CARDIFF UNIVERSITY
PRIFYSGOL CAERDYDD

ORCA – Online Research @ Cardiff

This is an Open Access document downloaded from ORCA, Cardiff University's institutional repository:https://orca.cardiff.ac.uk/id/eprint/134804/

This is the author's version of a work that was submitted to / accepted for publication.

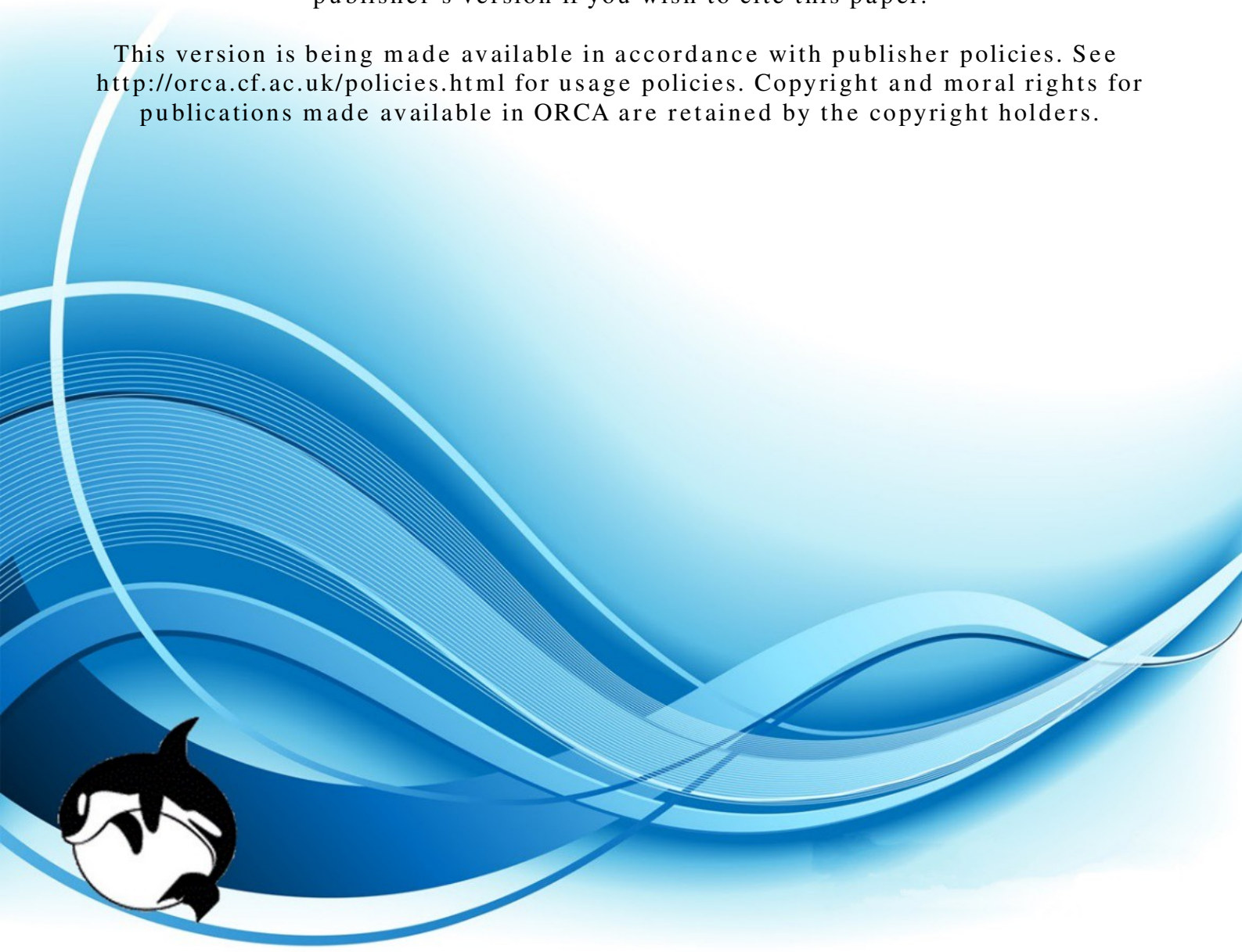
Citation for final published version:

Minto, Rachel and Parken, Alison 2021. The European Union and regional gender equality agendas: Wales in the shadow of Brexit. Regional Studies 55 (9) , pp. 1550-1560. 10.1080/00343404.2020.1826422

Publishers page: https://doi.org/10.1080/00343404.2020.1826422

Please note:
Changes made as a result of publishing processes such as copy-editing, formatting and page numbers may not be reflected in this version. For the definitive version of this publication, please refer to the published source. You are advised to consult the publisher's version if you wish to cite this paper.

This version is being made available in accordance with publisher policies. See http://orca.cf.ac.uk/policies.html for usage policies. Copyright and moral rights for publications made available in ORCA are retained by the copyright holders.



The European Union and Regional gender equality agendas: Wales in the shadow of Brexit

By Dr Rachel Minto and Dr Alison Parken

ABSTRACT

This article explores what the UK's European Union (EU) membership has meant for the development of a distinctive, sub-state equalities agenda in Wales. Analysis of interview data through the lens of feminist institutionalism reveals EU membership as integral to the emergence of Wales' approach to gender equality; with Welsh equality advocates using access to European Union norms and funding to establish and legitimise more progressive institutions to advance equality, overcoming domestic resistance and gatekeeping. In turn, research exposes structural vulnerabilities for Wales' equalities agenda post-Brexit. Recent equality-related activity in Wales partially mitigates against post-Brexit risks, although vulnerabilities remain.

KEY WORDS: Devolution; European Union; EU Regions; Gender equality; Feminist institutionalism; Wales

INTRODUCTION

As the UK-EU relationship is reconfigured through Brexit, questions arise about the significance of the UK's EU membership for the processes of devolution that have characterised the UK's territorial landscape since the late 1990s. Our article explores this issue through an exceptional case of sub-state policy in the UK, namely Wales' distinct approach to gender equality (Chaney 2004). Our research seeks to assess the significance of the UK's EU membership for the emergence of this

distinctive approach by distilling the factors that have shaped this sub-state agenda. Such analysis is vital to understanding the potential impact of Brexit on governance, in and across the UK, as the established multi-level political system shifts. Our research is organised around two questions: 1) taking Wales' approach to gender equality as a case study, how has the UK's membership of the EU shaped institutional development at the sub-state level?; 2) what structural vulnerabilities has Brexit exposed for the future of gender equality in Wales? Our research focuses on institutional creation and change in Wales to determine the significance of the wider multi-level context provided by the UK's EU membership. Using feminist institutionalism (FI), we seek to understand how more progressive gender equality norms became embedded within both women-focused initiatives and "mainstream" political institutions and initiatives in Wales. We analyse new empirical data from in-depth semi-structured interviews with key actors, complementing this rich dataset with data from policy texts and secondary sources.

