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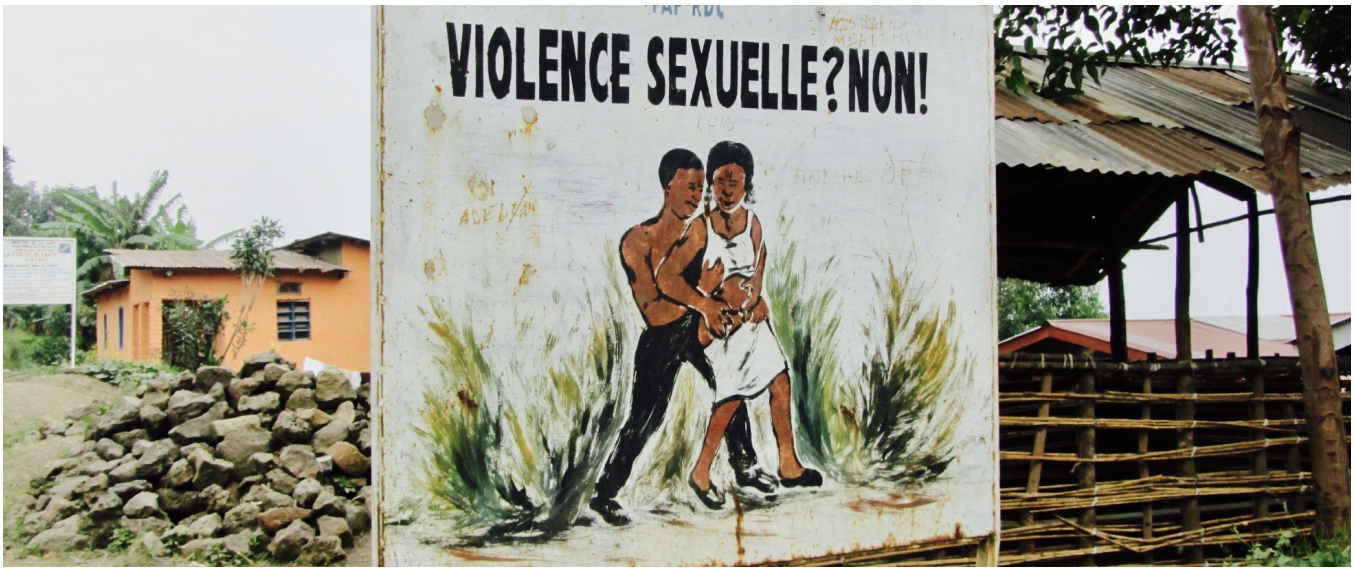
Women's Rights After War



Poster campaign for the prevention of sexual violence, Kibumba, DR Congo. Photo: Milli Lake, 2014.

FBA RESEARCH BRIEFS

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INTRODUCTION

Over the past decade, a growing body of work has recognized the structural shifts that can be born out of war, sometimes creating new and unexpected opportunities for women to access different forms of social, political and economic power.[1] Precisely because it is so destructive, war can disrupt preexisting social hierarchies and reconfigure gendered power relations, giving rise to rapid and sometimes fairly progressive periods of social change.[2] International actors, supported by the Women, Peace and Security agenda, have championed gender-sensitive reforms with the idea that women's inclusion in all aspects of post-war recovery can bring about more robust and durable democratic transitions. As a result, post-war countries have introduced measures ranging from parliamentary quotas aimed at securing women's political representation to gender-sensitive transitional justice mechanisms, alongside other legal and policy innovations that aim to advance women's social and economic status in society.

In many countries, these interventions have brought much-needed changes to women's lives, and they reflect a meaningful improvement from past periods where women's experiences and needs during and after war were ignored. Yet while many have benefitted from new legal protections and

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opportunities, others have been disappointed. Gains have been uneven and affect women from certain backgrounds – class, ethnic, racial, religious, caste – differently. Even more worrying is the fact that new forms of gender-based inclusion have sometimes created new arenas for actors to pursue agendas related to factional politics and even war. Moreover, limited access to narrowly defined opportunities for justice can create hierarchies of victimhood. In some contexts, these hierarchies, which are often based on different women's experiences during the war, can map on to political, ethnic or other conflict-era identities.

