



Chapter 14

After conflict: Women, peace building and development

The lack of separation between the “war front” and the “home front” which characterizes so many of today’s armed conflicts has important implications for the onset of peace. This rarely derives from a climactic defeat or victory by military forces, yielding to a state of tranquillity in which the regular apparatus of the state reassumes control. Formal hostilities may end because military commanders flee or capitulate, or peace accords are signed; but armed violence continues within disputed terrain, urban neighbourhoods and even in households. The hold and reach of the civilian authorities may be weak, and their legitimacy may continue to be challenged by groups unready to accept a final outcome. In these circumstances, the insecurities and deprivations experienced during conflict may continue, and their pattern remain as unpredictable as during actual war.

Thus the postconflict environment cannot be characterized as one in which life for women invariably returns to “normal”—even if a return to previous patterns of gender and social relationships, as if no war had occurred, were desirable or even possible. The upheaval of war, in which societies have been transformed and livelihood systems disrupted, in which women have assumed certain roles for the first time or come into contact with new ideas, has its own impact on intra-personal relationships and societal expectations. But beyond these well-established historical patterns, evidence emerging from gendered analysis of postwar situations in the former Yugoslavia, sub-Saharan Africa, Cambodia, East Timor, Colombia and elsewhere¹ shows that women not only face a continuation of aggression endured during the war, but may also face new forms of violence.

Furthermore, in the design of policies for postwar reconstruction, women’s needs may be systematically ignored, and even deliberately marginalized. This may carry forward echoes of past situations and power relations, but there can also be a new edge of aggression against women. Together, the continued and new forms of violence, and the attacks on women’s newly assumed rights and behaviours, constitute what frequently amounts to a postwar backlash against women.²

THE CONTINUATION OF VIOLENCE AND SEXUAL ASSAULT

In the aftermath of war, women are still exposed to abuse and violence at home, on the way to collect water, to work in the fields, in the urban workplace and when they go to the police station for help—sometimes by those whose responsibility it is to safeguard and protect them in the “at peace” environment. In camps for refugees and the displaced, and in areas where livelihood systems have collapsed, they continue to be forced to sell sex as a means of economic survival. In addition, it is normal for domestic abuse to increase in the postwar setting, both from partners returning home from the war, and from partners who remained together.³

The apparent rise in postconflict domestic violence may result from a number of interrelated processes. In the aftermath of war, men may experience trauma and dislocation derived from the culture of violence experienced as combatants. They

Box 14.1 Domestic violence increases after war

Recent research indicates that many combatants have difficulty making the transition to peacetime non-violent behaviour after returning home. In the United States in 2002, four Special Forces soldiers at Fort Bragg in North Carolina killed their wives within a period of six weeks. Three of the four had recently returned from overseas duty in Afghanistan, although some commentators believe it is not the experience of conflict but the culture of violence and masculinity that permeates military forces that causes soldiers to be violent in civilian life. Studies in Cambodia in the mid-1990s indicated that many women—as many as 75 per cent in one study—were victims of domestic violence, often at the hands of men who have kept the small arms and light weapons they used during the war.

Source: Rehn and Sirleaf 2002.

may also feel intense dissatisfaction with their lives, whether they have returned with little support or have benefited from demobilization, development and reintegration policies.⁴ There are often no effective constraints against men behaving violently to their partners; existing community sanctions may have broken down, and women may not find it possible to go to the police where the routine practice is to treat women unfairly and even abuse them.

The backlash women experience may extend to a public outcry, dominated by male voices, against women who are perceived as having moved away from their assigned positions in society during the war; as a result, rights or spaces to which they have gained access are removed.⁵ These outcries can be accompanied by violent assaults on women; even their arrest⁶ and murder.⁷ Women can be targeted for having gained economic independence from men, having been employed in “male” roles, or for having adopted urban and educated lifestyles in predominantly rural societies. There are calls for them to be forced “back” into kitchens and fields, even if they were not so occupied before the war. It is usually unclear whether these outcries are spontaneous reactions from individual men, or whether they are orchestrated by the state or government.⁸ In either case, at both social and individual levels there are forceful attempts to define women’s roles and rights as secondary to those of men.

For instance, in the immediate aftermath of the ceasefire agreement in Sri Lanka, codes and behaviours were imposed on women which amounted to restrictions of their rights. Married

Tamil women were called upon to wear the sari; unmarried Tamil women were adjured to follow certain behaviour patterns and restrict their movements at night; Sinhala military widows were carefully “policed” with regard to their sexual activities; Muslim women were encouraged to wear the veil and had their movements restricted within their communities.⁹ Such instances of backlash were also experienced with bitterness by women active in earlier liberation struggles, for example in Algeria, El Salvador, Eritrea, Mozambique, Nicaragua, Viet Nam and Zimbabwe; some of the women concerned had even risen to senior military rank.¹⁰

THE REDUCTION OF “SPACE” AND LIFE CHOICES

Many women who were active in war find that they have to adjust to a new situation in peacetime in which they have less political space to challenge gender relations than they did during wartime, or even beforehand. They are subject to violence and censure if they do not want to return to old ways of living. In the face of such obstacles, many women prioritize the restoration of peaceful relationships with men, rather than continue to fight for greater rights themselves.¹¹ For instance, in Namibia it was noted that “Women accustomed to leadership in exile were soon observed to suppress their skills so as to achieve community

acceptance.”¹² The consequent increase in divorce adds to the overall postwar context of heightened gender tensions.¹³

Women commonly find their contributions to the war and peace efforts marginalized in both official and popular accounts of war immediately afterwards, as happened in Europe after the Second World War. There seems to be an attempt to deny that shifts in gender relations were required for women to take on their wartime roles, or that such shifts will ever, by implication, actually be possible.¹⁴ The ideological rhetoric is often about “restoring” or “returning” to a state of gender relations that resembles something associated with peace in the past, even though the proposed “restoration of normality” may undermine women’s rights even further. The “restored” balance of gender politics will, in effect, unambiguously favour men. This is often accompanied by imagery of the culturally specific notions of “tradition”, motherhood, and peace.¹⁵ The challenge to gender relations experienced during war seems to become too great for patriarchal societies to maintain in times of peace.

Protests by women against such behaviour are often castigated as being “Western-influenced”.¹⁶ In such an intense and sometimes violent moment, the state can bring to bear many of the policies used in “normal times” to intervene in gender politics, or weight the “sex war”,¹⁷ in favour of men. The state becomes instrumental in enforcing controls over women’s sexuality; fails to increase, or prevent a decline in, women’s personal security; imposes or supports restrictions on women’s movement, access to housing, jobs and property (especially land); and marginalizes women’s health needs. In many cases such official policy outcomes are reinforced by the practices of international organizations which do not actively seek the opinions of women, or fail to promote their interests where this might be “culturally insensitive”.

TENSIONS BETWEEN WOMEN

In this difficult postwar situation, the differences between women often reassert themselves, especially in countries where women are divided by a strong ethnic or regional identity.¹⁸ New divisions can occur as a result of the different experiences women have

endured, or their different allegiances, during the war; for example, whether they were on the side of “victors”, “perpetrators” or “collaborators”, and whether they have given birth to children of “the enemy” after rape. Such issues can determine who qualifies for aid and other support,¹⁹ as can women’s marital status, and whether or not they still live with their husbands, or are widowed, abandoned or divorced. Marital status is highly significant in situations where women do not have strong legal rights (such as in land and property titles or access to credit).

Where the majority of the surviving population is female (as in Rwanda, where around 70 per cent was female), this can lead to competitions between women over men and resources. Tensions also exist between women over whether or how their children survived the war. For many reasons, it is not unusual for there to be very little trust between women as a group in the postwar period, as is the case between many mixed groups of conflict survivors. These types of difference and tension between women make it very difficult for them to articulate common needs, which adds to the silencing effect of the backlash against them. Peace-building strategies do not usually address this tension between common experience and major differences and divisions between women, but rather tend either to focus on women as a homogeneous category, or assume their existence as genderless members of other groups.

POTENTIAL FOR POSITIVE CHANGE: OPPORTUNITIES GLIMPSED AND REAL

This negative picture is alleviated by the potential for positive change in some postwar circumstances which arise where the nature of the conflict creates new opportunities. Some wars end in an atmosphere pervasive with the desire to build a new type of society, particularly where some kind of liberation struggle was fought and won.²⁰ Where gender issues were raised as part of the political agenda of the conflict (for example, in Uganda), or where the situation of women received a lot of attention during the conflict (for example, Afghanistan), there may be a greater potential for improving women’s legal rights

beyond the prewar situation, although the realization of these gains might be more elusive.

