Understanding the Gendered Legacies of Armed Conflict: Women's Rights and Lives during Armed Conflict and Transition Periods and Governance

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Executive Summary

There is a pressing need to use feminist perspectives and feminist-inspired research to analyze key issues occurring in the transition period following armed conflict that have a profound effect on the resulting governance and government systems that follow and hence profoundly affect women's lives. In reviewing the existing literature on women and armed conflict and the immediate transition period, the author has identified areas that scholars, in particular feminist scholars, activists, and policy-makers, have defined as critically important topics pertaining to governance and women's rights in transition periods. These topics are the subject of this paper and include: a) women's participation in formal peace processes; b) women's participation in drafting and ratifying constitutions; c) addressing the motivations and demands of women in revolutionary armed groups, and assessing possible links with women's rights movements in the transition periods; and d) women and transitional justice, particularly women's role, representation and experiences of justice, accountability and redress in truth-telling commissions, national and international tribunals, and reparation programs.

The paper begins with an introduction to the paper and key conceptual terms (Section I). Section II offers a concise overview of theories regarding liberal governance, armed conflict, and gender. This section highlights that the dominant liberal governance paradigm often posits that internal processes of underdevelopment and maldevelopment are at the root of violent uprisings, particularly in the global South. These theories suggest that armed conflict is the direct result of bad governance and uneven, ill-suited, and corrupt development practices, and the resulting 'failed development.' International intervention and development are thus offered as the primary means to, in the medium and long term, thwart and eventually help remove the cause of the violence. Increasingly we see the merger of security and development within these approaches, which are ever more militarized and privatized. Critics of this approach maintain that shifts by western governments towards societal reconstruction and democratic transformation are not simply a response by technical systems of support and assistance, but are actually part of emerging systems of liberal global governance.

Section III grounds the subject matter of the paper by laying out the international framework developed primarily by women rights activists and member states of the United Nations to raise awareness around and increase responsiveness to the impact of armed conflict on women, as well as the importance of women's participation in the transitional and post-conflict period. The material presented illustrates that the links among women's experiences and rights, armed conflict and transition periods out of armed conflict, and governance issues are central to an international agenda of upholding women's rights. Yet the author finds that research specifically on this topic is lacking.

Section IV presents a concise overview of the key ways in which women and, to a lesser extent, girls, men and boys, are affected by armed conflict. This is done with the explicit understanding that no meaningful work for women's rights in transition periods can be done without context specific, grounded understanding of how the conflict has affected different groups of women and their families.

Section V focuses on women's participation in official peace processes and in drafting and ratifying constitutions. Perhaps at no time is women's representation more crucial, yet simultaneously more lacking, than in official negotiations that set the framework for re-organizing states and democracies. Obtaining a place at the table where civil and political discourses occur is no simple matter for women, even in democracies, and while women's active presence in informal peace work may be thriving, their presence is nearly non-existent in official dialogues. When women are successful in gaining a seat, they continue to face obstacles due to patriarchal beliefs and structures, and outcomes are far from what was hoped. The paper explores the key reasons for this and the too-often resultant exclusion of women's priorities and rights from many peace accords.

"Since every stroke of the constitutional pen can either empower women as full citizens or turn them into marginalized dependents of male citizens and a patriarchal state"[1] the paper looks at the women's participation in drafting and ratifying constitutions in the transition period. The paper details some important lessons learned from women whose civil and political activism has taught them there is a place both for gender-neutral and gender-specific thinking, actions, language, and laws, particularly within the constitution. It also highlights the key areas women prioritize in crafting new constitutions.

Section VI explores the women's rights agenda of many women who have joined armed opposition groups and examines whether there is any cause for common ground between these women and civilians promoting women's rights in the transition period. Section VII addresses the fact that in attempting to provide recognition, accountability and redress, states in transition periods from conflict to democracy have at times set up criminal tribunals, truth-telling commissions, and offered reparation to surviving victims. Yet the field of transitional justice is only just beginning to open to investigations of how violations against women have been recognized and addressed, and how the surviving women and girls have been treated within truth commissions, national and international tribunals and reparation measures. Those inquires have, almost without exception, *not* investigated the effects of the outcomes of truth commissions, national and international tribunals and reparation measures on the development of governance structures in the transition or post-conflict periods.

Most feminist research has occurred on analyses of national and international tribunals, though almost none have looked at the impact of those rulings on governance and government in the transition or post conflict period. Only a few studies have used feminist perspectives to analyze truth telling bodies set up to establish the facts surrounding situations of armed conflict and political violence. These studies find that truth telling bodies have fallen short of addressing the kinds of violations and crimes women were subjected to, as well as failing to structure the collection of evidence, outreach, and proceedings in ways that enabled women's full participation. Studies from feminist perspectives on reparation processes find similar results to those examining truth telling commissions. The section concludes by offering a broader way of conceptualizing and studying gender and reparation that is grounded in and responsive to the realities of victims.

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[1] Cynthia Enloe, "Updating the Gendered Empire," <u>The Curious Feminist, Searching for Women in the New Age of Empire</u> (University of California Press: Berkeley, 2004) pp. 269-305, p. 287.

Section VIII offers some thoughts on methodological constraints to carrying out such research. Section IX draws upon the analysis presented in the paper to suggest key areas where IDRC could look to develop research initiatives on the broader topic of women, conflict and governance.

1. Introduction and overview

The purpose of this paper is to provide IDRC with a background paper on the topic of women's experiences and rights during armed conflict, how this shapes their realities and rights during transition periods, and the key areas in which their rights and realities need to be taken fully into consideration and acted upon to help create and strengthen processes of good governance.

In regards to the terminology used in this paper, there are no agreed upon definitions of armed conflict, transition periods, or post-conflict and all designations are highly political. In this paper, I use `transition' to refer to the period, often lasting several years, in which: 1) the rates of armed violence related to armed uprisings against the state have reduced from the level seen previously in the state when it was recognized that the state was experiencing armed conflict; the armed groups have either called a ceasefire or have begun engaging in dialogue; and yet is still during a time that it would be incorrect to say that the state had moved into a period of post-conflict (implying a greater level of stabilization of the political situation and strong movements towards recovery of the affected areas and populations).

Within this paper, governance refers to decision-making by a range of interested people (or 'stakeholders'), including those in positions of power and 'ordinary' citizens. For the purposes of a paper addressing armed conflict and transition periods, those in positions of power with whom citizens must engage in decision-making processes also entail non-state forces that have taken up arms against the state. Therefore, this paper focuses particularly on the relationship among governments, armed opposition groups and citizens, since it is these groups, and particularly the two former, that wield significant power in determining decision-making in the transition period. It is useful to note that eleven governance principles are fundamental to the overarching goals of social justice and equality: participation, accountability, transparency, responsiveness, equity, inclusiveness, upholding rights, effectiveness and efficacy, consensus orientation, long-term strategic vision, and adherence to the rule of law. These principles are commonly viewed as contributing to `good` governance. At yet, it is during these conflict and transition periods when key processes are underway, such as negotiations, peace processes, setting up of interim governments, and drafting of interim constitutions. And it is at these critical junctures when good governance practices around these key processes are very weak. Indeed, parties to the conflict as well as internationals involved in brokering these deals will say that while the qualities reflected in good governance are noble, they cannot be put into place or pursued during these transition periods because of the delicate nature of the processes. Hence, feminists insist that this is where we need more information and a better understanding of what is actually at play and at stake in these processes because they set the political groundwork for the post conflict period.

Within the paper, key areas are highlighted in which addressing women's rights are paramount for the realization of their rights in the short and long-term within countries attempting to

transition out of armed conflict. The focus on women's human rights and governance is done with the understanding that there must be a close intersection and mutually reinforcing relationship between these two if inequality, marginality and violence against women is to be addressed and more just and equitable systems are to be developed in the transition and post-conflict periods.[2]

2. Key paradigms on violence and conflict transformation from liberal governance perspectives

There are a number of dominant theories relating to understanding and addressing today's armed conflicts and transition periods. These theories in turn shape concepts of armed violence, 'failed states,' and governance, including what is needed for 'good governance.' These theories also shape a multitude of resulting policies and strategies by governments, bi-laterals, multi-laterals, NGOs and civil society groups. These theories bring with them different approaches (i.e., policies and practices) regarding why armed conflict is happening, who is involved and why, and what can (and *needs to*) be done to bring stability. It is therefore useful, indeed necessary, to situate and analyze these various theories from feminist perspectives, which privilege multi-layered analyses of power and inclusion/exclusion.

Currently, the dominant thinking of many governments, and their respective security and aid divisions, posits that internal processes of underdevelopment and maldevelopment are at the root of violent uprisings, particularly in the global South. Such thinking suggests that as the result of bad governance and uneven, ill-suited, and corrupt development practices, the resulting 'failed development' has triggered popular discontent with governments and caused some sectors to join armed groups looking to destabilize or overthrown the state. International intervention and development are thus offered as means to thwart and eventually help remove the cause of the violence, and we see this strongly in the rationale for much of the work by the United Nations, particularly the United Nations Development Program, as well as in current US foreign and military policy approaches, among others. Notably, in such approaches, there is a merging of security and development, both of which are increasingly privatized and militarized.[3] Additionally, in such approaches the poor (who have not joined the insurgents) are seen as victims of the violence and so the liberal governance and peace agenda likes to claim them as allies in their struggle for stability and good governance; whether the poor identify, ally with or are positively affected by such approaches is subject to debate.

Within the liberal global governance discourse is a strong line of human rights based approaches to fragile states, good governance and state building. A key characteristic of this paradigm is the drive to change women's consciences in ways that reflect the priorities of neoliberal, global governance forces. For example, numerous attempts are made to "empower" women by raising

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[2] See also Molyneux and Razavi, eds., Gender Justice, Development, and Rights (Oxford and New York: Oxford University Press, 2002).

