



Conflict and a Gendered Parliamentary Response

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I. Introduction

“One of the best tools that a nation has at its disposal for managing conflict and poverty is parliament.”²

Over the past few months, women leaders have captured the world’s imagination. In January 2006, Ellen Johnson Sirleaf was sworn in as Africa’s first elected female head of state and Michelle Bachelet was elected the first female president of Chile. Preceding these events, Angela Merkel had become the first women chancellor in German history in November 2005. All three high-profile women face considerable challenges, ranging from the rebuilding of Liberia following a devastating civil war, to finding solutions to the economic crises affecting Chile and Germany. Their leadership is drawing attention to women’s role in political decision-making and the gender dimensions of crisis and reconstruction. Merkel is leading the German parliament in its long-term efforts to revitalize the economy following reunification, while Sirleaf and Bachelet will have to use their presidential powers in close collaboration with the parliaments of their respective countries to bring about change.

There is increased recognition of the essential role parliaments have to play in crisis prevention and recovery. Parliaments across the world are the key institutions in representing the interests of the citizens in their respective countries. In addition to their representative function, parliaments play a crucial legislative and oversight role, holding the executive accountable. Parliaments have a special responsibility to play a constructive role during situations of crises and their aftermath, whether they involve full-fledged civil war, natural catastrophes or an economy in turmoil. They are the only nationally elected bodies that can speak for all citizens and defend their interests. Nevertheless, external actors seeking to provide assistance to countries in crisis have tended to marginalize parliaments. In the wake of war, resources for reconstruction have been given to the executive and civil society actors, while little attention has been focused on the important role parliaments play in the development of sustainable democracy.

The vital role of parliaments is finally being acknowledged. Parliaments “are coming to the fore as natural forums which are uniquely designed to address contentious issues and relationships in conflict-affected societies thereby contributing to peace-building efforts.”³ As part of the worldwide emphasis on democratization and good governance, many international agencies and donor countries have reevaluated traditional policies and are recognizing the current and potential contributions of parliaments in the consolidation of democratic rule. Parliaments deserve and need assistance as they assert themselves in the prevention and resolution of conflict. Particularly in war-torn societies, parliaments face enormous challenges.

Robert Nakamura and John Johnson have noted the differences in parliamentary capability across the world. Parliaments with a history of strong law-making powers, legitimacy based on a broad popular mandate and a record of effective oversight over the executive “have played important roles in reducing the likelihood of conflict, in mitigating its effects, negotiating its end, and assisting in transition to a peaceful aftermath.”⁴ Parliaments in many developing countries do not operate under such favorable conditions. Instead they face political, constitutional, and resource constraints that impede their effectiveness. Notwithstanding structural and institutional shortcomings, “developing parliaments have

² World Bank Institute (WBI) and Commonwealth Parliamentary Association (CPA), “Parliaments as Peacebuilders: The Role of Parliaments in Conflict-Affected Countries,” 1.

³ Ibid.

⁴ Nakamura and Johnson, “Supporting Parliaments as Mediators in Conflict and Post-Conflict Situations,” 4.

contributed to peace making and peace building and they have the potential to do more.”⁵ As the Ukraine has demonstrated in December 2004, even formally weak parliaments can make important contributions in crisis situations. Transcending its “limited formal powers [the] Ukrainian parliament demonstrated its capacity to act as a democratic and consolidating body in the time of political crisis.”⁶

The key argument advanced in this report holds that parliaments confronting situations of crisis and recovery benefit from integrating a gender perspective into their core functions. A gender lens is essential in helping parliamentarians to understand when and how the needs of men and women differ in crisis and recovery situations. Women and men are differently affected by conflict. This recognition is the basis for the need to incorporate gender into parliamentary decision-making.

Over the past decade, the gender dimensions of conflict and crisis recovery have received increased attention. There has been significant progress since the late 1990s, when Birgitte Sørensen (1998) and others pointed to the absence of a gender perspective in the theory and practice of conflict and reconstruction situations. The introduction of a gender perspective has led to appreciation of women’s participation in armed conflict and subsequent peace negotiations, as well as their central role in the reconstruction of post-conflict societies.

A main document that focuses on issues of gender and women’s rights as key objectives to be pursued by national and international actors, is the Platform of Action, resulting from the 1995 Fourth World Conference on Women held in Beijing. The Platform’s central provisions direct the United Nations member states and the international community to take action and recognize the gendered impact of armed conflict. It advocates women’s inclusion in peace negotiations and post-conflict decision-making processes. Subsequent to the Beijing meeting, Security Council Resolution 1325 on Women, Peace, and Security, passed in October 2000, adopted a more inclusive concept of security. The resolution highlighted the significance of “bringing gender perspectives to the center of attention in all United Nations conflict prevention and resolution, peace-building, peace-keeping, rehabilitation, and reconstruction efforts.”⁷ Further, it called for increased gender equality “at all decision-making levels in national, regional and international institutions.”⁸ Resolution 1325, together with subsequent reports and studies, has firmly established the need for gender-based analysis and action. At the national level, parliaments are the key institutions to implement these policies.

Objectives and Scope

This report identifies the key gender dimensions of conflict and recovery and highlights the areas where parliaments can play a constructive role in attending to the needs of their male and female constituents. The main audience of the report includes democratic governance - in particular parliamentary development - conflict and gender practitioners as well as parliamentarians. The central purpose of this report is to present specific recommendations on how the international community can better support parliaments in conflict and recovery situations, with a specific focus on gender relations and women’s issues.

Parliaments have a responsibility in avoiding a “gendered peace.” Such a peace results from agreements where the opposing sides in a conflict “establish new constitutions or peace processes which

⁵ Ibid.

⁶ UNDP, “Ukraine Case Study,” 27.

⁷ Mazurana et al., *Gender, Conflict, and Peacekeeping*, 16.

⁸ Security Council Resolution 1325, in United Nations, *Women, Peace and Security*, 166.

marginalize the needs of women” and restrict their rights.⁹ Thus, in the wake of conflict, the specific needs of both women and men need to be recognized and be awarded equal attention.

Ideally, parliaments play a role in conflict prevention. Once conflict has broken out, however, parliaments need to focus on peace negotiations and subsequent peace agreements. They can insert themselves directly into the negotiation process and constitute an important forum for raising the public’s awareness of the formal and informal peace processes taking place in their countries. Whereas peace negotiations constitute a crucial entry point for considerations of gender justice, women’s participation in formal peace processes continues to be limited and their contributions to informal peace processes are only starting to be recognized. Parliaments can contribute to ensure a gender-balanced negotiation process. A more balanced gender composition of the negotiating teams can be an important initial signal that the gender dimensions of a conflict will be taken into account during the negotiation process and makes it more likely that a gender perspective informs the ensuing peace agreements. Following the signing of a peace agreement, parliaments can play an important oversight role in the disarming and demobilization of combatant forces, a process that requires gender considerations to be taken into account.

The implementation phase of peace agreements requires parliament’s special attention. Peace accords and subsequent constitution-building present important opportunities for countries emerging from conflict to transform their political systems toward greater gender equality. Parliaments contribute to political reconstruction by instituting constitutional and electoral reforms. Parliaments can pass electoral laws that strengthen women’s participation as voters, candidates, and office-holders and institutionalize quotas or other measures of positive discrimination favouring women. For parliaments to be successful in this transformational effort, male and female parliamentarians have to work together and build alliances across ideological boundaries. They also need to reach out to civil society and build effective coalitions.

The transformation of conflict into sustainable peace requires that consideration be given to the social sphere. In order to repair the torn social fabric of a country, attention has to focus on issues of justice and reconciliation. Parliament’s legislative and oversight functions, together with its budgetary authority, assign responsibility to parliamentarians to deal with issues of post-war justice. Further, an inclusive parliament that represents all parties to the conflict is itself a crucial forum that can facilitate societal reconciliation. It can be a venue for public debate on divisive post-conflict issues and play a leading role in promoting tolerance.¹⁰

Parliaments share in the responsibility to create fact-finding bodies, such as truth commissions that establish a record of crimes committed during conflict. They also participate in the creation of special courts to prosecute offenders. Parliaments can demand that the gender composition of these bodies be equitable and that a gender perspective inform their proceedings and policies.

