



# AFRICA PEACE AND CONFLICT JOURNAL

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**Articles and case analysis**—critical case studies or thematic discussion and analysis of topical peace and conflict themes (7,000 words maximum, including endnotes; abstract, 150 words or less).

**Briefings/practice**—training or intervention strategies, outcomes and impacts, policy review and analysis, country situational updates, and so on (2,000 words maximum).

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# AFRICA PEACE AND CONFLICT JOURNAL

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WOMEN, PEACE, AND SECURITY

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## From the Managing Editor

The conventional thinking about war and violent conflict in Africa is informed by patriarchal hegemony. The African continent has experienced a sizeable number of conflicts since the late twentieth century and has been at the forefront of gender mainstreaming in peace and security. The African Union, regional economic communities and their respective member states, think tanks, nongovernmental organizations (NGOs) and women-focused community-based organizations are engaged in advocating and adopting strategies for gender mainstreaming in peace and security mechanisms. In the security sector, there has, indeed, been an increase in the number of women, adoption of gender-sensitive legal and policy frameworks, and gender training, but these are uneven across regions, countries, and security sector institutions.

There is widespread disagreement on the fundamental explanation for gendered peacebuilding. The UN Security Council Resolution 1325 (2000) on women, peace, and security 'expresses the concern that civilians, particularly women and children, account for the vast majority of those adversely affected by armed conflict, including as refugees and internally displaced persons and increasingly are targeted by combatants and armed elements and recognizing the consequent impact this has on durable peace and reconciliation'. Others argue that the 'softer' aspects of femininity can be brought to bear or inform the more technical dimensions of peacebuilding, but this argument stands the risk of perpetuating stereotypes about gender performance rather than actually deconstructing them. For many women, violence is the daily condition of their lives, during wartime and peacetime, so our definitions of security need to consider the gendered realities of (in)security. In addition, there does not need to be a compelling reason for gender mainstreaming, as women should be involved simply because they are human beings.

In contemporary Africa, the greater political participation of women during conflict has not translated into sustained engagement of women in post-conflict settings. At the termination of violence and the return to a peaceful environment, women generally seem to be relegated to their traditional roles. The result of this role reversal for the women brings along with it a disintegration of social and economic networks that once had been instruments of survival. This often signals a return of the tensions that resulted in the foregoing violence. The reintroduction of the pre-conflict traditional political, economic, or social order may help explain the systemic and structural impediments to women's sustained participation in political processes in post-conflict societies in Africa.

Countries like the Democratic Republic of Congo (DRC), which has witnessed horrific mass rapes, remind us that to some, women's bodies are both sources of political posturing and expressions of warfare. The 2012 Human Security Report found that the mainstream narrative of wartime rape that has been perpetuated by the media and international NGOs may be misleading to the extent that it neglects domestic

sexual violence, which is as pervasive in conflict environments as is conflict-related sexual violence.<sup>1</sup>

The mainstream narrative of rape disproportionately concentrates on sexual violence perpetrated by combatants and ignores non-combatant sexual violence often perpetrated by known acquaintances and intimate partners. The 2012 Human Security Report notes, 'At war's end, the incidence of sexual violence is usually sharply reduced, but it does not end'.<sup>2</sup> In post-conflict societies, especially where security sector and disarmament programs have been implemented, it has been found that women continue to experience violence as former combatants often feel powerless and use violence against their children and spouses to exert power.<sup>3</sup>

The cases of the DRC and post-conflict societies like Rwanda and Liberia are key to developing newer security paradigms that consider that the post-conflict stage is a problematic period warranting broader discussion on gendered experiences of conflict and war as well as the gendered experiences of post-conflict reconstruction.

The impact of violent conflict and war on women has been acknowledged at the level of global governance, where several gender mainstreaming agendas have been proposed (often unanimously), including through the Beijing Platform for Action in 1996, the Commission for the Status of Women, and Security Council Resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009), and 1960 (2010). While multilateral commitments show an awareness of the gendered experiences of violent conflict and reconstruction, there is, nonetheless, a gap between legislation and implementation. Policies that are workable yet progressive remain largely scattered and elusive as pointed out in the introductory article to this special issue of the Africa Peace and Conflict Journal.

This issue provides space for African feminist debates, practitioners' experiences, and regional comparative perspectives on gender and security. It seeks to bring together different voices, foundational and current, from across the continent's regions for theoretical reflection on gender and security in Africa and to identify progress and challenges based on the current discourse and practices of gender and security. The field of gender and security has emerged in recent years, becoming institutionalized through United Nations and African Union resolutions, protocols, declarations, and legislation, as observed by some of the contributors in this issue. In the same vein, by examining the gains made in gender and security, the contributors can still argue convincingly that the presence of more women hardly makes an agenda or policy more woman centered, much less a force for redressing systemic gender inequalities. Tokenism through numbers and quotas is not a panacea for the long-standing inequalities in gender relations on security matters.

This issue of APCJ has been managed from Kampala, Uganda, where I have been recently assigned to direct the Karamoja Cluster Project, a new UPEACE endeavor. Assistant editor Agnes Asele and research fellow Notando Maphalala worked from the Addis Ababa office. Together we will continue our relentless efforts to provide aca-

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1. *Human Security Report, 2012: Sexual Violence, Education, and War. Beyond the Mainstream Narrative* (Vancouver, Simon Fraser University, 2012).

2. *Ibid.*, 20.

3. 'Sexual violence in conflict and post-conflict: Engaging men and boys', Men Engage-UNFPA Advocacy Brief, 2012, 2.

demic, research-oriented and policy discussions, and debates on pertinent issues and challenges facing the African continent in particular and the peace and conflict studies field in general. As is our practice, we encourage our readers and supporters to send us useful feedback and comments on how to improve the journal.

The editorial team would like to take this opportunity to once again thank the International Development Research Centre (IDRC), whose support makes the publication of APCJ possible. We would also like to thank Funmi Olonisakin, Cheryl Hendricks, and Awino Okech for working tirelessly to put this special issue together. As always, we are grateful to all our contributors and our readers for keeping APCJ alive.

Tony Karbo







# Engaging (In)security as an Entry Point for Seeking Redress in Gender Inequality in Africa

Funmi Olonisakin and Cheryl Hendricks

THE ISSUE OF GENDER INEQUALITY HAS LARGELY BEEN TREATED as an 'add on' in the peace and security policy arena, as if it has no organic connection to the core of the international peace and security agenda. In the same vein, gender-related security policy frameworks have not been sufficiently connected to scholarly analyses, particularly those that offer feminist perspectives of gender and security. Yet, the gendered nature of international peace and security has been a significant part of feminist analysis since before the end of the cold war. International policy frameworks and gender activism in the peace and security sector have failed, however, to borrow from the structural analysis and broader theoretical insights offered by these feminist perspectives.<sup>1</sup>

The issue of gender inequality has remained at the fore of the international post-cold war agenda primarily because of issues related to peace and security, and not as often assumed, social and economic policy frameworks. Of interest in this dispensation, the process of change in gender-related inequalities in the developing world was not triggered by the global security agenda, as might have been expected given the pattern of the preceding, cold war era. Rather, events on the ground in regions far from the institutions of global governance compelled those institutions to revisit gender-related security issues. As discomfiting as the disproportionate abuse of women in situations of armed conflict might be, the harsh reality is that the gruesome atrocities committed against women have drawn global attention to the failure of earlier policy instruments to deliver desired structural changes.

Africa has, for all the wrong reasons, served as the main theater in which these most gory abuses of women (and children) in situations of armed conflict have shocked the conscience of the world. The Liberian civil war, which broke out on the eve of

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1. These include, for example, Cynthia Enloe, *Bananas, Beaches, and Bases: Making Feminist Sense of International Politics* (Berkeley, University of California Press, 1989); Anne Tickner, *Gender in International Relations: Feminist Perspectives on Achieving Global Security* (New York, Columbia University Press, 1992); Cynthia Cockburn, *From Where We Stand: War, Women's Activism and Feminist Analysis* (London, Zed Books, 2007); Jacqueline Cock, *Colonels and Cadres: War and Gender in South Africa* (Cape Town, Oxford University Press, 1991); Amina Mama, 'Khaki in the family: Gender discourses and militarism in Nigeria', *African Studies Review*, 41:2 (1998), 1–18; and Heidi Hudson, 'Doing security as though humans matter: A feminist perspective on gender and the politics of human security', *Security Dialogue*, 36:2 (2005), 155–74.

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Christmas in December 1989, was among the first to open the floodgate of atrocities against civilians in situations of armed conflict, including horrific crimes against women in the region. Similar acts of brutality were magnified in neighboring Sierra Leone, and later in Somalia and Rwanda. Today, the atrocities being committed against women in the Democratic Republic of Congo (DRC) and Sudan (Darfur) are keeping the issue of violence against women on the international agenda.

Violence against women, in particular rape, remains the single most prominent factor sustaining international attention on gender and security. Without doubt, the focus on it presents the challenge of gender inequality rather narrowly, such that its broader ramifications are not easily brought to the fore of international action. Violence against women, however, appears to be one sure channel through which international attention and action can be sustained and thus presently offers perhaps the best entry point for efforts to pursue a transformative discourse and agenda on gender equality in the arena of peace and security and beyond. How violence against women might be used to achieve this goal ought to form part of the conversation among the cross-section of actors interested in and involved in the promotion of gender equality.

Africa, as the recipient of multiple policies and programs, has been a testing ground for a number of approaches aimed at redressing gender inequality. There has not been a shortage of policy instruments originating among global and regional policy actors alike. The Women in Development and Gender and Development approaches made important policy contributions in the 1970s, 1980s, and 1990s in the fields of human rights and development. The UN General Assembly led the way in 1979 with the adoption of the Convention on the Elimination of All Forms of Discrimination Against Women, which has served as an instrument for advocating women's human rights. The four UN World Conferences on Women in the twenty-year period from 1975 to 1995 played a significant role in keeping the issue of gender equality on the radar of global actors.<sup>2</sup>

This introduction to this special issue on gender and security in Africa provides an overview of the evolution of the gender and security agenda and raises a number of questions about its articulation and partial, albeit superficial, implementation in Africa as exemplified by the evident persistence of gender inequality in peace and security processes.

## EVOLUTION OF THE GENDER AND SECURITY AGENDA

The increase in intra-state armed conflict and its direct impact on non-combatants has served to shed more light on the disproportionate insecurity suffered by women in conflict situations. The civil wars in the former Yugoslavia and the genocide in

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2. These conferences include the World Conference of the International Women's Year, Mexico City, 19 June–2 July 1975, <http://www.un.org/womenwatch/daw/beijing/mexico.html>; World Conference of the United Nations Decade for Women: Equality, Development and Peace, Copenhagen, 14–30 July 1980, <http://www.un.org/womenwatch/daw/beijing/copenhagen.html>; the World Conference to Review and Appraise the Achievements of the UN Decade for Women: Equality, Development and Peace, Nairobi, 15–26 July 1985, <http://www.un.org/womenwatch/daw/beijing/nairobi.html>; and Fourth World Conference on Women, Beijing, 4–15 September 1995, <http://www.un.org/womenwatch/daw/beijing/fwcwn.html>.

Rwanda drew international attention to the types of horrific crimes committed during armed conflict as well as the entrenched nature of gender-based violence in those contexts. The killing of more than 800,000 Tutsis and moderate Hutus between April and July 1994 was one of the worst crimes against humanity since World War II.<sup>3</sup> The sexual violence that accompanied the genocide has been well documented.<sup>4</sup> The July 1995 killings in Srebrenica, in which more than 8,000 Bosnian Muslim men and boys were massacred, similarly represented a calculated part of a strategy of ethnic cleansing. Accompanying this massacre was the forcible movement of more than 25,000 women, children, and the elderly.<sup>5</sup>

In Africa, the civil wars in Liberia and Sierra Leone, which erupted before the Rwanda genocide and were slow to attract the world's interest, included sexual crimes in their conduct. The atrocities that characterized the Liberian civil war, including killings, looting, and rape, began to make headlines in March 1990 with the massacre of 600 civilians, mostly women and children, who had taken refuge in a Lutheran church in Monrovia. The Sierra Leone civil war from its outset in March 1991 also exhibited patterns of abuse against innocent civilians, including sexual violence and mutilation. These wars confirmed that a new class of brutal armed conflict targeting noncombatants was taking hold in the post-cold war period, and Africa was at the receiving end of much of it

The above conflicts predate the Fourth World Conference on Women, held in Beijing in 1995. As discussed in Onyinyechukwu Onyido's article, 'Reconceptualizing women's role in peacebuilding,' the Beijing conference began the process of placing the issue of women and security on the international agenda. The Beijing Declaration and Platform for Action, emphasized twelve important themes, one of which is 'women and armed conflict,' in Platform E, which offered detailed proposals for dealing with the impact of armed conflict on women.<sup>6</sup> The use of gender mainstreaming as a strategy for moving toward the attainment of gender equality was articulated and given maximum coverage in the Platform for Action. On the issue of women and armed conflict, it proposed, 'In addressing armed or other conflicts, an active and visible policy of mainstreaming a gender perspective into all policies and programmes should be promoted so that before decisions are taken an analysis is made of the effects on women, men, respectively.'<sup>7</sup>

Thus, from that point on, and in response to the growing situations of armed conflict in which women continued to be massively victimized without effective prevention measures, momentum gradually built to increase the attention paid to issues of women and armed conflict. The periodic reviews of the implementation of the Beijing Declaration and Plan of Action by the United Nations starting in 2000 provided

3. See BBC, 'Rwanda: How the genocide happened,' 17 May 2011.

4. See, for example, Llezlie L. Green, 'Propaganda and sexual violence in the Rwandan genocide: An argument for intersectionality in international law,' *Columbia Human Rights Law Review*, 33 (2002), 733–55.

5. See, for example, Takis Michas, *Unholy Alliance: Greece and Milosevic's Serbia in the Nineties* (College Station, Texas A&M University Press, 2002).

6. Beijing Declaration and Platform for Action, United Nations, Division for the Advancement of Women, 1995, <http://www.un.org/womenwatch/daw/beijing/beijingdeclaration.html>.

7. *Ibid.*, para 141.

much-needed impetus for sustaining the debate and advocacy regarding women and armed conflict. In particular, the annual meeting of the Commission for the Status of Women and related activism of a caucus of nongovernmental organizations on women and armed conflict maintained the UN focus on the agenda.<sup>8</sup>

One development, which has proven to be a milestone in the effort to redress gender inequality, is the inclusion in the Rome Statute, entered into force in 2002, of rape and other forms of sexual violence among the crimes against humanity to be prosecuted by the International Criminal Court (ICC). The criminalization of rape and sexual violence and the subsequent inclusion of these crimes in a number of arrest warrants sent an important political message. The inclusion of rape and sexual slavery, which has led to a number of arrest warrants, marked a bold new step in the effort to deter sexual violence in situations of armed conflict even if the ICC's efforts have not yet led in a real sense to the deterrence of these crimes.<sup>9</sup> Despite the progress represented by this and other initiatives, they functioned as stand-alone instruments and processes.

### Emergence of UN Security Council Resolution 1325

The adoption of UN Security Council Resolution 1325 in October 2000 represented the gathering of gender and security initiatives into one coherent agenda with a focus on redressing the disproportionate impact of conflict on women. Resolution 1325 articulates an agenda that includes a clear set of outcomes at the center of which is the core message that inclusion of women in conflict prevention, resolution, and peace-building is a security issue, not just a rights-based issue. In addition, it stresses the importance of women's full and equal participation as 'active agents' of peace and security processes. Among other things, the resolution seeks to increase the number of women in peace and security decision-making and peace support operations at all levels and integrate gender perspectives into the training for peacekeeping operations. It also calls for the prevention of armed conflict, but in case it does occur, also requires the protection of women and girls in situations of armed conflict and cites international legal requirements for the prosecution of crimes against humanity.

To be more precise, Resolution 1325 explicitly states and focuses on four sets of inter-related issues that highlight its path-breaking nature. The first issue concerns women's representation at the highest decision-making levels in the systems and structures involved in conflict management and resolution at the national, regional, and international levels. In specific, the resolution tasks the UN secretary-general with appointing more women as special envoys and representatives. The second issue involves provisioning for the expansion of women's role in field-based operations. The third concerns the inclusion of measures to support local women's peace initiatives and homegrown processes of conflict resolution in the work of those responsible for negotiating and implementing peace agreements. The fourth is the treatment of women in situations of armed conflict, including protection from gender-based vio-

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8. Carol Cohn, 'Mainstreaming gender in UN security policy: A path to political transformation?' in Shirin M. Rai and Georgina Waylen (eds.), *Global Governance: Feminist Perspectives* (Basingstoke, Palgrave Macmillan, 2008).

9. Ashley Dallman, 'Prosecuting conflict-related sexual violence at the International Criminal Court', SIPRI Insights on Peace and Security, no. 2009/1, Stockholm, May 2009.

lence by armed groups and the need to ensure that gender considerations guide disarmament, demobilization, and reintegration programs.

Resolution 1325 was primarily concerned with peacemaking and peacekeeping and did not call for broader gender-sensitive security sector transformation or gender equality—that is, it was not designed to bring about structural change. It is also unlikely that it could have done so in the global environment in which it was negotiated as the outcome of actors who passionately desired change and those who did not necessarily advocate it. In short, the resolution was not intended to serve as a panacea for dealing with the challenge of gender inequality at-large and within the peace and security sector in particular. It sought the protection of women in conflict zones through a process of inclusion in decision making and women's participation in peacekeeping. Its novelty, however, is that the resolution managed to demand outcomes that require a broad constituency of actors to bring about a fundamental shift in prevailing systems and work environment. For example, the appointment of more women to decision-making positions will itself necessitate a shift in mindset and method of work within the UN system. Transferring this practice to other settings could be genuinely transformative in its impact. Reaching international consensus to adopt a Security Council resolution that pursues several interrelated goals is in itself a remarkable achievement.

### **Complementary UN Security Council Resolutions**

Eight years after Resolution 1325 was unanimously adopted, the lack of meaningful progress in the implementation of its provisions, among other things, led to the search for mechanisms to strengthen and complement it. In 2008, UN Security Council Resolution 1820 on women, peace, and security was adopted with the aim of ending sexual violence and impunity through better accountability. The resolution directly placed the issue of sexual violence on the council's agenda. Security Council Resolution 1888, adopted in September 2009, attempted to strengthen leadership, expertise, and other institutional capacities within the United Nations and member states in a bid to end conflict-related sexual violence. It mandated the appointment of a special representative of the secretary-general to coordinate UN efforts aimed at addressing sexual violence. Security Council Resolution 1889, passed in October 2009, shifted attention back to the central role of Resolution 1325 by requesting better reporting and resources to support gender equality. It sought to elicit commitment to the implementation of Resolution 1325 through a monitoring mechanism.

The first step toward developing a set of indicators to track the implementation of Resolution 1325 was concluded in 2010. The UN Security Council also adopted Resolution 1960 in 2010, which authorized the secretary-general to name parties suspected of perpetrating sexual violence in situations of armed conflict. It remains unclear whether these additional resolutions will affect the implementation of Resolution 1325 in transformative ways.

### **PERSISTENCE OF GENDER INEQUALITY**

Africa, host to a significant number of conflict and post-conflict countries, has been a recipient of this combination of efforts, albeit in varying degrees. The region's experi-

ences of conflict and insecurity and the persistence of sexual crimes against women have kept the issue of gender inequality on the radar of the international community. This, therefore, presents an opportunity to transform the debate and examine existing policy and programmatic interventions, raising fundamental issues and questions about the application of gender mainstreaming across the security arena, including the security sector.

Despite the hopes pinned on such strategies as gender mainstreaming, they have not produced massive shifts on the ground in favor of gender equality. It is important to investigate why and where mechanisms for influencing this transformation have broken down. If any positive outcome is to be realized from the brutal sufferings encountered by women in the Congo, Liberia, Sierra Leone, Somalia, and other places, their experiences must serve as a basis for moving the continent and the rest of the world beyond mere platitudes and appeals to sentiments through lightweight and ineffective policy instruments that do nothing to construct a radically different narrative capable of reversing the continuing trend of gender inequality and a related increase in gender-based violence.

Four trends show that the ground in the peace and security arena is not shifting in favor of gender equality despite the articulation of policy on gender equality and the effort to implement relevant policies. First is the seeming divergence between critical pillars of influence whose convergence can potentially transform the situation on the ground. Second is the superficial application of relevant policies on the ground, particularly in regional organizations and national contexts as well as within certain multilateral arrangements. Third, and a possible manifestation of the first two, is the parallel operation of gender-focused programs and mainstream security agenda and related interventions. Fourth is the evident continuation of the very crimes that the policies are supposed to prevent.

### Critical Pillars of Influence

Three pillars of influence have, in part, driven the gender and security agenda. The first pillar is the analyses of feminists researching international relations and security studies that highlight the gendered nature of security and push the conversation toward an analysis of militarism. The second pillar consists of the activities of civil society and gender activists that have been instrumental in highlighting the impact of conflict on women and children and advocating for the inclusion of women in peace processes, as reflected in the Nairobi (1985), Beijing (1995), and Windhoek Declarations (2000), as well as the adoption of Resolution 1325.<sup>10</sup> The third pillar is the role of policy makers who have provided the much-needed backing leading to the adoption of path-breaking policy frameworks for addressing gender inequality, such as Resolution 1325.

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10. The World Conference on Women in Nairobi in 1985 adopted Forward-Looking Strategies for the Advancement of Women, which among other things sought to 'eliminate all forms of discrimination against women, and tailor national strategies to facilitate the participation of women in efforts to promote peace and development'. The Windhoek Declaration focused on mainstreaming gender into peace support operations.

While these pillars present a picture of a concerted and effective response to the issue of gender inequality, the potentially superficial nature of the linkage between them becomes apparent on closer examination. Arguably, these pillars of influence potentially break new ground when they converge, but their divergence has produced only scattered achievements that have not cohered to make meaningful change. This convergence is illustrated by the process that led to the adoption of Resolution 1325, where the coming together of feminist analysts with gender activists and influential policy makers at the United Nations made adoption of the path-breaking resolution possible. On the other hand, the apparent divergence of these pillars made it difficult, if not impossible, to achieve transformation in the discourse and practice on gender-related security issues. The limited progress realized in the application of Resolution 1325 in Africa also points to the absence of transformation when these pillars operate in parallel or are apparently pitted against one another.

### **Limited Application of Gender and Security-Related Policies**

The second and third pillars of influence have been adapted in various forms in Africa. A wide range of organizations and individuals are engaged in promoting and adopting strategies for gender mainstreaming in peace and security mechanisms, including the African Union (AU), regional economic communities, and their respective member states as key policy makers, as well as think tanks, NGOs and women at the community level acting as active advocates. There has certainly been an increase in the number of women, adoptions of gender-sensitive legal and policy frameworks, and gender training in the security sector, but they have been uneven across regions, countries, and security institutions.

The degree to which Resolution 1325 has been embraced by African states and regional organizations is reflected in the state of their application of regional instruments and adoption of Resolution 1325 national action plans; at this time, only nine African countries have such plans. Altering the policy and practice of regional actors arguably offers a reasonable chance of influencing a change in the practice of states and ultimately of citizens. In the case of the African Union, the African Peace and Security Architecture presents an ideal framework for implementing Resolution 1325 and for building an overall gender perspective into the work of the African Union Commission and in the policies ratified by its member states. Perhaps the most visible manifestation of the internalization of the resolution is the Solemn Declaration on Gender Equality in Africa of 2004, which explicitly mentions 1325 and confirms the union's commitment to addressing gender-based violence, in part through gender mainstreaming in peace processes.

This instrument's articulation of the AU's commitment to the empowerment of women at the highest political levels will need to be matched by a willingness and ability to apply and systematize these principles into the daily life of the organization. Despite these developments at the level of this continental body, very little has changed. Perhaps the best evidence of progress, or lack of it, is the degree to which the organization has itself implemented 1325 principles or taken a gender perspective in its peace and security work. One area is the extent to which women are represented in senior decision-making positions in the union's peace and security programs. Of note,



within the AU, the commission has achieved better results in the appointment of women to senior leadership positions, at the level of commissioner and directors, where there is near gender parity. The union's organs and associated institutions have fared much worse.<sup>11</sup> The appointment of a woman, Nkozazana Dlamini-Zuma, as chair of the commission in 2012 is now read as a positive step. There is not yet, however, any indication that this was the result of a systemic shift.

The African Union's own peace missions should be a natural channel for the introduction of gender perspectives and for implementation of women, peace, and security programs. The fact that the few missions planned and executed under AU auspices so far have yet to focus visibly on gender considerations is telling. In addition, there have been only a few AU military and political missions—in Burundi, Comoros, Sudan, and Somalia—and the AU only recently included the position of gender officer among its personnel. It is still too soon to tell what impact one officer can make, especially considering the claims of gender-related misconduct leveled against soldiers in the African Union Mission in Somalia, which is mandated to conduct peace support operations. Of encouragement, however, is the newly adopted AU Policy Framework on Security Sector Reform, in which gender is a central component and, if implemented, will begin to make a systemic shift.

## GENDER AND THE MAINSTREAM PEACE AND SECURITY AGENDA

It is telling that mainstream peace and security discourse and practice often stand in parallel to gender-related work in peace and security. For instance, feminist perspectives on peace and security are often not considered for discussion in the mainstream security discourse; the same is true of the feminist perspective and debates about global and international security. A similar example is how terrorism and its antecedents are easily discussed in counterinsurgency and counterterrorism terms, but without much consideration for the structural conditions that created the challenge. The reform of security and rule of law institutions in post-conflict societies typically does not automatically include gender considerations, although it is becoming increasingly difficult to ignore gender as a result of Resolution 1325 reporting.

In many respects, gender is still included as an afterthought in peace and security discourse and practice. Not surprisingly, the policy frameworks developed in response to gender inequality are similarly removed from the center stage of global security concerns. As a result, gender activists operate on the periphery of global and international security considerations and are only tangentially connected to programmatic interventions designed to implement supposedly new radical international security agendas.

Invariably, gender concerns are simply tacked on to mainstream security programmatic interventions as if to placate the voices and constituencies campaigning for the elimination of gender inequality through the media. The net effect is that gender inequality remains rooted in the practices of societies and their leading institutions.

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11. Rosalyn Musa, 'Evaluation of the implementation of the Solemn Declaration on Gender Equality in Africa: Achievements and challenges. Drawing examples from Mozambique', Gender Is My Agenda Campaign, Femme Africa Solidarité, Maputo, 2008.



How to alter the central narratives and bridge the divides that conceptually and practically entrench gender equality in Africa is the main concern of this special issue's focus on gender and security in Africa.

## PERSISTENCE OF SEXUAL CRIMES IN SITUATIONS OF ARMED CONFLICT

Despite the spotlight on the nature and scale of sexual violence in the Democratic Republic of Congo and the Darfur region of Sudan, it has been difficult to eliminate these crimes from the practice of actors in those conflicts, particularly in the DRC. It was more than a decade ago that human rights groups began to shed light on the sexual violence in the DRC.<sup>12</sup> The deployment of a UN peace operation to the DRC in 2000 following a peace agreement did not serve to reduce the incidence of sexual violence.<sup>13</sup> Unprecedented cases of sexual violence were recorded in the first few years following the installation of a transitional government in 2003. In 2010, Margot Wallstrom, the UN special representative on sexual violence in armed conflict, described the DRC as the 'rape capital of the world' in her report to the Security Council.<sup>14</sup> It is estimated that more than 200,000 cases of sexual violence occurred in the DRC between 1996 and early 2010.<sup>15</sup> The policy instruments and laws seeking the elimination of sexual violence in situations of armed conflict have obviously failed at deterrence in this case.

Overall, the trends discussed above confirm that policy and programmatic interventions have not produced the desired outcomes: gender equality within the security sector and improved security for women. Indeed, there is little understanding of the impact of the policy and programmatic interventions thus far, not least gender mainstreaming. In addition, conceptual clarity is lacking concerning what needs to be achieved, to what end, and through which methods. The failure of the policy interventions and instruments to realize the desired goal of gender equality, which would result in huge strides for women in Africa, has raised important questions among academics and policy practitioners. Is the problem to do with the relevance of those instruments to the situation in Africa? Can peace and security policy instruments succeed where others have failed? Can the feminist perspectives advocating a more radical approach continue to be ignored? In the haste to show results, has the transformative content of gender equality been diluted and compromised?

Across the continent the thinking is that a dead end has been reached on these issues and that it is time to go back to the drawing board. Inasmuch as this produces a challenge, it is also an opportunity to reflect on the evolution of feminist perspectives on gender, peace, and security and at the same time interrogate peace and security

12. See, for example, Human Rights Watch, *The War Within the War: Sexual Violence against Women and Girls in Eastern Congo* (New York, 2002).

13. The UN Mission in the Democratic Republic of the Congo (MONUC) established under Security Council Resolution 1279 in November 1999, transitioned in July 2010 into the UN Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) as mandated in Security Council Resolution 1925, indicating that the country had entered into a new phase in its post-conflict process. See the MONUC Web page, <http://www.un.org/en/peacekeeping/missions/monuc>.

14. Agence France-Presse, 'Top UN official calls DR Congo "rape capital of the world"', 27 April 2010.

15. Ibid.

processes for missed opportunities to offer gendered lenses to peace and security processes, provide status quo snapshots of where things stand across the regions, determine impact and gaps, and begin to clarify goals and the best ways to reach them. In sum, this means charting a new road conceptually and practically on gender, peace, and security in Africa.

## THE FOCUS OF THIS SPECIAL ISSUE

While it is not the intention of this special issue of the *Africa Peace and Conflict Journal* to excavate every factor at the root of the challenges identified here, it broadly identifies the questions raised by Africa's experiences of gender and security in the last several decades. These questions are important if one wants to understand the state and impact of the field of gender and security thus far and to proffer conceptual and practical solutions. One key question stands at the center of this issue: What accounts for the persistence of gender inequality in the peace and security arena despite the multiplicity of relevant international instruments?

In dealing with this situation, it is useful to highlight three particular sets of operational questions, among others. The first relates to gaps in understanding of or analysis of the challenges of gender and security. Have analysis and application of feminist approaches gone far enough? Has the policy community relied too much on a magic bullet or instrument, such as gender mainstreaming? The second deals with understanding how security intersects with gender. Can recent developments in the peace and security arena do much more than draw attention to gender inequity in specific ways? How does the gendered nature of insecurity connect to the structures that entrench gender inequality? Can peace and security policy frameworks and related instruments bring about a radical shift in gender inequality? The third concerns African experiences of (in) security and engagement with peace and security policy instruments designed to bring about a correction in gender inequality. What do country and regional experiences reveal? What lessons can be learned from the role of African organizations? This volume seeks, at the least, to examine the gaps between mainstream peace and security discourse and gender analysis as well as between policy and practice.

The contributions in this edition of APCJ and the increasing critical analyses of the gender and security debate in Africa at large resoundingly make clear the rudderless and a-theoretical state within the sphere of gender and security in Africa. Transformative gender equality analysis and agendas have been readily jettisoned for the rather limited global discourses, frameworks, and tools that have not brought about meaningful change in the security of women or their participation in peace and security decision-making structures and processes. In West Africa, after a decade in pursuit of gender and security sector reform, the numbers and the gender relations within security sector institutions show marginal improvement. The Geneva Centre for Democratic Control of the Armed Forces report notes that 'approximately 12% of the personnel of police services, armed forces, justice systems and penal services' are women.<sup>16</sup> It is

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16. A. Holvikivi and K. Valasek, 'Summary and findings' in Miranda Gaanderse and Kristin Valasek (eds.), *The Security Sector and Gender in West Africa: A Survey of Police, Defence, Justice and Penal Services in ECOWAS States* (Geneva, Centre for Democratic Control of Armed Forces, 2011), 7.

one of the few studies providing a snapshot of gender mainstreaming in the security sector in Africa and identifies one of the obstacles in efforts to incorporate gender into the security sector as: 'Gender issues are generally defined as women's issues and as separate from national security priorities'.<sup>17</sup>

Not much is known about gender relations and representation in the security sectors in North Africa, Central Africa, East Africa, or the Horn. Southern Africa, for which a bit more data are available, provides useful insight into the limitations of gender mainstreaming interventions in the security sector to date. Women's participation in liberation armies and hard-fought-for rights to gender equality at the national and regional levels have enabled women there to join the security sector in relatively large numbers. Moreover, the right to participate in decision making around policy formulation, for example, white papers and defense reviews, was as important as the need for representation in security institutions. These processes set the parameters for the conceptualization of security, the nature and gender of the security actors, and the provision of security.

One can discern, however, a shift from the rights-based discourse that originally facilitated women's entry into the security sector in Southern Africa to the now-dominant operational efficiency argument, echoed in policy frameworks. This has meant that women now increasingly have to rationalize their presence in this sector. There has also been a skewed emphasis on numbers—the argument being that creating a critical mass can bring about change—and complete neglect of strategic issues that would facilitate gendered structural changes. Not surprisingly, some Southern Africa countries register high numbers of women in the security sector, particularly in policing, but simultaneously suffer from high incidents of gender-based violence. Thus, there is no correlation between the number of women in the security sector and the security of women.<sup>18</sup> Here the borrowing of global discourses seemed to have blunted the transformative potential of the original calls for security sector transformation.

The African Union adopted the Framework for Post-Conflict Reconstruction and Development and a security sector reform policy, which highlight the need for gender-representative and gender-sensitive interventions, but how this translates in practice remains undefined, as states prepare to implement what potentially could be far-ranging gender and security provisions. At the heart of moving forward are the hard questions one must ask: Should the 'add women and stir' approach be continued? Do the frameworks provided offer the possibility of reconceptualizing the integration of gender and security sector reform and gender and security? It would, indeed, be a lost opportunity not to rise to the challenge of thinking anew about the content and delivery of security provisioning. The papers in this special issue echo some of the sentiments expressed above.