[3] See for example, Mark Duffield, Global Governance and the New Wars: The Merging of Development and Security (London: Zed Books, 2001); Enloe Maneuvers; Feminist Africa, Militarism, Conflict and Women's Activism, Issue 10, 2008; Dubravka Zarkov ed., Gender, Violent Conflict, and Development (New Delhi: Zubaan Press, 2008).

their awareness of gender and class-based discriminations with the intent of enabling them to become more autonomous agents enacting their own choices. Yet, at times, such approaches fail to understand that in a number of contexts, such as Nepal's Maoist uprising, women involved in the armed uprising consciously participated in powerful critiques of neoliberal democracy, capitalism and modernity. Instead, they embraced culturally and morally-grounded ideas that privileged social personhood, mutual obligation, different ways of expressing their gender, ethnicity, caste and class, and alternative—and what they believed were much less exploitative – forms of modernity.[4]

In critique of these theories and systems of liberal global governance, a number of scholars[5] reveal the multifaceted national and international links among poverty, inequality, exclusion, exploitation, violence, and protracted crises. These authors claim that shifts by western governments towards societal reconstruction and democratic transformation are not simply a response by technical systems of support and assistance, but are actually part of emerging systems of liberal global governance. In these systems of global governance, security concerns are no longer about intrastate warfare. Rather it is the threat of the excluded southerners fomenting international instability through terrorism, criminal activities, and conflict that is central component of the new security framework. Importantly, these same authors question the focus of liberal global governance on poverty as a key cause of violence; instead they emphasize the fact that it is primarily political and economic elites who orchestrate and benefit from armed conflict, not primarily poor, marginalized, or otherwise excluded groups. These authors contend that since the maintenance of power, especially via post-Cold War forms of patron systems, predominantly relies on control of the means and distribution of wealth, it becomes clear that international intervention, development and good governance polices and practices that do not address the distribution of power and wealth will fail to protect individuals or societies from present or future violence. Yet real attempts to rework power structures, particularly the economic power structures that maintain a country's elites, within societies in transition periods following armed conflict are relatively uncommon and rarely robust.

Another approach that has gained prominence is the belief in and use of counter-insurgency tactics to move forward the spread of neoliberal democracy and the creation and propping up of governance structures, most clearly illustrated in the US and their allies approaches in Iraq and Afghanistan.[6] With this approach, we see an increase in the militarization of societies (both

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[4] See for example Lauren Leve, "`Failed Development' and Rural Revolution in Nepal: Rethinking Subaltern Consciousness and Women's Empowerment," Anthropological Quarterly, Volume 80, No. 1, Winter 2007, pp. 127-172.

[5] .See David Keen, The Benefits of Famine: A Political Economy of Famine and Relief in Southwestern Sudan, 1983–1989 (Princeton: Princeton University Press, 1994); Duffield Global Governance; Joanne Macrae and Anthony Zwi, eds., with Mark Duffield and Hugo Slim, War and Hunger: Rethinking International Responses to Complex Emergencies (London: Zed Books, 1994); William Reno, "Reinvention of an African Patrimonial State: Charles Taylor's Liberia," Third World Quarterly , Volume 16, No. 1 (1995): 109–20; Dyan Mazurana, "Gender and the Causes and Consequences of Armed Conflict," in Gender, Conflict, and Peacekeeping, (eds.) Dyan Mazurana, Angela Raven-Roberts, and Jane Parpart (Oxford & Boulder: Rowman & Littlefield, 2004).

[6] For example, as stated in the US Government Counterinsurgency Guide, "The strains created by globalization, by the collapse of weak state structures, by demographic, environmental, and economic pressures, by the ease of cooperation among insurgent groups and criminals, and by the appearance of destructive radical ideologies, all augur a period in which free and moderate governance is at risk. And in today's world, state failure can quickly become not merely a misfortune for local communities, but a threat to global security."(Bureau of Political-Military Affairs,

sending and receiving) coupled with attempts at multiple levels to legitimize armed 'democratization,' occupation and regime change. This is carried out by a number of actors, including governments with a stake in the region and their militaries, foreign affairs bureaus, and aid apparatuses, private companies, and international NGOs. In such contexts, political settlements are reached in situations of high instability and with long-lasting, often negative, impacts on the commitment to and realization of women's rights in those countries. Hence, the 'logic' behind the US alignment and support of key members of Afghanistan's Northern Alliance, many of whom were notorious for their violations of women's and girls' rights in Afghanistan. While US rhetoric regarding the war often focused on women's and girls' rights being violated under the Taliban, the reality was the US chose and supported anti-Taliban partners who had their own well established patterns of violence and exclusion of women and girls which (unsurprisingly) continues into the present.[7]

We are also seeing the internationalization of state-building under international tutelage, which at times results in crises of legitimacy of those transitional governments and has a dampening affect on their ability to govern and provide law, order and security. Again, in such contexts, where international brokers have significant power in shaping transitional governments, we at times see gross violators of human rights, including war criminals, move into positions of power with the support of donor governments, their militaries, aid agencies, private companies, and international NGOs.

Viewed from this analysis, it is paramount that we are especially critical and aware of how liberal global governance in theory, policy, and practice seeks to influence the governance and government systems and structures of states in transition periods after open armed conflict. We need to use feminist analyses to look at the macro-level to the links among the neo-liberal economic and political agendas (including agendas for transforming failed states, in part through the introduction of `democratic' good governance), increased militarism and privatization of conflict and transitional periods of war affected states, and today's global capitalism. We need those same feminists lens to help us focus on and make sense of the micro-level to the lives of women, men, girls and boys in localities experiencing armed conflict where such processes are being put forward and contested.[8]

3. United Nations initiatives on women and armed conflict

The international community, in large part through the United Nations, is increasingly aware of and, to a lesser extent, responsive to the impact of armed conflict on women and the importance of women's participation in the transitional and post-conflict period. Core institutional frameworks within the United Nations include the United Nations Charter, the Security Council and the Commission on the Status of Women, while key documents include the Nairobi

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Department of State, US Government Counterinsurgency Guide, accessed 2 August 2009, available at WWW.STATE.GOV/T/PM/PPA/PMPPT, page 5).
[7] Cynthia Enloe, "Updating the Gendered Empire," The Curious Feminist, Searching for Women in the New Age of Empire (Berkeley: University of California Press, 2004), pp. 269-305.
[8] For further development of these theories and examples of such analysis from conflict affected areas around the world, see Dubravaka Zarkov (ed.), Gender, Conflict and Violent Development.

Forward-Looking Strategies for the Advancement of Women,[9] the Vienna Declaration and Programme of Action,[10] the 1993 Declaration on the Elimination of Violence Against Women,[11] the Beijing Declaration and the Platform for Action and Beijing +5 and the Windhoek Declaration and the Namibia Plan of Action on Mainstreaming a Gender Perspective on Multidimensional Peace Support Operations. Central initiatives include, but are not limited to, those developed by Members States, the establishment and rulings of the ad hoc international criminal tribunals, a series of reports by the Secretary-General on issues of peace and security.

During the 1990s, the United Nations made a series of steps in addressing the issues of wartime violence against women and girls, including sexual and gender-based violence. Important examples include the United Nations Compensation Commission created to compensate victims of Iraq's invasion of Kuwait, which expressly included physical and mental injury arising from sexual assault. Additionally, the 1993 United Nations World Conference on Human Rights in Vienna marked a watershed in explicitly recognizing many violations of women's rights as human rights violations.

The global commitment to incorporate gender perspectives in peace and security issues was established in the Beijing Declaration and the Platform for Action in 1995.[12] Other central events include the 1995 Fourth World Conference on Women; the 1997 United Nations Economic and Social Council call for gender mainstreaming; and the 1998 recommendations by the Commission on the Status of Women for increasing women's participation in conflict prevention, peacekeeping, and post-conflict peace building and reconstruction.

More specifically regarding girls and armed conflict, the 1989 Convention on the Rights of the Child applies to children during wartime and peacetime and includes provisions regarding children during armed conflict. In 1993, the General Assembly invited the Secretary-General to undertake a study on the impact of armed conflict on children. The resulting study[13] highlighted the ways in which girls are placed at particularly high-risk during armed conflict, as well as emphasizing their numerous experiences and roles. The study was updated in 2007, and has increasingly come to focus on issues of importance for girls and boys living in situations of armed conflict and post-conflict periods.[14] In 1997, the Secretary-General appointed a Special Representative for Children in Armed Conflict with a mandate to protect and promote the rights of war-effected children and ensure that those rights are comprehensively addressed by principle actors at all levels. The Special Representative reports yearly to the Security Council regarding the violations of children's rights during situations of armed conflict.

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[9] Report of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, Nairobi, 15-26 July 1985 (United Nations publication, Sales No. E.85.IV.10), chap. 1, sect. A, chap. III.
[10] A/CONF.157/24, op. cit.
[11] General Assembly resolution 48/104.
[12] Fourth World Conference on Women, Action for Equality Development and Peace, Beijing Declaration and Platform for Action, GA, UN Doc. A/Conf.177/20 (1995) paras. 131 and 136.
[13] Report of the Expert of the Secretary-General, Ms. Graça Machel, submitted pursuant to General Assembly Resolution 48/157, Impact of Armed Conflict on Children.
[14] See UNICEF, Machel Study 10-Year Review: Children and Conflict in a Changing World., (New York: UNICEF, 2009) Available from http://www.un.org/children/conflict/english/machelreports.html (Accessed October 2, 2009).