Parliaments play an important role in ensuring that gender considerations are given weight in the administration of post-conflict justice. A public accounting of crimes committed during conflict, including those that are gender-based, is essential for social reconstruction to succeed. Whereas women tend to be the main beneficiaries of engendering justice, a gender lens also helps to better recognize male victims. In addition to dealing with crimes committed during war, parliaments need to address the security environment that emerges in the wake of conflict. Post-war violence, whether committed in the public or private sphere, plagues many countries. Parliaments can address societal security issues through a reform of military and police forces and by passing legislation that better addresses existing violations and prevents new crimes.

⁹ Pankhurst, “Women, Gender and Peacebuilding,” 6.

¹⁰ Inter-Parliamentary Union/IDEA, *Making Reconciliation Work: The Role of Parliaments*, 10.

Parliaments can inject a gender perspective into economic reconstruction. Gender budgeting can be an important tool to help parliaments recognize the different needs of female and male constituents. For example, the gender-specific needs of women and men need to be taken into account when parliament designs emergency plans in the wake of natural catastrophes. In order for women to realize their full economic potential, the crucial question of land tenure and their access to credit has to be considered. Further, a gender lens has to be applied in the design and monitoring of poverty reduction plans or in the implementation of the Millennium Development Goals.

Finally, it is a joint responsibility of male and female parliamentarians to institutionalize a gender perspective into their work. Donna Pankhurst affirmed, “that the chances of success are vastly increased where the responsibility for changing the culture of institutions is not left entirely in the hands of women, but also becomes the responsibility of men.”¹¹ In order to be successful in transforming parliament into a gender-sensitive institution, men and women have to share an understanding of gender analysis.¹²

Understanding Gender Analysis

Gender is an analytical category that is helpful in demonstrating how socially constructed power relations affect women and men differently. This gender structure “contains an unequal power relationship with male domination and female subordination in most spheres of life.”¹³ Parliaments are the primary institutions to address these power relations from a legal perspective and ensure formal, legal equality between women and men. Legal equality is one of the first steps in the transformation of societal culture and norms toward substantive equality, “which presupposes a change in the power relations themselves.”¹⁴ Thus, real, substantive gender equality requires a transformation of societal consciousness.

Such a transformation toward greater gender equality is only possible if men and women work together to change societal consciousness. As a group, men tend to be privileged in the current hierarchies of power and can be expected to resist change. It is therefore particularly important to demonstrate the importance of gender analysis to men. Parliamentarians benefit when applying a gender lens in their parliamentary work, since gender analysis assists them in better recognizing the needs of both female and male constituents. Tsjerd Bouta and Georg Frerks emphasize that “[g]ender-sensitizing policies require a thorough gender analysis that clarifies the interrelationship between gender, the specific conflict situation and the potential different impact of external interventions on women and men.”¹⁵ For example, gender analysis brings to the fore the different ways women and men are exposed to sexual violence during armed conflict or highlights the distinct reintegration needs of girls and boys who have been abducted and forced to serve in armed movements operating in Africa, Asia and Latin America.

Gender analysis highlights the importance of moving society toward greater gender equality. Gender equality is now commonly accepted as a key societal goal that has merit on normative and practical grounds. It is seen as a sine qua non for good governance and sustainable development. For the purpose of this report, it is particularly significant that several recent studies (Melander 2005a, 2005b,

¹¹ Pankhurst, “Women, Gender and Peacebuilding,” 20.

¹² The focus of gender analysis is generally on women and tends to be centered on concrete manifestations of inequality between men and women. This does not mean that gender is a synonym for women or that formal inequality should be the main concern. The full potential of gender analysis is realized only if the needs of both women and men are appropriately recognized.

¹³ Kvinna till Kvinna, *Engendering the Peace Process*, 14.

¹⁴ Parvikko, “Conceptions of Gender Equality: Similarity and Difference,” 48.

¹⁵ Bouta and Frerks, “Women’s Role in Conflict Prevention, Conflict Resolution and Post-Conflict Reconstruction,” 42.

Caprioli 2005) have demonstrated that there is a link between gender equality and lower levels of intrastate armed conflict. In this context, the impact of gender equity in decision-making is being studied. Erik Melander has found evidence, which confirms the hypothesis that “the higher the rate of female representation in parliament, the lower a state’s level of intrastate armed conflict will be.”¹⁶ Although further research is needed to establish “how the causal mechanism connecting gender equality and peace operates,”¹⁷ these studies establish that the gender composition of a country’s parliament is an important indicator in helping us to understand a country’s response to crisis and post-conflict situations.

Gender Balance in Parliamentary Decision-Making

A good starting point, which indicates the challenge involved in bringing a gender dimension into the current and potential contributions parliaments make to conflict and recovery, is an assessment of the gender composition of the world’s parliaments itself. Parliamentary legitimacy is at its core derived from a democratic election process. In addition, however, an international consensus is emerging around the call for equal participation of women and men in parliamentary decision-making. The Beijing Platform exhorted governments to ensure a minimum level of representation for women, referred to as a “critical mass” – generally considered to be 30 percent women. More recent initiatives have formed around 50-50 campaigns, advocating a fully gender-balanced parliament.¹⁸ Thus the bar is being raised. Gender balance is the goal, articulated by the international community and national constituencies.

Formal gender parity in political decision-making is still a distant goal:

Gender Composition of the World’s Parliaments, 2006 (Single or Lower House)		
Region	Percentage of female MPs	Percentage of male MPs
Nordic Countries	40.0	60.0
Americas	19.6	80.4
Europe OSCE	19.0	81.0
(Nordic countries included)		
Europe OSCE	16.9	83.1
(Nordic countries not included)		
Sub-Saharan Africa	16.4	83.6
Asia	16.3	83.7
Pacific	12.0	88.0
Arab States	8.3	91.7
World Average	16.6	83.4

Source: Inter-Parliamentary Union (February 2006).

At the beginning of 2006, less than seventeen percent of the world’s parliamentarians are women. The Nordic countries stand out with more than twice the world average. Across the world there are considerable regional variations, with the Arab countries reporting about 8 percent and the Americas reaching close to 20 percent, yet very few countries come close to approaching gender parity in the composition of their parliaments. Significantly, the percentage of parliaments with less than 10 percent female representation has dropped from 63 percent in 1995 to 37 percent in 2005.¹⁹ There are still eight

¹⁶ Melander, “Gender Equality and Intrastate Armed Conflict,” 706.

¹⁷ Ibid., 711.

¹⁸ Dahlerup (ed.), *Women, Quotas and Politics*, 5.

¹⁹ Inter-Parliamentary Union, “The Participation of Women and Men in Decision-Making: The Parliamentary Dimension,” 2.

nations that have no female representation in parliament whatsoever.

Only the Nordic countries have parliaments with a gender composition that consistently approaches gender parity. This state of affairs reflects the reality that gender equality in political decision-making is only beginning to become an accepted societal norm. Although considerable progress has been made since 1995, when the proportion of women in parliament was only slightly above 11 percent, the gender gap is significant. Since the members of parliament represent a societal consciousness that marginalizes women, gender considerations do not generally inform the daily work of legislators.

The challenges involved in institutionalizing a gender perspective in the work of legislatures located in war-affected countries are especially complex, considering that “[m]any parliaments in conflict-affected countries are altogether unrepresentative of women and minority groups, often caused by a combination of flawed electoral processes and entrenched patriarchy and clientalism.”²⁰ Yet there are signs of positive change.

In the wake of conflict, parliaments across the world are becoming more gender-balanced bodies. Afghanistan and Iraq are the most recent cases, having substantially improved the gender composition of their parliaments following the 2005 elections. Several countries in Africa, including Namibia, South Africa, and Uganda, have recently launched 50/50 gender representation campaigns and many others have instituted gender quotas in an effort to strengthen women’s participation in decision-making.²¹ Strengthening the gender composition of parliament is a first step toward making the institution more gender-sensitive.

