46; Baer 2008a, 438.

7 | Geppert/Lewalter 2011, 136.

8 | As stated in the central works of Western feminist political philosophy (MacKinnon 1983; MacKinnon 1987; MacKinnon 1989; Benhabib 1994; Pateman 1988; Sauer 2003). Western feminist analysis as part of critical governance studies revealed the androcentrism of the state, its institutions or law and policy making processes (Squires 1999; Sauer 2001; Sauer 2005a; Baer 2008a; Abu-Laban 2008; Baer 2009a; Baer 2009b). Susanne Baer provides an overview of issues of governance and good policy making in the regulatory processes of law making (Baer 2011a).

gendered[9] intersections[10] as a main factor contributing to inequality and the way gender inequality operates in a complex power nexus.[11] Gender inequality in its intersections is seen as incompatible with democratic values and, as such, as needing to be counteracted through IA tools (such as GIA or GBA) in policy and programme research: "Democratization should provide scope for both men and women to make public policy responsive to human needs in all their diversity, and not just to the demands of global competition."[12]

Although early publications asserted that the "full implications" of gender mainstreaming "have not been understood," this 2003 citation from the renowned Australian political scientist and gender analysis specialist Marian Sawer[13] already identifies the possible points of contention for the introduction of gender mainstreaming. The conceptions of gender mainstreaming and the tools that came along with it are in flux and have been navigating the space between economic cost-benefit analysis and New Public Management (NPM) considerations on the one hand, and *good* or at least *better* law making and *good governance* on the other.[14] Piggybacking on NPM's rationality, gender mainstreaming was (and still is) negotiating a tedious tension between governmental efficiency and the adherence to fundamental constitutional requirements for equality in democratic societies. As the gender mainstreaming process has advanced, many authors have been frustrated and bewildered by what they regard as the negligent and delayed implementation of gender equality tools, which they attribute to dominant economic factors and a lack of political will.[15] In the face of such disenchantment for me, Jacqui True's early statement rings as true as ever:

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9 | This study is primarily occupied with the binary sex and gender system in modern Western societies based on the two dominant or hegemonic male and female sexes/genders. It does not wish to deny the validity of the need to also obtain equality for alternative sexes and genders, such as for transgender and/or intersex people (Mittag/Sauer 2012).

10 | Intersectionality as an academic concept was coined by the feminist legal scholar Kimberlé W. Crenshaw (Crenshaw 1988; Crenshaw 1989). For a more detailed discussion of the concept of intersectionality, see subsection 2.3.1.

11 | For an engagement with (in-)equality, see chapters 1.6.2 (from a quality criteria perspective) and 2.2.3 (from a theoretical perspective).

12 | Sawer 2003, 364.

13 | Deviating from common academic practice, I have decided to cite authors by their first and last names, and in the case of texts by multiple authors, to name all of the authors when the text is first cited. I regard this practice as a feminist, political intervention, as it renders the contribution of the mostly female authors to the field visible; moreover, instead of being subsumed under "et al.", all authors of a text are hereby explicitly acknowledged, which I find fair. Upon the second referral, I switch back to the space-saving practice of only providing surnames and using "et al." to cite texts with more than two authors.

14 | The normative concepts of good governance and better law making are explored in chapter 1.3.

15 | For the situation in the Netherlands, see e.g. (Roggeband/Verloo 2006; Verloo 2008). For the European Union, see e.g. (Lombardo 2009; Lombardo et al. 2011). For Canada, see e.g. (Langevin 2010).

"The major question raised [...] is not how feminist scholars and activists can avoid cooptation by powerful institutions, but whether we can afford not to engage with such institutions, when the application of gender analysis in their policymaking is clearly having political effects beyond academic and feminist communities."[16]

1.1.2 Questions

Gender analysis is facing a quandary: On the one hand, gender mainstreaming tools are repeatedly critiqued as neo-liberal, technocratic and therefore non-transformative and ineffective; on the other hand, the slow progress of their implementation provokes impatience and frustration.[17] If indeed the tools are not (yet) applied, how can they possibly be effective, even transformative? In response to this paradoxical criticism, this research targeted first and foremost the implementation level. It was also designed to collect qualitative data on emerging topics around gender analysis tools, such as democratisation, intersectionality and diversity, bureaucratic routines of implementation along new forms of accountability and quality management mechanisms. Here, the NPM framework surrounding instrument implementation was subject to inquiry.[18] Was NPM an advantageous vehicle or even a "good" fit for gender mainstreaming and equality governance through impact assessment tools? Was the management and efficiency approach convincing (enough) to foster gender perspectives in IA? Or was the implementation process indeed "sluggish"[19]?

Does gender mainstreaming really have such a "depressing track record,"[20] has it even "failed,"[21] and if so, who is to blame? Was the "failure" due to lack of political will and insufficient implementation structures within a decision-making monoculture mainly consisting of men and resistant to change and gendered democratic regulation?[22] Or was the lack of clarity in goals an outcome difficult for decision-makers and analysts to process? Given that legal, philosophical, sociological and political concepts of equality are nowhere clearly defined in terms of political outcome and goals,[23] and because "true" equality will require nothing less than a paradigm shift in gender relations and a redistribution of responsibilities and power

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16 | True 2003, 368.

17 | Hankivsky/Cormier 2011; Pühl/Schultz 2001; Pühl 2003.

18 | For a discussion of the origin and meanings of NPM in the context of good governance, see subchapter 1.4.

19 | Walby 2011a, 6.

20 | Parpart 2014, 387.

21 | Moser 2005.

22 | Walby 2009a; Walby 2011b. Current intersectional concepts would expand the monoculture concept to encompass parallel, multidimensional aspects such as race, class, disability, age etc. (Baer et al. 2010; Davis 2008).

23 | Compare preceding equality versus equity discussion in 1.1.2. For attempts to define constitutional equality, see e.g. (Shaman 2008; Baer 2009c). For a criticism of the failure to grasp equality in its full potential, see (Burt/Hardman 2001; Brodie 2008). In order to anchor the ever-shifting grounds of equality, e.g. Baer suggests triangulating equality with the concepts of liberty and dignity (Baer 2009c).

in society and its institutions,[24] it is to be expected that gender mainstreaming in general and gendered policy assessment tools in particular have been blamed for not (yet) delivering the desired results. Feminist scholars and activists alike have voiced their distrust of the state as a responsible actor on behalf of women's rights and equality;[25] thus it is not surprising that claims for the transformative potential of a top-down approach, such as gender mainstreaming and its tools, have been met with similar scepticism.[26]

As a result, the primary question of this research is concerned with how widely the tools GIA/GBA are actually used and what policy makers think of them and their approach to knowledge and evidence. Did gender mainstreaming and its "soft and flexible instrument"[27] gender analysis really bring about a reality shift in the "institutional and organisational culture"[28]? How much reflection on gender bias and gender equality—at the individual, inter-personal, intra-instrumental and intra-institutional levels—actually results from the practice of "impact assessment" in its current form as a technocratic procedure in public administration? And finally, what needs to happen (or change) to further gender equality in the process of public policy and programme appraisal?

Negotiating this ambivalence requires investigating the status quo in the implementation of gender mainstreaming equality instruments in order to determine the conditions for success and improved practices.[29] In a complex implementation environment of equality-seeking policy assessment tools and multilevel governance systems such as the European Union or the Canadian federal state, only interdisciplinary and comparative research is capable of answering these multi-layered questions.[30] Birgit Sauer identified empirical governance studies as a research gap at the disciplinary intersections of contemporary gender studies and political science.[31] Finally, political and administrative studies call for a "third generation of research" to conduct empirical comparisons of international bureaucracies and "their compound nature."[32] Consequently, I chose to study the structural implementation of GBA in federal departments, institutions, and agencies in Canada, and to then compare it to how GIA and/or gender equality concerns are applied as part of an integrated ex-ante impact assessment approach in the institutions of the EU, with a focus on the integrated impact assessment

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24 | For a deconstructivist case study of how the immunity principle is permeated by gendered assumptions and power relations see Sjoberg 2006.

25 | Pini et al. 2008; Scott 2003a; Hankivsky 2005a.

26 | Blickhäuser/van Bargen 2005; Blickhäuser/von Bargen 2006; Donaghy 2004; Feik n.d.; Frey 2008a.

27 | Jacquot 2010, 118. For soft versus hard see chapter 1.4.

28 | Lombardo/Meier 2006, 154.

29 | For a more detailed discussion of gender mainstreaming in relation to policy analysis, consult the subsection 1.7.

30 | As proposed i.e. by (Baer 2007a).

31 | Sauer 2005b.

32 | Trondal 2010, 261. Public administration literature however, investigates a "causal relationship" between the institutional and behavioural characteristics of bureaucracies mainly through comparative, robust testing of large quantitative data sets (Trondal 2010, 262).

system of the Commission. In this way, I hope to address these gaps in research through qualitative analysis and contribute to the reflection on and sustainability[33] of equality governance.

1.1.3 Structure

To briefly present the contents of my thesis, this first chapter continues with a discussion of the genesis and definitions of policy analysis, impact assessment, and evaluation as modes of good governance. It contains an outline of current academic research on international gender mainstreaming strategy and the position of gender equality policy analysis within this strategy. It further develops a tool typology for IA tools and relates quality criteria for gender mainstreaming instruments. The questions of equality governance of and bureaucratic accountability and controlling through IA addressed in this chapter serve as the basis of interest and research intent for the thesis.

In chapter two, I expound upon my theoretical paradigms (standpoint and governance theories) before I explain how my research questions are translated into the mixed-method research design of this study.[34] An explanation of my use of the interview sample as the main empirical body gives insight into the significance and limitations of the database and methods.[35] Last, the chapter explains the analytical framework that I have designed in accordance with these considerations in order to explore the subject gender analysis at the core of the institutionalisation of gender mainstreaming in bureaucratic IA environments.

The third and fourth chapters are the main empirical chapters, where I present the analysis of the interviews as well as the comparative implications of this analysis. In both chapters, I organise and analyse my qualitative findings according to my own analytic framework for the institutionalisation of gender mainstreaming, with a focus on gender analysis tools.[36] This new analytical framework applies to the Canadian context in chapter three as well as to the Commission's findings in chapter four. It is also used for comparative summary in chapter five. For each implementation context (Canada and the European Commission), the discussion is structured in three parts: In the first, I give an overview of the political system and the reader is familiarised with the roles the respective public administrations play in the law and programme making process. In the second part, I summarise the genealogy and status quo of gender policy analysis instruments, including the role played by the gender equality machineries, also known as women's policy agencies.[37]

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33 | It is important to distinguish environmental sustainability from the term sustainability in a governance context, as it is used most of the time in this study. Sustainability in governance describes the need and mechanisms for routinely implementing new processes, policies or tools, and governance innovations in general in bureaucratic structures and processes, as well as accountability mechanisms that guarantee for lasting institutionalisation, independent from individual actors.

34 | Birgit Sauer also emphasised the need to revitalise the relationship between feminist political science and other critical theories (Sauer 2005b, 396).

35 | A more detailed overview of the interview participants can be found in Annex I.

36 | Moser/Moser 2005.

37 | McBride/Mazur 2013.

In the third and main part of these chapters, I extract and present my interview findings and the main areas of improvement or concern for gender analysis in IA of advisory research in public bureaucracies.

In the final chapter five, I first synthesise both sets of research, comparing the qualitative findings from the Canadian federal administration and the Commission by identifying similarities, differences, current realities of and gaps in the implementation of gender equality tools. This comparative section informs the reader in a descriptive fashion about the current state of GBA and GIA implementation. In the second part of chapter five, I formulate the current and future challenges that such state policy tool practices face in the light of feminist standpoint theory and critical governance approaches.

1.2 Choice of Language

I would like to explain my choice of language as a non-native English-speaker and researcher. Canada is a country with two official and therefore dominant languages, English and French, as well as many other languages (aboriginal languages and languages of new immigrants) that are currently spoken, written, and lived. The EU has 27 member states and 23 official languages (not counting the semi-official, minority and migrant languages).[38] In order to be able to conduct the interviews in such a language-diverse context and to guarantee their comparability, I decided to use English as the common denominator and interview language. Consequently and due to the restraints of my own linguistic skills (my own native language is German), I have chosen to write this thesis in the current hegemonic language of science, English. This decision includes having to translate the literature consulted in other languages myself. All the passages the reader will find insightful in those translations can be attributed to the original authors; all the parts that do not make immediate sense, most likely to me. In the footnotes, therefore, I have provided the original text in addition to the translation in order to be transparent about translation choices and possible semantic shifts.

As I write this thesis, I have an international community of feminists, public servants, IA practitioners, governance studies professionals and academics at large in mind. My interdisciplinary work is addressed to them and needs to be accessible to most if not all of them. Dissemination is crucial in academia, but it is especially difficult for inter- or transdisciplinary work that lacks a dedicated academic support structure. At a time in which NPM dominates universities and academic performance is measured predominantly in output, when input only matters if it is traceable in quantifiable statistics of citation indices and impact factors, the use of English by non-native speakers in order to increase dissemination for interdisciplinary research on marginalised topics such as mine becomes a survival strategy. As the Québécoise feminist scholar Francine Descarries put it, it is no longer just "publish or perish"; in the "context of neoliberal globalization," it is "publish in English or perish."[39]

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38 | European Commission 2011a.

39 | Descarries 2014, 564.

In making this decision, I recognise that I am maintaining the hegemony of English[40] and the exclusionary body of knowledge that it builds. But I am also circumventing the problems of translation, since key concepts such as gender or gender-based analysis have different connotations in other languages.[41] Although gender mainstreaming is regarded as an international concept, it is also a travelling concept in the sense that it alters its meaning depending on implementation context, culture, tradition and language.[42] Language is more than a semantic code, it is a cultural vehicle, representing as much as creating reality.[43] A thorough excavation of the shifting semantic meanings and mechanisms of this and other key concepts employed in this study would exceed the boundaries of this dissertation.[44] I wish to express my awareness of this seemingly unavoidable, and therefore intended, limitation to my research. At the same time, it is interesting how deeply involved this short discussion about comparability and choice of language is in the overall discussion of gender in IA. It is a power struggle; it is about visibility, accessibility, transferability and practicability in bureaucratic and scientific environments.

1.3 GOOD GOVERNANCE AND BETTER REGULATION

After World War II, the pattern of political and economic power in the North Atlantic area was one of dynamic development well into the 1970s, followed by a period of stultification and austerity. In the 1990s, with the end of the Cold War, New Public Management (NPM) emerged in European and Anglo-American countries almost simultaneously as a reaction to economic stagnation and the resulting urge to modernise and economise governance structures by rendering them more transparent, responsible, more (cost) effective—and thus "efficient."[45]

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40 | In the academic GBA discourse a French language minority also exists, which the international, dominant English discussion largely overlooks (Langevin 2007; Langevin 2009; Langevin 2010).

41 | For instance, the official Québécoise translation of the Canadian tool "Gender-based Analysis" into the French "Analyse Comparative Entre Les Sexes" demonstrates two different semantic shifts as marked in italics; for a more detailed discussion see tool chapter 3.2.1.

42 | The concept of gender mainstreaming travels across language barriers, but also across academic disciplines: "Confusion as to the meaning is rooted in the fact that concepts and ideas, and language and vocabulary to communicate these ideas do not exist beyond feminism" (Carney 2004, 6). For the definition and interdisciplinary usefulness of travelling concepts see (Bal 2002). For a critical engagement with the diffusion and shifts in understanding of gender mainstreaming, see (True/Mintrom 2001; Carney 2004). For a critique of the trajectory of (Anglo-Saxon and Eurocentric) gender theory travelling from the West to the Global South, see from a Chinese "hosting" perspective (Dongchao 2014).

43 | Descarriers 2014, 566.

44 | For instance, one could consider the key concepts of sex and gender and their equivalents "genre" and "sexe" in French. German also lacks equivalents for these words, since the German word "Geschlecht" incorporates both concepts of sex and gender (Rietmann 2008).

45 | For a chronology and literature review on NPM performance measurement systems for public administration, see (Heinrich 2003).

The term NPM was mainly used by Christopher Hood,[46] who proposed NPM as a governmental "administrative philosophy" designed to be results-oriented and productive.[47] Newer governance approaches to NPM move away from the efficiency impetus and stress networking and cooperation.[48] In keeping with this approach, and as an important pillar of *good* governance and *better regulation*, NPM urges transparent, evidence-based and participatory law making processes. Policy making should be made accountable to and useful for the public—a process that is well underway, as the increased practice of regulatory IA and policy analysis demonstrate.

Good governance is a fuzzy, highly-charged and normative paradigm with differing interpretations. It is a management-driven concept derived from the "institutionalist turn" of the 1990s in administrative and government studies and buoyed up by the underlying belief that optimal regulations originate in good, responsive government structures. These structures serve not only the rule of law, but also the common good (including democratic values), human well-being and economic prosperity.[49] Achieving better regulation depends on a process of *better* or *smarter* law making for good governance, which constitutes the main driver for conducting regulatory IA and policy analysis,[50] aiming at the rationality as well as the impact of legislation and policies.[51]

While there is little agreement on the quality criteria for *good* policies (some even state the impossibility of objectifying *good* or bad policies[52]), and even about what constitutes *good* law making process,[53] there is ostensibly some consensus in legal studies about *good law making*: Laws should be rational and reasonable in the sense of being necessary; they must be congruent with constitutional values according

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46 | Atreya/Armstrong 2002, 5.

47 | Hood 1991. Thorsten Peetz, Karin Lohr and Romy Hilbrich suggest that NPM can be viewed from multi-perspectives and not necessarily reduced to economic management (Peetz et al. 2011, 204).

48 | Benz/Dose 2010; Holtkamp 2010.

49 | Rothstein 2012. One of the main guiding and empirically substantiated exegesis of good governance is the indicator set developed by the World Bank (The World Bank 2006; The World Bank 2009). The Worldwide Governance Indicators (WGI) project reports aggregate and individual governance indicators covering six dimensions for 215 economies for the period 1996-2013. Of these six dimensions, "Government Effectiveness" includes the quality of policy formulation and implementation and "Regulatory Quality" the quality of laws and regulation, including the quality of ex-ante policy and regulatory IA (Strehl 2008, 859-861). For suggestions on better regulation with regard to the role of IA, see (Kirkpatrick/Parker 2007; Torriti 2007; Radaelli/Meuwese 2008).

50 | Baer 2011a, 207-208.

51 | In Canada, Leslie Pal (2004) called the entire NPM-driven public sector reform "new wine in old bottles," indicating that the problems public administration is facing, including policy making and the fights over the best solutions for them, have not changed substantially over time (Pal 2004).

52 | For a discussion of the subjectivity and incompleteness of quality criteria as well as the general unobtainability the good law see (Fliedner 2013, 55-62; Grüner 2011, 3; 23).

53 | Compare discussion about quality criteria for IA and the role of regulatory oversight bodies in subsections 4.1.3.6 and 4.4.6.1.

to the rationality paradigm; and they must perform efficiently and in line with intended results under the NPM paradigm of better law making.[54] Interdisciplinary law research, however, has unveiled more than one angle from which those *good* and *better* normative vessels can be filled.[55] In the sub-discipline of sociology of law, for instance, it is postulated that *good* law making and governance by law have occurred when the consequences of laws correspond to the regulative requirements they were set out to implement; in short, when the law performs,[56] when it is *effective*—independent of cost and efficiency.[57] In NPM logic, effectiveness needs to coincide with efficiency under an accountability umbrella in order to be deemed good governance. In fact, NPM emphasises better regulated and more responsible government spending and cost effectiveness,[58] which should in turn reduce the burden of administration.

Despite some criticism of NPM effects on bureaucracy,[59] a rejuvenated self-definition within public administration was seen as essential in order to meet these new demands on policy making. According to Patrick Dobel, in order to avoid wastefulness and inefficiency, law-making ought to be based on values informed by societal common understanding, which places certain demands on policy makers and developers.[60] It requires the recognition of "public institutions as trusts and managers as stewards" to ensure that "the inclusive commons are addressed in deliberations and decisions."[61] It demands a set of competencies to serve those who rely upon public management and good information as a base for making decisions that "impartially serve 'all citizens'."[62]

As prerequisites for NPM, all governance processes should practice maximum transparency, support the public good, and strive for a maximum of inclusive citizen participation through democratic engagement with a diverse range of social actors. Bureaucrats and policy makers should respond to citizen concerns with care and timeliness. Last but not least, processes should also ensure that equity and long-term considerations are reflected in public decision making.[63] By working to create open, transparent and accountable organisations that integrate multiple voices in their deliberations, new public governance based on NPM principles and

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54 | Salamon/Elliot 2002; Schedler 2007.

55 | Mehta 2007; Bauer et al. 2011.

56 | The performance of law concerns questions of "Rechtsgeltung", the application of law or jurisdiction, see (Baer 2011a, 207). As Ortlieb Fliedner (2013) asserts: There is no quality of law performance per se, it is rather always contextualised in its target environment of application, defined by its acceptance. A law is good when its features meet the regulatory demand and when it is accepted by its subjugates.

57 | Others argue that a law needs to be understood and accepted by the citizens governed by the law in order to be effective (Grüner 2011, 23-31; 121-138).

58 | Schedler 2007, 266.

59 | Such voices feared that NPM would be shrinking the public sector "to the bone," "setting it up for failure" (Farazmand 2007, 1162).

60 | Dobel 2005.

61 | Dobel 2005, 173.

62 | Dobel 2005, 173.

63 | Dobel 2005, 173.

values, strives to be effective and "achieve measurable and real outcomes."[64] When NPM was introduced into public policy making and public administration, it faced immediate and severe criticism from various sides as being too managerial for a public sector that operates according to a different logic than the private sector.[65] It was seen as yet another tool of hegemonic market capitalism designed to promote the interests of international business elites.[66] Meanwhile, resulting from pressure from the global financial and economic crisis, there were calls for "reclaiming the public space,"[67] reorienting agenda setting and steering towards democratic values instead of, or as a hybrid, on top of managerial efficacy.

1.4 Impact Assessment and Public Policies

Invariably in a comparative, transdisciplinary and transnational study one comes across different research, historical and cultural traditions. In my research these differences relate to differences in key IA concepts and terminology used in North American and European contexts. The non-uniform use of terminology in the as yet widely un- or at least under-connected worlds of public policy analysis and public impact assessment (IA) can make for some confusion among policy making and IA practitioner communities. The growing popularity of IA as well as policy analysis is closely related to the growing complexity of (multilevel) systems of governance and their legislative interactions.[68] As a result, there is a wide variety of terms for an even greater diversity of instruments and analytical methods. The following chapter seeks to clarify the use of these terms in light of their historical development by tracing current discussions in the literature, with the goal of coming to a cross-disciplinary and cross-cultural understanding of the terminology and developing working concepts for the purposes of this study.

1.4.1 Policy Analysis and Impact Assessment

Policy analysis is defined in two ways: 1) as the descriptive analytical investigation of existing policies, or 2) as the prescriptive and ex-ante analysis for future policy making. IA on the other hand is defined simply as the methods or scientific procedures for establishing evidence-based criteria for policy advice in the larger endeavour of ex-ante policy analysis. But the terms "analysis"[69] and "assessment"[70] are also often used interchangeably, and preferences appear more a matter of geo-political context (analysis for Northern America and assessment for the European

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64 | Dobel 2005, 174. For the German context see also (Tauberger 2007).

65 | Atreya/Armstrong 2002.

66 | Farazmand 2007.