Desiree Lewis's paper reviews three recurring themes in African feminist intellectual activism—the violence of the authoritarian post-colonial state, hetero-patriarchal nationalism, and gendered militarism—to show how these analyses can meaningfully

17. Ibid, 9.

18. For an overview of the numbers, see the contribution by Cheryl Hendricks, 'Peacebuilding and conflict resolution' in C. Morna and L. Nyakujurah (eds.), *SADC Gender Protocol Barometer* (Johannesburg, 2010, 2011, 2012, and 2013), chap. 8.

shift current debates on human security and gender mainstreaming. Drawing on the seminal work of Sheila Meintjies, Meredith Turshen, and Anu Pillay, she reminds that rethinking mainstream security requires a fundamental shift in conceptualizations, formulations, and frames of reference.<sup>19</sup> It necessitates that one not only ‘consider how women experience unique forms of violation, but also entails confronting how gendered identities and processes integrally shape other group identities and social processes.’ Feminist interventions and gender activism, Lewis contends, are reluctant to directly challenge the security studies discourse. Going beyond legal frameworks and numbers, Lewis urges refocusing on patriarchy, nationalism, citizenship, and militarism and their impact on shaping the security discourses and sources of human insecurity. It is the top-down decision-making processes that have resulted in a ‘plethora of piecemeal and ad hoc progressive legislation, without the broader social, cultural, and economic changes that can lead to their successful implementation or to sustainable changes.’ What is needed, therefore, is an intersectional approach, networking from below, and an emphasis on the ‘personal, the “private”, and the everyday.’

Awino Okech, in a similar vein to Lewis, refocuses attention on the gendered constructions of nationhood and citizenship through an analysis of the highly contested 2007 elections in Kenya. The paper addresses a number of key questions: ‘What are the ways in which peace and security discourses intersect with gender? How does the gendered nature of insecurity connect to the structures that entrench gender inequality? How do recent developments in the peace and security arena . . . do much more than draw attention to gender inequality in specific ways?’

Okech powerfully argues that Resolution 1325 may be useful in drawing global attention to specific forms of violence, such as rape, in particular war zones, but this seems to posit such violence as separate from the day-to-day gender-based violence in other contexts, which is merely regarded as criminal and therefore not worthy of international attention or intervention. She argues, ‘Treated in this way, rape as a weapon of war does not effectively address unequal power relations.’ Furthermore, Okech notes that current legal frameworks are underwritten by patriarchy, and the absence of a ‘destabilizing force against the sociocultural factors that sustain gender inequity will not bring about a radical shift in gender inequality.’

The articles by Lewis and Okech are grounded in pillar one of this journal’s overarching framework. They recall the theoretical and ideological shifts that feminist research has brought to the discourse and practice of war and peace and how current gender activism ignores these interventions at their own peril. Desired change cannot be achieved with mere tinkering through legal frameworks that emphasize representation at the expense of transformation. Rather the gendered frames through which both conflict-ridden and ‘peaceful’ societies are imagined and enacted must be deconstructed. Yet, it is also clear that even the desired change, beyond the rhetorical ‘gender equality’ is not that self-evident.

Barbara Tint and Caroline Sarkis examine gender-based violence and international law in an African context, revealing the gaps that remain in aligning practice with the hard-won legal framework that recognizes and includes rape and sexual crimes in

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19. S. Meintjies, M. Turshen, and A. Pillay (eds.), *The Aftermath: Women in Post-Conflict Transformation* (London, Zed Books, 2002).

crimes against humanity. Among other things, they discuss the inconsistencies at the International Criminal Tribunal for Rwanda. After including sexual crimes as an act of genocide, the related cases the tribunal prosecuted were disproportionately low in relation to the evidently widespread scale of gender-based violence and sexual crimes committed during the Rwandan genocide. The authors also discuss the ICC as well as sexual offenses in Sudan and the DRC. Overall, they conclude that the legal systems and prosecutors of the criminal tribunals have been impediments to the attainment of full justice.

The article by Tsion Tadesse Abebe and Elshaday Kifle Woldeyesus explores the relationship between representation and substantive change in gender relations through an examination of the promotion of gender equality by women parliamentarians in Ethiopia. Their research noted several challenges for women and men putting gender on the parliamentary agenda, namely, stereotyping, risking career, and being compelled to follow party decisions. Women MP's also had limited, if any, direct contact with their constituencies and with other women's organizations. Their survey-based research provides empirical evidence for arguments located in pillar three, namely, that representation is synonymous with institutional expansion and not necessarily structural transformation that is necessary for the emergence of sustainable gender equality.

The authors assert that 'putting women in parliament does not instantly guarantee favorable policies for women and enforcement of gender equality'. The same argument holds for gender mainstreaming in the security sector. An increase in numbers is just that—more women in the security sector. Something else has to transpire for substantive changes in gender relations to happen, and the missing elements are not located in legal frameworks, although they may be necessary points of entry. Instead, it is located in the gendered construction of identities—individual, organizational, ethnic, and national—and how these perpetuate gendered inequalities and insecurities.

Onyinyechukwu Onyido provides an overview of the gendered dimensions of armed conflict. Repositioning the lens to show women as both victims and actors in conflicts, she provides examples of the differing roles of women, across time, for example, in support roles for armies, guards in concentration camps, liberation fighters, perpetrators of genocide, AK-47 brides, porters, food producers, spies, and so on. She also brings attention to the vulnerability of men in conflict. Her analysis, therefore, moves away from the simplistic dichotomies of previous analyses of gender and conflict: men as perpetrators, and women as victims of conflict. Onyido highlights the challenges for women peacebuilders, who nearly thirteen years after the adoption of Resolution 1325 seem unable to rise beyond the local level as players in the field of peacemaking. Their contributions remain 'informal, behind the scenes, unpaid, and unrecognized'. Clearly, the architects and signatories of gender mainstreaming resolutions in the international, continental, and regional peace and security architectures merely pay lip service to their implementation. The drafting and adoption of the frameworks have, thus, come to be viewed as ends in themselves.

Yaliwe Clarke steers toward increased conceptual clarity in the discourse on gender and peacebuilding in Africa. She, too, notes the absence of feminist analysis in the debates on gender and security and the skewed emphasis on the inclusion of women in the 'mainstream public peace efforts'. The literature is replete with the 'essentializa-

tion of womanhood as an agent of “peace”. What is needed, she contends, is a ‘deep peace’, ‘an analysis of patriarchies embedded in innumerable femininities and masculinities’ and ‘conflict analysis that frames militarized patriarchal gender identities as root causes of war’.

What remains largely absent from much of the discussion that notes the lack of feminist theory informing current analysis and practices of gender, peace, and security is why this fissure has happened. Is it the silos that have been created between academia and practitioners? What has happened to feminist intellectual activism, and how can it be reinvigorated in Africa?

Lindy Heineken highlights a tension between the equal opportunities arguments and the special contribution arguments advanced for the inclusion of women in defense forces, utilizing the South African National Defence Force as a case study. Women’s inclusion is increasingly being argued on the basis of special attributes, yet the military environment is still dominated by the warrior ethos and the privileging of militarized masculinities. Women therefore remain in a disadvantaged position and unable to make a substantive impact in changing the culture of these institutions.

An interview with Ambassador Monica Juma also points to the disconnect between the number of interventions on gender, peace, and security and their translation into the protection and public safety of women. Juma locates the problem, similarly to Desiree Lewis, in the top-down, prescribed nature of these policies as leading to a lack of ownership.

Irene Ndugu’s review of *Gender, Peace and Security: Women’s Advocacy and Conflict Resolution* notes that this work is useful for an overview of the implementation of Resolution 1325, but falls short of the need to highlight the more substantive and theoretical issues of gender peace and security.

Together, these papers make a rich contribution to furthering scholarship on gender peace and security in Africa. They point to some of the reasons why, despite the efforts by many, the goals of gender equality in this sector have not been reached. It is hoped that they also serve to reinvigorate debates on the continent and in the global peace and security arenas and to center African voices in theory development and policy implementation.



# The Multiple Dimensions of Human Security through the Lens of African Feminist Intellectual Activism

*Desiree Lewis*

Feminists have compellingly shown that mainstream security studies discourses ignore gendered identities' role and relations, leading to skewed and selective analysis of conflict as well as the solutions proposed to it. The shift from traditional security studies to people-centered human security approaches has made headway in addressing women's roles in peacebuilding, or women's unique experiences of violence both during times of war and "peace". Yet the breadth of African feminist intellectual activism remains an untapped source in understanding the psychological and political complexities of conflict and violence. By unraveling ways in which violence throughout Africa is always gendered, African feminist policy studies, scholarship, fiction, and life narratives can amplify our understanding of conflict and violence, and therefore also support our efforts to develop sustainable strategies for building human security and peace.

FEMINIST CRITIQUES OF TRADITIONAL SECURITY STUDIES IN AFRICA have focused holistically on the well-being and safety of human beings rather than the state or the mere "absence of war", with the state itself often being seen as a source of the violence that oppresses individuals and particular groups.<sup>1</sup> As Heidi Hudson has shown, gender is addressed in two main ways in feminist efforts to shift attention away from securocrats and realist state-centric solutions and toward people-centered approaches.<sup>2</sup> One involves confronting women's marginalization in post-conflict initiatives and peacebuilding, and the other entails integrating gender analysis into understandings of "human security" and its threats at the individual and collective levels. The latter is of concern here and is approached through sources that appear to have little connection to evolving human security research and debates, rather than approaching gender and human security in a sectoral or field-specific way.

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1. See D. Lewis, 'Rethinking human security: The implications of gender mainstreaming' in C. Hendricks (ed.), *From State Security to Human Security in Southern Africa*, Monograph 122 (Pretoria, Institute for Security Studies, 2006).

2. H. Hudson, 'A feminist perspective on human security in Africa' in *Caring Security in Africa*, Monograph 20 (Pretoria, Institute for Security Studies, 1998).

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Three recurring themes in African feminist intellectual activism are addressed: the violence of the authoritarian post-colonial state, hetero-patriarchal nationalism, and gendered militarism. Drawing on a range of feminist knowledge production, including scholarship, policy research, autobiography, and fiction allows for a repositioning of some central feminist insights in order to demonstrate their heuristic value to expanding explorations of “human security”. Among other interventions in traditional security studies discourses, contributions to Cheryl Hendricks’s *From State Security to Human Security* demonstrate that complex questions about power, violence, and justice demand new techniques and solutions.<sup>3</sup> Innovative knowledge that unravels these questions are central to what the editors of this issue of the *Africa Peace and Conflict Journal* define as a second pillar of influence on the gender and security agenda. A long-established feminist theme is revisited in arguing that synergies between knowledge production and activism invaluablely enrich the epistemological impact of feminist theorizing of power. Grounded feminist approaches can expand and, indeed, transform existing discourses of human security.

### FEMINISTS’ RECONCEPTUALIZING OF ‘HUMAN SECURITY’

Despite the rapid growth of African work on gender during the last two decades, many influential studies of security in Africa continue to ignore gender. For example a study of what is termed the ‘many faces of human security’ in seven African countries completely excludes violence against women even though rates of rape and domestic violence in the Southern Africa region are among the world’s highest, and feminist research and advocacy has confronted this.<sup>4</sup> Between 2010 and 2012, none of the contributions to the *African Journal on Conflict Resolution* directly address gendered dynamics, even though the range and quantity of feminist-inflected work on violence has increased tremendously during the last decade.<sup>5</sup>

Many feminists have argued that omitting gender leads to the suppression of a central human security concern: violence against women on a continuum ranging from rape as a weapon of war to violence in the domestic realm (such as femicide or wife-battering) and abuse in interpersonal relations, including sexual harassment or homophobic violence.<sup>6</sup> Another, less emphasized concern, however, is that attention to gender can transform studies of subjects that already feature centrally in mainstream security studies. Charmaine Pereira, in her survey of African social science scholarship several years ago, appraised several influential publications on structural adjustment and militarism to show how their omission of feminist analysis led to their skewed insights into key realities in post-colonial Africa. She therefore demonstrated ‘the potential for feminist scholarship to transform ways in which African realities are

3. Hendricks, *From State Security to Human Security in Southern Africa*.

4. K. Muloongo, R. Kibasomba, and J. Kariri (eds.), *The Many Faces of Human Security Case Studies of Seven Countries in Southern Africa* (Pretoria, Institute for Security Studies, 2005).

5. The journal publishes three times a year.

6. S. Meintjies, A. Pillay, and M. Turshen (eds.), *Women in Post-Conflict Transformation* (London, Zed Books, 2001).



understood, with attendant implications for progressive social change.<sup>7</sup> Similar conclusions can be drawn about the potential impact of feminist work on security studies and practices within Africa.

The potential impact of this work is evidenced in the way that certain African feminists have explicitly demonstrated the need to rethink many basic concepts in security studies discourse, such as conflict, peace, and aftermath. In fact, in a study edited by Sheila Meintjies, Anu Pillay, and Meredeth Turshen, they state, 'There is no aftermath for women'—the title of their chapter—when the persistence and ubiquity of gender-based violence is taken into account.<sup>8</sup> They therefore reveal that rethinking mainstream security studies does not simply entail adding on to what already exists, but radically rethinking existing concepts, formulations, and frames of reference: Recognizing 'gender' not only leads us to consider how women experience unique forms of violation, but also entails confronting how gendered identities and processes integrally shape other group identities and social processes.

Meintjies, Pillay, and Turshen have overtly responded to blind spots in security studies, and similar interventions have been made in work on gender and conflict by other writers, including Cheryl Hendricks and Siphokazi Magadla, Amina Mama and Margo Okazawa-Rey, and Yaliwe Clarke.<sup>9</sup> Yet feminist interventions have not always taken the form of direct challenges to security studies discourses. As broad explorations of power and sites of struggle, work on gender is often diffuse, wide ranging, and unbounded. It is often in the dispersed forms of feminist writings that draw on personal testimony, creativity, and action that the most acute explorations of social conflict can be discovered.

## STATE VIOLENCE AND GENDER

Overturning the realist preoccupation with the state as the custodian and source of citizens' security, feminists such as Amina Mama have identified the extent to which many African states actively create violence and perpetuate social conflict.<sup>10</sup> State-sponsored violence in post-colonial contexts has interests similar to the violence perpetrated by colonial states. With post-colonial configurations of dominant interests around national resources, as in the case of the Niger Delta, transnational capital and ruling elites work together to ensure the compliance and submission of the majority of citizens. Writers ranging from Frantz Fanon to Mahmood Mamdani have shown that the violence of the postcolonial state has its origins in the colonial state.<sup>11</sup>

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7. C. Pereira, 'Between knowing and imagining: What space for feminism in scholarship on Africa?', *Feminist Africa*, 1 (2002), 20.

8. Introduction in Meintjies, Pillay, and Turshen, *Women in Post-Conflict Transformation*.

9. See *ibid.*; C. Hendricks and S. Magadla, 'Gender, peace and security in Southern Africa', workshop report, Institute for Security Studies, Pretoria, 2010; A. Mama and M. Okazawa-Rey, 'Editorial: Militarism, conflict and women's activism', *Feminist Africa*, 10 (2008); Y. Clarke, 'Security sector reform in Africa: A lost opportunity to deconstruct militarised masculinities', *Feminist Africa*, 10 (2008).

10. A. Mama, 'Feminism and the state in Nigeria: The national machinery for women', Third World Network—Africa, Accra, 2000.

11. See Frantz Fanon, *Black Skin, White Masks*. (London, Pluto, 1986; orig. 1952); M. Mamdani, *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda* (Princeton, Princeton University Press, 2001).

Developing this analysis of state violence with specific reference to gender, feminists have argued that the 'abuse and violation of "native" women has always had a special place in the lexicon of imperial tyranny'.<sup>12</sup> The gendered dimensions of imperial tyranny have been duplicated in the operation of state authoritarianism in post-colonial African contexts. Evidence of post-colonial authoritarianism, even in contexts where governments seem to demonstrate 'good governance' and 'democratization', is evident, at one level, in measures for controlling women's bodies and mobility. It is also evidenced in the gendered practices and discourses through which citizenship and belonging are instituted.

Numerous commentators on the construction of nations and communities remind one of the discursive form of collective identities, the fact that the enduring force of a sense of community derives from how powerfully collectivities are imagined. Diana Taylor, in her work on gender and state violence in Argentina, emphasizes that spectacles play a central role in this imagining because they construct a fantasy inner world linked to an outer political reality.<sup>13</sup> Incidents throughout Africa draw attention to the role of spectacle in creating a powerful sense of the nation in terms of gendered bodies.

For example, racist fictions about the contaminating effect of women's bodies in the public sphere surfaced in government policies in several African countries shortly after decolonization. In Ghana, market women in urban areas were defined as sources of corruption responsible for the country's economic problems.<sup>14</sup> During the 1980s in Nigeria, the military government blamed women traders for economic crises, with the state's modernizing and disciplining missions instituting a formidable array of mechanisms against working women in cities.<sup>15</sup> Immediately after independence in Zimbabwe, the government implemented policies of urban population control targeting women in ruthless roundups.<sup>16</sup> Public spectacles demonizing African women as degenerate and corrupting have therefore been central to hegemonic post-colonial definitions of the healthy post-colonial nation and social body. Such acts can be read as patriarchy's 'rationale'—instrumentalist and politically driven responses to the threats of women's economic and political empowerment—but it is also important to read them as performative practices with a self-constituting discursive function. They enlist women's bodies as signifiers to ritualize acts of purging or discipline and thus imagine fictions of a cleansed body politic.

The role of spectacle as an adjunct to state power in South Africa became especially apparent during the rape trial of President Jacob Zuma. Throughout the proceedings, Zuma blatantly invoked theatricality and used palpable displays of corporeality to

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12. A. Mama, 'Transformation thwarted: Gender-based violence in Africa's new democracies,' *African Gender Institute: AGI Newsletter*, no. 6, May 2000, 1.

13. D. Taylor, *Disappearing Acts: Spectacles of Gender and Nationalism in Argentina's 'Dirty War'* (Durham, North Carolina, Duke University Press, 1997).

14. See D. Tsikata, 'Gender equality and the state in Ghana,' in A. Imam et al. (eds.), *Engendering African Social Science* (Dakar, CODESRIA, 1997).

15. See C. Dennis, 'Women and the state in Nigeria: The case of the federal military government, 1984–5' in H. Afshar (ed.), *Women, State and Ideology: Studies from African and Asia* (London, Macmillan, 1987).

16. See S. Jacobs and T. Howard, 'Women in Zimbabwe: Stated policy and state action,' in Afshar, *Women, State and Ideology*.

construct himself as an authoritarian patriarch. As newspapers readers or television viewers, South Africans were drawn into a spectacle reminding them of the absolute ferocity of a power heavily connoted as heterosexist male virility. Apart from being alerted to the overwhelming figure of the head of state, South Africans were made to see how law, the courts, and the media could degrade, harass, and silence those who transgressed. Citizens were warned that the consequence of female disobedience was the ‘burning of the bitch’.<sup>17</sup>

Commenting on these displays, Pumla Gqola has written that ‘theorization of the spectacular remains a powerful commentary in contemporary South African culture and gendered public life, and specifically the ways in which violent masculinities have taken centre stage since the Jacob Zuma rape trial’.<sup>18</sup> The persecution of the accuser in Zuma’s trial, and the scapegoating of Nigerian and Ghanaian market women and women traders in Zimbabwe, reveal how state-regulated discourses work to equate economically or politically disruptive agitation with the ‘chaotic’ eruption of female bodies and sexuality.

As one of the key sources of violence in the present, the state pursues much more than repressive measures for controlling citizens. It also orchestrates methods, often represented in national media and through discourses presented and taken up as ‘national sentiment’ for crafting hegemonic notions of citizenship and the healthy nation. Sokari Ekine shows that the Nigerian state, despite its many civilian governments, has a long history of using ‘the threat of violence to settle political conflicts, the legitimisation of violence, the curtailment of freedom of opinion, the domination of military values over civilian life, the violation of human rights, extra judicial killings and the gross repression of the people’.<sup>19</sup> Operating alongside state repression, then, are performative acts that demonstrate and legitimise state authoritarianism. Such acts allow resisting, subordinate, or dissenting groups to be projected as feminized, disorderly, and wild disrupters of the healthy body politic, and this discourse allows for violent state action—through the use of tear gas, rubber bullets, and stun guns—to be taken against their bodies. Women, but also other feminized subordinate groups, such as farmers, workers, fisherfolk, and petty traders, are construed as those who betray their legitimate obligations of feminized service and compliance and are particularly treacherous polluters of the body politic.

Testimonies in *Blood and Oil*, a collection of narratives of women who resisted the Nigerian government, powerfully describe the state’s use of theatrical displays of power to destabilize and control citizens. In introducing women’s testimonies and analyzing the effects of this demonstration of power, the editor states,

The aim of violence is to undermine ‘the world as we know it’. Violence distorts our lives, causes chaos, panic, fear. It disables us physically and psychologically. The violence referred to in my study is all-inclusive, that is, it is psychological, physical,

17. This slogan was used by Zuma’s many supporters, including women, to mobilize support for the president.

18. P. Gqola, “‘The difficult task of normalizing freedom’: Spectacular masculinities, Ndebele’s literary/cultural commentary and post-apartheid life’, *English in Africa*, 31:1 (2009), 61.

19. S. Ekine, ‘Women’s responses to state violence in the Niger Delta’, *Feminist Africa*, 10 (2008), 67.

emotional, sexual, verbal. In many instances an act of violence includes all of these. . . . Violence and or the threat of violence are ever present and walk hand in hand with fear. Fear of walking, fear of travelling, fear of crossing the path of [mobile police], fear of rape, all constitute violence. For the sake of survival, we begin to 'manage' our fear, that is, we temporarily consign it to the recesses of our consciousness. Here it lies ready to resurface at the sight of a MOPOL, policeman, even a sudden loud noise.<sup>20</sup>

As Ekine shows, gendered and authoritarian displays of state power fictionalize the absolute omnipotence of the state. The terror that such displays instill is central to ensuring the government's control over citizens. While the Nigerian government's repression of socially subordinate groups in the Niger Delta has been especially brutal, the managing of power through spectacle occurs in many other contexts. In fact, demonstrations of power and discipline have rapidly been institutionalized as the 'inevitable' face of authority in many other African countries. They function as powerful warnings to citizens and as portents of the consequences of deviance. A viewing public is consequently engendered and controlled or warned of controls that will be taken in the case of transgression. Theatrics and performance therefore come to be closely connected to the operation of the contemporary state, with the state's unofficial but incessantly performed messages of a healthy social body revolving around the purging, expelling, or reprimanding of wayward, deviant, and feminized bodies.

State authoritarianism in post-colonial Africa therefore often has deeply gendered underpinnings and draws extensively on gendered myths and corporeal images of power and disorder, of duty, disloyalty, and transgression. Identifying forms of state violence and analyzing its origins offer important avenues for intervention. These materialist approaches are evident in the range of scholarly and policy-related work on state violence and conflict resolution.<sup>21</sup> In deepening this work, feminist writings have shown that state violence revolves around performative acts and fictions that draw on the symbolism of embodied and gendered power and subordination. These performative acts and fictions can have powerful controlling effects, with a crucial aspect of the dismantling of state violence being to analyze their forms and impact.

## GENDERED NATIONALISM AND ETHNICITY

Feminist scholars have insisted that citizenship must be defined not in terms of formal rights, but in terms of power—the power exercised through social, economic, and political structures—and through the ideologies that define each person's subjectivity in relation to others.<sup>22</sup> By focusing only or primarily on legislation and formal rights, one loses sight of how deeply post-colonial nation-building and citizenship discourses are rooted in heterosexist patriarchal violence.

20. S. Ekine, *Blood and Oil: Testimonies of Violence from Women of the Niger Delta* (London, Centre for Democracy and Development, 2000).

21. See, for example, the *African Journal on Conflict Resolution*.

22. Cynthia Enloe's *Bananas and Beaches: Making Feminist Sense of International Politics* (Berkeley, University of California Press, 1990) is an early example of this approach.

Although an increasing amount of gender research on nationalism confronts prescribed roles for men and women,<sup>23</sup> fewer writings deal with how deeply national projects are embedded in gendered ones. In addressing this, Anne McClintock argues that representations of masculine national projects depend on the construction of gender difference, that 'nationalism is constituted from the very beginning as a gendered discourse and cannot be understood without a theory of gender power'.<sup>24</sup> By illustrating that the evolution of national projects is always constantly gendered, McClintock shows that it is impossible to deal analytically with nationalism without examining gendered systems, gendered relationships, gendered bodies. Extending this analysis to explaining sexuality as the expression of a 'chauvinist authoritarian populism', Rob Nixon demonstrates how sexual violence becomes both a weapon of war and a charged symbolic act in patriarchal ethnic cleansing and the gendered invention of nations.<sup>25</sup> Nira Yuval-Davis focuses on the intimacy and emotionalism that sexual relationships and gendered identities mediate, showing how this supports nationalism in complex webs of consent, coercion, and repression.<sup>26</sup>

The centrality of familial, gendered roles and symbolism in nationalism shows that the family, highly authoritarian fatherhood, and strictly coerced heterosexuality not only provide the frame for regulating relations within households—between fathers, children, mothers, husbands, and wives—they also provide models for men, women, and children to define, confirm, and reproduce their personal gendered identities and practices within communities, ethnic group, and nations. As is the case with other nationalisms, African nationalisms, including ethnic nationalisms, have been defined and validated with reference to familial relationships, and as Fanon indicates, 'There are close connections between the structure of the family and the structure of the nation. Militarization and the centralization of authority in a country automatically entails a resurgence of the authority of the father . . . the family is a miniature of the nation'.<sup>27</sup>

The award-winning *Purple Hibiscus*, by the Nigerian novelist Chimamanda Adichie, is a powerful exploration of the personalized acquisitions of gendered and national identity.<sup>28</sup> Dealing with a family headed by an extremely violent father, the novel traces the intimate connection between Nigeria's military dictatorship and domestic violence in an individual household. Told from the perspective of a young girl, Kambili, the story captures her sense of entrapment within a system that is at once a protecting home, in which she is nurtured and toward which she feels a powerful sense of obligation and allegiance, and also terrifying for the way it suppresses her independence and sanctions her physical suffering. Of importance, the violence of Kambili's father is seen to be linked to his deep belief in social duty, as a Nigerian

23. See, for example, Rangira Bea Gallimore's discussion of the Rwandan genocide in 'Militarism, ethnicity and sexual violence in the Rwandan genocide', *Feminist Africa*, 10 (2008).

24. Anne McClintock, 'No longer in a future heaven': Gender, race and nationalism' in A. McClintock, A. Mufti, and E. Shohat (eds.), *Dangerous Liaisons: Gender, Nation and Postcolonial Perspectives* (Minneapolis, University of Minnesota Press, 1997), 90.

25. Rob Nixon, 'Of Balkans and Bantustans: Ethnic cleansing and the crisis in national legitimation' in McClintock, Mufti, and Shohat, *Dangerous Liaisons*, 83.

26. N. Yuval-Davis, *Gender and Nation* (London, Sage, 2005).

27. Fanon, *Black Skin*, 141–42.

28. C. Adichie, *Purple Hibiscus* (Chapel Hill, North Carolina, Algonquin Books, 2003).

committed to building his nation, ensuring the well-being of his employees, and promoting democracy and freedom of speech.

Motivated by an obsessive authoritarian paternalism, he often 'fathers' and 'guides' his family in extremely brutal ways and appears to experience an almost divine sense of the social need for his behavior:

Papa was like a Fulani nomad . . . as he swung his belt at Mama, Jaja, and me, muttering that the devil would not win. We did not move more than two steps away from the leather belt that swished through the air. Then the belt stopped, and Papa stared at the leather in his hand. His face crumpled; his eyelids sagged. 'Why do you walk into sin?' he asked. 'Why do you like sin?'<sup>29</sup>

Studies of domestic violence frequently highlight the way that the perpetrator's control and abusiveness become entangled with remorse, and this kind of patriarchal violence is certainly not unique to specific social, class, or historical contexts. What is striking about Adichie's fictional analysis, however, is the insight it provides into a personality motivated by an excessive sense of the moral need to control the bodies, thoughts, and minds of those directly under his care, and the way this need is bound up with a status and role within the community and the country. As Adichie shows, the cult of discipline and obedience is also internalized by subordinates: it is only when Kambili and her brother spend extended lengths of time outside the family home that they gradually acquire the psychological will to grasp that their father's violent behavior is not 'natural'. In the case of Kambili's mother, an ability to see herself and her husband in terms beyond the necessity for wifely obedience and mothering duties is shown to be even more difficult.

The novel reveals how patriarchalism within nationalism institutes an inflexible cult of discipline and syndromes of absolute loyalty toward highly authoritative father figures. To question this is to risk the loss of self as father, daughter, son, wife, or mother, without the option of other equally enduring, psychologically resonant, and socially sanctioned senses of self. Of consequence, while gendered familial roles may be consciously registered as 'false' or oppressive, there continues to be a deep psychological investment in them. This is revealed when, at school, Kambili is required to pledge loyalty to her country and accept her national belonging in a way that mirrors her painful subjection to her father's authority:

'Kambili Achike, please start the pledge,' she said. Mother Lucy had never chosen me before. I opened my mouth. But the words would not come out. . . . I cleared my throat, willed the words to come. I knew them, thought them. But they would not come. The sweat was warm and wet under my arms. 'Kambili?' Finally, stuttering, I said, 'I pledge to Nigeria, my country / To be faithful, loyal, and honest . . .' The rest of the school joined in, and while I mouthed along, I tried to slow my breathing.<sup>30</sup>

In several African countries, women's wings or parties connected to governments in power, such as the ANC Women's League in South Africa, the ZANU (PF) Women's

29. Ibid., 102.

30. Ibid., 49.

League in Zimbabwe, and military wives in Nigeria, have strongly supported the male-led governments in power. To state formulaically that this is evidence of patriarchal hegemony is to simplify the pernicious way in which particular feminized subjectivities invest in proximity to patriarchal power in certain contexts. Women supporters have been women who derive their 'presence' as 'proper women' only in relation to powerful men. Being a respected woman citizen—a supportive mother of the nation, a loyal sister in the struggle, an obedient daughter of Africa—demands a highly visible and explicit performance of prescribed gendered behavior. Heteropatriarchal nationalisms feed off and rigorously police women's contributions to the nation by defining them as icons, vassals, or sexual objects. In the same way that the socially subordinate characters in Adichie's novel are petrified into submission by the 'presence' of the family's patriarch, so have many women's organisations and individual women come to accept certain autocratic leaders as the nation's legitimate 'fathers'.

Paternal authority therefore comes to be defined as the index of the pride of an entire group. Where communities perceive themselves to be under threat, ascendant manhood can come to signify the reclaimed pride of the entire community. As a consequence, men and women can become complicit in venerating men's preeminence in the household and the broader community. This explains the unwavering popular support for leaders whose actual contribution to nationalist or communal struggles may be far outweighed by evidence of their abuse of power. The symbolic meaning of their authority may be perceived as being far more important than their unjust or exploitative uses of power. The naturalized authority of fathers is therefore a metaphor for the authority of leaders of state and ethnic groups. Images of the nation as a domestic unit define obedience, instituted through threats of punishment, as inevitable and essential.

It is predictable that essentialist discourses of tradition and morality are so insistently mobilized in legitimating national belonging and fueling the sentiment at the heart of many national and ethnic conflicts. President Zuma's role in South Africa illustrates this. As deputy president, he headed the so-called Moral Regeneration Programme, designed to reinstitute a 'proper' moral fabric in South African society.<sup>31</sup> As a response to the spread of HIV and the perceived 'excesses' that constitutional freedoms gave rise to, this program has domesticated the U.S. state-driven ABC campaign (Abstinence, Being Faithful, and Condomise) of HIV prevention, which prescribes heteronormative and stereotypical messages about gender roles, family values, and traditional hierarchies within sexual relationships. Zuma joined other political and religious organizations and public figures advocating clampdowns on sexual and reproductive rights and bodily integrity and was a key voice in formulating repressive sex talk in the post-apartheid public domain. In articulating within the public sphere appropriate codes of social, gendered, and sexual behavior for South Africans, Zuma has consequently played a pivotal part in crafting conservative, exclusionary, and traditionalist-inspired discourses on the meanings and experience of national identity in South Africa.

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31. The Moral Regeneration Movement, an umbrella grouping comprising a range of political, business, and religious organizations and public figures, has rapidly grown in South Africa. Constituted through the Moral Summit in 1998, it has clamped down on the entitlements and freedoms guaranteed by the Bill of Rights by promoting conservative discourses on gender and sexuality.



The family offers a 'natural' model for sanctioning social constructs and relationships and especially national hierarchy. It offers a sense of organic, biological, or fundamental unity on the basis of blood ties, with the familial iconography in nationalism—'motherlands', 'birth country', and so on—being emotionally persuasive and psychologically compelling. The tropes of cleansing and purification, and their antithesis, pollution and contamination, therefore feature prominently in ethnic nationalisms. It is this symbolism, rooted in assumptions about the biological essence of ethnic groups or nations, that so persuasively fuels the extreme violence in national and ethnic conflicts and explains the emotions and psychosocial behavior associated with these conflicts.

Policy research and scholarship on resolving xenophobia, nationalism, or ethnic conflict clearly deal with the effects of certain nationalisms in leading to the persecution of others. Feminist insights in scholarship and fiction have drawn attention to how a sense of national and ethnic collectivity can be reproduced and internalized through highly personalized appeals to gender identification and familial belonging. These rousing appeals help to explain the emotional force of nationalisms and their consequences in violent acts of 'cleansing' and 'purification'.