Other factors may favour women's assertion of their rights or the consolidation of temporary gains. Where many women gained sufficient confidence to articulate their needs during the conflict, they may be more effective campaigners and activists. Where the postwar period heralds a greater openness to learning from similar circumstances in other countries, governments may see more clearly the efficacy of supporting women. If unprecedented amounts of international funding become available from intergovernmental and non-governmental organization (NGO) sources, as is often the case in poor countries following a conflict, there may be external pressure for policies that support women, and funds may be directly available to women's organizations.

If women are to benefit from such opportunities, it is important to identify the strategies to promote and the issues to be given priority. These are bound to vary. Postwar contexts pose confusing dilemmas about the extent to which they require special approaches, or merely represent normal challenges of social development. Where considerable devastation has been wrought to production and communication, and where large numbers of people have fled their homes, for instance, the need for "exceptional" approaches to macropolicies for "recovery", "rehabilitation" and "reintegration" is commonly perceived. In the political arena, there may likewise be "exceptional" requirements: for example, for voter registration and the establishment of machinery to hold elections, and increasingly for some kind of exceptional judicial or "truth and reconciliation" process.

THE GENDER-WEIGHTED PEACE INDUSTRY

Such exceptional and urgent activities may receive new streams of international funding and be given high priority by all parties, to be conceived and implemented outside any normal planning process. And in the immediate postwar stage, these exercises are even more difficult to implement effectively than usual since the state, so recently contested, is politically weak and its apparatus

damaged or barely intact. Weakened state capacity tends to lead to outcomes that are detrimental to women's interests, thus adding to the cards stacked against them. In the absence of an effective state, the exercises in question are largely controlled and determined from outside the country, as part of what has become known as the "peace industry".²¹

Steps taken at moments of emergency, and periods immediately following a conflict, often have serious implications for the longer term. Yet in such climates, the sense of urgency itself tends to eclipse such considerations as gender analysis; women's needs are usually overlooked, or at least misunderstood. For instance, despite women's activism and the important role they had played in the war in El Salvador, gender was not a priority for the *Frente Farabundo Martí para la Liberación Nacional* (FMLN). In the words of one activist: "Before the negotiations we [women's groups within the FMLN] had already elaborated women's demands but it was not possible to introduce them into the process. They [the FMLN leadership] did not even bother to read the document."²²

Postwar policies need to be able to bring in key lessons from a gender analysis of the processes of economic, social and political development. There are a number of highly significant policy areas to be considered for postwar situations, although the particular mix is bound to vary from one context to another. A selection is reviewed here, with special attention to the potential opportunities for reducing the gender bias inherent in the way many authorities tend to behave, and therefore for breaking many of the persistent inequalities and injustices facing women after wars.

MACROECONOMIC AND MACROSOCIAL POLICIES: IMPLICATIONS FOR WOMEN

Macro-level policies for the postwar context tend to ignore the constraints and realities of women's lives. For instance, many women continue with wartime economic strategies involving small-scale trade in the informal economy. However, in a bid to increase meagre revenues, governments may attempt to

Box 14.2 Women excluded from postwar planning

"It is really amazing", said one Kosovar woman, "... that the international community cared only about Kosovar women when they were being raped—and then only as some sort of exciting story. We see now that they really don't give a damn about us. What we see here are men, men, men from Europe and America, and even Asia, listening to men, men, men from Kosovo. Sometimes they have to be politically correct so they include a woman on a committee or they add a paragraph to a report. But when it comes to real involvement in the planning for the future of this country, our men tell the foreign men to ignore our ideas. And they are happy to do so—under the notion of 'cultural sensitivity'. Why is it politically incorrect to ignore the concerns of Serbs or other minorities, but 'culturally sensitive' to ignore the concerns of women?"

Source: Rehn and Sirleaf 2002: 125.

formalize the "grey economy" by introducing regulations, fees and income tax. Without the means to comply with regulations, such measures often serve to deprive women of their livelihoods. This was the experience of women in Mozambique.²³ Similarly women also often attempt to rebuild or maintain primary education and primary health-care services themselves as state services collapse, but these efforts are not generally built on after the war. The women are pushed aside in favour of bringing in qualified professionals, who tend to be men.²⁴

Policy initiatives at the macro level need to build gender analysis into peace-building policy processes, alongside "special" policies specifically geared towards women; this has been accepted as appropriate by key international organizations for some time.²⁵ At its simplest, a gender-aware approach requires people to apply the question: "Does this policy affect women and men differently?" If the answer is in the affirmative, then policy makers need to explore what can be done to prevent or correct women's disadvantages.²⁶ Posing this question should lead in some cases to a complete rethink in the way a policy is developed and implemented; in others, relatively minor adjustments would be required.

In postwar emergency situations in poor countries, it may be difficult to apply a gender-aware approach. Not only are resources scarce and infrastructure weak, but new governments are often constrained in their spending by the conditions attached to multi-lateral and bilateral loans, which place strict limitations on budget deficits. A growing lobby supported by some eminent economists

argues that such conditions ought to be loosened in postwar economies, since they severely undermine the chances of economic recovery. The needs of women and other vulnerable groups should be given a higher priority than macroeconomic probity.²⁷

Applying a gendered approach

If there is political willingness to take the gender implications of policy seriously, the analytical tools already exist to undertake the necessary data collection, analysis, monitoring and evaluation. In some postwar environments, as was the case in Uganda after 1986, the political will to do this may be strong. Where such opportunities occur, it might be possible to develop some elements of a top-down gender-aware approach to a range of policies. It has now become usual in postwar circumstances to attempt a bottom-up approach of at least some support for women's organizations as the most obvious way to support women. International links between women's organizations have been expanded in recent years, and are greatly facilitated by the IT revolution.

Such a positive political environment cannot by any means be guaranteed; indeed, in the atmosphere of backlash already described, the political will for changing gender relations may be completely absent, or at best ambivalent. For various reasons, women themselves may not be in a position to press for positive change. Nonetheless, the contrasting political postwar contexts mean that opportunities can arise. Some general economic and

social policies have more acute implications for women than others, and significant change could be supported by focusing on a few key areas.

Specific contexts determine both what is possible and what ought to be prioritized. For example, where the majority of the surviving population relies on agriculture as the main source of livelihood, land reform is often key. Where levels of urbanization and education are higher, employment issues are of far greater significance. In all contexts however, it is normal at the end of war to find women dominating the most marginalized sections of society. They are the returnees with access to the fewest resources, the ex-combatants who tend to be overlooked, the heads of household with least support. Women tend to predominate in the most stigmatized and disadvantaged groups: rape survivors, orphans, disabled people and widows (who may constitute up to 30 per cent of the surviving postwar population).²⁸ They generally tend to be the least well trained and educated, whether in urban or rural areas, and have specific health needs that are overlooked. How can these challenges be addressed?

AGRICULTURE AND LAND REFORM

Agricultural economies, where the majority of the population still mainly depend on cultivation and raising of livestock for their food supply, are normally characterized by a strong gender bias in favour of men. Women typically receive less of the income generated from their labour, and have less access to other people's labour and less control over their own, than do men. As a result, many women seek opportunities to sell their labour to others for very poor returns to guarantee some minimum resources for household needs.²⁹ In places where women are unable to get access to sufficient land to farm, as in Rwanda, Cambodia, Zimbabwe and Sri Lanka, they hire themselves out as casual workers.³⁰

During periods of violent conflict, agriculture becomes important as a source of food, even for people whose livelihoods were previously non-agrarian. Where men are away fighting, or are injured or dead, women often take up the burden of

agricultural production even where they did not do this previously. War also disrupts established systems of land tenure. Men take land by force as social regulation breaks down and people move away from their homes into new areas. Landmines restrict the use of fields and grazing land, putting great pressure on the remaining accessible areas. Soldiers use land for camps, often killing wildlife and stripping vegetation and soil. Traders and soldiers negotiate tenure deals with local leaders for mining or natural resource extraction, as in the Democratic Republic of Congo (DRC), and even buy and sell land.

All this may take place without reference to local custom or law relating to ownership and use of land, which leaves a confused postwar land rights legacy. This happened in Mozambique, even though existing communal land tenure arrangements made the sale of land illegal.³¹ It is rare to find that there is agreement, let alone a written record, of land transactions during the war; nor is there a clear understanding of who the rights should pass to in the event of the landholder's death. Previously accepted land-tenure systems break down or become superseded because of new land shortages, the absence or removal of local leaders, and the collapse of local government institutions.