Gender balance in political decision-making is on the world’s agenda, a reality that is being reinforced by recent high-profile developments. These events range from Rwanda’s legislature surpassing Sweden as the most gender-balanced parliament in the world, to the cabinet appointed by Chilean President Michelle Bachelet, which includes an equal number of men and women.

Methodology and Main Limitations of the Report

This report calls attention to the need to have a more integrated approach in order to effectively support and strengthen the multi-dimensional process where parliaments, conflict and gender intersect. It does not, however, present evidence on the conditions that affect the quality, effectiveness and impact of women’s participation in parliamentary decision-making. Thus, the report establishes the formal gender dimensions of crisis and recovery but does not examine specific strategies on how to engender the process itself or explores the conditions that facilitate women and men parliamentarians working together constructively. Further, it needs to be documented whether more gender-balanced parliaments actually enact gender-sensitive policies and it is important to assess the degree to which such policies are effectively implemented. These are, of course, crucial questions that need to be explored in-depth. The presentation of credible evidence requires extensive field studies that were beyond the scope of this report. It is expected that this evidence be collected in a second stage of the project.

This report has been prepared to complement a series of country and thematic studies commissioned by UNDP and several of its partners for the project “Parliaments, Crisis Prevention and Recovery.” In general, these studies did not incorporate a gender lens into their research design and implementation. Thus, the report should be seen as an additional effort to complement other analytical work, rather than a conscious effort to address gender issues from the very beginning in the analyzed parliaments in conflict countries.

²⁰ UNDP/Inter-Parliamentary Union, “Global Study Group Meeting: Final Report,” 14.

²¹ Bauer and Britton, “Women in African Parliaments: A Continental Shift,” 3-7.

The UNDP country studies included Burundi, Liberia, Rwanda, Sierra Leone, Somalia, and Zimbabwe in the African region; Algeria, Iraq, Lebanon, Sudan and Yemen from the Arab region; Bangladesh, Cambodia, Indonesia, Philippines, Sri Lanka, Thailand and Timor-Leste in Asia and the Pacific; Georgia, Kosovo, Macedonia, Moldova, Serbia-Montenegro and Ukraine in Europe and the Commonwealth of Independent States (CIS); and Argentina, Bolivia, El Salvador, Guatemala and Mexico in Latin America.

This report also draws on the summary findings from several regional workshops, the final report from the July 2005 UNDP/IPU international workshop held in Geneva during, several partnership publications, as well as the available relevant literature. In addition, the author conducted structured interviews and consulted with key sources as part of several field visits during October 2005. In Switzerland, he attended the annual meetings of the Inter-Parliamentary Union, interviewing parliamentarians from Angola, Bosnia and Herzegovina, the Former Yugoslav Republic of Macedonia, Rwanda, Serbia and Montenegro, and Uganda. In El Salvador, he participated in a meeting of the Foro de Sao Paulo, conducting interviews with parliamentarians and political party representatives from Colombia, Cuba, El Salvador, Guatemala, and Uruguay. Finally, on occasion of the 50th session of the United Nations Commission on the Status of Women, held during February-March 2006, additional interviews were accomplished with parliamentarians and government representatives from Austria, Iraq, Lesotho, Namibia, Pakistan, Sierra Leone, Suriname, and Zimbabwe.

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II. The Gender Dimensions of War and Peace-Making

Women's significant role in armed conflict has been recognized. The changed gender composition of armed movements across the world and the increased visibility of women's role in peace processes has contributed to a reconceptualization of traditional views on gender relations, as well as of men's and women's roles during conflict. There is increased awareness that women and men have gender-specific needs that have to be considered during war and recovery.

Under ideal circumstances, parliaments would act as early warning systems to prevent conflict from arising or escalating, bringing the tensions prevailing among their constituents into the public arena and resolving them in a constructive fashion. The strength of legitimately elected legislative bodies is rooted in their mandate to "provide a forum for the concerns of societal actors (including women and minority groups) to be aired and incorporated into processes of dialogue" which can prevent conflict or contribute to its resolution.²² In short, "parliaments, parliamentarians, parliamentary forums and appointed quasi-legislative bodies all have a critical role to play in crisis prevention and recovery."²³

Parliaments face considerable challenges when seeking to play a constructive role in the prevention of conflict. Effective conflict prevention is still little understood, as are its gender dimensions. In general, "there is very limited information on gender and conflict prevention."²⁴ There are instances of parliament assuming a significant role in preventing the outbreak of prolonged conflict, as demonstrated recently in the case of Ukraine. The pro-active role of parliament in preventing an escalation of the 2004 crisis and finding a peaceful solution is frequently cited as an example of the potential inherent in the institution of parliament to contribute to conflict resolution. Indeed, Ukraine shows how a determined opposition can make constructive use of parliament as a public forum in an effort of crisis resolution.

Parliaments need to insert themselves into the peace process. They can be actively involved in official peace negotiations, support informal peace processes, monitor the demobilization of combatant forces, and oversee the reintegration into society of internally displaced persons and refugees.

The central constraint affecting parliament's effectiveness in peace negotiations is the need for confidentiality or the perception held by non-parliamentary actors that confidentiality precludes parliamentary participation. The main actors in peace negotiations, government representatives and insurgent forces alike, also tend to have a stake in keeping sensitive negotiations from public scrutiny. An additional constraining factor tends to be the lack of attention from international or regional intergovernmental actors to the potential roles parliament could play. Thus, parliament as an institution is often marginalized in the negotiation process.

Once the accords are signed, however, parliaments have – irrespective of their earlier involvement – "a critical role to play in validating an accord, particularly by helping to build

²² UNDP, "Guidelines for the International Community: Strengthening the Role of Parliaments in Crisis Prevention and Recovery."

²³ Ibid.

²⁴ Bouta, Frerks and Bannon, *Gender, Conflict, and Development*, 145.

constituencies for peace during the peace process.”²⁵ Indeed, parliaments are viewed as “the ultimate authority for the ratification and implementation of the outcomes of a conflict transformation process.”²⁶

Parliaments are called upon to validate peace agreements. This requires more than a simple legislative act. It includes informing constituents of the process leading to an accord and explaining its substance. Parliaments are essential in making sure that local communities take ownership of peace agreements.²⁷

Parliamentarians have significant leverage, since they can withhold approval from agreements that are not based on a gender-inclusive and thus legitimate process. A parliament that emphasizes the gender dimensions of conflict resolution is supported by an emerging international consensus which holds that any peace process that “fails to include women in agenda setting, substantive talks and implementation has no democratic legitimacy.”²⁸

Peace negotiations constitute a crucial entry point for considerations of gender justice. A more balanced gender composition of the negotiating teams can be an important initial signal that the gender dimensions of a conflict will be taken into account during the negotiation process and that a gender perspective will inform the ensuing peace agreements. When women are excluded there is a natural tendency to “focus on the male experiences of conflict and their expectation for conflict resolution”²⁹ instead of considering the needs of both male and female actors and their respective positions in the societal structure. Women’s participation enriches the process, since women “are likely to make a different contribution to the peace process. When compared to men, women are more likely to put gender issues on the agenda, introduce other conflict experiences, and set different priorities for peace building and rehabilitation, and they may bridge political divides better.”³⁰ There is a cost in ignoring the gender dimension, as Madeleine Rees’s work on the Dayton Accords has established in the case of the peace agreement for Bosnia and Herzegovina.³¹ Ntlhoi Motsamai, the Speaker of Lesotho’s parliament, emphasized that “international commitments coupled with [national] political will” are required to put gender equality on the agenda.³²

The United Nations has led the call to strengthen gender equality and women’s participation in formal peace agreements.³³ However, advocating for and ensuring an improved gender balance throughout the process can only be a starting point. It is essential that the agreement itself is informed by a gender perspective and addresses the prevailing power relations between men and women. Peace agreements represent special opportunities to redirect societies

²⁵ UNDP/Inter-Parliamentary Union, “Global Study Group Meeting: Final Report,” 15.