The article is organised as follows. The first three sections of the article frame the analysis. The first section introduces FI as a theoretical framework for investigating institutional continuity and change in Wales, with particular reference to critical junctures and processes of incremental change (from historical institutionalism [HI]), and norm entrepreneurs (from sociological institutionalism [SI]). The second section situates our institutional analysis in its multi-level context, outlining the processes of devolution to Wales against the UK's EU membership. The third and final framing section presents our research methods. Section four shares the findings from our empirical analysis (and insodoing responds to the first research question), organised around three signicificant gender equality initiatives identified in analysis. With attention to the multi-level institutional context, FI is used to explore each initiative as a "moment" of institutional change which embeds more progressive understandings of gender equality in Wales. Drawing on this analysis, the fifth section identifies the structural risks that Brexit has exposed for the future of gender equality in Wales, assessing whether recent equality-related activity could mitigate against the risks identified.

We argue that the UK's EU membership has been significant to the development of Wales' distinctive approach to gender equality. Analysis shows how domestic equality actors, particularly those on the Left of politics, deployed their agency to utlise EU funds and norms of gender equality to establish and legitimise institutions with more progressive gender equality norms. We argue that this development was contingent upon the interplay between gender equality advocates, political institutions and opportunities at particular moments in time. Access to European opportunity structures was necessary for Welsh gender equality advocates who, sometimes acting through "velvet triangles" of feminist actors (Woodward 2003), used EU-level opportunities to secure institutional change. Analysis exposes structural risks to the future institutionalisation of gender equality in Wales. We assert that recent equality-related activity in Wales goes some way to mitigating against these risks; however, vulnerabilities remain.

FEMINIST INSTITUTIONALISM: EXPLORING CONTINUITY AND CHANGE

Developed at the intersection between feminist political science and new institutionalism (NI), FI insists that "the gendered organisation of political life makes a difference" (Lowndes 2014: 685), and seeks to leverage insights from NI to better understand the gendered nature of institutional continuity and change. Like NI, FI is concerned with both formal institutions (laws and rules) and informal institutions (culture and norms), power and agency (MacKay, Kenny and Chappell 2010). Despite the tendency for institutional continuity over institutional change (e.g. Mahoney and Thelen 2010), FI provides useful tools to explore the factors that led to the creation of more gender-sensitive institutions in Wales.

Our analysis takes a gender lens to two of NI's three schools (Hall and Taylor 1996), specifically HI and SI. They provide complementary tools for analysing institutional change in Wales. HI is concerned with the legacy effects of institutional choices made at specific points in the lifetime of an institution, emphasising path dependency and the maintenance of the status quo through mechanisms such as feedback loops. Beyond highlighting the significance of choices taken as an institution is established (Pierson 2004), HI stresses that "critical junctures" (Collier & Collier, 1991) provide opportunities for institutional change, as actors are afforded greater agency during such times. More recently, however, theorists have focused beyond these significant ruptures, to explore incremental institutional change (e.g. Mahoney and Thelen 2010), with more sensitivity to the sequencing (and therefore contingency) of events (Pierson 2004). Sequencing and incremental change are relevant to our analysis, given that we seek to identify and explore "moments" in a timeline where "new" institutions challenge and replace or amend "old" institutions.

We are particularly interested in the norms of gender equality that have been institutionalised in Wales and the processes that have led to this institutionalisation. Therefore, our analysis also incorporates elements of feminist SI, through which we "can systematically identify and track the norms … that play an important role in gendering institutions and their practices" (MacKay, Monro and Waylen 2009: 254). Previous research has demonstrated the potential of SI tools to support FI analysis (MacKay, Monro and Waylen 2009), particularly institutional isomorphism (see Powell and DiMaggio 1991) and decoupling. Instead, we draw on the more agency-centred understanding of SI (Börzel & Risse 2000) to explore the role of actors in institutionalising new gender equality norms. This version of SI attributes the institutionalisation of new norms to change agents or norm entrepreneurs who engage in persuasion to shift preferences and ideational frameworks (Börzel & Risse 2000). These scholars identify two types of agents: "epistemic networks" or "advocacy or principled issue networks" (Börzel & Risse 2000: 2). Given the focus of our analysis, we adopt the latter.

To explore the role of actors in institutionalising change through (rather broadly defined) "advocacy networks" we note the scholarship that identifies (and critiques the use of) a range of models of "women's cooperative constellations" (Holli 2008). Strategic partnerships have been identified in existing feminist research exploring the early processes of constitutional reform in Wales (Chaney 2007). Chaney identified an elite group of approximately 25 strategic women – from local government, political parties, trades unions, the public sector, civil society and academia – who pursued "insider strategies" which strengthened both state feminism and the previously more fragmented women's movement in Wales. Instead, we adopt a different "cooperative constellation" (Holli 2008), specifically Woodward's (2003) "velvet triangle" of feminist actors from the state, civil society and experts. Such women form strategic (although informal) alliances, sometimes across multiple layers of governance to advance their equality agenda (Woodward 2015). Drawing on these tools from HI and SI opens our analysis to the exploration of institutional creation and change, the opportunities provided by critical junctures, incremental change and the sequencing of events over time, and the role of agents in securing normative shifts.

DEVOLUTION AND THE EU

As a sub-state nation of the UK and a Region of the EU, Wales has been shaped by devolution and Europeanisation (Hunt 2010). Many devolved policy areas are also Europeanised (e.g. in the areas of agriculture and the environment) and Wales' socio-economic status, key industries and political preferences have shaped a distinctive relationship with the EU which has played out financially, economically and politically (Hunt, Minto, & Woolford 2016; Minto, Hunt, Keating, & McGowan 2016). In the 1980s-1990s, when the idea of a "Europe of the Regions" was popular (see e.g. Elias 2008), Wales was one of many European Regions to establish an office in Brussels: the Wales European Centre (WEC), established in 1992 (Minto and Morgan 2019). The EU became a key site

for Welsh policy actors to construct relationships, secure funding, influence policy and build an international profile (Hunt & Minto 2017).