Land tenure and women's rights

The more severe the land shortage, the more the pressure on women's rights. In many places women may be the majority of postwar adult survivors in the countryside, and there may also be many women-only households, as in Mozambique, desperate for land to grow food.³² Nonetheless, discriminatory legal practices or entrenched social attitudes can still prevent them from taking possession of family lands. In Rwanda, large numbers of men were killed during the genocide; but women were barred from claiming lands under customary law, even though under the constitution they have the legal right to inherit. Some revisions were made to inheritance laws to try to address this problem, but these still do not provide women with secure tenure.³³

Many other examples can be cited to reinforce a picture of women's rights or access to land gained during conflict receding in the postconflict period. The United Nations Transitional

Authority in Cambodia (UNTAC) found that many disputes arose over ownership of land at the village level, while the simultaneous breakdown of traditional systems of conflict resolution meant that women and children found themselves at the receiving end of heightened levels of violence.³⁴ In postwar Eritrea, men protested against women having access to land even though the majority of households were probably headed by women. While in exile, Guatemalan refugees had given women a voice in political structures; on returning home, when women tried to claim equal rights to land, they were attacked by local people for having “overstepped the acceptable limits ... prescribed for women”.³⁵

At the end of a conflict, there is often pressure to “sort out” land tenure and land use from several directions. Land and agrarian reform may be seen as a means of speeding up the process of recovery and “normalization”—part of a modernization agenda that takes on a keener urgency in the postwar context. Many countries emerging from conflict in the last decade have predominantly agrarian economies; systems of land tenure are seen as central to recovery. The World Bank identifies certain types of land reform with a “market friendly environment”, particularly in Africa, and promotes this model in post-conflict contexts. Land reform also figures as part of peace deals because land is often an issue in the conflict itself, even in wars that appear to be primarily about other issues (as in El Salvador, Nicaragua, Guatemala, Zimbabwe and Namibia). The nature of the land reform contained in the agreement reflects the view of what the postconflict society should be like and the future role of agriculture within it. It may involve negotiations with international donors expected to underwrite its costs, who are often themselves highly influential in determining the outcomes.

The land reform promoted by international lending organizations is almost universally in favour of privatized, individual land-tenure arrangements. The outcome of land reforms with this principle at their core has universally been that women emerge with rights no stronger than previously, and frequently find them drastically reduced (see also chapter 6).³⁶ There are a few exceptions where an effort has been made to correct this imbalance—as in El Salvador—by building on existing, more flexible approaches which had more capacity to protect women’s land

rights; but in the postwar context none of these lessons are typically brought on board. Planners tend to ignore the fact that many men who have been fighting have not been farming for a long time, and those who joined military forces as boys have barely any farming skills at all. By contrast, women have been planning and managing scarce resources under difficult conditions, and are often better informed about the particular local ecological conditions and trading opportunities.

Title to land discriminates against women

Where there is an attempt to codify and modernize previous systems of land use, there is a tendency to overlook the ways in which women accessed rights as daughters, aunts, wives, widows and mothers, and even as independent women where they are able to negotiate with local leaders, even if their access was typically more limited than that of men. New land titles tend to be granted almost exclusively to men,³⁷ and even where there is no legal impediment to women purchasing such rights, and women have the resources to do so, men in their families and communities may actively discourage them from taking them up, as in Guatemala.³⁸

Even where women have some access in their own right, this is usually less secure than men’s and often dependent on their marital status. There may also be a conscious prejudice on the part of planners involved in land allocations and titles, who may characterize rural women as poorly educated, more “backward” than men, and therefore not as able to take advantage of land-reform opportunities. Inequalities are compounded by the fact that postwar rehabilitation of agriculture (usually involving the distribution of seeds, tools and livestock) is usually organized on a per household basis in which the man is always the head, even where it is clear that women’s agricultural production is important for food security and small-scale business.³⁹

Undermining women’s land rights, and marginalizing them in agrarian reform, are not likely to improve food security where women retain the main responsibility for meeting household food needs, especially where conflict has left them as heads

Box 14.3 Women losing land: Postwar land reform in Africa and Latin America

Mozambique from 1997: Women's relatively secure access to land under customary law was eroded by the social disruption of war. In the increasingly market-based economy women are more disadvantaged than men. The government encouraged people to "go back to the land", but with competition over the best land, the new political and business elites made claims on huge tracts of land, putting extra stress on smallholders. Women went back to farming food out of necessity, but have great difficulty inheriting land, even in matrilineal parts of the country, where control is still vested in men. The 1997 law stipulates that women have equal rights with men, but implementation is weak and long-standing local practices often work against women.⁴⁰

El Salvador from 1992: the need for land in El Salvador was ignored in postwar agreements, despite the efforts of women activists in the FMLN.⁴¹ Subsequent reintegration programmes introduced a gender perspective and improved the situation for women, particularly ex-combatants. However, policy guidelines were subverted by local officials, denying women access to land. Land was allocated on a household basis with the title vested in the male household head; where women were assigned some land in their own right, it tended to be of poor quality. Extra requirements for receiving land included the ability to read and write, as well as the possession of documentation such as birth certificates and voter registration cards. Women were among those unable to fulfil such requirements.⁴²

Guatemala 1990s: Women had a say in the peace agreements which facilitated legislation promoting land rights for women returnees and ex-combatants, at least on paper. Nevertheless, the objectives set up in the Guatemalan Peace Accords were not backed up by clear guidelines for implementation.⁴³ Consequently, many women were not able to exercise their rights because of "traditional male structures".⁴⁴

Nicaragua 1990s: Deals were struck between Sandinistas and Contras over land that specifically excluded women's land ownership.⁴⁵

of households. Thus in postwar settings, the standard approach to land reform reinforces the likelihood of food insecurity. Land and agrarian reform can, on the other hand, be used to support women's postwar roles. The political significance of land reform and the strong donor influence in postwar situations ought to present positive opportunities; international donors have at their disposal many reports that highlight the potential dangers of undermining women's land rights and the advantages of supporting them. If the political context is one where it is widely acknowledged that women played key roles during the conflict as farmers, and as managers of household resources, donors could be reasonably expected to highlight the advantages of their continuing to do so, although they rarely do.

URBAN EMPLOYMENT

The postwar context provides an opportunity for states to consider employment strategies afresh, rather than merely seek to recover the prewar situation and "reintegrate" returnees into a shattered economy. This is particularly important where towns and cities did not offer sufficient job opportunities before the war. Where wars are fought in the countryside, people tend to flee to urban areas, even while formal employment is severely constrained because of the disruptions of war. The public sector often collapses, creating problems similar to those in countries suffering retrenchment under public-sector reforms. The private commercial sector also experiences difficulties due to the destruction of infrastructure, including transport, communications, currency controls, security and other services.⁴⁶

As recovery takes place, a prolonged shortage of male workers (caused by death or absence) may lead to women taking up

key positions and becoming a significant part of the workforce. However, this is unusual; the norm is for returning men to take up the best employment opportunities—for which on average they have better education and training.⁴⁷ Cultural arguments about women's roles are often used to prevent women from trying to enter the formal sector. In some cases women's legal rights of access to employment may actually be curtailed by the state in the postwar context.⁴⁸ An International Labour Organization (ILO) document confirmed that in Namibia, some 60 per cent of women remained unemployed even two years after they had returned to the country.⁴⁹

Women ex-combatants, even where they have held very responsible positions during a war, as in Eritrea, frequently find it harder than men to make a life in their rural homes, and so seek a living in town.⁵⁰ In the context of a backlash, they are particular targets for censure and may find getting work very difficult indeed. Cultural constraints or newly coined political versions of them also keep women away from employment. In Afghanistan, for example, the Taliban had very specific restrictions on women working, and many women nurses, teachers and other professionals were forced to leave formal-sector jobs. The change of government has so far produced no clear signs that this situation will change. The lack of adequate childcare can also be an obstacle to taking up jobs, as female ex-combatants in Eritrea found.⁵¹

The informal economy

For women and men, earning in the aftermath of war often means relying on the informal economy. Women's peacetime employment is predominantly in the informal economy anyway, based on trade in fruit and vegetables from the countryside, cooked food, beer, scarce goods from long-distance trade, and handicrafts. These goods offer relatively quick returns for small investment and do not require access to land. In war-ravaged societies where formal trade has not yet recovered—if it had ever developed—these activities may keep society provisioned. Women entrepreneurs are often able to meet local urban demands for cheap food which governments cannot provide.

In Somalia, for example, women have taken over men's traditional roles and sold livestock; in Mozambique, they took to marketing fruit, fish and vegetables, and beer. In many countries women take on long-distance and cross-border trade, as in Chad, Eritrea and Sierra Leone.⁵² A survey of Somali refugees carried out by UNHCR in 1994 notes that in the absence of men, women have become increasingly involved in economic activity, and have acquired a virtual monopoly of the barter trade in food, clothing and a number of other items.⁵³ Yet none of these trading and retailing activities are supported by postwar governments—or ever given their due economic policy credit for that matter.