## GENDERED MILITARISM

Yaliwe Clarke writes that 'the prevalence of aggressive masculinities institutionalised in armies and security structures has featured prominently in contexts where political institutions have been displaced by militias and armies engaged in violence conflict'.<sup>32</sup> A key phrase here is the 'institutionalising of aggressive masculinities', reflecting an ongoing process that persists long after the formal end of 'militarism'. Feminist exploration of African masculinities has unearthed the historical and political legacies of entrenching militarized masculinities. One of the earliest is Jacklyn Cock's *Colonels and Cadres: War and Gender in South Africa*, in which she examines ways in which militarism profoundly affected gendered identities and behavior under apartheid.<sup>33</sup> As a system based on brutal tactics of exclusion and domination, apartheid consistently elevated militarized masculinities, setting in place rigid racial hierarchies and simultaneously establishing inflexible and aggressive codes of masculinity. More recently, studies of these codes by such feminists as Elaine Salo consider the extent to which resistance to apartheid was based on the authoritarian and militaristic strategies of the dominant system.<sup>34</sup> It has been shown that apartheid's militaristic gender codes were repeated in the different movements that opposed it. Documented evidence of violence against women in organizations ranging from radical student bodies to the ANC's military wing therefore highlight the ways in which militarized masculinities pervaded a culture of opposition in the form of what Thokozani Xaba refers to as 'struggle masculinities'.<sup>35</sup>

32. Clarke, 'Security sector reform in Africa'.

33. J. Cock, 'Weaponry and the culture of violence in South Africa' in V. Gamba, *Society under Siege*, TCP Series, vol. 3 (Pretoria, Institute for Security Studies, 2004).

34. E. Salo, 'Gangs and sexuality on the Cape Flats', *African Gender Institute: AGI Newsletter*, no. 7, December 2000.

35. T. Xaba, 'Masculinity and its malcontents' in R. Morrell (ed.), *Changing Men in Southern Africa* (Pietermaritzburg, University of Natal Press, 2001).



Commenting on this, Salo observes, 'The identities that have endured into the contemporary context are the military-style gangs in which men earn respect as armed toughs'. She concludes, 'We ignored the extent to which struggle movements such as the Bonteheuwel Military Wing or MK based their opposition upon the very militaristic masculinity that it resisted. Consequently, today we fail to examine how the potency of . . . the culture of militarism may undermine the very basis of a new national personhood or citizenship that is the lifeblood of democracy'.<sup>36</sup>

Horrifying cases of femicide or child abuse since the fall of apartheid need to be examined in relation to a history where men's aggressive authority and absolute entitlement over women was taken to be 'normal', where the obedience of women and children in tightly controlled families mirrored the broader social and political organization of rigid authoritarianism. A continuum of violence ranging from rape to sexual harassment is symptomatic of an entrenched gendering process through which men are taught to believe in their unquestionable authority and their absolute right to control women and children.

December Green reminds that forms of violence against women have varied in African contexts in line with different pre-colonial, colonial, and post-colonial experiences.<sup>37</sup> It is therefore revealing that intimate femicide and rape have been especially pronounced in South Africa, with its uniquely brutal and long legacy of militarized masculinities. A national study by the South African Medical Research Council in 2012 drew attention to the country's high rate of intimate femicide and concluded that 'every eight hours a woman is killed by her intimate partner'.<sup>38</sup> Although the study found that rates of homicide were declining, it established that incidents of intimate femicide had not been affected by prevention efforts since 1999. As an extension of partner violence, intimate femicide is testimony of the extent to which masculinized proprietorship, rage, and physical aggression are embedded in intimate heterosexual relationships. As a consequence of masculinities learned from available gender scripts, men internalize the assumption of absolute rights over women's bodies to the extent of believing that they have the right to their mortality.

Like rates of femicide in South Africa, rape incidents are far higher than in many other countries. The frequency of gang rape, also known as jackrolling, indicates how sexual violence has been integrated into routine performances of masculinity among many young South African men. Distinguishing gang rape from other forms of rape, Lloyd Vogelmann and Sharon Lewis observed, 'It is primarily a youth phenomenon. . . . [I]t is almost always committed in the open, and the rapists do not make attempts to conceal their identity. As a matter of fact, it seems that part of the exercise is to be as public as possible about the offence so as to earn respect. . . . A peculiar characteristic of jackroll is that it is seen as a sport of the tough gangsters. There is in fact a common township saying that: "Jackroll is not a crime, it is just a game"'.<sup>39</sup> The frequency and form of rape in South Africa indicates how sexuality is redefined as conquest accord-

36. Salo, 'Gangs and sexuality', 6.

37. D. Green, *Gender Violence in Africa: Women's Responses* (New York, St. Martin's Press, 1999).

38. N. Abrahams et al., 'Every eight hours: Intimate femicide in South Africa 10 years later', South African Medical Research Council Research Brief, August 2012.

39. L. Vogelmann and S. Lewis, 'Gang rape and the culture of violence in South Africa', Center for the Study of Violence and Reconciliation, Johannesburg, 1993.

ing to learned masculine behavior, and (socially sanctioned) codes of masculine aggression and prowess.

The extent to which militarized masculinities shape violence against women is relatively well attested by researchers on violence and gender. It is this emphasis that has prompted attention to violence against women within the rubric of human rights and human security. Definitions of gender-based violence, and especially its legal status as a human rights issue, underwent significant changes during the nineties.<sup>40</sup> Yet the institutionalizing of militarized masculinities entrenches a culture of violence in broader ways, determining how particular behaviors, codes, and morality are marshaled in responding to social crises, including poverty, social struggles, and political conflicts. In fact, it may be more analytically useful to analyze 'gendered militarism', rather than 'militarized masculinities' in exploring cultures of violence. The focus on masculinity flags the way in which certain groups only are affected by gendered processes and socialization and creates a misleading binary of male persecutors and women victims.

In describing the far-reaching effects of militarization among men and women, Pereira notes that 'militarism rests on a host of interrelated processes and identities: violence, enemies, masculinity, femininity, work, danger, women's and men's roles, ideas about pleasure, male sexuality, what is "right" and "natural"'.<sup>41</sup> She states that an entire process of social reproduction and cultural generation can be shaped by gendered militarism. In diagnosing this process, Cock identifies three levels at which it operates: 'The first, the ideological legacy of war, embodies a culture of violence that legitimates violence as a solution to conflict and a crucial means of obtaining and defending power. The second, the material legacy of war, involves a proliferation of small arms. The third, the social legacy of war, encompasses a disruption of social relations and the creation of antagonistic social identities'.<sup>42</sup> Cock concludes that the solution to ideological, social, and material legacies of war lie beyond formal mechanisms, state policy, or transitional justice. Sustainable and long-term solutions can be achieved only through transformed social relations, values, beliefs, practices, and identities.

Peacebuilding in the African context has focused on what Helen Scanlon refers to as 'experiments . . . ranging from United Nations tribunals to "hybrid" criminal courts, domestic trials and TRCs'.<sup>43</sup> These mechanisms often ignore gender justice since women's access to the justice system is often severely limited. Another reason, however, stems from the deeply entrenched nature of gendered militarism, the extent to which social identification, cultural values, and practices are shaped by this, and the resultant need for cultures of peace and human rights and justice to be embedded in new forms of social identification.

## CONCLUSION

The range of policies, research, regional instruments, and organizations for addressing security and conflict in Africa is considerable. By focusing only or primarily on aspects of the law, however, one loses sight of the sources of human insecurity in gendered

40. See Green (1999), *Gender Violence*.

41. Pereira, 'Between knowing and imagining'.

42. Cock, 'Culture of violence', 75.

43. H. Scanlon, 'Militarization, gender and transitional justice in Africa', *Feminist Africa*, 10 (2008), 32.

nation-building, ethnicities, social identities, and citizenship discourses. Integrating gender into conflict resolution work therefore requires much more than an adding on of 'gender issues' or the inclusion of women in peacebuilding and conflict resolution.

Sunila Abeysekera's discussion of the transformed meanings of gender mainstreaming offers some sobering insights. Showing how gender mainstreaming has its origins in feminist analysis and activism, she discusses its evolution since 1994, when the UN Commission on Human Rights adopted a resolution on integrating gender concerns worldwide: 'the original concept of "gender" as articulated by feminist thinkers . . . has been shifted . . . through mainstreaming to mean sometimes something as simple and as ludicrous as the inclusion of men and male concerns into laws, policies, and practices.'<sup>44</sup> She also confronts the problem that gender mainstreaming often implies adding women, either through symbolic or numerical incorporation, to existing systems, organizations, and structures, and that gender mainstreaming now has little to do with the transformation that activists and progressive writers first envisaged when they challenged gender-blind development, human rights, and human security discourses. While feminist writings provide rich insights into how gender can be meaningfully 'mainstreamed', it is worth summarizing the practical implications of their insights.

First, human security and conflict resolution mechanisms often originate in decisions from above. For example, governments are urged to implement reform by donor countries, or else tactically accede to certain demands from civil society. The result is a plethora of piecemeal and ad hoc progressive legislation, without the broader social, cultural, and economic changes that can lead to their successful implementation or to sustainable changes. By showing that gender must be addressed through an 'intersectional' approach,<sup>45</sup> much feminist-inflected work both directly and indirectly reveals that this fragmented strategy is hugely inadequate. In terms of an intersectional approach, linkages are made between different social identities and processes, with gender being integral to identities and social processes both in determining the causes of violence and determining sustainable strategies for prevention and resolution. The surge of policies and legislation on violence, security, and conflict, alongside the growth of violence on many different levels in African countries, also casts serious doubt on the efficacy of top-down approaches to violence as an endemic phenomenon. When a culture of violence so deeply pervades society, it is clear that its roots lie largely in learned modes of behavior, in mindsets, and in cultural values. Moreover, gendered conflict and violence surfaces in relation to very particular political and economic processes, and they vary in form in different African countries and in the regions within them.

Related to this is the fact that mainstreaming feminism into human security work—whether in the form of research, networking, or advocacy—should involve more emphasis on networking at the local level, rather than prioritizing the inter-agency and international collaboration which much influential human security and conflict resolution work currently relies on. This would also involve a shift toward the

44. S. Abeysekera, 'Creating a world worth assimilating into', World Association for Christian Communication, 2004.

45. See N. Yuval-Davis, 'Intersectionality and feminist politics', *European Journal of Women's Studies*, 13:3 (2006).

personal, the 'private', and the everyday, and away from the *symptoms* of local and ingrained processes in large-scale, national, and global manifestations. Localized strategies and responses, rooted in the particular needs of different communities, should therefore play a pivotal role. From this perspective, the role of civil society organizations and NGOs can yield far more proactive and context-sensitive approaches than can the overarching measures taken by governments, regional or international instruments, or legislation, and collaboration between intellectual activism and civil society activism would facilitate their radical forms of action.



# Gendered Security: Between Ethno-Nationalism and Constitution Making in Kenya

*Awino Okech*

The contested Kenyan presidential elections in 2007 were characterized by various forms of violence that drew powerfully on notions of 'ethnic authenticity'. Constructions of womanhood and manhood also became mobilized within broad and volatile debates on rights, power, and national identity during this period. Gender and sexuality, whether concerned with reproduction or performances of respectable femininities, form the fulcrum for the communication, negotiation, and resolution of gendered identities and their place within the state. Policy and practice approaches that are inattentive to this cannot begin to tackle the aspirations and spaces to which people retreat to 'rewrite identity'. Dominant responses within the popular discourse that place value in the law, parliament, and human rights commissions are useful in the short term for re-writing Kenya's ethnic political history but are limited in the long run.

THE QUESTION OF NATIONHOOD REMAINS SEVERELY CONTESTED within African contexts. Formal election spaces are frequently marked by violence as debates on power, belonging, and gendered citizenship are negotiated. The contested presidential elections in Kenya in 2007 were characterized by various forms of violence that drew powerfully on notions of 'ethnic authenticity'. This article explores the question of 'ethnic authenticity' by drawing on constructions of womanhood and manhood and how these concepts became mobilized within broad and volatile debates on rights, power, and national identity in Kenya during this period.

This article will draw on feminist theories on nationhood and gendered citizenship. It will be anchored in a gendered understanding of nations, states, and nationalism. I will explore the systematic contribution of women into various dimensions of the nationalist project through reproduction, national culture, citizenship, conflicts, and war. In using gender as an analytical lens to reevaluate nationalist politics, I will illuminate how masculine and feminine ideals are constantly reworked to project images of strong, healthy, virile, and morally pure nations.

While paying close attention to women's roles, this article seeks to understand on the one hand how women and their relationship with the state have been constructed and, on the other hand, how women as actors have in turn been produced within the state. This will form the basis for understanding the tension between security as a

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national good and the reality of unequal security that enforces inequalities in security, power, status, and wealth.

The key questions that this article aims to respond to are what are the ways in which peace and security discourses intersect with gender? How does the gendered nature of insecurity connect to the structures that entrench gender inequality? How do recent developments in the peace and security arena (which in this instance includes constitution making and inherent reforms) do much more than draw attention to gender inequity in specific ways?

## ETHNO-NATIONALISM AND THE KENYAN STATE

Scholarly debates about the origins of conflict, have largely been informed by two theoretical approaches. The first approach associates conflict and violence with the nature and behavior of human beings. According to this view, war (i.e., conflict) results from selfishness and misdirected aggressive impulses of human beings. Other causes are considered as secondary and therefore have to be interpreted only in light of these causes.<sup>1</sup> The second dominant approach views conflict as arising primarily from the environment in which actors in the conflict operate or find themselves. This is a structural view of conflict or violence. Viewed from this perspective, conflict arises from the manner in which society is organized and the nature of governance, thereby exposing the structural dynamics of that society. In analyzing post-election violence in Kenya, a structural approach locates the nature of governance and the state in the generation of the conflict from historical and contemporary perspectives.

Ethnicity has been central historically to the process of constructing and reconstructing the state. This foundation was laid in the pre-colonization pattern and consequences of European trade and political relations with Africa.<sup>2</sup> While it is true that colonialism was the cradle of ethnicity in contemporary Africa, Okwudiba Nnoli argues that post-colonial political elites and ruling classes bear greater responsibility for concretizing ethnic interests and transforming the ethnic group in itself into the ethnic group for itself.<sup>3</sup> Elites in post-colonial African states found it expedient to manipulate ethnicity in their bid to consolidate power bases and confront the legitimacy crisis.

Mahmood Mamdani historicizes the roots of this conundrum by locating the challenge post-colonial states faced in dealing with the legacy of ethnic citizenship. Political elites taking charge of nascent democracies had the dual task of simultaneously de-racializing civil power and de-ethnicizing customary power and then joining the two spheres into a single authority.<sup>4</sup> While most post-colonial states prioritized the de-racialization of civic identity by dealing with the settler question, they continued to reproduce native identity as ethnic while enforcing an ethnic version of law as 'customary'. Thus, bifurcated citizenship was maintained and reproduced.

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1. Kenneth N. Waltz, *Man, the State, and War: A Theoretical Analysis* (New York, Columbia University Press, 1968), 16.

2. Eghosa Osaghae, 'Ethnicity and the state in Africa', Working Paper no. 7, Afrasian Centre for Peace and Development Studies, Kyoto, 2006, 7.

3. Okwudiba Nnoli (ed.), *Ethnic Conflicts in Africa* (Dakar, CODESRIA, 1998).

4. Mahmood Mamdani, *When Victims Become Killers* (Kampala, Fountain Publishers, 2001), 31.

In the case of Kenya, the British used tribes as the administrative units of their colonies. The concept of indirect rule was based on the idea that indigenous political categories be preserved and pressed into the service of the colony.<sup>5</sup> Raymond Apthorpe notes that in some cases 'the colonial regimes created tribes as we think of them today'.<sup>6</sup> In the search for suitable ethnic frameworks, territories complete in many cases with traditional rulers or 'warrant chiefs' were created. For example, the Baluhya of western Kenya emerged as a 'tribe' in the form of a colonial administrative unit between 1935 and 1945, as did the Kalenjin, who were an amalgamation of ten ethnicities sharing cultural and linguistic similarities.

It follows, therefore, that the nationalist struggle against the colonial establishment was subsequently championed from within what were basically 'distinct ethnic unions', such as the Kikuyu Central Association, the Ukambani Members Association, the Luhya Union, the Young Kavirondo Association, and so on. The politicization of indigeneity by the colonial state set in motion a process that animated these distinctions and polarized them. At independence, the fear of large, more-recognized communities that were considered to have 'benefited' from colonial arrangements came into play. Agitation for a federal (*majimbo*) system of government emerged from this context, with the federal states (*jimbos*) created along geographical and ethnic constituencies.

The post-colonial government therefore inherited a number of problems, including alien land and agricultural policies that had been introduced by the British. In addressing the land question, the post-colonial government co-opted and mobilized kingpins from the smaller ethnic groups and created the million-acre scheme, in which land was redistributed on a willing buyer, willing seller basis. Walter Oyugi suggests that the political leverage created by the government of Jomo Kenyatta for the Kikuyu, Embu, and Meru led to the large-scale resettlement of the Kikuyu in the arable Rift Valley through the formation of land-buying companies. These are areas that had historically been occupied by the Kalenjin and the Maasai. The murmurs of discontent that arose as a result of this scheme were silenced owing to the presence of key Kalenjin and Maasai opinion leaders, or ethnic kingpins, as Korwa Adar refers to them in the government.<sup>7</sup> It is also during this period, 1969 to be exact, that Kenyatta proscribed the opposition movement through the nascent Kenya People's Union, led by Vice President Jaramogi Odinga Odinga, making Kenya a de facto one-party state.<sup>8</sup>

In consolidating power upon the 1978 death of Kenyatta, the new president, Daniel arap Moi, through a 1980 presidential decree, banned political ethnic groupings. Moi argued that the introduction of political pluralism would magnify ethnic politics. The repeal of section 2a of the constitution in 1992 reverted Kenya to a multi-party state. A number of factors—including the second wave of democratization across Africa, an unrelenting

5. Vigdis Broch-Due, 'Violence and belonging: Analytical reflections' in Vigdis Broch-Due (ed.), *Violence and Belonging: The Quest for Identity in Post-Colonial Africa* (London, Routledge, 2005), 7.

6. Raymond Apthorpe, 'Does tribalism really matter?' *Transition*, 7:6 (1968), 18.

7. Walter Oyugi, 'Politicized ethnic conflict in Kenya: A periodic phenomenon' in B. Abdalla and A. Said (eds.), *Breaking Barriers, Creating New Hopes: Democracy, Civil Society and Good Governance in Africa* (Oxford, African Books Collective, 2002); Korwa Adar, 'Ethnicity and ethnic kings: The enduring dual constraint in Kenya's multi-ethnic democratic electoral experiment', *Journal of the Third World Spectrum*, 5:2 (1998), 71.

8. Kenya was a multiparty state from 1966 to 1969. See Adar, 'Ethnicity and ethnic kings', 80.



political opposition movement that did not yield to state terror, and threatened withdrawal of massive donor funding—came together to motivate Moi to make this shift.

During the consolidation phase of the democratization movement between 1980 and 1992, debates on land and federalism in the form of a *majimbo* system reemerged. Clashes that began in 1991 on the eve of the first multi-party elections were a result of the interpretation of the democratic concept in raw majority terms, with the ethnic group (or groups) with the largest number of people expected to win first-past-the-post elections.<sup>9</sup> Ethnic kingpins from the Kalenjin and Maasai communities that were previously disenfranchised by land-buying deals at independence sold violence as the best way to extract and benefit from the political system. Many internal ‘migrants’ were rendered homeless by violence and were unable to acquire national identity cards or access voting cards, which would have allowed them to participate in the general election. These clashes pitted the Kalenjin against the Luo, Luhya, and Kikuyu communities and were designed to frighten and intimidate the non-Kalenjin in the Rift Valley region into supporting the regime. These incidents of violence, which continued into the post-election period, claimed an estimated 1,500 lives and displaced at least 300,000 people.<sup>10</sup>

The ethnicization of politics in Kenya lies at the nexus of economic interest and unequal socioeconomic development. Clashes whenever they occur in Kenya have been motivated by ethnic cleavages instigated by the fear of loss of political power and the consequences that might accompany such an eventuality. The use of the state as an instrument of material acquisition has meant that those who have benefited over the years from access mobilize all the resources available to sustain the regime in power.<sup>11</sup> The weakening of the ruling Kenya African National Union (KANU) in 2002 informed by the consolidation of an opposition voice in the National Rainbow Coalition (NARC), and overwhelming rejection of KANU and its candidate, Uhuru Kenyatta, led to what many Kenyans saw as a decisive break with an autocratic past and movement toward a more democratic future. Democracy in this case was seen as a rejection of ethnic polarization.

This broad historical context provides the basis for examining structural issues relevant to rethinking security from a gender perspective. The first issue concerns the ethno-national character of state building, while the second touches on historical injustices where land ownership and distribution are central areas of inquiry. The third issue relates to the immediate impact of violent conflict on women and men. In this regard, violence against women as well as targeted sexual violence against men during the 2007–2008 post-election violence is instructive. The fourth pillar for scrutiny is the place of the security apparatus in reimagining security, given the tension between state security and human security frameworks.

A state security approach focuses on the protection of state borders from external threats, or the protection of state authority in the case of intra-state conflict. Security

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9. See Bertha Amisi, ‘Conflict in the Rift Valley and western Kenya: Towards an early warning indicator identification’, paper prepared for the USAID conference Conflict Resolution in the Greater Horn of Africa, Nairobi, 27–28 March 1997.

10. Human Rights Watch, *Playing with Fire: Weapons Proliferation, Political Violence and Human Rights in Kenya* (New York, 2002).

11. See Oyugi, ‘Politicized ethnic conflict in Kenya’.



is therefore conceived of as the absence of a threat from violent conflict.<sup>12</sup> A state security approach is typically a militaristic approach, which permits states to monopolize the use of force and limit the participation of civil society in the development of security strategies.<sup>13</sup> Human security discourse on the other hand identifies the individual rather than the state as the primary focus of security policy and is based on two principles: freedom from want and freedom from fear.<sup>14</sup> Inherent in these principles are the values deemed worthy of protection. Human security can therefore be argued to respond to the question of what constitutes the security problem: security for whom, security for which values, security from what threats, and security by what means?

## GENDER AND ETHNO-NATIONALISM

A feminist analysis emphasizes heterosexual arrangements and identities as charged sites of political tensions and treats sexual matters as foundational to the material terms on which nation building is carried out, not as a metaphor for inequities.<sup>15</sup> Dominant theorizations on nations and nationalism have treated gender relations as irrelevant, with nationalism scholars seeing nations as natural and universal phenomena, an automatic extension of kinship relations. Discussions on national production or reproduction do not usually relate to women, instead focusing on state bureaucrats or intellectuals.<sup>16</sup>

The 'hidden' nature of women's contributions can in part be attributed to the social contract model of statecraft, on which most states are founded and which distinguishes between the public and private spheres. Women and the family are circumscribed to the private domain and not seen as politically relevant.<sup>17</sup> Since nationalism and nations have usually been discussed as part of the public political sphere, the exclusion of women from that arena has contributed to their exclusion from that discourse as well. The validity of the private-public dichotomy model has been variously challenged, with feminist scholars arguing that the public realm cannot be fully understood outside of the private realm.<sup>18</sup> The false dichotomy perpetuated by states keeps certain zones under the control of 'culture', 'tradition', and the church and opportunistically blurs this line when the state crosses into the 'private' zone. This can be seen in African governments' reluctance to implement zero tolerance legislation on violence against women but their fervor when instituting policies linked to the surveillance of women's bodies, such as termination of pregnancy laws.

12. Brandon Hamber et al., 'Discourses in transition: Re-imagining women's security', *International Relations*, 20 (2006), 488.

13. Ibid.; Heinrich Böll Foundation, 'Peace and security for all: Feminist positions and perspectives on peace and security policy, vol. 6, Gunda Werner Institute, Berlin, 2010.

14. Ibid.

15. See Anne-Marie Stoler, *Carnal Knowledge and Imperial Power: Race and the Intimate in Colonial Rule* (Berkeley, University of California Press, 2002).

16. Nira Yuval-Davis, *Gender and Nation* (London, Sage Publications, 1997), 22.

17. Ibid.

18. Kumari Jayawardena, *Feminism and Nationalism in the Third World* (London, Zed Press, 1988); Deniz Kandiyoti, 'Identity and its discontents: Women and the nation', *Millennium: Journal of International Studies*, 20:3 (1991), 429–43.

The emergence of identity politics as a means of political empowerment means that gendered bodies and sexuality play a pivotal role in marking territories, reproducing nations and the narratives of these nations and other collectivities.<sup>19</sup> Women as the carriers, or bearers, of collective identity and honor personally and collectively, therefore, face immense pressure when these collectivities come under threat.<sup>20</sup> A variety of cultural, legal, and political discourses and policies are deployed in the construction of the boundaries of nations, and a central dimension to these policies is concerned with the nations' 'genetic pool'. Nationalist projects that focus on genealogy and origin as the major organizing principles of the national collectivity—under which a vast majority of African conflicts fall—would tend to be more exclusionary than others. For only by being born into a certain collectivity can one be a full member of it. Thus the control of marriage and procreation, and ultimately sexuality, tend to be high on the nationalist agenda.<sup>21</sup> Women's citizenship also becomes an area of regulation, whereas on the one hand women are included in the general body of citizens, but on the other there are always rules, regulations, and policies specific to them.<sup>22</sup>

The resurgence of ethnicity as an identity and source of self-location during Kenya's post-election crisis in 2007 heightened the need to 'defend the tribe' and associated markers and symbols of the ethnic group. As a result, debates about women's sexuality in general and reproduction in particular came into sharp focus.

Based on research I conducted between 2008 and 2009 in the western part of Kenya, it was evident that in contexts where women's sexualities and how they chose to perform it—that is, whom they married, whom they had children with, decisions to remain unmarried after the death of a husband—destabilized heterosexuality as a means of organizing labor, social, economic, and political interactions. Cultural practices that circumscribed marriage boundaries in terms of which communities one could marry into, the place of children, particularly male children, as bearers of the communities continuity surged at a localized level.

Given that ethno-nationalism is often mobilized around the fiction of 'purity' and 'homogeneity', the retreat into conservative reconstructions of masculinities and femininities particularly during this period of crisis was an attempt to construct a homogeneous 'us' versus 'them' for purposes of political negotiation. The reassertion of 'culture' and rites—which were articulated as disembodied, free of gendered tensions, and interpreted as localized practices—were deployed to ritualize political differences and build solidarity internally within a heterogeneous community. There was also a patriarchal retreat to managing ethnic identities and subverting any power held by women. Lori Handaran has argued, '[B]ecause of the patriarchy of ethnicity, a man can produce children that are ethnically *his* . . . regardless of the [woman's] ethnic distinction, because in fact, she is a boundary-marker for male defined collective ethnic identity, and only enjoys her ethnicity as long as she remains inside and adheres to the "boundaries" of ethnicity as assessed by male ethnic leaders.'<sup>23</sup>

19. Yuval-Davis, *Gender and Nation*, 39.

20. *Ibid.*, 45.

21. *Ibid.*, 22.

22. *Ibid.*, 24.

23. Lori Handaran, 'Conflict, gender, ethnicity and post-conflict reconstruction', *Security Dialogue*, 35 (2004), 438.

The sample discussions below from 2010 are drawn from an online forum in one of the national dailies. They were triggered by a critique of the national census report, which offered a numerical breakdown of the population by ethnicity.<sup>24</sup>

Thou shall belong to your father's tribe. If your father is Giriama and mother is Kisii, you are Giriama. If a woman who is, say, from a Taita father and Pokomo mother is married to a man who is Embu, their kids shall be Embu. That not only makes sense traditionally in all cultures but also is the only natural way to preserve our tribes. To think tribe should be done away with is brainless and unintelligent.—Anonymous

It is virtually impossible to erase tribes off the books of Kenya. We were created in such a way that our tongues can only fold in particular ways to articulate certain words. This determines our ethnic affiliation. How do we preserve the culture and avoid westernizing ourselves, when all we want is scrap off the very core of the culture?—Anonymous

The corollary to the 'purity' approach above was a national peacebuilding pre-occupation that relied on 'exhibiting' mixed ethnic couples as evidence of unity and Kenyan-ness. Women's reproductive capacities were drawn on toward the service of the nation. Women would become the conduit through which the de-ethnicized next generation Kenyans would emerge.

The tension between mixed marriages constituting a danger to the ethno-nation and the subversion of the ethno-nation through rights exercised by women over their bodies and sexuality becomes potent in a context where sectional interests are being contested, as demonstrated by the following testimony from a post-election violence inquiry in 2008: 'A Luhya woman married to a Kikuyu was abandoned by her husband on 30 December [2007]. He returned two days later and threatened to kill her, and sodomize her, saying he regretted marrying a Luhya, he threw her belongings out of their house, and refused to let her see her children.'<sup>25</sup>

The public discourse generated by the newspaper article made it clear that patriarchal heterosexual mechanisms should be the only route through which children would be conferred the full benefits of their ethno-nation. Any attempts to expand the notion of the Kenyan nation to the disadvantage of the ethno-nation were rejected. This is critical in a context where the 2010 constitution confers citizenship rights to women by enabling a non-Kenyan man married to a Kenyan woman to acquire Kenyan citizenship, and children born out of such unions can also acquire dual citizenship. These are provisions hitherto non-existent. In the public domain and particularly when sectional interests are being corralled, legality is subverted since it defeats the aims of the ethno-nation, which relies on homogeneity and patriarchy as the locus of power.

During this period, myth, rumor, and past and current history were invoked as 'evidence' of the importance of visible, ethno-national boundaries. Legends and rumors around mixed ethnic marriages of political luminaries were used to justify why marriage to 'outsiders' must be avoided. The greater loss to the ethno-nation was cited

24. 'Stop the tribal tagging, we are simply Kenyan', *Daily Nation*, 6 September 2010.

25. Commission of Inquiry into the Post-Election Violence (CIPEV), *Report of the Commission of Inquiry into the Post-Election Violence* (Nairobi, Government Printer, 2008), 246.

in terms of being unable to rely on and mobilize progeny from such relationships toward the goal of the ethno-nation.

As biological producers of people, women are also bearers of the collective within these boundaries. Often their primary identities within the collectivities override those they have as women.<sup>26</sup> As such, questions have been raised about the possibilities of women being able to dissociate themselves from kinship and ethnic boundaries, to coalesce into a force primarily shaped by their identity as a woman during post-conflict reconstruction processes. This was brought to the fore in Kenya when attempts to mobilize diverse women's rights groupings to provide input into the political negotiations collapsed along ethnic and party lines. While it was easy for organizations to work together on service delivery concerns, such as providing much-needed care packages to women and girls in internally displaced peoples' camps, a political conversation became tenuous.

Scholars who challenge dominant approaches to women and peacebuilding contend that when peacebuilders draw on stereotypes of women's 'natural' capacities and assumed biological traits, 'they reinforce rather than shift the fundamental structures of gender dominance. These structures . . . justify women's exclusion from the public sphere of work and politics on the basis of their special responsibilities and proficiencies as mothers.'<sup>27</sup> Drawing on women's stereotypes also silences the diversity of women's experiences.

Ethno-nationalist consolidation processes are also closely linked to the ways in which sexual violence is deployed during violent conflict. Between December 2007 and February 2008, there were 1,171 cases of sexual violence registered at public hospitals. Of these, 80 percent were rapes, 9 percent physical assaults, 7 percent domestic violence, and 4 percent indecent assault cases.<sup>28</sup> The non-reporting of assaults was accounted for by having been attacked by the police (32 percent), fear of being attacked again (24 percent), thinking nothing would be done (45 percent), not being able to identify the rapist (31 percent), not knowing where to report the incident or being asked not to report the matter (34 percent), or did not know how to do so (27 percent).<sup>29</sup>

Theories of gender and violence have often emphasized a simple dichotomy of male perpetrator versus the female victim. Gender roles in times of war are stereotypical: men fight, women do not. While these roles are not cast in stone, they have, in the collective consciousness, become 'biologized'. Aggression, a propensity for violence, and courage are attributed to men; passivity, peacefulness, and motherliness to women. Men are seen as warlike, women as naturally peaceful. Thus on both sides there are two models: on the one side, soldier and statesman, and on the other, mother of the nation—a binary that is much more complicated when examining multiple forms of civil and state violence.<sup>30</sup>

26. Nira Yuval-Davis and Flora Anthias (eds.), *Woman-Nation-State* (London, Macmillan, 1989).

27. See Judy El-Bushra, 'Feminism, gender, and women's peace activism' in Andrea Cornwall et al. (eds.), *Gender Myths and Feminist Fables: The Struggle for Interpretive Power in Gender and Development* (Oxford, Blackwell Publishing, 2008); Louise Vincent, 'Engendering peace in Africa: A critical inquiry into some current thinking on the role of African women in peace-building', *African Journal on Conflict Resolution*, 2:1 (2001).

28. Centre for Rights Education and Awareness, 'Women paid the price: Sexual and gender-based violence in the 2007 post-election conflict in Kenya', Nairobi, 2008, 5.

29. CIPEV, *Report of the Commission of Inquiry*, 247.

30. Cynthia Cockburn. *The Space Between Us: Negotiating Gender and National Identities in Conflict* (London, Zed Books, 2001).

Aggressive notions of masculinity, which are evoked especially in times of war and crisis, become fundamental features of a 'hegemonic masculinity,' even if they contradict the ideas and the practice of many men. The term *hegemonic masculinity* derives from the work of R. W. Connell, an Australian men's studies researcher who describes four basic patterns of how men deal with one another: hegemony, subordination, complicity, and marginalization. Men behave hegemonically when they exclude or subordinate women and lower-ranking men and ensure their own dominance by possession of weapons and the use of violence.<sup>31</sup> Violence against men in Kenya in 2007–2008 can be understood through this framework.

The exercise of hegemonic masculinities was also accompanied by a political discourse around uncircumcised men. Immediately after the constitutional referendum in 2005, political leaders infantilized members of the opposition who belonged to communities, in this instance the Luo, who did not perform male circumcision. The assertion that men who were not circumcised could not ascend to leadership began with ostracizing one individual, but increasingly the entire male population from that community was demonized on the grounds that they remained boys and could not be considered as men among other men.<sup>32</sup> These public assertions served the same derogatory purpose as white colonialists referring to African male adults as 'boys'. This public discourse was also a central part of the gendered mobilization of votes and subsequent sexual violence against men at the height of the post-election crisis. The boys needed to become men. Masculinities that reward physical ability, self-control, professionalism, sociability, and heterosexuality were contrasted against images of 'otherness,' such as femininity and homosexuality.<sup>33</sup>

When it comes to the question of sexual violence against women, the international focus on rape as a weapon of war through instruments such as UN Security Council 1325 have been useful in drawing global attention to a specific act of violence (rape) within a particular context (war zone) as justifying international intervention. It, however, singles out acts of violence conducted during war as unique and out of the ordinary, and those conducted during 'peacetime' as case specific and of a criminal nature. A distinction is made between what constitutes 'political' acts of violence (rape as a weapon of war) and criminal acts (daily violence against women). Treated in this way, rape as a weapon of war does not effectively address unequal power relations and the fact that violence against women is used to enforce them.