²⁶ Saravanamuttu, “Parliament and Conflict in the Asian Region,” 2.

²⁷ Chinkin, “Background Paper: Expert Group Meeting on Peace Agreements,” 12.

²⁸ United Nations Division for the Advancement of Women, “Report of the Expert Group Meeting on Peace Agreements,” 12.

²⁹ Ibid., 8.

³⁰ Bouta, Frerks and Bannon, *Gender, Conflict, and Development*, 49.

³¹ Rees, “International Intervention in Bosnia-Herzegovina.”

³² Author’s interview with Ntlhoi Motsamai, Speaker of the National Assembly-Lesotho, New York, March 1, 2006.

³³ United Nations Division for the Advancement of Women, “Report of the Expert Group Meeting on Peace agreements.”

toward greater gender justice. Parliaments in several war-affected countries have taken advantage of this opportunity and have, at the formal level, initiated a potentially transformative process:

Initiating Change in the Wake of War: The Gender Composition of Post-Conflict Parliaments				
Country	Women	%	Men	%
Rwanda (2003)	39	48.8	41	52.2
Mozambique (2004)	87	34.8	163	65.2
South Africa (2004)	131	32.8	269	67.2
Burundi (2005)	36	30.5	82	69.5
Afghanistan (2005)	68	27.3	181	72.7
Iraq (2005)	70	25.5	205	74.5
Timor-Leste (2001)	22	25.3	65	74.7
Uganda (2001)	73	23.9	232	76.1
<u>Source:</u> Inter-Parliamentarian Union (February 2006).				

When the substantive goal of “gender equality is omitted from the peace agreement a window of opportunity is lost. Silence in a peace agreement about the position of women perpetuates and institutionalizes the marginalization of women in the political processes after the conflict.”³⁴

The Gender Composition of Armed Movements

The gender composition of irregular military forces has changed remarkably over the last decades. In Latin America, for example, female participation during the first wave of revolutions (1956-70) was limited. At the leadership level, exclusively male structures were the norm and few women served as armed combatants.³⁵ A similar gender composition characterized liberation movements and other armed organizations on other continents. Starting in the 1980s, however, women’s participation in guerrilla movements accelerated and reached levels of up to one-third of the fighting forces in several countries. El Salvador, Nicaragua and Sri Lanka, all have gained notoriety because of the high levels of female participation that were reported from the armed conflicts prevailing in their societies. Similarly, the guerrilla armies of several African countries have a significant proportion of female fighters. In general, women’s participation ranges from 10

³⁴ Ibid., 11.

³⁵ Wickham-Crowley, *Guerrillas and Revolution in Latin America*, 21.

to 30 percent.³⁶ Based on their active role in armed struggle and their extensive participation in peace processes, women have demanded a place at the negotiation table.

In the wake of peace accords, female guerrilla leaders from many countries, including El Salvador, Guatemala, Nicaragua, Rwanda, Uganda, Mozambique and South Africa, have been elected to parliament. The experiences gained during the war were effectively translated into political leadership positions. Not surprisingly, these former guerrilla leaders that now serve as members of parliament have become effective advocates for the importance of more inclusive peace negotiations.

Negotiating Peace Accords

Birgitte Sørensen has affirmed that formal peace negotiations “constitute an important element in the political rebuilding process, as they often serve to define the basic power relations and often identify priorities for immediate post-war political activity.”³⁷ Women are typically underrepresented, if not completely excluded, from the formal process.³⁸ Whereas women’s representation by no means guarantees that the gender dimension of the conflict in question receives attention, their exclusion deprives them a priori of the opportunity “to include their particular views and concerns in the national political agenda.”³⁹

Women have been part of several high profile peace negotiations, including the ones in Guatemala, El Salvador, Palestine, Somalia, and Ethiopia. Interestingly, when warring parties – governments and armed opposition – engage in negotiations, women are more likely to be included in the negotiating group of the insurgents. Inclusive negotiating teams are definitely not the norm and overall, few women participate in formal peace processes. Colombia provides an example of the continued challenge to achieve a greater gender balance. Whereas individual women have been part of the Colombian peace process, women’s commitment to find solutions to the conflict has not “translated into substantial inclusion in formal peace negotiations. Women and women’s organizations have been excluded from every round of formal peace talks between the government and armed insurgent groups.”⁴⁰

The impact of women’s inclusion has yet to be fully established. Sanam Naraghi Anderlini’s work lends support to the thesis that women’s participation in the peace process makes it more likely that gender issues are put on the agenda.⁴¹ Yet there is justified concern that “even when women participate or are included in formal peace negotiations, their role can be limited to a formal presence without having the capacity, or mandate to contribute to setting or shaping the agenda of such negotiations.”⁴² For example, in several African peace negotiations, including recent talks in the Democratic Republic of the Congo, insurgent commanders included

³⁶ Whereas earlier reports on women’s participation were generally based on estimates, we have now precise information for several countries because United Nations agencies overseeing disarmament processes, such as MINUGUA in Guatemala or ONUSAL in El Salvador, have collected gender-specific data.

³⁷ Sørensen, “Women and Post-Conflict Reconstruction,” 5.

³⁸ United Nations Division for the Advancement of Women, “Report of the Expert Group Meeting on Peace Agreements.”

³⁹ Sørensen, “Women and Post-Conflict Reconstruction,” 9.

⁴⁰ Women Waging Peace, “Preparing for Peace: The Critical Role of Women in Colombia,” 4.

⁴¹ Naraghi Anderlini, *Women at the Peace Table*.

⁴² United Nations Division for the Advancement of Women, “Report of the Expert Group Meeting on Peace Agreements,” 7.

their female partners into official delegations to satisfy actual or perceived pressure for gender balance. These female representatives were mere figureheads and had no decision-making power.⁴³

Even a legitimate high-ranking female commander, however, can not claim to speak on behalf of all women. Not all women or men share the same experiences during wartime. The lack of a mandate to advocate for the needs of a broader constituency is a general problem that affects both male and female negotiators. By their nature, parliaments bring this mandate and its corresponding legitimacy to the peace table.

A parliamentary delegation to a peace negotiation, particularly when its composition is gender-balanced, has a priori legitimacy in its claim to represent the interests of society at large. Playing this “representative card,” parliaments have a sound basis from which to request inclusion in the process.

A representative, gender-balanced negotiation process makes it more likely that a gender-sensitive agreement is concluded. Even when the resulting accords contain model gender provisions, the question remains whether these provisions will be translated into practice. The Guatemalan experience affirms that even a best case scenario - women’s inclusion in the formulation and design of peace agreements and the integration of a gender dimension into the accord itself - does not guarantee that the struggle toward greater gender equality is won. A gender-sensitive peace agreement still requires effective advocates that can exert pressure to ensure the implementation of the provisions that recognize gender-specific needs.⁴⁴ In the Guatemalan case, the main negotiating parties were either not interested in implementing the accords - the case of the government – or were too weak to ensure compliance – the case of the former guerrilla movement. The institutional weakness of the Guatemalan legislature was also a factor in the limited implementation of the 1996 peace agreement. In cases of effective, strong parliaments, however, parliamentary involvement in the negotiation process itself makes it more likely that a country’s parliament feels responsible for implementing an accord.

Civil society organizations have started to assume an active role in formal peace processes. These organizations could be central allies for parliaments seeking to engender negotiations. For example, the *Association des femmes pour la paix* of Burundi, “obtained the right to officially participate at all levels of the negotiations in the Arusha peace process.”⁴⁵ Although, in the end, it obtained only observer status, women did have some impact. With the support of the international community, a Burundian Women’s Peace Conference took place parallel to the official peace talks. As a result of this meeting a proposal was passed that sought to engender the Arusha peace and reconciliation agreement.⁴⁶ Using the official draft negotiation document as their basis, women inserted gender provisions into all pertinent articles. Many of these recommendations, including women’s property rights were included in the final draft of the Arusha accords.⁴⁷ Although civil society organizations are, at times, included in some capacity in the formal process, they make their most significant contributions to date in informal peace processes.