As part of the postwar “backlash” against women, their retailing can actually be curtailed. Successful women may be socially castigated, their entrepreneurial activities treated as undesirable and even declared illegal. In Zimbabwe, women have created informal trade networks that span several countries in an attempt to supplement family incomes. However, this transgressing of social boundaries has resulted in their being branded as prostitutes and harassed at international borders.⁵⁴ Increasingly, however, the international donor community is recognizing the growth potential among women entrepreneurs and is investing heavily in micro-credit programmes. Still, research from Bosnia showed that programmes targeting women tend to be at the lower end of the loan market whereas male borrowers are able to access significantly larger amounts of credit.⁵⁵ As they have become more successful economically, male-dominated state institutions have brought in regulations to undermine them. An alternative approach would be to investigate such activities and identify ways to support their development: many women's businesses fail because of insufficient capital and skills in business management. Relief and development organizations increasingly seek to work with women in the postwar context, and are also able to offer sources of income, either as direct employment or to support women's organizations. In the postwar countries of former Yugoslavia, women were very effective at coming together to establish new organizations so as to take advantage of this opportunity.

Selling sex to survive

The last resort for women without other gainful employment is often prostitution.⁵⁶ In postwar contexts formal and informal selling of sex flourishes, particularly where there is an international market, such as from international peacekeepers and international tourism.⁵⁷ Postwar countries may see very fast growth in the numbers of women involved, because of their lack of other opportunities, the presence of foreign, therefore moneyed, clients, and the degree of dislocation in social relationships.

The dilemmas faced by postwar authorities in managing prostitution are therefore even more complex than usual. The most effective strategy for limiting the numbers of women involved would be to support their alternative endeavours in small-scale production and trade, through the provision of training and small loans, and to ensure that they are included in general opportunities for training and education appropriate for formal-sector employment. This plea has featured in major reports for many years, but there are still many women who find they have little choice but to risk their lives in this way. Even those who are lucky enough to undergo training or education have to find ways to eat in the meantime.⁵⁸

HEALTH, WELFARE AND EDUCATION

At the end of most wars, health services are very run-down and may even have collapsed entirely. Even where there have been valiant attempts to keep some kind of health provision going for children, that for adult civilians has usually been undermined. This is dramatically illustrated by the fact that women's mortality tends to worsen at a faster rate than men's during war, because of the indirect impact of war on mortality via health service collapse, food shortages and lack of professional obstetric assistance, rather than as a direct impact of fighting.⁵⁹ High morbidity and mortality levels in a population from avoidable disease constitute a serious development cost;⁶⁰ however, expenditure on health has not been given adequate weight by international financial institutions and major donors in the terms for loans

and investments for postconflict reconstruction. Leading economists have called for public entitlements to health and education to be sustained during and after wars, particularly as primary health and education only take a fraction of social expenditure.⁶¹

Virtually every report on women and conflict highlights the need for health programmes to be geared specifically towards women, including ex-combatants, as a precondition for social recovery. Neglect of women's health needs during pregnancy, childbirth, and for rape injuries tends to be common; this neglect has a multiplier effect on their difficulties in meeting the needs of dependants and other community members, as well as undermining their ability to participate in public life. Instead, women are subject to gender bias against their interests in the ways that many health and welfare policies work during "normal" times. Injured women may not be able to access even the most basic elements of community support where they are stigmatized as a result of surviving their assaults, and/or being pregnant, and/or having HIV/AIDS.

Neglect of women's basic needs has an impact throughout society, as they tend to be the main carers at home. An alternative approach prioritizing women's welfare requirements would have positive knock-on effects throughout society during peace building. This requires imaginative and innovative approaches to budget allocations which are unlikely to become commonplace in the future.

In the immediate postwar setting, special measures are often put in place to provide support for ex-combatants before, during and after the processes of "demobilization, development and reintegration". It is still common for women (and child, especially girl) ex-combatants to be relatively marginalized, if not completely neglected in such programmes,⁶² in spite of this having been highlighted for nearly a decade.

One of the most challenging areas in postwar healthcare is the need to address psychosocial trauma. Alcoholism, anxiety, violent and aggressive behaviour, even suicide, are common as a result of wartime experiences and difficulty in coming to terms with the postwar situation. Trauma counselling receives insufficient attention, and where resources are available, may be poorly designed. Research suggests that the employment of western medical approaches to treat such problems, by focusing on

the individual, is not appropriate for all cultural contexts. In many predominantly rural societies the ways in which people experience trauma not as isolated individuals, but within a socially constructed context, mean that support has to take this into account, if not actually be provided through social relationships. Awareness is growing that culturally specific healing processes can be more effective in such societies.⁶³ Where women have roles in the rituals and practices associated with such healing, they could be given support.

Perhaps surprisingly, education is often seen by survivors of wars as a key part of recovery. This is partly because of a need to “return to normal”, but also because people recognize that for children, and even adults, education can play an important role in conflict prevention. Women often attempt to re-establish primary education themselves during and after wars, rather than wait for the state to do it. In spite of its having this high priority in people’s minds, government spending on education is restricted by the same budgetary constraints as health, and so rarely meets expectations.

In many countries, girls participate in education to a lesser degree than boys. Although this can be reversed during wars when boys may be away from home, the process of rehabilitating educational provision usually finds the proportion swing back again once boys return.⁶⁴ There are many ways in which unequal access to education reinforces gender inequalities, and this is therefore a useful point of intervention to foster future positive change. The education of girls and women is vital if women are ever going to be able to participate effectively in peace negotiations, postwar planning and public life. Even where women are included in peace negotiations, they are at a strong disadvantage where they do not even have primary education, while most other key players have been at least to secondary school.

Where peace education is taken seriously as part of the new curriculum, this frees women from what might be seen as a private responsibility (that of educating their children for peace) and makes it a public activity in which men can also play a part. Where peace education also contains explorations of gender issues, this can have a long-term impact on the overall transformation of gender relations in ways connected and unconnected to war.

WOMEN’S RIGHTS AND POSTWAR POLITICAL CHANGE

As well as trying to rebuild economies and societies, postwar administrations face the challenge of trying to (re)build respect for human rights and for rights-based behaviour in the population at large, among former fighters, members of the security forces, and in the justice system. Despite significant improvements, women are still able to access fewer political rights than men in the postwar context, as in most others.

Nurturing a human rights culture in the postwar context is complicated because all too often many of the perpetrators of human rights abuses during the war are still at large; they may even be members of the government, the police or the armed forces. Even where the necessary legal framework and evidence against suspects are available, a relatively small number of perpetrators tend to be prosecuted.⁶⁵ Furthermore, attempts to (re)establish the rule of law in postwar contexts have proved to be extremely difficult in most places, even where extraordinarily large sums of money are invested, as was the case in Latin America.⁶⁶

The most common focus in immediate postwar situations is on the behaviour of the state, whether in a new or a changed form, to ensure that military and police personnel no longer act outside the law through arbitrary arrest, detention and torture. This attracts plaudits from the international community, even though achieving real change can remain elusive for many years. All too often however the (re)establishment of some degree of law and order simply means that men are not suffering such serious abuse at the hands of those holding power.

Children’s rights have been taken more seriously over the last decade, with the plight of former child soldiers receiving a great deal more attention and increasing international support, but the focus still remains on boys’ war experience rather than girls. Many experiences of girls, such as sexual abuse by peace-keeping forces in Mozambique,⁶⁷ remain hidden.

Women’s human rights are sadly still not automatically considered with the same degree of importance as men’s, even while they suffer forms of abuse identified above as part of the postwar backlash. In contexts where transitional systems of justice

are used as part of a process to rebuild the rule of law, women's human rights are not given priority. For instance, the police tend to operate with a strong gender bias, even where postwar reform and political change means that men are no longer subject to arbitrary arrest and torture. It is not uncommon for there to be immense postwar social pressure on women not to report abuse by men, particularly if the men are members of key political movements, the government, or where there is a shortage of men available for marriage. Where rape was widespread during war, and wartime rapes are not effectively prosecuted afterwards, it is extremely difficult to bring prosecutions for rape in the postwar setting, an issue that remains as much of a problem as when it was highlighted over a decade ago in the United Nations.⁶⁸

Violations of women's rights

Until relatively recently, women's rights in the postwar context seem to have been breached almost with complete impunity. In recognition of their persistent abuse in all stages of war, the UN Security Council passed a landmark resolution in 2000, UN Security Council Resolution 1325. Although this was an important achievement, Resolution 1325 has not escaped criticism.