The research presented in this brief calls our attention to the ways in which narrow approaches to women's empowerment can mask new forms of oppression under the guise of gender progress. With the advent of the WPS Agenda, a great deal of attention has been paid to the issue of women's political, legal and economic rights in conflict-affected contexts. However, there has been insufficient attention has been paid to the way that granting rights to certain women can create new forms of inequality and harm, particularly when pursued against a backdrop of other undemocratic practices. Our preliminary findings from a US National Science Foundation and United Kingdom Research Initiative (UKRI)-funded project – the Women's Rights After War project – suggests that the architects of WPS policy must reckon with the uneven effects of gender reforms in post-war contexts for differently situated women.[3] In particular, our research reveals two patterns. The first is the strategic instrumentalization of women's rights reforms by political elites. By this, we mean that post-war elites, who often represent deeply entrenched conflict-related interests, frequently capture opportunities meant to support the advancement of women in order to further their own political – and sometimes conflict-related – objectives. Second, we identify hierarchies of victimhood that restrict certain opportunities to women who experience specific types of harm during the war and often map onto particular political identities. Because of this, the political incentive structures that shape rights gained in one area (e.g., women's empowerment) may ultimately serve to undermine gains in other areas (e.g., ethnic, caste-based or socioeconomic equality), thereby weakening the transformative potential of those gains over the long term and permitting other forms of oppression and marginalization to go unchecked.

The WRAW project examines women's rights reforms across six issue areas in ten country cases[4] that have experienced an end to armed conflict over the past three decades. This research brief is focused on two of these areas of reform: women's political participation and gender-sensitive transitional justice initiatives. Drawing from interviews and an original dataset of post-war gender reforms, our findings suggest that dominant political factions in the post-war settlement can use these areas of rights reforms to reinforce social hierarchies and consolidate their own political power. Interventions meant to empower women thus become instruments of political control. Women who access political power through newly introduced gender quotas, for instance, might end up reflecting and reinforcing existing identity-based cleavages. In many cases, the women most easily able to enter politics through such channels are linked to the victors in the conflict, or to other powerful political actors or their economic interests. In parallel, transitional justice mechanisms – including post-war compensation, criminal prosecutions or truth and reconciliation commissions – can create divisions between different groups of women by entrenching hierarchies of victimhood. Each of these avenues allows conflict-era fissures to foment under the guise of progress towards gender equality. While both gender quotas and transitional justice initiatives are important, these findings have troubling implications for the prospects of durable post-war peace.[5]

POLITICAL GENDER QUOTAS AND THE CONSOLIDATION OF WARTIME POWER STRUCTURES

In all of our country cases, political gender quotas have been central to increasing women's representation in politics. These quotas either take the form of seats reserved for women in legislative bodies (as in Rwanda, Nepal and Sri Lanka) or requirements that political parties include a certain number of women on their candidate lists (as in Colombia and Bosnia). Nepal's constitution, for example, requires that women comprise 33 per cent of the country's federal and provincial assemblies, and two out of every five seats on ward councils. In Sri Lanka, 25 per cent of the seats on local councils are reserved for women. Colombia operates with a party-list system, mandating that political parties reserve at least 30 per cent of spots on their candidate lists for women at both the national and sub-national levels.

While these quotas have led to a substantial increase in the number of women in politics, our research shows that these

newly created positions for women provide an arena in which conflict-related agendas can play out. Indeed, women's political representation offers a new space for dominant political groups to strategically instrumentalize women in politics to consolidate power. This means that women who end up in political office are often appointed, nominated or championed by dominant political elites or groups that enjoy social, economic and political capital due to the nature of the post-war political settlement. By appointing or nominating certain women, dominant groups are able to concentrate power across different levels of government in order to advance particular political objectives.

These dynamics are most visible in countries where one particular faction claimed decisive victory in the war. For example, Rwanda reserves 24 seats for women in its lower house of parliament, for which women run on 'women's tickets.' These women are not formally identified with a party. And yet the bulk of women elected to these seats are sympathetic to, and often affiliated with, the ruling party, the Rwandan Patriotic Front (RPF). Women's seats allow the RPF to entrench and consolidate political power under the guise of advancing women's political representation.

Similarly, in Sri Lanka, a missing persons activist noted that many people hope that women politicians will advance issues affecting women, or represent women's interests. Instead, however, women affiliated with the ruling party adhere to the party's dismissal of forms of sexual and gender based violence during the war:

Women governors in the eastern and western provinces have actively advocated against women's rights and only advocate for the government. Even if they have appointed women, these are women who support the government….If you ask them: was there rape of Tamil women in the war? If you ask these women that, they will say it is propaganda.