## LAND DISTRIBUTION AND OWNERSHIP

The ownership and control of land and related resources have been central to politically instigated violence in Kenya. They have been used to mobilize people around the political and economic idea of being able to reacquire, protect, or be removed from their land. Most rural families in Kenya live under customary regimes where access to land is determined by patriarchal customary practices. Therefore, women's relation-

31. Robert Connell, *Masculinities* (Cambridge, Polity Press, 1995).

32. Kenya National Commission on Human Rights (KNCHR), 'The 2005 referendum monitoring report: Behaving badly', Nairobi, 2006.

33. Yaliwe Clarke, 'Security sector reform in Africa: A lost opportunity to deconstruct militarised masculinities?' *Feminist Africa*, 10 (2008), 8.

ship to land is through husbands, fathers, brothers, or sons. Land use and proceeds from it belong to male kin.<sup>34</sup> The exogamous nature of marriage practices results in a husband's clan essentially 'absorbing' a woman upon marriage. This is exacerbated by gross disparities in land ownership, gender, and transgenerational discrimination in succession, transfer of land, and the exclusion of women in land decision-making processes. Women lack the capacity to gain access to clearly defined, enforceable, and transferable property rights. Although land markets are growing, inheritance is the main means by which rural households might acquire land or in some systems through gifts and loans. Women account for only 5 percent of registered landholders nationally.<sup>35</sup>

The 1991–1992 clashes, subsequent land clashes in 1997, and post-election violence in 2007–2008 meant greater investment losses for women, who could no longer claim ownership to matrimonial land. They were dispossessed upon their husbands' deaths, and therefore received no compensation for their labor. At the national level, the policies in place meant that (biased) decisions in land management and dispute resolution institutions resulted in landlessness for a majority of women. The ability of women to inherit property from their parents under law changed only in 1994, due to demands on the government for visible action toward gender equity.

Related to historical land injustices is the phenomenon of internal displacement. The impact of displacement is disproportionately connected to livelihoods and is gendered in the following ways. More than 80 percent of women live in rural areas where a majority is engaged in farming food and cash crops, livestock keeping, and other agro-based income-generating activities. Male urban-rural migration has resulted in women taking responsibility for small-scale farming activities, which accounts for 64 percent of agricultural production.<sup>36</sup>

The Kenya Human Rights Commission noted, 'Between December 2007 to February 2008, government reports indicated that the post-election violence had displaced 663,921 people and destroyed about 78,254 houses countrywide. An additional 640 households fled into Uganda. A total of 350,000 internally displaced people (IDPs) sought refuge in 118 camps whereas about 331,921 IDPs were integrated within the communities across the country'.<sup>37</sup>

The commission's audit of the 2008 IDP resettlement program Operation Rudi Nyumbani revealed major gaps in conceptualization and delivery. The program was launched by the government in May 2008 to resettle IDPs from the post-election violence. The commission's report revealed that women and girls were exposed to various forms of sexual violence and harassment as well as inadequate access to sexual and reproductive health care services as a result of social and economic distress. While the state attempted a response, the absence of gender-disaggregated data meant that durable solutions to ensure adequate protection and assistance to all IDPs were lacking.

34. Kenya Land Alliance, 'Women and land in Kenya', Nairobi, 2003.

35. See Kenya Human Rights Commission, 'Justice delayed: A status report on historical injustices in Kenya', Nairobi, 2011; Kenya Land Alliance, 'Women and land in Kenya'.

36. Kenya Land Alliance, 'Women and Land in Kenya'.

37. Kenya Human Rights Commission, 'Justice delayed', 13.

## SECURITY SECTOR REFORM

The Kenya Police Force was negatively implicated in the 2007–2008 post-election violence and human rights violations. The General Service Unit, Kenya Police, and the Administration Police were found culpable in acts of extrajudicial killings and, by extension, use of excessive force in quelling the violence.<sup>38</sup> The report of the Commission of Inquiry into the Post-Election Violence (CIPEV) of 2008 noted that the heavy-handedness of the police response resulted in the death of 405 persons across the country.<sup>39</sup> The CIPEV report also documents witness accounts of how the security forces engaged in the sexual violation of girls and women at the height of the violence. In the course of the investigations, CIPEV received various accounts of how some security officers, notably the Kenya Police Force, deliberately refused to record sexual violence crimes at their workstations.<sup>40</sup>

These human rights violations pointed to accountability deficits in policing, with the violations exacerbating distrust between the police and citizens. A national survey on torture in 2011 by the Independent Medico-Legal Unit (IMLU) found that 54 percent of the cases of torture it documented had been by the members of the Kenya Police Force and 7 percent by the Administration Police.<sup>41</sup> The need remains to transform the inherited colonial police force from an anti-people to a legitimate national police organization protective of and owned by the people.

The Kenya Police Force evolved from the pro-imperial colonial institution created to subjugate the ‘native populations’. Originally formed as a colonial constabulary, the institution was not created as a people’s police, but as a reactionary instrument of conquest and repression with the aim of achieving the imperial objectives of resource extraction and political domination.<sup>42</sup> It consisted of a two-tier system of the Kenya Police, primarily designed for crime prevention and detection, and the Administration Police, who mainly focused on protecting government officials and assets.

The Administration Police are generally seen as closer to the public because they are based in areas where the Kenya Police are not, particularly in rural and arid areas, meaning they are often seen as more accessible to the local population. They did not recruit women until 2009 due to the nature of the Administration Police’s deployment in difficult terrain and where living conditions were considered too harsh for female officers.<sup>43</sup> Low salaries coupled with bad housing and poor working conditions led to high levels of corruption and impunity within the force.

Following the National Peace Accord and the Waki Commission (CIPEV), in May 2009 the government set up a the National Task Force on Police Reforms, which was mandated to make proposals for police reform in the country. Some of the more significant changes included the National Police Service Act, passed in August 2011,

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38. Ibid.

39. Ibid.

40. Ibid, 256.

41. Independent Medico-Legal Unit, ‘Up-scaling torture prevention and response in Kenya: National torture prevalence survey report’, Nairobi, 2011, 35.

42. Kenneth Omeje and John Mwangi Githigaro, ‘The challenges of state policing in Kenya’, *Peace and Conflict Review*, 7:1 (2012).

43. Amnesty International, *Police Reform in Kenya: ‘A Drop in the Ocean’* (London, Amnesty International, 2013).



which merged the Kenya Police and the Administration Police into one hierarchy and established the role of inspector general of police with authority over both policing branches. The act also placed limits on the force that police are able to exercise, stipulating that an officer may use 'force and firearms, if and to such extent only as is necessary'. A civilian board oversees recruitment and appointment of police officers, review standards and qualifications, and complaints from the public, referring them to the Independent Policing Oversight Authority and other government entities.

The dominant women's rights approaches to security sector reform have focused on the provision of gender and human rights training. In Kenya, the objective has been to improve police response to broad, gender-based violence concerns, which include the unnecessary use of force and human rights violations while in police custody in addition to their conceptualization of providing security and service to citizens.

Thinking about an effective police force is complicated when one adds a human security perspective. It moves from a focus on demographics, in terms of the number of women in the force and assumed gender responsiveness, to a comprehensive view of the police service. The Kenya Police works as part of a criminal justice system that includes the judiciary via the public prosecutors office, the public health department, which is charged with the collection of forensic evidence, and the prisons system. In this context, a shift in policing, and domestic security for that matter, requires a focus not only on crimes when they occur, but also on conflict prevention and management. Inherent in this arrangement is the transformation of values to a value system that seeks to respond to the questions—security from what threats and security by what means.

## CONCLUSION

The historical injustices that exploded during the contested presidential elections in 2007–2008 illuminate structural questions upon which gendered security concerns should be anchored. With the foregoing in mind, can recent developments in the peace and security arena do much more than draw attention to gender inequity in specific ways and bring about a radical shift in gender inequality?

Feminist scholars have pointed out that the power and resources reassigned during post-conflict peacebuilding processes have the potential to transform gender relations and dismantle gender hierarchies or can reinstate and enhance existing gender inequalities.<sup>44</sup> Situations of conflict hold the potential for the erosion of dominant gender roles and dissolution of traditional values, which undermine the prevailing gender order. Although conflict can erode traditional values, it does not dismantle sexist beliefs, which explains why traditional gender roles are resumed so easily and quickly after conflicts.<sup>45</sup>

Feminist scholars have questioned whether the emergence of feminist human security discourse 'is a good enough answer to the militarization of people's minds that's

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44. Hamber et al., 'Discourses in transition'.

45. Meredith Turshen, 'The political economy of rape: An analysis of systematic rape and sexual abuse of women during armed conflict in Africa' in O. N. Moser and F. C. Clark (eds.), *Victims, Perpetrators or Actors? Gender, Armed Conflict and Political Violence* (New Delhi, Kali for Women, 2001), 83.



rapidly becoming 'normal' thought'.<sup>46</sup> Brandon Hamber and his colleagues argue that an alternative discourse must target redefining perceptions of threats and deterrence toward recognizing the structural challenges and enabling spaces required.<sup>47</sup> The ability to do this within a framework where gender relations are strongly underwritten by patriarchy seems dubious at best. A legalistic and policy development approach in the absence of a destabilizing force against the sociocultural factors that sustain gender inequity will not bring about a radical shift in gender inequality.

There are methodological opportunities in examining 'cultural' practices, particularly those that situate normative performances of sexuality, the construction of hegemonic femininities and masculinities as the basis for reimagining nations, 'culture', and states. The analytical value of this approach is derived from ongoing contestations around the place of the tribe on the one hand and the role of gender and sexualities on the other hand as part of consolidating the Kenyan nation-state.

Gender and sexuality, whether through a focus on reproduction or performances of respectable femininities, form the fulcrum for the communication, negotiation, and resolution of gendered identities and their place in the state. Policy and practice approaches inattentive to this opportunity do not begin to tackle the aspirations and spaces that people retreat to in order to 'rewrite identity'. These spaces are represented by cultural practices that distinguish 'us' from 'them'. Dominant responses within popular discourse in Kenya that continue to place value within such structures as the law, parliament, human rights commissions anchored on the rights framework (through the constitution or national reconciliation processes) as the only way to rewrite Kenya's ethnic political history even though useful in the short term are limited in the long run.

The evolution of Kenya's experience can be applied to contexts where democratic politics is structured in raw majoritarian terms and where resource distribution has historically been balkanized on the basis of identity. This means that the mobilization of numbers to attain political power will rely on the resources that are easiest to corral. One of the most obvious ways to redress this situation is to review electoral systems that rely on a 'first past the post' approach. Kenya's new constitution put in place a range of voter thresholds that a successful presidential candidate needs to attain to win an election: 50 percent +1 of all votes cast in the election and 25 percent of votes cast in half of the forty-seven counties. While this was an important step, it does not resolve the issue of the distribution of votes across particular areas in a country where almost 50 percent of the regions have a strong correlation between ethnic groups and geographical settlement.

While one of most obvious ways to reverse the control of gendered resources is by freeing controls, particularly in the legislative realm, over women's movement, dress, and association, it assumes a coherence of interests between the patriarchal state and gender equality goals. Increasing legislative onslaughts across Africa—such as the 'indecent dressing bill' in Nigeria, the traditional courts bill in South Africa, and the

46. Rosalind Petchesky, 'Violence, terror, and accountability: Reports from the field', paper presented at the National Council for Research on Women Annual Conference Facing Global and National Crises: Women Define Human Security, New York, 2002.

47. Hamber et al., 'Discourses in transition', 500.

Bahati bill in Uganda that goes beyond policing same-sex relationships<sup>48</sup>—all point to increasing control of women, ergo ‘gender resources’, justified under morality, religious dictates, and African culture rather than an expansion of democratic space for women despite openings in the dominant state arenas of parliaments and bureaucracies.

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48. The anti-homosexuality bill of 2009, colloquially referred to as the Bahati bill after the mover, David Bahati, is a legislative proposal that would broaden the criminalization of same-sex relations in Uganda domestically. It further includes provisions for Ugandans who engage in same-sex relations outside Uganda, asserting that they may be extradited for punishment back to Uganda. It also features penalties for individuals, companies, media organizations, and nongovernmental organizations that know of gay people or support LGBT rights. The bill’s supporters argue that it protects the heterosexual family structure. The indecent dressing bill on the other hand was presented by Nigerian senator Eme Ufot Ekaette in 2008 to prohibit and punish ‘public nudity, sexual intimidation, and related offences’, carrying a jail term of six months. The public nudity provisions targeted women by prescribing acceptable dressing standards and was argued by the mover to be a mechanism for addressing indecency and immorality in Nigeria by preserving cultural norms and values.



# And Justice for All? Gender-Based Violence and International Law in the African Context

*Barbara Tint and Caroline Sarkis*

Gender-based violence and sexual crimes against women are endemic to war and conflict and not unique to the African continent. With the myriad communal and state-sponsored conflicts in Africa, however, these crimes have inflicted vast devastation on immediate and extended victims. Rape and other forms of sexual violence are not only a by-product of war, but are often used systematically as weapons in war and genocide. While legal statutes address these crimes, they have only marginally been addressed in criminal tribunals, as legal systems and prosecutors have proven to be impediments to full justice in these situations. Charges of gender-based violence and sexual crimes have been prosecuted before the International Criminal Tribunal in Rwanda, and the International Criminal Court has accepted cases from the Democratic Republic of Congo and Sudan, but all of the cases faced a number of challenges in advancing the cause of justice in cases of sexual violence during conflict, war, and genocide.

IN THE MANY COMMUNAL, INTRASTATE, AND STATE-SPONSORED CONFLICTS on the African continent, crimes of sexual violence have been an insidious weapon in the degradation and traumatization of women. Gender-based violence perpetrated as a systematic and widespread attack against any group not only targets women as the immediate victims, but also targets the community as a whole. These attacks affect women, their spouses, family members, and larger circles of the community and create wounds and divisions that extend far beyond the women themselves, for whom the impact is immediate and long lasting.

Sexual violence has consequences far beyond the trauma of the act itself. In many communities, cultural and religious taboos place a high premium on chastity and so-called purity. Women are seen as 'spoiled goods' if they have sex voluntarily or involuntarily outside of marriage. Thus, sexual violence is often socially, psychologically,

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and economically devastating to its victims.<sup>1</sup> Furthermore, through sexual violence, entire social systems are subjected to HIV/AIDS and other sexually transmitted diseases and hepatitis. In many cases, husbands are forced to witness the rapes of their wives or daughters and are unable to protect their loved ones. The reactions of families can exacerbate feelings of isolation and depression for victims. Children born of rapes are cast into untenable roles of being the perpetual reminder of a horrific act, the perpetrator(s), and unspeakable trauma. In situations where rape is used as a method of diluting or taking over the gene pool, the children become physical representations of the annihilation of the group of people to whom they now belong. Because of the far-reaching and devastating impact of such crimes, they can no longer be ignored.

In spite of the magnitude of these crimes and the mounting evidence against offenders, justice has been slow to come in prosecuting perpetrators of gender-based violence amid conflict, war, and genocide. While some strides have been made in addressing crimes of sexual violence during war—international jurisprudence has developed for the prosecution and conviction of rape and sexually based crimes in situations of armed conflict, particularly in the International Criminal Tribunal for Rwanda (ICTR) and the International Criminal Courts (ICC)—these mandates have been insufficient to address the rampant abuses of women that are endemic to situations of systematized violence, as in the Democratic Republic of Congo (DRC) and Sudan. Increased attention to the criminalization and prosecution of rape and other forms of sexual violence is imperative to advancing gender-based initiatives in Africa. Furthermore, a lack of justice involving crimes perpetrated during war and conflict allows conflicts to become further embedded in the fabric of a society, impeding healing and the potential for reconciliation. Greater efforts toward justice will require a considerable amount of political will.

## HISTORICAL CONTEXT

As early as the 1300s, under the British king Richard II, and the 1400s, under Henry V, laws of war have specifically protected women from rape and prohibited soldiers from entering an establishment in which a woman is present.<sup>2</sup> More recently, the Geneva Conventions codified rules of engagement vis-à-vis civilians and noncombatants and explicitly addressed special provisions relating to women. For example, although women were protected in the first Geneva Convention under article 12(4)—‘Women must be treated with all consideration due to their sex’—the Fourth Geneva Convention, article 27, states, ‘Women must be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any other form of indecent assault.’<sup>3</sup>

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1. Mary Deutsch Schneider, ‘About women, war, and Darfur: The continuing quest for gender violence justice’, *North Dakota Law Review*, 83:915 (2008), 966.

2. Theodore Meron, ‘Rape as a crime under international humanitarian law’, *American Journal of International Law*, 87:3 (1993), 424–28; Theodore Meron, *War Crimes Law Comes of Age* (Oxford and New York, Oxford University Press, 1998).

3. International Committee of the Red Cross, Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), 12 August 1949, 75 UNTS 287.

Sexual violence was rampant during World War II. Records indicate that between 20,000 and 80,000 Chinese women were raped by Japanese soldiers at Nanking.<sup>4</sup> Allied forces also extensively perpetrated crimes of sexual violence. More than 17,000 rapes were committed by American soldiers in Europe between 1942 and 1945, and Russian soldiers raped as many as 2 million German women with an estimated 130,000 in Berlin alone.<sup>5</sup> Yet, in spite of the pervasiveness of sexual violence, the Nuremberg Tribunal did not make any mention of these crimes in its proceedings.<sup>6</sup> The Tokyo Tribunal accounted for crimes of a sexual nature, but listed them under the rubric of inhumane treatment or 'failure to respect family honour and rights'.<sup>7</sup>

Rape and other crimes of sexual violence have historically taken a back seat to the prosecution of killing. Margaret deGuzman, drawing from a variety of sources, underscores the notion that 'killing is generally considered the most serious crime. This view, combined with historic gender discrimination, has meant that until recently international criminal courts and tribunals have tended to focus on prosecuting crimes involving killing rather than on sex crimes'.<sup>8</sup> Despite the explicit classifications of rape and sexual assault as a crime against international law and humanity, prosecution of these crimes has proven to be difficult.

The way in which tribunals have been set up has restricted the avenues through which to prosecute sexually based crimes. For example, under its mandate, the ICTR prosecuted three types of crimes: genocide, crimes against humanity, and crimes against international law. As such, the crime of rape is only explicitly mentioned under the umbrella of crimes against humanity, which also includes murder, enslavement, imprisonment, torture, and other inhumane acts. To this end, the prosecution of sexually based crimes was not a primary focus of the ICTR. Barriers to prosecution, investigative teams being directed to concentrate on killings, challenging the appropriateness of including crimes of a sexual nature in international tribunals, and tribunals overlooking sexual violence create a landscape in which the limited prosecution of gender-based crimes has resulted from the lack of political will rather than legal arguments.

## SEXUAL VIOLENCE AND THE RWANDAN GENOCIDE

In the aftermath of the Rwandan genocide, where an estimated 800,000 Tutsis and Hutus died, the United Nations and the international community rallied for the establishment of an international tribunal to prosecute perpetrators of the genocide and of the multiple egregious human rights violations that occurred during a horrific 100

4. Iris Chang, *The Rape of Nanking: The Forgotten Holocaust of World War II* (New York, Basic Books, 1997), 6.

5. J. Robert Lilly, *Taken by Force: Rape and American GI's in Europe during World War II* (London, Palgrave Macmillan, 2007), as quoted by Kas Wachala, 'The tools to combat the war on women's bodies: Rape and sexual violence against women in armed conflict', *International Journal of Human Rights*, 16:3 (2012), 534; on Russian rapes, Antony Beevor, *Berlin: The Downfall, 1945* (London, Penguin, 2002), as quoted by Wachala, 'The tools to combat the war on women's bodies', 534.

6. Wachala, 'The tools to combat the war on women's bodies'.

7. Margaret deGuzman, 'Giving priority to sex crime prosecutions: The philosophical foundations of a feminist agenda', *International Criminal Law Review*, 11 (2011), 515–28.

8. *Ibid.*, 515–16.

days. Using the precedent set by the Nuremberg Trials after World War II, the International Criminal Tribunal for Rwanda was created as a legal forum designed to hold individuals accountable for the atrocities of the genocide. The tribunal was a way to individualize guilt, to provide a legal substitute for revenge, to promote the rule of law, and to end a cycle of impunity.

The ICTR was successful on many fronts, setting legal precedents in international law on several fronts. First, it was the first tribunal to obtain a conviction for genocide.<sup>9</sup> Second, it became the first international tribunal after Nuremberg to hand down a judgment against a head of government when Jean Kambanda, the prime minister of Rwanda during the genocide, was convicted of genocide.<sup>10</sup> Third, and most important for purposes here, the ICTR was the first tribunal of its kind to convict perpetrators for the crime of rape and sexual assault. Yet, regardless of this groundbreaking precedent, the ICTR has been vehemently criticized for its weak approach toward sexually based crimes because of the small number of perpetrators prosecuted, the reticence of the prosecution to include charges of sexual violence, and the lack of investigative personnel to address these crimes.

In spite of the 250,000 reported rape and sexual assault cases, the ICTR indicted only forty-two cases with these charges. As of 2011, twenty-two of these cases were still awaiting judgment, two had been transferred to federal courts, thirteen had been unsuccessful, meaning convictions were overturned on appeal, the defendant pled to charges other than rape, or defendants were found not guilty. Only five cases resulted in successful convictions for rape and sexual assault.<sup>11</sup> So while the ICTR achieved some legal successes during its tenure, the prosecution rate, let alone the conviction rate, of sexually based crimes was not commensurate with the rampant abuses that occurred. This is in contrast to the matter of the Special Court for Sierra Leone, where the prosecutor made a 'concerted decision that justice would be delivered to Sierra Leonean victims of sexual violence'.<sup>12</sup> In this case, the prosecution was intentional and consistent in its inclusion of crimes of sexual violence in indictments of perpetrators.

The prosecution of sexual violence in the ICTR was an exception, rather than the rule, and was dependent more on who led the Office of the Prosecution than the cases themselves. For example, South African prosecutor Richard Goldstone (1994–1996) never articulated a comprehensive prosecution strategy to ensure the consistent inclusion of sexual violence charges in the indictments. Some argue that the collection of evidence or testimonies under Goldstone was limited due to a lack of political will.<sup>13</sup> Increased attention was brought to sexually based crimes, however, under the tenure of Canadian prosecutor Louise Arbour, who made the prosecution of sexually based crimes a priority. During her tenure, amendments of sexually based charges were

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9. See International Criminal Tribunal for Rwanda judgment for *Prosecutor v. Jean-Paul Akayesu*, case no. ICTR-96-4-T (1998).

10. Erik Møse, 'Main achievements of the ICTR', *Journal of International Criminal Justice*, 3:4 (2005), 921–43.

11. Heidi Nichols Haddad, 'Mobilizing the will to prosecute: Crimes of rape at the Yugoslav and Rwandan tribunals', *Human Rights Review*, 12:1 (2011), 109–32.

12. Binaifer Nowrojee, 'Your justice is too slow: Will the ICTR fail Rwanda's rape victims?' Occasional paper, United Nations Research Institute for Social Development, Geneva, 2005, 11.

13. Ibid.

added to a number of cases, and the Unit for Gender Issues and Assistance to Victims was established.<sup>14</sup> By the last year of her mandate, ‘all new charges contained sexual violence charges’.<sup>15</sup> These gains were subsequently eroded under the leadership of Italian prosecutor Carla Del Ponte, who dismantled the Sexual Assault Investigative Team in 2000. She reinstated the team in 2003 as a result of pressure from international women’s groups.<sup>16</sup>

There were many failings in the ICTR related to the prosecution of rape and sexual assault. For example, in the Cyangugu case, the prosecution had strong evidence of rape perpetrated by officials—military commander Samuel Imanishimwe, Minister of Transport Andre Ntagerura, and Cyangugu prefect Emmanuel Bagambiki—as well as a number of rape victims coming forward through the Association of Widows of the Genocide (AVEGA) who had pledged to testify. The charges were not pursued:

By September 1999, a motion to add sexual violence charges was drafted and ready to be submitted to the court, but because of personnel problems within the Prosecutor’s Office, the prepared amendment sat unfiled for some months before being submitted. The prosecutor asked the court to add charges of rape as a crime against humanity against both Bagambiki and Imanishimwe. The late arrival of the request to amend was reportedly not received kindly by the judges, who viewed it as yet another of many delays by the prosecutor. Shortly thereafter, then prosecutor Carla Del Ponte ordered her team to withdraw the amendment and proceed with the existing charges.<sup>17</sup>

Ntagerura and Bagambiki were acquitted, and Imanishimwe was sentenced to twenty-seven years for crimes of genocide and crimes against humanity unrelated to sexual assault.

The critical turning point in the post-genocide tribunals for Rwanda was the 1998 conviction in the landmark *Akayesu* case, which opened the doors to greater visibility of crimes of sexual violence. It was not until the *Akayesu* judgment that the crime of rape and sexual assault was seen not only as a crime of war, but also became recognized as a crime of genocide.

Jean-Paul Akayesu was *bourgmestre* of the Taba sector, making him responsible for the performance of executive functions and the maintenance of public order within his community.<sup>18</sup> As such, he controlled the communal police, execution of laws and regulations, and the administration of justice.<sup>19</sup> Akayesu was charged with fifteen separate crimes, including genocide, complicity to commit genocide, incitement to commit genocide, crimes against humanity (including extermination, murder, tor-

14. Mark S. Ellis, ‘The contribution of non-governmental organization to the creation of international criminal tribunals’ in *Research Handbook on International Criminal Law*, ed. Bartram S. Brown (Northampton, Edward Elgar Publishing, 2011), 172.

15. Nowrojee, ‘Your justice is too slow’, 10.

16. See Haddad, ‘Mobilizing the will to prosecute’, and Nowrojee, ‘Your justice is too slow’.

17. Nowrojee, ‘Your Justice is too slow’, 15.

18. Rwanda is divided into eleven prefectures, which are in turn divided into communes. The *bourgmestre* is the commune leader, who is appointed by the president upon the recommendation of the minister of the interior.

19. See *Prosecutor v. Jean-Paul Akayesu* (1998).

ture, rape, other inhumane acts), and violation of Article 3 common to the Geneva Conventions. He was found guilty of all charges except those violating Article 3 and was sentenced to three concurrent sentences of life in prison.<sup>20</sup> He is currently serving his sentence in Mali.

The judgment rendered against Akayesu was a landmark victory, not only for the prosecution, but also for international human rights advocates worldwide for two significant reasons. First, it was the first conviction for the crime of genocide recorded by an international tribunal.<sup>21</sup> Thus, the ICTR created precedent and defined case law for future prosecutions and convictions of this most serious crime. Second, the Akayesu conviction included rape as an international crime, thus finding it part of the *actus reus* of genocide.<sup>22</sup> This judgment was hailed as a win for women's rights activists and confirmed the suffering of many women who had been victims of this crime.<sup>23</sup> Extending beyond the prosecution of rape as a war crime, the ICTR in *Akayesu* successfully prosecuted and convicted on charges of rape and sexual assault as a crime of genocide. Indeed, in rendering the judgment, the tribunal stated that rape and sexual violence constitute

genocide in the same way as any other act as long as they were committed with the specific intent to destroy, in whole or in part, a particular group, targeted as such. Indeed, rape and sexual violence certainly constitute infliction of serious bodily and mental harm on the victims and are even, according to the Chamber, one of the worst ways [to] inflict harm on the victim as he or she suffers both bodily and mental harm. In light of all the evidence before it, the Chamber is satisfied that the acts of rape and sexual violence described above, were committed solely against Tutsi women, many of whom were subjected to the worst public humiliation, mutilated, and raped several times, often in public, in the Bureau Communal premises or in other public places, and often by more than one assailant. These rapes resulted in physical and psychological destruction of Tutsi women, their families and their communities. Sexual violence was an integral part of the process of destruction, specifically targeting Tutsi women and specifically contributing to their destruction and to the destruction of the Tutsi group as a whole.<sup>24</sup>

Two years after *Akayesu*, the tribunal successfully convicted Alfred Musema, former director of the Gisovu Tea factory, for crimes of genocide, including rape, and crimes against humanity, including rape and sexual violence.<sup>25</sup> In 2004 the tribunal found Sylvestre Gacumbitsi, former mayor of the commune of Rusomo, guilty of the crime of genocide, for instigating the rape of Tutsi women and girls, and of rape as a crime against humanity.<sup>26</sup> Of added importance, the precedent established by *Akayesu* al-

20. Ibid.

21. Mose, 'Main achievements of the ICTR', 934.

22. *Actus reus* refers to the physical act involved in the commission of a crime, in this case, genocide.

23. Elizabeth Neuffer, *The Key to My Neighbor's House: Seeking Justice in Bosnia and Rwanda* (New York, Picador, 2001).

24. *Prosecutor v. Jean-Paul Akayesu* (1998).

25. International Criminal Tribunal for Rwanda judgment for *Prosecutor v. Alfred Musema*, case no. ICTR-96-13-A (2000).

26. International Criminal Tribunal for Rwanda judgment for *Prosecutor v. Sylvestre Gacumbitsi*, case no. ICTR-2001-64-T (2004).



lowed for the *Foca* case to be brought in the International Criminal Tribunal for the Former Yugoslavia that focused exclusively on sexual assault.<sup>27</sup>

## THE ROME STATUTE AND THE ICC

In 1998, the United Nations set forth the Rome Statute, which allowed for the establishment of the International Criminal Court. That year, 111 countries were signatories to the statute. The court began operations in 2002. Of importance in the ICC mandate is that it can prosecute ‘conflict-related sexual violence as a crime against humanity, and also recognizes as crimes against humanity sexual slavery, trafficking, forced prostitution, and forced sterilization’.<sup>28</sup> Moreover, the ICC statute established that rape is not considered an independent breach of the Geneva Conventions and therefore does not have to be linked to another crime, such as torture. Thus the power of this mandate is the authority to prosecute sexual violence as crimes independent of other crimes. In addition, the Rome Statute requires prosecutors to take into account crimes that involve sexual or gender violence as well,<sup>29</sup> thus binding them to ensure that sexually based offences are prosecuted to the fullest extent within the jurisdiction of the international court.

Yet there is still a long road ahead at the ICC. The court has not issued a conviction to date on the grounds of sexual violence and has only brought three charges of sexual violence, against five members of the Lord’s Resistance Army (LRA).<sup>30</sup> In 2006, the ICC issued an arrest warrant against Thomas Lubanga, leader of the Patriotic Forces for the Liberation of the Congo, after investigations of crimes in the Ituri district, a region in eastern Congo near the Ugandan border. Conflict has been ongoing since 1998 in eastern Congo, which has been plagued by mass violence, widespread rape, and population displacements. An estimated 3.3 million people are reported to have died there between 1998 and 2002.<sup>31</sup> An estimated 1,150 women were thought to have been raped every day during the period 2006–2007.<sup>32</sup> Approximately 1.69 million to 1.80 million women aged fifteen to forty-nine had been raped as of 2007.<sup>33</sup>

This first trial for the ICC, and subsequent conviction for war crimes, is not without controversy, however. Lubanga was initially charged with the war crime of forcibly recruiting children under the age of fifteen in the Ituri district and turned over to the ICC in March 2006. After further investigation and testimony of girls as young as twelve about being subjected to sexual abuse at the hands of commanders and soldiers under Lubanga’s command, ‘resulting in pregnancies, abortions, ostracism, stigmatization, and “catastrophic” psychological and physical traumas’, the court had the option of adding

27. Haddad, ‘Mobilizing the will to prosecute’, 115.

28. Tonia St. Germain and Susan Dewey, ‘Justice on whose terms? A critique of international criminal justice responses to conflict-related sexual violence’, *Women’s Studies International Forum*, 37 (2013), 37.

29. Rome Statute for the International Criminal Court, Article 54(1b).

30. St. Germain and Dewey, ‘Justice on whose terms?’.

31. Benjamin Coghlant et al., ‘Mortality in the Democratic Republic of Congo: A nationwide survey’, *Lancet*, 367:9504 (2006), 44.

32. A. Peterman, T. Palermo, and C. Bredenkamp, ‘Estimates and determinants of sexual violence against women in the Democratic Republic of Congo’, *American Journal of Public Health*, 101:6 (2011), 1065.

33. *Ibid.*, 1063.

charges of killing and rape to the original indictment.<sup>34</sup> It was determined, however, that ‘given the prosecution’s failure to include allegations of sexual violence in the charges . . . this evidence is irrelevant for the purposes of the Article 74 Decision save as regards providing context. Therefore, the Chamber has not made any findings of fact on the issue, particularly as to whether responsibility is to be attributed to the accused’.<sup>35</sup>

A separate and dissenting opinion by Judge Elizabeth Odio Benito underscores this omission, asserting, ‘[B]y failing to deliberately include within the legal concept of “use to participate actively in the hostilities” the sexual violence and other ill-treatment suffered by girls and boys, the Majority of the Chamber is making this critical aspect of the crime invisible. Invisibility of sexual violence in the legal concept leads to discrimination against the victims of enlistment, conscription and use who systematically suffer from this crime as an intrinsic part of the involvement with the armed group’.<sup>36</sup> Odio Benito goes on to state,

Sexual violence committed against children in the armed groups causes irreparable harm and is a direct and inherent consequence to their involvement with the armed group. Sexual violence is an intrinsic element of the criminal conduct of ‘use to participate actively in the hostilities’. Girls who are used as sex slaves or ‘wives’ of commanders or other members of the armed group provide essential support to the armed groups. Sexual assault in all its manifestations produces considerable damage and it demonstrates a failure in the protection of the life and integrity of its victim. There is additionally a gender-specific potential consequence of unwanted pregnancies for girls that often lead to maternal or infant’s deaths, disease, HIV, psychological traumatising and social isolation. It must be clarified, however, that although sexual violence is an element of the legal definition of the crimes of enlistment, conscription and use of children under the age of 15 to participate actively in hostilities, crimes of sexual violence are distinct and separate crimes that could have been evaluated separately by this Chamber if the Prosecutor would have presented charges against these criminal conducts.