Initial reviews speak of gaps in its conceptual framework, failures of implementation,⁶⁹ and a lack of proper guidelines for practical application in the field. However, to women in conflict zones, such initiatives can mean a great deal. This was evidenced by the story of women from Afghanistan, Kosovo and East Timor, who came together to testify before the Security Council in October 2001 to honour the Resolution's first anniversary.⁷⁰

The immense international publicity about rape during war has had the effect of channelling additional resources into women's concerns in the postwar context, although these are by no means successfully mainstreamed into health or development policies. International agencies and human rights organizations offer support to local human rights organizations; but women's rights are still typically not centre-stage and such organizations are only now beginning to have an effect on women's lives. Women are increasingly forming human rights organizations themselves, and there are several that have taken on the challenge of retraining the police, judiciary and other institutions to contest the discrimination, culture and practices that are so deeply entrenched in the institutions of law and order.⁷¹

Increasingly, good practices with regard to helping women to report and record information, and to prevent the representation of postwar domestic violence as "cultural", are being

Box 14.4 UN Security Council Resolution 1325

Resolution 1325 urges member states to ensure increased representation of women at all levels of decision making in national, regional and international institutions and mechanisms for the prevention, management and resolution of conflict. It calls on:

- all actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective, including, inter alia:
- (a) the special needs of women and girls during repatriation and resettlement and for rehabilitation, re-integration and postconflict reconstruction;
 - (b) measures that support local women's peace initiatives and indigenous processes for conflict resolution, and that involve women in all of the implementation mechanisms of the peace agreements;
 - (c) Measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the Constitution, the electoral system, the police and the judiciary.

Source: UN Security Council 2000

Box 14.5 Talking about sexual assault and rape

"I have a question", Mirha Nurka begins, standing confidently in front of the 15 male judges. "Who had sex last night, and how was it?" There is an awkward stir in the room. The men shift in their chairs, or frown in distaste. Several clear their throats. One bursts into laughter. "I'm serious," Nurka continues. "We'd like each of you to share the details with the group." The judges have gathered in Zenica ... for the second day of a workshop on gender-based violence in the district. Mirha Nurka, their trainer, is a member of Medica Zenika, an NGO that is using their research on violence against women to change the way judges, prosecutors, police and health and social service providers respond to abused women. She waits until the silence is almost painful. "You don't need to answer. But can anyone tell me why you think I asked the question?" The men, relieved, begin to talk. They spend the next several hours trying to grasp how survivors of sexual assault and rape must feel when they are asked to describe their humiliating experiences in detail, again and again, to a judge and jury.

Sources: Spindel et al. 2004.

shared. Significant advances have taken place with regard to the prosecution of abuses against women during war, and it is to be hoped that further improvements in this area will assist those organizations that are also trying to work to prevent its occurrence in the postwar setting. However, as a recent report by the UN Secretary-General observes: "the facts on the ground point to our collective failure in preventing such violence and protecting women and girls from the horrors of gender-based violence and heinous violations of international human rights, criminal and humanitarian law. Sexual and gender-based violence has been recently reported in Afghanistan, Burundi, Chad, Côte d'Ivoire, the Democratic Republic of the Congo and in Darfur, the Sudan."⁷²

SEEKING JUSTICE FOR WAR RAPE AND SEXUAL VIOLENCE

In spite of the large number of internal conflicts and of the existing international humanitarian legislation as governed by the Fourth Geneva Convention and Protocol II, historically few prosecutions of war crimes have occurred; fewer still have involved gender-based violence. Although these legal instruments have been available since 1949, they have not been implemented effectively and have proven to be limited. Amnesty

for war criminals is an important tool in peace negotiations, but its use may preclude their prosecution, as happened in a recent peace negotiation in Burundi.⁷³

The past decade, however, has seen dramatic developments in, and enforcement of, international humanitarian law primarily through the creation of the ad hoc war crimes tribunals for Yugoslavia and Rwanda, the International Criminal Courts as well as the tribunals set up in Sierra Leone and East Timor.

Engendering the international legal framework⁷⁴

Prior to 1994, the international legal framework governing armed conflict prohibited violence against women and in particular sexual violence. However, these provisions were considered inadequate and indeed inferior to the protection offered to men. Under the pressure of women's international organizations and of the political changes that occurred at the national and international levels throughout the 1990s, a new perspective on gender-based violence was established and violence against women has increasingly become a priority in the international agenda.

The dramatic atrocities in the Bosnian conflict and in the Rwandan genocide, and their media coverage, urged the international community to take serious measures to enforce women's

rights. The massive scale of gender-based crimes and their systematic use as weapons of war prompted the international community into action. Here began the process of expanding a more gender-aware protective legal framework and enforcement. The UN Security Council set up the International Criminal Tribunal of Yugoslavia (ICTY, Security Council Resolution 827/93) and the International Criminal Tribunal of Rwanda (ICTR, Security Council Resolution 955/94) to prosecute these war crimes. Both the ICTY and ICTR Statutes explicitly mentioned rape only under crimes against humanity; this left it open to the tribunals to determine the precise standing of rape and other sexual offences in international law. Despite initial disappointment that the definitions were so limited, both tribunals were successful in establishing historic legal precedents, breaking new legal ground and expanding international jurisprudence. The cases of Tadic, Akayesu and Kunarac were landmark cases where perpetrators of violence against women in wartime were prosecuted for the first time.

Cases of prosecution of rape as a war crime⁷⁵

The first case dealt by the ICTY—the prosecution of Dusko Tadic—illustrates a number of initial problem areas encountered. First, evidence of sexual violence had not been treated as seriously as other crimes. It was only when the female member of the Trial Chamber, Judge Odio Benito, challenged the Prosecutor upon receipt of submissions from women’s organizations that a more robust view was taken in prosecuting these crimes. The case further raised the importance of protective measures for witnesses, leading to the establishment of guidelines set down by the Trial Chamber presided over by Gabrielle Kirk MacDonald. However, Tadic was never prosecuted for rape as the complainant decided not to testify.

The case of Akayesu in Rwanda establishes a remarkable number of historic precedents related to the definition of rape as well as to its conviction. Like the Tadic case, no charges related to sexual violence appeared at the initial stage of the trial. Only later, as the female judge Pillay drew out evidence of sexual violence from one of the witnesses’ testimony, was Akayesu prosecuted and convicted for rape as a crime against humanity. Without

any precedent, sexual violence was punished by an international court in an internal conflict, with a pioneering definition of rape as “a physical invasion of a sexual nature, committed under circumstances that are coercive”. Even more importantly, for the first time rape was punished as an act of genocide aimed at destroying a group, as it was found to be a constituent element of genocide “causing serious bodily or mental harm”.

Equally, the Kunarac or “Foca” case constitutes a pioneering conviction of perpetrators of rape, for it redefined rape as a violation of sexual autonomy. More, this judgement acknowledged rape as an element of torture causing severe physical and mental pain and suffering, as well as of enslavement as a crime against humanity. It was also the first indictment brought to an international tribunal exclusively on the basis of a crime of sexual violence against women.

The International Criminal Court

Gender-based crimes are also now codified in humanitarian law in the International Criminal Court (ICC) Statute. This specifically mentions rape, sexual slavery, enforced prostitution and enforced sterilization as war crimes and crimes against humanity. It goes one step further in allowing any other forms of sexual violence as a grave breach of the Geneva Conventions. Persecution on the basis of gender is also now admitted in the definition of crimes against humanity. Further, by providing definitions of rape, enslavement and sexual violence, case law has helped to advance understanding by establishing that rape and other forms of sexual violence can constitute war crimes, crimes against humanity, and genocide.

In 1997 a Women’s Caucus for Gender Justice was formed within the ICC, which brought together many groups and individuals who worked to ensure the centrality of a gender perspective in the procedures and functioning of the court. Among its other provisions, the ICC ensures protection for victims, and it requires that both male and female judges have legal expertise on specific issues, including violence against women.⁷⁶ However, the ICC has many limitations, not least that its jurisdiction only applies in signatory states; and it has no power to locate war criminals, execute arrest warrants, search homes and buildings, or compel witnesses to attend trial.

Box 14.6 Prosecuting sexual crimes in Sierra Leone’s UN Special Court

The court was set up to hold accountable those most responsible for the atrocities committed during the Sierra Leonean civil war. Despite having significantly fewer resources and staff than the ICTR for Rwanda, Prosecutor David Crane ensured that the prosecution strategy incorporated sexual crimes. With only 10 investigators in the team, two competent and experienced female investigators were immediately dedicated to sexual assault investigations (in contrast to the 1–2 per cent of a team of 100 working for the Rwandan tribunal). After only one year, all the indictments included sexual violence, before the court had even begun to hear cases. Crane also tasked a trial attorney to develop the prosecution plan for sexual crimes, and is planning not only to bring rape charges but to fully prosecute sexual violence, and to broaden the existing interpretation of international law. David Crane has shown that political will by the prosecutor can make all the difference, even when working under constrained conditions. On 7 May 2004 the Special Court of Sierra Leone announced that a new count of “forced marriage” will be added to the indictments against six defendants. It is the first time that forced marriage is prosecuted as a crime against humanity under international law.⁷⁸

Source: Nowrojee 2004:13,23.