67 | Argyriades 2008.

68 | Verschuuren 2009.

69 | From Greek "ana"—"up, throughout" and "lysis" "a loosening," analysis' etymology stands for a breaking up or a loosening something.

70 | Although some attribute it to Greek origins (Mabry 2005, 22), the word stems from Latin, "ad-" "to" and "sedere" "to sit." Assessment means a sitting by, or to sit with, a convenient semantic parallel to the required determination needed.

context) than content. This study focuses on analysis *for* policies respectively called (policy) IA, a terminology derived from the subject of assessment.[71]

Policies in the context of this study are understood as public policies,[72] representing a relatively fluid concept of government-led or -induced actions or (sets of) decisions, codified in rules, plans and programmes, principles or strategies.[73] Policy analysis is occupied with the appraisal of problems and the formulation of those policies, plans, programmes and projects, which are progressively more specific in time and place.[74] Policies are often distinguished in so called *soft* (social, health, culture, etc.) and *hard* (finances, economics, defence, etc.) policies that are associated with certain qualities and responsibilities (while *hard* policies really matter, *soft* policies are nice to have). Often soft policies are also associated with a female and hard policies with a male dominance in the field.[75] According to Amy Smith and Karen Monaghan policy fields are actually "gendered" as such.[76]

Laws represent very specific types of codified government actions or decisions,[77] which is why the more narrow terminology of regulatory IA is often applied.[78] Laws can be perceived as a "normative regime,"[79] a set of rules created by different sources: by legislatures through legislation (acts, bills, and statutes), the executive through regulations (or decrees) or judges through binding precedent (normally in common law jurisdictions).[80] In the public sector, both policy analysis and (policy) IA serve as umbrella terms and are applied to legislative as well as non-legislative

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71 | For a detailed typology of IA definitions and tools see subsection 1.6.1. For a differentiation in German into the three main categories "Rechtsetzung", "strategische Planung", "administrative Zulassung" as purpose of assessment, see (Windoffer 2011, 687).

72 | Peters/Pierre 2006. The triangle polity, politics and policy determines the frame for which and within policy analysis is conducted.

73 | Mintrom 2012, 1-2.

74 | For a German definition of public policy and its determining elements, see (Knoepfel et al. 2011, 43-52).

75 | Simon-Kumar 2011, 454-455. For instance, based on Kathy Ferguson (Ferguson 1984), Eva Kreisky noted the association of political disempowerment with feminity, and compares the inferior role of public servants and their clients to the domineering system of public administration, with its rules and norms, with women, being the subjugated, obedient, prepossessed second sex (Kreisky 1989, 11-14).

76 | They assessed 118 U.S. regulatory agencies with respect to variables for representative bureaucracy according to the organisational success of women as top agency leaders and on second-level leadership as dependent variables (Smith/Monaghan 2013). U.S. federal government agencies occupied with feminine policy areas had a 45 per cent female top leadership ratio versus 29 per cent for agencies with masculine policy areas and 49 per cent with neutral policy areas (Smith/Monaghan 2013, 61). They also developed a multi-variable model with which to calculate the relative "femininity," "masculinity" or "neutrality" of policy areas, based on a literature review and correlation of different gender association ratings, referred to in chapter 5.2.1.1 (Smith/Monaghan 2013, 57).

77 | Brettel 2009a.

78 | For further differentiation, see following subsection on the scopes of IA 1.4.1.2.

79 | Conaghan 2013, 10. For the normative and even discriminatory potential of laws, entrenched by gender stereotypes, see (Dobuzinskis et al. 2007a).

80 | Conaghan 2013, 9-16. For a typology of law in German, see (Baer 2011a, 96-100).

rulemaking.[81] If such instruments underlie a binding legal obligation or obligatory implementation measures, they are placed in *hard* implementation frameworks. If their application depends on less binding, facultative or merely communicative modes, these environments (and their weaker incentives) are called *soft*.[82]

1.4.1.1 Genealogy

Western traditions of policy analysis have their roots in "governing delegated rulemaking in the US."[83] After World War II, U.S. political science bore witness to the first scientific attempts to scrutinise public policies deemed inefficient and erroneous, in order to prevent contestable policy decisions and help decision makers select "objectively correct policies."[84] The multidisciplinary neo-discipline of policy science was thus formed. One of the founding fathers of this emerging scientific sub-field was Harold Lasswell[85], who in 1951 contended that policy science should be objective, as its practitioners bore responsibility for providing data and interpretations of that data relevant to the policy problems of a given period. This position places scientists from a variety of disciplines in the role of intermediary between society and democratic decision-making processes. Lasswell asserted that the role of policy science and analysis was to absolve decision makers from problem solving on the basis of political judgment and values, by substituting for these values the accuracy and the rigorous logic of social efficiency based on analytical precision, both quantitative and empirical.[86]

Because Lasswell's policy analysis originated in World War II military operations and logistics and thrived in a cold-war environment, the first methods of inquiry were heavily focused on defence, security, economic and fiscal concerns and empowered narrow scientific elites.[87] The usual milestones recited in policy science literature are the war on poverty in the 1960s, the Vietnam War and the energy crisis, all of which prompted increased demand for scientific policy advice.[88] The analytical capacity of governments grew (specialised policy units were introduced in the 1970s)[89] and diversified over time, peaking with international NPM reforms, which were demanding *evidence-based* policy advice for *better policy making* in a post cold-war world.[90] Since policy analysis has become a "global phenomenon."[91]

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81 | Alemanno/Meuwese 2013; European Parliament/Ballon 2014.

82 | Compare also tool typology in sub-chapter 1.6.1.

83 | Alemanno/Meuwese 2013, 76. I.e. for a German country specific account, see (Blum/ Schubert 2013a).

84 | Justice/Miller 2007, 285-287.

85 | Dunn 2007, 41. Sometimes also Yehezkel Dror is named as the other founding father of policy analysis (deLeon 2006, 39).

86 | deLeon/Vogenbeck 2007, 512.

87 | Justice/Miller 2007, 286.

88 | Other accounts do not negate the leading role of the U.S. policy analysis, but attribute its international rise to more global factors and shared trends of the twentieth century, such as technological advances, also bringing about environmental problems, increasing scope of the market place or the perceived social complexity (Mintrom 2012, 6; Grunow 2003, 20).

89 | Wilson 2006, 143-144.

90 | Wilson 2006, 159.

91 | Mintrom 2012, 4.

IA experienced its first boost via a public policy itself: the U.S. was regulating the first environmental impact assessments (EIA) in the 1960s, which obtained formally binding status in 1969 in the National Environmental Policy Act. This act is commonly referred to as the origin of EIA in particular and of the growing IA movement (including its differentiation) in general.[92] The two movements, policy analysis and IA , meet when the subjects of analysis are public policies, programmes and services.[93]

These analytical movements culminated in the foundation of two internationally dominating professional associations for IA and policy analysis: the Association for Public Policy Analysis and Management (APPAM) in 1978,[94] which published the Journal of Policy Analysis and Management;[95] and the International Association for Impact Assessment (IAIA) in 1980,[96] which published the Impact Assessment and Project Appraisal (IAPA) journal. While the IAIA is the more international association, with an all-encompassing approach to representing any kind of IA in all fields (while having a heavy leaning towards environmental and sustainability IA forms and a development and planning community), the APPAM has the richer tradition in public policy analysis (with a disciplinary leaning towards economic, social and political sciences and an administrative community). The APPAM publishes the Journal for Policy Analysis and Management (JPAM).

Despite overlapping fields of expertise and subjects of research, there is little interaction or exchange between these two associations. Additionally, there is no connection between either of those two IA communities with gender analysis. A key word screening, conducted in the IAIA's Impact Assessment and Project Appraisal journal, as well as in the APPAM's Journal of Policy Analysis and Management (JPAM) brought very few articles to light (IAPA: 10 articles; JPAM: 9 articles).[97] None of the articles was specifically devoted to forms of gender analysis, all found entries mentioned gender analysis in passing as part of another IA topic, but did not present research on an actually executed gender analysis.

As a latest development, the concept of *postmodernist policy making* has been introduced in critical administration studies as a new, pragmatic perspective on policy making processes.[98] It rejects universal claims of modernity and rationality.

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92 | Barrow 1997.

93 | There are a few efforts to conceptually intertwine IA as applied to sustainability and environmental policies with gender equality (Jenkins/Rainey 2007).

94 | The APPAM was founded in the U.S. and its policy research is still very much North-America centred, although it hosts an annual international conference each fall. Over time it has grown to roughly 1,500 individual members. See "About APPAM" on the APPAM website (APPAM n.d.).

95 | APPAM n.d.

96 | The IAIA had an international reach from the start, albeit its headquarters are also located in the U.S., it prides itself to have more than 1,600 members coming from more than 120 countries (IAIA n.d.).

97 | The key word screening included all issues of the two journals and was conducted several times, last 24 August 2015. The key words were: gender mainstreaming, gender impact assessment, gender proofing, gender-based analysis, gender analysis, equality assessment, equality impact assessment, and equity assessment.

98 | Frederickson 2005; Bogason 2005.

It attempts to avoid meta-narratives by linking actual policies as much as possible to the target groups and local communities concerned, thereby "stressing the rise of new values and lifestyles with great diversity and stress on individual choice."[99] In the quest for representation of complexity and diversity through dialogue and participation, postmodernist and postpositivist approaches to evaluation, IA and public management "change from top-down control to bottom-up processes" in "webs of relationships,"[100] focussing on democratic values and disenfranchised groups at the science-policy interface.

Although such postpositivist perspectives on research and knowledge production gained popularity in the 1990s and have experienced continued momentum in the new millennium, they are not yet widely shared in IA approaches and methods on the ground.[101] The international IA and evaluation community, its public policy related practices and theories, are dominated by computer modelling, rational-choice models, game theory and NPM efficiency demands.[102] Postmodern critiques are vastly ignored by the more science-oriented IA sub-communities occupied with infrastructural, financial and environmental questions, in which quantitative techniques and even monetisation are the primary methodologies of choice. Postmodern approaches are observed more frequently, in IA sub-fields that deal with social issues and that employ the whole repertoire of social science methodologies, including qualitative methods. In these communities, postmodernist views that prefer a diversity of narratives instead of a one-fits-all approach have only very recently entered the realm of policy IA, and when only as highly marginalised perspective.[103]

1.4.1.2 Scope

There are many concurring definitions of policy analysis in a prescriptive sense, as analysis *for* policy making. In general terms, policy analysis is described as any attempt "to examine the actions or proposed actions of governments, determine the impacts of those actions, and weigh the merits of those actions against alternatives."[104] Alternative definitions define policy analysis as a "process of multidisciplinary inquiry designed to create, critically assess, and communicate information that is useful in understanding and improving policies."[105] The idea behind conducting policy analysis is that policy problems, as the primary or sole object of policy analysis, could be remedied ex-ante as well as ex-post through a vast set and effective design of political instruments, from laws and regulations to benefit and service programmes, tax incentive schemes and the like.[106] Policy analysis conducted ex-ante in order to inform the design of a policy not yet in

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99 | Bogason 2005, 249.

100 | Bogason 2005, 249.

101 | Jacob et al. 2008; Turnpenny et al. 2009; Torriti 2011; Torriti/Löfstedt 2012; Adelle/ Weiland 2012; Adelle et al. 2012; Sauer/Podhora 2013.

102 | With some few exceptions, such as critical management studies (Hassard et al. 2008).

103 | Adelle/Weiland 2012.

104 | Mintrom 2012, 2.

105 | Dunn 2007, 2.

106 | deLeon/Vogenbeck 2007.

existence is sometimes also called policy appraisal.[107] Policy analysis is perceived as an "art," a "craft," a procedural endeavour of "probing, investigating or searching for solutions," whose methodology "to be sure [...] is based on scientific methods."[108]

Where policy analysis makes use of a set of various practices and scientific methods of assessment (some call them "analytical strategies"[109]) applied to a public policy problem, it overlaps with the realm of IA.[110] According to the IAIA, when applied to policy as well as other objects of analysis, IA can be defined in very general terms as: "The process of identifying the future consequences of a current or proposed action."[111]

Following this definition, IA is defined as a prior assessment that enables one to make reliable forecasts about future unintended and intended effects and events and the likelihood that they will be caused by an intervention that has not yet been implemented.[112] As such, IA is regarded as the overarching term for appraisals of all kinds of initiatives, both public and private interventions, regardless of the object and goal of assessment. When IA is applied to a public policy problem, it is sometimes, although not always, referred to more accurately as policy IA[113] or simply policy assessment.[114]

Where IA designs and methods are successfully tested and standardised for particular (policy) problems or interventions, they are called tools.[115] Divergent concepts also exist that allow IA as well as policy analysis to take place in a *prospective/ ex-ante*, parallel or *retrospective/ex-post* manner;[116] the latter form, however, is more commonly termed an evaluation.[117] Both IA and policy analysis, if conducted ex-post, can also be characterised as specialised forms of evaluation research.[118]

IA as an ex-ante procedure and evaluation as an ex-post event are applied in a large number of public and private contexts. In addition to macro-level assessments of large programmes or interventions (so-called *strategic or programme assessments*), such as trade agreements or overarching political strategies (i.e., Europe 2020),

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107 | Turnpenny et al. 2009.

108 | Dunn 2007, 2.

109 | Mintrom 2012, 109-304.

110 | Ex-ante policy analysis suggests a variety of methods particularly for the purpose of estimating the future impacts of planned policies, ranging from social experiments, the difference-in-difference approach, the comparison of outcome variables in a before and after situation (also called pre-post approach), or, increasingly, model-based assessments based on hypothetical, simulated counterfactual futures (van den Bosch/Cantillon 2006, 297-300), with the standard-cost model being the most well-known method. Public policy handbooks do not, however, speak of IA when referring to analytical methods.

111 | Most authors stress the dominance of the ex-ante character of IA esp. with regard to public policy IA (Renda 2006; Torriti 2007; Robertson 2008; Meuwese 2008; Radaelli 2009; Pal 2010; De Francesco et al. 2012; Adelle/Weiland 2012).

112 | Sauer/Podhora 2013.

113 | Brouwer/van Ittersum 2010; Radej 2011.

114 | Adelle/Weiland 2012.

115 | Podhora et al. 2013.

116 | Salamon/Elliot 2002, 166.

117 | deLeon/Vogenbeck 2007, 516. See more specifically the following subsection 1.4.2.

118 | deLeon/Vogenbeck 2007, 516.

assessments are conducted of smaller projects, mostly in the public/private donor development and private corporate context (so-called *project assessment*). There are also smaller to medium-size, meso or micro level assessments, as well as a mix of any of these. In these environments, IAs can be applied to a range of interventions. From development projects to corporate exploratory projects, from communal local business incentives to large national social welfare and benefit programmes, from strategic planning of international treaties to public policy and law making, the implementation possibilities are almost unlimited. The categorical borders between each of the three types—strategic, programme or project-related IA—are fluid rather than fixed.

As a rule of thumb, the extent of IA depends on the extent and anticipated effects of the intervention. There is also a wide array of IA applications and tools, and further specifications are constantly being developed, resulting in instruments for environmental, sustainability, trade, social, health, poverty, community or gender IA, to name just a few, as well as mixtures of these approaches. Many IA procedures do, however, share the following components: a) A legal background or jurisdictional commitment for implementing IA, b) a methodological framework or guidelines, which outline the individual IA procedure and lead to c) an actual conduct of IA, which is d) based on methodological quantitative and/or qualitative tools.[119]

Public policies are typically assessed "through the lenses of effectiveness, efficiency, and performance."[120] In order to fulfil these requirements, empirically rooted analysis is needed for the process of designing and enacting a bill or public policy proposal in an *evidence-based* fashion.[121] When ex-ante IAs are requested and used by decision makers as the basis for evidence-based law making, they are also called regulatory impact assessments or regulatory impact analyses (RIA).[122] There is little comprehensive literature on IA, policy analysis or RIA;[123] most handbook publications are dedicated to specialised IA forms or are compressed journal articles.[124] The existing literature does not always apply the same definitions, e.g., the line is not always drawn between IA and RIA; instead they are often treated as equivalents.[125] Other authors apply the term regulatory IA (RIA) as a synonym

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119 | Sauer/Podhora 2013; Adelle/Weiland 2012; Esteves/Vanclay 2012; Vanclay/Esteves 2011a; Esteves et al. 2010; Podhora 2010; Kirkpatrick/Parker 2004.

120 | Wallner 2008, 1.

121 | Hensel et al. 2010a, 20. See also next chapter 1.4.1.3 on evidence.

122 | The European Policy Centre; Ballantine/Ballantine 2001; European Parliament et al. 2002; Radaelli 2009; Staranova 2010; Wegrich 2011; Dunlop et al. 2012; De Francesco et al. 2012. Its German equivalent is "Gesetzesfolgenabschätzung", see (Böhret et al. 2001; GenderKompetenzZentrum/Lewalter 2005; Führ et al. 2010; Hensel et al. 2010b; Hensel et al. 2010a; Baer 2011a, 250-252).

123 | Dobuzinskis et al. 2007a; Dunn 2007.

124 | Renda 2006; Meuwese 2008; Jacob et al. 2008; Radaelli/Meuwese 2008; Verschuuren/van Gestel 2009; Hensel et al. 2010b; Wegrich 2011; Adelle/Weiland 2012; Adelle et al. 2012.

125 | Verschuuren/van Gestel 2009, 7; Meuwese 2008.

for IA or policy analysis in the public sector,[126] although it is not, strictly speaking, applicable to programmes and the delivery of public measures through the civil service, unless a new law or other form of legal regulation is drafted.

IA has been described as an adjacent, extended form of policy analysis, since the objectives and goals of policy analysis are (or at least can be) defined in much broader ways. But both terminologies—IA and policy analysis—are often used interchangeably when applied in the context of public administration to inform the process of policy and programme making. Typically, North American and Commonwealth public policy literature speaks of policy analysis, while in the European context, researchers prefer to use (policy) IA for applied policy analysis and advice (in contrast to the academic analytical engagement with existing policies, usually called policy analysis).[127] For clarity in this study, I have decided to use the terms in context: using the term "policy analysis" when discussing my Canadian findings and "IA" when talking about findings for the European Union. Since the focus of this research rests on tools and instruments for inserting gender equality concerns in public policy making and programmes, I prefer to use "IA" for my comparative sections. When referring to Canadian policy analysis and EU IA systems together and directly, I employ the combined term "policy analysis/IA."

1.4.1.3 Evidence

Empirical evidence, in its original Greek sense of the word *empeiría*, meaning experience or knowledge based on experience, is the subjective, methodology-driven observation of realities in the attempt to make sense of and give order to the world, to describe it and ultimately govern it.[128] *Evidence-based* policy advice is commonly understood as the provision of hard facts on which to base the policy design. For such a purpose, ex-ante policy IA employs and generates scientific data (on infrastructure, the environment, trade etc.), mainly through quantitative analysis, modelling and social science methods (like cost-benefit analysis, computer models or network analysis). Postmodern policy analysis prefers to speak of *evidence-informed*[129] forms of analysis, which are based on studying such hard facts in their social, political, cultural, or economic context. Evidence-informed science is a way of answering the postmodern critique of "objectivity". With this concept, Charles Fox and Hugh Miller[130] address the issues and challenges of transforming global societies at a critical point in time, in the transition from the industrial age to post-industrialism.

Postmodern policy analysis wants to render visible *normative assumptions* (values, economic, political goals etc. about how things *should* be) and use such insights to intervene in the data collection process, trying to ensure that contextual or structural factors surrounding a proposed policy are also taken into account.[131]

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126 | Fehling 2003; Torriti 2007; OECD; Regulatory Policy Division Directorate for Public Governance and Territorial Development 2008; Hensel et al. 2010b; Staranova 2010; Centre for European Law and Governance; Jean Monnet Centre of Excellence 2014.

127 | Turnpenny et al. 2009; Blum/Schubert 2013b.

128 | Baer 2011a, 257.

129 | Atkinson et al. 2013.

130 | Fox/Miller 2006.

131 | Atkinson et al. 2013, 141.

Such factors are commonly referred to as soft facts. In the everlasting conflict between quantitative/hard versus qualitative/soft methods and data, the latest sustainability research for policy development has rediscovered society as an object of inquiry regarding the impact of research and political decisions.[132] Here, Uwe Schneidewind has called for an "experimental turn" in applied science for IA.[133] By "experimental", Schneidewind refers to other, more deliberative forms of research than the computer models and highly aggregated statistics commonly used for producing evidence and developing recommendations.[134] In order to produce socially robust knowledge, this sustainability research finds the integration of society into assessments—as predominantly positivist as they may remain[135]—a necessary step to creating sustainable societies in a world with limited resources.

Other authors do completely away with the notions of positivism, robustness and value-free science, instead they call for alternative standpoints and a conscious, ethics-based engagement with public policy issues.[136] As Foucault has demonstrated in his unveiling of data as just another technology of power, and as Baer has noted in reference to the critical theory of Adorno, who viewed empirical research as a form of manipulation, empirical research is never value-free or free of judgement, presuppositions or intentions.[137] Very early public administration research by Dwight Waldo[138] in 1948 dismissed positivist empiricism and experimentalism, because "administration is generally suffused with the questions of value."[139] He concluded that there was not one best way of doing things.[140]

According to Waldo, administrative study and policy advice needs to answer the question of "what should be done," rather than the scientific question of "what is the case?"[141] Jerome Ravetz, who together with Silvio Funtowicz developed the concept of administrative studies as *post-normal science*, as opposed to the *normal science* conducted in the artificially pure and stable conditions of a laboratory experiment[142], has emphasised the messy, complex environment and the human factor in problem-solving science in the service of public administration.[143] Finding out "what should be done", therefore, quickly becomes a highly multifaceted issue: "Contrary to the

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132 | Environmental and sustainability IA are the most practiced IA forms, with a wealth of supporting research and literature to back the assessments (OECD et al. 2008).

133 | Schneidewind 2012.

134 | Weiland 2012; Ferretti et al. 2014.

135 | Although especially younger IA researchers take note of the different research paradigms, be it rational-positivist, constructivist or pragmatic, and what each of them has to offer (Ferretti et al. 2014, 11-12).

136 | For public policy and management studies, i.e. (Adler/Jermier 2005).

137 | Baer 2011a, 257.

138 | Waldo also pointed out that administrative efficiency in governance constitutes a value in itself that can contradict or obstruct other values, e.g. democratic participation. Waldo's work has long been neglected and only recently re-discovered in current postmodern discourses on administrative studies.

139 | Waldo 1948, 182.

140 | Waldo 1948, 177-178.

141 | Waldo 1948, 181.

142 | Nowadays mostly in form of computer models (Ferretti et al. 2014).

143 | Ravetz 2004.

impression conveyed by textbooks, most problems in practice have more than one plausible answer, and many have no answer at all."[144]

1.4.2 Evaluations

Due to the increasing importance of evaluations and outcome orientation in policy making, the period of growing and flourishing IA systems in public policy making has been called "the era of professionalizing evaluation."[145] Evaluation research also emerged in the policy making process in the Anglo-American science and policy traditions. Originating in the U.S. in the late 1940s and 1950s, evaluation research was adopted in Canada and then in European national states with one to two decades delay—first in Great Britain and later in Sweden and Germany, which makes these EU member states the European frontrunners.[146] The history of (ex-post) evaluation research in public policy making is tightly linked to the development of (ex-ante or parallel) policy analysis and can be roughly structured in four phases.[147]

1.4.2.1 Genealogy

In the first phase at the beginning of the 20th century, evaluation was strongly connected to the concept of measuring performance. The second phase in the 1920s to 1940s saw a shift to an exact description of processes. In the third phase in the 1950s and 1960s, when ex-ante evaluations were pushed into policy making processes (first in the U.S.[148]), evaluations were seen as instruments by which judgments could be formulated that would inform welfare, education and employment policies.[149] In addition to the measurement and description of processes, the purpose, utility and application of the evaluation results were central in this phase, producing a convergence of scientific investigation with the implementation of results.