Until 1998, governance of Wales was held at the UK level, led by the Secretary for State for Wales, with a Welsh Office split between Whitehall and Cardiff. The first phase of devolved powers (Government of Wales Act [GOWA] 1998), provided the National Assembly for Wales (NAW) (established in 1999) with powers to bring forward secondary legislation in 20 "matters" including health, local government, education, agriculture and economic development. This form of corporate devolution, with no separation of executive, government and legislature, blurred powers. Institutional powers were separated by the Government of Wales Act 2006 2006, which also gave Ministers legislative competence to bring forward primary legislation in these areas. In 2011, Welsh Government gained powers to enact primary legislation in these area, without the subsequent approval of the UK Parliament following a referendum on greater powers. Today, the recently renamed Senedd (or Welsh Parliament) has changed from the conferred powers model to a reserved powers model akin to that of Scottish devolution (Wales Act 2017), such that all primary law-making powers are considered devolved unless they have been expressly reserved to Westminster.

Central to Welsh devolution were the efforts of actor networks – politicians, academics and political and equality civil society activists – to embed equality in the new state structures and functions (Chaney 2007; Chaney, Mackayand McAllister 2007). Successive Government of Wales Acts have required the promotion of equality of opportunity for *all* people, often described as the "mainstreaming duty". This has been described as a duty without derogation and was unique when first legislated in 1998 (Chaney and Fevre 2004). The GOWA 2006 strengthened the mainstreaming duty, at the time of the separation of powers within Wales, so that Ministers became responsible for its operation in their duties and functions, and accountable to, the then, National Assembly. This progress occurred contemporaneously with European Commission policy and European legislation

to promote greater equality. EU gender equality policy has developed cumulatively through equal treatment legislation from the 1970s, positive action measures from the 1980s and gender mainstreaming from the 1990s (see e.g. Kantola 2010; Rees 1998), each wave representing a progressive normative shift in the conceptualisation of gender inequality. The mid-to-late 1990s was a particularly dynamic time, given the constitutionalisation of gender mainstreaming within the EU Treaties through the 1997 Treaty of Amsterdam (ex-Article 3(2) EC, now Article 8 TFEU). This Treaty also added anti-discriminations coverage on grounds of sexual-orientation, age, religion and belief (to existing provisions covering sex, disability and racial and ethnic origin), bringing them together in one Treay base (ex-Article 13 EC, now Article 19 TFEU). Concurrently, learning from the European Commission's adoption of gender mainstreaming for all policy-making (Commission of the European Communities 1996: 2), Welsh politicians and advocates for gender equality were at the forefront of campaigning to cement a commitment to *equality for all* into the Welsh devolution settlement. This is an example of devolution in Wales drawing on EU policy as a powerful reference point for establishing new norms, and then subsequently exceeding EU ambitions.

Acknowledging the EU's role as a gender equality actor, there is growing body of feminist scholarship on the implications of Brexit for the future of women's rights and gender equality in the UK (e.g. Dustin, Ferreira, & Millns 2019; Fagan and Rubery 2018; Galpin 2018; Guerrina, Exadaktylos and Guerra 2018; Guerrina and Masselot 2011; Guerrina and Murphy 2016). Research has catalogued the risks Brexit poses given the significance of both European legislation and soft governance tools (Guerrina and Masselot 2018; Fagan and Rubery 2018), and the absence of women's voices in media debates and political negotiations (Galpin 2018; Guerrina, Exadaktylos and Guerra 2018; Guerrina and Murphy 2016). Whilst contributions from civil society actors are more sensitive to territorial differentiation across the UK (see Ritch 2019), little academic scholarship has explicitly taken a territorial perspective to analysis. Our research does this by investigating how the

EU has provided opportunities to develop a distinctive approach to gender equality at the sub-state level in Wales.

RESEARCH METHODS

In keeping with an FI approach, which seeks to map the formal rules of politics and the actions of informal actors (Kenny, 2014) we employed a qualitiative research methodology, seeking a nuanced understanding of the time, place, political contexts as well as the motivations of the key actors. Data for analysis was collected through 10 in-depth semi-structured interviews undertaken between March and June 2019. Interviewees were initially selected through purposive sampling, with further participants identified through snowballing. Interviewees included eight individuals who were highly active in public life in Wales, often playing different roles and crossing levels of governance during their careers (i.e. local, Welsh, UK and EU-levels), with a number of these enjoying links to academics active in researching gender equality; plus two academics who have studied devolution and the evolution of equalities in Wales over the past 20 years. Notably, the interviewees highlight the close-knit and porous nature of the community of gender equality actors in Wales.

Informal, off the record interviews with key policy actors guided the development of the initial interview schedule. The interview schedule was designed to collect rich, qualitative data about the interviewees' understanding of and involvement in gender equality activity in Wales, and encouraged them to reflect both on the intended purpose of their actions at the time and their subsequent interpretation of that experience (Maynard and Purvis 1994: 6). Interviews continued until data saturation (i.e. when no new information was revealed through additional interviews). Interviews took place in person and were audio recorded, with notes taken. An inductive approach to analysis was adopted, allowing for themes to emerge from the data, with particular reference to

institutionalised gender equality norms, the role of norm entrepreneurs, timing and the sequencing of institutional change and the significance of the EU. Identified themes were investigated further using policy texts and existing scholarship about equality in Wales.

INSTITUTIONALISING GENDER EQUALITY IN WALES

Identifying and tracking gender equality norms in the empirical data revealed three initatives as key institutional developments in Wales. The first (from pre-devolution) institutionalised a progressive, positive action norm of gender equality in a pioneering women-focused iniative. The second represents another normative shift with the mainstreaming of equality institutionalised in the founding legislation of the Senedd. The third is the institutionalisation of gender mainstreaming in EU Structural Funds in Wales. Each initiative is explored below through the lens of FI.

1) Key women-specific initiative pre-devolution

Gender equality activity in Wales was visible from the late 1970s, with the establishment of Welsh Women's Aid in 1978 and the South Glamorgan Women's Workshop in 1984. These organisations laid the groundwork for future women's mobilisation, including the establishment of Chwarae Teg in 1992.[1] Our analysis identified the creation of the Women's Workshop as a key moment for the institutionalisation of a new and more progressive norm of gender equality in Wales, as it espoused a "positive action" approach to promoting gender equality. Informed by the Women's Workshop in East Leeds (established in 1981), it provided women-only education and training with onsite childcare facilities in Cardiff. The following explores the creation of the organisation, with reference

[1] Chwarae Teg translates as Fair Play. Chwarae Teg predominantly focuses on women's advancement in the workforce.

to the role of norm entrepreneurs (acting through velvet triangles) and their use of European funding.