In Sierra Leone, political will and a commitment to learning from the mistakes of the ICTR enabled much faster and more effective prosecution of war crimes against women to take place, even without there being a majority of women judges or significant extra resources earmarked for special activities relating to women.⁷⁷

This growing body of experience also helps people to campaign for their own countries to follow suit.⁷⁹ The ICC framework has also proved useful for highlighting crimes against women in several other contexts. It was incorporated into regulations of the special panels in East Timor and the Extraordinary Chambers in Cambodia. In Cambodia this was particularly important as there was no other reference to gender or sexual violence in the founding documents of the courts established to try Khmer Rouge leaders.

Slow and dilatory progress

Despite this progress, the majority of crimes against women during wartime still go unpunished. In the case of the ICTR, Judge Goldstone made it clear at the beginning that he intended to take crimes of sexual violence seriously, but then failed to develop the capacity of the investigations team to collect evidence; failed to include rape charges in most of the early indictments; and allowed there to be no consideration of this in the prosecution strategy.⁸⁰ Women survivors of such abuse are still

stigmatized to a far greater degree than male survivors of human rights abuses, and are still at risk of being targeted again by perpetrators.⁸¹ It is therefore not surprising that most women find it very difficult to take legal action and give evidence. Women are also still unlikely to receive compensation for such abuses, even where prosecutions are successful.

Wartime prosecutions tend to be painfully slow: “We will be dead before we see any justice,” commented a woman seeking redress through the ICTR.⁸² Ten years after the genocide, there have only been two successful prosecutions for rape and one acquittal. For many women, the process of justice—of revealing truths and validating people’s stories, of showing up perpetrators in the open—is often at least as important as the outcome. Yet such prosecutions are ineffective as mechanisms to bring out and record narratives: the stories contain much more than comes to court. Rwandan women survivors’ own accounts of rape and violence during the genocide reveal the extent to which the ICTR cannot be “left to tell the story”.⁸³ These women are still waiting for an official announcement that what happened to them was wrong and that their survival does not signify collusion with their attackers. They also want support and better treatment as witnesses—at least the same level of healthcare and treatment for HIV/AIDS as the defendants awaiting trial. At present it seems unlikely that their requests will be met.

POSTWAR TRUTH PROCESSES, RECONCILIATION, AND WOMEN'S STORIES

The linking of “truth” and “reconciliation” has become very popular over the last decade. The most common understanding of “reconciliation” is that it is about restoring good relationships and involves some level of forgiveness; but different people mean different things, some focusing on what happens to individuals, some on groups, and some on society as a whole.⁸⁴ There is considerable national and international discussion about whether and how reconciliation might be possible,⁸⁵ but there has been virtually no discussion about “gender reconciliation”. Women are often expected to identify themselves with reconciliation and peace-building interventions, in the same way as the idea of women’s inherent peacefulness may be co-opted or deployed to reduce hostilities during wartime.⁸⁶ Some of these interventions could be interpreted as being about reconciliation between women and men.⁸⁷

The issue of amnesty and truth-telling remains controversial; where amnesty is offered in return for truth-telling, the sense of being deprived of justice could provoke further violence. For this reason, when the El Salvadorian Truth Commission released its report, the government passed an amnesty law within a few days, fearing that the findings could fuel further conflict. In general, Truth Commissions do not have the power to prosecute, although some of them do grant amnesty; the South African Truth and Reconciliation Commission for example was empowered to grant amnesty to individual perpetrators in exchange for testimony if they could prove that their crimes were politically motivated. However, this can also create problems for anyone who would prefer a prosecution.

There have been 25 Truth Commissions in different parts of the world since 1974. Official Truth Commissions (TCs) take many different forms, seeking sometimes to find out information about “the disappeared”, as in Argentina, Uganda and Sri Lanka; at other times to work towards “truth and justice” as in Haiti and Ecuador, or “truth and reconciliation” as in Chile, South Africa, the Federal Republic of Yugoslavia, East Timor

and Peru. Box 14.7 summarizes the most common characteristics and purposes of TCs, but these are very difficult to achieve and most do not achieve them.

TCs can also be created by NGOs. When the government of Brazil refused to institute a formal enquiry into human rights abuses under Brazil’s military regime, the Archbishop of Sao Paulo was assisted by the World Council of Churches in his own investigation. The Catholic Church in Guatemala also established a truth process.⁸⁸

Difficulties of speaking out

The most common abuses under-reported to TCs are those suffered by women, as indeed are those least prosecuted. Women may find it impossible to speak out. In the most famous Truth and Reconciliation Commission (TRC), that in South Africa, although women constituted the majority of witnesses for acts of violence committed against others, only a few initially spoke about acts of sexual violence committed against themselves. After prompting from women activists, the TRC tried to create an enabling environment where women could feel safe to speak out; but even then few could find the words or courage to speak publicly of sexual violation. Some women-only hearings were then held, which many women regarded as successful in addressing the problem.⁸⁹ When women who have survived rape go on to enter public office, as has happened in South Africa⁹⁰ and Latin America,⁹¹ they may strongly wish to avoid public exposure.

The development of good practice in encouraging women to come forward, in which women’s organizations have played a key role, continues with tribunals and truth processes. The physical location of hearings is important where it is culturally or practically difficult for women to travel out of their homes; for this reason the Commissioners of the Guatemalan Commission for Historical Clarification⁹² chose to travel to remote areas to reach out to the indigenous population. The Truth and Reconciliation Commission for Sierra Leone (2003) ensured that its 73 statement takers—who included regional and district co-ordinators—were first trained in taking statements; they then fanned out all over the country to talk to people who had been affected. The

Box 14.7 Characteristics and purposes of Truth Commissions

Four main characteristics:

- They focus on the past, and often on the recent past, but are not ongoing bodies such as human rights commissions.
- They investigate a pattern of abuse over a set period of time rather than a specific event. The mandate of TCs is time-bound, and specifies the types of abuse the Commission can look at.
- TCs are usually temporary bodies, operating over an average period of six months to two years at the end of which they submit a report. Sometimes their time period can be extended if necessary.
- They are officially sanctioned, authorized and empowered by the State; also sometimes by armed opposition groups as part of a peace negotiation. In theory this allows them access to information, and should also ensure that their recommendations and findings are taken seriously.

Source: Hayner 2001:14.

Six main purposes:

- To clarify and acknowledge truth.
- To respond to the needs and interests of victims / survivors.
- To contribute to justice and accountability.
- To outline institutional responsibility and recommend reforms.
- To promote reconciliation and reduce tensions resulting from past violence.
- To meet the rights of victims/survivors and society to the truth.

Source: Hayner 2001:28–31.

Sierra Leone Commission also established a Women’s Task Force to work towards creating an enabling environment for women to be able to testify.

La Comision de la Verdad y Reconciliacion—TRC—of 2001 in Peru looked at the conditions which accounted for 20 years of violent conflict, and formulated proposals to suggest how victims of violence could regain their dignity and humanity. From the beginning, the Commission incorporated a gender perspective as a central tenet, explicitly rejecting “the gender blind belief that the human rights of women and men are violated in the same way and with similar consequences”.⁹³ The Commission put in place a gender programme to raise awareness of gender issues in the work of the Commission’s interviewers and the rest of its officials in order to ensure that a gender perspective would be present in all its work. The programme developed training and communication materials, set up links, offered suggestions on how to carry out investigations in remote areas

and ensured that information was shared with different communities. Workshops were held in different areas on subjects such as disappearances, and educational materials were provided to help raise gender issues. This strategy of proactive engagement with women and the broader community ensured that gender concerns were given a hearing. The Commission’s report stated that gender concerns were central to peace building, and needed to be taken into account if future human rights violations were to be prevented.