With regard to the third phase, it is worth noting that the evaluation boom in the 1960s in the U.S. evolved in both the civilian and defence arenas. As part of an attempt to address deep-rooted issues of social justice under U.S. presidents John F. Kennedy and Lyndon B. Johnson, the "Economic Opportunity Act" (1964) and the Office of Economic Opportunity were designed to foster a welfare and public service system that would enable all citizens to have "a head start."[150] The increasing popularity of evaluation in policy advice and policy making goes back to Robert McNamara's introduction of the Planning, Programming and Budgeting System (PPBS) in the U.S. Department of Defense (1965).[151] It was a widely recognised milestone for the development of evaluation research and emphasised an input and

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144 | Ravetz 2004, 649.

145 | Stockmann/Meyer 2010, 27-28.

146 | Dobuzinskis et al. 2007a; Stockmann/Meyer 2010, 27.

147 | Flick 2006, 11-12.

148 | Stockmann/Meyer 2010, 24. For an in-depth historical overview over the development of policy analyses in the Canadian and US-American realm see also (Dunn 2007).

149 | Flick 2006, 12.

150 | Stockmann/Meyer 2010, 25.

151 | Stockmann/Meyer 2010, 25.

outcome orientation subject to strict efficiency criteria. Both evaluation and impact assessment navigate in this continuous tension to the present day.[152]

The fourth phase, which is ongoing, began—depending on the author— in the early 1970s or in the 1980s[153] with the introduction of the concepts of "professionalization"[154] and "responsiveness"[155]. The concept of responsiveness reflects the dominance of science, and emphasises the usability and application of evaluation results and their translation into management and decision-making processes.[156] The Government Performance and Results Act (1993) is often cited as the high point but also the endpoint of leading U.S. evaluation research, which by then had become a "business" and a "market". The act: "Shifted the focus of federal management and decision making away from preoccupation with the activities that are undertaken under the auspices of federal funding to a focus on results of those activities."[157]

The fourth management- and efficiency-oriented phase is rooted in a positivist belief system, for which causalities, determinants and measurability play a central role in monitoring public service performance by focusing attention on the results and effectiveness of public spending. The state is thereby rendered accountable to its citizens—most often in monetary terms—and public servants become public managers, evaluators become auditors and quantification becomes monetisation.

1.4.2.2 Scope

Evaluations in public policy making and programming represent specialised forms of (social) research. Evaluation research is a branch of empirical social science. It differs from purely theory- and hypothesis-driven scientific research insofar as it is designed to provide evidence-based analysis for optimising decision-making processes and interventions:

"Evaluation is an applied inquiry process for collecting and synthesizing evidence that culminates in conclusions about the state of affairs, value, merit, worth, significance, or quality of a program, product, person, policy, proposal, or plan. Conclusions made in evaluations encompass both an empirical aspect (that something is the case) and a normative aspect (judgement about the value of something). It is the value feature that distinguishes evaluation from other types of inquiry, such as basic science research [...]."[158]

Evaluation as applied research is therefore value-driven and oriented toward societal change or improvement.[159] The object of research is the very intervention itself, from which all research questions are derived, with the goal of increasing economy, efficiency and effectiveness.[160] The use of evaluation is closely related to

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152 | Dunn 2007.
153 | Flick 2006.
154 | Stockmann/Meyer 2010.
155 | Flick 2006, 12.
156 | Flick 2006, 12.
157 | Mertens 2006, 55.
158 | Fournier 2005, 139-140.
159 | Weischer 2007, 114.
160 | Kevenhörster 2006, 42.

the control and quality management of processes; and monitoring and evaluation are at the heart of evidence-based policy making.[161] Whereas monitoring represents a continuous process of outcome or output control, evaluations are "periodic, objective assessments of a planned, on-going or completed project, program, or policy."[162]

When an evaluation revolves around a specific research question pertaining to a particular project, policy or programme and seeks to answer this question in a cause-effect manner, it is called an impact evaluation.[163] Impact evaluation and IA are yet again used interchangeably as terms for outcome-oriented, applied evaluation research before (ex-ante or prospective), parallel to, or after (ex-post or retrospective) an intervention that focuses on the causalities of the intervention (its impact or causal effects).[164] IAs conducted ex-post are usually conceived as evaluations when they link to a cycle of outcome control and improvement. The evaluation methods chosen vary and cover all quantitative and qualitative instrument sets used in the social sciences and beyond, including experimental designs.[165] They are determined by the research question, the intervention under examination and the professional training and education of the evaluator in charge.[166]

1.4.3 Policy Cycle

The growth of policy analysis and evaluation occurred in reaction to practical problems and crises and is "an essentially intellectual activity embedded in a social process."[167] The fluidity and procedural character of policy analysis is mirrored in the policy cycle, which goes back to 1951, and in Harold Lasswell's primary concept of what he called "policy orientation."[168] Lasswell described the ideal type of policy making as a series: intelligence, recommendation, prescription, invocation, application, appraisal, and termination. Standardised versions of the policy cycle vary,[169] but usually include the following stages: Agenda setting or problem identification, policy formation, policy adaption or decision making, policy implementation, assessment and evaluation, policy adaptation, succession

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161 | Gertler et al. 2011, 3.

162 | Gertler et al. 2011, 7.

163 | Gertler et al. 2011, 7-8.

164 | Gertler et al. 2011, 8, 13.

165 | Designing and implementing custom-made, inclusive evaluation processes depending on the setting and purpose is always key. The hidden population of gay, lesbian, bisexual, transgender, intersex and queer (LGBTIQ) people, for instance, holds particular challenges for the evaluator. In designing an inclusive evaluation, the evaluators' acceptance of LGBTIQ people is seen as central in raising awareness and for avoiding the promotion of heterosexual dominance and a limitation to a binary sex/gender perspective (Cassaro 2005, 227-228).

166 | For the systematic integration of gender equality as a human rights perspective in monitoring and evaluation processes, see i.e. (International Labour Organization (ILO); Evaluation Unit 2012).

167 | Dunn 2007, 44.

168 | Peters/Pierre 2006, 16.

169 | Knoepfel et al. 2011; 53-59. See also (Bridgman/Davis 2004; Colebatch 2006).

and termination.[170] Despite the complexity of the policy making process, such simplified, stagist models are still influential. Thus the policy cycle as employed in this study can best be understood as a dynamic, staged approach to analysing the maturity or soundness of a policy or programme, measured against whether it produces its intended positive effects.[171]

Models vary in the number of assessment steps,[172] but all have in common a complete monitoring and feedback cycle, the so-called "policy cycle", with evaluation of the programme or policy as the last—or then also the first—step. The intended and unintended effects that are revealed are, under ideal circumstances, fed back into the design of new policies or programmes or the re-design of existing ones. All these policy cycle models share heuristic and iterative approaches, which should not necessarily be regarded as normative or predictive.[173] Within the policy cycle, ex-ante, parallel IAs and ex-post IAs or evaluations inhabit a central role in informing policy and programme making as well as in controlling for (un/intended) outcomes, usually with an underlying positivist paradigm.[174] In policy making or in a short policy process, policy analysts and programme developers attempt to assess, in a closed cycle of continuous monitoring, as many areas of potential policy and programme impact as possible, in order to lessen the chances that a given policy will have unexpected or unintended effects. In this on-going and dynamic process, only evaluations can reveal the impact of policy on practice and make suggestions about how unintended effects, if they occur despite ex-ante assessments, can be mitigated.[175]

1.5 Controlling for Gender Mainstreaming— Through Tools?

This chapter presents international research on gender mainstreaming in relation to gender policy analysis tools and practice in order to identify research gaps and describes the main research hypotheses. The literature review focuses on knowledge production on gender in policy analysis predominantly from a gender mainstreaming perspective.[176] How to control for gender mainstreaming and its instruments, how to render them accountable in ever-changing regulatory environments? In order to pose these questions, we first need a more profound understanding of the historical background and goals of gender mainstreaming.

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170 | Dunn 2007, 46.

171 | Jann/Wegrich 2009, 86; Gellner/Hammer 2010, 60.

172 | Compare for instance legalistic models (Baer 2011a, xx) or equality governance model of Status of Women Canada as in table 6.

173 | Gellner/Hammer 2010, 56-71; Knoepfel et al. 2011, 137-141.

174 | The dominant way of dealing with questions of uncertainty, doubt, or scepticism in dominant positivist policy analysis, is by managing risk and uncertainty as in-built in the IA forecast, models and scenarios (Walker et al. 2013).

175 | Dobuzinskis et al. 2007a.

176 | Karin Zimmermann and Sigrid Metz-Göckel confirm this observation: Most research on gender mainstreaming is conducted in the academic arena of feminist research, in women's and gender studies (Zimmermann/Metz-Göckel 2007, 13).

We then need to explore the expectations for and realities of gender mainstreaming and gender analysis tools. How are they supposed to be implemented, what are they deemed to deliver and what do feminist scholars currently think of them? Finally, this chapter assesses the demands that gender mainstreaming and controlling literature make for the proper implementation of gender mainstreaming through its tools in a public service environment.

1.5.1 Gender Mainstreaming as a Genealogy

Gender mainstreaming has roots in many countries (e.g., Canada and Finland) and grew mainly out of the development context. As a means for development of policies for women's empowerment, it emerged in the 1970s and thus predates by roughly two decades the United Nations' Beijing Declaration and the Platform for Women (1995),[177] which made gender mainstreaming known and relevant worldwide.[178] Internationally, the concept appeared the first time at the level of the United Nations (UN) in 1984, when the United Nations Development Fund for Women (UNIFEM)[179] was restructured and specifically designated to support and achieve equality for women and to "access mainstream agenda-setting on development issues."[180] In 1985 the Nairobi Third World Conference on Women reviewed the decade of women's empowerment since the First World Conference on Women in Mexico City in 1975.[181] It came to the conclusion that women should play an integral role in defining and assessing the goals of development and that specific measures should be explored to empower women and enable them to enter the development mainstream.[182]

The further advancement from the idea of women in development (WID) to the idea of gender in development (GID) in the early 1990s coincided with discussions at the United Nations' level and among women's organisations in the global South and international bilateral donor agencies.[183] As a perceived improvement of WID, GID focussed on the relations between the genders rather than on women as a group, thereby positioning inequality in a wider framework of systemic and interrelated disenfranchisement and underlining the role that men play within this framework. In the same time period, an array of implementation instruments were introduced, designed to incorporate gender aspects into planning and programme management of development projects. This period thus marks the origin of the first gendered

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177 | UN 1995.

178 | Frey 2004, 25.

179 | In 2011 UNIFEM merged with the Division for the Advancement of Women (DAW), the International Research and Training Institute for the Advancement of Women (INSTRAW), and the Office of the Special Adviser on Gender Issues (OSAGI) to become the United Nations Entity for Gender Equality and the Empowerment of Women (UN WOMEN), www.unwomen.org (2015-03-09).

180 | Schmidt 2005, 31.

181 | Schmidt 2005, 164.

182 | Frey 2004, 26.

183 | Halpern et al. 2011, 5; Jaquot 2006.

analysis tools, such as the Harvard Analytical Framework[184], the Gender Planning Framework[185], the Gender Analysis Matrix[186], the Social Relations Approach[187], and the Women's Empowerment Framework[188], and the 3R (representation, resources, realia) method.[189]

The breakthrough moment in the adoption of gender mainstreaming was the Beijing Declaration and Platform for Action (BPfA), which defines gender mainstreaming in this concluding document of the UN's Fourth Conference on Women in 1995, although, as Regina Frey points out, the words "gender" and "mainstreaming" are not found in combination in the actual text.[190] The mainstreaming approach is anchored in eleven of the twelve thematic sections. The central paragraph that constitutes the gender mainstreaming mandate reads as follows:

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184 | Rao/Anderson 1991. The Harvard Analytical Framework, alternatively called Gender Roles or Gender Analysis Framework, was designed by researchers in the Harvard Institute of International Development (HIID) and funded by USAID's Office of Women in Development. It is described as the earliest effort to analyse the different impact of development on both women and men by looking at their divergent positions in society and the consequences of allocation of development resources. It is also called the "efficiency approach", because the framework proposes a redistribution of aid and resources towards women, which would render development itself more efficient.

185 | Moser 1993. Caroline Moser was the first to connect the social roles assigned to women to larger development planning processes, and thereby contextualised different gender experiences. In her "three roles" model—production, reproduction, community management—Moser draws attention to the respective differential implications of development on those areas. Her tool encompasses both the technical and political aspects of integrating gender in development.

186 | Parker 1993. This community- and stakeholder-centred analysis assesses each objective according to four categories: Women, men, household and community. The methodological twist to this analysis is that the differing impacts of development projects on men's and women's labour practices, time, resources, and other socio-cultural factors, such as changes in social roles and status, are discussed by the stakeholders themselves.

187 | Kabeer 1994. Kabeer's distinctively feminist framework gives Moser's suggestions an institutional turn by locating the family and household within a larger framework of social relations such as communities, the market, and other (state) institutions.

188 | Developed in 1996 by the Zambian gender expert Sara Hlupekile Longwe (International Labour Organization/South-East Asia and the Pacific Multidisciplinary Advisory Team 1998). Her analysis model links women's poverty to oppression and exploitation and, as a consequence, to a lack of productivity. She names five levels of equality: 1) "Control" in decision making concerning factors of production; 2.) "participation" in decision making processes related to policymaking, planning and administration; 3) "conscientisation" as a means of gaining understanding about differences in gender roles; 4) "access" to the factors of production; 5) "welfare" as access to material goods necessary for survival such as food, income, medical care etc. (Longwe 1999).

189 | Created as the earliest tool in a public service context between 1995-1998 for the JämKom project on Swedish municipalities, led by Gertrud Åström (Swedish Association of Local Authorities et al. 1999).

190 | Frey 2004, 32.

"Governments and other actors should promote an active and visible policy of mainstreaming 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."[191]

This stipulation in the Platform for Action places a broad and comprehensive demand on all signatory states, including all EU member states and Canada, for ex-ante gender considerations of all government action. This demand constitutes the original entry point for an integration of gender mainstreaming into ex-ante policy analysis that is cross-cutting and without exception ("all policies and programmes")[192]; this, moreover, in a period where the international implementation of ex-ante policy analysis was in the beginning stages and still under construction. Another often overlooked demand is expressed in the same quotation: the call to pursue an "active and visible policy." The implicit assertion here is that the mainstreaming of gender should not be a hidden exercise, but rather one that is openly undertaken in all public institutions, actions and measures producing tangible results. The government and its public administration are assigned a proactive role as energetic promoters of a "visible" gender mainstreaming strategy.

The BPfA's definition serves as the international guide but was followed by others, such as the definition of the UN's Economic and Social Council dating from 1997:

"Mainstreaming a gender perspective is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality."[193]

The central and vital role of government in the implementation of gender mainstreaming led to a definition of the strategy by the Council of Europe in 1998.[194] This definition—albeit issued in a non-binding fashion—became the guiding definition in the European context. It is still current in the EU and beyond and was developed by a group of specialists and the chair Mieke Verloo. It states that:

"Gender Mainstreaming is the (re)organisation, improvement, development and evaluation of policy processes, so that a gender equality perspective is incorporated in all policies at all levels and all stages, by the actor normally involved in policy making."[195]

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191 | UN 1995, para 79.

192 | Charlotte Halpern, Sophie Jacquot and Patrick Le Galès call mainstreaming "the systematic horizontal incorporation of a particular political priority (gender equality or sustainable development) at the core of all public policies." (Halpern et al. 2011, 1).

193 | Cited after (Moser/Moser 2005, 12).

194 | The Council of Europe; Directorate of Human Rights; Section on Equality between Women and Men 1998.

195 | The Council of Europe; Directorate of Human Rights; Section on Equality between Women and Men 1998, 12. The German translation of the English original does not replicate

This definition is even more tailored to policy processes in that it explicitly refers to all steps in a closed policy cycle. It shifts attention away from the process of simply integrating gender aspects to focus instead on the ultimate goal of gender equality. Additionally, it directly addresses all state actors routinely involved in policy making and gives them the responsibility for implementing gender mainstreaming as a cross-cutting approach, relying on the commitment and activity of all actors on all levels rather than only gender experts or femocrats[196].

In sum, gender mainstreaming has been a two-pronged or twin-track strategy from its beginning. The first prong is the mainstreaming of gender issues in all polices and areas, while the second seeks to avoid making redundant or replacing affirmative action or targeted interventions[197]—that is, women-specific measures intended to narrow gender gaps in areas where women are (still) at a disadvantage.[198] This second prong emphasises the continuous need and justification for affirmative action or targeted interventions. Government was thus meant to play an equally active role in directly promoting women's needs and balancing structural deficits as in the mainstreaming of gender concerns. As a result, governments are also called upon to account and control for their practices of gender mainstreaming.

1.5.2 Gender Mainstreaming as a Technology

Gender mainstreaming has a far reaching, all-encompassing character and is applicable to all signature states of the United Nations' Beijing Declaration and Platform for Action (BPfA), including all European member states and Canada.[199] Jacqui True and Laura Parisi identify five gender mainstreaming models that have crystallised over the years[200]: 1) The integrationist[201] or gender equality model, whose reach is contested, adds gender aspects to existing frameworks, as in the case of gender analysis tools;[202] 2) the related difference model, reifies rather than abolishes binary gender stereotypes; 3) the later intersectionality[203] model highlights the inter-woven effects of multiple strands of discrimination[204]; 4) the alternative or transformationalist model, a competing frame to the integrationist model and preferred by most feminist academics for gender mainstreaming,[205] introduces a

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its gender-sensitive language, which is indicative of an underdeveloped gender awareness and need for improvement (Tomic 2010, 30).

196 | For an engagement with femocrats and state feminism, see sub-chapter 2.2.3.2.

197 | Despite the clear double mandate, the introduction of gender mainstreaming was in reality frequently abused by state actors to roll back or entirely abolish women-specific programming, machinery and structures, see (Russel/Sawer 1999; Charlesworth 2004; Brodie 2008; Chappell et al. 2008; Steinhilber 2008; Verloo 2008).

198 | UN 2002, 2.

199 | UN 1995.

200 | True/Parisi 2013, 39-40.

201 | Lombardo 2009.

202 | Benschop/Verloo 2006; Debusscher 2012.

203 | See sub-chapter 2.3.1 on intersectionality.

204 | For a definition of direct versus indirect discrimination, see 2.2.3.3.

205 | Woodward 2003; Pühl 2003; Schunter-Kleemann 2003; Verloo 2005a; Ilcan et al. 2007; Kantola 2010a.

gender perspective and fundamentally transforms the host framework into a more just alternative[206] 5) the resistance or rejection model, by which organisations reject gender mainstreaming as being too complicated or lacking demonstrable effect. Halpern et al. added yet another type, the "conformist" usage, in which the "policy norm" gender mainstreaming has become "consensual; open resistance is rare but inertia and lip service are the rule."[207] In practice, these models represent ideal types, and mixtures of many or all may occur at the same time.

Additionally, Sara Payne differentiates between gender mainstreaming in a narrow sense, focussed on gender-sensitive policy making—the subject of this study—and gender mainstreaming in an all-encompassing sense, devoted to the overarching goal of achieving gender equality.[208] According to Payne, if gender mainstreaming is employed in the narrow sense of just producing gender-sensitive policies, important pragmatic barriers need to be addressed. In the wake of the introduction of gender mainstreaming, many authors placed great hope in the prospect of a middle- or long-term transformative potential for a paradigm shift in policy making, so that "women not only become part of the mainstream, they also reorient the nature of the mainstream."[209] Over the years, they have found reality to be sobering.[210] Like many others, Emanuela Lombardo and Petra Meier had warned that gender mainstreaming resembled an empty vessel or "open signifier" that can be filled with feminist as well as non-feminist content.[211] Karin Zimmermann and Sigrid Metz-Göckel call it "realistic" to doubt the capability for changing administrative procedures.[212] In the Beijing +15 process, Lombardo and Meier came to the conclusion that, despite its radical potential and some promising pilot experiments, gender mainstreaming has not yet led to transformative change in policy making and legislation.[213] Ria Browers calls it right out a „failure."[214]

In the case of the EU, Lombardo and Meier found that the strategy itself was only partially adopted and mostly treated with only "rhetoric" of substantive equality.[215] Some, observing a post-feminist practice of gender mainstreaming, even regard it as non-feminist: "I don't even know what gender is."[216] And Mieke Verloo attests: "If there is one thing that has become clear, it is that this approach, apart from being substantial and possibly revolutionary, is utopian at best and extremely difficult to implement, to say the least."[217]

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206 | Eyben 2010.

207 | Halpern et al. 2011, 15. The authors observed how policy actors were able to adhere to "the required procedures and produce information without contributing much more than before to the fight against gender inequalities in their own fields." (Halpern et al. 2011, 15).

208 | Payne 2011, 536.

209 | Jahan 1995, 13.

210 | Bretherton 2001; Woodward 2003; Baer 2005a; Verloo 2005a; Bakker/Brodie 2007; Hafner-Burton/Pollack 2007; Walby 2008; Crespi 2009; Paterson 2010.

211 | Lombardo/Meier 2006.

212 | Zimmermann/Metz-Göckel 2007, 85.

213 | Charlesworth 2004.

214 | Browers 2013, 22.

215 | Lombardo/Meier 2006, 157-158.

216 | Zalewski 2010, 8.

217 | Verloo 2013, 904.

Verloo's strategic framing concept addresses this unsatisfactory state of affairs on a meta-level, proposing that divergent ideas of gender equality are one possible cause for the marginalisation of the gender perspective in all areas, including policy making.[218] On the meso and micro levels, Birgit Sauer asserts that it is the half-hearted, fragmented, incomplete commitment to and introduction of gender mainstreaming that endangers its transformative potential and risks producing negative effects.[219] Payne blames mainly pragmatic barriers, such as the lack of financial or personal resources as well as lack of gender knowledge, competencies and disaggregated data.[220]

Sex-disaggregated data has, in fact, been a continuous point of contention. While Maria Stratigaki points to the benefit of having "direct, material beneficiaries and target populations, which can be accurately counted and assessed,"[221] other authors lament that in gender mainstreaming practice, complex gender roles and intersectional inequalities are still mainly conceptualised in terms of sex and are reduced to sex-counting,[222] or head counting.[223] In GIA/GBA, as well as other gender-analysis tools, gender is often mistakenly used as a substitute for sex; that is, researchers attribute gender differences to biology when, in fact, they are reporting on differences according to sex. The most apparent occurrence of this terminological confusion is the undifferentiated terminological use of gender-disaggregated versus sex-disaggregated data as well as the inherent dramatization of the sex/gender difference:

"The emphasis on gender tools and on gender-disaggregated data and what is measurable narrows the range of interest down to specific [...] needs of either men or women and reframes the problem as one of knowledge, which is itself variable and contestable. It also reproduces a focus on differences between women and men, and once again reproduces notions of essential "otherness", without opening up questions of gender relations of power, and their implications for gender equity [...], for both women and men and for policy."[224]

The fear of trivialising gender in technocratic processes was always wide-spread in the feminist and gender mainstreaming community.[225] Many authors distrust the process of technocratic implementation per se[226], also called the expert-bureaucratic

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218 | Verloo 2005b; Verloo/Lombardo 2007.