The agency of a few key individuals within the South Glamorgan County Council was fundamental to the creation of the Women's Workshop. Data clearly identified a specific Welsh Labour Councillor [X] as driving the initiative forward, within a broadly "progressive" left-wing political context. The Labour Party regained the Council in 1981 and the Council leader, who was sympathetic to the idea of a dedicated training resource for women, in turn secured for the lead Councillor the support of an official with experience of bidding for European funds. Although prior to the 1992 establishment of the Wales European Centre, awareness of European funding opportunities was growing in Wales during this period with concerted efforts made to build links between Wales and the EU. Data identified the Director of the European Commission Office in Wales as a key actor in actively seeking to raise awareness of European funding opportunities in Wales, and to connect Welsh policy actors into the European Commission to facilitate intelligence gathering. Over time, other gender equality actors joined to create a wider network of women from local government, civil society and academia who, to varying degrees, supported the establishment and early running of the Women's Workshop.

Gender equality advocates encountered significant social and political opposition to the establishment of a women-only initiative. As recalled by one interviewee, "There was an enormous amount of very basic argumentation that we had to make … We did have the, 'These women should be at home looking after their children', 'It's all very well having a nursery on site but what happens when they leave and they haven't got any childcare', usual stuff, 'why just women?'…" (quote#1). Existing research on the Women's Workshop also identifies this resistance, exemplified in the following quote from Councillor Jane Hutt : "I… encountered huge opposition in the early years and astonishment that we could get money for a women-only project" (Stephenson 1998: 45). However, although the Women's Workshop was a progressive and innovative initiative in Wales, the norms it

embodied aligned with the EU's increasing use of positive action measures throughout the 1980s (Rees 1993). There was no evidence in the data that the idea and gender equality norms for the Women's Workshop were downloaded from the EU-level. Instead, the norm entrepreneurs in Wales used funding from the EU-level to legitimise their agenda (which emerged from the Labour party acting at the local government level) and to overcome domestic resistance.

The UK Government's Welsh Office was a gatekeeper for securing European funding to Wales. Interview data highlighted the UK Government's ongoing reluctance to draw on European funding for regional projects in Wales and their reticence to work in partnership. Exemplifying this "friction", one interviewee recalled hiding work on accessing European funds from view when Welsh Office staff visited the WEC office (post-1992). In securing European funding for the Women's Workshop, an interviewee outlined how Welsh policy actors were able to use communication routes into and alliances with the European Commission, and through careful negotiations undertaken by individual Welsh officials, they effectively bypassed the UK-level. The same interviewee highlighted that Wales' innovative positive action approach appealed to the Commission as did the inventive funding model, which drew on combined European Regional Development Funds (ERDF) and the European Social Fund (ESF), to be match-funded by the County Council. Interview data very clearly reveals the significance of this European funding to secure financial backing from the local government, as exemplified in the following quote: "There were no UK Government funds to do this. They just didn't exist. The Council could have done it on its own I believe but it was an awful lot of money. And in many ways it was easier to sell to "non-believers" … if you're getting twice the value for your money … because 50% of the costs more or less are being funded by the EU" (quote#2).

The innovative nature of the Women's Workshop is stressed in existing research which quotes Glenys Kinnock MEP, stating that the Women's Workshop and the Dove Workshop (a similar initiative) "are models, not just for Wales, or for Britain, these are European models that we have in

Wales" (Stephenson 1998: 63). The significance of the Women's Workshop was also explicitly identified by our interviewees. One interviewee stated, "Even though we didn't set out to, it acted as a sort of catalyst … a symbol that you can do it differently" (quote#3); as the Women's Workshop was recognised as a high-profile example of the "new wave" of equality initiatives that challenged the status quo. As exemplified in one quote: "[the Women's Workshop] symbolised what was feasible and possible, and said yes, you can have single-sex training; yes, you can have an on-site nursery; yes, you can run on feminist principles, which is what we try to do; and you can still be a successful and credible organisation." (quote#4).

The establishment of the Women's Workshop was a significance moment of institutional creation. It was realised through the advocacy activity of a "velvet triangle" of gender equality actors in South Wales who successfully drew on European funding, where domestic funding was not available. As exemplified by one interviewee, "There is no doubt in my mind that if it hadn't been for the EU, having an initiative in the first place and then secondly coming through on an ongoing basis with support, that development would never have happened. It was crucial. It was critical." (quote#5) For reasons of path dependency, the normative shift towards a positive action approach was significant as it challenged and overcame dominant norms around supporting women into the labour market by legitimising women-specific actions (i.e. single-sex training and onsite childcare). Therefore, the normative starting point of the gender equality agenda in Wales was shifted; marking the emergence of a distinctive Welsh approach to equalities, with a formal structure embodying these innovative norms. As identified in existing research (MacRae 2006), the EU did not provide an impetus for this shift. Instead, EU-level opportunities were exploited by domestic policy actors. Notably, the norms of gender equality were not downloaded from but were in line with those at the EU-level; so the funding from the EU ensured that these more progressive gender equality norms could be institutionalised. The normative legacy of this initiative and the networks or velvet

triangles of actors created through it were subsequently instrumental in the mainstreaming of equality in the Welsh devolution settlement, explored in the next section.

2) Mainstreaming equality in the founding devolution legislation

The second identified moment of significant institutional change in Wales was the commitment to mainstream of equality of opportunity for *all* people in the 1998 GOWA (s.120), known as "equality mainstreaming". This was a unique duty at the time, which was not restricted to the named "grounds" then covered by anti-discrimination legislation (Chaney and Fevre 2004) but sought to use the functions of government institutions and policy-making to promote equality for all. The following explores the process of securing equality mainstreaming within the GOWA, with reference to the role of norm entrepreneurs (acting through "velvet triangles"), and the timing and sequencing of institutional change.