⁴³ Presentation by Claudine Muyala (DRC), Expert Group Meeting on Peace Agreements.

⁴⁴ Luciak, *The Sandinista Legacy*, chapter 2; Luciak, “Implementing Gender Equality Provisions,” 15.

⁴⁵ Ndayiziga, “Role du Parlement Burundais Pendant le Conflit,” 24-25.

⁴⁶ Unifem, *Engendering Peace: Reflections on the Burundi Peace Process*, Appendix 1.

⁴⁷ Strickland and Duvvury, *Gender Equity and Peacebuilding*, 15; Bouta, Frerks and Bannon, *Gender, Conflict, and Development*, 59.

Informal Peace Processes

Peace processes occur both at a formal and an informal level, which are closely interrelated. As Tsjeard Bouta, Frerks and Bannon have pointed out “the main **gender difference** is that more women than men become active in informal processes.” However, the authors also note the “lack of information and analysis on the role of men and men’s organizations in informal peace processes.”⁴⁸

Parliaments can play an active role in encouraging civil society’s contributions to advancing a peace agenda by providing a public forum for such efforts. In the case of Sri Lanka, Saravanamutto and Welikala have emphasized that parliament can create “an enabling and facilitating environment” using its authority for “galvanizing public support and legitimacy for peace.”⁴⁹ Thus, parliament can have a “pivotal role in sustaining a peace process as opposed to direct involvement in peace talks.”⁵⁰

Women’s inclusion in formal peace negotiations and attention to incorporating a gender perspective into an accord is often based on pressure that has been generated by civil society in an informal context. The Guatemalan peace process was such an example. The Assembly of Civil Society played a central role in advocating the necessity to incorporate women’s rights into the agenda of the formal peace process. Similarly, the Mano River Women’s Peace Network, operating in West Africa, succeeded in engendering peace processes in Guinea, Sierra Leone, and Liberia.⁵¹

Women’s movements and their activists have been particularly active in seeking peaceful solutions to the conflicts raging in their countries. For example, in the case of the Israeli/Palestinian conflict, women activists played an early role in creating avenues for dialogue. At a time when official meetings between the Palestinian and Israeli sides were still illegal, women activists from Israel and the Palestinian territories met in 1974 in Brussels on the occasion of a reunion organized by the European Women’s Network and engaged in constructive conversations.

In Colombia, women have organized for several years in an effort to play an active role in the peace process. Women’s organizations, in particular, are “working at local, regional, and national levels towards a peaceful resolution.”⁵² Women’s organizations are active in refugee camps and conflict-affected areas. In many instances, “women’s social activism and mobilization for peace have occurred alongside – and often prior to – officially sanctioned calls for a negotiated peace.”⁵³ As discussed, parliaments can strengthen peace processes by providing a public forum for such grassroots efforts and thus help to move the process to a formal stage.

⁴⁸ Bouta, Frerks and Bannon, *Gender, Conflict, and Development*, 65, 147. Emphasis in original.

⁴⁹ Saravanamutto and Welikala, “Sri Lanka Case Study,” 5.

⁵⁰ Ibid.

⁵¹ Femmes Africa Solidarité cited in Bouta and Frerks, “Women’s Role in Conflict Prevention, Conflict Resolution and Post-Conflict Reconstruction,” 35.

⁵² Women Waging Peace, “Preparing for Peace: The Critical Role of Women in Colombia,” 4.

⁵³ United Nations Division for the Advancement of Women, “Report of the Expert Group Meeting on Peace Agreements,” 9-10.

These “invisible activities” from a formal point of view, prepare the terrain for subsequent formal negotiations. Further, participation in these activities present important learning experiences. Being part of a peace organization gives women the opportunity to enter the public and political arenas.⁵⁴ The organizing experience women gain through their participation, make these civil society organizations a fertile recruiting ground for future parliamentarians.

Disarmament and Demobilization of Combatants

The resolution of violent conflict entails the disarming and demobilization of combatant forces. Disarmament, Demobilization, and Reintegration Processes (DDR) across the world have demonstrated the high price of neglecting to institutionalize a gender perspective during the process of reintegrating former combatants into society.

An effective DDR process that attends to the needs of both male and female combatants recognizes that women and men are differently affected by war. This reality has its roots in the complexity of the roles men and women play during conflict. Parliaments can play a constructive role in becoming advocates for gender-sensitive demobilization processes:

Transforming the DDR Process: The Role of Parliaments

The legislative and oversight functions of parliaments provide them with an important institutional role in guaranteeing that gender informs the DDR process. Parliamentarians can assure that the respective needs of male and female combatants are recognized from the beginning. Special attention has to be given to ensure that the disarming process itself is gender-sensitive. In Sierra Leone, parliament did not consider gender when discussing the demobilization process. In Uganda, on the other hand, parliament assumed an active role in visiting demobilization camps to investigate the conditions of male and female fighters. Subsequently, it demanded action by the government. In order to assume a constructive role in the demobilization of combatants, parliamentarians need to understand the complex role of women and men in war, as well as their gendered peace-time needs.

Source: Interview with Elizabeth Alpha-Lavalie, Deputy Speaker of Parliament-Sierra Leone, New York, March 1, 2006; Interview with Alitwala Kadaga, Deputy Speaker of Parliament - Uganda, Geneva, October 19, 2005.

Within armed movements, the majority of the men serve as combatants, whereas women play three distinct roles; they serve as combatants, supporters, and are dependents. The concept of “combatant” is a broad one, and ranges from armed fighters to men and women in logistical support positions. Thus, it is important to analyze the gender-specific problems of female and male combatants, and to understand the needs of civilian supporters that get caught in the conflict because they are suspected sympathizers of insurgent movements or simply live in war zones.

Traditional disarmament policies have focused on arms-carrying members of insurgent forces. Frequently, benefits associated with demobilization programs are only given to those turning in a weapon. Whereas this emphasis makes sense from a security perspective, it discriminates against women and men in support roles.

⁵⁴ Bouta and Frerks, “Women’s Role in Conflict Prevention, Conflict Resolution and Post-Conflict Reconstruction,” 32.

The majority of any armed movement consists of people serving in logistical support roles. Men and women serve as cooks, carriers, messengers, spies, or medical personnel. Since traditional gender norms tend to relegate the majority of women in fighting forces to support roles, they are particularly disadvantaged and tend to have the least visibility during the disarmament phase.

Even those women that would be considered “bona fide combatants” in a disarming process frequently remain invisible. Women that have fought with insurgent forces are for a number of reasons reluctant to be officially registered during the disarmament phase. Those that have been abducted and were forced to marry male commanders or serve as sex slaves, feel stigmatized and do not want to draw public attention to their past plight. They frequently take advantage of the first possibility to get away from their former oppressors, instead of spending weeks or months with them in a demobilization camp. Thus, gender sensitivity is essential in order to fully include all women that were part of fighting forces as beneficiaries of demobilization programs.

Parliamentarians need to be especially aware of the needs girls and boys have that were forcibly recruited into irregular armies. The changing age composition of fighting forces around the world is of increasing concern. It is estimated that 300,000 child soldiers have been part of recent conflicts.⁵⁵ Whereas the majority of the child soldiers are boys, Susan McKay and Dyan Mazurana (2004) report from their work on child soldiers that young girls were part of regular and irregular armed movements in 55 countries.⁵⁶

At this point, Liberia faces the enormous challenge of integrating 100,000 ex-combatants, including many former child soldiers, into civilian life. Child soldiers suffer sexual and psychological forms of abuse that need to be given immediate attention. Unfortunately, there “appears to be little gendered analysis of issues affecting child soldiers, especially in terms of psychosocial needs and post-conflict mental trauma.”⁵⁷ This reality presents a considerable challenge to parliaments seeking to assume a more active role in disarmament processes.