219 | Sauer 2008c.

220 | Payne 2011, 524-525.

221 | Stratigaki 2012, 185.

222 | Woodward 2003; Frey 2003; Frey/Hartmann 2006; Hafner-Burton/Pollack 2007; Donat et al. 2009.

223 | O'Connell 2013; Ackerly/True 2013.

224 | Payne 2014, 38.

225 | Seemingly substantiated in the evaluation of recent policies (van Eerdewijk 2014; Payne 2014; Bock 2015, Rubery 2015; Tiessen 2015).

226 | Maria Osietzki warned even before the advent of gender mainstreaming of the scientification ("Verwissenschaftlichung") and technisation of a feminist androcentric critique (Osietzki 1991, 39).

model.[227] Feminist authors charge that gender analysis tools and the analysts implementing them, including gender equality policy advisors or femocrats, are implicated in a harmful expertocracy[228], too distant from the women's movement and its actors.[229] Payne also became ambivalent about the technocratic emphasis on procedures rather than on complex inequality interactions.[230] Others fear that this integrationist approach will be not only ineffective, but even produce mostly negative effects.[231] Lombardo is concerned that the current integrationist approach to gender mainstreaming "subverts the innovative meaning of the strategy, diluting its revolutionary character."[232] Some feminist scholars go so far as to deny gender mainstreaming its effectiveness, especially under the neo-liberal paradigm[233]:

"The difficulties with gender mainstreaming suggest that these tools may be incompatible with the overall project of European integration. In particular, it is noted that if the gender project is not adequately entrenched, neo-liberal policies can produce and reproduce new gender inequalities, thus rendering mainstreaming efforts not only ineffective, but even counterproductive."[234]

In the case of Canada, for instance, Kathleen Lahey regretted the intransparency with which international economic transactions are analysed, which had led in the past to a disregard of their effect on women.[235] She attributes the hesitancy to take up a gender analysis of economic and fiscal policies to the "male dominance of Canadian corporations" and a lack of political will to address the "interconnected gender effects"[236] due to the economic issues at stake. If in this case the Canadian export industry—in an unwilling alliance with Canadian administration—neglects to gauge the importance of women, it:

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227 | Kantola 2010a, 125. See also, among many others, esp. for the EU and Canada (Shaw 2002; Rees 2005; Wöhl 2007; Brodie/Bakker 2008; Bacchi/Eveline 2010).

228 | The "dominance of professional experts" within the policy-making processes of an "expertocracy" is referred to and often blamed for leading "to rational technocratic solutions, including, for example, the gender impact assessments" (Payne 2014, 38).

229 | Findlay 2015, 99; 143.

230 | Payne 2014, 28.

231 | Lombardo 2009, 324. Some have already sung gender mainstreaming's funeral hymn; more than a few times in the course of my research, I was asked with astonishment why I chose to write my PhD thesis on it.

232 | Lombardo 2009, 324.

233 | Pühl 2003; Squires 2007; Simon-Kumar 2011.

234 | MacRae 2013, 3.

235 | Lahey 2009/2010. Her main argument for the purposefulness and implementation of GBA is that if "left unexamined for gender impact, international taxation will replicate and reinforce on the global level the severe imbalances of income and work that already characterize women's existence at the domestic level, entrenching the 'male breadwinner model' of fiscal policy even more deeply in international and national financial relations, and making the dream of genuine equality even more elusive." (Lahey 2009/2010, 417).

236 | Lahey 2009/2010, 415.

"Leaves the responsibility squarely in the hands of Canada's governments, especially the federal government. And, unfortunately, the federal government has demonstrated at least as much resistance to implementing gender analysis as to taking steps to break down the secrecy behind which Canadian investors have been permitted to make overseas investments without full tax and regulatory accountability."[237]

Another stance is taken by Mark Pollack and Emilie Hafner-Burton, who researched the extent of gender mainstreaming in the Commission's policy processes and outputs.[238] They found a "variable record of implementation" due to the "reliance on soft incentives."[239] With a special focus on ex-ante gender analysis, they and others call for incentives and harder accountability mechanisms in order to render implementation more successful.[240] In fact, the process of implementing gender mainstreaming is deemed so incomplete that gender analysis tools have not yet had the chance to realise their full potential:

"Not that we underestimate the paradigm-shifting potential of gender impact assessment (GIA) required for all mainstreaming processes. The problem is that very little gender mainstreaming has been taken place, despite the proliferation of training programmes, 'toolkits', and handbooks replete with best practices intended to spread this process throughout the system of multi-level governance. While actors […] are supposed to apply the mainstreaming of equality as a 'horizontal' task extending to all policy actions geared towards common objectives, the results […] have been quite disappointing—even declining."[241]

This failure of the expert-bureaucratic model is due to so-called double selective perception,[242] as Sandra Lewalter has argued with regard to the German federal context. As a concept, it is based on what Sylvia Veit calls selective perception: the fact that administration narrows down on its core responsibilities or what the actors perceive as being their core responsibilities, including when a variable like gender is or is not included in the departmental IA.[243] Double selective perception grapples with the fact that due to the incomplete implementation of gender

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237 | Lahey 2009/2010, 416.

238 | Pollack/Hafner-Burton 2010. See sub-chapters 1.5.2 and 1.5.3.

239 | Pollack/Hafner-Burton 2010, 287.

240 | White 2007; Hafner-Burton/Pollack 2009.

241 | Mushaben/Abels 2012, 240.

242 | German original: "doppelte selektive Perzeption" (Lewalter 2013, 45).

243 | Veit examined a total of 391 German bill drafts stemming from 1999, 2003 and 2006 (Veit 2010, 147). Over time, she measured an increase in formal compliance along with the creation of a new, obligatory gender tool component e.g. for German RIAs adopted in practice since 2004 (Bundesministerium für Familie, Senioren, Frauen und Jugend 2007; Baer/Lewalter 2007, 201-202; Veit 2010, 175). According to Veit, 94 per cent of all legal initiatives did not mention gender equality aspects at all in 1999. The rate reduced to 79 per cent in 2003 and 48 per cent in 2006. She also found, however, that of all initiatives formally mentioning gender equality, in 45 per cent of cases gender equality was deemed not relevant for the policy context and therefore not further assessed. Only in very few cases did her research detect a de facto compliance through the performance of some sort of gender analysis. Veit attested for a generally low compliance rate, also with regard to other

mainstreaming, gender equality is stuck somewhere between demands in top-down policy documents on the one hand and the lack of implementation and middle management commitment on the other hand.[244] For instance, Lewalter's research demonstrated that the German ministries tended not to take responsibility for gender mainstreaming in their policy making, but at the same time did not hand it over to the ministry in charge of gender equality either, thus creating a responsibility and accountability gap.[245] Their institutionally embedded ways of conducting public administration have not yet incorporated cross-cutting duties sufficiently. Gender mainstreaming falls by the wayside because of a double selective process.[246]

Such observations and reservations raise relevant questions about the responsibilities of gender experts in their organisations and the ways in which gender systems are replicated or ruptured by gender mainstreaming itself. These authors call for: "A reorientation of gender mainstreaming, away from an analytic approach that focuses only on the instrumental effects of policies and towards an approach that illuminates both the instrumental and creative impacts of policies."[247]

Engendering a policy problem in addition to a structural analysis can be achieved by inserting gender expertise by actors with gender competency.[248] Here, some stress the role of gender experts and expert knowledge in the process of policy making and in raising awareness of the creative impetus of policy making. Gender mainstreaming policy advice should exceed the instrumental weighing of positive or negative effects and aim for a new way of doing policy analysis that will inform the creation of new, transformative policies.[249] Other feminist scholars see the danger of overtly relying on expert advice that guides gender mainstreaming's "soft processes," fearing that these experts might be co-opted "into the institutions

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regulatory IA criteria—with the exception of budgetary and regulatory assessments (Veit 2010, 182)

244 | German original: " selektive Perzeption" (Veit 2010, 50).

245 | Lewalter et al. 2009; Geppert/Lewalter 2012; Lewalter 2012; Lewalter 2013; Lewalter 2014.

246 | For the realm of IA, there is a related concept of separate silos in IA tools, as introduced by Angus Morrison-Saunders, Jenny Pope and Jill Gunn. They suggest for the field of sustainability IA that the existing variety of IA types are responsible for "separate silos," hampering relevance, efficiency also due to a lack of interdisciplinary practice. As a remedy, the authors propose increased integration and better scoping (Morrison-Saunders et al. 2014).

247 | Paterson 2010, 395.

248 | Krizsan/Lombardo 2013. Gender competency can be understood as the ability to acknowledge gender specificity in the day-to-day work and policy fields and to concentrate on the gender perspectives in order to contribute to the goal of gender equality. Gender competency is a qualification, which rests on the three pillars of having the motivation to work on gender equality, having context specific knowledge of gender relevance and being enabled to mainstream gender in the respective subject area (GenderKompetenzZentrum n.d.). For a definition of gender competency, see also sub-chapter 1.5.3.2 and (Baer/Lewalter 2007, 130; Lewalter 2013; 50).

249 | Bosch/Klinge 2005; Baer/Lewalter 2007; Abels 2012.

whose practices they should routinely question and challenge [...],"[250] or that such expert saviours "construct new gender identities in tune with state projects."[251]

Behind such statements stands the enduring belief that gender mainstreaming will be successful if it is implemented fully and right. From administration and organisational case studies, we know that gender mainstreaming can work[252] and that the integration of gender concerns can contribute to developing and ensuring quality management processes in organisations.[253] From evaluation studies of gender mainstreaming implementation processes[254], we also see that gendering an organisation can be a success, but only if its specificities as, for example, a hierarchical bureaucratic institution, are taken into account.[255]

With respect to a sustainable—in the sense of durable and effective—implementation of gender mainstreaming in organisations,[256] another core demand continues to appear in interdisciplinary sociological and political research and management and administration studies: The call for cross-cutting integration of gender equality concerns into organisational objectives, routines and accountability structures.[257] For Sylvia Walby, gender indicators represent the crucial link between policy aspirations and policy practice,[258] enabling bureaucracy to establish baseline scenarios and measure equality gains (or losses).[259] Such efforts are supposed to move beyond single pilot projects towards a systematic integration in ex-ante and ex-post assessments, reporting and policy cycles,[260] performance and incentives systems and other "hard institutional measures."[261] In short: Gender mainstreaming needs to understand, be adapted to, and play the rules of the game.[262]

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250 | Beveridge 2012, 42.

251 | Prügl 2009, 179. Italics as in original.

252 | Susanne Baer 2007.

253 | Rosenbichler/Schörghuber 2007.

254 | Wroblewski et al. 2007; Frey 2008a; Woodward 2008.

255 | Peinl et al. 2005, 145.

256 | Baer 2005b.

257 | Baer 2005b, 11.

258 | Walby 2005b.

259 | QUING et al. 2009; Walby/Armstrong 2010.

260 | Behning/Sauer 2005; Langevin 2009; Grace 2011.

261 | Pollack/Hafner-Burton 2010. E.g. for the private sector, a study based on data from 708 U.S. companies with diversity policies in place found that diversity training failed to contribute to the growing representation of women and racial/ethnic minorities, whereas establishing a commission or similar body with oversight powers, monitoring the goal of increasing employment diversity or equity proved to be successful (Jeanes et al. 2011, 293).

262 | Baer 2005a, 3. For concepts of implementation of gender controlling in organisations see (Müller/Sander-Mühlbachler 2005). In order to develop an understanding of the newness of gender controlling processes in organisations, it is worth a brief look at the UNs' pathway to a system-wide integration of gender mainstreaming. In 2005 the United Nations founded a Task Force on Gender Mainstreaming in Programming, Monitoring, Evaluation and Reporting in Results-based Management Systems. As a result of its work, in 2006 the United Nations developed for its own use a policy statement and strategy to anchor gender mainstreaming more firmly in its accountability, reporting and results-based management system (UN; Chief Executives Board for Coordination 2006). In 2010, a new resolution

The reality, however, is that this has not yet happened or happened sufficiently. Alison Woodward's[263] and Emilie Hafner-Burton and Mark Pollack's[264] research on the implementation gap with regard to gender mainstreaming in international organisations points in one clear direction: "Gender mainstreaming shows little progress, and this is due to a lack of force."[265] Johanna Kantola blames the integrationist, technocratic approach—prone to be hijacked for neo-liberal purposes[266]—and the dominance of statistics and indicators that scale down "complex gender equality issues to simple technical measures."[267] Paradoxically, she and other critics of integrationism, thus deny the same logic they called upon in support of research for policy advice as a (necessary) reduction of complexities and of public policy making as a political process: The genie cannot be put back into the bottle.

Others, like Moser and Moser, adhere to integrationist logic by questioning whether it is possible to assess the extent of failure or success in the outcomes of gender mainstreaming due the lack of monitoring and evaluation systems.[268] In their article, the authors come to a conclusion similar to that of other authors before them: Namely, that there is a pressing need to link strategies systematically with outcomes via robust and routine monitoring and evaluation.[269] In order to make

was adopted by the UN's Economic and Social Council (ECOSOC) that provided the official basis for a final implementation of controlling for gender mainstreaming integrated into the United Nations' overall performance and accountability system, with the Secretariat General as its oversight body (UN Inter-Agency Network on Women and Gender Equality 2008; UN Economic and Social Council 2010). No research has yet been conducted on the success or failure of the measures taken. The task force has now been terminated (UN Inter-Agency Network on Women and Gender Equality 2008).

263 | Woodward 2008; Woodward 2011.

264 | Hafner-Burton/Pollack 2002; Hafner-Burton/Pollack 2009.

265 | Woodward 2011, 368.

266 | For instance, Elisabeth Klatzer and Christa Schlager criticise the negative consequences for women of the new EU economic governance regime after the 2007 financial and economic crisis, which they call the "silent neo-liberal revolution" (Klatzer/Schlager 2014, 487). They join many others (Sabarwal et al. 2009; Walby 2009b; European Commission; Advisory Committee on Equal Opportunities for Women and Men 2009; European Parliament; Directorate General for Internal Policies; Policy Department C Citizens' Rights and Constitutional Affairs; OpCit Research 2013), in their concern over the de-democratisation of EU policy making via a fiscal compact outside the European Treaties, the increase of power for the non-democratic European Central Bank, the austerity policies and their negative effects on the labour market and social systems, and the transfer of responsibility and risk to the individual, particularly women: "We are confronted with a reconstruction of the state and of politics under masculinist accidentals. Those who caused the crisis emerge as experts to solve the crisis, and thus retain and enlarge their powers." (Klatzer/Schlager 2014). If policy making is increasingly determined by extra-constitutional, fiscal and economic logic and exempted from parliamentary control, improving the ex-ante IA exercise seems to be a moot point.

267 | Kantola 2010b, 126.

268 | Moser/Moser 2005.

269 | Moser/Moser 2005.

gender mainstreaming a success rather than a disappointment,[270] at least in the realm of policy and programme advice, and to bridge the gulf between aspiration and actuality, it is necessary to investigate the assertion that controlling for gender is the logical consequence of, and prerequisite for, a comprehensive implementation of gender mainstreaming.

Concluding, these observations suggest that gender mainstreaming has been taking one step forward and two steps back[271]; according to Canadian scholars, its only marginal benefit for women is related to contextual and conceptual issues of gender analysis as a "technology of rule."[272] Gender mainstreaming instruments such as gender analysis are implemented under NPM technocratic logics, and some authors fear that these instruments serve to fix the meaning of gender equality to match their political framing rather than actually contributing to equality.[273] They also are concerned whether the focus on technocratic compliance, which aims to fulfil normative standards like monitoring or benchmarking, diverts real progress.[274]

1.5.3 The Technology of Gender Analysis

International research on gender analysis, especially comparative research, is limited to feminist and gender mainstreaming literature. Scholarly publications on gender policy analysis outside the realm of gender mainstreaming and feminist research are absent. There is no international comparative study focusing on the praxis of gender equality policy analysis instruments and their governance structures, such as accompanying gender mainstreaming machineries. In fact, there seems to be a lack of comparative analysis of the implementation of regulatory IA (RIA) in general, a term usually equated with policy IA[275]: "Although the literature on RIA is burgeoning, the comparative analysis of implementation has been neglected."[276]

The main strands of gender mainstreaming research are as follows: 1) Country-level comparative research; 2) research on gender mainstreaming in general, with some attention to tools and 3) research on un/intended outcomes of gender equality policies.[277] Furthermore, two recent tendencies can be observed in the body of research, namely, an increase in intersectionality and diversity research and an increase in meta-theorising of gender mainstreaming.[278] In Europe, comparative research has so far been conducted at the level of the member states or the federal

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270 | Steinhilber 2008.

271 | Hankivsky 2007a.

272 | Paterson 2010, 395.

273 | Callerstig 2014, 256.

274 | Verloo/van der Vleuten 2009; van der Vleuten/Verloo 2012 van der Vleuten 2012.

275 | Hensel et al. 2010a, 9. In German the equivalent terminology would be „Gesetzesfolgenabschätzung", see (Böhret et al. 2001; GenderKompetenzZentrum/Lewalter 2005; Baer/Lewalter 2007).

276 | De Francesco et al. 2012, 491.

277 | For instance, compare the special issue on "Unintended consequences of EU policies: Reintegrating gender in European studies" of the Women's Studies International Forum (July-August 2013) (MacRae 2013; Allwood 2013; Earles 2013; Lombardo/Del Giorgio 2013).

278 | Compare sub-section 2.3.1 as pertaining to this study.

states sub-level.[279] On a supra-national level, international institutions such as the UN, the European Commission and the Council of Europe have supported numerous studies on their gender mainstreaming efforts.[280] Second, comparative research on gender mainstreaming comes into focus in research on field-related policies, particularly on labour market and welfare state policies or financial policing, mainly tax reforms and gender budgeting.[281] Gender budgeting in particular is a wide and largely independent field of research.

Third, theories of gender mainstreaming[282] (lately with an emphasis on its intersectional potential) also exist;[283] research about practice, however, is mostly

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279 | For research on the implementation of gender mainstreaming on the country level see (The Council of Europe; Verloo/Verloo 2000; Bustelo 2003; Carney 2004; Oloff 2004; Lang 2004; Donaghy 2004; Hayn/Schultz 2005; Daly 2005a; van der Molen/Novikova 2005; Kusakabe 2005; European Commission/Braithwaite 2005; Wroblewski et al. 2007; Outshoorn/Kantola 2007; Kuhl 2007; Steinhilber 2008; Sjorup 2008; Baer/Hoheisel 2008a; Frey 2008a; Woodward 2008; Gender Mainstreaming Experts International; Frey/Frey 2009; Englert 2009; Hankivsky/Christoffersen 2011; Feik n.d.; Cairns 2013; Hankivsky 2013).

280 | For gender mainstreaming in international institutions see (Charlesworth 2004; The Council of Europe; Directorate General of Human Rights 2004; The Council of Europe; Directorate General of Human Rights; 2004; Hannan 2008; The Council of Europe; Directorate General of Human Rights and Legal Affairs 2010).

281 | For research on single policies or policy field research see e.g. (Rubery/Fagan 2000; Johnson 2000; European Commission, Directorate-General for Research, Science and Society, C.5 Women and Science 2001; Himmelweit 2002; Beveridge 2003; Clavero et al. 2004; Stratigaki 2004; Weller 2005; Pini/Shortall 2006; McBride-Stetson 2004; Bleijenbergh/Roggeband 2007; Mangold et al. 2007; Jenkins/Rainey 2007; Baer/Hoheisel 2008b; European Commission, Directorate-General for Employment, Social Affairs and Equal Opportunities, Evaluation and Impact Assessment/Evaluation and Impact Assessment 2008; Pollack/Hafner-Burton 2010; MacRae 2010; Flintan/Tedla 2010; Chalifour 2010; Wagner 2012; van Eerdewijk 2014; Bock 2015, Tiessen 2015, Shortall 2015). The literature on gender budgeting is numerous, see e.g. (Bellamy 2002; Elson 2003; Madörin 2003; Phillipps 2006; Frey 2008b; True 2009; Frey 2010; Lahey 2010; Payne 2011; Gunnarsson 2013).

282 | For gender mainstreaming and an engagement with its potential or risks, fostering and hindering factors see e.g. (Frey 2003; Frey/Kuhl 2003; Bacchi/Eveline 2005; Baer 2005c; Daly 2005a; Walby 2005a; Fuhrmann 2005, Mason 2006; Lombardo/Meier 2006; Walby 2008; Bacchi/Eveline 2010; Eyben 2010; Prügl 2011; Meier/Celis 2011; Ahrens 2012; Cavaghan 2012a; Rittenhofer/Gatrell 2012; True/Parisi 2013; Allwood 2013; Çaglar 2013; Davids et al. 2014; Holvoet/Inberg 2014; O'Connor 2014; Roggeband 2014; van Eerdewijk/Davids 2014).

283 | For research on intersectionality and multiple inequalities see (McCall 2005; Stiegler 2005; Verloo 2006; Phoenix/Pattynama 2006; Frey/Hartmann 2006; Dietze/Junker 2006; Ferree 2007; Verloo/Lombardo 2007; Ben-Galim/Campbell 2007; Squires 2007; Sindbjerg Martinsen 2007; Baer 2008b; Baer 2009a; Bagilhole 2009; Kantola 2009; Lombardo/Verloo 2009a; Lombardo/Rolandsen Agustín 2011; Hankivsky/Christoffersen 2011; Hankivsky/Cormier 2011; Rolandsen Agustín 2013).

limited to case studies.[284] Fourth, although the implementation environment for gender mainstreaming in general is examined, single gender mainstreaming instruments, such as GIA, have not been the focus of these studies.[285] These findings suggest that there might be little empirical practice from which to draw.

1.5.3.1 In/visibility of Gender Analysis?

The academic response to the role and function of the GIA tool was always ambivalent and controversial. Elisabeth Holzleithner describes the central characteristics of GIA as being an instrument for conducting policy analysis of a new policy or programme that in its basic framework and objectives has already been sketched out.[286] Through the gender lens, she hoped for "a new perspective," especially "when the relevance is not visible at first glance."[287] Teresa Rees suspected that gender mainstreaming and its implementation tool GIA has the potential to alter masculine power structures and policies by employing the gender aspect as a cross-cutting theme in all policy fields and legislation.[288] True calls the gender mainstreaming of global policies through gender analysis as an "open-ended" project "potentially transformative."[289] This early optimism was initially shared by a large part of the feminist research community[290] but also contradicted from the start: Rees, along with others, was increasingly disillusioned with the "uneven"[291] implementation and dismissed it as "paper production,"[292] but did not extend the investigation and criticism to the tool itself. The scholarly attention paid to GBA in Canada followed the same trajectory from inspiration to insufficient institutionalisation.[293]

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284 | Case studies of gender mainstreaming practices include (The Council of Europe; Verloo/Verloo 2000; Carney 2004; Donaghy 2004; Benschop/Verloo 2006; Hafner-Burton/Pollack 2007; Foreign Affairs and International Trade Canada 2007; Susanne Baer 2007; Woodward 2008; Osborne et al. 2008; Nöbel/Sauer 2014; Sauer 2014).