In 1993, the Security Council established the International Criminal Tribunal for the Former Yugoslavia (ICTY) and in 1994 the International Criminal Tribunal for Rwanda (ICTR). The constituent documents and jurisprudence of the two ad hoc Tribunals, the ICTY,[15] the ICTR[16] and the statutes of the International Criminal Court (ICC)[17] and the Special Court for Sierra Leone[18] are of groundbreaking significance in the context of redress for women and girl children through the international criminal law process. In 1998, the Rome Statute for the International Criminal Court included crimes against humanity and war crimes specifically against women and children. In 1999, the Worst Forms of Child Labour Convention included child soldiering among the worst forms of child exploitation, calling for a minimum standard of 18 years of age for forced or compulsory recruitment. In 1999, the Security Council adopted Resolution 1261 on children and armed conflict and SCR 1265 on the protection of civilians during armed conflict. May 2000 marked the adoption of an Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict that established 18 as the minimum age for any person to participate in hostilities. In recent times, other extra-legal mechanisms have been adopted providing alternative and, in some cases, complementary avenues for redress.

Security Council Resolution 1325 reiterates the importance of bringing gender perspectives to the centre of attention in all United Nations conflict prevention and resolution, peace building, peacekeeping, rehabilitation and reconstruction efforts. It calls for increased representation of women, particularly at decision-making levels, increased consultation with women, and attention to the special needs of women and girls (e.g., in refugee situations). It emphasizes the respect for the human rights of women and girls, the need to draw attention to violence against women and girls, and calls for an end to impunity and the prosecution of those responsible for crimes related to sexual and other violence against women and girls. The United Nations is furthermore requested to incorporate gender perspectives in negotiation and implementation of peace agreements. The Security Council itself is requested to ensure that Security Council missions take gender considerations into account, including through consultation with women's organizations. Finally, the Secretary-General was asked to prepare and present to the Security Council a study on the impact of armed conflict on women and girls, the role of women in peace-building and the gender dimensions of peace processes and conflict resolution.[19]

In 2005, the Security Council unanimously adopted SCR 1612 on the protection of children affected by armed conflict. Building on previous resolutions,[20] SCR 1612 advances the protections for children at the ground level by creating the UN-led Monitoring and Reporting Mechanism (MRM) on Children and Armed Conflict and country-level task force teams to

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[15] Report of the Secretary-General Pursuant to Paragraph 2 of Security Council Resolution 808 of 3 May 1993 (S/25704) Annex, as amended 13 May 1998 [hereafter Statute of the ICTY].

[16] See UN Doc. S/RES/955 (8 November 1994) Annex [hereafter Statute of the ICTR].

[17] Rome Statute of the International Criminal Court, UN Doc. A/Conf.183/9 (17 July 1998) [hereafter Statute of the ICC].

[18] Report of the Secretary-General on the establishment of a Special Court for Sierra Leone of 4 October 2000 (S/2000/915) Annex, [hereafter Statute of the Special Court for Sierra Leone].

[19] United Nations, Women, Peace and Security: Study of the United Nations Secretary-General as Pursuant Security Council Resolution 1325 (New York: United Nations, 2002); United Nations, Report of the Secretary-General on Women, Peace and Security to the United Nations Security Council (UN document S/2002/1154) (New York: United Nations, 2002).

[20] Namely, United Nations Security Council Resolutions 1261 (1999), 1314 (2000), 1379 (2001), 1460 (2003), and 1539 (2004).

monitor and report on six grave violations.[21] In 2008, the Security Council adopted SCR 1820 which establishes the link between sexual violence and sustainable peace and security. The resolution prohibits impunity and excludes sexual violence from any amnesties while also emphasizing the importance of women's participation in all processes related to ending sexual violence in conflicts, including peace talks. Security Council Resolution 1888, adopted in September 2009, calls for the advancement of the implementation of SCR 1820. In part, it does this through establishing a Special Representative of the Secretary-General on Sexual Violence in Armed Conflict. Following that, the Security Council adopted SCR 1889 in October of 2009, which gives particular attention to the implementation of SCR 1325 in the immediate post-conflict peace building period and commits the Security Council to developing a set of indicators to track and monitor the implementation of SCR 1325.

4. Understanding the effects of the armed conflict on women and their families and how this affects their lives and rights

Women and girls share similar experiences to that of men and boys in situations of armed conflict: they are targeted with the same weapons and suffer social and economic dislocation, the loss of shelter, and shortage of medical, food and water; they suffer the psychosocial impact of the loss of family members or witnessing violence against their families and neighbors, the loss of their possessions and homes, and the effects of violence prior to, during and after flight; they are at risk of certain diseases, including increased exposure to diseases and sexually transmitted infections (STIs), including HIV/AIDS. Like men and boys, they are also affected by the environmental damage and resource depletion that results from armed conflict. Similarly, they may join armed forces or counter-insurgency movements or be forced to serve as combatants and in support roles. They also find ways to try and care for the wounded, sick, despairing and displaced, and may be among the most outspoken advocates for an end to the fighting.

At the same time, there is a growing body of evidence[22] that women and girls experience armed conflict differently than men and boys. As Margaret Walker has recently observed:
The violence and harms suffered by women in contexts of armed conflict and political repression are many and are often interlinked. The links create destructive synergies of loss and suffering: violence inflicted on women harms women; some harms expose women to further violence and additional harms; and serious, even life-altering or life-threatening harms result from forms and violence and repression in which women are not the primary targets of conflict yet are decisively affected by it.[23]

The specific experience of women and girls in armed conflicts greatly depends upon their status in societies before armed conflict breaks out. This is not to suggest a simple continuum of

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[21] The MRM violations are killing and maiming of children, recruiting and using child soldiers, attacks against schools and hospitals, rape or other grave sexual violence against children, abduction of children, and denial of humanitarian access for children.

[22] Report of the Secretary-General to the Security Council on the Protection of Civilians in Armed Conflict, of 2001, (A/55/985 - S/2001/574), 14 paras. 59 and 60.

[23] Margaret Urban Walker, "Gender and Violence in Focus: A Background for Gender Justice in Reparations," in The Gender of Reparations: Unsettling Sexual Hierarchies While Redressing Human Rights Violations, Ruth Rubio-Marin, ed., (Cambridge University Press: 2009), pp. 18-62.

violence, in which the gendered and structural violence of everyday life is somehow only more magnified during armed conflict. Such theoretical discussions cannot account for nor do they reflect the "the shattering experience of discontinuity, the sense of enormity and outrage, or the terror, despair, and social ruin of victims in many instances of violence in conflict."[24] Yet where cultures of violence and discrimination against women and girls exist prior to conflict, they are likely to be exacerbated during conflict. Similarly, if women are not allowed to partake in the decision-making structures of a society before conflict, it is usually difficult for them to become involved in decisions around the conflict itself or the peace process and transitional period.[25] Thus, gender relations—as intersected and shaped by ethnicity, class, caste, and age – in pre-conflict situations often set the stage for women's, girls', men's, and boys' experiences and options during armed conflict.

Gender-based and sexual violence are used as weapons of warfare, in fact they have become among the defining characteristics of a number of contemporary armed conflicts. Genocide, slavery, rape, forced marriage, forced impregnation, forced abortion, trafficking, sexual slavery and the intentional spread of STIs, including HIV/AIDS, are integral elements of many of today's conflicts. Women and girls are often viewed as cultural bearers and reproducers of 'the enemy' and become prime targets. Women are also targeted *as mothers*, where their heightened vulnerability to torment and torture because of their maternal responsibilities, roles, hopes and attachments is exploited.[26]

Women and girls are not only the victims of armed conflict. They are active agents as well as they make choices, possess critical perspectives of their situations and organize collectively in response to those situations.[27] Women and girls can support violence perpetrated by others and perpetrate violence themselves.[28] They become active members of conflict not simply because they unwittingly collude in acts of violence, but also because they are committed to the political, religious, or economic goals of those involved in violence. This can, and has, involved taking up arms in liberation struggles, resistance to occupation, or in struggles aimed at a transformation in relations of inequality on race, ethnic, religious or class lines.[29] Women and girls may also be manipulated into situations of internal conflict through prejudiced and violent ideological propaganda, abduction, intimidation and recruitment.[30]

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[24] Ibid., p. 29.

[25] Felicity Hill, "Reports of panels and presentations: women and armed conflict", Building a Women's Peace Agenda, Hague Appeal for Peace, ed. (New York, New York Gender Focus Group of the Hague Appeal for Peace, 2001); Swedish International Development Agency, Post-Conflict Initiatives and Equality between Women and Men. Why Are Gender Equality Issues Relevant in Post-Conflict Initiatives? (Accessed January 3, 2002; Available from http://www.peacewomen.org/resources/articles/post/SIDA.html..

[26] Margaret Walker, "Gender and Violence in Focus."

[27] Chandra Talpade Mohanty, "Cartographies of struggle: Third World women and the politics of feminism", Third World Women and the Politics of Feminism, C.T. Mohanty, A. Russo and L. Torres, eds. (Bloomington: Indiana University Press, 1991).

[28] Binta Mansaray, "Women against weapons: A leading role for women in disarmament", Bound to Cooperate: Conflict, Peace and People in Sierra Leone, Anatole Ayissi and Robin-Edward Poulton, eds. (Geneva, United Nations Institute for Disarmament Research, December 2000), pp. 144-149.

[29] Eilish Rooney, "Mapping gender terrain in the Northern Irish conflict," Paper Delivered at the International Studies Association Annual Convention, Washington, (1999).

[30] United Nations, Women, Peace and Security.