Reintegration of Ex-Combatants and Refugees

The reintegration into society of ex-combatants and displaced persons, whether they are internally displaced persons or refugees, is a key challenge parliaments face in crisis recovery. As Robert Nakamura and John Johnson emphasize “the reintegration of refugees, the return of property, protection of rights, and other issues, are typically discussed in parliament.”⁵⁸

Transforming the Reintegration of Refugees: The Role of Parliament

Parliaments establish the legal frameworks for the societal reintegration of returning refugees and internally displaced people. For example, in 1996, the Georgian parliament adopted a Law on Displaced Persons that regulated the return of this population to their communities of origin and

⁵⁵ Bouta, Frerks and Bannon, *Gender, Conflict, and Development*, 149.

⁵⁶ McKay and Mazurana, *Where Are The Girls?* Chapter 2.

⁵⁷ Bouta, Frerks and Bannon, *Gender, Conflict, and Development*, 145.

⁵⁸ Nakamura and Johnson, “Supporting Parliaments as Mediators in Conflict and Post-Conflict Situations,” 12.

tasked “local government bodies with ensuring their security and compensating them for what they lost.” Individual parliamentarians can facilitate the reintegration of ex-combatants and refugees into their former places of residence by appealing directly to the constituents living in the communities they are representing in parliament. Members of parliament can be particularly helpful in cases when communities are hostile to returning refugees and ex-combatants, by assuming a supportive, reconciliatory position. Potential animosities between returnees and local communities often have their roots in having supported opposing sides during the war, concerns over future strains on limited existing resources, or fear of the spread of infectious diseases, including HIV/AIDS, that refugees might be carrying.

As an institution, parliament can attend to the gender-based needs of ex-combatants and refugees by using its budgetary power and legislative responsibility for rebuilding educational and health care systems. Parliaments contribute to the rebuilding of security systems, which protect the physical integrity of these vulnerable sectors, and can facilitate a general climate that is conducive to their full reintegration into the political system. The challenges confronting parliament are indeed great. In the final analysis, the legislature’s effectiveness is a question of the resources at its disposition and the authority it commands. For example, Aleksandar Prodanovic, a member of the parliament of Serbia and Montenegro, affirmed that parliamentarians recognized the gendered needs of the great number of refugees resulting from the Balkan conflicts but lacked the capacity to implement effective policies alleviating the crisis.

Source: UNDP, “Georgia Case Study,” 24; Interview with Aleksandar Prodanovic, MP-Serbia and Montenegro, Geneva, October 18, 2005.

Women are estimated to represent 80 percent of internally displaced persons and refugees.⁵⁹ Female ex-combatants and refugees face particular gender-based challenges. Having frequently assumed counter-traditional gender roles during the war, their presence is a perceived threat to prevailing traditional gender relations. Further, victims of sexual violence are often stigmatized. This is particularly the case when there is evidence of abuse, such as women returning with children that are the result of rape. Thus, female combatants are often reluctant to return to their community of origin and feel obliged to hide their identity.

The difficult reintegration process also provides opportunities for societal change. Caroline Moser and Fiona Clark have noticed that women more easily adjust to the new environments that displaced people have to confront and are more innovative in the development of survival strategies than men. This reality “leads to a change in [gender] roles and relations, which can be both empowering and challenging. It is important to provide accompaniment to returning and resettling populations to support the continuation of positive social change.”⁶⁰

Parliaments have the budgetary and legislative responsibility for rebuilding educational and health care systems in the wake of conflict, which presents the opportunity to introduce greater gender equality into social structures. Currently, both men and women face substantial barriers in getting access to social services in many conflict-affected countries. For example, Cordula Reimann reports findings by the World Health Organization (WHO) from Afghanistan, showing that “gender-stereotypical gender roles prevent women from seeking health care like reproductive health care. At the same time, certain stereotypical notions of masculinity keep men

⁵⁹ Bouta and Frerks, “Women’s Role in Conflict Prevention, Conflict Resolution and Post-Conflict Reconstruction,” 35.

⁶⁰ Moser and Clark, “Gender, Conflict and Building Sustainable Peace,” 32.

away from health care services.”⁶¹ Similarly, in education, women are at times completely excluded from educational systems, while young men and boys are forced to interrupt their education to fight in government and insurgent forces.

Conclusion

Parliaments can play a variety of roles in the early stages of a peace process. Peace negotiations constitute a crucial entry point for considerations of gender justice. A gender-sensitive peace process requires a more balanced gender composition of the negotiating teams and insistence that the gender dimensions of a conflict are taken into account during the negotiation process. Parliament can play a central role in ensuring that a gender perspective informs peace agreements. Parliamentarians need to insert themselves early on into official peace negotiations and gain visibility for the institutional contributions the legislature can bring to the process. The claim for the inclusion of parliamentary representation in formal peace negotiations rests on the legitimizing function parliament confers. Parliament also constitutes a key forum for the discussion of peace initiatives advanced by civil society. Further, parliament is central in ratifying accords once they have been concluded and in conveying the contents of peace agreements to their constituents. Through active involvement in the peace process, parliamentarians can serve as effective advocates for inclusive, gender-sensitive DDR processes.

⁶¹ Reimann, “All You Need Is Love...and What About Gender?” 14.

III. Rebuilding the Social Sphere: Engendering Justice and Reconciliation

“If those responsible for the atrocities of war are not identified it is not possible to repair the physical and psychological injury inflicted. That which is ignored cannot be punished and therefore cannot be forgiven.”⁶²

“Violence against women remains pervasive worldwide. It is the most atrocious manifestation of the systemic discrimination and inequality women continue to face, in law and in their everyday lives, around the world. It occurs in every region, country, and culture, regardless of income, class, race or ethnicity. Gender-based violence is also damaging to society as a whole. It can prevent women from engaging in productive employment, and girls from attending school. It makes women more vulnerable to forced and unprotected sex, which plays a key role in the spread of HIV/AIDS. It takes a deep and enduring toll on the entire family, including and especially the next generation.”⁶³

The transformation of conflict into sustainable peace requires that consideration be given to the social sphere. In order to repair the torn social fabric of a country, attention has to focus on issues of justice and reconciliation. Parliament’s legislative and oversight functions, together with its budgetary authority, assign responsibility to parliamentarians to deal with issues of post-war justice. Further, an inclusive parliament that represents all parties to the conflict is itself a crucial forum that can facilitate societal reconciliation. It can be a venue for public debate on divisive post-conflict issues and play a leading role in promoting tolerance.⁶⁴

Parliaments are considered most effective in playing an active role in the aftermath of conflict. There is broad consensus that they “can play a useful, indeed critical role in setting the agenda for reconstruction, socio-economic development and reconciliation.”⁶⁵ Reconciliation, preceded by an accounting of crimes committed during conflict, is of key importance in putting countries on the path to recovery. Parliaments constitute the proper forum to pass amnesty laws. They have to find the right balance between bringing about justice and initiating the healing process.

Parliaments play an important role in ensuring that gender considerations are given weight in the administration of post-conflict justice. A public accounting of crimes committed during conflict, including those that are gender-based, is essential for social reconstruction to succeed. Whereas women tend to be the main beneficiaries of engendering justice, a gender lens also helps to better recognize male victims.

Parliaments share in the responsibility to create fact-finding bodies that establish a record of past crimes, such as truth commissions. They also participate in the creation of special courts to prosecute offenders. Parliaments can demand that the gender composition of these bodies be equitable and that a gender perspective inform their proceedings and policies.

In addition to dealing with crimes committed during war, parliaments need to address the security environment that emerges in the wake of conflict. Post-war violence, whether committed in the public or private sphere, plagues many countries. Parliaments can address

⁶² Torres Rivas quoted in Moser and Clark, “Gender, Conflict and Building Sustainable Peace,” 35.

⁶³ Statement by United Nations Secretary General Kofi Annan, 25 November 2005.

⁶⁴ Inter-Parliamentary Union/IDEA, *Making Reconciliation Work: The Role of Parliaments*, 10.

⁶⁵ UNDP/Inter-Parliamentary Union, “Global Study Group Meeting: Final Report,” 11 and 16.

societal security issues through a reform of military and police forces and by passing legislation that better addresses existing violations and prevents new crimes.

