

GENDER IN PEACE PROCESSES & POST-CONFLICT TRANSITIONS

INTRODUCTION

Gender has been defined as “the socially constructed differences, as opposed to the biological ones, between women and men; this means differences that have been learned, are changeable over time, have wide variations both within and between cultures”.ⁱ This concept applies to the role of women in the family, the community, and other contexts, as well as gender inequalities that can lead to the violation of women’s rights and their exclusion from social, economic, and political institutions. Conflict can exacerbate previously existing gender inequalities and situations in which gender-based violence occurs.

Peace processes provide an opportunity to redress gender-based harms inflicted during conflict, and restructure institutions to be more gender inclusive in the long term. Peace expert Harold Saunders defines the peace process as “a political process in which conflicts are resolved by peaceful means...[through] a mixture of politics, diplomacy, changing relationships, negotiation, mediation, and dialogue.”ⁱⁱ However, peace processes are often male-dominated due to male control of government and illegal armed groups. The under-representation of women leads to a failure to incorporate a gender perspective into peace agreements, resulting laws, peacebuilding programs, and the prosecution of gender-based crimes. This document examines some efforts to address these issues. These cases provide the groundwork for strengthening the gender perspective in peace processes in Colombia and elsewhere.ⁱⁱⁱ

INTERNATIONAL PRECEDENTS & NORMS

International case law and other norms are essential in affording gender a central place in transitional justice mechanisms. The International Criminal Tribunal on Rwanda (ICTR) was one of the first tribunals to make a conviction for a gender-based crime. Created in 1994 by a UN Security Council (UNSC) mandate, the ICTR’s objective was to prosecute “persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda between 1 January 1994 and 31 December 1994”.^{iv} In 1998, the ICTR issued the milestone *Akayesu* sentence declaring that sexual violence was part of attacks against civilians during the armed conflict and constituted a crime against humanity. Jean-Paul Akayesu, a former mayor, was convicted of genocide crimes including sexual



violence carried out by authorities under his command. The decision introduced definitions of rape and sexual violence to international law. It provides the normative base for future decisions both in and outside Rwanda, and serves to make gender issues visible in the design and application of transitional justice.^v

Various international norms also reflect the increasing importance given to gender in transitional justice. UNSC

Resolution 1325 (2000) emphasizes women’s participatory role in peacebuilding and conflict resolution. In 2008, the UNSC adopted Resolution 1820, including sexual violence in the range of tactics used in war and in the security issues that pervade conflict. In 2009, the Council adopted Resolution 1889, specifying the need to increase women’s representation in peace processes. In 2013, the UNSC reinforced this specification by passing Resolution 2122, which encourages a gender perspective in peacebuilding and particularly peace processes.

Despite this progress, women’s stake in peacebuilding continues to lag behind. Women are not frequently consulted in the implementation of transitional justice, and gender is rarely mentioned in peace agreements, leading to further invisibility in the implementation of such accords.^{vi} The following cases provide important input to strengthen the gender focus in these areas.

NORTHERN IRELAND

Women were key actors in the peace process in Northern Ireland. Female teachers, union members, and others formed the Northern Ireland Women’s Coalition (NIWC) as they were not represented in the country’s peace process. Negotiations were taking place between political parties, and the negotiating table was initially composed entirely of men. The NIWC organized women from both political parties to vote them onto the negotiating table, and made sure to maintain this dual political representation throughout the talks. After representing women from various backgrounds during negotiations, the NIWC was crucial in promoting the Belfast Agreement for popular referendum. The peace agreement was later approved, in part because of its focus on victims’ rights and experiences, which resulted from the efforts of the NIWC. Women’s representation and participation in politics was a central consideration in post-conflict political reform, and the NIWC later became a political party that continued to focus on women’s representation in politics.^{vii}



SOUTH AFRICA

When South Africa transitioned from apartheid to democracy (1990-1994), gender equality was a central concern of normative efforts to stabilize peace. In the years leading up to the country's new constitution in 1997, women from all political parties worked together to ensure a gender perspective in the laws and other initiatives resulting from the transition to democracy. Each party's negotiating team for the constitutional process was comprised of 33% women, resulting in a strong gendered mandate in that document, as well as a comprehensive Bill of Rights, which prohibits gender-based discrimination, guarantees a woman's right to choose her reproductive health methods, as well as rights to property, education, and equal marriage in which both parts have equal status.^{viii}

COLOMBIA

In the current Colombian peace process, which began in September 2012, each of the teams is permitted up to 30 members in Cuba. This includes a communications team, the dialogue team, and second-tier support groups whose members change depending on the topic being discussed. Both teams have maintained an average proportion of women at 46% throughout the talks.^{ix} Women on the Government (GOC) side were initially represented only in the second tier.^x One year after the beginning of the dialogues, Nigeria Rentería, High Presidential Counsel for Women's Equity, and Maria Paulina Riveros, former Human Rights Director of the Ministry of the Interior, joined the GOC's first tier.^{xi} On the FARC side, Sandra Ramírez, a member of the FARC National Directorship, is part of the first tier.^{xii} The second tier includes Tanja Nijmeijer, a Dutch national who joined the FARC in 2002.^{xiii}