Women's and girls' agency is also expressed through their extensive activities in peace processes before, during, and after conflicts. Many of them are aware of the importance of peace processes, and are involved in a variety of grassroots peacebuilding efforts aimed at rebuilding the economic, political, social, and cultural fabric of their societies. However, formalized processes of peace, including negotiations, accords, and reconstruction plans, often preclude women's meaningful participation, with girls nearly universally excluded. In most instances, women and girls who were actively involved in rebuilding local economies and civil society throughout the conflict are pushed into the background when formal peace negotiations begin.[31]

Finally, women and girls also may gain from the changed gender relations that result from armed conflict. They sometimes acquire new status, skills, and power that result from taking on new responsibilities. These changes can challenge existing norms about their roles in society.[32] At such points, norms about women's and girls' roles and participation in decision-making in the household, civil society, the formal economy, and about their rights to own land or goods may be altered, sometimes, though not always, to their benefit.[33]

Of paramount importance in shaping any strategy for the promotion and attainment of women's rights during conflict or in transition periods is a context specific, grounded understanding of how the conflict has affected different groups of women and their families. All conflicts move in different ways within and across countries and even within heavily affected regions. Different ethnic, class, caste, and political groups will be targeted and affected differently. Within these diverse groups, the affects of the conflict will be felt differently by males and females, and by different generations, ethnic groups, classes and castes. It is also essential to consider within any analysis the fact that in most armed conflicts, more men and boys are targeted for political violence, maimed, tortured, injured and killed. The results of the targeting of men and boys often leaves adult females with increased care-giving and household maintenance responsibilities, the affects of which can be devastating for women and their remaining family members.[34] Hence, any analysis that seeks to understand women's rights and lives during transition periods and key issues surrounding the development of governance systems must be grounded in the gendered legacies of armed conflict and its affects on women.

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[31] Monica Kathina Juma, Unveiling Women as Pillars of Peace: Peace Building in Communities Fractured by Conflict in Kenya - an Interim Report, (Management Development and Governance Division, Bureau for Development Policy, United Nations Development Programme, May 2000) available at www.magnet.undp.org.
[32] Briefings on Development and Gender Institute of Development Studies, Conflict and Development ((Sussex: Gender Institute of Development Studies, 1996); International Committee of the Red Cross, Women Facing War (Geneva: International Committee of the Red Cross, 2004).
[33] Meredeth Turshen and Clotilde Twagiramariya, eds., What Women Do in Wartime: Gender and Conflict in Africa, (London: Zed Books, 1998).
[34] See for example studies of women whose family members were missing due to political violence in Nepal, International Committee of the Red Cross, Families of Missing Persons in Nepal: A Study of Their Needs (Accessed August 4, 2009, available at http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/nepal-missing-persons-report-300609/$File/Families-of-missing%20persons-Nepal-Report.pdf)

5. Promotion of women's rights during peace processes and constitution drafting and ratification

This section focuses specifically on women's participation in formal peace processes and in constitution drafting and ratification assemblies because these are processes that greatly affect the drafting and practice of governance in transition and post-conflict periods.

While there are many positive results of women's grassroots and national-level work for peace that activity is seldom matched by their inclusion in formal peace processes. This has been true even in situations in which there was a large and active presence of women involved in the informal peace processes that preceded negotiations.[35] Indeed, perhaps at no time is women's representation more crucial, yet simultaneously more lacking, than in official negotiations that set the framework for re-organizing states and democracies.[36] Clearly one must question the low priority given to women's voices, rights, citizenship, and equality when they are repeatedly and systematically excluded from participating in political discourses that will profoundly shape their lives.

Obtaining a place at the table where civil and political discourses occur is no simple matter for women, even in democracies. History has shown that what is needed *for women with women's rights agendas* to gain that place is a strong civil society where women actively participate and acquire the skills and contacts necessary to gain entry into political processes. Indeed the majority of women today who are working to shape democracy and civil political discourse in their countries in ways that favor upholding women's rights emerged from women's and other movements for social justice, community and religious-based groups, and civil society organizations.[37]

Yet even when women are successful in gaining a seat, they continue to face obstacles due to patriarchal beliefs and structures.[38] At times, even when women are accepted to participate in the

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[35] Sanam Anderlini, Women Building Peace: What They Do and Why It Matters (London: Lynne Rienner Publishers, 2007).

[36] For example, even though it was widely known that during the war in the Former Yugoslavia women had been targeted for particular forms of abuse and torture designed to help facilitate the ethnic cleansing of entire regions, at the Dayton Peace Talks, Ohio, no women were in attendance at the regional delegations (Alexandra Stiglmayer, ed., Mass Rape: The War against Women in Bosnia-Herzegovina (Lincoln, University of Nebraska Press, 1994). At negotiations in Rambouillet, Paris, where again women had been subject to systematic violations of their human rights, only one Kosovar woman was present. At Arusha, Tanzania, a women's delegation was present, but they were limited to observer status (Sanam Anderlini, Women at the Peace Table: Making a Difference (New York: Unifem, 2000).

[37] Anderlini Women at the Peace Table; Anderlini Women Building Peace; Amrita Basu, ed,, The Challenge of Local Feminisms: Women's Movements in Global Perspective (Boulder: Westview Press, 1995).

[38] Regarding the Israeli and Palestinian context, former Palestinian Representative and Minister of Higher Education Hanan Ashrawi reports that during political exchanges, men who perceived women's voices and demands as a threat literally went out and pulled down the women who were speaking. Senator Cordoba Ruiz of Columbia was abducted and threatened with physical violence for her work in assisting peace talks among the conflicting parties. Georgian peace activist and Member of Parliament (MP) Nani Chanishvili was taken hostage by Abkhaz separatists for similar efforts (see Dyan Mazurana and Susan McKay, Women and Peacebuilding (Montréal, Canada: International Centre for Human Rights and Democratic Development, 1999).

discourse by some of the parties, their role may be rejected and blocked by their own men, as occurred in Burundi, Mozambique, Somalia, and India.[39]

Some women's groups have had a certain amount of success in implementing their proposals for peace and reconciliation within formal peace negotiations and plans, largely due to extensive organizing and lobbying on their part. Examples include the Northern Ireland Women's Coalition and the Liberian Women's Initiative. When women who are willing to promote women's rights are involved in negotiating peace agreements, they are more likely to advance issues on the agenda that are of importance to women and girls, as well as other important insights into key areas ranging from defense to foreign policy to social services.[40] For example, in Sierra Leone, women's groups actively participated in successive public consultations that preceded the signing of the Lomé Peace Accord in 1999. In other instances, such as Guatemala, the presence of a lone woman in one of the official parties to the peace negotiations, and support by hundreds of local women's activists, ensured that the final agreements incorporated a number of important mandates regarding women. In South Africa, the equal representation of women within the African National Congress' negotiating team also resulted in important gains for women. Notably, the presence alone of women peace negotiators is not a guarantee that gender equality issues will be placed on the peace agenda. In El Salvador, where approximately 30 percent of the armed insurgent FMLN negotiators were female, questions of gender equality were not included in the peace agreements.[41] In fact, the El Salvador peace agreements resulted in gender-based discrimination in the peace accords, such as barring women to various degrees from reconstruction programs, with far-reaching consequences for women and their dependents.[42]

Over the past 30 years, feminists and women's rights activists have highlighted the importance of women's presence and participation during peace processes and have pushed for their inclusion. Emphasis was focused on efforts to ensure that women literally had a seat at the peace negotiation table. These efforts paid off in the late 1990s and into the 21st century when in a number of peace negotiations, internal pressure by women within civil society, and to a much lesser extent on the side of the government and armed groups, coupled with the demands of international donors to have women represented at the peace table resulted in a few women being present on peace teams and at the peace table. Yet the outcomes were far from what was hoped.

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[39] Brigitte Sorensen, Women and Post-Conflict Reconstruction: Issues and Resources (Geneva: War-Torn Societies Project, 1998).

[40] The participation of women Guatemalan peace process, for example, resulted in peace agreements which include specific commitments to women, including access to housing, credit, land and other productive resources; the obligation of the government to implement a national program on integral health for women, adolescent girls, and girl children; government commitments to review the national legislation with the purpose of eradicating all forms of discrimination against women; the penalization of sexual harassment; a guarantee of the participation of women at all decision and power levels of the local, regional and national bodies, on equal terms with men; and the creation of the National Women's Forum and the Office for the Defense of Indigenous Women, in order to promote women's participation and rights, see Luz Mendez, "Presentation of Luz Mendez, General Coordinator of Union Nacional De Mujeres Guatemaltecas, before the Arria Formula Meeting on Women, Peace and Security" (New York, United Nations, 2000).

[41] International Fellowship of Reconciliation, Women Lead the Way to Peace.

[42] E. Naslund, "Looking at Peace through Women's Eyes: Gender-Based Discrimination in the Salvadoran Peace Process," Journal of Public and International Affairs, Volume 10 (1999), p. 30.

Cynthia Enloe has observed what is needed to actually have leverage to strongly influence peace talks when she analyzed the situation in Iraq and Afghanistan following the US-led invasion of both those countries. She concluded that those who hold the most influence, especially in the backroom negotiations (discussed below), come to the process with resources that they can convert into political currency. The first resource is having a base of organized political support, based on religion, ethnicity, or political party affiliation. Second is having ready access to men and arms that you can call on to act or not act in certain ways. Third is having economic resources, such as companies, trading networks, access to donors and donor funds, and foreign bank accounts. The fourth resource is the ability to be deemed credible (either as a threat, a rival, an ally, a technocrat) in the eyes of the international men helping to orchestrate the peace process. Some at the table will have all four of these resources, and this makes them formidable power-wielders in any peace process. The reality is, however, that such resources are kept out of the hands of all but a few women.[43]

Enloe's observations hold true when we look at peace negotiations over the last several years in Aceh, Liberia, Nepal, Sierra Leone, Sudan, Timor Leste and Uganda. What feminists and women's rights activists had failed to understand (in part because they had not before had access to those spaces) was the extent to which patriarchy and male-domination (in its various and competing forms) pervades and shapes peace processes.[44] A few women did have a seat at some of those tables, but on the sides of the government and armed opposition groups those women were unlikely to hold feminist or women's rights agendas, and most often were strong supporters of their party's line, which had little if anything to say in the negotiations on the rights of women. This is particularly notable as in a number of these countries, most notably Nepal, Aceh and, to a much less extent, Sudan, discourses on women's rights were strong within the armed opposition groups. Yet real and meaningful discussion on women's rights within the governance structures under discussion did not materialize.