285 | For research on gender mainstreaming in the EU see (Hafner-Burton/Pollack 2000; Booth/Bennett 2002; Verloo 2005b; Verloo 2005a; Schmidt 2005; Lombardo/Meier 2006; Zimmermann/Metz-Göckel 2007; Müller 2007; Lombardo/Meier 2008; Lombardo 2009; Lombardo/Verloo 2009a; Lombardo/Verloo 2009b Jacquot 2010; Tomic 2010; Kantola 2010b).

286 | Holzleithner 2002, 91.

287 | Holzleithner 2002, 91.

288 | Rees 1998, 46.

289 | True 2003, 368.

290 | Like e.g. Mieke Verloo, Alison Woodward, Emanuela Lombardo, Sylvia Walby, Jo Armstrong, Johanna Kantola, Birgit Sauer, Judith Squires, Susanne Baer, Joyce Outshoorn, Carol Bacchi, Joan Eveline, Emilie Hafner-Burton or Emilie and Mark Pollack. In their publication trajectories from the late 1990s to date, similar trends are visible.

291 | Rees 2005. A view also shared by e.g. (Walby 2008; Verloo 2013).

292 | Holzleithner 2002, 86.

293 | Canadian authors such as Margrit Eichler, Janine Brodie, Isabella Bakker, Mary Ann Burke, Sandra Burt, Louise Langevin, Kathleen Lahey, Leslie Pal, Cindy Hanson, Joan Grace, and Olena Hankivsky among others, mirror the GIA discussion in the course of their publications, with a caesura being the mid-2000s.

But why do gender equality concerns seem to play such an invisible role in IA practice?[294] Here, Judith Stacy and Barrie Thorne's observations regarding academia are relevant for applied IA research: They circumscribe the reality of feminism with the concept of feminism's functionalist co-optation[295], where feminist approaches remain subordinated in the arena of struggle for hegemonic epistemologies in science. Outside academia, gender analysis tool implementation, especially its far-reaching resources and questions of representation, causes similar discomfort in economic terms and challenges dominant paradigms[296], as Heather MacRae has observed. In her case study of the Directorate-General (DG) Competition, she found, that the DG—incorrectly—did not see any gender relevance on the occasion of an assessment of an airline industry deregulation initiative. She attributed the lack of gender assessment to an avoidance of competing frames and outcomes. But the inferiority of gender equality is already represented in the IA guidelines and path depended on their development being de-coupled from gender mainstreaming, but coupled with better governance, economic growth and sustainability strategies.[297]

Looking at outputs rather than the inputs, Jill Rubery interprets EU policy making as an "indication of the subordination of gender equality to the main concerns of the EU," and identifies an "instrumental use of a gender perspective to promote wider EU objectives."[298] In a later publication, True has acknowledged that the EU's instrumental treatment of gender equality in terms of economic relations in the marketplace has reduced gender equality to a policy input rather than a normative ideal.[299]

I originally started out with the hypothesis that an integrated gender lens is more likely to be applied than an additional stand-alone policy tool, since it is already part of the routine IA process. In light of the research on the submerged position of gender in policy analysis, I amended this assumption with a question: Are specific gender mainstreaming gender analysis tools such as GIA or GBA the only means for bringing about value-based, visible practice and the desired transformative results? For the time being, Stacy and Thorne's already 20-year-old explanation of the academic success of feminism still rings true today with regard to gender analysis in policy IA: "Feminist tools have worked better to criticize than to reconstruct most bodies of theoretical knowledge."[300]

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294 | As in the EU's integrated guidelines, compare chapter 4.2.3. For an assessment of gender in IA practice, compare the Commission IA screening in sub-chapter 4.4.6.3 and Annex V.

295 | Stacey/Thorne 1985.

296 | MacRae 2010.

297 | Despite this fact, some literature, eager to promote the horizontal social clause as in Art. 9 of Treaty on the Functioning of the European Union, regards gender mainstreaming in the integrated IA as a role model for fostering social clause mainstreaming (Vielle 2012).

298 | Rubery 2015, 728.

299 | True 2009, 738.

300 | Stacey/Thorne 1985.

1.5.3.2 Implementation of Gender Analysis

The first review of GIA implementation was executed in 2000 by the EU's Expert Group on Gender and Employment (EGGE), which published a report on Gender Impact Assessment and the European Employment strategy.[301] The gender specialists found that GIA is developing unevenly and at different speeds in the member states, with Sweden and the Netherlands taking the lead. The report calls for more "upwards" as well as "downwards" sophistication of GIA. Upwards refers to a broader and more explicit theoretical reflection on gender inequality[302]. Downwards calls for increased practical elaboration, such as a more developed conceptual framework or improved GIA methodology. A criticism of GIA at that point in time was that it made only one gender (women) visible and neglected to address gender relations. Such uneven development and neglect of gender relations were often attributed to lack of proficiency in policy analysis and GIA methods.

Another major issue at this early stage of implementation evaluation related to the European Social Policy Agency and the integration of other structural inequalities into GIA. With considerable foresight, Jill Rubery and Colette Fagan, the two main authors of the report, addressed the issue of discrimination on grounds other than gender as a major challenge for impact assessment. Correcting this deficiency would require a profound understanding of gender inequality in its relation to structural inequalities, such as physical ability, ethnicity, age or class and sexual orientation.[303]

One important step in collecting and creating typologies of tools was taken early in the EU with the establishment of the Database of Instruments for Gender Mainstreaming (DIGMA) in 2000-2001.[304] The research project created a trilingual (English, French and Dutch) database in which gender mainstreaming tools developed in several member states of the EU were collected and categorised. Although the project at first included only European tools, DIGMA was later expanded because the project implementers felt that "the mainstreaming process has sometimes progressed more rapidly outside the European Union than within its borders"[305] and that "the tools developed there are in some cases more sophisticated and better designed."[306] The DIGMA team therefore decided to widen its field of research by incorporating Norwegian, Canadian and Australian tools, which were seen as progressive and which concerned fields of action not then covered or only partially covered by the European instruments. In doing so, DIGMA became the most exhaustive database of gender mainstreaming tools for policy and decision makers in and outside of Europe. However, project funding by the Commission has expired, and DIGMA has not been updated or enlarged since 2006.

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301 | Rubery/Fagan 2000.

302 | Compare also chapters 1.6.2 and 2.2.3.2.

303 | At this point it became impossible to fully engage the ever-growing academic debate on intersectionality, (Crenshaw 1988; Crenshaw 1989; Davis 2008; McCall 2005), interdependence (Dietze/Junker 2006; Walgenbach et al. 2007) or axes of difference (Knapp/Wetterer 2003; Klinger 2007) and their theoretical differentiation, including anti-categorical interventions (Hark 2007a; Lorey 2008).

304 | Amazone et al. 2000-2001.

305 | Amazone et al. 2000-2001.

306 | Amazone et al. 2000-2001.

There have been other European research projects that focused on gender equality, such as the Mainstreaming Gender Equality in Europe (MAGEEQ) project. In the case of MAGEEQ, as the project title (Policy Frames and Implementation Problems: The Case of Gender Mainstreaming)[307] indicates, research was focused on analysing the different gender frames in member states assumed to cause favourable or less favourable implementation environments for gender mainstreaming.[308] It identified diverging meanings of gender equality in various member states as a hindering factor for gender mainstreaming. Frame analysis pointed towards potential contested equality framings also in tools, but did not target this specific research question. The project implementers did, however, distil "sensitising questions" based on feminist debates, such as concepts of gender, the role of intersectionality, the voice of women/men, or the structures reproducing gender inequalities in policy texts,[309] which could all be crucial guiding questions for diagnosis and prognosis in applying gender analysis tools.

The more broadly conceived follow-up project was the Quality in Gender+ Equality Policies (QUING),"[310] which was supposed to help foster the implementation of gender mainstreaming in Europe. In its sub-project STRIQ, QUING set out to provide quality criteria for gender and equality policies and to further its commitment to diversity, including gender, ethnicity, religion and sexuality.[311]

None of the EU-sponsored research projects made GIA implementation the centre of research, and research in Canada on approaches to gender equality and GBA implementation followed similar lines. In Canada, especially in their beginning stages, "gender-mainstreaming frameworks, which include gender-based analysis and gender budgeting" were seen as a "third path to gender equality," able to transform structures underlying norms of policy making.[312] Research on the federal application of GBA is often extended to general questions of gender equality and the success of the women's movement[313] and shows the same trends as in Europe towards theorisation and intersectionality.[314] A Canadian peculiarity of intersectionality research is the focus on cultural awareness with regard to

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307 | MAGEEQ 2003-2005.

308 | Verloo/Lombardo 2007; Verloo 2007a.

309 | Verloo/Lombardo 2007, 35.

310 | The European research project QUING was established within the European Commission's 6th Framework Programme and lasted 54 months, from 2006 to 2011 (QUING 2006-2011).

311 | Lauwers/van der Wal 2008.

312 | Lahey 2010, 60.

313 | For Canadian research on gender mainstreaming and gender equality in general, see (Burt 1986; Vickers et al. 1993; Brodie 1994; Bakker 1996; Chappell 2000; Rankin et al. 2001; Burt/Hardman 2001; Wagner 2007; Abu-Laban 2008).

314 | See also sub-chapter 2.3.1 on intersectionality. For Canadian research on theorising intersectionality, see (Williams 1999; Wane 2002; Burt 2004; MacDonald 2005; Hankivsky 2005a; Chamberland 2006; St-Hilaire 2006; Davis 2008; Siltanen/Doucet 2008; Hankivsky/Cormier 2011). Employment equity in Canadian federal bureaucracy engaged questions of gender equality and diversity from early on (Evans et al. 2007; Benhamadi 2003). One interesting and experimental example of analysis of the semiotics of data and policy assessment is (Carney 2008).

indigenous cultures within and through GBA.[315] Research on GBA as an instrument is limited to individual policies, with a focus on tax and public spending policies (gender budgeting)[316] or gender and GBA trainings[317]. As in Europe, there is more research at the provincial level than at the federal level of governance.[318] Three meta-analyses on GBA implementation in the Canadian federal government have been conducted: The first is a doctoral study from an external perspective by Amanda Scott[319]; the second is from the perspective of an internal administration and Status of Women reporting to the Standing Committee of the Status of Women[320]; and the third is from an independent administration's perspective by the auditor general's office.[321]

Following this milestone report by the general auditor, three Canadian academics, Louise Langevin, Stephanie Paterson and Joan Grace, reflected on recent GBA practices in Canada and based their analyses primarily on the findings of the auditor general's report or SWC data; they did not substantiate their evaluation with additional empirical or insider knowledge of the Canadian federal system of policy analysis.[322] Langevin continues to put her hopes in the transformative character of GBA and calls for the introduction of a law that would make GBA mandatory.[323] Stephanie Paterson, however, doubts the utility and effectiveness of analytic,

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315 | Aboriginal Women's Healing and Health Research Group 2007; Aboriginal Women's Health and Healing Research Group 2007; Assembly of First Nations; Women's Council 2007; Assembly of First Nations 2007; Assembly of First Nations; Women's Council 2007; Assembly of First Nations; National Aboriginal Women's Summit 2008; Fleras/Maaka 2010.

316 | The Canadian research on GBA and single policies has a clear focus on health and budgetary policies (Elson 1994; Bakker 1994; Keeble/Smith 1999; Biasutti n.d.; Fudge/Vosko 2001; Grant 2002; Burke 2001; Tudiver 2002; Sjolander/Smith 2003; Elson 2003; Boyd 2003; Donner 2003; Tudiver/Valdés 2004; Carney 2004; Tudiver/Kammermayer 2005; Hankivsky 2005b; Spitzer 2005; Forget et al. 2005; Doucet 2005; Paquette et al. 2006; Bakker 2006; Boscoe/Tudiver 2007; Wolski 2007a; Morgan 2007; Boucher 2007; Spitzer/Canadian Institutes of Health Research 2007; Nelson/Craggs 2007; Smith 2008; Yalnizyan 2008; Lahey 2009/2010; Lahey 2010; Chalifour 2010; Drolet 2011; Pal 2001). For an ecofeminist, not GBA, analysis see (McLeod-Kilmurray 2008).

317 | For Canadian literature on gender trainings see (Aboriginal Women's Health and Healing Research Group 2007; Hanson 2008). GBA trainings focus on teaching the goals and methods of GBA tool use (Health Canada 2008b).

318 | For gender equality in Canadian provinces see (Massé/Rioux 1999; Manicom et al. 2005; Teghtsoonian 2004; Chappell et al. 2008; Wallner 2008; Turnbull 2010). Due to the very different political setup and implementation environments, neither Canadian provincial experiences with GBA nor European member states practices of GIA are included in this study.

319 | Scott 2003a.

320 | Scott 2003b.

321 | Office of the Auditor General of Canada 2009b; Office of the Auditor General of Canada 2009a. It was preceded by an internal revision of the SWC policy agenda partially also devoted to GBA (CS/RESORS Consulting 2005).

322 | Langevin 2010; Paterson 2010; Grace 2011.

323 | Langevin 2009; Langevin 2010.

technocratic and expert-driven models of policy analysis such as GBA.[324] In a discussion paper, Joan Grace expresses a more optimistic reading of the auditor's report and calls for central government action and increased Cabinet commitment to execute GBA.[325]

It became clear from this literature review that discussions of intersectionality and diversity in policy analysis are paramount, and publications pertaining to the practicalities of the implementation of gender analysis tools in a public administration environment are rare. In general gender mainstreaming literature, GIA as a crucial gender mainstreaming tool is usually mentioned only in passing due to a perceived lack of practice outside of the development context. As previously noted, the analysis of tools has been restricted to presenting individual tools and their methodologies and mechanisms and include only a few case studies of tools in action. After this study was conceived, one state-level analysis of GIA implementation exists to date, for Korea[326]; however, it is not comparative. No separate and detailed meta-analysis of the implementation of gender mainstreaming in specific policy making environments, such the Commission's impact assessment or Canadian policy analysis systems, exists at this time.

But there is ample academic work on gender training, which is the gender mainstreaming instrument most often applied and with the longest history.[327] For Regina Frey, gender trainings should offer a space for reflection on gender,[328] being a facilitated process of capacity building on gender issues, to instigate individual and organisational change for achieving gender equality. Gender trainings come in a wide variety of concepts and contents, in volunteer as well as mandatory formats. They are offered in order to raise gender competency in organisations and their staff and empower them to implement gender mainstreaming.[329] In the process of training, participants are supposed to recognise and overcome their gender-blindness and perhaps pre-existing traditional ideas of gender roles and responsibilities in order to be capable of a transformative or redistributive position.[330] Specific trainings on gender analysis tools, their concepts, methods and the practicalities of their application (in all the various possible contexts) are few

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324 | Paterson 2010.

325 | Grace 2011.

326 | Kim 2014.

327 | The first suggestion for gender analysis and training can be found in (Moser 1993). It was followed by a vast body of international literature on gender trainings, just to name a few with a German focus (Frey 2003; Frey 2005; Blickhäuser/von Bargen 2004; Blickhäuser/von Bargen 2006; Mertus 2007; Mukhopadhyay 2007; Bittner 2008; Kaschuba/Derichs-Kunstmann 2009; GenderKompetenzZentrum/Smykalla 2010).

328 | Frey 2005, 2.

329 | There are also quality criteria for gender trainings (Blickhäuser/von Bargen 2004) and good practice case studies (European Institute for Gender Equality 2011).

330 | European Institute for Gender Equality 2012e.

and recent.[331] In short, there is little scholarly attention to the institutionalisation of gender analysis, and no comparative research on it.[332]

The elaborate theoretical underpinnings of gender mainstreaming pose certain demands on the instrument users and their capabilities. The GenderCompetencyCentre offers a definition of individual gender competency as a particular form of gender expertise and the process of wanting, knowing and being enabled to implement gender perspectives in work routines.[333] Gender competency is based on the three elements of wanting to do gender mainstreaming, knowing of how to do it (in the particular area of expertise) and being enabled to do it.[334] Gender competency is the pre-requisite for gender mainstreaming. At the same time, the implementation of gender mainstreaming creates new gender competency.

Anke Lipinksy and Maria Schäfer define gender competency differently, focusing on an institutional level. They speak of the option for transformational change, when institutions "demonstrate significant gender awareness and competency to use gender as a resource to create new knowledge and stimulate innovation by modernizing their organizational culture."[335] In that definition, gender awareness and gender competency together are required for meaningful change, which leads us to a final point that needs clarification: the difference between gender-awareness and gender-sensitivity. While many authors complain about "the lack of gender sensitivity in EU policy-making,"[336] or the "the lack of gender sensitivity of SIAs,"[337] others lament the "lack of gender-awareness"[338] or recommend "gender

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331 | Kim 2014, 38; European Institute for Gender Equality 2014d. In 2015, I also conducted a first training on using GIA as a tool for engendering research at the German Federal Environment Agency in 2015.

332 | What is largely researched is policy outcome for women, in the perspective of the eye of the stakeholder, as e.g. Jacobo Torriti (2007) attested in his stakeholder-centred evaluation method for IA (Torriti 2007). GIA is often seen as one of the participatory IA tools that stresses such deliberate stakeholder participation. Despite the call for legitimacy and credibility of IA systems, which is closely related to the dimension and quality of participatory elements such as stakeholder consultations, even the stakeholder involvement in IA is generally an under-researched field (Wallner 2008; Tanasescu 2009).

333 | GenderKompetenzZentrum n.d.; Baer 2005b, 2005d. The GenderCompetencyCentre was established in 2003 at Humboldt-University Berlin by the German government for the purpose of introducing gender mainstreaming to German federal administration. It was founded by Prof. Dr. Susanne Baer, a professor of law with the Center for Transdisciplinary Gender Studies, and operated until 2010. Gender competency is often equated with gender expertise and the usage of terminology is not always stringent (Blickhäuser/von Bargen 2006).

334 | GenderCompetencyCentre n.d. I operationalised it, in evaluating interviewee's statements according to whether they were able to a) distinguish between employment equity (representation) and gender dimensions in the content of their area of expertise and b) the capacity to differentiate between sex and gender.

335 | Lipinsky/Schäfer 2014, 14.

336 | Abels/Mushaben 2012, 14.

337 | True 2009, 732.

338 | European Parliament; Directorate General for Internal Policies; Policy Department C: Citizens' Rights and Constitutional Affairs; FEMM Equality 2012, 7.

awareness."[339] Almost everything, ranging from education, to leadership, language, indicators or analysis can be gender-sensitive or gender-aware. A definition of what these terms in fact contain is rare and depends on their context of usage.

Whereas gender awareness is defined by some simply as "the recognition of gender inequality and discrimination against women"[340] (especially in the development context), others see it composed by the two more complex elements gender sensitivity and gender-role ideology (in the medical context).[341] Gender-sensitivity is sometimes described as "understanding the degree to which gender issues can be addressed and challenged."[342] Commonly, both terminologies are used interchangeably in the gender mainstreaming literature.[343] Gender-sensitivity or —awareness in this study is understood as the state achieved after one has built up one's gender competency successfully. Mainstreaming is the organisational principle, gender is the analytical point of departure, gender equality the goal,[344] and creating gender competency, resulting in gender-awareness/-sensitivity, is the way forward. Gender mainstreaming tools should incorporate all these elements and point the way.

1.5.4 Gender Analysis Between Accountability and Controlling

In the wake of the NPM trends in the 1990s and after, the strategy of gender mainstreaming was framed in terms of efficiency and effectiveness in order to comply with the "en vogue" rhetoric and reasoning of controlling approaches in public administration.[345] The effectiveness promise, the promise that the inclusion of gender equality concerns will make better policies, served as a sales argument and was supposed ultimately to enhance implementation.[346] From a feminist perspective, however, NPM was seen as potentially harmful, as endangering affirmative action for women—deemed by many as the basis for lived equality between women and men—and social systems in general because of prevailing cost considerations.[347] Some critics also saw this strategic rhetorical move as counter-productive to the ultimate goal of gender equality.[348] Such views are countered by others, such as Anna van der Vleuten and Mieke Verloo, who assert that these

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339 | Abels 2012, 203.

340 | Martinez et al. 2010, 1.

341 | As in the Nijmegen Gender Awareness in Medicine Scale (Verdonk et al. 2008, 222). In this model, gender sensitivity expresses being open towards addressing gender issues, while being careful to avoid stereotyped generalisations Gender-role ideology represents the attitude towards men and women, whether it refers to (positive as well as negative) stereotypes (Verdonk et al. 2008, 224).

342 | Goudi/Kilian 1996, 53.

343 | Although gender-sensitive (with 469.000 google key word search hits) seems to be used far more often then gender-aware (with 60.700 hits, search conducted last 5 April 2016).

344 | Sellach et al. 2003, 5.

345 | Tauberger 2007. See also chapter 1.3.

346 | Meuser 2004; Krell 2005; Kahlert 2005. And in some instances it has been proven to work (Lang 2004).

347 | Smith 2008; Velluti 2010.

348 | Schunter-Kleemann 2003; Pühl 2003.

critiques are primarily concerned with a political discussion of NPM and the "power-based logic" of its implementation, rather than with the transformative potential of gender mainstreaming and its instruments GIA/GBA.[349]

As gender mainstreaming is shifting from a policy innovation to a more established, or at least known (though not yet standard) practice, and as its instruments become old tools in new regulatory environments,[350] Fiona Mackay's concept of nested newness gains importance.[351] With it, Mackay grasps the failure of institutional innovation, in this case the introduction of gender perspectives in IA, to stick, due to institutions "forgetting the new" and "remembering the old."[352] She highlights how "the old" continues to constrain or form the agency of actors, and recommends (re-)entry points for "the new" by identifying "critical junctures or points of apparent new creation."[353] Her actor-centred focus on windows of opportunity is not new, nor is her emphasis on the bounded nature of institutional change and process innovation.[354] But she brings a novel gender perspective to the table, arguing that in order for institutional reforms to stick, a change of rules and norms need to go hand-in-hand with a shift in organisational culture and gender regimes. Bearing that in mind, the pragmatic question for me is not whether NPM—oriented bureaucracy is a suitable implementation environment for gender mainstreaming, but how administrative environments can contribute to the sustainability of gender mainstreaming through the implementation of gender analysis instruments?

1.5.4.1 Accountability

The concept of accountability is linked to, but not identical with, stewardship, responsibility, transparency, and their differences. The concept of accountability can be described as "institutionalised practices of account giving,"[355] in which it is formally or informally regulated who is accountable to whom and under which circumstances. What distinguishes accountability from controlling is the lack of corrective measures that aid the direct chain of principal-agent relations, such as in the case of parliamentary control.[356] Organisations as well as the actors within

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349 | van der Vleuten/Verloo 2012, 73.

350 | By now NPM is no longer a regulatory innovation, and it has not taken effect in every aspect of public administration. Especially experiencing the after-shocks of the global financial crisis since 2008 where free-market managerial principles have visibly failed, the role of the state and public administration with it, is currently again in a process of revision. NPM has not been abandoned, but it was always characterised by impartial implementation by slow to change administrative structures, re-visiting its sectoral specific usefulness again (Gratz 2011). The newer regulatory challenge are the recently established and growing ex-ante (R)IA systems for public policy advice, which are of course intertwined with NPM's efficiency logic.

351 | Mackay 2014.

352 | Mackay 2014.

353 | Mackay 2014, 553.

354 | Compare discussions on path-dependency, i.e. Reinermann 2008, 832.