This was a common theme across each of our country cases. Very often, parties and political elites use reserved seats to appoint or nominate women who will be politically loyal to them. While this phenomenon is not new and similarly creates constraints on which men are appointed to office, we call attention to the implications of this type of instrumentalization for the prospects of peace in fragile and deeply divided post-war societies. We show that women's seats can offer an opportunity for political capture by influential factions often linked to the war, whether these are parties, ruling regimes, powerful political families or extractive industries.

In Colombia, a country with a power-sharing arrangement in which no single party dominates, sub-regions of the country reveal similar patterns. An activist-researcher in Barranquilla shared how common this phenomenon was. Even if alliances shift occasionally, she described how the same families retain power by nominating their wives, mothers, aunts or cousins on reserved party lists. These are women who have never worked on gender issues, and their foray into politics is only 'a question of negotiations with families: as sisters, cousins, daughters or spouses of political families'. Some of these families are aligned with extractive industries and corporations, and promoting women 'allow[s] right-wing parties to have a better public face by hiding corruption and links between illegal groups and corruption'. As an added dimension, feminist activists lamented that traditional, conservative parties in Colombia have been particularly eager to promote women in recent election cycles to detract attention from their opposition to abortion rights and other feminist policy priorities. For example, conservative President Iván Duque appointed a 50 percent female cabinet, while opposing more liberal reforms to the country's restrictive abortion law. What is notable is the ways in which the political participation of women in the post-agreement period tends to mirror and reproduce the very political interests that were salient during the country's decades-long armed conflict.

Figure: Countries and territories with reserved seats in the lower or upper house of parliament or at sub-national levels

TRANSITIONAL JUSTICE AND REINFORCEMENT OF WARTIME VICTIM HIERARCHIES

One of the central aims of the WPS agenda is to address the harms faced by women during war and to ensure that women are included in efforts to remedy those harms. This often leads to a focus on transitional justice mechanisms targeting women affected by violence. Our research reveals, however, that the process of granting seemingly gender-sensitive opportunities for justice can also institutionalize hierarchies of victimhood based on women's differing experiences. These findings reflect a growing field of research on the politics of victimhood.[6] Women whose wartime experiences are made 'grievable'[7] receive focused attention in the new political settlement, while other forms of suffering are deprioritized. During transitional justice processes this can be particularly acute, as access to services, reparations, compensation and formal justice proceedings is often tied to particular victim categories, which may also map on to other wartime identity cleavages. These divisions can cut across the types of violence experienced (e.g., rape survivors versus survivors of other non-sexualized torture) and factions of the conflict (e.g., only victims of rebels versus victims of government crimes being entitled to compensation, recognition or other forms of justice).

One way that transitional justice processes have inadvertently created new divisions among women is by affording more visibility and resources to particular experiences of violence. Across our cases, we documented how mothers and wives of those killed might be privileged by political elites, who highlight sacrifices and suffering on one side of the conflict in order to cement their own political clout. In some cases, sexual violence becomes particularly salient, whereas in others it is entirely neglected. Victims' groups associated with particular harms may be afforded moral and political capital, which can facilitate access to justice, reparations and media attention. Securing justice for all who have suffered from war is a tremendously important process that requires more resources and attention. However, framing certain victims' suffering as more legitimate, worthy, or grievable than others can contribute to the fracturing of women's collective organizing and mobilization.

In Bosnia, for instance, war widows, mothers of those killed and rape survivors garnered international attention, as journalists and nationalist politicians generated alarm about war atrocities through graphic stories of women's abuse and suffering. Other women who did not lose a husband or child, or who escaped sexual violence, have been denied similar political capital by the press and the broader international aid community. This has incentivized the formation of prominent community-based organizations around particular victim identities – such as widowhood or sexual violence – in large part because members of these organizations found a singular identity to be the most effective way of gaining international funding and recognition, and thereby access to justice. In some cases, community organizations that formed during the war whose members had differing victim experiences ended up restructuring and asking members without particular wartime experiences to leave.[8] A similar dynamic unfolded in Colombia. As awareness grew about the scale of sexual violence that had occurred during the conflict, activists mobilized to get sexual violence recognized as a crime against humanity. However, as one gender advocate in Bogotá put it, this has meant that 'other types of violence or other things on the agenda are silenced.' One must present as a particular kind of victim – a "good victim" – to access the benefits associated that category.[9]