In recent negotiations, in a number of cases in which we saw women present at the peace table, it was that the wives, lovers and daughters of government or armed group leaders were selected, as occurred in several cases in the recent talks in Nepal and the collapsed talks in northern Uganda. In other cases, such as in the talks between North and South Sudan or Nepal, when women who had been part of the armed struggle were selected for peace teams they were under intense pressure to maintain their party's line and could not advocate for women's rights in any real sense.[45] Additionally, central issues of concern to women, including their participation in post-conflict governmental, civil, economic and judicial structures, repeatedly fail to make it to the negotiating table.

Feminists and women's rights activists came to realize that without access to the four resources Enloe outlined above, and lacking a strong, vocal and organized base of support in civil society, whether inside or outside of the armed struggle, women's mere presence at the peace table was not sufficient to produce real results for women's priorities or rights or to introduce alternative perspectives on defence, peace, or governance.

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[43] Enloe "Updating the Gendered Empire".
[44] See here Enloe's analysis of the different types of patriarchy at play in the peace and transition processes in Afghanistan, Ibid.
[45] Personal communication to author by female member of SPLA who participated in the North South peace talks.

In addition, as some feminists gained inside access to peace negotiations, they garnered further insights into the fact that many of the decisions being made were not actually occurring at the peace tables, but in the hotels rooms of the delegates, around bars and tea tables (depending on the region), and in private residences where influential national and international power brokers could hold informal meetings with the top delegates—meetings that sometimes produced significant decisions affecting the peace process and the transition period itself. In such gatherings, women as stakeholders were rarely, if ever, present. Having women as observers to the peace talks, while important in terms of raising issues and reporting back to civil society to try to garner support, apparently gains one little access to real decision making power in the process. The key exceptions here are those observers who have access to key members of the negotiations and whose demands are backed by outspoken, vibrant civil society movements that have women's rights central to their agenda.

Resulting peace accord processes may at times serve as a framework for, or may open up the opportunity to redraft, a country's constitution. A constitution is the state's primary design for establishing state power and authority, a plan for distributing power and responsibilities within the state's institutions, and serves as a map of citizen's limits, rights and responsibilities. Enloe writes:

Since every stroke of the constitutional pen can either empower women as full citizens or turn them into marginalized dependents of male citizens and a patriarchal state, drafting and ratifying a constitution must be processes that include politically conscious women, preferably in equal numbers with men around the drafting table and in the ratifying assembly.[46]

When this fair representation does not occur, women have to be ready and organized—both those who manage to get into the constitutional drafting processes, and those remaining outside.

There are important lessons to learn from women whose civil and political activism has taught them there is a place both for gender-neutral and gender-specific thinking, actions, language, and laws, particularly within the constitution. As an analysis of the Dayton Peace Accords for ending the conflict in Bosnia Herzegovina (part of which ended up serving as the new constitution) reveals, equality provisions that are gender-neutral may actually create obstacles for achieving equality and nondiscrimination in post-conflict situations. For instance, in its enumeration of rights, the Dayton Accords did not mention women's or girls' rights but did mention rights to marry, leaving open for interpretation whether family rights could take priority over women's and girls' rights. Neither did the Dayton Accords express positive measures for the inclusion of women in the highest levels of the new government, with the result being that from the beginning women were underrepresented within government and administrative and economic positions.[47]

Central measures that are influenced by having measures to promote gender equality explicitly mentioned could include, but are not limited to: equality rights provisions in new constitutions, implementation of special efforts to enable local women's vote and measures to promote the

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[46] Enloe "Updating the Gendered Empire," p. 287.
[47] Kvinna till Kvinna, "Engendering the Peace Process: A Gender Approach to Dayton - and Beyond," (Stockholm: Kvinna till Kvinna Foundation, 2000).

participation and involvement of women in decision-making, laws against sexual violence, and plans to prosecute gender violence committed during conflict.

Thus, women's rights advocates are smart to pay close attention to when and where to use gender specific or gender neutral language within constitutions. Some of the most sophisticated examples of this thinking are illustrated in the post-war constitutions of South Africa, Timor Leste and Cambodia.[48] In these cases, civil groups, and especially women within those groups, participated in civil political discourses that helped craft their countries' constitutions, with South Africa in particular now having one of the most democratic constitutions in the world, although inequalities, exclusion, and high levels of violence continue to persist in the lives of many South Africans.[49] In working to construct or transform their constitutions, women have demanded the provision of health, medical, and social services to women and girls, and the right to decide on marriage and reproduction. The pursuit of gender justice and land reform, protection against discrimination and gender-based violence, and particular protections for poor, indigenous or ethnic minority women and girls are other central issues. Proposals to have a gender focus in development strategies, including access to credit, housing, inheritance rights and education, and health and reproductive health programs have also been sought by women activists in different countries.[50]

6. Understanding the motivations and demands of women in revolutionary forces and what happens to these women and those demands during transition periods

Women's participation in armed forces and groups has been a subject of research by feminist and other scholars. We know that women in armed forces and groups carry out vital functions to all the groups they are a part of, and are valued members of these armed groups, including holding important political and military positions.[51] Women within revolutionary forces have often joined because of their experiences of (and hence heightened awareness around) violence and gender, ethnic, class, and or caste based discrimination.[52] Rarely are these women seen by local

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[48] Susan Bazilli, ed., Putting Women on the Agenda (Johannesburg: Ravan Press, 1991)

[49] To illustrate, the participation of women in drafting the South African Constitution was particularly significant and resulted in a comprehensive Bill of Rights which includes the prohibition of discrimination on the basis of gender, sex, marital status or pregnancy; the right of women to make decisions about reproduction and control and security over their bodies; property rights; right to health care including reproductive health care; the right to education; and the right to enjoy and practice their own cultural and religious beliefs.

[50] Louise Olsson, "Gender Mainstreaming in Practice: The United Nations Transitional Assistance Group in Namibia," Women and International Peacekeeping, Louise Olsson and Torunn Tryggestad, eds. (London, Frank Cass Publishers, 2001); The Secretary-General has made the same observation about children, United Nations, "Children and Armed Conflict,"A/55/163-S/2000/712, 19 July 2000, para. 48.

[51] See for example, Dyan Mazurana, Women in Armed Opposition Groups in Africa and the Promotion of International Humanitarian and Human Rights Law (Geneva: Geneva Call and the Program for the Study of International Organization(s), University of Geneva, 2006); Dyan Mazurana, Women in Armed Opposition Groups Speak on War, Protection, and Obligations under International Humanitarian and Human Rights Law (Geneva: Geneva Call and the Program for the Study of International Organization, University of Geneva, 2004).

[52] Ibid, also see for example, M. Alison, "Women as agents of political violence: Gendering security," Security Dialogue 35 (1), 2004, pp. 447-463; A. Berko and E. Erez, "Gender, Palestinian women and terrorism: Women's liberation or oppression?" Studies in Conflict and Terrorism 30 (6), 2007, pp. 493-519; M Bloom, "Mother. Daughter. Sister. Bomber," Bulletin of the Atomic Scientists 61 (6), 2005, pp. 54-62; Chris Coulter, Girl Soldiers

women's human rights defenders or international feminists as having an ability to enhance women's rights in the transition period; there is rarely, if ever, any attempt made to encourage or facilitate dialogue among these groups as the latter consider the former human rights violators and see them as both undesirable to link with and inaccessible. Yet in a number of revolutionary forces, for example South Africa's ANC, El Salvador's FMLN, Guatemala's URNG, Turkey's PKK, Mexico's Zapatistas, Nepal's Maoists, Sri Lanka's LTTE, and Aceh's GAM, women within those forces clearly articulate their frustration with patriarchy and their desire to carry out a revolution to in part challenge the kinds of sex and gender-based violence and discrimination they are facing. In all these contexts, the sex and gender-based violence and discrimination they are facing are strongly shaped by their ethnicity, religion, class, caste and political status. Furthermore, joining an armed opposition group means that during the war one is compelled to stay involved and cannot leave the group; hence, women often see their joining of an armed opposition group as a `last resort' in the face of increased violence and dwindling options.[53] While many join for survival reasons, once inside a revolutionary group some are exposed to various kinds of liberation ideologies, to which they begin to ascribe to varying degrees.

Yet when the time for peace negotiations arises, we repeatedly see these women are not part of peace teams and their demands based on their experiences and understandings of sex and gender-based discrimination and violence are rarely if ever chaired.[54] Research finds that many of these women are encouraged back by party leaders into more supportive roles, including their domestic roles, and are told that the party has not forgotten them but that they should wait and trust the party leadership to move forward on sex and gender-based issues in due time. Revolutionary women who believe this are left disappointed, as history shows very few examples of women's rights advancing without women's rights advocates playing a strong and sustained role in shaping party politics throughout transition periods. Because revolutionary women are often not part of any women's rights movements within their own countries, they are kept divided from other women's rights groups and therefore remain outside any processes to begin the initial shaping of the governance structures under discussion.