In other words, sexual violence or enslavement are illegal acts and in this case a harm directly caused by the illegality of the war crime of enlisting, conscripting and the use of children under the age of 15 in support of the combatants. Sexual violence and enslavement are the main crimes committed against girls and their illegal recruitment is often intended for that purpose (nevertheless they also often participate in direct combat.) If the war crimes considered in this case are directed at securing their physical and psychological well being, then we must recognize sexual violence as a failure to afford this protection and sexual violence as acts embedded in the enlisting, conscription and use of children under 15 in hostilities. It is discriminatory to exclude sexual violence which shows a clear gender differential impact from being a bodyguard or porter which is mainly a task given to young boys. The use of young girls and boys’ bodies by combatants within or outside the group is a war crime and as such encoded in the charges against the accused.<sup>37</sup>

34. Diane Marie Amann, ‘Prosecutor v. Lubanga’, *American Journal of International Law*, 106:4 (2012), 812.

35. International Criminal Court judgment for *Prosecutor v. Thomas Lubanga Dyilo*, case no. ICC-01/04-01-06, 2012, para. 896.

36. *Ibid.*, Judge Odio Benito, dissenting opinion, para. 16.

37. *Ibid.*, paras. 19 and 20.

In spite of the failure to indict, or convict, Lubanga on crimes of sexual violence, the court issued an arrest warrant for Lubanga's deputy chief, Bosco Ntaganda, for four counts of war crimes and three counts of crimes against humanity, both of which include charges of rape and sexual slavery. The ICC has also indicted and tried Germain Katanga, former leader of the Patriotic Resistance Force in Ituri, for three counts of crimes against humanity, including rape and sexual slavery, as well as seven counts of war crimes, which also include charges of rape and sexual slavery.<sup>38</sup> As of this writing, the verdict is pending.

Another consideration relating to the prosecution by the ICC of crimes under international law is that the statute, under Article 1, calls for complementarity. That is, the provision provides the ICC with jurisdiction over international crimes in the event that local or national courts are unable or unwilling to prosecute cases on their own. To this end, if the judicial system in a nation-state that is party to the statute is inoperable, then the ICC has jurisdiction over crimes against international law.

In examining the case of Sudan, which signed the Rome Statute in 2000, but has not yet ratified it, one sees that the rule of complementarity is not so simple. In 2005, Sudan began prosecuting rape crimes in the Darfur region, claiming, '[T]he Sudanese judiciary is, and always has been, willing and capable of assuming its responsibilities.'<sup>39</sup> Despite the government's assertion of its ability to prosecute these crimes, the United Nations appointed a commission on Darfur to investigate crimes in the region as well as to review the cases before the Sudanese national courts.

First, the commission needed to ascertain whether crimes met the provisions set out in the Rome Statute. It decided also to center its investigation on events that occurred between February 2003 and January 2005. In a subsequent report, the commission found that the crimes committed in the Darfur region met 'the thresholds of the Rome Statute. . . . A body of reliable information indicates that war crimes may have been committed on a large-scale, at times even as part of a plan or a policy. There is also a wealth of credible material which suggests that criminal acts were committed as part of widespread or systematic attacks directed against the civilian population, with knowledge of the attacks.'<sup>40</sup> The commission noted that it was particularly concerned about the attacks on villages, killings, rape, pillaging, and the forced displacement of civilian populations. The report extensively documents several instances of rape, sexual slavery, abductions, and other forms of sexual violence.

Second, the commission needed to investigate whether the Sudanese national courts were able to prosecute those responsible for the crimes. In its report, the commission noted,

The Sudanese justice system is unable and unwilling to address the situation in Darfur. This system has been significantly weakened during the last decade. Restrictive laws that grant broad powers to the executive have undermined the effectiveness of the judiciary, and many of the laws in force in Sudan today contravene basic human rights

38. International Criminal Court decision on confirmation of charges in *Prosecutor v. Germain Katanga*, ICC-01/04-01/07 (2008).

39. 'Sudan defends its handling of Darfur', *Mail and Guardian*, 22 April 2005.

40. 'Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General', Geneva, 2005, 5.

standards. Sudanese criminal laws do not adequately proscribe war crimes and crimes against humanity, such as those carried out in Darfur, and the Criminal Procedure Code contains provisions that prevent the effective prosecution of these acts. In addition, many victims informed the Commission that they had little confidence in the impartiality of the Sudanese justice system and its ability to bring to justice the perpetrators of the serious crimes committed in Darfur. In any event, many have feared reprisals in the event that they resort to the national justice system.<sup>41</sup>

Thus, the commission documented that the Sudanese courts were unable to provide fair judicial processes for alleged perpetrators and on behalf of their victims. Although the ICC was unable to usurp the Sudanese national courts for crimes of sexual violence in the Darfur region, as of 2007 it had issued arrest warrants for several Sudanese government officials. The ICC prosecutor determined that Sudanese president Omar Hassan al-Bashir 'bore individual criminal responsibility' for the crimes perpetrated in Darfur. The prosecutor indicted Bashir on five counts of crimes against humanity (murder, extermination, forcible transfer, torture, and rape) and two counts of war crimes (pillaging and intentionally directing attacks against civilians).<sup>42</sup> Warrants were also ultimately issued for high-ranking officials within Bashir's administration, including a former minister of humanitarian affairs, the minister of national defense, leader of the Janjaweed, chairman and general coordinator of military operations of the United Resistance Front, commander in chief of the Justice and Equality Movement, and a former chief of staff of the Sudan Liberation Army.<sup>43</sup> All the warrants include charges of rape and sexual violence.

The ICC's current caseload includes cases from Central African Republic, Côte d'Ivoire, DRC, Kenya, Liberia, and Uganda, all of which have been locations of brutal crimes of sexual violence. There were reports of 30,000 instances of rape in the Kivu region of the DRC in 2006 alone,<sup>44</sup> some perpetrated on infants six months of age. In addition, these numbers do not account for unreported instances of rape, and it is presumed that the numbers recorded account for only a fraction of the actual incidents.<sup>45</sup> Cases of sexual violence are also prevalent in Uganda, where the LRA abducted young girls and boys to create its militia. The young girls were generally 'given' to commanders as wives, and boys were often made to rape but also endured sexual

41. Ibid., 5–6.

42. Liv Tønnessen, 'From impunity to prosecution? Sexual violence in Sudan beyond Darfur', NOREF Report, Norwegian Peacebuilding Resource Centre, Oslo, February 2012.

43. Ahmad Harun, former minister of humanitarian affairs, remains at large; Ali Kushayb, leader of the Janjaweed, warrant issued in 2007, remains at large; Omar Hassan al-Bashir, president of Sudan, warrant issued in 2009, remains at large; Bahar Idriss Abu Garda, chairman and general coordinator of military operations of the United Resistance Front, warrant issued 2009, confirmation hearing completed; Abdallah Banda Abakaer Nourain, commander in chief of the Justice and Equality Movement, warrant issued 2010, trial slated for 2014; Saleh Mohammed Jerbo Jamus, former chief of staff of the Sudan Liberation Army, warrant issued 2010, trial slated for 2014; Abdel Raheem Muhammad Hussein, minister of national defense, warrant issued 2012, execution of arrest warrant pending.

44. Sara Meger, 'Rape of the Congo: Understanding sexual violence in the conflict in the Democratic Republic of Congo', *Journal of Contemporary African Studies*, 28:2 (2010), 119–35; J. E. Trenholm, P. Olsson, and B. M. Ahlberg, 'Battles on women's bodies: War, rape and traumatization in eastern Democratic Republic of Congo', *Global Public Health*, 6:2 (2011), 139–52.

45. Tønnessen, 'From impunity to prosecution'.

violence themselves.<sup>46</sup> Considering the prevalence of rape and gender-based violence in these regions, and the cases before the ICC from the Sudan, the court has an important opportunity to further international jurisprudence relating to rape and other crimes of a sexual violence.

## INTERNATIONAL LAW

The implications of the convictions set forth by the ICTR and the adoption of the ICC mandate permitting the prosecution of rape and sexually based crimes solely on their merit allows for these laws to be promoted to the rule of *jus cogens* (preemptory norm of international law).<sup>47</sup> Mark Janis states that *jus cogens* rules are seen as so ‘fundamental to the international community of states as a whole that the rule constitutes a basis for the community’s legal system. . . . It is a sort of international law that once enconced, cannot be displaced by states, either in their treaties or in their practice.’<sup>48</sup> Thus, the political will to ensure that sexually based crimes are prosecuted by international courts to the fullest extent of the law will facilitate the prosecution of crimes of rape and sexual violence by not only international courts, but if rape and sexual violence fall under the category of *jus cogens*, then they would fall under universal jurisdiction, which allows for any nation to instigate proceedings against perpetrators.<sup>49</sup>

In addition to the establishment of international jurisprudence, the United Nations has passed a number of resolutions that underscore the importance of protecting women and girls and the responsibility to prosecute crimes of rape and sexual violence. Security Council Resolution 1325 establishes the responsibility of UN member states to ‘end impunity and to prosecute those responsible for genocide, war crimes, and crimes against humanity,’ under which rape falls. Security Council Resolution 1820 explicitly calls for the ‘immediate and complete cessation by all parties to armed conflict of all acts of sexual violence against civilians.’ In spite of these resolutions and the precedent set by *Akayesu*, perpetrators of sexual violence in armed conflict still operate with impunity. As noted by Tonia St. Germain and Susan Dewey, ‘sexual violence is widespread in conflict zones and often perceived by perpetrators as a particularly effective weapon of war. In terms of method, war rape is used to subdue, punish, or take revenge upon entire communities rather to exert power over individual women, as in many peacetime rapes.’<sup>50</sup>

This is not to imply that the ICTR has been ineffective in promoting convictions of sexual violence in conflict or advancing women’s rights in the international arena. The tribunal has been critical in establishing legal precedent to prosecute these crimes before the ICC and other ad hoc international tribunals. These convictions, however,

46. Bruce Baker, ‘Justice for survivors of sexual violence in Kitgum, Uganda,’ *Journal of Contemporary African Studies*, 29:3 (2011), 245–62.

47. David Weissbrodt, Joan Fitzpatrick, and Frank Newman, *International Human Rights: Law, Policy, and Process*, 3rd edn (Cincinnati, Ohio, Anderson Publishing Co., 2001), 22; Hugh Thirlway, ‘The sources of international law’ in *International Law*, ed. Malcolm D. Evans (Oxford, Oxford University Press, 2003), 142.

48. Mark W. Janis, *An Introduction to International Law*, 64, 2nd ed. (Boston, Little, Brown, and Company, 1993), as quoted in Wachala, ‘The tools to combat the war on women’s bodies,’ 545.

49. Wachala, ‘The tools to combat the war on women’s bodies.’

50. St. Germain and Dewey, ‘Justice on whose terms?’, 40.

are hardly a panacea for ending sexual violence in war and most certainly need the political will of the international community to ensure that pressure is maintained and that sexual violence is increasingly seen as a crime that will be prosecuted with the same vehemence as other forms of violence during war.

### Equality before the Law

As Judge Odio Benito stated, the lack of will by international courts to prosecute crimes of rape and sexual violence renders these crimes invisible in the legal concept, leading to discrimination against victims.<sup>51</sup> This discrimination is reinforced by the very nature of the court proceedings in several respects. First, access to tribunals for victims of sexual violence is in some instances difficult. In the case of Rwanda, the tribunal was located in Arusha, Tanzania, more than a thousand kilometers away from Rwanda, where most of the crimes were committed. The location of the ICTR prohibited many Rwandans from involvement in the tribunal due to the cost and time away from families it would require, thereby alienating them from the judicial and reconciliation processes. Indeed, studies at the time showed that Rwandans 'complained that the trials were held far away from Rwanda,'<sup>52</sup> and 76.7 percent of Tutsis and 46.3 percent of Hutus polled either 'strongly agree' or 'agree' that the trials should be held in Rwanda rather than Arusha.<sup>53</sup> The tribunal's location, as Elizabeth Neuffer points out, 'deprived genocide survivors from something they need in order for reconciliation: the need to *confront* those whose orders left them mutilated or robbed them of their families.'<sup>54</sup>

Second, obfuscating these crimes in the legal realm does not provide a complete historical account of the crimes perpetrated during the genocide. Rather, it only provides the narrative for a segment of the population. Rwandan women 'are looking for public acknowledgment of the crimes committed against them. They want the record to show that they were subjected to horrific sexual violence at the hands of those who instigated and carried out the genocide.'<sup>55</sup> Third, discrimination is inherent in the courtroom processes themselves. From sloppy or unskilled investigation,<sup>56</sup> to attitudes that sexual offenses are secondary to other crimes,<sup>57</sup> to severe cross-examination techniques by the defense,<sup>58</sup> victims of sexual violence are disproportionately re-victimized or undermined in tribunal proceedings. As Elisabeth Rehn and Ellen Johnson Sirleaf note, 'Witnesses have been intimidated and humiliated at international courts, pressured into testifying through false promises, disrespected by court employees, and had

51. Judge Odio Benito, dissenting opinion, para. 16.

52. Alison Des Forges and Timothy Longman, 'Legal responses to genocide in Rwanda' in *My Neighbor, My Enemy: Justice and Community in the Aftermath of Mass Atrocity*, ed. Eric Stover and Harvey M. Weinstein (Cambridge, Cambridge University Press, 2004), 56.

53. Timothy Longman, Phuong Pham, and Harvey M. Weinstein, 'Connecting justice to human experience: Attitudes toward accountability and reconciliation in Rwanda' in Stover and Weinstein, *My Neighbor, My Enemy*, 214.

54. Neuffer, *Key to My Neighbor's House*, 377, emphasis in the original.

55. Nowrojee, 'Your justice is too slow', 4.

56. *Ibid.*

57. DeGuzman, 'Giving priority to sex crimes prosecution'.

58. Nowrojee, 'Your justice is too slow', 24; St. Germain and Dewey, 'Justice on whose terms?', 38.

their stories published against their will, leaving them intimidated or disillusioned by the international justice system.<sup>59</sup>

Fourth, and on a related point, witnesses and victims of sexual violence in some instances are not able to access the social services available to them, and there is little post-trial follow up to ensure their safety. There have been numerous accounts in which victims faced harassment upon returning from Arusha, and the act of testifying itself can expose these women as victims of sexual violence.<sup>60</sup> Fifth, the inherent discrimination of the international legal system only serves to perpetuate itself. If the system is 'a neutral and level backdrop for a competition of presumed equals',<sup>61</sup> its structure will automatically undermine feminine sensitivities.

### Gender, Violence, and the Courts

One of the great challenges of prosecuting crimes of sexual violence is that the very values and practices that contribute to the gender-based violence inherent in war and conflict are often replayed in the legal processes designed to address them. As men have been the dominant force in war, politics, and law, it is impossible to look at these issues without considering overarching gender issues, particularly those of patriarchy, male supremacy, and female subordination. Within patriarchal structures, women are subordinated in a hierarchy that diminishes their rights in virtually all arenas and are frequently victims of violence and coercion. The relationship between structural violence—social structures of marginalization and oppression—and direct violence is evident. Social structures that marginalize and minimize the rights of women more easily allow for actions that harm them and invest less in justice on their behalf.

Patriarchy is not only associated with militarism, war, and violent conflict, but is in many ways seen as its root cause.<sup>62</sup> The connection between these domains and patriarchy is unavoidable. If conflicts are generally fought over territory, money, power, and religion, one must look at who typically presides over these domains, and therefore, in whose interest it is to fight or create laws to preserve and control them.

Within a patriarchal society, it is the masculine standard that is valued. Within this framework, hierarchy, competition, dominance, and submission are all means toward this end. These similar dynamics are being played out in court systems heavily weighted with male judges and prosecutors, masculine values of rationality, order, power, and a worldview that stems from and privileges the perspective of the dominant rather than the marginalized gender group. According to Martha Albertson Fineman, 'The international criminal justice system in its present form lacks a consideration of privilege, particularly of the factors that discourage the direct inclusion of

59. Paraphrase by St. Germain and Dewey, 'Justice on whose terms?', 38.

60. Nowrojee, 'Your justice is too slow', 23; Schneider, 'About women, war, and Darfur', 966; St. Germain and Dewey, 'Justice on whose terms?', 41.

61. Martha Albertson Fineman, 'Equality still elusive after all these years' in *Gender Equality: Dimensions of Women's Equal Citizenship*, ed. Linda McCain and Joanna Grossman, as quoted by St. Germain and Dewey, 'Justice on whose terms?', 38.

62. Cynthia Enloe, *Bananas and Bases: Making a Feminist Sense of International Politics* (Berkeley, University of California Press, 2000); V. Spike Peterson and Anne Sisson Runyan, *Global Gender Issues in the New Millennium* (Boulder, Colorado, Westview Press, 2009); J. Ann Tickner, *Gendering World Politics* (New York, Columbia University Press, 2001).



victim-survivors of conflict-related sexual violence. Hence it misses opportunities to further inquire into how societal resources are channeled in ways that privilege and protect some while tolerating the disadvantage and vulnerability of others.<sup>63</sup> As it is the masculinization of war that reinforces the hegemonic, patriarchal, and brutal agendas that perpetuate violence against women, one must consider the ways in which masculinization minimizes the significance of the legal arena.

The limited number of convictions and indictments of perpetrators who have committed crimes of sexual violence has deep implications upon societies impacted by armed conflict. First, as noted above, deGuzman highlights that crimes of sexual violence are considered 'second rate' compared to killings. Attitudes that lead to such comments as 'I've got ten dead bodies, how do I have time for rape?' and 'So a bunch of guys got riled up after a day of war, what's the big deal?'<sup>64</sup> deeply undermine the nature of these crimes and their ongoing effects on the victims personally as well as their communities. The implication of considering these crimes as second rate implies that women and their suffering are also second rate and not deserving of prosecutorial attention.

Second, the lack of indictments and convictions of these crimes allows perpetrators to operate with impunity without fear of repercussions for their actions. Third, as these crimes are not brought to justice, women may fear coming forward to report instances of sexual violence. Mary Deutsch Schneider observes, 'Rape and sexual assault case investigations are difficult under the best of conditions but in global conflict that is magnified and the problems are practical and numerous.' Such problems include humiliation, shame, fear of public or family ostracism, fear of reprisals, fear or unwillingness to be re-traumatized and reliving the crimes, 'and the feeling that rape and sexual assault were not in fact of major concern compared with the loss of community, home and possessions and the death or disappearance of family members.'<sup>65</sup> All of these factors inform and only partially explain the reticence of women in reporting and going through an ordeal in which conviction for these crimes is unlikely, thus perpetuating the culture of impunity for these offenses.

## RECOMMENDATIONS FOR JUSTICE AND PEACEBUILDING

While international jurisprudence relating to crimes of rape and sexual violence has gained considerable momentum since the ICTR, the lack of prosecutions by international courts for crimes in the DRC, Uganda, and Sierra Leone, among others on the African continent, undermines the gains these tribunals have created. Women are therefore injured not only by the sexual crimes against them, but also by a court system that fails to prioritize justice on their behalf. Multiple issues must be addressed

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63. Martha Albertson Fineman, 'Grappling with Equality: One feminist's journey' in *Transcending the Boundaries of Law: Generations of Feminism and Legal Theory* (New York, Routledge, 2010), 47–62, as quoted by St. Germain and Dewey, 'Justice on whose terms?', 38–39.

64. Peggy Kuo, 'Prosecuting crimes of sexual violence in an international tribunal', *Case Western Reserve Journal of International Law*, 35 (2002), 310–11, as quoted by deGuzman, 'Giving priority to sex crime prosecutions', 516.

65. Schneider, 'About women, war, and Darfur', 516.



within criminal courts to ensure that gender-based violence will be prioritized in bringing perpetrators to justice.

Statutes must allow for the crimes of rape and other sexual violence to stand alone rather than subsumed under other criminal acts. Courts must engage prosecutors who are committed to justice for the survivors of sexual violence and who make it central to their judicial agenda. While great strides have been made by the ICC to include special units to provide counseling and protection for witnesses and victims,<sup>66</sup> courtroom processes must also be designed to protect women from re-victimization at the hands of investigators so that they will be more likely to come forward. It would go a long way toward developing a comprehensive strategy for combatting gender violence in and out of the courtroom if advisors on gender issues were present at all levels of the court and international bodies to inform and educate prosecutors and investigative teams. In addition, crimes against women must be seen as crimes against entire families and communities so that their impact is understood as central and not peripheral to a society's wounding.

While there are many different definitions and interpretations of what constitutes justice, sustainable peacebuilding cannot occur without it. In formal legal processes, the prosecution of crimes is an intrinsic element of post-conflict justice. Restorative processes do not necessarily take the place of formal legal processes, but the emphasis can shift from prosecution to healing, for the individuals involved as well as the larger societal milieu affected by the crimes in question. Restorative peacebuilding in societies where there has been historical conflict and violence needs to include an acknowledgement of harm and wrongdoing, the creation of official historical records, space for victims to share their stories, and reparations of some sort.<sup>67</sup> Particularly in situations where national or international legal processes have been inadequate in delivering justice, a greater need exists for community processes that focus on alternative forms of justice that can contribute to healing and the ability to move forward after violent conflict.

If international courts and tribunals are not adequately responding to gender-based crimes of sexual violence, local and national courts must step in. In the case of Rwanda, crimes of sexual violence were initially outside the jurisdiction of traditional *gacaca* courts,<sup>68</sup> but an amendment was made to the *gacaca* law in 2008 allowing them to be heard. As a result, 6,608 cases of rape or sexual violence were transferred.<sup>69</sup> Similar to Rwanda's *gacaca*, local traditional conflict resolution mechanisms in Darfur, such as *judiya*, promote a commonly acceptable outcome for the parties in-

66. Solange Mouthaan, 'The prosecution of gender-based crimes at the ICC: Challenges and opportunities', *International Criminal Law Review*, 11 (2011), 777–802.

67. David Bloomfield, 'Reconciliation: An introduction' in *Reconciliation after Violent Conflict: A Handbook*, ed. David Bloomfield, Teresa Barnes, and Luc Huyse (Stockholm, International Institute for Democracy and Electoral Assistance, 2003), 10–18; Johan Galtung, 'After violence, reconstruction, reconciliation, and resolution: Coping with visible and invisible effects of war and violence' in *Reconciliation, Justice, and Coexistence: Theory and Practice*, ed. Mohammed Abu-Nimer (Lanham, Lexington Books, 2001) 3:23.

68. Peter Uvin and Charles Mironko, 'Western and local approaches to justice', *Global Governance*, 9 (2003), 219–31.

69. Emily Amick, 'Trying international crimes on local lawns: The adjudication of genocide sexual violence crimes in Rwanda's *gacaca* courts', *Columbia Journal of Gender and Law*, 20 (2011), 1–97.

volved as a central tenet.<sup>70</sup> Whether the judiya can be leveraged to include crimes of sexual violence is related to larger social issues concerning the rights and roles of women in these communities. Traditional conflict resolution methodologies in the DRC also have the potential to address crimes of sexual violence, but local peacemaking processes have been disrupted as a result of ongoing conflict.<sup>71</sup> As Rwanda is the only country of these three that is more securely in the post-violence phase of its conflict, the capacity to address these issues on a deeper and more far-reaching level is greater than in Sudan and in the DRC, which are still very much addressing immediate and ongoing episodes of violence.

In addition to leveraging traditional local conflict resolution processes, another means of increasing visibility and justice in areas of sexual violence is including more women in legislative and judicial processes. Sub-Saharan Africa has made great strides in including women in positions of power, with Rwanda leading the way with 56 percent of national parliamentary seats occupied by women.<sup>72</sup> Kenya has passed legislation that requires one-third of parliamentary seats to be occupied by women.<sup>73</sup> Similar action within judicial processes might include striving toward having women as at least one-third of the staff and judges. This would likely lead to increased attention paid to gender-based crimes as well as a voice within the court systems to advocate for the prosecution of these crimes.

While individual women are not inherently more motivated toward and capable of successfully prosecuting crimes of sexual violence, a critical mass of women within the judicial system will inevitably increase the focus on these issues. Capacity building for preventing and prosecuting gender-based violence will be slow. Additional goals in this direction include increased public education, media campaigns, stronger international pressure, and local processes that are attuned to and empower women. Only through proactive efforts in these directions can the local and international political will in this arena be shifted.

## CONCLUSION

Although the international community has helped further international jurisprudence in adjudicating crimes of sexual violence in situations of armed conflict, crimes of sexual violence are still underreported and underprosecuted. And while the ICC and ad hoc tribunals have provided groundbreaking precedents in convicting rape as a crime of genocide and ensuring that leaders are held accountable, there is a long way to go before justice is served in the rampant acts of sexual violence perpetrated during conflict and war. Increased political will to both prevent and address these crimes must take root at all levels for there to be greater justice in this area. The war on women in armed conflict will continue until both legal and restorative processes address sexual violence at the center, rather than the margins, of efforts at justice.

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70. Jérôme Tubiana, Victor Tanner, and Adam Abdul-Jalil, 'Traditional authorities' peacemaking role in Darfur', *Peaceworks*, no. 83, United States Institute of Peace, Washington, D.C., 2012.

71. Séverine Autessere, 'The trouble with Congo: How local disputes fuel regional conflicts', *Foreign Affairs*, 87:3 (2008), 100.

72. Dayo Olopade, 'The fairer leaders', *International Herald Tribune*, 10 July 2012.

73. Ibid.



# The Influence of Ethiopian Women Parliamentarians on Policy Changes and Enforcement of Gender Equality Issues

*Tsion Tadesse Abebe and Elshaday Kifle Woldeyesus*

From 2005 through 2010, 21.2 percent of Ethiopian members of parliament were women, the highest proportion in the history of the country. The impact of the increase in their number on policy changes and enforcement of gender equality was explored through surveys of female parliamentarians, key informant interviews with selected female parliamentarians and other stakeholders, as well as focus group discussions with women in constituencies represented by female parliamentarians. The majority of the parliamentarians indicated that they raised issues of women in different policy discussions and oversight visits. The constituents acknowledged changes in access to education and the reduction of harmful traditional practices, but they were unsure of the contribution of the parliamentarians to them. Members of women's organizations indicated that the MPs needed to do more to voice the concerns of women and advocate for increased female parliamentary representation.

ALTHOUGH PROGRESS IN TERMS OF INCREASING FEMALE REPRESENTATION in government can be easily documented in the Ethiopian parliament, no systematic evidence has been assembled until now on whether this effort has translated into actual actions that promote gender equality. Hence, this paper analyses the impact of the increase in the number of women members of parliament on gender equality issues through policy changes and enforcement. The research findings show that the women members of parliament have tried to play their role by raising awareness about women's issues as well as mainstreaming gender. The women MPs, however, need to work more to establish stronger relations with women in their constituencies, civil society organizations working on women's issues, and the gender machinery. They also need to more purposefully use the space provided through the Women's Caucus in the parliament.

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## BACKGROUND: WOMEN'S RIGHTS AND REPRESENTATION

After the Ethiopian People's Revolutionary Democratic Front (EPRDF) came to power in 1991, Ethiopia demonstrated a strong commitment to addressing long-standing inequality and discrimination against women. Article 35 of the 1994 constitution addresses women's rights, and the family law and penal code was revised to take them into consideration. The government adopted the National Policy on Women in 1995 and has established gender machineries, including the Ministry of Women's Affairs in 2005. Women's Affairs offices were also established in each ministry and in government offices up to the *kebele* level.<sup>1</sup>

Ethiopia has a bicameral parliament at the federal level, consisting of the House of Peoples' Representatives and the House of the Federation. The former is the highest political body in the federal government. Members of parliament (MPs) serve for five-year terms and are selected through universal suffrage. The number of members is not to exceed 550, and minority nationalities and peoples must hold no fewer than 20 seats.<sup>2</sup> In the 2005–2010 term, the House had 547 seats, with 22 reserved for the representatives of minority nationalities and peoples.

The history of women's representation in parliament goes back slightly more than half a century in Ethiopia. It began in 1957 with the election of two women to parliament. That figure grew to four in 1962 and was repeated in the 1973 election. Following the end of the Derg's communist regime (1974–1991), Ethiopia moved from a centralized single-party system to a multiparty, ethnically based federation. This marked the beginning of an increase in the number of women MPs. In 1995, thirteen women, or 7 percent of members, entered parliament in the EPRDF-dominated House of Peoples' Representatives. In the 2000 election, the number of women MPs more than tripled, to forty-two, or 14 percent. By 2005, their number had reached 117, or 21.2 percent of members. The adoption of a 30 percent party quota by the EPRDF in 2004 has significantly contributed to the increase in the representation of women.<sup>3</sup> EPRDF began implementing the quota in 2005.

## METHODOLOGY

The research presented here explores the influence of Ethiopian female parliamentarians' on policy changes and enforcement of gender equality issues by focusing on the following five dimensions:

- attitudinal support for women's issues (feminist consciousness);<sup>4</sup>
- relationships with women in their constituencies;

1. The Ministry of Women's Affairs superseded the federal-level Women's Affairs Office, which had been established in 1995 under the Prime Minister's Office. A *kebele* is the lowest administrative unit in the government structure.

2. Constitution of the Federal Democratic Republic of Ethiopia, 1994, Article 54, 1–3.

3. Meaza Ashenafi, *Participation of Women in Politics and Public Decision Making in Ethiopia*, FSS Monograph no. 5 (Addis Ababa, Forum for Social Studies, 2009).

4. Feminist consciousness refers to the role women play in bringing about gender equity at various levels and being aware of their rights and issues affecting their lives.

- cooperation with the national gender machinery;<sup>5</sup>
- cooperation with women's organizations in civil society; and
- Women's Caucus in the parliament.<sup>6</sup>

A combination of quantitative and qualitative methodologies was used to capture different aspects of the issue. With regards to quantitative data collection, 38 women MPs, one-third of their total, responded to semistructured questionnaires, which were multipurpose and measured the five dimensions of the research. Every third woman from the list of female MPs was selected to participate in the survey. In cases where a selected MP was not available, she was replaced by the next person on the list.

To assemble qualitative data, ten Focus Group Discussions (FGDs) were conducted with women in constituencies represented by women MPs. The FGDs were conducted in the Addis Ababa, Oromia, Tigray, and Amhara regional states. Between eight and twelve women participated in each FGD. This method was instrumental in exploring the relationship between women MPs and their female constituencies and in understanding the opinions of the constituents about their female representatives. In addition, one FGD was conducted with eleven MPs from different political parties and regions. This discussion group was used to supplement the results of the quantitative survey by providing in-depth understanding of the reasons and contexts behind the survey responses.

Key informant interviews were conducted with two leaders and active members of the Women's Caucus, three representatives from the national gender machinery, and three heads of women's civil society organizations that have worked closely with MPs. The key informant interviews were helpful in understanding cooperation among women MPs, structures of the national gender machinery, and women's civil society organizations as well as the role and achievements of the Women's Caucus.

## FEMINIST CONSCIOUSNESS: ATTITUDINAL SUPPORT FOR WOMEN'S ISSUES

Women in political leadership positions are generally expected to represent women's issues. In this respect, one of the key informants explained that women give priority to 'gender equality' issues and take the lead to advance them. She cited the following anecdote: 'If a house is burning and the owner is not trying to extinguish it, then her neighbors should not bother to help.'<sup>7</sup> Among MP respondents, 79.5 percent either strongly agreed or agreed that women MPs were more responsible than male MPs in representing women's interests in their constituencies.<sup>8</sup> All the key informants from

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5. *Gender machinery* refers to government structures involved in gender issues at the levels of legislation, implementation, and oversight. For the research here, the term refers to the Ministry of Women's Affairs, women's affairs departments at ministries and other government offices, and the Women's Affairs Standing Committee in the parliament. The first two represent the executive branch of the government, and the third monitors the activities of the executive.

6. The Women's Caucus is the association of Ethiopian women MPs that specifically focuses on gender issues.

7. Key informant, Addis Ababa, June 2010.

8. Ashenafi, *Participation of Women in Politics and Public Decision Making in Ethiopia*, argues similarly.

the parliament, gender machinery, and women's organizations shared the attitude that women MPs have a greater duty than their male counterparts to represent women's interests.<sup>9</sup> Emphasizing this point, one of the key informant MPs stated, 'If I join parliament only to sit down and wait for my salary, I am not playing my role but personally benefitting. I should work towards making a difference in the lives of other women'.<sup>10</sup>

Most of the key informants argued that women MPs are primarily responsible for advocating for women because they understand the challenges of women better than men do, given that they are more likely to have gone through similar experiences. Such arguments are directly related to the primary task of MPs, which is representing the interests of their constituencies.<sup>11</sup> In this regard, the Code of Conduct of the House states under Article 172(1) that women's rights enshrined in the constitution must be respected and that women must benefit from their rights.<sup>12</sup> Thus, if women can best represent the interests of their fellow women, it is expected that they follow the current status of women and bring their concerns to the table.

Among the MPs, 92.3 percent strongly agreed with the statement that women and men should have an equal role in running the government, while 43.6 percent strongly agreed when asked if they had promoted a greater consciousness of women's needs.<sup>13</sup> The FGD with the MPs reinforced that many of them were aware and concerned about women's issues, and a few of them were passionate when they spoke about discrimination against women in Ethiopia.

Several key challenges were identified as hindering women MPs' efforts to address women's issues. These include a negative attitude toward women's leadership. One key informant summed up the problem, observing, 'The issue of gender is not easy to penetrate, especially in relation to attitude'.<sup>14</sup> Some 33.3 percent of respondents felt that the impact of societal attitudes made it very challenging for them to carry out their responsibilities. One key informant noted that the victims of such challenges are not only women who work on women's issues, but also men who are concerned about gender equality issues. In this respect, she explained, male members of the Women's Affairs Standing Committee of the parliament are addressed as 'Wro' (Mrs.) by people who would like to undermine and belittle them.