In contrast to the positive action approach to equality promoted by the Women's Workshop, the equality norm "mainstreaming" challenged inequality at a structural level and was *embedded within* the newly established Assembly. Data clearly highlighted the launch of devolution as a critical juncture that afforded gender equality actors increased agency to promote their equality agenda. As exemplified by one interviewee: "[there was] work going on to make sure that as and when there was going to be a National Assembly that equality would be writ large and writ through like a stick of rock" (quote#6). Interview evidence stressed the relevance of broader governance issues during this period of institutional creation. Notions of inclusive and new governance were formative amongst some devolution advocates (Chaney 2007), with the push for devolution intimately bound up with a desire to create a different type of governance within Wales. As summed up by one interviewee, "… [for a] lot of the women who had been involved in the 'Women for Yes' campaign, it wasn't just

about devolution because Wales is a country and we ought to have it, it was about devolution as a tool for building a better kind of place for people… There was very much that sense that not just this is a good thing but this is a good thing because of what it can do." (quote#7) The equality clause was significant in that it institutionalised a new gender equality norm that was clearly bound up with modern governance approaches, particularly in relation to evidenced based policy-making (Rees 1998) and as a "symbol of modernity" (Squires 2007: 48). One interviewee noted, "[The commitment to promoting equality in the GOWA] was not about establishing a set of rights that people could then go to the courts to enforce so much as sending a very clear message … to those who got elected to the Assembly that this is the way that they would be expected to conduct themselves; that we would expect this to be at the heart of policy-making; that we would expect those engaging in scrutiny to prioritise making sure that that was happening…" (quote#8)

As discussed, EU policy in the mid-to-late 1990s included the adoption of gender mainstreaming and the extension of anti-discrimantion protections on new equality grounds. It was in this context that domestic norm entrepreneurs secured the equality clause in the 1998 GOWA. Importantly, a significant figure in the "velvet triangle" of feminist actors in Wales was Teresa Rees of Cardiff University, who had been working for several years as a consultant and gender expert to the European Commission on increasing gender equality in education and training. A pioneer of gender mainstreaming, her work demonstrated how so called "gender-neutral" policies would not address women's unequal status in the labour market or at home (Rees 1992, 1995). Following such critiques, Rees and six other academics from across the EU, known as the "seven wise women", were commissioned by the EC's Equal of Opportunity Unit (DGV) to produce a feminist critique of the EC's White Paper on Growth, Competitiveness and Competition (EC 1995, Rees,1998: 177). This work put Rees at the heart of gender equality policy-making in the European Commission at the time that the Commission's landmark Communication on Gender Mainstreaming was adopted in 1996 and positioned her as influential in key networks within the EU and in Wales, indeed teaching some

of the main actors who worked to institutionalise the mainstreaming duty in the first phase of Welsh devolution. Academically, Rees' 1998 book on Mainstreaming Equality in the European Union was a key text for gender scholars. Her scholarship has since reflected on how the newly devolved institutions "…have integrated equality into the design of their remit and procedures" (Rees, 2002: 45).

Norm entrepreneurs, working through the Yes for Wales campaign, from statutory equality bodies, political and policy backgrounds, civil society and academia worked to secure the inclusion of the equality clause in the GOWA. Data exposed the legacy of the Women's Workshop as a site of feminist consciousness raising in the activity around the equality clause; as many of those involved in establishing the former were also involved in the latter. As identified by one interviewee, "[Pre and in the early days of devolution], there was quite a lot [going on around women's rights and gender equality] and that was helped by the evolution of the Women's Workshop. Not that that's the be all and end all, but women's activity and women's involvement came up the agenda and by the time devolution had happened a lot of the protagonists for devolution – the Yes campaign – were women…" (quote#9). Our analysis highlighted three key individuals (see also Chaney, 2007): Val Feld, Director of the Equal Opportunities Commission who was also a member of the Labour Party (and later an Assembly Member [AM]) and Treasurer of the Yes for Wales campaign; Helen Mary Jones, also of the Equal Opportunities Commission and member of Plaid Cymru (and later Senedd Member [MS]); and Councillor Jane Hutt, also of the Labour Party (and later a MS and Welsh Government Minister). Julie Morgan MP was also an important ally for equality advocates in Wales in supporting the equality clause through the Westminster Parliament (see e.g. Hutt 2019).

The European influence was explicitly referenced by certain interviewees: "[In the early days of the Assembly], starting off, we were very conscious that we were pretty low on everyone's agenda and therefore it gave us the opportunity almost to look to Europe for the gold standard and to look to

Europe for the signposts of where things were going in the 21st century and obviously equalities issues were right at the top there … [and sustainability].” (quote#10) With respect to the concept of mainstreaming, the EU played at least a partial legitimising role for some of these actors. In existing research (Stephenson 1998: 65), Val Feld is quoted as saying “what I have always done has been about mainstreaming” … “what the European Commission has done is, perhaps, given it a sort of name and legitimacy with a wider audience than maybe we would have been able to do in the same kind of way”. Another interviewee stated that, “I think we would have seen ourselves as more part of a European mainstream and the UK resistance to this sort of stuff as being what was out of step.” (quote#11) Exemplifying the EU’s legitimising role, the same individual also stated that, in the face of protestations about the equality clause, her response was, “It’s completely normal, it’s what they do in Europe, let’s get on with it” (quote#12).

The period surrounding the 1997 devolution referendum and the 1998 GOWA was a critical juncture, where norm entrepreneurs successfully embedded a radical conceptualisation of equality within the institutional design of the Senedd. As proponents of devolution, they actively sought to create an alternative political model to Westminster. The UK’s EU membership did not require equality mainstreaming in the GOWA; however, interview data revealed the significance of the EU in legitimising the promotion of this more progressive approach to governance, particularly around gender mainstreaming and its extension to equality mainstreaming in Wales. Importantly, the involvement of a key academic from Wales in developing the European Commission’s gender mainstreaming work facilitated the introduction and normalisation of mainstreaming at multiple levels of governance. This institutional creation built on the normative foundations and networks associated with the Women’s Workshop. For reasons of path dependency, the decisions made in the early days of the Senedd’s institutional creation also have significant legacy effects.

3) Mainstreaming equality through European Structural Funds

The final key initiative identified is the integration of gender mainstreaming, equal opportunities and sustainability as cross-cutting themes (CCT) in EU Structural Funding in Wales, resulting in the relative success in promoting social goals through the ERDF (Parker, Luxton, Strachan, & Thomas, 2015). We focus here on the three successive rounds of Objective 1 Structural Funds for Wales (2000-2006; 2007-2013; and 2014-2020) with particular reference to the sequencing and timing of institutional change, critical junctures and the role of norm entrepreneurs.