7. Transitional justice, governance and women's rights in transitions from armed conflict to democracy

Margaret Walker notes that "most victims of violence, whether male or female, adult or child, will suffer their losses—emotional, material, social, moral, and spiritual—without significant attention, much less redress."[55] In attempting to provide recognition, accountability and redress, states in transition periods out of conflict and into democracy have at times set up criminal

and Bush Wives: Women's Lives through War and Peace in Sierra Leone (Ithaca: Columbia University Press, 2009); K. Jordan and M. Denov, "Birds of Freedom? Perspectives on female emancipation and Sri Lanka's Liberation Tigers of Tamil Eelam," Journal of Women's Studies 9 (1), 2007, pp. 42-62; Beth Verhey, Reaching the Girls: Study on Girls Associated with Armed Forces and Groups in the Democratic Republic of Congo (London: Save the Children UK and the NGO Group: CARE, IFESH and IRC, 2004); K. Von Knopf, "The female jihad: Al Qaeda's women," Studies in Conflict and Terrorism 30 (5), 2007, pp. 397–414.
[53] Ibid note 51.
[54] See for example Anderlini Women Building Peace; Sujata Tuladhar, "Women in New Nepal: Challenges and Opportunities," unpublished thesis for Masters of Arts in Law and Diplomacy, the Fletcher School of Law and Diplomacy, Tufts University, 2009.
[55] Walker, "Gender and Violence in Focus."

tribunals, truth-telling commissions, and offered reparation to surviving victims. Indeed, criminal tribunals, truth-telling bodies, and reparation form a core component of accountability and redress measures within the field of transitional justice. Importantly, all national and international criminal tribunals, truth commissions, and reparation initiatives are faced with making choices about which criminal acts and human rights violations they will address and, within those, which ones they will emphasize for accountability and reparation. The fact that in today's conflicts many of the crimes are committed by non-state actors means that the mandates of national and international tribunals and truth commissions increasingly consider a broad notion of state responsibility by omission.

Yet some of the foremost scholarly analyses of truth commissions[56], international tribunals,[57] and reparations[58] are largely carried out without any attention to gender or women and without the benefit of insights garnered from feminist analyses. The field of transitional justice is only just beginning to open to investigations of how women's and (to a much lesser extent) girls' violations have been recognized and addressed, and how the surviving women and girls have been treated within truth commissions, national and international tribunals and reparation measures. Those inquires have almost without exception *not* investigated the effects of the outcomes of truth commissions, national and international tribunals and reparation measures on the development of governance structures in the transition or post-conflict periods, let alone carried out any real analysis of gender and governance.

Only a few studies around the world have looked from feminist perspectives at truth telling bodies set up to establish the facts surrounding situations of armed conflict and political violence. As Binaifer Nowrojee makes clear, one of the most important functions of truth-telling bodies is:
Public acknowledgment and condemnation of egregious abuses suffered are important first steps in providing recognition and redress to victims of violence. Speaking the truth and condemning the atrocities committed against a person constitute steps to restore the humanity of the victim and her value in society. This is an especially critical step for a person who has been stripped of everything, including her essential humanity.[59]

To date, the feminist scholarship on truth telling bodies established in the aftermath of armed conflict or political violence is rare. The few studies find that the majority of truth commissions have an uneven and overall poor record of recognizing or addressing the range of grave violations suffered by women and children. Furthermore, the gender aspect of their experiences—in particular the different ways in which women, boys and girls were affected by

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[56] See for example the landmark study of Priscilla Hayner, Unspeakable Truths: Facing the Challenge of Truth Commissions (New York: Routledge, 2001).

[57] See for example Victor Peskin, International Justice in Rwanda and the Balkans: Virtual Trials and the Struggle for State Cooperation (Cambridge: Cambridge University Press, 2008) among others.

[58] See for example Pablo de Greiff, ed., The Handbook of Reparations (Oxford: Oxford University Press, 2006).

[59] The ideas in this section draw from the excellent work of Binifer Nowrojee, "Making the Invisible War Crime Visible: Post-Conflict Justice for Sierra Leone's Rape Victims," Harvard Human Rights Journal 18 (2005) 85-105, p. 104.

the violence and in the aftermath of violence—has been poorly addressed and largely neglected.[60]

These studies find that past truth commissions and fact-finding bodies failed to adequately include gender issues within questionnaires and forms used to collect data and testimonies from survivors. The results of such omissions are often a weakened ability of the commissions and reparation programs to adequately address gender-based and sexually-based violations.[61] In addition, the failure to collect age-sensitive data or include children in interviews results in the exclusion of the voices of girls and boys and their own understandings and insights into their experiences, needs, and rights.[62] In light of this poor past record, Sierra Leone's TRC stands as an important exception. Sierra Leone's TRC is the most gender-aware and feminist-informed TRC to date and serves as an important reference in trying to understand and approach truth-telling about armed conflict from feminist and women's perspectives.[63]

Feminist scholars argue that having specific chapters within final truth commission reports dedicated to women's experiences is useful because these make explicit women's experiences and the crimes and grave violations committed against them. These chapters also help the commission, state institutions, and citizens better understand the experiences of women, which can play an essential role in mobilizing resources (human and material) for addressing the harms suffered and for recovering rights.[64] Collection of gender-disaggregated data and strong gender analyses would serve to further strengthen the work of any commission.

We also learn from feminist scholars that most truth commissions have failed to create the spaces necessary for women to come forward to talk about the violence and violations they suffered *as women* and the resulting effects on their lives. Instead the women testifying highlight the violations against the men in their families, as occurred in South Africa's TRC.[65] Again, the most notable exception is Sierra Leone's TRC.[66]
Feminist scholarship in the area of transitional justice is most developed in analyzing the jurisprudence resulting from national and international tribunals set up to address the most

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[60] See all contributors within Ruth Rubio-Marín, ed., What Happened to the Women? Gender and Reparations for Human Rights Violations (New York: Social Science Research Council, 2006) and Ruth Rubio-Marin, ed., The Gender of Reparations: Unsettling Gender Hierarchies while Addressing Human Rights Violations (Cambridge University Press: Cambridge, 2009); Brinton Lykes and Marcie Mersky, "Reparations and Mental Health: Psychosocial Interventions Towards Healing, Human Agency, and Rethreading Social Realities," in The Handbook of Reparations, 589-622.

[61] See What Happened to the Women?, in particular the case studies by Paz Bailey on Guatemala and Goldblatt on South Africa. See also UNICEF and ICTJ, Children and Truth Commissions: Basic Considerations and Expert Paper Series on Children and Transitional Justice both forthcoming on Unicef website.

[62] See Elizabeth Gibbons, Christian Salazar, Guenay Sari, Guatemala: Der Krieg und Die Kinder (German Committee for UNICEF, 2003) (English version: Between War and Peace: Young Generations on Wings of the Phoenix, unpublished).

[63] Interviews with Sierra Leone women's organizations, Freetown, Sierra Leone, May 2003, cited in Binifer Nowrojee, "Making the Invisible War Crime Visible."

[64] It should, of course, be noted that not all reparations come as a result of a truth commission, as some reparations may come as the result of a presidential decree or legislation by parliament.

[65] Beth Goldblatt, "Evaluating the Gender Context of Reparations: Lessons from South Africa," in Ruth Rubio-Marin (editor) What Happened to the Women? Gender and Reparations for Human Rights Violations (Social Science Research Council: New York, 2006).

[66] Binaifer Nowrojee, "Making the Invisible War Crime Visible."

serious crimes committed during armed conflict and under dictatorial regimes.[67] International law protecting women and girls from violent crimes during armed conflict has strengthened over the last 50 years. However, it remains insufficient in recognizing and addressing the kinds of crimes committed against them. Feminist scholars find that the Nuremberg and Tokyo trials after World War II largely ignored the sexual nature of crimes committed against women as the Allied Powers chose not to charge war criminals with rape (as a crime against humanity). Although the trials of the International Military Tribunal for the Far East demonstrated willingness to charge and convict some perpetrators responsible for the mass rape of civilians, it ignored the Japanese military camps that forcibly held over 200,000 women in sexually slavery.[68]

Historically, survivors and their advocates have had great difficulty in getting courts to recognize, much less prosecute, sexual and gender-based crimes committed during armed conflict.[69] However, within the last decade, prosecutions of sexual and gender-based crimes in the Ad Hoc International Criminal Tribunal for the Former Yugoslavia (ICTY) and the Ad Hoc International Criminal Tribunal for Rwanda (ICTR) have resulted in precedent-setting convictions of some of those responsible for such crimes. In doing so, both the ICTY and ITCR have made important rulings recognizing the degree to which women and girls suffer from sexually violent crimes and acknowledging how those crimes are perpetrated on the basis of women's and girls' sex and gender roles. The jurisprudence of the ICTY and ICTR, in addition to the adoption of the Rome Statute of the ICC, has moved international law to a point where sexual violence, including rape and sexual slavery, are now considered on a par with crimes of non-sex specificity.[70] The Rome Statute, which feminists actively participated in drafting, represents the most comprehensive listing of codified crimes against women and girls.[71]

As a field of research and scholarly inquiry, the field of gender and reparation has only really opened up in the last few years. IDRC, in partnership with the International Center for Transitional Justice (ICTJ), has played a significant role in pioneering the development of feminist scholarship in the field of gender and reparations. Because IDRC is well versed in the field of reparation, suffice it to say that reparations include those measures designed to distribute direct benefits to the victims themselves—including restitution, compensation, and rehabilitation—as well as other key measures and initiatives within transitional justice that, if crafted with care, could have reparative effects, namely rehabilitation, satisfaction, and guarantee