The "General Agreement for the Termination of the Conflict between the Government of Colombia and the FARC" guides the dialogues. This document does not mention gender specifically, but does emphasize the need for the peace process and implementation of final agreements to be inclusive of all members of society.^{xiv}

As of January 2014, partial agreements on two of the six agenda points have been reached. The first is on agrarian development, and focuses on closing the gap between the countryside and the cities. The agreement proposes a variety of structural reforms including formalization of land titling and efforts to facilitate access to social services in rural areas. Women are mentioned in two proposed programs: rural credit and subsidies, which prioritize single mothers, and special nutrition programs for vulnerable populations, which target children, pregnant and breast-feeding women, and the elderly.^{xv}

The second partial agreement to have been reached is on political opposition and participation. This aims to facilitate guarantees for political opposition groups and civic participation by civil society entities. Women are

mentioned three times in the 12-page document. First, women's groups are to be included in a National Council for Reconciliation and Coexistence, which will design and implement a variety of reconciliation initiatives. The GOC is also responsible for a program to promote women's political participation and leadership as part of efforts to strengthen democratic culture. Finally, the document concludes with a clause that all aspects of the agreement will be implemented with a gender focus to strengthen women's participation in politics.^{xvi}

CONCLUSION

Gender has been historically omitted from peace processes and other transitional justice mechanisms. It was only in the 1990s with the historic Akayesu case and UNSC resolutions that gender-based crime came under the purview of legal standards that deal with crimes against humanity. This new visibility of gender in the transitional justice arena has in turn led to increased legal and other efforts to include the gender perspective in peace processes. These mechanisms provide opportunities to decide how gender-based crimes will be redressed, and lay the groundwork for the reforms necessary to diminish gender discrimination, exclusion, and other inequalities.

Northern Ireland and South Africa provide examples of how women have played key roles in post-conflict transition. In both, women's groups representing a range of political parties worked together to ensure that gender issues were taken into account in peace negotiations and reforms. Colombia has made increasing efforts to incorporate women into the current peace process and agreements made at the dialogue table. The proposals, especially the gender clause in the political participation agreement, lay the groundwork for the inclusion of gender in future partial accords and a final agreement. It is crucial that this foundation is reflected in practice and is used to integrate gender into post-conflict political and social reform as well as other aspects of the transition to peace.

ⁱ DG Employment and Social Affairs (1998). *One Hundred Words for Equality: A glossary of terms on equality between women and men.*

ⁱⁱ Saunders, H. (2001) "Pre-negotiation and Circum-negotiation: Arenas of the Multilevel Peace Process". *Turbulent Peace*. U.S. Institute of Peace: Washington, D.C. p. 483.

ⁱⁱⁱ UNCHR (2008). *Handbook for the Protection of Women and Girls*. UNCHR: Geneva, p. 6-7.

^{iv} ICTR Website <http://www.unicttr.org/AboutICTR/GeneralInformation/tabid/101/Default.aspx>

^v Human Rights Watch (1998). *Rwanda Tribunal To Rule on Akayesu Case*.

<http://www.hrw.org/news/1998/09/01/rwanda-tribunal-rule-akayesu-case>

^{vi} Theidon, K. & Phenicie, K. (2011) *Gender, Conflict, and Peacebuilding: State of the field and lessons learned from USIP grantmaking*. United States Institute for Peace: Washington, DC.

^{vii} Fearon, K. (2002). *Northern Ireland Women's Coalition: institutionalizing a political voice and ensuring representation*. Conciliation Resources: London.

^{viii} UNCHR (2008). *Handbook for the Protection of Women and Girls*. UNCHR: Geneva, Switzerland.

^{ix} Ministry of the Interior

^x Corporación Humanas (2012). *Los diálogos entre el Gobierno de Santos y las FARC-EP*. Corporación Humanas: Bogotá, Colombia.

^{xi} Revista Semana (November 2013). *Estas son las dos mujeres que irán a la mesa de La Habana*.

<http://www.semana.com/nacion/articulo/nigeria-renteria-maria-paulina-riveros-dos-nuevas-negociadoras-en-la-habana/366140-3> Last Accessed 11/12/2013

^{xii} Ibid.

^{xiii} Ibid.

^{xiv} Delegations of the Colombian Government and the Revolutionary Armed Forces of Colombia (August 26th 2012). *Acuerdo General para la Terminación del Conflicto y la Construcción de una Paz Estable y Duradera*. Havana, Cuba.

^{xv} Delegations of the Colombian Government and the Revolutionary Armed Forces of Colombia (June 21st 2013) *Primer informe conjunto de la mesa de conversaciones*. Havana, Cuba.

^{xvi} Delegations of the Colombian Government and the Revolutionary Armed Forces of Colombia (December 8th 2013) *Segundo informe conjunto de la mesa de conversaciones*. Havana, Cuba.