355 | Bovens 2007, 184.

356 | Bovens 2007, 196. In case of the Canadian government for instance, Kathleen Lahey states the importance of the parliamentary Standing Committee on the Status of Women

organisations can be held accountable.[357] Accountability can take many forms and can be established on micro, meso, and macro levels.[358] Regarding these levels, Barbara Romzek and Patricia Ingraham[359] have coined a four-tier typology of accountability: Hierarchical, legal, professional, and political. Hierarchical accountability entails the close supervision of individuals who have little work autonomy. Legal accountability consists of the oversight of external bodies with legal mandate and means, such as legislatures and courts. Professional accountability concerns mostly those marked by high levels of operation, such as professionals, scientists and academics. Political accountability is defined as the responsiveness primarily of key stakeholders, such as elected officials, to the public at large, and client groups, usually along the lines of horizontal accountability.[360]

Accountability as exercised by external actors can also come in yet another form, as stated by Nathalie Holvoet and Liesbeth Inberg: "Non-state actors such as civil society organisations are often pointed at as an important mechanism of 'downward' accountability."[361] The difference between downward and horizontal accountability is that in the first case, a superior decides to share responsibility top-down (in the context of this study, government with the people), while in the second case the people (often represented by civil society organisations) demand accountability horizontally or even bottom-up. For accountability within government, Mark Bovens has added two lines of vertical accountability: Organisational accountability by superiors,[362] and administrative accountability through auditors, inspectors, and controllers.[363]

Under its professional accountability regime, the IA system intersects with softer forms of accountability:

"It is important that accountability be considered as a component of, but often in a paradoxical relationship to, the multifaceted idea of responsibility. Weber's 'ethic of responsibility', which speaks to an individual's need to reconcile impersonal bureaucratic realities with individual moral and political choice, can be instructive."[364]

(FEWO), defending gender equality against corporate interests in tax policy making (Lahey 2009/2010, 415).

357 | King et al., who regard organisations as social actors, remark on how expectations of others, including the state, individual members and other stakeholders or audiences monitor and hold organisations accountable for their actions. According to them, to hold "organization accountable and responsible for its actions but to not treat it analytically as an actor is a conceptual disconnect" (King et al. 2010, 292).

358 | According to sociological organisational theory, individual actors, such as policy analysts, operate on the micro-level (Saltzman Chafetz 2001). The IA system and its regulations represent the meso level, while the context of a wider public administration, interacting with political and civil society actors, is regarded as the macro level for the purpose of this study. The process of conducting an individual IA transcends all these levels.

359 | Romzek/Ingraham 2000.

360 | Gregory 2003, 559.

361 | Holvoet/Inberg 2012, 6.

362 | Bovens 2007, 187.

363 | Bovens 2007, 188.

364 | Gregory 2003, 566.

In this context, bureaucratic responsibility refers to the obligation of civil servants to provide information, to explain, or to justify their performance and public action, as executed in their functions, vertically to a superior internal or external authority.[365] Fabrizio De Francesco, Claudio Radaelli, and Vera Troeger[366] in their cross-European study of national IA systems remind us, how absent quality assurance mechanisms and soft modes of accountability threaten the effectiveness of the whole exercise:

"Once a system is established, production and publication depend on the quality and strength of the oversight unit and the overall administrative capacity. This argument is mirrored by the positive and highly significant estimate for bureaucratic efficiency. As predicted, the higher the conflict between policy-makers and interest groups, the higher the pressure to produce impact assessments and publish their results."[367]

What is interesting about the second part of this citation is that the authors frame conflict as leading to IA practice for creating downward or political accountability, in order to mitigate dissonance. The "conflict thesis" is also supported by governance researchers such as by Arthur Benz, who attests that problem awareness will only lead to governance change and problem solving in multilevel governance systems when the intra-institutional steering actors perceive such problems either as relevant or as dangerous.[368] Finally, transparency is one of the core elements of NPM, and responsible public administrative steering,[369] and yet another softer form enabling external, horizontal or political accountability and conflict about accountability. Although a direct empirical link between transparency and trust in government as well as participation is weak,[370] transparency remains a strong goal in democratic governance, and Anna van der Vleuten and Mieke Verloo show, why full transparency, for example on baseline data and methodologies, is essential especially in a technocratic environment like IA.[371]

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365 | Bar Cendón 1999, 25.

366 | De Francesco et al. 2012.

367 | De Francesco et al. 2012, 17.

368 | Benz 2008, 52.

369 | Hood/Heald 2006. Extend and effects of transparency are discussed with ambiguous conclusions in administrative studies. Neither can researchers attest for a direct link of transparency to increased public participation, if not explicitly encouraged and invited (Meijer 2012, 5-6; Welch 2012), nor does transparency necessarily increase trust in government performance when contradicting fundamental convictions are in the way (Grimmelikhuijsen 2012). According to Stephan Grimmelikhuijsen, in public opinion on good governance, a mix of cognition, feeling and assumptions about government and its stewardship is dominant, which is only marginally influenced by transparency. If transparency however, manages to translate administrative knowledge to the citizens, incorporating it into the knowledge base of the everyday citizen, then it proves to be effective. Equally effective in raising trust levels in governments was also perceived performance outcome (Grimmelikhuijsen 2012).

370 | Hood/Heald 2006; Meijer 2012.

371 | van der Vleuten/Verloo 2012.

Although some authors claim it made little sense to divide accountability into different modes,[372] I use them as provisional, analytical lenses for the purpose of this study. The four-dimensional system of hierarchical, legal, professional, and political accountability, as suggested by Gregory[373] and based on Romzek and Ingraham's model,[374] was found especially suitable to hierarchical environments such as public administration, as by Harald Bergsteiner and Gayle Avery.[375] The workings of the IA system can be located mainly in the domain of professional accountability, where according to Bergsteiner and Avery, the "expectations and/or control are internal" and "the degree of autonomy is high."[376] At the same time, the IA system and its GIA component underlie hierarchical mechanisms of accountability that are embedded in a bureaucratic environment. This means that although expectations and/or control are still internal, "the degree of autonomy is low"[377] due institutional rules and regulations. I consider organisational and administrative accountability as specialised, intersecting forms of hierarchical accountability.

1.5.4.2 Controlling

Controlling, as a general term, is applied to processes and rules and is used to achieve organisational or programmatic goals; it can be defined as a goal- and result-oriented steering of administrative processes through planning, analysis, supply of information and controlling of a process, which is marked by ex-ante and ex-post feedback. As an element of management by objectives, the concept of controlling links to ex-ante and ex-post IA and is mostly used in market, financial

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372 | A legitimate perspective according to Antonio Bar Cendón due to the interrelatedness of such forms of accountability: "It is frequent in the literature about accountability in public administration to distinguish between administrative accountability and other possible manifestations of accountability, such as 'hierarchical' or 'bureaucratic' accountability, and 'legal' accountability. However, such a distinction is not very accurate since these supposed to be different types of accountability are, in fact, dimensions or aspects conceptually inseparable of the same concept of administrative accountability. They are aspects or dimensions that, on the other hand, cannot either be separated in practice, since they are functionally united." (Bar Cendón 1999, 32).

373 | Gregory 2003, 559.

374 | Gregory 2003, 559.

375 | Bergsteiner/Avery 2006, 2.

376 | Bergsteiner/Avery 2006, 2. The same authors have developed a generic method of how to establish an accountability matrix with the relevant players and functions independent of the organisational environment: "1. determining who the accountee is for a particular role/task; 2. listing all the actors who could be involved in an accountability relationship with that accountee in meeting his/her role/task obligations; 3. arranging the list of actors in a relevant sequence, e.g. in order of hierarchy if appropriate; 4. juxtaposing the two lists of actors/entities vis-à-vis each other in a matrix format; 5. highlighting pairings of actors at the intersection of matrix cells that may have an accountability relationship that impinges, either directly or indirectly, on the accountees ability to properly perform his/her task; and 6. indicating the nature of the relationship, i.e. whether it is mutual or uni-directional, and which kinds of responsibility it is based on." (Bergsteiner/Avery 2006, 6).

377 | Bergsteiner/Avery 2006, 2.

and economic sciences.[378] Gender controlling is also injected in discourses about modernising the state and its administration as an attempt to increase efficiency and effectiveness. In the realm of public administration and policy making, controlling connects NPM and good governance demands and represents a core element in quality management of bureaucratic processes, outcomes and outputs. At the core of controlling lies measurability, established against the backdrop of objectives and progress-related indicators. These indicators can be related to input, output, outcome, performance, efficiency, and effectiveness.[379]

Controlling should not be confused with gaining control over or dominating such processes or results; rather it is associated with good stewardship, accountability, and transparency and is directly linked to modes of governance. As a top-down strategy, it consists mainly of the following three elements:[380]

1. Controlling, which requires ex-ante agreement on measurable goals and establishment of indicators that represent the overarching organisational or governance goals.
2. Ex-ante planning, which sets out the goals to be achieved, including gender equality goals.
3. Reporting and evaluation, which lead to systematic benchmarking and monitoring. Intended and unintended effects are rendered visible and enable corrective measures to be implemented.

With respect to gender mainstreaming and the constitutional commitment to gender equality, controlling can be exerted in two ways: 1) Gender mainstreaming in controlling represents the routine monitoring of how gender equality goals and indicators are included in the overall organisational goals, products and processes, and 2) controlling for gender mainstreaming requires establishing a controlling system for monitoring the quality and outcome of gender mainstreaming measures.[381] Bearing in mind the management-related origins of controlling, the principal authors on the subject have adopted a market-liberal, individualistic and efficiency-oriented interpretation of the status of gender and gender equality in controlling processes:

"Gender equality as a vision, a meta-objective, which describes a society, in which all members are able to develop their personal skills and potentials freely, without being limited by gender-specific and other role clichés or stereotypes. The term equal opportunities can

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378 | Wiltzius 2003; Müller/Sander-Mühlbachler 2005.

379 | Universität Salzburg 2006, 16-17. The authors of this publication on gender controlling at universities also mention science-based and equity-related indicators. From a gender mainstreaming perspective, however, all indicators can and should be equity-related.

380 | GenderKompetenzZentrum 2010.

381 | Welpe 2005, 103-105; GenderKompetenzZentrum 2010; Eschner 2011. In practice, the only known concept in place in German public administration for controlling the implementation of gender mainstreaming has recently been adopted by the German Federal Environmental Agency (Sauer 2015, unpublished, on file with the author).

also be used. All people should enjoy equal access to resources, equal rights and equal options for participation."[382]

However, applying feminist logics and human rights discourses to questions of controlling in public governance, where gender equality is a constitutionally guaranteed value and a mandatory public task to be implemented proactively by the state, results in different demands on gender controlling: Namely, that it should create and guarantee structural as well as individual de facto equality instead of being limited to de jure or equal opportunities. In the realm of policy making and advice, controlling for gender equality from a rights-based angle and prioritising it over the efficiency approach[383] would make policy and programme designers aware that "no intervention can have neutral effects when the players do not start as equal,"[384] and oblige them to take this into consideration in all analytical and decision-making processes. The translation and continuation of the gender mainstreaming strategy into controlling practice in public administration demands a routine integration of the constitutional right to de jure and de facto gender equality (rather than equal opportunities) into the planning and stewardship of public institutions in all their internal processes, including impact assessment and policy making.[385]

Existing literature on gender controlling is mainly to be found in Germany, Switzerland and Austria,[386] whereas Anglophone publications focus on gender management. Gender controlling approaches emphasise the top-down principle and the leading role of senior staff in higher echelons of public administration. It also stresses the importance of political leadership in the process of implementing a quality management process and controlling with equality objectives. In a textbook scenario of the implementation of gender controlling in an organisation, top management would be responsible for initiating diagnosis and benchmarking as well as for setting up equality objectives and appropriate measures, including indicators. Monitoring systems, based on reporting and periodical assessment of progress towards short-, mid- and long-term equality goals, would guarantee transparency and hold all participating actors and institutions accountable. In such a textbook case, non-achievement or late achievement of goals would have negative consequences for the actors or institutions in charge, or incentives would reward planned or even early success. In functional gender controlling with top-down organisational implementation, the final responsibility for success or failure rests with senior management, since they ultimately steer the project. In such a

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382 | German Original: "Gleichstellung als eine übergeordnete Vision, ein Meta-Ziel, welches eine Gesellschaft beschreibt, in der alle Mitglieder ihre persönlichen Fähigkeiten und Potenziale frei entwickeln und entfalten können, ohne durch geschlechtsspezifische und andere Rollenmuster oder sonstige Zuschreibungen eingeschränkt zu werden. Der Begriff der Chancengleichheit kann synonym verwendet werden. Alle Menschen sollen den gleichen Zugang zu Ressourcen, gleiche Rechte und gleiche Beteiligungsmöglichkeiten haben." (Müller/Sander 2009, 17).

383 | Ohlde/Olthoff 2011, 375.

384 | Johnson 2000, 89.

385 | Eschner 2011.

386 | Krell et al. 2001; Hauffe 2003; Wiltzius 2003; Welpe 2005; Müller/Sander-Mühlbachler 2005; Universität Salzburg 2006; Müller/Sander 2009; Ohlde/Olthoff 2011.

constellation, the role of gender experts would dramatically change from formerly "gender police", lobbying for or pressuring public administration to increase its efforts towards gender equality, to cooperative and supportive "gender consultants", enabling the organisation to achieve its gender-controlled targets.[387]

Internationally, discussion and practice of controlling is only in its beginning phases,[388] and critical interventions have yet to be developed. Although controlling is theorised as a top-down approach, some gender mainstreaming literature has also suggested the importance of bottom-up elements, in which the often decisive role of lower- and middle-management is emphasised: "It is important that other concrete activities for gender mainstreaming (especially routine activities) are introduced in the middle and lower levels of government. [...]."[389]

Such perspectives underline the multidimensional character of modern governance modes and shape bureaucratic policy advice as a dynamic element in the interplay of practice and product.[390] Similarly, the increasing attention devoted to all levels of governance and to all actors, combined with the distrust of simple top-down bureaucratic models, has been accompanied by a greater suspicion that technocratic, top-down instruments are not applied stringently or coherently enough, even in the most hierarchical administrative and regulated implementation environments. Such questions are ripe topics for research: Are gender mainstreaming policy analysis instruments in fact applied in a systematic, standardised, routine way, by getting all actors and all levels of governance involved in the common project of equality governance?

A counter-position has been formulated in very recent literature on policy analysis. Some of the leading authors who used to advocate strict adherence to standard procedures in IA now recommend loosening the grip of instruments and procedures, by putting the actors in focus:

"We relax the chain-of-command assumption that an instrument carries an unambiguous set of ideas and because of this steers usage in one direction or another. Instead, we consider ideational ambiguity at the implementation stage. The consequences are clear. Under conditions of ideational ambiguity, policy instruments are shaped by the constellations of actors at the implementation stage."[391]

My research, therefore, seeks to explore the potential and conditions for controlling for gender in and through IA, in this ambivalent governance environment for policy making processes, centring on the perspective of lower- and middle-management actors in public administration.

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387 | Walby/Armstrong 2010.

388 | E.g. gender mainstreaming and controlling efforts in Germany are most apparent in universities in their role as public institutions, as they attempt to attract and retain the best talent, competing for limited resources under the excellence initiative ("Exzellenzinitiative") (Bauer 2010).

389 | Kusakabe 2005, 53. It is noteworthy that such activities should also include external non-state actors engaging with public policy-making.

390 | Orsini/Smith 2007.

391 | Dunlop et al. 2012, 25.

With regards to special forms of NPM accountability, there is yet much to be explored in terms of gender analysis. The only policy area in which accountability for gender has been introduced is development aid and international cooperation. Here, entry points for gender aspects are identified (by ex-ante analysis) and gender(-ed) indicators for donor performance are included in overall performance assessment frameworks. They are evaluated and monitored in the attempt to close the policy cycle. In German development aid, for instance, the percentage of legislation in third countries subject to gender policy analysis was introduced as a conditionality indicator for receiving German development aid.[392] Other international aid answerability and accountability procedures also exist, such as the Development Assistance Committee (DAC) Gender Equality Marker[393] or Gender Marker[394] system. The gender (equality) marker is used by the United Nations and DAC member states as part of their yearly reporting on their aid activities. The marker indicates whether the gender equality targets of a policy objective have been met and is usually structured as a three-point system: Marker 2 signifies that gender equality is the main objective; marker 1 expresses that gender equality is an important, but secondary objective; marker 0 assures that the policy or project has been screened for its gender aspects, but that gender was not found to be relevant (enough) and the policy or project does not target gender equality.[395]

1.5.5 Implications for Research

More than 20 years after the worldwide introduction of the gender mainstreaming strategy, and after more than ten years of fruitful debates about the integration of diversity and intersectionality into equality policies,[396] public administrations around the world need to acknowledge the need for a period of taking stock: Are the external perceptions of the failed technology of gender analysis, exclusively based on policy outcome, actually true? And if so, is gender mainstreaming at fault, because the concept is "too vague,"[397] so that analysts unfamiliar with and untrained in gender are unable to fully comprehend all its implications? Or is it because promoters of gender mainstreaming framed the strategy in terms of efficiency and effectiveness in integrationist NPM ways,[398] as a selling point for even the "most reluctant Directorate Generals,"[399] whereas in reality it is yet another time-consuming bureaucratic burden without any visible efficiency gains?

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392 | Deutsche Gesellschaft für Technische Zusammenarbeit GmbH 2008, 13.

393 | Deutsche Gesellschaft für Technische Zusammenarbeit GmbH 2009.

394 | Organisation for Economic Co-operation and Development 2012b; United Nations Office for the Coordination of Humanitarian Affairs 2011.

395 | Organisation for Economic Co-operation and Development 2012b. Other gender marker systems may deviate, but the general idea of distinguishing between gender-focused, gender-sensitive and non-gendered initiatives is the same.

396 | Hankivsky/Cormier 2011.

397 | Lombardo 2009, 324; Daly 2005a.

398 | Daly 2005b, 15.

399 | Lombardo 2009, 324.

Is it really already too late for gender mainstreaming?[400] Or can such tensions be made productive?[401] And if so, how—what is good practice?[402] What do the analysts and internal actors themselves believe? How do they perceive practices of gender analysis in public administration? In light of the widespread disappointment with equality outcomes and the larger project of gendering the state,[403] an investigation is needed into the implementation practices of gendered tools for policy analysis. In bureaucratic systems of democratic checks and balances, accountability plays an important role to secure practice. In a way, my research represents an intervention in itself, by rendering gender in IA accountable and by deriving ideas for better control by steering gender equality governance through IA.

1.6 TOOL TYPOLOGIES AND QUALITY CRITERIA

Since IA is a relatively recent, yet highly diversified topic of research, and because it is international in scope, its internal differentiation processes are in constant development. As with the various functions and labels for IA[404] and its tools, the basic problem with the typology of instruments is that to date there has been no consistent, internationally standardised and accepted classification of IA tools, including policy and gender IA tools. The terms "tool" and "instrument" are used interchangeably in gender mainstreaming tool literature[405] and elsewhere—but is this really appropriate, do they mean the same thing? There is not even consensus about the ex-ante, parallel or ex-post dimensions of IA: We have seen, for example, that the IAIA uses "impact assessment" only for analysis before the intervention has taken place,[406] while a vast body of IA research applies it to parallel and ex-post assessments as well. Additionally, the quality management of IA tools is a very recent process and fragmented among the various disciplines involved in tool design and implementation.[407] As much as there ought to be good IA tools for ex-

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400 | As indicated by Woodward with regard to new evolving demands, in her examination of the Belgium case study (Woodward 2008).

401 | Walby 2005a.

402 | Verloo 2007b.

403 | Simon-Kumar 2011.

404 | See chapters 1.4.1 and 1.4.2.

405 | See DIGMA context and methodology website (Amazone et al. 2000-2001). DIGMA is a gender mainstreaming tools website based on a gender mainstreaming project established between September 2000 and June 2001, supported by the Belgium Federal Ministry of Employment and Labour, the University of Liege and Catholic University of Leuven, and financially supported by the EC's 4th Community Action Programme for the medium term for equal opportunities between men and women (1996-2000).

406 | IAIA/Fortuney n.d. The international, EU-funded Linking Impact Assessment with Sustainability Expertise (LIAISE) project undertook the first systematic attempt to categorise IA tools in EU research projects (LIAISE n.d.).

407 | With environmental, sustainability and legal research being perhaps at the forefront of IA quality management, see e.g. (de Ridder et al. 2007; Jacob et al. 2008; OECD et al. 2008; Peinl et al. 2005; Führ et al. 2010; Staranova 2010; De Francesco et al. 2012; OECD et al. 2012; Adelle et al. 2012).

ante policy assessment, there is a need to define good gender analysis tools in the context of gender mainstreaming. Thus, in the course of my study, I found the need to conduct research on the definition of tools, typologies and quality criteria in order to contextualise gender analysis tools in policy IA.

In order to be able to contextualise the gender analysis tools GIA and GBA in the larger realm of IA tool research, it is first necessary to give some explanation about what IA tools are and what purpose they serve. To that end, I developed a taxonomy for what constitutes IA tools/instruments, based on a vast array of IA tools/instruments, guidelines and frameworks,[408] as well as current literature that categorises IA tools/instruments. In the following subchapter, I first sum up the different ways in which IA tools are categorised, before suggesting a working classification of IA tools based on IA research. I then place GIA and GBA as specific, stand-alone gender-analysis tools, as well as the integrated IA and Social Impact Assessment (SIA) appraisal forms, in the context of the IA tool taxonomy. Gender mainstreaming practitioners have also supplied some first guiding principles with regard to the quality demanded from gender mainstreaming tools. In the second sub-chapter, existing quality criteria for gender mainstreaming tools are presented in order to enable the quality inspection of the GIA, GBA and integrated tools under scrutiny,[409] before both criteria are summarised in the third part.

1.6.1 Typologies of Gender Analysis in the Context of Impact Assessment Tools

Before I consider the classification of gender analysis in more detail, first in an IA logic and second in the field of gender mainstreaming, I wish to spell out the general relationship between gender mainstreaming and its tools. There has always been a level of terminological confusion about the status of gender mainstreaming—namely, whether it is a strategy or an instrument or both—and about the status of the tools/instruments for its implementation, such as GIA/GBA. Although I do not deny that gender mainstreaming can also be characterised as an instrument to achieve gender equality, for reasons of clarity and definition, I prefer to speak of gender mainstreaming as the overarching strategy, and of GIA or GBA as some of the many instruments/tools used to implement gender mainstreaming.