Risk to one's career was identified as the other key challenge hindering women MPs. In this regard, one of the key informants explained, 'When women join the parliament, they do not want to look less professional, less political or less committed to

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9. A case study on Namibian women MPs indicates a similar finding: 'In the view of many Namibian women, women are simply better placed and more likely to represent "women's interests"'. Gretchen Bauer, 'The hand that stirs the pot can also run the country: Electing women to the parliament in Namibia', *Journal of Modern African Studies*, 42:4 (2004), 479–509.

10. Key informant, Addis Ababa, 2010.

11. Hanna Pitkin, *The Concept of Representation* (Berkeley, University of California Press, 1967).

12. House of Peoples' Representatives of the FDRE, Rules of Procedures and Member's Code of Conduct, reg. 3/2006.

13. Shireen Hassim, *Women's Organizations and Democracy in South Africa: Contesting Authority. Women in Africa and the Diaspora* (Pietermaritzburg, University of KwaZulu Natal Press, 2006), argues that feminist consciousness of women MPs is the first step toward enacting legislations that respond to the needs of women.

14. Key informant, Addis Ababa, June 2010.

their party'.<sup>15</sup> They want to prove their capabilities through contributions focused on their parties' priorities, not necessarily on issues affecting their specific constituency. One of the reasons behind their not taking a risk on the latter might be family responsibility. Among survey participants, 66.7 percent had two or more children, and 66.8 percent had two or more other dependents.<sup>16</sup>

Being compelled to follow party decisions is a challenge the women identified. Along this line, 67.4 percent of the MP respondents either strongly agreed or agreed that they were first and foremost accountable to their political party. Elected MPs are typically viewed as taking responsibility for their constituency but in reality are ultimately bound by party lines. In addition, one cannot assume that gender is the sole common denominator among women and that party divisions cannot outweigh gender divisions.<sup>17</sup>

### THE RELATIONSHIP BETWEEN WOMEN MPS AND THEIR FEMALE CONSTITUENTS

As the purpose of this study was to examine women MPs' influence on promoting women's issues, one focus must include the relationship between women MPs and the women within their constituencies. In accordance, ten FGDs were conducted with women in the constituencies represented by women MPs. In five of the ten groups, none of the participants knew the name of the MP representing their *woreda* (administrative zone) or whether the person was a man or a woman. This is notwithstanding the fact that nearly all the participants had voted in the 2005 elections. As one participant related, 'We voted according to the party symbols, and did not pay attention to the individual candidates'.<sup>18</sup> This was found to be the case even in constituencies where the FGD participants knew their MP.

From the five FGDs in which participants knew the MP representing them, the women in four of them indicated that they had neither participated in nor knew of any meetings organized by the MP. In one of the FGDs, however, some of the discussants indicated that although they had not met with their MP, they had contacted her through representatives from the kebele.

With the exception of one of the FGDs, participants in general did not express disappointment with their MP or accuse them of neglecting them. This, however, should not be misconstrued to mean that they were unanimously satisfied either. One possible explanation, which was observed in many of the FGDs, is the participants' lack of knowledge in regard to the role of parliament and parliamentarians. In a few cases, especially in rural areas, some participants were unfamiliar with the term *parliament*.

15. Some studies also indicate that working on gender issues in many parts of the world can be difficult, as it is considered a second-class political issue and raising it can risk a career. Ruth Lister, *Citizenship: Feminist Perspectives*, 2d ed. (Basingstoke, Palgrave Macmillan, 2003).

16. In recent years in Uganda, a country that is in a similar socioeconomic situation as Ethiopia, 'becoming an MP has often been referred to as "getting a job"'. Alula Pankhurst and Damen Haile Mariam, 'The Iddir in Ethiopia: Historical development, social function, and potential role in HIV/AIDS prevention and control', *Northeast African Studies*, 7:2 (2002), 35.

17. Cited in Bauer, 'Hand that stirs the pot'.

18. FGD participant, Addis Ababa, 2010.



In others, they did not fully understand the functions of the legislature, especially the relationship between the parliament and the populace.

Article 112 of the Code of Conduct states that every MP has the right to meet with any member of the electorate he or she desires.<sup>19</sup> The point of the meeting could be for any reason, including understanding women's issues and listening to their concerns. Being unaware of MPs responsibilities, constituents had no expectations of the parliamentarian representing them and thus did not demand or hold their representative accountable. This situation might be greatly improved in the future as civic education is included in the curriculum of grades 5–12. It was introduced in higher education in the late 1990s to create awareness about the powers and functions of parliament as well as citizens' rights and duties.

A significantly different response was offered by an FGD of constituents whose relationship with their MP appeared to be strong. The participants said that when parliament took its summer recess, their MP came to visit them and stayed in the community for the entire time. They also related that she went from kebele to kebele and that everyone in the constituency knew her. Moreover, they indicated that they could contact her by telephone when she was in Addis Ababa. Some participants shared that they had met with her when they went to the capital. The participants further stressed that she understood and addressed the concerns of women in the area. For instance, they mentioned that they had informed her of the need for a road in their area and of a shortage of ambulances. They then revealed that the road was under construction and that the MP had also helped them to acquire an ambulance. The FGD participants indicated their satisfaction with her competence and commitment in addressing their problems. This representative appears to exemplify the intentions of the Code of Conduct's Act 123(2), by which every member is expected to discharge the responsibilities entrusted to him or her by the public and the tasks assigned by the House by effectively applying his or her full knowledge and experience.<sup>20</sup>

In contrast, nearly 36 percent of the women MPs rated their relationship with women in their constituency as strong, and 51 percent as fair. Only 10 percent rated their relationship as 'loose'. In the FGD with MPs, many of the participants indicated that they had a strong relationship with the women in their constituencies. The Code of Conduct states that setting an example is expected of MPs by performing their duties with a sense of responsibility and of accomplishment. It is hardly possible for women MPs, or male ones for that matter, to set an example without building relationships and working with their constituents.

To explain the discrepancies between the views of the MPs and the women in their constituencies, it is important to look at the mechanisms that the MPs reported to have used in communicating with the women. Visiting and meeting with local government structures, predominantly woreda-level Women's Affairs offices and woreda administrations, during the two parliamentary breaks were the MPs' major mechanisms for constituent communication. In addition to the twice-a-year visits, some said

19. House of Peoples' Representatives of the FDRE, Rules of Procedures and Member's Code of Conduct Regulation No. 3/2006.

20. Ibid.



they maintained occasional contact with woreda Women's Affairs offices via telephone when urgent issues arose. The findings indicate that the MPs only rarely used direct contact to address concerns raised by their constituents. This explains the responses of the constituents of either not knowing the MP representing their area or having no relationship with her.

Establishing direct contacts with constituents can be challenging, primarily due to the large number of people represented by each MP and the limited resources available for communicating with them given the small travel allowances and per diems. It is evident, however, that the female MPs did not view their relationship with the women in their constituencies as a major issue of concern that should be improved. As noted, 87 percent of women MPs felt that they had a strong or fair relationship with their constituents. In addition, the MPs did not identify their relationship with their constituents as a problem when discussing the challenges they faced in promoting women's issues. Bringing to the table the concerns of women will remain a dream as long as MPs fail to get in touch with the women in their respective constituencies to understand their concerns. The findings, thus, implicate the need to emphasize the importance of direct contacts with constituents and finding creative ways to strengthen the relationship between female MPs and women in their constituencies.<sup>21</sup>

## COOPERATION WITH NATIONAL GENDER MACHINERY

Gender machinery refers to government institutional structures that deal with gender issues.<sup>22</sup> This research assessed how and whether the Ministry of Women's Affairs, the Women's Affairs Standing Committee in the parliament, and the women's affairs departments in different ministries have worked together on policy changes and implementation of gender equality.

The Code of Conduct gives the standing committee the authority to follow up and supervise governmental bodies.<sup>23</sup> In this respect, one of the key informants explained that the committee closely oversees and supervises the Ministry of Women's Affairs and the departments. Representatives of the three institutions meet every three months, during which time the ministry and departments present reports to the standing committee. This would appear to be in conformity with the Code of Conduct.<sup>24</sup> In addition, the ministry organizes an annual forum in which women MPs

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21. In studying the role of constituency offices in Canada, Peter Macleod observed, 'Perhaps the core lesson that the constituency system can teach the rest of government is that rich or poor, citizens need to *feel heard*. Even when nothing else can be done, constituency staff are unanimous in their conviction that listening actively to a citizen as they vent, or again patiently explaining a procedure, produces its own rewards'. Peter Macleod, 'The low road to democratic freedom: Constituency offices, public service provision and citizen engagement, report to the Democratic Reform Secretariat, Ottawa, Privy Council Office of Canada, 2005.

22. These structures emerged in the 1990s when women's political representation became institutionalized. Pamela Paxton, Melanie M. Hughes, and Jennifer L. Green, 'The international women's movement and women's political representation, 1893–2003', *American Sociological Review*, 17:6 (2006), 898–920.

23. House of Peoples' Representatives of the FDRE, Rules of Procedures and Member's Code of Conduct Regulation No. 3/2006, art. 150(1)(b).

24. *Ibid.*, art. 172(7).

and representatives of the women's affairs departments and relevant nongovernmental organizations (NGOs) and UN agencies take part.

Raising awareness on gender equality issues, as prescribed by the Code of Conduct, was found to be one of the areas in which the Ministry of Women's Affairs and the Women's Affairs Standing Committee are working together.<sup>25</sup> In this regard, the minister of women's affairs offered training to all MPs about the activities of her ministry.<sup>26</sup> The institutions also collaborated informally, as one of the key informants stated that members of the standing committee shared information with the ministry based on their observations from oversight visits and forwarded suggestions on how the ministry might address certain issues. Survey findings also showed that 64.1 percent of the women MPs made special efforts to consult the ministry.

Despite collaboration between the institutions, participants in the FGD of MPs were unable to explain the working relationship between the standing committee and the ministry. One member of the committee said that had the head or the deputy head of the committee been present, either would have been able to better explain the connection.<sup>27</sup> Thus, not all members of the committee are aware of their responsibility to supervise government bodies and monitor their activities, indicating a loose relationship between the Ministry of Women's Affairs and the Women's Affairs Standing Committee.

Regarding the working relationship between the women's affairs departments and the standing committee, 46.2 percent of the women MP survey participants indicated that they had made special efforts to consult the departments. Furthermore, some explained that they regularly communicated with the departments in their constituencies and arranged meetings to monitor their activities and discuss challenges. Similarly, participants in the MPs' FGD explained that they had used the departments as one mechanism for checking on whether women's issues were being addressed.

Key informants stressed that there was a strong relationship between the Ministry of Women's Affairs and the women's affairs departments, with capacity building being their major area of collaboration. As such, experts from the departments had participated in numerous trainings organized by the ministry, including a training of trainers on harmful traditional practices (HTPs) and workshops on gender issues, community mobilization, and enhancing leadership skills.<sup>28</sup> In addition, the ministry organized experience-sharing visits to four woreda administrations that exemplified good experiences in combating HTPs.<sup>29</sup> Representatives of the ministry and all the regional states and federal women's affairs departments took part during the visits. A key informant indicated that when the departments organized trainings, the ministry's resource personnel supported them. The departments assist the ministry in 'of-

25. *Ibid.*, art. 150(1)(g).

26. FGD participant, Addis Ababa, 2010.

27. *Ibid.*

28. Key informant, Addis Ababa, June 2010.

29. Hamer and Benatsemay woredas in the South Omo Zone of the Southern Nations, Nationalities and Peoples' Region as well as Kofele and Shashemene, in the West Arsi Zone of Oromia region.

fering trainings, facilitating some projects, assisting in preparing gender mainstreaming manuals, reviewing policies and producing reports.<sup>30</sup>

Awareness raising, particularly in regard to gender budgeting and auditing, is another area in which the ministry and the departments have worked together.<sup>31</sup> A key informant explained that the ministry is working on clarifying and creating awareness in these areas.<sup>32</sup> In addition, the Women's Affairs Department at the Federal Civil Service Agency (FCSA) published an article on gender auditing in *Merit Magazine*, which has countrywide circulation.<sup>33</sup>

Research outcomes indicate that the work of the three structures focus primarily on organizing meetings and engaging in activities related to capacity building and awareness creation. No data, however, have been found to elucidate their collaboration in policy making and implementation. Thus, it was useful to assess the challenges that hinder the structures from working together in these areas.

Lack of strong networking between the structures was identified as the major challenge to their effective collaboration. A key informant revealed that there is a lack of information exchange between the ministry and the standing committee arising from a fear of mixing roles. As a result, the two institutions work within their respective spheres in a way that makes sure one does not cross the other's boundaries. In a similar vein, the departments come together whenever a meeting is called by the ministry, but otherwise they contact each other only if one of the parties needs something from another.<sup>34</sup> Moreover, it was indicated that there is irregular reporting by departments to the standing committee. As one of the key informants explained, not all of the departments get the opportunity to present their quarterly reports to the committee due to the limited amount of time allocated for such meetings.

Inconsistent oversight visits by the standing committee were also highlighted as another challenge, with one key informant offering that she could remember only one visit from the MPs. It is up to the standing committee to demand reports from the departments on a quarterly basis, given their responsibility to supervise and monitor the activities being undertaken. In this regard, the Code of Conduct states that the standing committee must follow up and ensure that the National Policy on Women is being implemented at a national level in all governmental institutions instrumental in enabling women to have a say in national development policies, plans, and project preparation and execution, especially concerning projects that might affect women's advantages.<sup>35</sup>

Therefore, to ensure the effective implementation of policy, it is the responsibility of the Women's Affairs Standing Committee to clearly know its responsibilities in

30. Key informant, Addis Ababa, June 2010.

31. A gender audit is part of mainstreaming, that is, 'analyzing mainstream public policy, including legislation, regulations, allocations, taxation and social projects, from the point of view of their effect on the status of women in a society'. Barbara Swirski, 'What is a gender audit', Dava Center, 2002, <http://internationalbudget.org/wp-content/uploads/What-is-a-Gender-Audit.pdf>.

32. Key informant, Addis Ababa, June 2010.

33. Ibid.

34. Key informant, Addis Ababa, 2010.

35. House of Peoples' Representatives of the FDRE, Rules of Procedures and Member's Code of Conduct Regulation No. 3/2006, art. 172(7).

terms of following up on activities being undertaken in agencies. In this regard, the Code of Conduct clearly stipulates that the standing committee must review the annual plans and quarterly and other reports of the government.<sup>36</sup> The committee is responsible for being satisfactorily aware of the laws, regulations, and directives as well as pertinent documents establishing government bodies.<sup>37</sup>

## THE RELATIONSHIP BETWEEN WOMEN MPS AND WOMEN'S ORGANIZATIONS IN CIVIL SOCIETY

Modern, formal, and legal civil society organizations are a recent phenomenon in Ethiopia. The regime change in 1991 led to a marked expansion of local and international CSOs.<sup>38</sup> It is imperative to mention the remarkable contribution of CSOs, particularly the Ethiopian Women Lawyers Association (EWLA), in advocating for women-friendly provisions in the revision of the family law and penal code adopted in 2000 and 2004, respectively. EWLA played an important role in conducting research on the discriminatory elements of the legislation, actively participating in forums debating the draft law organized by the Women's Affairs Standing Committee, and providing commentary.<sup>39</sup> Several other women's organizations made important contributions in the revision of the penal code to outlaw discriminatory features in line with their fields.<sup>40</sup>

In light of this past experience, in order to examine the nature and extent of the relationship between women MPs in the 2005–2010 parliament and women's organizations, interviews were conducted with representatives from EWLA, the Network of Ethiopian Women's Associations, and Ye Ethiopia Goji Limadawi Dirgitoch Aswegaj Mahibir.<sup>41</sup> In addition, the FGD and interviews with the MPs assessed the participants' views in regard to their relationships with women's organizations in civil society.

The findings show that both women MPs and representatives from women's organizations considered their relationships to be unsatisfactory. They indicated that their communication was mainly limited to trainings and other such capacity-building activities. The MPs explained that they had participated in a number of trainings organized by different CSOs, but both groups stated that their communication in terms

36. Ibid., art. 155(1)(b)(c).

37. Ibid., art. 155(1)(a).

38. Ethiopia has a rich history of associational life in the form of traditional self-help systems. *Idirs* (burial societies), *ekubs* (rotating credit associations), and *mahebers* (religion-based associations) have been active for more than a century. See Pankhurst and Haile Mariam, 'Iddir in Ethiopia'. Today there are more than three thousand registered CSOs and NGOs at the federal and regional levels. Dessalegn Rahmato, Akalewold Bantirgu, and Yoseph Endeshaw, 'CSOs/NGOs in Ethiopia: Partners in development and good governance', report prepared for the Ad Hoc CSO/NGO Task Force, Addis Ababa, 2008.

39. See Berchi: *The Journal of Ethiopian Women Lawyers Association*, 1:3 (summer 2002).

40. For example, the National Committee on Traditional Practices–Ethiopia, now Ye Ethiopia Goji Limadawi Dirgitoch Aswegaj Mahiber, contributed toward outlawing HTPs, specifically female genital mutilation. The Ethiopian Society of Obstetricians and Gynecologists, an NGO that works on ending preventable deaths and disabilities from unsafe abortion, and other organizations also advocated reforms in the penal code to promote women's reproductive health and rights.

41. The Network of Ethiopian Women's Associations coordinates local NGOs working on gender and women's issues, focusing on gender equality and public campaigns to promote, advocate, and lobby for women's rights.

of policy debates was minimal.<sup>42</sup> The only example provided by the MPs regarding the advocacy activities of women's organizations was the effort by some to lobby for new legislation on sexual harassment. The MPs indicated that they had attended meetings and discussions with CSOs and debated what constituted sexual harassment. They also revealed, however, that they were not sure what happened to the legislation, as it was never presented to the parliament.

To bring about meaningful changes for women in society at large, close coordination, cooperation, and collaboration between women MPs and women's organizations play crucial and indispensable roles.<sup>43</sup> In particular in countries like Ethiopia, where resources are limited, cooperation increases the impact of both parties. In this regard, facilitating ways to enable women to equally compete with men in the political, economic, and social fields as well as in government and private institutions—that is, ensuring affirmative action—is the responsibility of the Women's Affairs Standing Committee.<sup>44</sup> One of the sound ways of reaching women is through collaborating and synergizing with CSOs working on the same mission.

In underlining the importance of building and strengthening the relationship between women MPs and women's organizations in Ethiopia, one must examine the challenges in the limited relationship between the two so far. Some MPs, for instance, complained that CSOs do not consult with them when they organize trainings or capacity-building activities. The MPs indicated that for trainings to be fruitful, they should be involved throughout the process, beginning with an assessment of gaps and needs. They said that instead, the CSOs typically planned trainings independently and simply invited them to attend. One of the MPs explained that over the preceding five years, the CSOs had been giving them short-notice when sending invitations for meetings and trainings. She further lamented, 'Sometimes we even go there [meeting venue] without knowing what the training is about'.<sup>45</sup>

The women MPs further indicated that they had had disagreements with some CSOs over what should be prioritized. They explained that certain CSOs had advocated for legislation that did not take into consideration the context or, in their view, the priorities of Ethiopian women. One of the interviewees elaborated this point:

In our culture, it is not common to see husbands ask their wives for permission to sleep with them. That is not common. . . . A husband raped his wife? We are not there yet!

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42. Similar findings on the limited relationship between female parliamentarians and women's organizations have been reported in other countries. Sylvia Tamale, *When Hens Begin To Crow: Gender and Parliamentary Politics in Uganda* (Boulder, Colorado, Westview Press, 1999); Bauer, 'Hand that stirs the pot'; Nadezhda Shvedova, 'Obstacles to women's participation in parliament' in Julie Ballington and Azza Karam, *Women in Parliament: Beyond Numbers*, rev. ed. (Stockholm, Institute for Democracy and Electoral Assistance, 2012), who argue, 'In new democracies there is less contact and cooperation between women politicians and women's organisations'.

43. Tamale, *When Hens Begin To Crow*, for instance, argued that if formal legal equality in Uganda were to be translated into substantive equality, then this trend would have to be reversed, and women MPs would have to work more closely with women activists.

44. House of Peoples' Representatives of the FDRE, Rules of Procedures and Member's Code of Conduct Regulation No. 3/2006, art. 172 (4).

45. FGD, Addis Ababa, 2010.

Now, when we educate about harmful traditional practices, and when we mobilize the community, we are dealing with religious leaders and clan leaders. So, do these people themselves ask permission from their wives to sleep with them? So if you take this to them they will not support you. Therefore, it is better to address this later. I say there are many big problems that need urgent solution.<sup>46</sup>

The MPs also explained that women-focused CSOs tend to exaggerate some problems. For instance, in the discussion they had regarding sexual harassment, they did not agree on the percentage of girls and women harassed. They also indicated their disappointment with some CSOs that had provided international organizations with incorrect information. They stated that distrust can be a major obstacle to building effective relationships with CSOs in such events.<sup>47</sup> A participant in the FGD offered,

There is lack of trust between nongovernmental organizations and us. . . . They do not trust us, and we also have suspicions about them because there were bad experiences. . . . When you expect them to be genuinely working to promote gender issues and fill the gap, there were times when this was not the case. . . . When we see one or two of such actions, we are afraid that others also come to us with similar motives. So when they come, we will not be totally open. We want to look through each and everything. And, on their side, they ask, 'Why are we examined like this while we come to help'.<sup>48</sup>

Representatives of women's organizations also agreed that distrust has been a major obstacle. One representative elaborated that the Societies and Charities Proclamation had resulted in increased tension between CSOs and the government. She further asserted that the relationship that had been established between CSOs and government prior to 2005, during the revision of the family and penal codes, no longer existed.<sup>49</sup>

As clearly indicated by research findings, the relationship between women MPs and women's organizations in civil society needs to be strengthened. A leader of one women's organization asserted, "Their [women MPs] constituency might be from the place they have come from, but we [women's organizations] are also their constituencies by cause. So in this respect they need to consult with their constituencies. It should be something planned. It should not be just a one-time meeting, a March 8

46. Key informant, Addis Ababa, 2010.

47. Distrust is not uncommon between parliamentarians and CSOs in developing countries. The findings from a research project involving Kenya, Tanzania, Uganda, and Zambia included a number of key parliamentarians raising concerns about the alleged hidden agendas and concealed works of CSOs and complaining that CSOs were perceived as being too close to donors. Nicola Jones and Fletcher Tembo, 'Promoting good governance through civil society-legislator linkages: Opportunities and challenges for policy engagement in developing country contexts', Overseas Development Institute, London, 2008.

48. FGD participant, key informant, Addis Ababa, 2010.

49. The Societies and Charities Proclamation, adopted in early 2009, is indicative of the distrust. The proclamation bars all foreign CSOs from working on human rights and governance issues. It defines as "foreign" any CSO that receives more than 10 percent of its funding from foreign sources. Since nearly all the existing formal local CSOs depend fully or significantly on funds from foreign sources, they are excluded from promoting good governance, democracy, human rights, and peace. Rahmato, Bantirgu, and Endeshaw, 'CSOs/NGOs in Ethiopia'. This research has not assessed the impact of the proclamation on the relationship between women MPs and women's organizations, as it is in the early stages of implementation.

meeting, or when we get together in other meetings. It should be a planned meeting, and they have to say 'We want to discuss these issues.'<sup>50</sup>

## THE WOMEN'S CAUCUS

The Women's Caucus was established in the parliament in 2006, with the primary objectives of gender mainstreaming, reviewing legislation and budgets from a gender perspective, and organizing gender trainings. At the time this research was conducted, all 116 female MPs from the ruling party and opposition parties were members of the caucus. Membership in the caucus is also open to previous women MPs and to anyone interested in participating and contributing to the caucus's activities financially or in kind.<sup>51</sup>

The caucus provides its members, theoretically, a platform to promote gender equality issues. In this respect, 59 percent of the female MP participants indicated that the creation of the caucus had brought a substantial or noticeable change to promoting gender equality issues. Many of the key informants emphasized the operationalization of the caucus as a major achievement, given that it is, as one person noted, 'A pressure group that checks whether women's interests are addressed in draft legislations, and works towards creating greater awareness about the importance of women's equality.'<sup>52</sup>

In addition to its regular meetings, the caucus has also used events, such as International Women's Day, held on March 8, to create discussion forums. This was a particularly special event during the 2008 celebration, when additional discussion forums and activities were organized because it coincided with Ethiopia's millennium celebrations.<sup>53</sup> In accordance, the caucus organized a panel discussion, 'Women farmers and animal breeders'; published an article, 'Ethiopian women MPs: From Haile Selassie's regime to EPRDF', in Amharic and English in the *March 8th Magazine*; and organized a photo exhibition.<sup>54</sup>

Capacity building was identified as the key activity of the caucus, according to 52.6 percent of survey respondents. This included trainings to enhance legislative and oversight capacities of women MPs. Some 87.2 percent of the MPs also considered building the capacity of women MPs' awareness about gender issues to be very important. The trainings were focused on gender mainstreaming, creating legislation, oversight, computer operation, and the English language.<sup>55</sup> Moreover, three women MPs obtained scholarships for post-graduate studies abroad. The impact of the trainings

50. Key informant, Addis Ababa, 2010.

51. Caucus report to the parliament, 2008.

52. Key informant, Addis Ababa, 2011.

53. Ethiopia's calendar combines the Julian calendar and that of the Coptic Church of Alexandria. It is seven years behind the Gregorian calendar until January, and eight years behind afterwards. The dates for New Year's, Christmas, and Easter are different from the Gregorian calendar's. Thus, New Year's is celebrated on September 1 (September 11 in the Gregorian calendar), and the Ethiopian millennium was on September 11, 2007.

54. Women MPs caucus report, 2008.

55. The Tanzanian Women Parliamentary Group has also been providing advice and training for women MPs. Mi Yung Yoon, 'Special seats for women in the national legislature: The case of Tanzania', *Africa Today*, 55:1 (2008), 61–77.



was explained by one of the MP FGD participant's as follows: 'We attend different capacity-building trainings through the caucus. Not only that, the caucus also is a place to practice the skills we have learned in these trainings. For example, we moderate meetings in the caucus, which gives us opportunities to speak publicly. I would say, generally, the activities of the caucus are making us more confident'.<sup>56</sup>

Experience-sharing visits to parliaments in other countries are regarded as another important aspect of capacity-building endeavors. The idea of establishing the caucus was itself the result of an experience-sharing visit to the Canadian parliament in 2001. Such visits are not limited to developed countries, but include some to developing nations (Sudan and South Africa) as well.<sup>57</sup> Since developing nations share similar experiences, and might be at similar stages in relation to the functioning of their parliaments, such visits are quite instrumental.

The caucus also worked in raising awareness about gender equality issues in ways other than trainings. In particular, members worked on minimizing female genital mutilation (FGM). In this regard, one of the key informants said, 'FGM was declared haram [forbidden] in the Afar regional state after some of the caucus members worked with Timret, a local NGO addressing the issue'. Similarly, the women's caucus in Rwanda, the Forum of Rwandan Women Parliamentarians, has worked with Pro-Femmes, a women's CSO, to revoke laws preventing women from inheriting land.<sup>58</sup>

Not all women MPs who participated in the survey agreed that the caucus made a difference in promoting gender equality issues. Among them, 34.2 percent indicated that the caucus had not achieved much in this area. One of the participants in the MP focus group, explained, 'I go to the caucus meetings. However, I do not see much interest in considering different opinions. Due to this, I do nothing other than attending the meeting and leaving. There are visits and such things. I have not been invited to visits. And even if I go, I know that nothing new will come of it'.<sup>59</sup>

In short, the research findings show that the establishment of the caucus has offered women MPs an organized platform for discussing gender equality issues, in particular via the long- and short-term capacity-building trainings it offers. The caucus also worked at creating awareness about gender equality activities corresponding to its objectives of organizing gender awareness training for MPs and staff to advance gender mainstreaming; supporting women's caucus representatives in parliamentary committees; and ensuring equal participation of women and men MPs in decision-making processes.

The data assembled are limited with regard to the caucus's other three objectives—mainstreaming the rights of women, conducting legislative reviews, and conducting annual budget reviews through a gender lens. Since these three are crucial to setting

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56. FGD participant, Addis Ababa, 2010.

57. Women MPs Caucus Report, 2008.

58. Elizabeth Powley, 'Strengthening governance: The role of women in Rwanda's transition. A summary', speech at the United Nations Office of the Special Adviser on Gender Issues and Advancement of Women, Expert Group Meeting on 'Enhancing women's participation in electoral processes in post-conflict countries', 19-22 January 2004, as quoted in Carey Leigh Hogg, 'Women's political representation in post-conflict Rwanda: A politics of inclusion or exclusion?' *Journal of International Women's Studies*, 11:3 (2009), 34-55.

59. Survey participant, Addis Ababa, 2010.

up a system that supports legislation and oversight from a gender perspective, they should be the main focus of the caucus in trying to achieve gender equality issues.

## CONCLUSION

Putting women in parliament does not instantly guarantee favorable policies for women and enforcement of gender equality. It should instead be viewed as the beginning of a long process that requires a lot of struggle and hard work before tangible results can be realized. This is evident in the Ethiopian parliament, as the increase in the number of women parliamentarians has not been accompanied by visible positive impacts on policy outcomes and enforcement of gender equality issues.

Women MPs in Ethiopia still have a long way to go in bringing about tangible results in promoting policy changes and advancement of gender equality. There are, however, numerous good beginnings in terms of understanding women's issues. Female MPs have taken important steps in raising awareness about women's issues, demanding explanations when women's issues are ignored, and mainstreaming gender in the development works of the executive branch. Their determination to raise such issues in different committees and in the full parliament is to be commended, but their invisibility to the public is a predicament. Thus, they need to work harder to build relationships with women constituents, women's organizations, and the gender machinery. There is great opportunity for them to promote women's issues and concerns given that they are among the few women in the country to hold positions with the potential to influence attitudes and policies.



# Reconceptualizing Women's Role in Peacebuilding

*Onyinyechukwu Onyido*

There has been an abundance of calls for women's involvement in peacebuilding since the adoption of UN Security Council Resolution 1325 in 2000. Thirteen years later, the focus is not on whether women are involved but on how. Much of the literature on women and peacebuilding refers to women's activities in peacebuilding processes as 'informal'. The description of women's roles as informal serves to relegate women's involvement in the process to the background. As long as the aim of the activity is to achieve sustainable peace, the focus should be less on the distinction between formal and informal roles and more on the significance of the roles. Men and women are both victims and actors in armed conflict, which should make women equally active participants in peacebuilding processes.

ARMED CONFLICTS' IMPACT ON MEN AND WOMEN ARE NUMEROUS. Nevertheless, the challenges faced by women differ greatly from those of their male counterparts. One important point to keep in mind is that women are not a homogenous group. The experiences of and impacts on women may differ greatly depending on their class, status, and social context. Women, particularly those in rural Africa, are especially vulnerable in intrastate armed conflicts today because of their status in society as mostly poor and uneducated. At the same time as there is a temptation to separate women's experiences from those of men, it is important to understand that women's experiences cannot be understood in isolation from men's because they are a consequence of the inter-relationships of women's and men's roles and status in society.<sup>1</sup>

Given that men and women are actors in armed conflict, experiencing its impact in varying degrees, women deserve to participate as actively as men in the processes of building peace. In this regard, contributions of women should be valued for their substance and significance to a peace process overall and not judged for their roles' informality or formality. The inclusion of women in all aspects of peacebuilding, even if informal, will remove this artificial distinction and elevate women's contributions

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1. M. Turshen and C. Twagiramariya, 'Favours to give and consenting victims: The sexual politics of survival in Rwanda' in M. Turshen and C. Twagiramariya (eds.), *What Women Do in Wartime: Gender and Conflict in Africa* (London, Zed Books, 1998), 101–17.

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to peacebuilding rather than relegating them to the background as informal and therefore unimportant.

## GENDER DIMENSIONS OF ARMED CONFLICT IN AFRICA

Conflict is a gendered process. Women and men play multiple roles in conflict and experience the impacts of these processes both similarly and differently. It is a misnomer that women are only victims in armed conflict, and men are the actors. In truth, women and men are both actors and victims though in different aspects. Not all women are peacemakers; some women are violent combatants. Women are quite capable of committing violence against others, as documented in some accounts of armed conflicts.<sup>2</sup>

The history of independence wars and other forms of intrastate conflict provides evidence of African women's involvement as combatants in Angola. In 1962, the Popular Movement for the Liberation of Angola (MPLA) created a women's wing, the Organization of Angolan Women. Ten years later, in 1973, the National Union for the Total Independence of Angola (UNITA) created their women's wing, the Independent League for Angolan Women. The history of liberations and other forms of internal wars provide evidence of African women's active involvement as combatants in Eritrea, Kenya, Liberia, Mozambique, South Africa, Uganda, and Zimbabwe, in some cases even holding high-ranking positions.<sup>3</sup> Over the last decade, 'girls have been part of fighting forces in 55 countries and involved in armed conflict in 38 of these countries, all of them intrastate conflicts'.<sup>4</sup>

Women are involved in various armed conflicts around the world and have played a part in wars throughout history. It was first in World War II that their roles were highlighted, mainly in reserve or support units in the German and British forces. In the case of the Soviet Union, they participated directly in the war as members of all the services and units, constituting 8 percent of the total armed forces.<sup>5</sup> In the war of independence in Eritrea, women made up 25 to 30 percent of forces.<sup>6</sup> Women were perpetrators, as well as victims, taking part in the killing of civilians during the Rwandan genocide of 1994.<sup>7</sup> During the Sierra Leone War (1991–2002), it is estimated that between 10 percent and 30 percent of all fighters were women.<sup>8</sup> At the initial stage of the Ugandan civil war (1981–1986) in the National Resistance Army, women were involved

2. Ibid.

3. O. Bennet, J. Bexley, and K. Warnock, *Arms to Fight: Arms to Protect: Women Speak Out About Conflict* (London, Panos, 1995).