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[67] Among the notable scholarship in this field produced to date includes Rhonda Copelon, "Gender Crimes as War Crimes: Integrating Crimes against Women into International Criminal Law," in McGill Law Journal, 46 (2000), Toronto: McGill University; Valerie Oosterveld, "Prosecuting Gender-Based Crimes in International Law," in Dyan Mazurana, Angela Raven-Roberts, and Jane Parpart (eds.), Gender, Conflict, and Peacekeeping (Rowman & Littlefield: Oxford & Boulder, 2004); Women's Initiatives for Gender Justice, Sexual Violence and International Criminal Law: An Analysis of the Ad Hoc Tribunal's Jurisprudence and the International Criminal Courts Elements of Crimes (The Hague: Author, 2005); Binifer Nowrojee, "Making the Invisible War Crime Visible."
[68] Coalition for Women's Human Rights in Conflict Situations. Submission by the Coalition for Women's Human Rights in Conflict Situations to the Truth and Reconciliation Commission, Sierra Leone (Accessed August 7 2004. Available from http://www.womensrightscoalition.org/advocacyDossiers/sierraLeoneTR/submissiontotr.php)
[69] Rhonda Copelon, "Gender Crimes as War Crimes."
[70] See Prosecutor v. Kunarac, Kovac and Vokovic. Case No. IT-96-23 and IT-96-23/1, Trial Chamber (22 February 2001); Prosecutor v. Delalic, Mucic, Delic and Landzo (Celebici case). Case No. IT-96-21-T, Trial Chamber (16 November 1998); Prosecutor v. Akayesu. Case No. ICTR-96-4-T, Chamber Trial (2 September 1998), para. 687 and 697.
[71] Rome Statute, Art. 5(1).

of non-recurrence.[72] Most often associated with compensatory measures, reparations can be in the form of monetary awards and material goods, access to services, symbolic gestures or remedies through access to justice systems and court services. Reparations should provide a direct benefit to the survivor and can be awarded to individuals or collective groups deemed to have suffered grave violations.[73]

To date, most reparations programs consider only a small proportion of the actual crimes, and the grave rights violations that follow such crimes, that women and girls suffered. In particular, crimes that are gender based are often neglected, even though it is acknowledged that they were widespread throughout the armed conflict or political violence by external reports. Feminist scholars find that there is little to no consistency within truth commissions and/or national legislation establishing reparation programs in identifying and acknowledging crimes and grave rights violations against women and girls. Important exceptions, for whom there are strong trends in awarding reparation, are women who themselves or their spouse has been 1) forcibly disappeared or 2) killed by wartime violations or as an act of political violence, including executions and torture, undue force, and abuse of power resulting in death.[74]

Feminist scholars and activists contend that reparation measures must explicitly be based on the principle of non-discrimination and in compliance with international law and standards on the right to remedy and reparation, as well as the human rights of women, girls, and boys. Additionally, feminists strongly argue that women survivors of these violations should be actively consulted during the planning and implementation of truth commissions and reparation programs, and their needs and priorities should be given equal weight as those of other survivors/victims. Finally, and perhaps most significantly, persons engaged in reparation and other transitional justice measures are urged by feminist scholars to recognize that the violence committed during conflict situations is the result of inequalities among different ethnic, racial, class, caste and political groups of women and men and girls and boys that predated the conflict, and that this violence aggravates the discrimination against marginalized groups, and against women and children within these in particular[75]

Reflecting on the analysis and findings presented above, this author believes we need to more thoroughly examine the epistemological assumptions that underlie much of the reparation debate and programs today, particularly those that seem to consistently center on victims waiting for governments to award them reparations for the harms they have suffered; in most cases the majority of victims never receive any reparation. Since we have to date almost no examples of widespread reparation programs that have addressed the majority of the victims in a way that even begins to approach the standards set in the Principles and Guidelines of Reparations,

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[72] See de Greiff, "Justice and Reparations."

[73] Truth and Reconciliation Commission (TRC) of Sierra Leone, The Final Report of the Truth and Reconciliation Commission Sierra Leone (Freetown: TRC, 2007), vol. 2, ch. 4, "Reparations."

[74] See all contributions in Ruth Rubio-Marín, ed., What Happened to the Women? and Ruth Rubio, ed., The Gender of Reparations; see also Colleen Duggan and Adila Abusharaf, "Reparation of Sexual Violence in Democratic Transitions: The Search for Gender Justice," in Pablo de Greiff, ed., The Handbook of Reparations, pp. 623-649.

[75] The Nairobi Declaration on Women's and Girls' Right to Remedy and Reparation, May 15, 2007, http://www.womensrightscoalition.org/site/reparation/signature_en.php. The Nairobi Declaration on Women's and Girls' Right to Remedy and Reparation, May 15, 2007, http://www.womensrightscoalition.org/site/reparation/signature_en.php, para. 3.

perhaps a continued (near exclusive) focus on legal processes and outcomes and state as the sole provider of (and hence controlling) reparation is unwise. Without a doubt we must maintain a strong justice focus and courts and national commissions have a role to play, but these cannot be the only areas of action. Perhaps we need to understand more about what communities are already doing themselves, especially as they work to rebuild their relations, lives and communities—their own processes to remedy what has happened to them, their families and communities because of grave and serious violations of international human rights and humanitarian law. Such an understanding of reparation based on the realities and actions of the victims, their families and communities would necessarily reframe our understanding of what constitutes reparation, the scope of people necessarily involved in reparation, the timeframe of reparation, who carries out reparation, and how reparation can be supported.

Reparation programs of the past have overwhelmingly been state driven, top-down, legal processes that have awarded benefits to only a few individual victims. Yet war is not about attacks on individuals, but about the playing out of dehumanizing and violent social relations of exploitation and the hardening of structural oppression and violence.[76] It is experienced by individuals that are part of families, communities and societies. Much political violence is aimed at destroying the individual (perhaps primarily because of her/his membership within a particular group), his/her place in society, and breaking apart all social relations.[77] For children in particular, they experience suffering within their understanding and experiences of their family and what is happening to it; and their families are deeply affected by the rupturing of social and cultural institutions that in the past may have been used to shape their understanding of themselves in the world, as well as provided protection for them. Hence, understanding the place of adults and children within such a web of social and cultural relations is paramount for more adequate theories and approaches to reparation. Once we do this, clearly, the response to such violence and destruction cannot be limited to the individual.

Research in Chile finds that the collective effects of severe political violence on individuals and their societies is of an "extremely long duration [that exceeds] the capacity of the individual and of social structures to respond adequately."[78] Hence, once our view of the violence and its effects necessarily widens, the family and community are brought into the fore, and from there the wider cultural, economic, political and social dimensions, all of these combining to unfold over generations. Culture and community, including personal and community relations, then really form the core dimensions for exploring and enhancing an understanding of what has happened to people during the violence and the spirals and echoes that move from there. It is through this pathway that this author thinks we will become more aware of the kinds of creative responses that actually exist for reparation, but which to date have not been considered within the reparation regime as it is now constructed.

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[76] Ignacio Martín-Baró, "Reparations: Attention Must Be Paid: Healing the Body Politics in Latin America," *Commonweal* 117 (6) (1990).

[77] David Becker, "Dealing with the Consequences of Organized Violence," in Berghof Handbook for Conflict Transformation, Martina Fischer, Alex Austin, and Norbert Ropers, eds. (Berlin: Berghof Research Center for Constructive Conflict Management, 2003).

[78] Ibid.

This author propose that there are five key areas that we should seriously consider bringing to the fore in offering a more holistic understanding and approach to reparation.[79]

Individual and social healing. Legal scholars Lisa Laplante and Miryam Rivera Holguin note that, "successful post-conflict recovery requires that citizens trust themselves, their neighbors, and their government, since a country's social and political stability depends on the mental health recovery of its war-affected population."[80] Within this new more holistic orientation, there is a need for a strong focus on understanding the role of gender, age and status in shaping and determining the positioning and options of children victims. Moving beyond a focus on individuals using clinically or medically based models, community healing models offer precedents in which a diverse segment of the community, including young people, helps to diagnose and determine the most suitable ways to help children and adults heal from the harms caused by political violence.[81]

The role of family, community and culture. Reparation programmes at times have made symbolic and material awards to individual victims and their families, and to a lesser extent to entire communities. Yet it is important to recognize that armed conflict and political violence are not attacks on individuals; rather they represent dehumanizing and violent social relations of exploitation and the hardening of structural oppression and violence that existed prior to the armed conflict or political violence.[82] Such violence is experienced by individuals, but they are part of families, communities, cultures and societies. Much political violence is aimed at destroying the individual – perhaps primarily because of her/his membership in a particular group – as well as his/her place in society, aimed at breaking apart all social relations.[83] Culture also must be considered, in particular cultural practices and perspectives and their shifts over time. This requires serious and lengthy efforts to explore and revalue traditional understandings and practices, particularly those surrounding the regeneration of social relations and moral boundaries, which are essential to the protection and well-being of a community's children. Keeping in mind, of course, that the conflict and violence will have strained, challenged, and altered a number of these practices.

Historical perspective on the victims and the violence. For social healing to occur, victims need to be historically situated. This includes the importance for the victim, their children, parents, grandparents and relations of reconstructing their identities. It also includes recognizing and locating child victims, their families and the larger community's agency within the broader historical, social, political processes. The importance of explaining what happened to children and young people and their families, at multiple levels, is also paramount. Testimony, narrative,

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[79] This materials draws heavily from arguments presented in Lykes and Mersky, "Reparations and Mental Health," and Brandon Hamber, "Narrowing the Micro and the Macro: A Psychological Perspective on Reparations in Societies in Transition," in Pablo de Greiff, ed. The Handbook of Reparations, pp. 589-622.

[80] Lisa J. Laplante and Miryam Rivera Holguin, "The Peruvian Truth Commission's Mental Health Reparations: Empowering Survivors of Political Violence to Impact Public Health Policy," Health and Human Rights, 9:2 (2006), 136-163, p. 139.