Recounting of war stories

The ideal of a gender-aware truth process is not only to avoid omitting the particular sufferings of women, but also to integrate into the conflict narrative their experiences as fighters, survivors of attack and torture, household managers and community

leaders. To release such stories may require a different kind of truth process than a national commission. For example, in 2000 women's groups in Japan and neighbouring countries came together to hold a War Crimes Tribunal to look at the issue of sexual slavery by the Japanese army during the Second World War.⁹⁴ Set up by women's groups, this tribunal had no official status; but even though more than half a century had passed since they experienced being sexually abused, the women who came forward to testify felt keenly the need for public acknowledgment of what they had lived through. While reluctant to accept culpability, the Japanese government did eventually acknowledge the issue of sexual slavery, which had earlier been denied; however, the women's demand for compensation from the State was rejected. A few women accepted compensation from a special private fund, but many refused; it was important to them that the Japanese State itself make reparations and apologize.⁹⁵

“Traditional” conflict resolution systems

In Africa, people are increasingly turning to local processes as a means of coming to terms with what happened during conflict. This coincides with a growing fashion among donors for promoting so-called “traditional” methods of conflict resolution (ending of organized violence) and postconflict mediation and reconciliation. Increasing funds are being applied to these, with multiple objectives and much confusion about whether justice, truth processes and/or reconciliation are being sought. These mechanisms include rituals, and transfers of property and labour (individual and collective), intended to achieve a range of outcomes including retribution, compensation, forgiveness and building of trust. Some of these systems are in regular use; others are being resurrected from the memories of elderly people and reinvented; yet others are actually being invented. These activities may co-exist in the same country—even in the same communities—but they are increasingly being packaged under the rubric of peace building, not least in order to access funding from international donors.⁹⁶

These processes tend to reflect highly gendered local political and power relations, and by no means belong to a value-free

traditional culture. Women are normally completely marginalized in their practice, and their needs are not given any priority. Some even have cultural roots in such practices as exchanging women as wives between different groups by way of compensation and repairing community relations, as in Afghanistan.⁹⁷ In postwar contexts where there is a backlash against women, the revival of “traditional” practice can form part of the process of putting women back “in their place”. On the other hand, where gender awareness is incorporated, it can be used to help build a new society. A notable example of this is the use of *Gacaca* in Rwanda. The Rwandan government revived an old system of dispute resolution that had largely fallen into disuse, to assist with hearing genocide cases. *Gacaca*, in its new form, has incorporated important roles for women (see also chapter 11). Among many other fundamental changes is the participation of women as judges, although it is too early to evaluate what difference this might make to the outcomes.

CIVIL AND POLITICAL PARTICIPATION

Where there is a perception that women “earned” new rights because of the roles they played during wartime, there may be a new awareness in the postwar environment of what women can contribute politically, and of the moral imperative to let this happen. The chances of such perceptions influencing political structures are greater where there is a conscious attempt to build a “new” society after a “liberation”.⁹⁸ It is less likely when the postwar context is dominated by a political ideology that does not recognize women's contribution to, or potential for, public life.⁹⁹ In Kashmir, northern India, for example, it is unlikely that women will anticipate a moment of liberation. There, years of syncretism and a healthy mix of Islamic, Hindu and Sufi traditions had ensured a liberal space for women in society. With the deepening of the conflict and the growing hold of fundamentalism among insurgents, the imposition of restrictions on women has forced them to submit to rigid patriarchal mores.¹⁰⁰

However, even in deeply conservative environments such as Kashmir or Somalia, there can also be recognition during

wartime of the ways women exercise old forms of influence as power. In private, they may guide men's decisions; they may perform in public as singers or poets; they may give direction as elders or leaders in cultural activities, or act as informal negotiators while visiting kin or engaging in trade. From such gradual accretions of responsibility, the opportunity may emerge for basic legal and political rights to be developed in a postwar setting.

The chances of political participation

In the feverish postwar environment, new constitutions and laws with radical provisions can come speedily into being; even though they initially exist only on paper, they may well be more progressive than if there had been no war or upheaval. For example, after the war of liberation in Zimbabwe, women's legal status was much improved. In Namibia women were given clear rights in the constitution, as they were in Eritrea. The establishment of formal legal rights for women is, however, only one step towards their being able to exercise them. In postconflict settings, particularly where war has been prolonged, illiteracy is widespread and access to the law may be confined to a handful of the elite. So even if the population is aware of women's new rights they cannot easily be realized.¹⁰¹ Moreover, the existence of such political rights does not protect women from the "backlash" explored earlier.

Even where the political and legal apparatus is in place to allow women to take part in political life, their level of political participation tends to remain lower than men's. They may be discouraged by the educational requirements for voter registration, or the long distance needed to travel in order to vote, as shown in a number of elections. Practical or cultural constraints, or family and community pressure, can bar women from exercising their right to vote, or standing in elections. In Algeria, men routinely vote on behalf of women. Similarly, attempts to encourage civil-society organizations to participate in public debate, or consult with government, may marginalize the views of women if they are dominated by men. Special activities to involve women may still be required, and may not be put in place even though they have long been proposed at the international level.

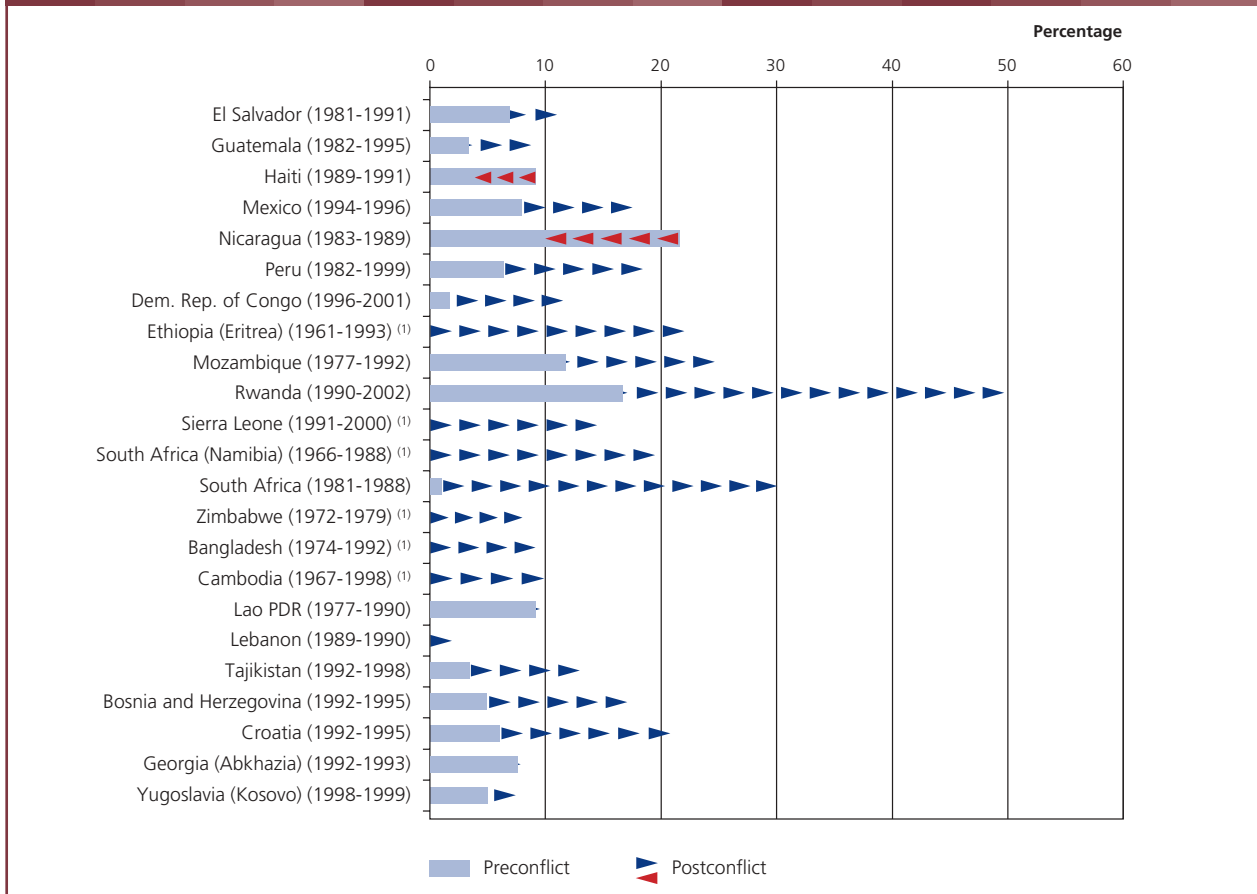
In situations where women are experiencing a backlash, it is extremely difficult to implement any measures that would increase their participation, even where there is the political will. For example, in Afghanistan, women are being excluded from democracy-promotion projects.¹⁰² In postwar Central America, women ex-combatants who became politically active were ostracized by their families, and many faced sexual abuse from high-ranking officials within their own parties.¹⁰³

The issue of how to increase women's representation in politics remains challenging, as discussed earlier in the report. The Beijing Platform for Action called for a 30 per cent minimum representation of women in decision-making bodies; UN Security Council Resolution 1325 urges the appointment of women in peace processes and subsequent political structures. There have been some striking successes in using these international frameworks to increase the representation of women. In postwar settings in particular there are sometimes opportunities for pushing forward reforms and innovative approaches, where there is a coincidence between the desires of international donors and local women's groups.