4. T. Bouta, *Gender and Disarmament, Demobilisation and Reintegration* (The Hague, Netherlands Institute of International Relations, 2005), 5.

5. F. Krill, 'The protection of women in international humanitarian law', *International Review of the Red Cross*, no. 249, November–December 1985, 337–63.

6. K. Karime and G. Bertinussen, 'Gendering human security: From marginalization to the integration of women in peacebuilding', Norwegian Institute of International Affairs and Fafo Programme for International Co-operation and Conflict Resolution, Oslo, 2001, 20.

7. African Rights, *Rwanda: Death, Despair and Defiance* (London, 2004), 1; E. Powley, *Strengthening Governance: The Role of Women in Rwanda's Transition* (Washington, D.C., Women Waging Peace, 2003), 12, asserts that a small minority of women took part in the killings.

8. Save the Children, 'Forgotten casualties of war: Girls in armed conflict', London, 2005.

in fetching supplies from Kampala and taking them to Luwero.<sup>9</sup> Eventually, they got involved in combat and were said to even carry guns with babies on their backs.<sup>10</sup>

Women and girls in fighting forces have had complex experiences, like men, being held as captives and dependents, but also being involved in the planning and execution of war.<sup>11</sup> Women have served in great numbers in logistics and the intelligence services. They have provided shelter, food, and medical care and liaised between combatants and their families. Men and women get involved in or support conflict for similar reasons, including forced recruitment, agreement with war goals, patriotism, religious or ideological motives, and economic necessity.<sup>12</sup> In very few cases, women engage in conflict because they view the war as a means by which to bring about their own empowerment and changes in power relations between men and women. In Mozambique, women and girls were considered more receptive than men and boys to army discipline and new values, and thus more obedient and easier to train.<sup>13</sup> At the same time, it is important to note that recruitment into rebel movements is typically not voluntary. Most are conscripted by force. According to Sonja Wölte, 'Some women and girls [in Sierra Leone] were forced to become combatants for the rebels. Forced women combatants were repeatedly raped by the rebels. Before they were sent to fight, some women and girls were given drugs. The rebels carved with razor blades the names of their factions into the chest of the abducted women and girls. If these marked women and girls were caught by pro-government or other rebels, they would often be killed. Yet, depending on the situation, some women tried to flee with the first opportunity'.<sup>14</sup>

In some conflicts, women have been abducted and forced to join irregular armies and young girls forced into marriages with combatants.<sup>15</sup> Women who join armies, whether voluntarily or forcibly, tend primarily to play three types of roles: combatant, supporter, and dependent.<sup>16</sup> In northern Uganda, the top three roles girls have reported taking on are porters (41 percent), food producers (22 percent), and fighters (12 percent).<sup>17</sup> According to Dyan Mazurana, most women and girls join armed

9. D. Ottomoeller, 'The politics of gender in Uganda: Symbolism in the politics of pragmatism', *African Studies Review*, 42:2 (1999), 87–104.

10. A. Tripp, *Women and Politics in Uganda* (Kampala, Fountain Publishers, 2000).

11. D. Mazurana and K. Carlson, 'From combat to community: Women and girls in Sierra Leone', *Women Waging Peace*, Washington, D.C., 2004, 2.

12. B. Sorensen, 'Women and post-conflict reconstruction: Issues and sources', Occasional Paper no. 3, The War-Torn Society Project, UN Research Institute for Social Development, Geneva, 1998.

13. K. Menkhaus and J. Prendergast, 'Conflict and crisis in the greater Horn of Africa', *Current History*, 98:638 (1999), 213–17.

14. Sonja Wölte, 'Armed conflict and trafficking in women', *Deutsche Gesellschaft für Technische Zusammenarbeit*, Eschborn, Germany, 2004, 4.

15. E. Rehn and E. Johnson-Sirleaf, *Women, War and Peace: The Independent Experts' Assessment on the Impact of Armed Conflict on Women and Women's Role in Peace-building* (New York, United Nations Development Fund for Women, 2002).

16. T. Bouta, G. Frerks, and I. Bannon, *Gender, Conflict and Development* (Washington, D.C., World Bank, 2005), 13.

17. S. McKay and D. Mazurana, *Where Are the Girls? Girls in Fighting Forces in Northern Uganda, Sierra Leone and Mozambique: Their Lives During and After the War* (Montreal, International Centre for Human Rights and Democratic Development, 2004), 3.

groups to further justice by taking up arms.<sup>18</sup> They see it as a means of empowerment, especially for protecting themselves from further abuse of their physical and mental integrity by actors in the armed conflict. They may also infiltrate opposition groups for the purposes of passing information and hiding or smuggling weapons. For example, in Sierra Leone, women supporting the rebel forces smuggled weapons through checkpoints in baskets of fish, under their clothing, and via their children. They also infiltrated governmental and peacekeeping forces using social contacts.<sup>19</sup> Studies indicate that women generally do not initiate war, but the war in northern Uganda is an exception. There, Alice Auma Lakwena, a traditional healer and leader of the Holy Spirit Movement from 1986 to 1987, initiated an effort to overthrow the Ugandan government.<sup>20</sup> Her army was crushed in eastern Uganda while en route to Kampala in November 1987.

Although men are the primary perpetrators of violence toward women and children, it is important to note that men are also subject to victimization and violence. During conflicts, men comprise the majority of the killed, disappeared, prisoners of war, and forced recruits, for the government or non-state groups. The increasing number of households headed by women in conflict zones is an explicit illustration of men's vulnerability.<sup>21</sup> Men also encounter gender-based violence during armed conflict, although this phenomenon has been framed primarily in respect to violence against women and girls, particularly sexual violence. Judy Benjamin and Khadija Fancy define gender-based violence as 'violence targeted to a person because of their gender, or that affects them because of their special roles or responsibilities in the society'.<sup>22</sup> Gender-based violence issues faced by men in armed conflict include sex-selective massacres, forced conscription, sexual violence, and mutilation. In certain contexts, non-combatant men can be singled out for mass execution, as happened in Rwanda and Yugoslavia, at the same time as large-scale sexual and other abuse and violence is inflicted on women.<sup>23</sup>

The singling out of men for execution has now been documented in dozens of ongoing conflicts worldwide. In Rwanda, perpetrators of the genocide took diapers off infants to determine gender, and if they were boys, they were killed.<sup>24</sup> This was a result of an injunction given at the start of the genocide not to repeat the mistake of the 1959 revolution, when male children had been spared only to grow up and join

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18. Ibid., 3.

19. B. Mansaray, 'Women against weapons: A leaders' role for women in disarmament', as cited in United Nations, *Women, Peace and Security: Study Submitted by the Secretary-General Pursuant to Resolution 1325* (New York, 2002), 13.

20. Isis-WICCE, 'Women's experiences of armed conflict in Uganda, Gulu District, 1986–1999', part 1, Kampala, 2001, 3.

21. A. El-Jack, 'Gender perspectives on the management of small and light weapons in the Sudan' in V. Farr and K. Gebre-Wold (eds.), 'Gender perspectives on small arms and light weapons: Regional and international concerns', Brief 24, Bonn International Centre for Conversion, 2002.

22. J. Benjamin and Khadija Fancy, 'The gender dimensions of internal displacement', Women's Commission on Refugee Women and Children, New York, 1998, 14.

23. R. Carpenter, "'Women and children first': Gender norms and humanitarian evacuation in the Balkans, 1991–1995', *International Organisation*, 57:4 (2003), 661–94.

24. African Rights, *Rwanda: Not So Innocent: When Women Became Killers* (London, African Rights, 1995), 59.

rebel groups as fighters.<sup>25</sup> Men and boys are also raped during conflict, and men become targets of sexual abuse, torture, and mutilation in attacks to destroy their sense of masculinity or manhood. For example, cases of male rape were reported in the war in Sierra Leone.<sup>26</sup>

Another common form of war-related sexual violence involves forcing men to sexually assault a family member or to watch as a female family member is raped by members of armed groups. In wartime contexts, fathers have been forced to rape their daughters, brothers to rape their sisters, or sons to rape their mothers. Despite the prevalence of men and boys being exposed to wartime sexual violence, as well as other forms of violence, these kinds of actions are not generally analysed or discussed at length. This is a gap that peace scholars should, however, delve into.

In many ways, whether as combatants or civilians, women share many of the difficulties as men in war. They are targeted with the same weapons and suffer dislocation, the loss of shelter, and shortages of medical and food supplies. It is indisputable that women are victims of unbelievably horrific activities and injustices in conflict situations, and there is abundant evidence in the literature that women and children constitute the majority of fleeing populations.<sup>27</sup> According to the Women's Refugee Commission, women constitute the overwhelming majority of people displaced by armed conflict. Of the more than 40 million people displaced in armed conflict worldwide, four out of five are women, children, or youths.<sup>28</sup>

Women are also the most affected by sexual violence, with rape and other forms of sexual violence reaching epidemic proportions in armed conflicts. The Liu Institute claims without any systematic data that while men may be more likely to be killed than women, women are far more vulnerable to sexual violence.<sup>29</sup> Rape and sexual abuse are used as a part of strategies to undermine the community under threat, especially in ethnic conflicts, aimed at destroying the other ethnic groups' culture and identity, because women have central roles to play in cultural and family structures.<sup>30</sup> As Carolyn Nordstrom states, 'Rape, as with all terror warfare, is not exclusively an attack on the body—it is an attack on the "body politic"'.<sup>31</sup> In armed conflict, women and girls are targeted as a unique strategy, since women have a central role to play in culture and family structures. The sexual violation of women in armed conflict is also a means for assailants to symbolically and physically debase the men of a community under attack.

The gender dimensions of armed conflict became particularly magnified with the changed nature of warfare in the post-cold war period. Two features of most intra-state wars are their intense brutality and dismissal of conventional rules of war. This

25. African Rights, *Rwanda: Death, Despair and Defiance*, rev. edn (London, 1995), 39.

26. Human Rights Watch, 'We'll kill you if you cry: Sexual violence in the Sierra Leone conflict', New York, 2003, 42.

27. R. Cohen, *Refugee and Internally Displaced Women: A Development Perspective* (Washington, D.C., Brookings Institution, 1995), 2.

28. Women's Refugee Commission, 'Ways to give', 2013, <http://womensrefugeecommission.org/donate>.

29. Liu Institute, *Human Security Report, 2005* (Vancouver, University of British Columbia, 2005).

30. R. Siefert, 'Mass rapes in Bosnia-Herzegovina and elsewhere: A pattern of cultural destruction' in *War against Women—the Impact of Violence on Gender Relations*, Report of the 6th Annual Conference (Bern, Swiss Peace Foundation, 1994).

31. C. Nordstrom, 'Women and war: Observations from the field', *Minerva: Quarterly Report on Women and the Military*, 9:1 (1991), 9.



is mainly because, the entire society is the arena of conflict, and distinctions between combatants and non-combatants are blurred.<sup>32</sup> In traditional wars between nations, warring parties were obliged to follow certain international laws intended to minimize direct harm to non-combatants, especially women and children.<sup>33</sup> This is not the case in intra-state wars. For example, in the Democratic Republic of Congo, there were 2.5 million war deaths between 1998 and 2001, yet only 350,000 of those killed were in actual battle. In Angola, between 1975 and 2002, there was an estimated 1.5 million war deaths, of which some 160,500 were battle-related.<sup>34</sup> In Rwanda, an estimated 800,000 people were killed in the 1994 genocide within a period of 100 days.<sup>35</sup>

The recruitment of cheap fighters, which resulted in the recruitment of child soldiers, forced and voluntary, is a feature of the type of war described above. In sub-Saharan Africa, in particular, state collapse and rebel insurgencies have contributed to the rising number of child soldiers.<sup>36</sup> According to War Child, there are an estimated 250,000 children, both boys and girls involved in armed conflict worldwide.<sup>37</sup> The preference for child soldiers is often based on the assumption that children are easier to control and therefore follow orders more readily, are easily indoctrinated to feel no fear or guilt for their actions, and are easily brainwashed into thinking only about the battle ahead.<sup>38</sup>

All of this introduced another degree of complexity to conflict and the resolution process. As the nature of warfare changed, the UN Security Council recognized that international peace and security were advanced when women contributed to peacebuilding. The importance of the need for women's involvement in the peacebuilding process arises from their experiences of armed conflict as victims and actors. The interest in women's involvement in peacebuilding is not because men's contribution to peace is not significant. Rather, it is because women's contributions to peacebuilding are usually ad hoc and rarely part of formal peace processes. Thus, their experiences are not acknowledged. Shedding light on the peacebuilding contributions of women might begin to address this gap.

## WOMEN AND PEACEBUILDING

Wars and internal conflicts do not end simply with the signing of peace agreements. To avoid a resurgence of violence, it is necessary to develop and support measures for strengthening the governance, security, justice, and socioeconomic capacities of a state. There is no strong agreement on the definition of peacebuilding, let alone the best practices for achieving it. The term *peacebuilding* entered the peace and security

32. A. Roberts, 'Humanitarian intervention', paper presented at the symposium *Civilians in War: 100 Years After the Hague Peace Conference*, New York, 1999.

33. A. De Waal, 'Contemporary warfare in Africa: Changing context, changing strategies', *IDS Bulletin*, 27:3 (1996), 6–160.

34. B. Lacina and P. Gleditsch, 'Monitoring trends in global combat: A new data set of battle death', *European Journal of Population*, 21:213 (2005), 145–66.

35. G. Prunier, *The Rwandan Crisis: History of a Genocide* (London, Thurston and Co., 1997).

36. L. Mjoset and S. Van Holde (eds.), introduction in *The Comparative Study of Conscription in the Armed Forces* (Amsterdam, JAI, 2002), 237–54.

37. War Child, 'Child soldiers', <http://www.warchild.org.uk/issues/child-soldiers>.

38. Graca Machel, 'Impact of armed conflict on children', UNICEF, 1996.

lexicon in 1992, when UN Secretary-General Boutros Boutros-Ghali defined it in 'An agenda for peace' as 'post-conflict action to identify and support structures that tend to strengthen and solidify peace to avoid a relapse into conflict'.<sup>39</sup> According to the 2000 Brahimi Report, peacebuilding is defined as 'activities undertaken on the far side of conflict to reassemble the foundations of peace and provide tools for building on those foundations something that is more than just the absence of war'.<sup>40</sup> In 2001, the president of the UN Security Council defined peacebuilding as 'a means of preventing the outbreak, recurrence or continuation of armed conflict and therefore encompasses a wide range of political, developmental, humanitarian and human rights mechanisms'.<sup>41</sup> The aim of peacebuilding is to foster the social, economic, and political institutions and attitudes that will prevent conflicts from resurfacing.

Scholars believe that the image of peacebuilding is tarnished partly because of the confusion surrounding the concept itself. The 1995 'Supplement to An agenda for peace', for example, noted the linkages between conflict prevention and peacebuilding: 'Demilitarization, the control of small arms, institutional reform, improved police and judicial systems, the monitoring of human rights, electoral reform and social and economic development can be as valuable in preventing conflict as in healing the wounds after conflict has occurred'.<sup>42</sup> In other words, peacebuilding is a pre-conflict as well as a post-conflict process.

Traditionally peacebuilding concerns a wide range of activities and functions associated with political, social, and economic reconstruction in war-torn societies, most of them designed to help recover relationships. They include technical assistance for democratic development (such as electoral reform); humanitarian aid and development assistance; application of the rule of law; economic reconstruction and reform; protection of human rights; security sector reform; justice sector reforms; disarmament, demobilization, and reintegration (DDR) of ex-combatants; constitutional reform; and rehabilitation, reconstruction, and reconciliation.

How many women are involved and to what degree are they involved in the above listed activities? In most African countries, serious barriers exist that prevent women from taking full advantage of new opportunities for political participation following conflict. For example, women lobbied for electoral quotas in Burundi, Sierra Leone, South Sudan, and Sudan as part of post-conflict reforms.<sup>43</sup> In northern and southern Sudan and Burundi, the use of quotas was accepted. In Sierra Leone, however, the political parties blocked their adoption.<sup>44</sup> Despite the successes in Burundi and Sudan, women expressed disappointment that the quotas were not resulting in more gender-

39. United Nations, 'An agenda for peace: Preventive diplomacy, peacemaking and peacekeeping', report of the secretary-general, doc. A/47/277, 1992.

40. 'Report of the panel on United Nations peace operations,' 2000, [http://www.un.org/peace/reports/peace\\_operations](http://www.un.org/peace/reports/peace_operations).

41. Statement by the President of the Security Council, S/PRST/2001/5, 20 February 2001. At the time, the Security Council was presided over by Tunisia, represented by Said Ben Mustapha and Habib Ben Yahia.

42. 'Supplement to An agenda for peace: Position paper of the secretary-general on the occasion of the fiftieth anniversary of the United Nations', doc. A/50/60-S/1995/1, para. 47, 1995.

43. C. Castillejo, 'Building a state that works for women: Integrating gender into post-conflict state building', FRIDE, Madrid, 2011, 4.

44. *Ibid.*, 5.

sensitive policies.<sup>45</sup> In most African countries, there are often deep-seated structural barriers related to economic, social, and cultural legacies. In most African countries, these derive primarily from customary institutions, which are typically involved in formal politics and view women's political participation as a threat to the traditional patriarchal order.

The overall aim of peacebuilding is to transform conflicts constructively and to create a sustainable peace. Sustainable peace is a concept that has been used in the context of peacebuilding. The UN Peacebuilding Commission (PBC) was created in 2006 to help post-conflict countries move from a post-conflict environment toward an environment of a sustainable peace. There is no overall, widely accepted definition of sustainable peace, and the concept remains under-theorized, although the term is increasingly evoked in policy and academic texts. Former UN secretary-general Kofi Annan indicated the dimensions integrated in the international agenda under the concept of sustainable peace: 'With the end of the Cold War, a new understanding of the concept of peace and security has emerged. A broader focus on the nature of sustainable peace and its building-blocks, such as social and economic development, good governance and democratization, the rule of law and respect for human rights, is supplementing the traditional concept of collective security'.<sup>46</sup>

Luc Reyhler defines sustainable peace as 'a situation characterised by the absence of physical violence; the elimination of unacceptable political, economic and cultural forms of discrimination; a high level of internal and external legitimacy or support; self-sustainability; and a propensity to enhance the constructive transformation of conflict'.<sup>47</sup> Henning Haugerudbratzen defines it as 'stable social equilibrium in which the surfacing of new disputes does not escalate into violence and war'.<sup>48</sup> What these definitions share is the notion that a society will not escalate into violence in the future, meaning that there is not only peace in the present, but also peace in the future. Sustainable peace is characterized by the absence of physical and structural violence, the elimination of discrimination, and self-sustainability. It is the path to sustainable development.

Yet when it comes to the process, there is a lot of discrimination and structural violence. Structural violence is used here in the sense that the patriarchal structures that are dominant in most African societies are, indeed, in place and hamper women's involvement in the peacebuilding process. The equal participation of women and men in public and political life was one of the bases of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which was adopted by the UN General Assembly in 1979 and gained leverage in 1981. Its preamble asserts 'that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men on

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45. Ibid.

46. Security Council and General Assembly, 'Report of the secretary-general on the work of the organization: Prevention of armed conflict', doc. A/56/1, New York, June 2001.

47. L. Reyhler, 'From conflict to sustainable peacebuilding: Concepts and analytical tools' in L. Reyhler and T. Paffenholz (eds.), *Peacebuilding: A Field Guide* (Boulder, Colorado, Lynne Rienner Publishers, 2001), 12.

48. H. Haugerudbratzen, 'Peacebuilding: Six dimensions and two concepts', *African Security Review*, 7:6 (1998), 1–11.

all fields'. Today, 186 countries are parties to CEDAW and are therefore required to take appropriate measures to promote women's participation in decision making.

The call for the inclusion of women in peacebuilding was reflected in the 1995 Beijing Declaration and its Platform for Action, stemming from the Fourth World Conference for Women (Women and Armed Conflict), and was made official through UN Security Council Resolution 1325 on women, peace, and security, recognizing the inclusion of women and gender issues in the structures of peacebuilding in post-conflict situations. With the passage of the resolution, on 31 October 2000, all Security Council and General Assembly member states agreed that gender perspectives must be mainstreamed in all peace and security issues at all levels in a post-conflict society. The resolution marked the first time the council had addressed the disproportionate and unique impact of armed conflict on women and recognized the undervalued and underutilized contributions women make to conflict prevention, peacekeeping, conflict resolution, and peacebuilding. It also stressed the importance of women's equal and full participation as active agents in peace and security and asserted that since women are affected by armed conflict, they should also be involved in peace processes both before and after conflict peacebuilding.

The Security Council marks the anniversary of Resolution 1325 annually, reaffirming its ongoing commitment and highlighting progress made. What makes this resolution distinct from previous advances is that it provides the first legal and political international framework recognizing the role of women in armed conflict and peacebuilding. The resolution goes beyond the historical image of women as solely victims of war and acknowledges women's role as participating peacemakers and peacebuilders. Another groundbreaking aspect of Resolution 1325 is that it calls on all actors involved in peace processes to adopt mechanisms supporting local women's peace initiatives. So far, forty-two countries have developed national action plans for putting Resolution 1325 into practice.<sup>49</sup>

In most states affected by armed conflict, there is still a long way to go before women are fully integrated in peace and post-conflict political processes. Approaching the thirteenth anniversary of Resolution 1325, in October 2013, major gaps remain in implementation and accountability. The Security Council adopted a follow-up resolution in October 2009, Resolution 1889, on women and girls in post-conflict situations, calling for renewed attention to women's role in peacebuilding and post-conflict reconstruction. It further underlined the need for states to take measures to improve and enhance women's participation in post-conflict decision making.

While Resolution 1325 is recognized as a historic and unprecedented document, it does not exist in a vacuum. As indicated in the introductory article to this volume by Funmi Olonisakin and Cheryl Hendricks, a number of conventions, statements, and reports preceded it, and therefore, form its foundation and an integral part of the

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49. Out of the forty-two countries with national action plans, eleven are African: Austria, Australia, Belgium, Bosnia and Herzegovina, Burundi, Canada, Chile, Côte d'Ivoire, Croatia, Democratic Republic of Congo, Denmark, Estonia, Finland, former Yugoslav Republic of Macedonia, France, Georgia, Germany, Ghana, Guinea, Guinea-Bissau, Iceland, Ireland, Italy, Kyrgyzstan, Liberia, Lithuania, Nepal, the Netherlands, Norway, the Philippines, Portugal, Rwanda, Senegal, Serbia, Sierra Leone, Slovenia, Spain, Sweden, Switzerland, Uganda, the United Kingdom, and the United States. See PeaceWomen, 'List of national action plans', <http://www.peacewomen.org/naps/list-of-naps>.

women, peace, and security policy framework. For instance, after the Fourth UN World Conference on Women in 1995, the Beijing Declaration and Platform for Action became the consensus documents that governments negotiated and agreed upon. The Platform for Action has an entire chapter on women and armed conflict, recognizing that 'while entire communities suffer the consequences of armed conflict and terrorism, women and girls are particularly affected because of their status in society and their sex'.<sup>50</sup> It identifies women and armed conflict as one of the twelve critical areas of concern to be addressed by member states, the international community, and civil society. In addition, there is the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, which specifically addresses African women and provides for their participation in all aspects of planning, formulation, and implementation of post-conflict reconstruction and rehabilitation.

Thus, legal instruments are in place to promote women's participation in peacebuilding, but a range of cultural (patriarchal) justifications persist for the exclusion of gendered concerns in peacebuilding approaches, which are not addressed by these instruments. Approaches concerned with women in international development typically focus solely on women, ignoring the cultural relationships that exist between men and women and the corresponding effect they have on women's social, political, and economic development. In many countries, the difficulty of the patriarchal social structure still largely dominates women's position and involvement.

One of today's greatest development challenges is turning policy into practice. This is especially the case in the realm of women's rights and gender equality, where the commitments made at the international and national levels remain far from the day-to-day realities of women's lives.<sup>51</sup> Therefore, contrary to Resolution 1325, African women, even if they possess a wealth of experience and insight, too often fail to articulate beyond the communal level, barring a few cases like Burundi and the DRC in recent years, where a few women participated, although minimally. For example, Burundian women's participation in the Arusha Accords was mostly on an observer status. The number of women signatories to the agreement was zero. The same held for women mediators. Women constituted 2 percent of negotiating team members—in a country where women make up 52.9 percent of the population.<sup>52</sup>

Peacebuilding is about transformation, therefore, arguably, patriarchy needs to be 'transformed into true brotherhood that is capable of recognising women's sisterhood'.<sup>53</sup> Patriarchy has contributed in no small way to relegating women's role in peacebuilding to that of 'informality'. Patriarchy is based on the sociocultural belief that decides the perceptions of men and women's rights from childhood. The sociocultural practice of patriarchy determines the masculine superordination versus the feminine subordination dichotomy, which creates obstacles for female advancement in the de-

50. Beijing Platform for Action, 1995, <http://www.un.org/womenwatch/daw/beijing/platform>.

51. K. Valasek, 'Securing equality, engendering peace: A guide to policy and planning on women, peace and security (UNSCR 1325)', UN International Research and Training Institute for the Advancement of Women, Santo Domingo, 2006.

52. UNIFEM, 'Women's participation in peace negotiations: Connections between presence and influence', 2009; United Nations, 'Burundi and women's political participation: The role of ONUB', [www.un.org/africa/osaa/reports/Burundi](http://www.un.org/africa/osaa/reports/Burundi).

53. A. Chesoni, 'Thoughts on sisterhood and solidarity', *Wajibu*, 10:4 (1995), 8.

cision making and politics that surround women in all spheres of life in Africa and other parts of the world.

Patriarchy as a concept was originally used to describe the power of the father as the head of the household, but this changed when post-1960 feminism redefined it as the systematic organization of male supremacy and female subordination.<sup>54</sup> This system of male authority oppresses women through its social, political, and economic institutions because throughout history, patriarchy has enjoyed the social support of religion, political systems, and cultures. For example, the DRC government, as well as other warring parties in previous peace negotiations, strongly opposed the inclusion of women in formal peace negotiations.<sup>55</sup> For them, war and peace are exclusively the business of men.<sup>56</sup> Another barrier is the lack of financial and material resources that would allow women to participate in peace processes and in the implementation of the processes. Despite these obstacles, evidence shows that women are nonetheless involved in the peacebuilding process, but their efforts are at most times limited to the informal sphere.

### WOMEN'S CONTRIBUTION TO PEACEBUILDING: SIGNIFICANT, EVEN IF INFORMAL

D. Mazurana and S. McKay examined gender and meanings of peacebuilding at the UN, NGO, and grassroots levels and concluded that women's peacebuilding is culturally and contextually based and usually informal.<sup>57</sup> A 2002 report by UN secretary-general Annan acknowledges that 'the contributions women can and do make to peacebuilding through informal processes is increasing', thereby acknowledging informal peacebuilding.<sup>58</sup>

It is important to give the word *informal* meaning. It can be interpreted as unofficial; not according to the prescribed, official way or manner; irregular; not in accord with prescribed regulations or form; or not officially recognized. The activities that constitute informal peacebuilding processes include peace marches and protests; prayer sessions; intergroup dialogue; cross-community development projects; financial assistance to internally displaced persons; soup kitchens; trauma healing; and drama sketches.<sup>59</sup> The list cannot be exhausted. According to Alex Mbayo, '[T]he above named strategies are confined to the marginalised feminine realm that is without a strong political strategy'.<sup>60</sup>

54. J. Stacey, 'Untangling feminist theory' in D. Richardson and V. Robinson (eds.), *Introducing Women's Studies: Feminist Theory and Practice* (London, Macmillan, 1993).

55. D. Mpoumou, 'Women's participation in peace negotiations discourse in the DRC', [www.idea.int/africa/upload/women\\_drc.pdf](http://www.idea.int/africa/upload/women_drc.pdf).

56. Ibid.

57. D. Mazurana and S. McKay, *Women and Peacebuilding* (Montreal, International Centre for Human Rights and Democratic Development, 1999).

58. United Nations, *Women, Peace and Security*.

59. R. Strickland and N. Duvvury, 'Gender equity and peacebuilding: From rhetoric to reality. Finding the way', International Center for Research on Women, Washington, D.C., 2003.

60. A. Mbayo, 'The consequences of women's marginalization and exclusion from peace processes and sustainable peacebuilding in Africa: An examination of the Sierra Leone case', *Journal of International Development and Cooperation*, 117:1 (2011), 39.

The above processes, which 'are without strong political strategy', have yielded results. For example, in Liberia, it was mothers who got together and went to the bush to persuade the young child soldiers to lay down their arms. During the negotiation of the Burundi peace accord, a group of women went to see South African president Nelson Mandela, serving as chief mediator for the peace talks, and told him some of the things they would like to see in the accord.

In another instance, the Liberian Women's Initiative (LWI) formed to unite Liberian women for peace across ethnic and class lines. It ultimately consisted of women from all walks of life, but had started as an organization of elite women. Among the LWI's contributions to peacebuilding was sending friendly letters to individual warlords asking them to put aside their differences and work together for peace. They dispatched a follow-up letter requesting an audience with the warlords and persistently pursued the matter by using contacts close to the warlords until a meeting could be organized with the warlords. They also lobbied the international community, writing letters to the U.S. government, heads of state of the Economic Community of West African States, the European Union, and international figures. LWI organized a peaceful demonstration throughout the main streets of Monrovia and threatened to march naked if the authorities tried to stop them. They held a regular weekly prayer service for peace and ensured that radio broadcasts and newspapers carried peace messages. All their activities had an effect on the peacebuilding process in Liberia. For example, 85 percent of the combatants voluntarily disarmed.

In Sierra Leone, the Women's International League for Peace and Freedom (WILPF) organized prayer meetings to build partnerships with women initially reluctant to attend the demonstrations or rallies. Women in calm areas took in homeless women and their families and when possible helped them to register as displaced persons. They also regularly organized peace songs, poetry, and drawing competitions at all levels of educational institutions to get young people involved.<sup>61</sup>

Although the women's work noted here is irregular, it is unfortunate that these processes are called 'informal', because it means their effort is not officially recognized. It is not in accordance with what scholarship or the United Nations has prescribed as peacebuilding. This in itself reflects inequality and discrimination. Of particular note, the emphasis on women and informal processes is often used to justify the failure to target discriminatory cultural practices in the peacebuilding process, particularly in relation to economic, social, and cultural rights. It is as if informal mechanisms represent the only opportunities for women to participate in peacebuilding and bring the central concerns of women—health and safety, education, accountability for lost family members, and community rebuilding—to the attention of the parties engaged in formal peace processes.

Women's informal contributions to peacebuilding deserve recognition and acknowledgment for the critical role they play in enhancing overall peace efforts. While women are active peacebuilders, their contribution often is informal, behind the scenes, unpaid, and unrecognized as actual peacebuilding and thus they continue to

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61. The examples of LWI and WILPF were paraphrased from A. Ernest (ed.), 'Best practices in peacebuilding and non-violent conflict resolution: Some documented African women's peace initiatives', United Nations, Vernier, Switzerland.



be excluded from formal peacebuilding processes. Arguably, women need to be included in so-called formal peace structures to establish meaningful gender equality and to place on the agenda not only issues that help violence to cease, but also those that affect human well-being and sustain peace. Local approaches to peacebuilding should be recognized, honored, and built upon. This includes traditional peacebuilding approaches and the peacebuilding interventions of women-centered local groups. It is important to understand what meanings women attribute to peacebuilding, and the processes they define as important to peacebuilding work, and compare them with those commonly used within international standards. This should all be included in the peacebuilding literature.

## CONCLUSION

The components of peacebuilding indicate that a lot of women are not involved in a huge part of these processes: they are the formal processes, which in effect are recorded and recognized in practice. The major aim of peacebuilding is to achieve sustainable peace. The so-called informal processes in themselves also promote sustainable peace, but they are not viewed as central to the peacebuilding, even though they may be effective in changing people's attitudes, opening up opportunities for formal peace processes, and catalyzing change. These are activities women engage in without 'stepping on the toes of patriarchy'.

The differentiation between formal and informal peacebuilding is made to make it look like women are involved, and relevant resolutions and frameworks are being implemented, while at the same time keeping women in 'their place'. It is the contention of this paper that regardless of what anyone or any actor does in the post-conflict sphere, as long as its aim is to bring about sustainable peace, it should be regarded as peacebuilding and not demarcated as formal or informal. As long as there is differentiation between the formal and the informal, women will not get involved in mainstream peacebuilding. Therefore, if peacebuilding is to encompass all actors, there should be a conceptual review of the word *peacebuilding* and a general definition should be developed that is all encompassing and non-discriminatory.



## Gender and Peacebuilding in Africa: Seeking Conceptual Clarity

Yaliwe Clarke

‘GENDER’ IS INCREASINGLY RECOGNIZED AS INTEGRAL TO UNDERSTANDING what it takes to build peaceful societies.<sup>1</sup> This has come at a time when several countries in Africa are recovering from protracted armed conflict. A transformation of patriarchal gender relations is integral to building peace, and the creation of ‘deep peace’ is more probable when it is recognized that the social, economic, political, and spiritual aspects of structural violence intersect with gendered meanings of identity, livelihood, political power, and (in)security. What does it mean to think of peace in this way? Is a focus on ‘peaceful’ womanhood and a cursory gender analysis of ‘post-war reconstruction’ adequate for imagining deep peace?

Africa’s recent attempts to make practical and conceptual links between gender, peace, and security have been heavily influenced by the passage of UN Security Council Resolution 1325 in October 2000.<sup>2</sup> Despite a gendered perspective in international and continental human rights documents and resolutions, feminist literature about war and peace has made little impact on the discussions and empirical research taking place in the predominantly male mainstream of political science, security dis-

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1. *Gender* as used here is an analytical category for understanding systems of oppression and empowerment. Central to this is the understanding that gender identities cannot be thought of as separate or mutually exclusive from other social identities, such as race and ethnicity, religion, or social, economic, and political status.