ESF regulations include a requirement to promote gender equality, equal opportunities and address discrimination. As such, gender mainstreaming was also built into the Scottish Operational Programmes with beneficiaries required to demonstrate "commitment and plans to tackle the horizontal themes of; sustainable development, equal opportunities and non-discrimination and equality between men and women" (Wilson and Campbell 200: 74). Despite this obligation, the first round of Objective 1 funding (2000-2006) in Wales was weak from an equalities perspective as gender mainstreaming had not been systematically built into programme design. The incremental institutionalisation of CCT (including gender mainstreaming) and recourse to the EU-level is noted by the Welsh Government itself (2018: 3): "… the picture of integrating the CCTs in Wales is one of steady progression and improvement from previous programmes. Increased awareness, positive developments in legislation and policy, matched by changes in attitudes has, [sic] combined with lessons learned and a clear focus from the European Commission to push the agenda forward". Interview data highlighted that the role of actors working within the CCT unit within the Welsh Government's Wales European Funding Office (WEFO) was central to institutionalising change over time. The CCT unit was established in 2002 following external lobbying by equalities organisations and, notably, the CCT unit sustained considerable levels of gender expertise over time. Although its role was originally foreseen as one to support reporting on CCT to the European Commission, policy

actors within the unit took a more proactive approach to the integration and promotion of cross-cutting objectives within Structural Funding, with their understanding of gender mainstreaming informed by the EU's work on gender equality as well as that of a key academic in Wales, Rees (introduced above).

In the first round of funding, the CCT unit had little leverage to promote CCTs, as exemplified in the following quote: "[the funding recipients] did not take the [equality and environmental] agenda on at all and they didn't really see the need to with regard to the [in 2000-6 programmes] because requirements weren't clear and any actions were being bolted onto projects which had already been designed." (quote#13) Furthermore, in these early days of Objective 1 Structural Funds, there was little evidence that gender mainstreaming was widely understood. This posed significant challenges for equality actors in the CCT unit, with one recalling: "there was a real disconnect with regard to gender mainstreaming. It was very much a part of the European Commission's agenda and there was at the strategic level in Wales an awareness of the agenda but … little understanding of what gender mainstreaming meant in European Funding implementation circles." (quote#14)

Norm entrepreneurs in the CCT unit encountered resistance to the innovation of mainstreaming. The Welsh Development Agency (WDA) was not familiar with the mainstreaming of CCTs through economic development projects, and was reluctant to move from more conventional anti-discrimination approaches. As one interviewee recalled, "There were many lengthy debates with WDA staff over the importance of embedding equality into their activities and making sure we protected the environment when we were using these funds. It sometimes felt like we [the CTT officers] were speaking a different language all together." (quote#15)

Analysis revealed that the iterative seven-year funding cycles provided valuable critical junctures for equality advocates in the CCT unit to write cross-cutting obligations into the programme designs for 2007-2013 and 2014-2020 respectively, in line with Commission requirements. CCT officers then drew on these formal rules to push for change when the programmes were launched. These formal requirements were supported by the development of more robust compliance sanctions; although one interviewee stressed that Wales has never elected to follow a punitive approach. Therefore, from the marginalised position of cross-cutting themes in the 2000-2006 programme, the agency of equality advocates working in the CCT unit secured changes to both formal requirements and compliance mechanisms, serving to change the behaviour of actors, such that CTTs have become more accepted as a necessary part of Structural Funding. As summed up by one interviewee: "This 2014-2020 programme feels like a different era completely" (quote#16) … "… nobody would dream of formulating a programme or a project without thinking, 'what about equality? What about sustainable development? … It's a fundamental part of both the strategy and implementation of any funding programme being delivered in Wales now and it is no longer considered something which is bolted on at the end." (quote#17).

This observation is echoed in a recent review of gender mainstreaming in the Scottish Structural Fund programmes. Wilson and Campbell (2020) argue a difference of interpretation of EU regulations and of political will is evident between Scotland and Wales: "Although Scotland has continued to have a commitment to gender mainstreaming, there is evident resistance in committing fully to the strategy as compared with the Welsh Government who have a specific gender mainstreaming horizontal theme. Furthermore, they have a Crosscutting theme team who are there to offer guidance through the life cycle of funded projects" (p.74).

A longitudinal analysis exposes the mainstreaming of CCT in EU Strutural Funding in Wales as part of a sequence of contingent equality initiatives in Wales, with the equality clause (itself built upon the

norms and equality networks involved in establishing the Women's Workshop) being a useful hook in the early days. The institutionalisation of gender mainstreaming within European funding requirements was achieved as equality advocates in the CCT unit exploited critical junctures and drew on European requirements. In turn, gender mainstreaming has become more developed in the design and delivery of Structural Funds projects in Wales. These European requirements have remained of fundamental importance as part of robust checks and balances.

THEORISING BREXIT: WHAT WILL WE DO WITHOUT EU?

Our analysis reveales how norm entrepreneurs in Wales used their agency to legitimise equality norms and funding rules from the EU-level to overcome domestic resistance, and to embed more progressive gender equality norms within both women-focused initiatives and "mainstream" political institutions and initiatives in Wales. This suggests that, without recourse to the EU-level, Wales' equality agenda is vulnerable. A key vulnerability relates to EU funding post-Brexit. Given the scale of Structural Funding to Wales, there is a significant risk of rollback of equality norms and more socially-sensitive economic development if Welsh actors no longer have access to European funds and funding requirements. Unlike the UK as a whole, Wales has been a net beneficiary of EU funds (Ifan, Poole, & Wyn Jones, 2016) and the average annual figures for per capita funding (including match funding) for the period 2014-2020 provide a striking illustration of the varying significance of EU Structural Funds across the UK: the level of funding in Wales (at €140 per person per year) far outstrips that in England (at €27 per person per year) and Scotland (at €47 per person per year) (Broughton 2019: 8-9). There have been no assurances from the UK Government about the size of the domestic funds that will replace EU Structural Funds post-Brexit (the proposed "Shared Prosperity Fund") and whether Cardiff or Whitehall would oversee its administration.

Beyond funding and notwithstanding Brexit, Wales has continued to advance its equalities agenda. In 2019, the Welsh Government announced its intention to enact Section 1 of the Equalities Act 2010 (the "socio-economic duty") which should mobilise all public policy to address poverty in combination with equality grounds. Furthermore, equality advocates, academics and the statutory equality body have argued for the further incorporation of UN Conventions into domestic Welsh law to add to the existing incorporation of the UN Convention on the Rights of the Child (Hoffman 2019).