Gender-based Violence

Gender-based violence (GBV) characterizes conflicts throughout the world.⁶⁶ Although gender-based violence is present in everyday life, its intensity increases during conflict.⁶⁷ Security Council resolution 1325 specifically urges “parties to armed conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse.”⁶⁸ Thus, under 1325, in cases where violent acts are committed on behalf of governments, parliaments have a special responsibility to try to protect their constituents.

Transforming Security: Parliaments and Gender-Based Violence

Parliaments can address gender-based violence by ensuring that current laws recognize such violations and by passing new legislation that encompasses all forms of GBV and establishes appropriate sanctions for perpetrators. When rebuilding post-conflict justice systems, parliamentarians can make certain that gender-based violence is included in the mandate of truth commissions and special courts that are established in the wake of war. Further, parliament can serve as a societal forum to increase awareness of the gendered impact of violence. When seeking to strengthen the administration of post-war justice, parliamentarians need to direct attention to both female and male survivors of sexual violence.

Caroline Moser has emphasized that “women and men as social actors each experience violence and conflict differently, both as victims and as perpetrators.”⁶⁹ Violent conflicts frequently reveal a “kind of ‘gendered vulnerability.’ Women and men are exposed to different forms of insecurity, threat and danger – which, in turn, are highly dependent on women’s and men’s different roles in wartime.”⁷⁰ For example, men are more likely to be killed or wounded and women are more likely to be victims of sexual violence.

In recognizing this gendered reality it is important to avoid the trap of stereotyping. For example, whereas men do commit the majority of crimes during war, women have participated in atrocities in a number of conflicts from Rwanda to the Balkans. Lisa Schirch and Manjrika Sewak note that “Women have the capacity for violence and peace and in many areas of the world are, in fact, supporting violent solutions to conflicts.”⁷¹ For example, an estimated 3,000 women (a total of 100,000 to 125,000 Rwandans were awaiting trial prior to

⁶⁶ “Gender-based violence is violence that is directed against a person on the basis of gender or sex. It includes acts of physical, sexual and psychological violence such as rape, sexual abuse, sexual harassment and intimidation at work, trafficking in women and forced prostitution, or other acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty. While women, men, girls and boys can be victims of gender-based violence, women and children are usually the primary victims.” *Gender Resource Package*, 219, <http://www.un.org/Depts/dpko/lessons/>. (Accessed March 24, 2006).

⁶⁷ Bouta, Frerks and Bannon, *Gender, Conflict, and Development*, 33.

⁶⁸ Security Council Resolution 1325, cited in United Nations, *Women, Peace and Security*, 167.

⁶⁹ Moser, “The Gendered Continuum of Violence and Conflict,” 30.

⁷⁰ Reimann, “All You Need Is Love...and What About Gender?” 10.

⁷¹ Schirch and Sewak, “Women: Using the Gender Lens,” 99.

January 2003) have been tried or are awaiting trial as perpetrators in the 1994 Rwandan genocide.⁷²

Moser and Fiona Clark explicitly criticize gender stereotypes of men and women in conflict situations: “To portray women solely as victims denies them their agency, and fails to identify the opportunities that conflict may create up for them.”⁷³ War, in all of its complexity, can be “a positive catalyst vis-à-vis women and gender relations, as women’s groups are often among the new civil organizations that arise to challenge conflict and promote peace and rights.”⁷⁴ At the same time, it is important to acknowledge the fact that “men are not always the perpetrators of violence, but are also victims of violence and conflict.”⁷⁵

Women and girls are the primary targets of sexual violence during conflict. Rape of female civilians is widespread and has been recognized as a war crime. Women are systematically violated “as symbolic bearers of caste, ethnic or national identity.”⁷⁶ Sexual violence was particularly rampant during the wars in the Balkans, as well as in the conflicts on the African continent. In Bosnia-Herzegovina, between 20,000 and 50,000 women were the victims of rape.⁷⁷ It is estimated that between 250,000 to 500,000 women were raped during the genocide in Rwanda.⁷⁸ The range of these estimates reflects the difficulty in recording sexual crimes committed during conflict and is disconcerting by itself.

Men and boys are also affected by sexual violence, albeit in much smaller numbers. The taboos of patriarchal society contribute to making sexual violence against men invisible. In particular, male rape is commonly not reported. Only recently have some scholars and activists started to focus on sexual violence committed against men. Their research shows that due to traditional views that focus on women as victims, sexual violence against men during wartime is underreported. Augusta DelZotto and Adam Jones maintain that while sexual violence during the wars in the Balkans was mostly committed against women, rape and other forms of sexual violence were also perpetrated against men.⁷⁹ Indeed, in a male-dominated culture, rape and other forms of sexual violence against men, are seen as a weapon to particularly humiliate the enemy.⁸⁰

Among child soldiers, boys are more likely than girls to have been forced to participate in atrocities during the war. Young fighters are frequently “forced to kill members of their own communities or families” as a way to establish their loyalty to an armed band.⁸¹ This abuse gives rise to the need for special counseling and rehabilitation.

⁷² Anderlini, Conaway and Kays, “Transitional Justice and Reconciliation,” 9, http://www.womenwagingpeace.net/content/toolkit/chapters/Transitional_Justice.pdf (Accessed March 10, 2006); Corey and Joireman, “Retributive Justice: The Gacaca Courts in Rwanda,” 82.

⁷³ Moser and Clark, “Gender, Conflict and Building Sustainable Peace,” 31.

⁷⁴ Prendergast and Plumb, “Building Local Capacity: From Implementation to Peacebuilding,” 333.

⁷⁵ Moser and Clark, “Gender, Conflict and Building Sustainable Peace,” 31.

⁷⁶ Bouta and Frerks, “Women’s Role in Conflict Prevention, Conflict Resolution and Post-Conflict Reconstruction,” 31.

⁷⁷ Vlachová and Biason, *Women in an Insecure World*, 16.

⁷⁸ Rehn and Sirleaf, *Women, War, Peace*, 11.

⁷⁹ DelZotto and Jones, “Male-on-Male Sexual Violence in Wartime,” 9-10.

⁸⁰ Reimann, “All You Need Is Love...and What About Gender?” 10; Bouta, Frerks and Bannon, *Gender, Conflict, and Development*, 36.

⁸¹ Large, “Disintegration conflicts and the restructuring of masculinity,” 28.

Bouta, Frerks and Bannon have emphasized that “GBV polices need to target both men and women” in order to “reach all actors involved (survivors, survivors’ families, witnesses, and perpetrators).”⁸² Although it is recognized that men are affected by GBV during conflict, existing policies fail to take the needs of male victims into account.⁸³ Thus, parliamentarians seeking to strengthen the administration of post-war justice need to direct attention to both female and male survivors of sexual violence.

Parliament and Post-war Justice

The administration of justice suffers when a country is embroiled in conflict. Judicial impartiality is a likely victim, courts are under-funded and laws are frequently not enforced. Parliamentarians contribute to the sound administration of post-war justice by investigating apparent problems prevailing in the judicial branch, overseeing new court appointments and ensuring that existing and newly created courts have proper budgets.

Parliaments play an important role in ensuring that gender considerations are given weight in their efforts to rejuvenate existing judicial structures and create new ones. A public accounting of crimes committed during conflict, including those that are gender-based is essential for social reconstruction to succeed.

Parliaments have a special responsibility to address the issue of impunity that results from problematic legal codes. For example, sexual violence against women at times goes unpunished because the legal codes of many countries fail to sufficiently protect women. For example, Burundian law concerning rape is confusing and lacks specificity, making it very difficult to effectively prosecute sexual crimes.⁸⁴ Another dimension that deserves attention is the fact that in some countries “the legal definition of rape applies only to women,” which leaves male victims unprotected.⁸⁵ Further, as Megan Bastick has emphasized, sentences for rape and other forms of sexual violence are often comparatively short and lack a deterrent function.⁸⁶

Thus, parliaments need to apply a gender lens when revising existing laws and creating new ones to eliminate lacunae in the effective administration of justice. The transition from war to peace frequently requires the creation of temporary judicial bodies and processes that establish a record of human rights abuses and hold perpetrators accountable.⁸⁷ Parliamentarians are confronted with the difficult task of creating transitional justice mechanisms that establish the right balance between ending impunity and facilitating reconciliation.