1.6.1.1 Typology of Impact Assessment Tools

In the broadest sense, and in congruence with Aranka Podhora and Katharina Helming's definition, the "term 'tool' is [...] an instrument to gather scientific knowledge for the purposes of ex-ante policy IA,"[410] which in fact renders the terms instrument and tool interchangeable. If such tools or instruments are decidedly developed for an ex-ante policy analysis context, and fit the users, actors and purpose of assessment, they can be called explicit IA tools according to Podhora and Helming. There is no clear differentiation between regulatory and policy IA, or

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408 | Such as culturally-sensitive, indigenous, social, diversity, equality, equity, poverty, vulnerability, human rights, health, sustainability, and environmental IAs.
409 | In chapters 3.2 and 4.2.
410 | Podhora/Helming 2010, 2.

policy analysis.[411] In very general terms, and according to the comparative research of IA literature that I have conducted with Podhara,[412] many IA concepts share some or all of the following components:

"IAs are usually implemented in procedural environments based on legal requirements or institutional (self-)commitment. The outline of such IA procedures fosters the actual conduct of IA, which is based on methodological quantitative and/or qualitative tools [...]."[413]

Podhora and I also came across two commonalities and core criteria shared by all explicit IA tools: There must be 1) a purpose-driven reason for IA application—usually giving scientific and evidence-based advice directed towards problem solving, and 2) usage as a "tool", describing a systemic or "structured" procedure to follow.[414] With the additional element of addressing an institutional commitment or legal basis for the IA, this definition is mainly in line with Peter De Smedt, who identified key criteria for IA tools by describing their purpose in the IA implementation process in more detail. For De Smedt, IA tools are: 1) typically scientific in nature, method-driven and evidence-based, 2) designed to produce measurable results for monitoring mechanisms, and 3) used for addressing strategic levels of decision making.[415] The use of "IA tool" as a term therefore applies to a systematic, or structured, scientific, methodological procedure, which some also claim needs to have been tested for accuracy and robustness, in order to be replicable and legitimately qualify as an IA tool.[416] As such, IA tools are considered to be scientific. As methods in science (including social science) are also developed through hypothesis testing, proving validity and replicability, the line is still not always easy to draw between a tool and a method,[417] and boundaries remain somewhat blurry.

Current attempts to collect and systematise IA tools exist but are limited to particular contexts of application, such as the development context,[418] the field of social IA,[419] sustainability IA,[420] or regulatory and policy analysis.[421] But within these general parameters, tools can be applied in a wide array of fields, and further specifications are constantly being developed, resulting in ever more diversified

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411 | Führ et al. 2010. As established in chapter 1.4.1.

412 | Sauer/Podhora 2013.

413 | Sauer/Podhora 2013, 136. The development of a working tool definition in that publication was based on: 1) A systematic review conducted on instruments and publications on human rights and related IAs (such as gender, diversity, poverty, health or equality IA), and 2) an additional analysis of eclectic, central sustainability, environmental and policy IA literature; and c) discussions on tool typology underway in the European network of excellence research project LIAISE (LIAISE n.d.).

414 | IAIA/Fortuney n.d.

415 | De Smedt 2010.

416 | Podhora et al. 2013, 87.

417 | Pohl/Hirsch Hadorn 2008.

418 | Holland 2007.

419 | Barrow 2000; Burdge 2004; Becker/Vanclay 2003a; Becker/Vanclay 2003b.

420 | LIAISE n.d.; Podhora et al. 2013. See also earlier publications (Barrow 1997; Ness et al. 2007).

421 | Kirkpatrick/Parker 2007; Fehling 2003; Hensel et al. 2010b; Dobuzinskis et al. 2007a.

tools for various purposes or policy areas such as environmental, sustainability, trade, social, health and gender IA, to name just a few, as well as mixtures of these approaches.

Each of these individual tools has an overall assessment goal that covers a certain range of impact areas. Sometimes a chain of tools or multiple parallel tools are employed in various forms of integrated assessment or add-on assessment, in order to converge to one IA in the end. Some tools are developed for special jurisdictional levels, often differentiated in international/global, EU/multilevel, multi-state, national, regions or local levels. According to Wouter de Ridder, John Turnpenny, Måns Nilsson und Anneke von Raggamby, seven tool categories with "common characteristics" and "roles in an integrated assessment'' can be distinguished, plus an additional miscellaneous category for non-specifiable tools. According to this typology, IA tools can take the form of: 1) assessment frameworks; 2) participatory tools; 3) scenario analysis tools; 4) multi-criteria analysis tools; 5) cost-benefit/cost-effectiveness analysis; 6) accounting tools, physical analysis tools and indicator sets; 7) modelling tools; and 8) other, not specifiable tools.[422] They can include quantitative and qualitative methods as tool components, and indicators, databases and comprehensive analytic methods, evaluation frameworks, toolboxes and platforms can be fed into the IA process.[423] These different kinds of tools are usually implemented at three different levels—project[424], programme and strategic.[425] Policy IA cuts across these three levels, providing, for example, strategic assessment of a multi-national trade agreement, or of a public service programme, or of a smaller communal project with limited reach. Admittedly, these typologies are broad, and the categorising parameters are blurry, with mixed forms possible.

After having clarified what qualifies as an IA tool and having had an insight into the variety of IA tools, it is important to come to an understanding of the different usages of those instruments. For the context of the field of investigation of this study, policy analysis research suggests a roster of four, not mutually exclusive, dimensions used to distinguish tools, and these are focused on usage or implementation, rather than form of conduct. The policy analysis experts Claire

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422 | de Ridder et al. 2007; Podhora et al. 2013, 91.

423 | Podhora et al. 2013, 87.

424 | For example, the "Harvard Analytical Framework" is a gender mainstreaming tool classic on the project level (SEAPAT 1998). According to the long-term practical expert Annette Evertzen (Evertzen 2011), a gender analysis at project level gives insight into how tasks and responsibilities are divided between household members, asking by whom and when do tasks in the unpaid economy get done? A gender analysis tool for the project level gives context information on the ways in which women's access to and control over resources such as land, income, inheritance and political influence might differentiate from men's. It equips project staff with information about gender roles and power relations and the possible impact of project interventions on such gender relations, thereby rendering such interventions where most impact can be expected. If the tools are mixed with a participatory process, it can be an important step to create more gender-awareness amongst the participants. A gender analysis can (and should be, according to Evertzen) conducted ex-ante before the start of a project, but it can (should be) repeated later as an evaluation in order "to capture change" (Evertzen 2011, 4).

425 | As also mentioned in chapter 1.4.1.

Dunlop, Martino Maggetti, Claudio Radaelli, and Duncan Russel differentiate tools based on the circumstances under which and the goals for which they are used.[426]

First, there is political usage, showing elements of control of bureaucracy. In an attempt to manage social, economic and political conflict, tool implementation is not based on "ideals of evidence-based policymaking," but rather is oriented towards interest management. The authors, referring to and representing leading experts in the field of IA, expect such attempts "to delegitimize the process" or to bring political conflict to the economic analysis of proposed regulation.[427] Second, the authors found instrumental usage, describing a rational approach in which IAs are used to "enhance substantive understandings of the cause and effect mechanisms that underpin the policy issue."[428] Third, with communicative usage, ex-ante IAs are conducted and made accessible as a "communicative arena."[429] They are part of a wider stakeholder consultation for interest groups to understand and contribute to policy purpose and outlay. Fourth and last, perfunctory usage refers to the defunct, superficial, partially or not in-depth application of IA, where "constellations of actors water down, 'mute', or simply do not implement the instrument."[430]

The authors attribute perfunctory usage to a distancing of rationalist tools and pragmatic policy formulation in loosely coupled organisations and find that perfunctory and/or political usages are the most widespread.[431] In terms of IA practice, in fact, the instrumental usage seems most widespread. At the same time, many aspects of this typology seem problematic and are contested in current IA practice and literature: E.g. the disregard for policy analysis as simple "interest management" instead of impartial scientific analysis, ignoring the per se political character of all policy IA and general messiness of the inescapable social; or the limited vision of participatory elements as ways to communicate policy intents to (docile) interest or target groups, "reconciled" through deliberation. Increasingly, deliberation and consultations are perceived instead as core elements of quality assurance for IAs, exceeding the communicative purpose by far.[432] Despite the contested character of such a classification, it is nevertheless useful to understand the differing intentions behind IA use.

To summarise, I arrive at the working definition of IA as a tool that 1) has a legal trigger or institutional (self-)commitment for implementation, and 2) is able to apply a scientifically designed and tested framework or methods in a structured fashion to 3) a policy problem or any kind of intervention, at a project, programme, or strategic level, resulting in 4) recommendations addressing levels of decision making. Such explicit IA tools can be further categorised according to their level

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426 | Their typology is pertaining to regulatory IA (Dunlop et al. 2012, 27-28.)

427 | It is interesting to observe the sublime normative assumptions therein of a) an a priori equalling of political conflict with being negative for the IA process and b) again the primacy of economic IA within regulatory IA (Dunlop et al. 2012, 27).

428 | Dunlop et al. 2012, 27.

429 | Dunlop et al. 2012, 27.

430 | Dunlop et al. 2012, 28.

431 | Dunlop et al. 2012, 28. The perfunctory usage seems especially relevant to describe current tool implementation critiques with regard to gender analysis.

432 | For the benefits of participatory gender analysis in a development context in general, see (Lilja/Dixon 2008a; Lilja/Dixon 2008b).

of application (project, programme, strategic); they can be distinguished according to the nature and focus of the problem (health IA, poverty IA, environment IA, business IA, social IA, gender IA, etc.); and there is also a typology in place for their ultimate usage—that is, the intent with which these tools are employed (political, instrumental, communicative, perfunctory).

1.6.1.2 Typology of Gender Analysis Instruments

Having outlined the existing general typologies for IA, I will now explore how gender mainstreaming tools for gender analysis, such as GBA/GIA, are conceptualised and categorised in an IA context. Where exactly is gender analysis to be placed in relation to the IA typologies developed above? To properly situate the tool, it is crucial to understand its nature, intent and application context. First, it needs to be said that not one, but many gender analysis tools exist, as well as many guidelines to conduct assessments. Many tools are labelled GIA, but the contents of these tools vary.[433] GBA has also been adapted and varied in numerous ways.[434] Because neither GIA nor GBA are always synonymous with the specific EU GIA or Canadian GBA tool, I use the terminology of the original authors and publications. Last but not least, the term GIA is often employed as a proxy for the umbrella term gender analysis, even without reference to specific existing tools. For the purposes of this study and based on an analysis of the frequency of terminology, I use the term gender analysis instead as the umbrella term for various methodologies and tools for assessing possible impacts on women and men.[435]

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433 | Verloo/Roggeband 1996; European Commission, Directorate-General Employment, Equal Opportunities Unit DG 5 1997/1998; Rubery/Fagan 2000; Rubery et al. 2000; Bundesministerium für Familie, Senioren, Frauen und Jugend 2007; Women's Health Victoria 2012.

434 | SWC 1996; Human Resources Development Canada et al. 1997; SWC 1998; Health Canada 2000; Berlin Centre of Public Health 2001; Health Canada; Women's Health Bureau 2002; SWC 2003a; Health Canada; et al. 2004; SWC 2005a; Department of Indian and Northern Affairs Canada 2006; SWC 2007; Aboriginal Women's Healing and Health Research Group 2007; Foreign Affairs and International Trade Canada 2007; TBS 2007a; Citizenship and Immigration Canada 2008a; Health Canada 2008a; Department of Aboriginal Affairs and Northern Development 2010; SWC 2012a. Canada's International Development Agency (CIDA) decided to call it "Policy on Gender Equality," which has a tool character (Canadian International Development Agency 1999; Canadian International Development Agency 2005a).

435 | Gender analysis also appears to be the internationally most widespread terminology, according to a Google key word search with a total of 399,000 hits as conducted in 2015 (precise date: 2016-04-30). Apart from gender-based analysis (77,600 hits) and gender impact assessment (36,800 hits), there are various forms of tools for different implementation contexts and (mostly programme and project) levels, such as gender assessment (104,000 hits), gender-responsive analysis (10,200 hits), gender-sensitive analysis (8,750 hits), gender equality analysis (5,890 hits), gender-proofing (3,830 hits), gender-sensitive assessment (1,500 hits), gender-responsive assessment (949 hits), or feminist analysis (250,000 hits, although the high number of hits is misleading, as the term is used to refer to an academic methodology as well as being an umbrella term for various tools).

Internationally, the first attempt to categorise and systemise gender analysis tools was European: the Database of Instruments for Gender Mainstreaming (DIGMA).[436] As previously mentioned[437], the DIGMA databank has been defunct for many years, but was originally the result of a Commission-funded gender mainstreaming research project[438] and constituted the first attempt to define gender mainstreaming instruments. The definition is as follows:

"Any tool which can be applied to one or more stages of the gender mainstreaming process, which is addressed to decision makers and can be used by third parties on the basis of an explicit methodology, or a methodology which is at least recognisable."[439]

DIGMA thus equates gender analysis tools with instruments that are applied in a gender mainstreaming process, which it defines as the "total integration of gender in the design and implementation of all the policy strategies and all the action programmes."[440] The authors of the DIGMA website define gender analysis within this process as the "most important aspect of gender mainstreaming."[441] Given this broad intent and scope for gender analysis, gender analysis tools are potentially usable at all levels of application (strategic, programme and project).

DIGMA distinguishes further between "three main categories of tools"[442], in which the nature and scope of the tools is mixed with the intent: analytical, educational and consultation/participation. According to DIGMA, analytical tools reveal or expose the problem and include statistics broken down in terms of gender, studies and predictions, research, verification lists, management guidelines and terms of reference, evaluations of the impact on gender and models for the analysis of differentiated impact, indicators, and control tools. Educational tools raise awareness by transferring information and giving support and training and include courses, follow-up actions, experts, manuals and syllabuses, booklets and files and educational materials. There is no explicit mention of gender analysis in any of the first two categories, although gender analysis tools can and do fit both. Consultations in participatory tools are designed to "improve the quality of political decisions and strengthen democracy."[443] One would assume that the particular EU GIA or Canadian GBA as programme and policy assessment tools would fall under this category; however, DIGMA lists only interactive circles such as working or management groups, round tables, conferences and seminars, hearings and consultative forums, or directories, databases and organisational charts and "the

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436 | Amazone et al. 2000-2001.

437 | Compare chapter 1.5.3.

438 | DIGMA existed from September 2000 to June 2001 and was funded by the EC's 4th Community Action Programme for the medium term to foster equal opportunities between men and women (1996-2000) (Amazone et al. 2000-2001). The website is still online, although it has not been updated since 2006.

439 | DIMGA: Definition of the term "instrument" (Amazone et al. 2000-2001).

440 | DIGMA: Context and methodology (Amazone et al. 2000/2001).

441 | Regional Programme of the United Nations Development Programme's Regional Bureau for Europe and the CIS/Niemanis 2007, 10.

442 | DIGMA: Context and methodology (Amazone et al. 2000-2001).

443 | DIGMA: Context and methodology (Amazone et al. 2000-2001).

participation of the two sexes—and of all the social groups—in the decision-making process [...]."[444]

The DIGMA website categorises various tool types as merely "analysis", neglecting the strong participatory and educational components inherent in most of the 30 gender analysis tools collected in the course of the DIGMA project. Searching DIGMA's website for gender analysis tools, I found 30 GIA instruments, including the EU GIA, but not the GBA tool. According to DIGMA, the specific EU GIA tool can be applied in all phases of the policy cycle for the purpose of preparing a policy plan in all kinds of unspecified policy areas and aiding decision making in gender mainstreaming.[445]

Consulting the European Institute for Gender Equality's (EIGE) website, the European gender agency is ambivalent about distinguishing between tool and method and offers no definition for its understanding of a tool (versus method).[446] It does refer to the levels of application in its stated desire for a gender mainstreaming process that would be rendered more understandable in a policy, programme or project development. Among areas for action such as awareness raising, competence development/gender equality training, gender statistics, sex-disaggregated data, indicators, institutional transformation, stakeholder consultation, monitoring, evaluation and procurement, the European Institute for Gender Equality lists gender budgeting[447], gender analysis[448] and gender impact assessment[449] as gender mainstreaming tools. Here, however, gender analysis is defined as a tool appropriate for the project level[450] versus gender impact assessment as an ex-ante evaluation, analysis or assessment of a law, policy or programme[451]. On a different occasion, the European Institute for Gender Equality categorises "gender-impact assessment methods" in accordance with the definition of the Council of Europe as analytical tools/techniques along with statistics, surveys, cost—benefit analyses, and guidelines.[452]

The German GenderCompetencyCentre also offers a definition for gender mainstreaming instruments, labelling them as "working aids" that allow for a cross-cutting gender equality orientation.[453] The researcher Sandra Lewalter counts checklists, guides, and manuals as instruments and proposes four main elements as the foundation for gender mainstreaming tools: They 1) ought to insert gender

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444 | DIGMA: Context and methodology (Amazone et al. 2000-2001).

445 | Amazone et al. 2000-2001).

446 | European Institute for Gender Equality n.d. c.

447 | EIGE website on Gender Mainstreaming Tools and Methods (European Institute for Gender Equality n.d. c).

448 | EIGE website on Gender Mainstreaming Tools and Methods (European Institute for Gender Equality n.d. c).

449 | EIGE website on Gender Mainstreaming Tools and Methods (European Institute for Gender Equality n.d. c).

450 | EIGE website on Gender Mainstreaming Tools and Methods (European Institute for Gender Equality n.d. c).

451 | EIGE: Gender Mainstreaming Tools and Methods (European Institute for Gender Equality n.d. c.

452 | European Institute for Gender Equality 2013b, 13.

453 | German original "Umsetzungshilfen" (GenderKompetenzZentrum/Lewalter 2010a).

equality as a cross-cutting issue into the area of work, 2) position themselves clearly with regard to the concept of gender, 3) must be geared towards action and 4) generate knowledge about gender.

After this overview of the main considerations about gender mainstreaming instruments in general, it is now time for a closer investigation of the nature, scope, and characteristics of gender analysis tools in particular.[454] GIA is commonly regarded as just "one specific form of gender analysis,"[455] which, according to the United Nations Development Programme (UNDP), is—this definition is central—designed "to aid the process of gender analysis in policy-making and programming."[456] GIA is thus more than merely an "awareness raising"[457] tool, but rather should directly lead to policy and programme adaptation, like GBA: "**A tool for gender equality** to assist in systematically integrating gender considerations into policy, planning and decision-making processes [...]."[458]

As such, gender analysis tools can be categorised according to their levels of application as transcending project, programme and strategic levels. They also have a wide scope of possible application environments stretching from the public sector to commercial and private usages. For example, the UNDP states that:

"Gender analysis needs to become a part of all policy making processes and programme formulation. Because all public policy concerns the population in some way, no policy is gender neutral. Gender analysis is necessary to determine how and to what extent men and women are or will be differently affected by projects and policy interventions. Gender analysis is therefore a vital tool for project or policy design, implementation, and evaluation. The depth and level of analysis depends on your specific situation and policy needs."[459]

Mieke Verloo and Conny Roggeband define GIA in the Netherlands as "an instrument designed to analyse potential effects of new government policies on the gender relations in Dutch society."[460] For them, the purpose as much as the context is deemed relevant. Similarly, Podhara and I have concluded through our research that in a full-fledged gender analysis tool, gender constitutes the main category of analysis, and fostering gender equality is the declared outcome of the exercise.[461] The best known definition of GIA is found in the EU Commission's tool itself,

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454 | I refer to the gender analysis tools under the name as applied in the respective context.

455 | Regional Programme of the United Nations Development Programme's Regional Bureau for Europe and the CIS/Niemanis 2007, 87.

456 | Regional Programme of the United Nations Development Programme's Regional Bureau for Europe and the CIS/Niemanis 2007, 10.

457 | A common misperception (Jacquot 2010, 124-125), as GIA is "not specifically meant to be awareness-raising" (Marchetti/Raudma 2010, 112). Gender trainings and other educational measures are awareness-raising tools.

458 | SWC 2001, 19. Emphasis in the original.

459 | Regional Programme of the United Nations Development Programme's Regional Bureau for Europe and the CIS/Niemanis 2007, 108.

460 | Verloo/Roggeband 1996, 3. It was the first tool with the name gender impact assessment.

461 | Developed in analogy to the typology of sexual orientation and gender identity (SOGI) in human rights IA, where we distinguished between focussed or centred (explicit/direct)

which similarly states: "Gender impact assessment means to compare and assess, according to gender relevant criteria, the current situation and trend with the expected development resulting from the introduction of the proposed policy."[462]

The EU GIA as well as GBA conduct their assessment via a checklist of questions pointing towards possible "gender relevant criteria", but do not prescribe any preferred methodology with which to analyse the particular context and policy problem—a characteristic they share with most other gender analysis tools.[463] Although the implementation context of gender analysis tools is not limited to ex-ante assessments and regulatory IA, these are the most wide-spread implementation areas for developing gender-sensitive policies and programmes and thus are considered most relevant for this study.[464] The tools EU GIA[465] and GBA[466] are designed for aiding policy and programme making in a supra-national (EU) and federal (Canadian) environments. For instance, the European Institute for Gender Equality defines GIA (as a proxy) as:

"An ex ante evaluation, analysis or assessment of a law or programme that makes it possible to identify in a preventive way the likelihood of a given decision, law or programme to have negative consequences for the state of equality between women and men."[467]

One crucial aspect that the European Institute for Gender Equality's definition neglects can be found in most other conceptualisations of gender analysis. These descriptions usually attribute not only a mitigating or preventive effect of negative outcomes, but also a strong empowerment effect and transformative potential for positive equality outcomes inherent to all forms of GIA: "Gender impact assessment aims to intervene and redirect policies and other interventions, so that they work towards gender equality rather than perpetuate unequal power relations."[468]

Thus, gender analysis is a tool with strong political and communicative elements, as described by Dunlop et al.[469] As a consequence, in their particular political usage, gender analysis tools are indeed oriented towards interest management, but for the sake of better evidence-based policy making, in order to legitimise the process. This orientation is the exact opposite of the negative perception of the political as

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and integrated or mainstreamed (implicit/indirect) approaches of dealing with SOGI issues in human rights IA (Sauer/Podhora 2013, 138-139).

462 | European Commission, Directorate-General Employment, Equal Opportunities Unit DG 5 1997/1998, 3.

463 | For an in-depth critique of the tool design, see chapter 3.2 for GBA and chapter 4.2. for GIA.

464 | The German equivalent for gender impact assessment or gender-based analysis on the policy level is "gleichstellungsorientierte Gesetzesfolgenabschätzung" (gGFA), or on a more general project, programme and strategic level "gleichstellungsorientierte Folgenabschätzung" (gFA), see (Baer/Lewalter 2007).

465 | European Commission, Directorate-General Employment, Equal Opportunities Unit DG 5 1997/1998.

466 | SWC 1996.

467 | European Institute for Gender Equality 2014a, 12.

468 | IAIA/Sauer 2011.

469 | Dunlop et al. 2012, 27-28.

described by Dunlop et al.[470]: Gender analysis tools are based on the assumption that every policy or programme will eventually have, if not primary or direct, then at least secondary and indirect, gendered effects and that therefore the policy or programme is political by nature. The IAIA Impact Assessment Wiki article on GIA also states that policies and all other interventions "are not gender-neutral" and frames gender inequality as an unequal distribution of power around issues of the organisation of labour, intimacy, participation and citizenship.[471]

Gender analysis targets two different objects of investigation: 1) gender-specific policies/programmes in which gender analysis is used to assess targeted, affirmative action, and specific policies and programmes, where gender equality and specific actions in favour of the disadvantaged sex (in many, but not all instances women) are the main policy and programme objectives and indicators, and 2) presumably gender-neutral policies/programmes in which gender analysis is used to mainstream gender aspects in presumably neutral policies and programmes, where—if the categories sex/gender are found relevant—gender equality concerns are integrated into the overall objectives and indicators. In this second category, gender analysis is used to make an evidence-based argument for non-relevance, proving (instead of assuming) that no sex/gender-imbalanced effects exist and establishing neutrality of policies or programmes.