The Welsh Government's Gender Equality Review (GER) has created renewed interest in the power of "velvet triangles" to implement mainstreaming in public policy. Recommendations set out how multi-level actors could expand the pooling of different knowledges through a reflexive learning approach which fosters collaboration between policy-makers, equality advocates, academics and "experts by experience" in policy development (Parken, Minto, Davies and Trenow 2019). The GER also recommended better alignnment between Wales' flagship Well-being of Future Generations Act and renewed and strengthened Welsh Specific Equality Duties to improve outcomes (Parken 2018; Parken 2019). The Well-being of Future Generations Act (Wales) 2015 requires government and public services to act for the long-term, to prevent poor well-being and do nothing now that will negatively impact on future generations. As a result, new approaches to promote economic well-being include deprioritising increases in GVA (Gross Value Added) as the sole or main measure of economic growth, in favour of creating a more inclusive economy. This includes a shift to investment in the foundational economy to provide working hours and earnings progression for low-paid workers, the majority of whom are women (Welsh Government 2019a). Complementing this legislation, the Welsh Government has accepted the recommendations of the Fair Work Commission (Wales) which defines decent work as that which provides security, flexibility, a fair wage and opportunities to progress (Welsh Government 2019b). Finally, and notably, the proposed Social Partnership Act will reinstate the primacy of wage-setting negotiations and increase worker's voices in employment and economic growth decision-making. Taken together, this policy framing in Wales

shows intention to halt and potentially reverse the neo-liberal economic models that have increased precariarity in the UK, and to some extent in the EU, where in the wake of the 2008 financial crisis, there has been an increasing tendency towards deregulation of employment rights and conditions in EU policy and movement away from requiring social and economic outcomes from EU funds (Rubery 2015).

CONCLUSION: THE EU'S LEGITIMISING ROLE

As the UK and EU reconfigure their relationship, our research has sought to reveal the significance of the UK's EU membership for the development of sub-state policy agendas, taking gender equality in Wales as a case study. Using a FI approach, we have analysed interview data to better understand the development of gender equality norms in women-specific and mainstream institutions and initiatives in Wales, and the significance of the EU as part of this development. Drawing on feminist SI, we identified three initiatives as representing key normative shifts in Wales – the establishment of the positive action initiative the Women's Workshop in 1984; the institutionsalistion of the equality clause in the Senedd's founding legislation in 1998; and the mainstreaming of CCT in EU Structural Funding in Wales from 2000 – with domestic norm entrepreneurs playing a crucial role in successfully promoting these new norms despite domestic resistance. As these norm entrepreneurs secured domestic institutional change, in turn, they increased their agency within these domestic institutions.

From HI, the notion of critical junctures exposed key periods where equality advocactes had increased agency to advance their agenda, particularly as the Senedd was established and funding programmes were written. Also, the sequencing and timing of the three moments were key. The normative shifts secured at each of the three identified "moments" built upon each other and were

contingent upon the interplay between equality advocates and the political structures of the time, both those that equality actors were working within (which shaped their agency) and those of the EU (which structured the opportunities available to them). Institutional change was by no means inevitable. At the local government level in the 1980s, both the hospitability of the domestic institutions to accommodate a feminist agenda and the availability of European funding were essential to securing change. Then, the launch of devolution and the creation of the Senedd provided a unique critical juncture for equality advocates, especially given the normative predominance of "good governance" concerns at the time. Finally, equality actors (as part of a CCT unit that afforded these actors agency) mobilised at critical junctures where funding programmes were reformulated to secure change through recourse to European compliance requirements. Therefore, each "moment" was conditioned and contingent.

As highlighted in existing research (MacRae 2006), the EU requirements were weak but (in our case) funding mechanisms provided valuable opportunities for domestic advocates to substantiate their own domestic agenda. Many of the same women were active equality advocates over the three identified normative moments – working partially through velvet triangles of elected representatives and officials, activists and experts – with strong feedback loops from the Women's Workshop, back into the establishment of the Senedd and also to gender mainstreaming in the Structural Funds. Therefore, we argue that the UK's membership of the EU has provided valuable opportunities to equality advocates to embed more progressive gender equality norms within both women-focused initiatives and "mainstream" political institutions and initiatives in Wales. As such, there are structural risks for the future of equalities in Wales in the context of Brexit. Recent equality-related activity in Wales goes some way to mitigating against these risks; however, whatever the constitutional future of the UK, there will be notable challenges to maintaining this progressive sub-state equalities agenda.

REFERENCES

Börzel, T. A., & Risse, T. (2000). When Europe Hits Home: Europeanization and Domestic Change. European Integration online Papers (EIoP), 4(15), 1-20.

Broughton, A., Monica, A. and Rizzo, S. (2019). "The future of funding for equality and human rights in Britain", Equality and Human Rights Commission Research report 127, Ecorys UK.

Chaney, P. (2004). 'The post-devolution equality agenda: the case of the Welsh Assembly's statutory duty to promote equality of opportunity', *Policy & Politics* 32(1): 63-77(15).

Chaney, P. (2007). Strategic women, elite advocacy and insider strategies: The women's movement and constitutional reform in Wales. Research in Social Movements, Conflicts and Change, 27, 155–186.

Chaney, P., & Fevre, R. (2004). An Absolute Duty: An Evaluation of The First Five Years Of The Welsh Assembly's Statutory Equality Duty. Wales Journal of Law and Policy - Cylchgrawn Cyfraith a Pholisi Cymru, 3(2), 135-156.

Chaney, P., Mackay, F., & MacAllister, L. (2007). Women, Politics and Constitutional Change. Cardiff: University of Wales Press.

Collier, R. B., & Collier, D. (1991). Shaping the Political Arena: Critical Junctures, the Labor Movement, and Regime Dynamics in Latin America. Princeton: Princeton University Press.

Commission of the European Communities (1996) “Communication from the Commission: Incorporating Equal Opportunities for Women and Men into All Community Policies and Activities”, COM(96)67 final, 21 February

Dustin, M., Ferreira, N. & Millns, S. (2019) (Eds.), *Gender and queer perspectives on Brexit*, Cham: Springer, pp. 333–362.

Elias, A. (2008) Introduction: Whatever Happened to the Europe of the Regions? Revisiting the Regional Dimension of European Politics, Regional & Federal Studies, 18:5, 483-492, DOI: 10.1080/13597560802351655

Fagan, C., & Rubery, J. (2018) “Advancing Gender Equality through European Employment Policy: The Impact of the UK's EU Membership and the Risks of Brexit”, *Social Policy and Society* 17(2): 297-317.

Galpin, C. (2018) “Women have been excluded from the Brexit debate”, The UK in a Changing Europe, 18 October 2018, last accessed 24 April 2020, available here:

Guerrina, R., Exadaktylos, T., & Guerra, S. (2018) “Gender, ownership and engagement during the European Union referendum: gendered frames and the reproduction of binaries”, *European Journal of Politics and Gender 1*(3): 387-404.