Victim hierarchies are not only reinforced through the types of violence experienced but also based on who perpetrated the violence. In Nepal, war widows are eligible for a one-time monetary compensation package and a monthly stipend. But access to this funding is dependent on a tedious bureaucratic claiming process and political networking. Moreover, there has been no compensation or justice for victims of sexual violence committed by the Nepali army. A similar dynamic persists in Rwanda and Sri Lanka. In Rwanda, only victims of the genocide against the country's minority Tutsi population are afforded any form of recognition, and as a result, victims of violence at the hands of the Rwandan Patriotic Front have no recourse to justice or to survivor benefits. In Sri Lanka, war victims were entitled, in theory at least, to monetary compensation for the harm they had suffered.[10] And indeed, there are several grassroots efforts to unite victims of the war across conflict cleavages through their shared experiences of loss. Yet, in addition to the fact that demands for proof and documentation in order to access compensation were deeply politicized (and often deliberately obstructed for Tamil-speakers), many of these efforts have collapsed entirely, and those who continue to suffer violence at the hands of the Sri Lankan military are continually silenced.[11]

These hierarchies are often built into the very structure of the political settlement. In Colombia, the 2016 peace agreement between the FARC and the government after more than 50 years of fighting left out other violent actors and victims of violence perpetrated at their hands. While justice institutions like the Special Jurisdiction for Peace (JEP) have been established to address atrocities and human rights violations committed by FARC and the government, their mandate necessarily excludes those harmed by other paramilitaries, narco-traffickers, cartels, and other violent actors. While likely politically necessary to secure the viability of the peace process, it is important to note how such decisions deny certain women access to justice, recognition, and support, often on the basis of their wartime identities.

CONCLUSIONS AND IMPLICATIONS

Buttressed by the WPS agenda, international actors are increasingly interested in encouraging the advancement of women's rights and promoting gender-sensitive policy reform after war. Getting more women into politics, passing gender-sensitive laws, and securing a robust justice framework for the prosecution of gender-based crimes are often seen as important first steps to support democratic transition more broadly.[12] While we affirm the importance of such initiatives, our research challenges the linearity of women's empowerment, suggesting that gender reforms frequently create opportunities for some women while systematically disadvantaging others. These outcomes are rarely divorced from the political dynamics at work in post-war contexts. Yet when they map onto wartime cleavages, they can reinforce existing grievances, undermine prospects for peace and foster new vulnerabilities to gendered harm. Our research highlights the need to be attentive to the ways in which shallow understandings of women's empowerment and inclusion can mask oppression, opportunism and structural violence under the guise of gender progress.

Specifically, our research findings have several important policy implications for actors concerned with women's empowerment after war. First, champions of women's empowerment must always be attentive to who benefits from post-war gender reforms. Importantly, we highlight the ways in which the creation of 'gender opportunities' can be strategically instrumentalized towards the continuation of wartime dynamics and the consolidation of particular power structures and economic interests. Second, our findings encourage a deeper engagement with the intersecting identities inhabited by women beyond gender. These include class, caste, race, ethnicity and religion, but also, critically, their relationship with various wartime factions in the post-war settlement. Instead of supporting women's political representation with blind disregard for which women are represented, advocates of gender quotas and gender-sensitive transitional justice must consider the potential perils and pitfalls of such targeted reforms.

In the period following the twentieth anniversary of the WPS agenda, we urge the WPS community to engage with the interlocking hierarchies that support both war and gendered marginalization. These mutually reinforcing systems of patriarchy, militarism and capitalism fuel armed conflict and facilitate the subjugation and oppression of marginalized groups. Eradicating war will require tackling such systems holistically, as will eradicating gender, racial, caste and other oppressions. Looking forward, the WPS community must promote an anti-militarist, anti-capitalist, anti-patriarchal agenda that aims to advance the rights, security, and wellbeing of *all* women. ■

ENDNOTES

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3. See the Women's Rights After War project: www.wrawproject.org
4. The issue areas addressed by the WRAW project include

women's political representation, women's economic empowerment, gender-sensitive transitional justice mechanisms, gender-based criminal justice reform, family law reform, and the implementation of National Action Plans under UNSC-R 1325. The countries included in the study are Colombia, Sri Lanka, Uganda, Bosnia-Herzegovina, Rwanda, Nepal, Iraq, Afghanistan, Liberia and the Democratic Republic of Congo.

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