[81] Ibid.

[82] Ignacio Martín-Baró, "Reparations: Attention Must Be Paid: Healing the Body Politics in Latin America," Commonwealth 117: 6 (1990), 184-186.

[83] David Becker, "Dealing with the Consequences of Organized Violence."

storytelling, rituals and at times silence, not speaking about past events and social forgetting are all important means to help facilitate the process.[84]

Recognizing and understanding the violence. It is important to understand the forms of violence – how it was experienced by different ages, genders, ethnicities, classes/castes; how it affected them; how people sought to shield themselves and others from it; and who was responsible for it. Taking the time to learn how people in specific conflicts were targeted and affected by the violence helps to avoid negating experiences of violence (due to ignorance or stigma) or, at the other extreme, equating all forms of violence, or creating a hierarchy of horror in which some violence, such as forced prostitution, 'counts' while others, such as rape (as seen in the reparation programmes in Timor-Leste) do not. This process clarifies that much violence is experienced at the hands of one's own community, and at times even one's own neighbours or children. This process also reveals that in some countries the majority of the direct violence is perpetrated by armed opposition groups; government abuse may be significantly less or may result from inaction or inability to protect civilian populations. Finally, as anthropologists Rosalind Shaw and Chris Coulter have shown, it is important to be aware of how different cultures discuss violence and to use this information to understand how communities experience, remember and live with it.[85] Shaw in particular has advanced important contributions regarding culturally and socially based aversions to talking about memories of violence; she encourages looking deeply to understand when people choose silence and social forgetting.[86]

Identifying the victims, perpetrators and observers of violence. We need to draw our attention to the complexity of those involved in the violence: victims, perpetrators and observers.[87] To date, most reparation programmes have focused on victims, and when benefits have been awarded, only some have of the victims have received them. While monetary awards and health, housing, education and other benefits may help ease the suffering of the victim and their immediate family, studies find that survivors view most awards as significantly inadequate.[88] At times such awards are seen as 'blood money', and acceptance of rewards has split survivor communities.[89] This type of award has done little to enhance the overall repertory effect within the larger survivor communities, particularly in cases where those receiving awards are

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[84] See Tamara Hareven, "The Search for Generations Memory," Public History Readings, Phyllis K. Leffler and Joseph Brent, ed.s (Malabar: Krieger 1992), 207-283; C Robert Lifton, The Nazi Doctors: Medical Curing and the Psychology of Genocide (New York: Basic Books, 1986); Lykes and Mersky, "Reparation and Mental Health"; Susan McKay, The Courage Our Stories Tell: The Daily Lives and Maternal Child Health Care of Japanese American Women at Heart Mountain (Powell, WY: Western History Publications, 2002); Rosalind Shaw, "Rethinking Truth and Reconciliation Commissions: Lessons for Sierra Leone," USIP Special Report 130, February 2005.

[85] Shaw "Rethinking Truth and Reconciliation Commissions"; Coulter Girl Soldiers and Bush Wives.

[86] Shaw "Rethinking Truth and Reconciliation Commissions."

[87] See for example, Lykes and Mersky, "Reparation and Mental Health"; on perpetrators and observers of violence excellent studies include Christopher Browning, Ordinary Men: Reserve Police Battalion 101 and the Final Solution in Poland (New York: HarperCollins, 1998); Ximena Bunster, "Surviving Beyond Fear: Women and Torture in Latin America", Surviving Beyond Fear: Women, Children & Human Rights in Latin America, ed. Marjorie Agosin (New York: White Pine Press, 1993), 98-125; Cynthia Enloe, "All the Men are in the Militias, All the Women are Victims: The Politics of Masculinity and Femininity in Nationalist Wars," The Curious Feminist, 99-108; Hugo Slim, "Doing the Killing," in Killing Civilians: Method, Madness and Morality in War (Columbia University Press: New York, 2008), 213-250; Alexandra Stiglmayer, ed., Mass Rape.

[88] See for example, Goldblatt, "Evaluating the Gender Content of Reparations."

[89] As seen in Argentina and Peru.

stigmatized (such as abducted children, survivors of rape and other forms of sexual violence, and children born of rape) or where the state or other perpetrators deny responsibility for the actions or justify them.[90] In most civil conflicts, perpetrators and victims often return to live side by side. Additionally, where people are forced to commit atrocities against others, there is a blurring of the line of perpetrator and victim. Thus, local reparation processes like those described above that focus on rebuilding social relations and moral boundaries may (and likely will) experience tension with national level reparation programs that make distinctions about what particular forms of violence trigger reparation benefits, which specific individuals will be compensated, and in what form.

8. Methodological challenges in conducting research on the gendered legacies of armed conflict and the effects on women's rights and lives during transition periods on the role of governance and women's rights

The primary methodological challenges for researchers both inside the conflict context and outsiders coming in conducting research in these subject areas would center on the researchers having to spend significant time in the field to witness events and collect the data, as the processes would likely be unfolding as they are carrying out the research. Since such processes often take place over a number of years, the research would necessarily need support over a several year period, perhaps with smaller outputs throughout that time period. The researchers would have to be flexible to be able to move quickly to get back to sites where discussions are occurring as events unfold in unpredictable ways. This would necessitate that IDRC be flexible in budgeting, timing of delivery of outputs, and naming of the specific outputs themselves.

The second challenge is for researchers within the conflict context who are likely at greater personal and professional risk (than outside researchers) for carrying out rigorous work on key issues surrounding the conflict itself, whether in protracted conflict or transitional situations. Hence there is a need for IDRC to think creatively about how to best support these researchers and the kinds of research carried out on gender, conflict, transition, and governance.

The third challenge is that when working in such context, IDRC will have to be prepared to think and work creatively and flexibly to find, support and help to monitor the work of research partners.

Finally, this author would strongly encourage IDRC to look not only to established academic or think-tank researchers (be they based in the South or North), but to the local war affected populations themselves as the lead researchers, as has been done and supported by IDRC in the context of research in northern Uganda, northeastern Uganda, and South Sudan. In doing so, it would require IDRC to be flexible, to consider supporting research that approaches the issues from unique vantage points, and to offer capacity building as per the researchers' request.

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[90] See Lykes and Mersky, "Reparations and Mental Health"; Rubio-Marin, What About the Women?; William A. Schabas, "The Relationship Between Truth Commissions and International Courts: The Case of Sierra Leone," Human Rights Quarterly, 25 (2003), 1035-1066. Furthermore, Sierra Leone's truth commission reported that less than 1% of narratives collected came from perpetrators; see Witness to Truth: Report of the Sierra Leone Truth & Reconciliation Commission, Appendix I, 2004.

9. Areas for possible IDRC research contributions

The area of the gendered legacies of armed conflict, women's rights and lives, and the role of governance offers a rich and hereunto largely under-researched topic area.

Rigorous research is need regarding:

What feminist versions of good governance coming out of situations of armed conflict look like, and where we see examples on the ground of this occurring or not, and which factors contributed to its occurrence or absence.

The gendered dynamics of how groups organize around particular forms of violations and harms suffered during the conflict, and how these groups then seek to interact (and how successful are they in their interactions) with governance structures and processes to push for recognition, redress, reparation, and guarantees of non-repetition of such harms. To date, we are only beginning to understand from feminist and gendered analyses the *outcomes* of the redress and reparation (almost exclusively from legalistic perspectives), but we know almost nothing about the internal dynamics of victims groups, the processes they engage in to try to gain recognition within their own communities and the larger nation itself, their interaction with government and governance processes, and eventual outcomes.

Whose violations and harms (and which of those violations and harms) are highlighted within governance discourses and the resulting policy and programmatic responses to those populations. We need to know even more about those populations whose violations and harms are silenced, ignored and in other ways marginalized and the resulting effects on their participation in governance structures and outcomes, and the responsiveness (or not) of those same governance structures and outcomes to their needs and rights.

Feminist analyses of peace processes. Detailed work is needed that pays attention to the geography of the talks themselves, the gendered power dynamics of the process, from the selection of peace teams to the drafting of particular sections, the various civil society groups pushing their demands, the manoeuvres of various parties (including donor governments) at the talks, and resulting documents and structures and their possible effects on the lives of women and girls during the transition and post-conflict periods.

Constitution drafting and ratification processes coming out of situations of armed conflict, which are so critical to women's rights on the ground in transition and post-conflict periods. To date only a handful of analyses on these important topics exist.

The overlap in demands by various women who are thinking and acting politically about the transition period and the ways they move forward their demands to intersect with governance systems. In particular, research would be important into various women's rights movements and the women within revolutionary armed movements and the possible areas of overlap and what keeps those groups apart and unable to join forces to move forward on what is central to many of them – governance structures that prioritize and address women's rights in the post-conflict period.

The gendered dynamics of civil movements aimed to end armed conflict and their ability to move forward (or not) to shape good governance structures within a transitional society that prioritize and help actualize women's rights. Within this paying attention to about how elite and marginalized women (such as indigenous or economically vulnerable women) employ different strategies and mechanisms to effect change in governance processes and systems and their engagement with peacebuilding processes.

Feminist analyses to more comprehensively document and analyze the creation, work and outputs of truth-telling bodies.

Gender and reparation from community-based perspectives. There is a pressing need to understand more about what communities are already doing on their own to repair the damage done during conflicts. Such an understanding of reparation based on the realities and actions of the victims, their families and communities would necessarily reframe our understanding of what constitutes reparation, the scope of people necessarily involved in reparation, the timeframe of reparation, who carries out reparation, and how reparation can be supported.

 How women's movements, and women in positions of power are contributing or not to protraction of conflict, and their own methods for keeping women's issues alive and part of ongoing negotiations, as well as in daily life and work struggle.