Guerrina, R., & Masselot, A. (2018) “Walking into the Footprint of EU Law: Unpacking the Gendered Consequences of Brexit”, *Social Policy and Society, 17*(2), 319-330.

Guerrina, R., & Murphy, H. (2016) “Strategic Silences in the Brexit Debate: Gender, Marginality and Governance”, *Journal of Contemporary European Research,* 12(4): 872-880.

Hall, P. A., & Taylor, R. C. R. (1996). Political science and the three new institutionalisms. Political Studies, 44(5), 936-957. doi: 10.1111/j.1467-9248.1996.tb00343.x

Hoffman, S. (2019) “Human Rights, Equality and Well-being”, Exchange, Merthyr Tydfil: Bevan Foundation, available here: https://www.bevanfoundation.org/commentary/human-rights-equality-wellbeing/

Holli, A. M. (2008) “Feminist Triangles: A Conceptual Analysis”, *Representation* (44)2: 169-185.

Hunt, J. (2010) “Devolution and differentiation: regional variation in EU law”, *Legal Studies* 30(3), pp. 421-441.

Hunt, J., & Minto, R. (2017). Between intergovernmental relations and paradiplomacy: Wales and the Brexit of the regions. British Journal of Politics & International Relations, 19(4), 647-662. doi: 10.1177/1369148117725027

Hunt, J., Minto, R., & Woolford, J. (2016). Winners and Losers: the EU Referendum Vote and its Consequences for Wales. Journal of Contemporary European Research, 12(4), 824-834.

Hutt, J. (2019). The 'equality clause' - where it came from and what it does. Bevan Foundation Exchange, Summer 2019, 18-19.

Ifan, G., Poole, E. G., & Wyn Jones, R. (2016). Wales and the EU Referendum: Estimating Wales' Net Contribution to the European Union, Wales Governance Centre Report, May 2016. Cardiff: Wales Governance Centre, Cardiff University.

Kantola, J. (2010). Gender and the European Union. Basingstoke: Palgrave MacMillan.

Kenny, M. (2014). A Feminist Institutionalist Approach. *Politics & Gender* 10(4), pp. 679-684.

Lowndes, V. (2014). "How Are Things Done Around Here? Uncovering Institutional Rules and Their Gendered Effects." Politics & Gender 10 (4): 685–691.

Mackay, F., Kenny, M., & Chappell, L. (2010). New Institutionalism Through a Gender Lens: Towards a Feminist Institutionalism? International Political Science Review, 31(5), 573-588.

Mackay, F., Monro, S., & Waylen, G. (2009). The Feminist Potential of Sociological Institutionalism. Politics & Gender, 5(2), 253-262.

MacRae, H. (2006) "Rescaling Gender Relations: The Influence of European Directives on the German Gender Regime", *Social Politics* 13(4): 522-50.

Mahoney, J., and K. Thelen (2010) "A Theory of Gradual Institutional Change" in *Explaining Institutional Change: Ambiguity, Agency, and Power*, edited by J. Mahoney, and K. Thelen. Cambridge: Cambridge University Press, pp.1-37.

Maynard, M. and Purvis, J. 1994. *Researching Women's Lives from a Feminist Perspective*. London: Taylor & Francis.

Minto, R., Hunt, J., Keating, M., & McGowan, L. (2016). A Changing UK in a Changing Europe: The UK State between European Union and Devolution. Political Quarterly, 87(2), 179-186.

Minto, R. and Morgan, K. (2019). The Future of Wales in Europe. Edinburgh Law Review, 23: 423-428

Parken, A. (2018) Putting equality at the heart of decision-making: International Policy and Practice, Cardiff: Wales Centre for Public Policy

Parken, A. and the Well-being and Equalities Working Group (2019) Improving Well-being and Equality Outcomes: Aligning processes, supporting implementation and creating new opportunities

Parken, A., Minto R., Davies, N. and Trenow, P. (2019) Equality Mainstreaming: Policy Development Model, research for the Welsh Government Gender Equality Review, Cardiff: Chwarae Teg

Parker, J., Luxton, J., Strachan, G., & Thomas, L. (2015). WEFO Cross-cutting Themes Evaluation: Equality and Sustainability.

Pierson, P. (2004). Politics in Time: History, Institutions and Social Analysis. Princeton and Oxford: Princeton University Press.

Rees, T. (1993). Women and the EC Training Programmes: Tinkering, Tailoring and Transforming. Bristol: School for Advanced Urban Studies.

Rees, T. (1998). Mainstreaming Equality in the European Union: Education, Training and Labour Market Policies. London: Routledge.

Rees, T.L. (2002) 'The politics of 'mainstreaming' gender equality', in Breitenbach, E., Brown, A,. MacKay, F., and Webb, J. (eds.) The *Changing Politics of Gender Equality in Britain,* London: Palgrave ISBN : 0333803043

Ritch, E. (2019) "Foreboding newness: Brexit and feminist civil society in Scotland" in M. Dustin, N. Ferreira, & S. Millns (Eds.), *Gender and queer perspectives on Brexit*, Cham: Springer, pp. 333–362.

Rubery, J. (2015) 'Austerity and the future for gender equality in Europe' ILR Review 68(4) August 2015 pp.715-741.

Squires, J. (2007). The New Politics of Gender Equality. Basingstoke and New York: Palgrave Macmillan.

Welsh Government (2019a) 'Foundational Economy', Written Statement, Lee Walters, Deputy Minister for Economy and Transport, 15th Feburary 2019; https://gov.wales/written-statement-foundational-economy

Welsh Government (2019b) Fair Work, the report of the Fair Work Commission, Cardiff: Welsh Government

Welsh Government (2018) Cross Cutting Themes Key Document – European Social Fund Integrating the Cross Cutting Themes across the 2014-2020 European Structural Funds, October 2018, available here: https://gov.wales/sites/default/files/publications/2019-09/european-social-fund-cross-cutting-themes.pdf, last accessed 12 May 2020.

Wilson, L. and Campbell, J. 'Gender mainstreaming in action? The Scottish Structural and Investment Funding Program 2014-2020', Feminismo/s 35, junio 2020, pp. 63-93

Woodward, A. (2003). Building Velvet Triangles: Gender and informal governance. In T. Christiansen & S. Piattoni (Eds.), Informal governance and the European Union (pp. 76-93). London: Edward Elgar.

Woodward, A. (2015). Travels, triangles and transformations: Implications for new agendas in gender equality policy. Tijdschrift Voor Genderstudies, 18(10), 5-18.