In sum, gender analysis tools as IA instruments address decision makers with the goal of fostering gender equality. They are, therefore, in and of themselves political and communicative. As explicit IA tools, they follow an "at least recognisable" methodology, but preferably a "precise methodological framework,"[472] and are instrumental as such. However, the breadth and fuzziness of the analytical concepts of gender equality, unequal power relations, sex and gender, etc., together with the fact that gender analysis tools usually do not prescribe certain methods of analysis (like modelling), make it difficult for the IA community to perceive tools like GIA/GBA as method-driven or scientific and to consider them for instrumental usage.

1.6.1.3 Typology of Gender in Integrated Impact Assessments

Gender analysis is not conducted exclusively through stand-alone tools such as GIA or GBA; rather, gender as a particular lens is negotiated between integrating gender equality concerns in IA and focussed, stand-alone or full-fledged gender analyses. Gender aspects have found many points of entry into IA tools. Gender concerns play a role in integrated IA tools and other stand-alone assessment frameworks for health IA, poverty IA, diversity IA, indigenous IA, cultural-sensitive IA, environmental IA, equality IA, to mention only a few. Most of these tools or tool components in integrated assessments exist in order to assure the environmental or social justice of the assessment, which also makes gender analysis a social justice tool—as I

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470 | As discussed in chapter 1.6.

471 | IAIA/Sauer 2011. In this online article, I introduced the tool GIA to the IAIA key terminologies and international IA community for the first time after 20 years of gender analysis tool existence, an indication of the commonly low popularity and regard for such tools in international IA theory and practice.

472 | DIMGA: Definition of the term "instrument" (Amazone et al. 2000-2001). It is evident that DIGMA uses the terms instrument and tool interchangeably.

would argue.[473] In integrated IA, the gender perspective is either mainstreamed or at least partially injected into an assessment that has a different focus. If gender is really mainstreamed as a cross-cutting issue in an integrated assessment, that assessment integrates gender equality as an overall objective, and gender concerns are considered in all impact areas. If found relevant, gender aspects also need to be included in the respective indicators.[474]

Since social impact assessment (SIA) is relevant for the implementation of gender aspects in the EU Commission's integrated IA,[475] special attention is given in this study to its definition. social IA as a term can be applied to a range of stand-alone tools and independent appraisal processes, but social impacts can also be integrated into larger IA procedures and integrated guidelines, all of which could be labelled explicit tools. If referring to particular independent tools, they can come with a variety of distinct methodologies despite carrying the same name.[476] Social IA also serves as an umbrella term for many kinds of people-centred assessments (human IA, human rights IA, poverty IA, health IA, etc.). Accordingly, a very broad and inclusive definition, as established by the IAIA, states that SIA:

"Includes the processes of analysing, monitoring and managing the intended and unintended social consequences, both positive and negative, of planned interventions (policies, programs, plans, projects) and any social change processes invoked by those interventions. Its primary purpose is to bring about a more sustainable and equitable biophysical and human environment."[477]

SIA has its roots in development cooperation and exploratory project appraisal,[478] often piggybacking on environmental IA. Social IA recognises the role people, communities, and the social fabric play in the implementation and outcomes of policies, projects and strategies. Social IA is applicable to all these operational levels, but its most widespread application remains at the project level in international development and exploration projects.[479] Because gender concerns are part of equitable development and sustainability strategies,[480] and since gender equality is

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473 | Whenever research is used "as a strategy to move to a more socially just world," it serves a transformative purpose with the goal of creating a more equitable society (Lorenzetti 2013, 451).

474 | Sauer/Podhora 2013. Compare quality criteria for gender mainstreaming tools in the following chapter 1.6.2.

475 | European Commission 2009a; European Commission 2009b.

476 | E.g. for methods used to predict employment and social impacts in Europe, see (de Vet et al. 2010).

477 | International Association for Impact Assessment et al. 2010.

478 | It is recounted that the construction of the Alaskan oil pipeline in 1973, which affected the local Inuit culture, was responsible for triggering first appraisal measures and the coining of the term "social impact assessment" (Burdge/Vanclay 1996, 62).

479 | Barrow 2000; Becker/Vanclay 2003a; Esteves et al. 2010 Esteves/Vanclay 2012.

480 | Refer to principle 20 of the United Nation's "Rio Declaration on Environment and Development," emphasising the "vital role" women enjoy in "environmental management and development," which means that their "full participation" is seen as "essential" to sustainability (UN 1992).

seen by the social IA community as a matter of human rights, as a condition for social justice and therefore as a fundamental prerequisite for sustainable development, health and peace,[481] gender aspects and questions of equity have always played a part in social IA tools and practices, thus rendering social IA political. Gender as a topic of investigation is closely connected to SIA's instrumental and communicative approach as a "philosophy about development and democracy,"[482] which strives for inclusiveness and sets out to detect or mitigate negative social impacts, as well as seeking to produce positive outcomes.[483] The extent of analysis and integration of gender aspects varies, however.[484] In some cases, the effort can be called perfunctory.[485]

1.6.2 Quality Criteria for Gender Mainstreaming Tools

So far, research on gender controlling is mostly outward-looking and focuses on questions of accountability in the implementation process and results.[486] Gender mainstreaming and its instruments are supposed to be integrated in a closed steering cycle.[487] But "both the content of policies and the process of their making and implementation are key to assess quality,"[488] as Andrea Krizsan and Emanuela Lombardo state. To date, researchers have not yet been overly concerned with the inward-looking assessment of the make-up or the quality of these instruments, although the demands on them are high: They should do nothing less than to contribute to transforming gender relations.[489] In order to even be considered capable of transformative effects, gender analysis tools ought to adhere to normative criteria for good gender mainstreaming tools.

Bearing in mind the various ways of conceptualising IA, it is not surprising that the field of gender mainstreaming has demonstrated similar fuzziness about terms and definitions of what can be labelled a gender mainstreaming tool to begin with. For example, Canadian terminology calls GBA "a tool for gender equality" and puts it in the context of gender mainstreaming, but shifts from calling GBA a "part of an approach known as mainstreaming" to equating it with gender mainstreaming in the same document[490]:

"Gender mainstreaming or GBA is the (re)organization, improvement, development and evaluation of policy processes, so that a gender equality perspective is incorporated in all policies, at all levels, and at all stages, by the actors normally involved in policy-making."[491]

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481 | Sauer/Vanclay 2011, 1.

482 | Vanclay/Esteves 2011b, 6.

483 | Vanclay 2002; Vanclay 2003.

484 | Barrow 2000; Ulmer/APRODEV 2003; Lahiri-Dutt/Ahmad 2011.

485 | Dunlop et al. 2012, 28.

486 | As seen in chapter 1.5.

487 | Compare policy cycle in chapter 1.4.3.

488 | Krizsan/Lombardo 2013, 87.

489 | See e.g. (Baer/Hoheisel 2008a; Steinhilber 2008 Verloo 2008).

490 | SWC 2001, 19. The reasons and effects of equating GBA with gender mainstreaming will be addressed further in the chapter 3 on Canadian GBA.

491 | SWC 2001, 19. Emphasis as in original.

This definition also reveals a close connection to Canadian policy analysis and its actors. In contrast, DIGMA draws upon a European perspective, placing gender analysis tools inside the realm of gender mainstreaming, but not necessarily inside IA or policy analysis processes. Decisive for DIGMA is the "practical use made of the tool in the mainstreaming process."[492] If the tool consists of different parts, all the components need to be "designed in the same single process" and "for the same single gender mainstreaming" context.[493] Such a view is supported by Petra Debusscher, who defined gender mainstreaming in policies and programmes, when "gender is part of all programming phases (format), and if gender issues and gender indicators are included in all budgetary sectors (budget)."[494] I concur and consider IA guidelines to be "genuinely gender mainstreamed, and thus potentially transformative"[495] for all policies and programmes. DIGMA also wants gender mainstreaming tools to have a "clear and explicit" methodology in order to ensure that the tool can be used "by others than those who designed it and originally used it."[496] Introducing the dimension of transferability and replicability renders the tool definition IA compatible.

Another suggestion—not for quality criteria for tools, but rather for good practices in gender mainstreaming—was made by the European Institute for Gender Equality. The European Institute for Gender Equality regards the application of gender mainstreaming tools as a constitutive part of gender mainstreaming. As one step of four, the use of a "specific type of methods or tools", which must be "related to the selected topic," is indicated as a core element for good practice. Thus, the European Institute for Gender Equality adheres to a very general tool definition[497], placing no further quality demands on the tools being implemented, neither at this occasion, nor in a good practice manual.[498] The European Institute for Gender Equality considers gender mainstreaming practices good when they work well, are transferable to other contexts and provide a valuable learning experience.[499] In order to work well, mainstreaming practices should "promote a positive change," "actively involve groups and organisations" and "orchestrate and/ or correspond to wider organisational conditions and environments."[500] Thus the European Institute for Gender Equality specifically wants gender mainstreaming to be political, instrumental and communicative, although it remains unclear how much these standards relate to tools.

The German GenderCompetencyCentre established the first and only parameters for what might constitute a good gender mainstreaming tool. Since the quality of instruments is decisive for the quality of the whole process of

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492 | DIMGA: Definition of the term "instrument" (Amazone et al. 2000-2001).

493 | DIMGA: Definition of the term "instrument" (Amazone et al. 2000-2001).

494 | Debusscher 2012, 329.

495 | Debusscher 2012, 329.

496 | DIMGA: Definition of the term "instrument" (Amazone et al. 2000-2001).

497 | Compare 1.6.1.

498 | European Institute for Gender Equality 2013b.

499 | European Institute for Gender Equality n.d. a., 13-14.

500 | The normative concept "good" is defined by other normative concepts such as "working well" and "valuable learning experience" (European Institute for Gender Equality n.d. a, 13-14).

their implementation, this former German gender mainstreaming research institute suggested certain formal and content-specific elements.[501] For the GenderCompetencyCentre it was central, in terms of content, to formulate specific gender equality goal(s) with precision and to integrate it/them accordingly in the tool development. Core concepts such as sex/gender or women and men should be explained clearly and without stereotyping in accordance with the latest gender research. It can be assumed that these requirements, formulated to ensure that gender not to be trivialised, includes intersectional perspectives, but it is not spelled out explicitly.[502]

Context specificity and fit are very seminal elements: The instruments ought to be custom-made for the users, actors and the fields of action and subject areas being addressed. The available data/research, as well as data/research gaps, should be marked, and case studies used for illustration should be selected strategically in accordance with the goals, basic concepts, and current research. In formal terms, the GenderCompetencyCentre highlights the coherence of concepts, content and form (including gender-neutral language) and the consistency of their integration in routine workflows. Finally, gender mainstreaming instruments should be flexible, adaptable to changes, and sustainable towards the subject matter,[503] as well as sustainable in a systemic dimension within their organisational implementation context.

Although these quality criteria overlap partially in form and content, they resemble and systematise the vast practical experience of the institute in a seven-year process of introducing gender mainstreaming into the German federal administration. But there are other elements, such as a central component of deliberation, missing.[504] In congruence with social IA research,[505] good governance recommendations,[506] and demands put forward by feminist literature on good policy making, I regard strong deliberation in gender analysis tools as vital, in order to allow for corrective, context-sensitive elements, a diversity of perspectives and internal accountability.[507] Good deliberation practices entail that the representation of women and men (on

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501 | Developed in a series of workshops with policy makers and academics (GenderKompetenzZentrum/Lewalter 2010b).

502 | The fear of trivialising gender in technocratic processes was always widespread in the feminist and gender mainstreaming community, and is substantiated by the evaluation of recent policies (van Eerdewijk 2014; Payne 2014; Bock 2015, Rubery 2015; Tiessen 2015).

503 | Alexander Windoffer (2011) remarks on the role of gender mainstreaming tools in ex-ante policy analysis/regulatory IA as a contribution to strengthening sustainability as a cross-cutting issue in itself. Windoffer suggests that real cross-cutting gender analysis in diverse policy fields would lead to better long-term foresight, thus adding to the quality of the subject of sustainability in IA (Windoffer 2011, 250).

504 | Consultation and participation are central to DIGMA, the EIGE and all investigated gender analysis tools in this study.

505 | Esteves et al. 2010; Sanderson 2011; Esteves/Vanclay 2012.

506 | Governments should "seek inclusive participation and engage the diversity of society," they should "ensure that equity […] considerations are addressed," and "work to create organizations that integrate multiple voices in their deliberations" (Dobel 2005, 173-174).

507 | Krizsan/Lombardo 2011, 87. Participation can be a way of rendering the methods and ideally the outcomes of assessments accountable to the target group served. For accountability concepts, see sub-chapter 1.5.4.1.

an individual as well as organisational level) is balanced and that those consulted are gender competent. According to common research ethics,[508] also transferable to IA tools and processes, deliberation should enable participants to make informed and meaningful contributions. It should be transparent about the consequences of participation, and the co-optation of participants and of communities for political and/or research agendas is to be avoided.[509]

While the underlying positivist assumption that there truly could (or even should?) be such a thing as a good gender mainstreaming instrument can and should be challenged, the GenderCompetencyCentre criteria served as a typological starting point for me. But since they neglect the explicit demand of intersectionality or are not entirely transferable to other jurisdictions, in which, for instance, gender mainstreaming is a non-binding strategy, I was not able to universalise them and needed to look further.

Considering Canadian practices, Payne sees various conceptual and political obstacles to the implementation of sophisticated tools.[510] Her conceptual barriers include: a) an "overdose" of mainstreaming in general, where the fuzziness of gender mainstreaming struggles at the micro-level to demonstrate how single policies and programmes can contribute to gender equality;[511] b) a binary understanding of the "discursive constructs"[512] of sex and gender, often corresponding to the analytic inability to differentiate gender relations from women's issues, and c) the methodological and tool-based problem of multi-variable analysis, combined with the challenge of separating gender inequality effects from other, intersectional inequality effects.[513] If converted into a positive statement, her barriers translate into quality criteria for tools and tool environment, namely: a) specific gender analysis tools and IA guidelines, which are clear in their gender equality goals and concepts, at best supported by concrete, relevant case studies; b) a non-binary understanding of sex and gender as constructed and therefore malleable, paired with a commitment to fostering gender competency and analytic capacity; c) clear instructions and standards for multi-variable analysis, in order to enable meaningful intersectionality.[514]

What Payne, the European Institute for Gender Equality, the Gender-CompetencyCentre and other gender researchers share is the conception of gender as a complex social construct, changeable and non-homogenous. Sophisticated gender mainstreaming tools operate with a non-essentialist, constructivist, non-binary and intersectional understanding of gender.[515] While collecting various gender analysis tools for this research, I found that many gender analysis instruments are intended

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508 | Deutsche Gesellschaft für Soziologie 1992. Similar standards are applied in other ethic codices by sociological, medical, psychological and other professional associations.

509 | Baldwin 2012, 477-478.

510 | Payne 2011.

511 | Payne 2011, 525-526.

512 | Payne 2011, 526-527.

513 | Payne 2011, 527.

514 | For Payne, gender-sensitive policy appraisal includes addressing individual discrimination as part of systemic inequalities (Payne 2011). For the theoretical underpinnings of sophisticated intersectionality concepts, see sub-chapter 2.3.1.

515 | Often equated, but not identical with the gender+ concept, which lacks the non-binary understanding of gender, see chapter 2.3.1.

to shed light on four dimensions: representation, resources, real-life conditions, values and norms.[516] These core analytical categories built on the early 3-R tool (representation, resources, reality)[517], and are derived from feminist debates about the main arenas and goals of gender equality.[518] They thus incorporate feminist insights into tool design. From this discussion and the literature review, I have distilled the following quality criteria for gender mainstreaming tools:[519]

1. Gender equality as a cross-cutting or focal issue (**gender mainstreaming/gender equality as the principle**): The tool design either mandates a "stringent, cross-cutting integration at all levels, steps and outcomes of analysis,"[520] or is already gender-focussed.

2. Educational elements and awareness raising for gender equality in its multi-dimensional mechanisms of exclusion (**feminist concepts/intersectionality**): Since people who are not gender experts are also supposed to be using gender mainstreaming tools, an up-to-date feminist theoretical underpinning and an explanation of the content and field-specific workings of the basic concepts are required. Gender equality is only fully conceptualised if a wide conceptualisation of sex, gender and intersectionality is taken into account.

3. Their tool immanent use and representation of concepts are coherent and connected to feminist concepts in content and form (i.e. with regard to gender-neutral language or gender-balanced deliberation), resulting in their consistent integration and enactment (**coherence/consistency**).

4. Likeliness of application and tool fit (**implementation fitness**) is assured when the tool is "explicitly designed to conduct research on [...] the policy process" in question.[521] The tool has to be custom-made for its implementation context in order to increase the likeliness that it will be picked up by users.

5. A strong commitment to deliberation constitutes a key pillar of good governance and lends the tool its ethical foundation, ensuring the serious consideration of a variety of perspectives; it is sustained by non-cooptation and transparency about methods and outcome (**participation/internal accountability**).

This attempt to establish quality criteria for gender mainstreaming instruments (as summed up in the following table 1) can by no means (yet) be called comprehensive and needs further research and field testing.[522] Piloting and applying them to the design of GBA in its Canadian context and the IA in the EU context,[523] however, enabled me to determine whether an instrument is capable of representing the core characteristics of gender mainstreaming. Without quality criteria there can be no

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516 | Sellach et al. 2003, 7.

517 | Swedish Association of Local Authorities et al. 1999.

518 | As discussed in chapters 2.2.3 and 2.4.

519 | Mainly based on the GenderCompetencyCentre's suggestions (GenderKompetenz-Zentrum/Lewalter 2010b).

520 | Sauer/Podhora 2013, 138.

521 | Podhora et al. 2013, 87.

522 | In Canada, quality criteria for successfully conducting a gender analysis was established in the case of GBA, as laid out in subsection 3.4.1.

523 | As in chapters 3 and 4.

accountability for the implementation of gender analysis in a gender mainstreaming context.[524]

Table 1: Quality Criteria for Gender Mainstreaming Tools

1. Gender Mainstreaming - Gender Equality as Principle
2. Feminist Concepts - Intersectionality
3. Coherence - Consistency
4. Implementation Fitness - Explicit Tools
5. Participation - Internal Accountability

1.6.3 Implications for Research

In sum, the extant literature is sparse and connects gender analysis tools closely to gender mainstreaming and its logics, while ignoring (for the most part) relevant IA literature, categorisations and practice. As a consequence, establishing an IA tool typology and quality criteria for gender mainstreaming tools was incremental, in order to be able to assess the potential benefits and pitfalls of gender analysis tools in their diverse application environments. A review of the literature revealed that IA instruments as well as gender analysis tools operate with different terminology and partially deviating definitions (i.e. gender impact analysis[525]). For the purpose of this study, I arrived at gender analysis as the umbrella term for a diverse set of international gender equality tools.
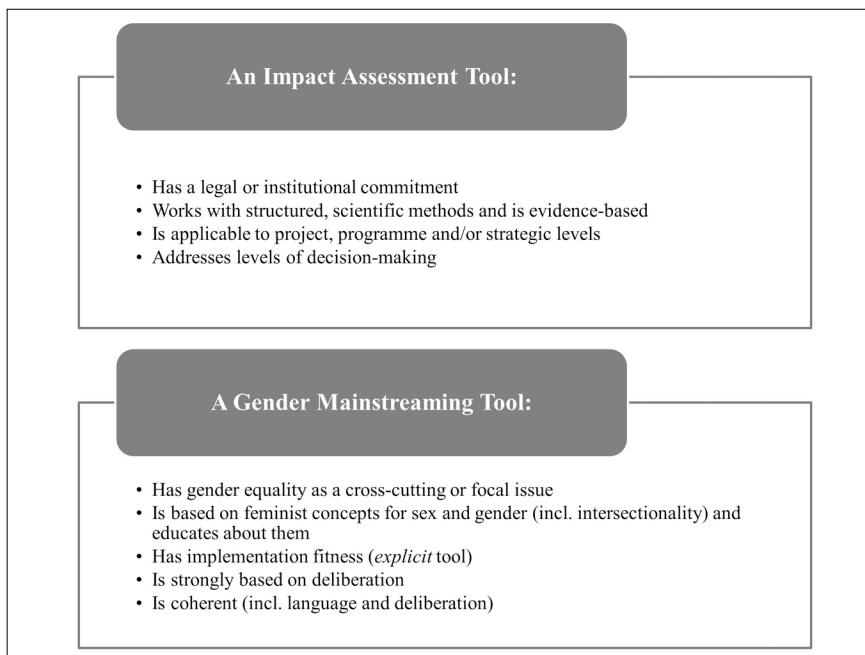
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524 | Compare chapter 1.5.

525 | European Commission, Directorate-General for Employment, Social Affairs and Equal Opportunities Unit B4 2005 (see chapter 4.2.2). The lack of precision and IA fit became evident in yet another instance: EIGE mistook the European Commission's guide "Evaluating Socio Economic Development, Sourcebook 2: Methods & Techniques. Gender impact assessment" (dated 2004) for the "Guidance for assessing Social Impacts within the Commission Impact Assessment system" (dated 2009) (European Institute for Gender Equality n.d. b).

A comparison of the DIGMA and European Institute for Gender Equality gender mainstreaming and tool websites to IA publications in particular enabled the development of a shared critique of a distance from and lack of fit with IA tool typology. Gender analysis tools are not categorised strictly according to the level of application (project, programme, strategic), and they are not distinguished according to the nature and focus of the problem. Instead, they are supposed to be applicable to all areas, and there is no typology in place for their ultimate usage, although the intent is stated (political, instrumental, communicative). On the other hand, the IA community showed a disconnected (and mistaken) preconception that tools like GIA or GBA are in fact politically motivated, not scientific in nature and not method-driven.

My comparative research is devoted exclusively to taking stock of GIA/GBA implementation and equality governance and to analysing the institutionalisation and extent of implementation of those gender analysis tools in Canada and the EU. My goal is to close the research gap and to link formerly decoupled research strands: Gender mainstreaming and IA research. It is thus necessary that my study also discuss intersectionality in tool design and its (possible) effects on tool implementation, since diversity and non-discrimination issues dominate the latest tool as well as gender studies debates.[526] In order to bridge the gap between IA and gender mainstreaming literature, a shared tool typology for IA instruments was deduced and quality criteria for gender mainstreaming tools were developed, against which the instruments in this study could be compared (see following table 2).

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526 | Many suggestions have been made for refining policy analysis tools by rendering them more intersectional via multi-variable analyses (Squires 2007; Hankivsky 2007b; Stirbys 2007; Wolski 2007b; Lombardo/Verloo 2009a, Parken 2010; Hankivsky/Cormier 2011; Hankivsky/Christoffersen 2011; Rolandsen Agustín 2013).

Table 2: Combined Typology for Impact Assessment Instruments and Quality Criteria for Gender Mainstreaming Instruments

An Impact Assessment Tool:

- Has a legal or institutional commitment
- Works with structured, scientific methods and is evidence-based
- Is applicable to project, programme and/or strategic levels
- Addresses levels of decision-making

A Gender Mainstreaming Tool:

- Has gender equality as a cross-cutting or focal issue
- Is based on feminist concepts for sex and gender (incl. intersectionality) and educates about them
- Has implementation fitness (*explicit* tool)
- Is strongly based on deliberation
- Is coherent (incl. language and deliberation)

Only if a tool is explicitly designed to pay attention to the possible gendered effects cross-cutting in all impact areas, if it is coherent and fit for implementation, if it has educational elements and an intersectional, feminist underpinning with strong deliberative elements, can it be called a gender mainstreaming tool, according to the quality criteria.