Where women have gained stronger political voice through the experience of conflict, they may be able to leapfrog stages that elsewhere remain protracted. For instance in South Africa, the majority of ANC leaders at the transition to democracy were men, even though gender equality was much discussed. Women fought for representation achieving the 30 per cent of seats in the National Parliament. Similarly in Eritrea, the government ensured that the postwar administrative system involved women; it was agreed that women would have a 30 per cent quota in regional and subregional councils and could contest any of the remaining 70 per cent of posts.¹⁰⁴ Even in Afghanistan, the Constitutional Loya Jirga ensured that at least 19 per cent of the 500 seats went to women, who actually gained 20 per cent.¹⁰⁵

Sometimes measures to assist women's representation have been introduced postwar that would not be implemented in donor countries promoting this agenda.¹⁰⁶ For instance, the United Kingdom has legally rejected the use of women's quotas for political parties; but the reservation of seats for women in local and national government structures in Uganda was supported by the UK government.¹⁰⁷ Many such issues are felt

Figure 14.1 Pre and postconflict proportion of women in national parliaments



Notes: The years mentioned refer to the time range of the conflict considered. (1) Countries for which no data on pre conflict elections are available.
 Source: IPU 2004; UN 2000a; UCDP/PRIO 2004

across the world as women try to increase their engagement in formal politics, but in postwar societies where the conditions are ripe, change can happen at an unprecedented rate. Rwanda offers a very striking example. Here, elections to the national assembly in 2003 delivered 49 per cent of the seats to women, a higher proportion than in any OECD country. This does not indicate a Rwandese revolution in gender relations, but rather reflects the high proportion of women among genocide survivors. Nonetheless this massive change was by no means demographically inevitable, and will have consequences for political life in Rwanda that are as yet too early to judge.

Visibility is not enough

For more than a decade, the United Nations has proclaimed that women’s needs deserve greater attention in the postwar context. Yet the problems, rights abuses and programme shortcomings documented in many reports remain commonplace.¹⁰⁸ The plight of women during war, particularly the scale of their sexual violation, has attracted international attention, and is often used to characterize the barbarism of mankind or brutality of particular “enemy” groups. Women’s roles in working to end conflicts are increasingly celebrated—even if other roles

are downplayed. As a consequence, women participants in postwar peace building have been thrust into unprecedented prominence by certain international organizations. Yet for all this visibility, women usually remain marginal, as a group or as individuals, in peace negotiations, in consultations about postwar strategies, and in the public life of postwar societies.

The persistent reluctance of many analysts and advisers to take on board lessons about gender analysis and its incorporation into policy processes in the postwar setting needs to be recorded, and further effort is needed to overcome this thoughtless, or deliberate, resistance. This can itself be seen as part of the backlash against women, helping to allow, if not facilitate, the playing out of intense gender politics in households, communities and the wider polity. Feminist histories of conflict, and feminist studies of development, provide a rich store of relevant experiences, positive and negative. These have been collated and analysed for several years and comprise a significant literature; but they are still not taken sufficiently seriously by many of the key international actors in the context of postwar activity.

In the future it is to be hoped that international agencies and donors will be better prepared to take opportunities to put these lessons about how to mitigate injustices for women centre-stage when advising and supporting postwar recovery programmes—in the economic, social, political and governance spheres alike. As more successes are achieved, it is also to be hoped that postwar governments will more readily see the advantages in developing policies that not only support women's efforts to survive, but enable them to fulfil their potential in helping rebuild their societies in the image of gender equality and gender peace.

Notes

- 1 Rehn and Sirleaf 2002.
- 2 Pankhurst 2003:11; Pankhurst and Pearce 1997
- 3 Spindel et al. 2004; Rehn and Sirleaf 2002; Sørensen 1998.
- 4 Kandiyoti 2004: 25.
- 5 El Bushra 2004.
- 6 Jacobs and Howard 1987.
- 7 Luciak 2004:28.
- 8 De Abreu 1998; Luciak 2004.
- 9 Samuel 2004:6–7.
- 10 Sørensen 1998:37; Luciak 2004:23.
- 11 Sørensen 1998:39; Luciak 2004:23; El Bushra 2004.
- 12 Preston 1994:262, cited in Sørensen 1998:37.
- 13 El Bushra 2004.
- 14 Kelly 2000:62.
- 15 Pierson 1989.
- 16 El Bushra 2004.
- 17 Pankhurst 2003.
- 18 Korac 1998:39–46.
- 19 Turshen and Twagiramariya 1998:9.
- 20 Sørensen 1998: 41–2.
- 21 Pankhurst and Pearce 1997.
- 22 Yanira Argueta, cited in Luciak 2004:6.
- 23 Chingono 2001:116.
- 24 Sørensen 1998.
- 25 UN 1995a:para 141.
- 26 Elson 1995.
- 27 Stewart and Fitzgerald 2001:240.
- 28 Sørensen 1998:38.
- 29 UNIFEM 2001; Sørensen 1998:20.
- 30 Sørensen 1998:19.
- 31 UNIFEM 2001:45–53.
- 32 Chingono 2001: 95.
- 33 UNIFEM 2001:38–44.
- 34 Zimmerman 1994, cited in Curtis 1998.
- 35 UNIFEM 2001:58–62.
- 36 Davison 1998.
- 37 UNIFEM 2001; Davison 1998.
- 38 UNIFEM 2001:63.

- 39 Sørensen 1998:20; Chingono 1996.
- 40 UNIFEM 2001:45–53.
- 41 Yanira Argueta, cited in Luciak 2004:6.
- 42 Luciak 2001.
- 43 Luciak 2001.
- 44 UNIFEM 2001:66.
- 45 Pankhurst and Pearce 1997:161.
- 46 Stewart and Fitzgerald 2001.
- 47 Sørensen 1998.
- 48 Kelly 2000:62.
- 49 Date-Bah 1996, cited in Sørensen 1998.
- 50 Sørensen 1998:26.
- 51 Abreha 1996, Klingebler 1995, both cited in Sørensen 1998.
- 52 Sørensen 1998:20, 22.
- 53 UNHCR 1994.
- 54 Cheater and Gaidzanwa 1996:191, cited in Sørensen 1998: 22.
- 55 Walsh 2000:10.
- 56 Coomaraswamy 2001, Add.2:20.
- 57 Sørensen 1998:24.
- 58 Rehn and Sirleaf 2002.
- 59 Stewart et al. 2001:93.
- 60 Stewart and Fitzgerald 2001:236.
- 61 Stewart and Fitzgerald 2001:237.
- 62 Farr 2003.
- 63 Sørensen 1998:34.
- 64 Stewart et al 2001:103.
- 65 Brownmiller 1975, and others cited by Walsh 2004:6.
- 66 Sieder 2003.
- 67 Nordstrom 1997:15–19.
- 68 For the example of Afghanistan see Kandiyoti 2004:27–8.
- 69 UNIFEM 2001.
- 70 Samuel 2004.
- 71 Spindel et al. 2004:85.
- 72 UN Secretary-General 2004:16.
- 73 Human Rights Watch 2003.
- 74 This subsection draws on Walsh 2004; Nowrojee 2004; ICC 1998.
- 75 This subsection draws on Walsh 2004.
- 76 UNIFEM 2001.
- 77 Nowrojee 2004:13,23.
- 78 See Special Court for Sierra Leone 2004.
- 79 Rehn and Sirleaf 2002: 88–97.
- 80 Nowrojee 2004:10.
- 81 Nowrojee 2004:24.
- 82 Nowrojee 2004:7.
- 83 Nowrojee 2004.
- 84 Pankhurst 1999
- 85 Bloomfield et al. 2003.
- 86 Pankhurst 2003.
- 87 On former Yugoslavia see Žarkov et al. 2004:11.
- 88 REMHI 1999.
- 89 Goldblatt and Meintjes 1998:29.
- 90 Sørensen 1998.
- 91 Luciak 2004.
- 92 REMHI 1999.
- 93 Mantilla 2003.
- 94 Chinkin 2001.
- 95 Vanderweert 2001:141.
- 96 Pankhurst 2002, 2003.
- 97 Kandiyoti 2004:26.
- 98 For example in Nicaragua in the 1980s, southern Africa in the 1970s and 1980s, the ‘new’ South Africa in 1990s, and possibly Iraq in 2004.
- 99 Sørensen 1998; on Afghanistan, Kandiyoti 2004:32.
- 100 Butalia 2004.
- 101 See Batezat et al. 1988 on Zimbabwe, Bentley 2004 on South Africa.
- 102 Kandiyoti 2004:32.
- 103 Luciak 2004.
- 104 Tsefai 1996, Fessehassion 1989, Marcus 1996, all cited in Sørensen 1998.
- 105 Kandiyoti 2004:19–20.
- 106 Rehn and Sirleaf 2002: 81.
- 107 Tamale 1999.
- 108 For instance see UN 1995a, 1996, 1997, 1998.