2. See Thelma Ekiyor and L. Muthoni Wanyeki, *National Implementation of Security Council Resolution 1325 (2000) in Africa: Needs Assessment and Plan for Action* (New York, United Nations, 2008); Thelma Ekiyor, ‘Engendering peace: How the peacebuilding commission can live up to the UN Security Council Resolution 1325’, FES Briefing Papers, 2006, <http://library.fes.de/pdf-files/iez/global/50420.pdf>. For the full text of Resolution 1325, visit [http://www.un.org/events/res\\_1325e.pdf](http://www.un.org/events/res_1325e.pdf).

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course and practice.<sup>3</sup> Michael Doyle and John Ikenberry's 1997 comprehensive survey of scholarship on war and peace contains six gender-related index entries but devotes only about one-tenth of its space to gender. The word *gender* occasionally shows up as a passing note.<sup>4</sup> Out of twenty-one major peace processes held since 1992, only 2.4 percent of signatories have been women.<sup>5</sup> According to Amina Mama and Margo Okazawa-Ray, mainstream security discourse and practice pays minimal attention to 'the contradictory ways in which women are affected by the complex relationship between gendered capitalist processes and militarism, and the manner in which women negotiate their lives through both'.<sup>6</sup>

It is thus unsurprising that initial conceptual links made between gender, war, and peace have emphasized the absence of 'women' from mainstream public peace efforts. Women's conceptualization of war tends to be more aligned with sociological or anthropological notions of power and militarization. It is suggested that women's lives offer 'situated knowledges' about gendered meanings of (in)security, war, and peace. This perspective draws on 'feminist stand point theory', which proposes that knowledge can be generated from experiences of struggle against patriarchal social systems.

Without going into a discussion on the validity of such an approach, some peace activists have relied on the idea that womanhood uniquely embodies qualities of motherly care and peace—a yet untapped resource for building peace.<sup>7</sup> Women of Zimbabwe Arise (WOZA), for example, one of the largest women's networks in Southern African with a membership of more than 60,000, draw on their shared identity of motherhood to build solidarity and resilience in the situation of harsh eco-

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3. Feminist political scientists began to critique neo-realist interpretations of peace and security in the early 1990s. See, for example, Ann J. Tickner, 'Hans Morgenthau's principles of political realism: A feminist reformulation' in Rebecca Grant and Kathleen Newland (eds.), *Gender and International Relations* (Milton Keynes, UK, Open University Press, 1991), 27–40; Jill Steans, *Gender and International Relations: An Introduction* (Cambridge, Polity Press, 1998); Sandra Whiteworth, *Feminism and International Relations* (New York: St. Martin's Press, 1994). On the male mainstream, see Joshua S. Goldstein, *War and Gender* (Cape Town, Cambridge University Press, 2001), 23.

4. Michael Doyle and John G. Ikenberry (eds.), *New Thinking in International Relations* (Boulder, Colorado, Westview Press, 1997).

5. UN WOMEN, 'Facts and figures on peace and security', [http://www.unifem.org/gender\\_issues/women\\_war\\_peace/facts\\_figures.html](http://www.unifem.org/gender_issues/women_war_peace/facts_figures.html).

6. Amina Mama and Margo Okazawa-Ray, 'Militarism, conflict and women's activism in the global era: Challenges and prospects for women in three West African contexts', *Feminist Review*, 101 (2012), 97.

7. Sanam Naraghi Anderlini, *Women Building Peace: What They Do, Why It Matters* (Boulder, Colorado, Lynne Rienner Publishers, 2007); Betty Reardon, *Sexism and the War System* (New York, Teachers College Press, 1985); Judy El-Bushra, 'Feminism, gender, and women's peace activism' in Andrea Cornwall et al. (eds.), *Gender Myths and Feminist Fables: The Struggle for Interpretative Power in Gender and Development* (Oxford, Blackwell Publishing, 2008); Hillary Charlesworth, 'Are women peaceful? Reflections on the role of women in peace-building', *Feminist Legal Studies*, 16 (2008), 347–61; Kari Karame (ed.), *Gender and Peacebuilding in Africa* (Oslo, Nordic African Institute, 2004); Yaliwe Clarke and Helen Scanlon, 'Women and peacebuilding in Africa', seminar report, Centre for Conflict Resolution, Cape Town, 2006; International Crisis Group, 'Beyond victimhood: Women's peacebuilding in Sudan, Congo, and Uganda', Africa Report no. 112, 2006, <http://www.crisisgroup.org/en/regions/africa/central-africa/112-beyond-victimhood-womens-peacebuilding-in-sudan-congo-and-uganda.aspx>.

nomic and political times in Zimbabwe.<sup>8</sup> Hundreds of Liberian women used their status as women, wives, and mothers to call for the cessation of violence between warring factions and for formal peace talks to commence during the civil war.<sup>9</sup>

UN Resolution 1325 and the African Union protocol on the rights of women in Africa also draw on notions of 'peaceful' conceptualizations of femininities.<sup>10</sup> The language used seems to suggest that women have a special role in peacebuilding and that this in particular should lead to their equality of participation in peacebuilding and conflict prevention.<sup>11</sup> A troubling consequence of this could be the possible alienation of those women who cannot be easily separated from the political, ethnic, or class divisions that are part and parcel of armed conflicts. Women who may align themselves with certain fighting forces, or take militant forms of resistance to war, might be 'invisibilized' by this heavy focus on 'peaceful' femininities.

An essentialization of womanhood as an agent of 'peace' has been critiqued by various authors.<sup>12</sup> Judy El-Bushra, who bases her analysis on the work of women activists, argues that the 'essentialist conflation of womanhood and motherhood (as caring and nurturing roles) not only seems remote from the reality of many women's and men's outlooks, but also fails to challenge the very stereotypes of masculinity and femininity which may need to be transformed if conflict is to be managed non-violently.'<sup>13</sup> Caroline Moser expresses a similar concern with feminist analysis that draws on simplistic divisions between gender roles.<sup>14</sup> Her main point is that place and location shape masculinities and femininities across other identities, such as race, class, and ethnicity.

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8. WOZA was established in 2003. For more details about it, see Martha Mutisi, 'Countering the currents: Zimbabwe' in Maneshka Eliatamby (ed.), *Women Waging War and Peace: International Perspectives on Women's Roles in Conflict and Post-Conflict Reconstruction* (London, Continuum International Publishing Group, 2011), 117–38.

9. For more detail on this, see Thelma Ekiyor and Leymah Gbowee, 'Women's peace activism, the Liberian women's experience' in Paul Van Tongeren et al. (eds.), *People Building Peace II: Success Stories of Civil Society* (Boulder, Colorado, Lynne Rienner Publishers, 2005); *Pray the Devil Back to Hell*, documentary film, directed by Gini Reticker, 2008; Leymah Gbowee, 'Effecting change through women's activism in Liberia', *IDS Bulletin*, 40:2 (2009), 50.

10. Seri Lynn Gibbings, 'No angry women at the United Nations: Political dreams and the cultural politics of United Nations Security Council Resolution 1325', *International Feminist Journal of Politics*, 13:4 (2011), 530. The AU Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, Article 10, refers to women's right to 'a peaceful existence and the right to participation in the promotion and maintenance of peace'. It also commits states to women's increased participation in peace education and all structures and processes for conflict prevention, management and resolution of conflict, including structures established for the management of camps and settlements for asylum seekers, returnees, refugees, and displaced people. Article 11 makes specific mention of the need for states to protect women in situations of armed conflict. For the full text of the protocol, visit <http://www.soawr.org/en/auprotocol/article/text>.

11. Charlesworth, 'Are women peaceful?'

12. Jane Barry, *Rising in Response: Women's Rights Activism in Conflict* (Nairobi, Urgent Action Fund, 2005); Charlesworth, 'Are women peaceful?'; Donna Pankhurst, 'Sex war' and other wars: Towards a feminist approach to peace building', *Development in Practice*, 13:2–3 (2003), 154–77.

13. El-Bushra, 'Feminism, gender, and women's peace activism', 114.

14. Caroline Moser, *Victims, Perpetrators or Actors? Armed Conflict and Political Violence* (New York, Zed Books, 2001).

On the other hand, Cynthia Cockburn argues that it is not necessarily essentialist to deploy motherhood and the propensity to nurture as a significant factor in women's orientation to peace. Rather, it can serve to unify women across racial, political, and class divides, build solidarity, and effectively resist patriarchal systems.<sup>15</sup> Whatever one's justification for a focus on certain types of femininities as central to building peace, the transformation of patriarchal gender relations needs to remain at the center of analysis and action. Peacebuilding that takes gender seriously would thus need to unpack and investigate what kind of patriarchal gender relations exist in societies that have experienced war. This would necessitate an analysis of 'womanhood' beyond that of peaceful, caring, anti-militarist femininities and require an analysis of patriarchies embedded in innumerable femininities and masculinities.

The challenge of gender and peacebuilding work is to conduct conflict analysis that frames militarized patriarchal gender identities as root causes of war. This would entail naming certain histories of militarized or subservient masculinities and femininities as root causes of war that require transformation. What would this kind of feminist conflict analysis mean for conflict practitioners, government seurocrats, and women's rights and peace activists today?

First, it would mean thinking beyond terms such as *post-war* or *post-conflict*. When one takes gender identities seriously, it becomes apparent that what is commonly formally considered a 'post-conflict' or 'post-war' situation could actually be a return to or continuation of a historically engrained patriarchal system. In a post-war setting, 'men use violence against women and women's fear of violence to reinforce their hold on women; they compel women to comply because they need to re-establish or preserve control over wealth and resources and, above all, over women's productive and reproductive labour'.<sup>16</sup> This suggests that if ways of being a man are premised on violence and insecurity, then deep peace is possible only when these problematic masculinities are transformed. The contextual specificities of historic roots of militarized masculinities are thus worth examining as root causes of systemic insecurity.

This idea resonates with research done by Isis-WICCE (Women's International Cross-Cultural Exchange) in northern Uganda (2001), Sudan (2007), and Liberia (2008) that found that women who were able to begin to recover from the ravages of war became rather busy providing for their families and quite economically self-reliant in comparison with their gender roles of womanhood prior to war.<sup>17</sup> Conversely, men who did not join militia groups and become reliant on humanitarian handouts experienced a sense of disempowerment in comparison with their gender roles of manhood before war. A video by the Makerere University Law Project titled *Gender Against Men* (2009) reveals men's sense of loss and destitution to be a result of

15. Cynthia Cockburn, *From Where We Stand: War, Women's Activism and Feminist Analysis* (London, Zed Books, 2007), 209–12.

16. S. Meintjes et al., *The Aftermath: Women in Post-Conflict Transformation* (London and New York, Zed Books, 2001).

17. Isis-WICCE, 'Women's experiences of armed conflict in Uganda: The case of Gulu District, 1986–1999', Kampala, 2001; Isis-WICCE, 'Medical intervention study of war affected Gulu District of Uganda', Kampala, 2001; Isis-WICCE, 'Women's experiences in armed conflict in southern Sudan, 1983–2005: The case of Juba County, Central Equatorial State', Kampala, 2007; West African Network for Peace, Ministry of Gender and Development, Isis-WICCE, 'A situation analysis of the women survivors of the 1989–2003 armed conflict in Liberia', Kampala, 2008.

their lost social status as capable males.<sup>18</sup> These 'disempowered' masculinities have been found to contribute to domestic violence against women.

Each of these contexts presents a complex set of gendered meanings of (in)security. An imagination of multiple possibilities of deep peace would necessitate that building peace is distinguished from post-war reconstruction of social, political, and economic systems that reinforce historically embedded militarized patriarchies. Deep peace requires an examination of contextually specific historical roots of militarized patriarchy to find grounded ways of transforming them.

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18. Refugee Law Project, *Gender Against Men*, documentary film, Makerere University, Kampala, December 2009, [http://www.refugeelawproject.org/press\\_releases/Gender\\_Against\\_Men\\_Press\\_Release.pdf](http://www.refugeelawproject.org/press_releases/Gender_Against_Men_Press_Release.pdf).



## BRIEFING

# Insights on the Emerging Tensions of Including Women in the Military: Lessons from South Africa

*Lindy Heinecken*

SOUTH AFRICA PRIDES ITSELF ON BEING A NATION with one of the highest percentages of women serving in the military and deployed on peacekeeping missions in Africa. Women constitute 23 percent of full-time South African National Defence Force (SANDF) personnel. This figure increases to 28 percent if the civilian component is included. Two active processes—gender equality and gender mainstreaming—drive the high numbers of women in the South African military. With the formation of the SANDF in 1994, and the adoption of the final Constitution of the Republic of South Africa in 1996, new policy guidelines were issued to allow women to be trained for all ranks and positions, including combat. Their inclusion was premised more on liberal, equal rights arguments than on internal military or strategic considerations.

Gender mainstreaming initiated a second drive for gender equality, based on differential arguments that women have a unique contribution to make to security sector reform (SSR), peacekeeping, peacebuilding, and post-conflict reconstruction. This has led to a campaign to increase the representation of women being recruited into the military to 40 percent, including 30 percent at decision-making levels.

There are, however, tensions in terms of implementing gender equality and mainstreaming initiatives, and these have affected the integration and position of women in the SANDF. As the military remains male dominated, patriarchal relations and militarized masculinities continue to affect women's status and belonging, and thus ultimately, their ability to influence security sector reform.

## IMPLEMENTING GENDER EQUALITY: THE TENSIONS

The initial push for gender equality in the SANDF emanated from South Africa's 1996 constitution, which forbids discrimination based on race, gender, and sexual orientation, as well as other characteristics. Since its passage, women have received the same training and opportunities as men, but most women continue to serve in traditional 'female' roles, as the physical nature of some specializations, especially artillery and special forces, remains a challenge for many women.

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Within the SANDF, the adoption of a liberal, equal rights, or gender neutral approach to integrating women has not meant that they have been able to compete equally. Because of women's physical disadvantages, standards have been adapted to 'get the numbers right', which has raised questions involving issues of meritocracy, as reflected in the following comment by an army officer: 'All should train to one standard and if women want to be equal they need to meet that standard. You cannot just throw away the test to accommodate women; there needs to be objective selection criteria and even men that are not suited to work in the fighting corps should not be taken up into the corps'.<sup>1</sup>

The SANDF has pushed hard to have women represented throughout the corps, but many people have been critical of quotas and feel that too much is being done to accommodate women, thus creating double standards. Respondents who took part in a Department of Defence gender integration and leadership survey were adamant that lowering the standards to get the numbers right is the wrong approach. They also believed that the perception that women were being promoted to fill quotas, rather than based on their abilities, has a negative effect on gender equality.<sup>2</sup>

The problem, however, is that even where women meet the training requirements, they continue to be seen as tokens or judged on masculine criteria. In addition, many women express the view that to cope and to be accepted, one has to act like a man. This results in what Helena Carreiras calls diluted femininity, whereby women have to assimilate and conform to the masculine hegemonic culture of the military to be successful.<sup>3</sup> Women, therefore, suppress the very qualities that constitute the prime motivation for increasing their numbers in the military. This leads to one of two things: the masculinization of women in the military or dissonance or attrition in situations where it places too much strain on women.

Table 1 presents the tensions between the equal opportunity and special contribution arguments.<sup>4</sup> The first issue is whether women should be obliged (a gender neutral position) to serve in certain corps, such as combat, or be given the option (based on gender difference). The majority (51.7 percent) of DOD survey respondents supported the volunteer option (differential argument). Only 9.7 percent thought the combat corps should be closed to women, while 36.6 percent felt women should be assigned on the same basis as men.<sup>5</sup> Of interest, whites serving in the SANDF were consistently more conservative in their views than were black Africans.

Previously the push for gender equality had been driven by moral and rights-based arguments, but recently it has shifted to differential arguments—that is, the special

1. Lindy Heineken and Adel Esterhuyse, 'Acceptance of women in the South African armed forces: For better or worse', paper presented at the International Feminist Journal of Politics Conference, University of the Free State, Bloemfontein, 2–4 August 2012, 12.

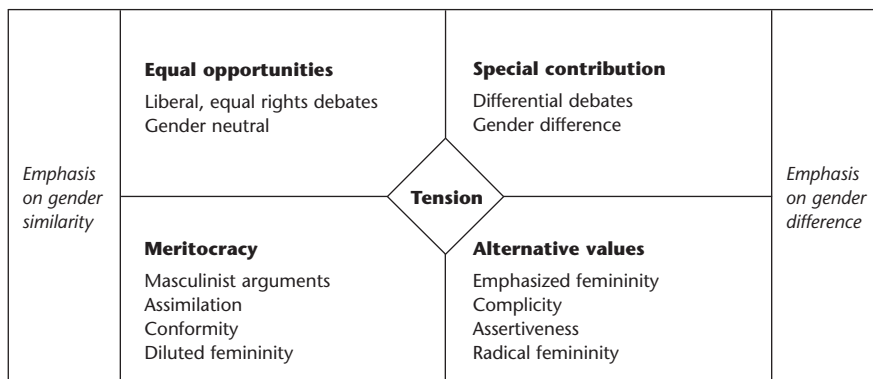
2. Lindy Heineken, 'Report on the findings of the Department of Defence integration and leadership survey', submitted to the Chief Directorate, Transformation Management, Department of Defence, Pretoria, 13 February 2013, 10.

3. H. Carreiras, 'From loyalty to dissent: How military women respond to integration dilemmas' in H. Carreiras and G. Kummel (eds.), *Women in the Military and in Armed Conflict* (Weisbaden, VS Verlag für Sozialwissenschaften, 2008), 175.

4. Adapted from Mats Alvesson and Yvonne Due Billing, *Understanding Gender and Organisations* (London, Sage Publications, 2009), 180; and Carreiras, 'From loyalty to dissent', 174–5.

5. Heineken, 'Integration and leadership survey', 3.

Table 1

**Different Approaches to Gender Equality**

contribution that women can make based on their unique feminine characteristics—largely due to the enforcement of UN Security Council Resolution 1325. These differential debates have surfaced most prominently in relation to women's contributions to peace operations. Attributes commonly associated with women, namely, that they are more compassionate, intuitive, conciliatory, and less aggressive, are qualities desired in peacekeepers.

Many claim that because of these qualities, women peacekeepers have been able to improve community relations, reduce the incidence of sexual-based gender violence, build the capacity of local women, improve community security, and counter traditional views that discriminate and marginalize women. It is also argued that women are more effective in defusing potentially violent situations.<sup>6</sup> There is little substantive evidence, however, to support these claims.

The lack of empirical evidence to substantiate the operational necessity of women has weakened women's position within the military. For example, sending female peacekeepers to provide security might be perceived negatively by the affected population given the stereotype of men as providers and women as consumers of security. Issues of race, ethnicity, language, religion, national affiliation, and class may have a greater impact on community relations than gender. Evidence on the value of women peacekeepers remains steeped in essentialist views and is in need of rigorous investigation.

Nonetheless, the overwhelming majority responding to the DOD survey supported the prevailing discourse that women, due to their female characteristics, have unique and valuable contributions to make to peacekeeping and peacebuilding. Of particular note, women regarded their contribution much more highly than men did. At the

6. L. Olsson, 'Mainstreaming gender in multidimensional peacekeeping: A field experience', *International Peacekeeping*, 7:3 (2000), 1–16; Karen Davis and Brian Mckee, 'Women in the military: Facing a warrior framework' in Franklin C. Pinch et al. (eds.), *Challenge and Change in the Military: Gender and Diversity Issues* (Ottawa, Canadian Forces Leadership Institute, Canadian Defence Force Academy, 2004); Nadine Puechguirbal, 'Gender training for peacekeepers: Lessons from the DRC', *International Peacekeeping*, 10:4 (2003), 119.

same time, however, although 44.8 percent of men said women are capable of fighting like men, only 23 percent of women considered themselves able to do so.

Emphasized femininity is apparently not as highly valued by men as it is by women serving in the military. This has given rise to additional tensions. On the one hand, there is recognition that women can make a 'unique contribution', but there is also concern that this reinforces essentialist stereotypes.<sup>7</sup> As women's worth is acknowledged, this can be used to challenge patriarchal views linked to military culture and hegemonic masculinity, but this is not yet the case. The results of the DOD survey, for example, show that women feel that men value them less, that they are less respected when in leadership positions, and that they constantly have to prove themselves to men when serving in non-traditional female roles.<sup>8</sup>

As the number of capable women serving in the SANDF increases, women are becoming more assertive in demanding their rightful place within the institution. There is an inkling of radical feminism emerging, as women strive to challenge the patriarchal order and militarized masculinities. In counterreaction, men now claim that women are feminizing the military, and in doing so, destroying the warrior spirit.

Women are also seen as affecting military culture in a way that undermines military effectiveness, in particular in regard to authority relations. Comments by South African soldiers—such as women 'use their femininity to get away with things' and 'men get soft-hearted towards women, so they tend to manipulate the system'—testify to this perception.<sup>9</sup> This leads to favoritism, which affects discipline, morale, and cohesion. Of particular concern is the level of 'fraternization' between women of lower rank and men of higher rank. Sexual harassment and gender violence are endemic in South Africa, and even more so in the military, where coercion and abuse of power is always imminent. Yet, such incidences are, not unsurprisingly, underreported. Women are loath to officially acknowledge such incidents, as the potential impact on their careers is too great. As a consequence, the extent of the damage this inflicts on women and the institution through loss of productivity, low morale and readiness, absenteeism, and attrition remains obscured.

## CONCLUSION

Gender mainstreaming is based on the recognition that men and women have different strengths and abilities and that these should be recognized equally. Embedded in this recognition lies the need to challenge patriarchy and the social structures and practices that oppress and exploit women. Reflecting on the findings cited here, it is clear that this challenge is not occurring in the SANDF. Even where women have attained the required levels of training and competency, discrimination continues to prevail. They remain a highly visible category judged on their gender rather than on their ability to do a job. Underlying this is the constant emphasis on physical strength, although only a small proportion of jobs in the military require it. This remains the Achilles' heel that affects how women are judged in terms of their competency, which they always need to defend.

7. Carreiras, 'From loyalty to dissent', 176.

8. Heineken and Esterhuyse, 'Acceptance of women', 6–8.

9. *Ibid.*, 14.

A mismatch and tension remain between the soldier profile based on the warrior-masculine image and the peacekeeper-feminine image and identity. War fighting is still regarded as the core business of the military, while peacekeeping and the need for greater social competence for operational success lags. Social competence and the ability to interact and engage with people is today more crucial than physical strength for operational success. The issue is no longer about giving women a fair chance to compete in this male-dominated environment, but to recognize that their skill sets are in fact necessary in addressing the security concerns facing communities affected by war and are imperative in resolving such conflict and bringing about sustainable peace.

The challenge, however, is achieving a critical mass of women to change the warrior ethos so deeply embedded in military culture. To this end, women should build on their strengths and challenge attitudes that prevent them from being recognized as equals.



## *Gender, Peace and Security: Women's Advocacy and Conflict Resolution,* by Fredline A O M'Cormack-Hale

London, Commonwealth Secretariat, 2012. 50 pp.

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*Reviewed by Irene Ndungu*

THIS MONOGRAPH PROVIDES A DESCRIPTIVE ANALYSIS of the role of women in conflict and post-conflict reconciliation processes as well as their efforts in the adoption of national action plans (NAPs) in accordance with UN Security Council Resolution 1325 on women, peace, and security. Largely through a desktop review of literature, the report utilizes case studies of Commonwealth countries with the goal of assisting Commonwealth member states develop NAPs and the Commonwealth Plan of Action for Gender Equality (2005–2015). Fredline A O M'Cormack-Hale notes, for example, that of the thirty-three countries that have adopted NAPs, only five are from the Commonwealth—Canada, Rwanda, Sierra Leone, Uganda, and the United Kingdom. Australia, New Zealand, and South Africa are in the process of developing NAPs.

The central argument is that despite the multidimensional impact of conflict on women, and the recognition in multiple Security Council resolutions of women's agency in peacemaking, peacekeeping, and peacebuilding processes, women continue to be excluded from the peace table. *Gender, Peace and Security: Women's Advocacy and Conflict Resolution* is intended as a call to action for members of the Commonwealth to increase the participation of women in peace activities at all decision-making levels through the adoption of NAPs. The logic is that NAPs will foster the institutionalization of gender mainstreaming and equity at all levels of decision making and will help countries coordinate their work in pursuit of Resolution 1325 requirements (p. iv). Policy makers, researchers, and practitioners dealing with peace and security issues are the book's target audience.

Of the twenty-eight Commonwealth countries that have contributed troops to UN peacekeeping and peacebuilding operations, Bangladesh, Ghana, India, Nigeria, Rwanda, and South Africa have contributed some of the largest female contingents.

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With only a few of the fifty-four Commonwealth countries having adopted NAPs, the commitment levels are, not surprisingly, low.

M'Cormack-Hale notes that engagement by women at the local level in peace-building activities has not necessarily translated 'into their involvement at higher-level peace-building processes' (p. 7). She highlights a number of factors that hinder women's engagement at higher levels, namely, the failure of policies to question gender roles, cultural barriers, absence of sustained promotion of gender equality at the international and state levels, structural constraints on women's time, and differences among women themselves on objectives (p. 11). These conclusions are arrived at after an examination of case studies from Papua New Guinea, Mozambique, Sierra Leone, Solomon Islands, and Zimbabwe (p. 7).

M'Cormack-Hale also engages in a comparative review of the implementation of NAPs in Rwanda, Sierra Leone, and Uganda (post-conflict countries) versus those of Canada and the United Kingdom (peaceful states). The post-conflict countries are deemed to have political structures supportive of women's rights (p. 23), hence, the facilitation of NAPs. Countries at peace, however, tend to develop NAPs that are 'primarily oriented towards the engagement of soldiers deployed with overseas local populations' (p. 21).

The often-made argument is advanced that 'where women are involved substantially in conflict resolution, peacemaking and peace-building processes, the likelihood of sustainable peace increases' (p. 23), but the claim is not substantiated by the provision of concrete evidence in the book. It is merely asserted. Again, using the case of India as an example, the author cites Resolution 1325—'Urges the Secretary General to seek to expand the role and contribution of women in United Nations field based-operations and especially among observers, civilian police, human rights and humanitarian personnel' (p. 25)—in laying claim that the increased deployment of female peacekeepers contributes to the empowerment of local women. The case of India's deployment of female peacekeepers in Liberia and subsequent increase in the involvement of women in policing is postulated as evidence in support of this claim.

No clear or substantial evidential link, however, is made between the reasons why there appears to be an increase in the number of female police in Liberia and the presence of female Indian peacekeepers or why there are few Indian women in the police and army in India itself and how this concretely relates to the goals of Resolution 1325. As with many of the texts of this nature, evidence is sparse and linkages often are not substantively thought through.

The use of non-Commonwealth Afghanistan, although it seems rather out of place, offers an interesting contrasting case study tracking women's representation in the management, prevention, and resolution of conflicts at different decision-making levels, (i.e., national and regional as well as international institutions and mechanisms). Again, however, the author fails to adequately link this experience to that of the Commonwealth and the lessons that could be teased out. It also would have been interesting to assess the contrast between progress made in the implementation of Resolution 1325 NAPs and the Commonwealth Plan of Action on Gender Equality, as this was not entirely evident. What are the evidence-based challenges in the forty-nine Commonwealth countries that have yet to adopt NAPs? How can Commonwealth countries with NAPs partner with those without NAPs, and how can their implemen-

tation be made more effective? These and other related questions should inform future research for the Commonwealth Secretariat and its partners. This will assist in contextualizing the adoption of NAPs, cementing buy-in from all stakeholders, and plugging implementation gaps.

The author concludes with recommendations for the Commonwealth's members, Secretariat, and strategic partners. These include addressing structural inequalities and adopting a multisectoral approach to NAPs among other recommendations (pp. 33–39). The monograph is a short read—39 pages of text, with the remaining 11 comprising references and an annex reproducing Resolution 1325.

Policy makers and practitioners in need of a quick overview of women and peace-building and the implementation of Resolution 1325, and those seeking a tool for advocacy, will find this contribution by M'Cormack-Hale useful. It falls short, however, in engaging the more substantive and theoretical issues on gender, peace, and security that this edition of the *Africa Peace and Conflict Journal* addresses.





## INTERVIEW

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# On Ownership and Peacebuilding in Africa: A Conversation with Ambassador Monica Juma

*Interview by Awino Okech*

MONICA JUMA IS FORMER KENYAN AMBASSADOR to Ethiopia, Djibouti, and the African Union. Prior to her ambassadorial appointment, Juma served as the executive director of the Africa Institute of South Africa, Pretoria, where she led policy research on African affairs, and as executive director at the Africa Policy Institute (API), Nairobi, where she is currently a senior fellow. She also held the positions of senior policy analyst at SaferAfrica, Pretoria, and research associate at the International Peace Institute, New York. Juma was a lecturer in politics and research director at the Centre for Refugee Studies, Moi University, Kenya, and management analyst for the Office of the President, Republic of Kenya. She is the author of scores of publications on peace security and governance, has helped develop several seminal policy documents, and has served as a consultant to numerous governments and regional and international organizations. She currently serves the Kenyan government as principal secretary to the Ministry for Defence. The following interview was conducted in Addis Ababa in September 2011.

**Awino Okech:** *What, in your view, is one of the central questions hindering the implementation of commitments to women, peace, and security at an international and regional [Africa] level?*

**Monica Juma:** Let me begin by sketching a couple of processes that have occurred at the AU [African Union] level. In 2011, the AU gender directorate validated a draft manual for a training of trainers in peace support operations [PSOs]. Across the continent, countries have committed themselves to mainstreaming gender in PSOs. A number of countries across Africa have established institutes that have fully fledged courses of a similar nature. In his report to the Security Council in October 2010, on women's participation in peacebuilding, the United Nations secretary-general outlined a detailed action plan that aimed at changing practices among national and in-

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ternational actors in order to improve outcomes on the ground. This plan had seven commitments to ensure that:

- Women are fully engaged in, and timely gender expertise is provided to, all peace talks.
- In post-conflict planning processes, including donor conferences, women should play substantive roles, and methods should be used that ensure that comprehensive attention is paid to gender equality.
- Adequate funding—both targeted and mainstreamed—is provided to address women's specific needs, advance gender equality, and promote women's empowerment.
- Deployed civilians possess the necessary specialized skills, including expertise in rebuilding state institutions, to make them more accessible to women.
- Women can participate fully in post-conflict governance, as civic actors, elected representatives, or decision makers in public institutions, including through temporary special measures, such as quotas.
- Rule of law initiatives encourage women's participation in the process of seeking redress for injustices committed against them and in improving the capacity of security actors to prevent and respond to violations of women's rights.
- Economic recovery prioritizes women's involvement in employment-creation schemes, community development programs, and the delivery of frontline services.

Yet, these efforts at the national, regional, and international levels do not seem to translate into protection, assistance, or recovery measures that guarantee public safety and security for populations in general and women in particular. Herein lies the dilemma that we need to work through in our efforts towards securing and stabilizing the continent. It seems to me that central to anticipated outcomes, at all levels, is a common denominator, or threat, if you will. They are prescribed. Women are supposed to receive these outcomes. Yet, a central feature of any transformation, whether it be at the personal, institutional, or societal level, is the involvement of the person concerned—ownership.

**Okech:** *Is the question of ownership and prescription a new concern in your opinion, or is it one that has circulated in peacebuilding discourses for a while now?*

**Juma:** I dare say that there is nothing new in today's ownership problem or question. There is seemingly a consensus that local ownership is desirable. Local ownership is rationalized as increasing effectiveness, reducing costs, growing legitimacy and responsiveness to the real needs on the ground, supporting local capacity, and guaranteeing sustainability. Yet, a number of examples over the decades challenges the rhetoric of local ownership. If we reflect on the discourse and practice of humanitarian assistance, relief, or aid, we saw growing evidence by the end of the 1990s which showed that the massive aid injected in interventions not only shrank local ownership, but in some cases created parallel structures that profoundly undermined local ownership and legitimacy. In post-war, post-conflict, areas, which at the turn of the century have become the new niche area of operations, in terms of firstly, peacekeeping, we are injecting more than \$US7 billion annually with little return in terms of sustainable peace. Instead, this has been followed by the burgeoning peacebuilding industry, seen as the twilight zone between relief and development. In my view, there is a pat-

tern with some distinct characteristics. These industries are characterized by a dominant northern imprint—characterized by the domination of northern-based organizations that articulate common norms, provide financial resources, and have developed institutions and strategies that both define and address problems of the South. In many ways it's an imperfect market where the determinants of needs are at the same time purveyors of goods or mercy.

**Okech:** *You have pointed to a catalogue of challenges that bedevil the so-called development industry generally and more specifically the nature of peacebuilding in Africa today. Do we need to return to some fundamental questions? If yes, what are they?*

**Juma:** Indeed, in the first order of questions should be the role that local or southern actors can and should play. Secondly, what are the ideological questions that determine both the content and scope of local ownership [stabilization versus sustainable human development]? Thirdly, and connected to number two, who are the drivers of this industry? Civic organizations, most of them urban-based NGOs that have appropriated the language, ethos, and methodologies of the industry. I argue that it is critical to look at the political economy of this industry to determine the drivers in terms of whose interest is being pursued? What power relations are forged and how do they impact on local ownership? For instance, there has been a massive focus on the state through public sector development and institution building based on the failed state framework, often losing sight of intraregional fragility or partial fragility in a country or communities that may not recognize the state nor the NGO industry that has been the foci of peacebuilding. Taking cognizance of knowledge and norms that are relevant reference points for action in a political arena or a public interest sector or subtle forms of institutionalization that may not be obvious to outsiders are often missed in externally driven processes.

**Okech:** *Is the African Union pursuing elements of what you speak about above through its policy frameworks?*

**Juma:** The African Union's answer to these questions is contained in the framework for post-conflict reconstruction and development [PCRD], which professes the objective of these activities as attaining sustainable development and long-term transformation. Hence ownership is one of the five principles that constitute 'basic minimum values and standards that inform action across all PCRD activities and programs including in the security sector'. If this is the basis for local ownership, then it cannot be business as usual. We must be able to frame the debate, and this calls for the right capabilities and engagement, the creation of a critical mass of players that can provide a paradigmatic shift in terms of how they perceive the problem and the solutions that are needed to deal with them