Truth and Reconciliation Commissions

Over the past 30 years more than two dozen truth and fact-finding commissions have been established at the international and national level to investigate human rights abuses that occurred during conflict.⁸⁸ Women have chaired two of the commissions, the United Nations International Commission of Inquiry, which investigated breaches of international

⁸² Bouta, Frerks and Bannon, *Gender, Conflict, and Development*, 34.

⁸³ Ibid., 47.

⁸⁴ Ndayiziga, “Role du Parlement Burundais Pendant le Conflit,” 45.

⁸⁵ Bouta, Frerks and Bannon, *Gender, Conflict, and Development*, 34.

⁸⁶ Bastick, “Ensuring Women’s Involvement in the Full Reconciliation Process,” 4.

⁸⁷ Anderlini, Conaway and Kays, “Transitional Justice and Reconciliation,” 1, http://www.womenwagingpeace.net/content/toolkit/chapters/Transitional_Justice.pdf (Accessed March 10, 2006).

⁸⁸ Inter-Parliamentary Union/IDEA, *Making Reconciliation Work: The Role of Parliaments*, 11.

humanitarian law in East Timor and the Sri Lankan Commission on the Western and Southern Provinces.⁸⁹

Parliaments have significant control over the work of these commissions, since they pass enabling legislation, participate in the appointment of individual commissioners, allocate operational funding and oversee the implementation of the commission's finding.⁹⁰ Thus, parliamentarians can ensure that a gender perspective informs this process. They can be particularly influential in ensuring an inclusive and consultative selection process that leads to a commission with a gender-balanced composition. Beth Goldblatt and Sheila Meintjes maintain that without the incorporation of gender into the policy framework of truth and reconciliation commissions "gender issues, and women's voices in particular, will not be heard and accurately recorded."⁹¹

The South African experience presents a case of successful parliamentary involvement in introducing a gender dimension into the creation of a truth and reconciliation commission. Members of the South African parliament, representing the country's political parties, together with leaders of civil society organizations, formed a selection committee that played a key role in determining the composition of the truth commission. Based on 300 nominations received in a public process, the selection committee established a list of 25 finalists.⁹² President Nelson Mandela chose the 15 commissioners from this list. One-third of them were women.⁹³

Despite this favorable gender composition, the commission was well into its investigation when it was recognized that men had privileged access and that women's experiences were marginalized. Women's organizations successfully pushed for the inclusion of gender issues on the commission's agenda.⁹⁴ In an effort to be more sensitive to women's needs, the commission held several special women's sessions.⁹⁵ Also, all commissioners received gender training.⁹⁶

Parliamentarians were also involved in the creation of truth and reconciliation commissions in Sierra Leone and Timor-Leste.⁹⁷ In the case of East Timor, parliament engaged in considerable infighting with President Xanana Gusmão over the mandate and mission of the commission.⁹⁸ Two of the seven commissioners appointed to the East Timorese Reception, Truth, and Reconciliation Commission are women.⁹⁹ One of them, Olandina Caeiro, had served as a Provincial Parliament member prior to serving on the

⁸⁹ Anderlini, Conaway and Kays, "Transitional Justice and Reconciliation," 9, http://www.womenwagingpeace.net/content/toolkit/chapters/Transitional_Justice.pdf (Accessed March 10, 2006).

⁹⁰ Inter-Parliamentary Union/IDEA, *Making Reconciliation Work: The Role of Parliaments*, 11.

⁹¹ Goldblatt and Meintjes, "South African Women Demand the Truth," 29.

⁹² Inter-Parliamentary Union/IDEA, *Making Reconciliation Work: The Role of Parliaments*, 12.

⁹³ Anderlini, Conaway and Kays, "Transitional Justice and Reconciliation," 9, http://www.womenwagingpeace.net/content/toolkit/chapters/Transitional_Justice.pdf (Accessed March 10, 2006).

⁹⁴ Goldblatt and Meintjes, "South African Women Demand the Truth," 29.

⁹⁵ Pankhurst, "Women, Gender and Peacebuilding," 21.

⁹⁶ Anderlini, Conaway and Kays, "Transitional Justice and Reconciliation," 6, http://www.womenwagingpeace.net/content/toolkit/chapters/Transitional_Justice.pdf (Accessed March 10, 2006).

⁹⁷ Inter-Parliamentary Union/IDEA, *Making Reconciliation Work: The Role of Parliaments*, 12.

⁹⁸ Monge, "Timor-Leste Case Study," 16; Once the regulation establishing the commission was approved by the National Council, the commission was legally established through the July 2001 promulgation of the regulation by the late Sergio Vieira de Mello, then serving as the U.N. Transitional Administrator.

⁹⁹ Roynestad, "Timor-Leste - Expert Group Meeting on Peace Agreements," 13.

commission. In contrast to the international commission, established by the United Nations and headed by Sonia Picada Sotela, the national commission was chaired by a man, Aniceto Guterres Lopes.

The Truth and Reconciliation Commission of Sierra Leone is composed of seven commissioners, four from Sierra Leone and three international representatives. Half of the national representatives are women.¹⁰⁰ Women's participation in the commission's creation led to the formation of a special unit that was tasked with investigating war crimes from a gender perspective.

In both East Timor and Sierra Leone, the commissions recognized the gender-specific needs of female victims and held special sessions for women.¹⁰¹ The need to provide a forum that allows women to testify in a conducive, protective environment is now well established. Parliamentarians have an obligation to monitor commission proceedings and ensure that they are conducted in a gender-sensitive fashion.

Two African cases highlight the positive impact civil society organizations can have in engendering justice processes. In Burundi, civil society organizations made specific proposals during the peace negotiations to bring gender into the reconciliation process. For example, they demanded that women comprise 30 percent of the membership of the country's reconciliation commission.¹⁰² Liberia provides another example of a gender-inclusive process:

Transforming Truth and Reconciliation Commissions:
The Case of Liberia

The Liberian Commission was established in a broad consultative process. Dozens of civil society organizations, with the help of the international community, came together to draft an act establishing the mandate and composition of the commission. This act was then debated in public hearings in the transitional parliament and passed in May 2005. The TRC Act, informed by a gender perspective, is considered an excellent example highlighting a positive public policy outcome resulting from the collaboration of national and international groups "working in concert and collegially." One passage emphasizes the importance of "[a]dopting specific mechanisms and procedures to address the experiences of women, children and vulnerable groups, paying particular attention to gender based violations, as well as to the issue of child soldiers."

Source: Pajibo, "Liberia Case Study," 9-11.

It is now recognized that the mandate for truth and reconciliation commissions has to make "specific mention of the need to include violations of the human rights of women, including but not limited to sexual abuse."¹⁰³ The experience of the Salvadoran Truth Commission, which operated in the early 1990s, pointed to the problems arising from the failure to apply a gender lens in considering the commission's mandate. In that case, instances

¹⁰⁰ Author's interview with Elizabeth Alpha-Lavalie, Deputy Speaker of Parliament-Sierra Leone, New York, March 1, 2006.

¹⁰¹ Anderlini, Conaway and Kays, "Transitional Justice and Reconciliation," 6, http://www.womenwagingpeace.net/content/toolkit/chapters/Transitional_Justice.pdf (Accessed March 10, 2006).

¹⁰² Unifem, *Engendering Peace: Reflections on the Burundi Peace Process*, Appendix 1.

¹⁰³ Chinkin, "Background Paper: Expert Group Meeting on Peace Agreements," 20.

of rape were not incorporated into the commission's final report because such crimes were considered to be outside of its mandate.¹⁰⁴

Parliaments can ensure equal access to proceedings before truth and reconciliation commissions. Compared with male victims, women that have been victims are less likely to have access because they are economically disadvantaged and have greater family and household duties, which restrict their mobility.¹⁰⁵ When victims are denied access they are also impeded from presenting claims for compensation. Parliaments can put victims' compensation on the national agenda, something the legislature in the Ivory Coast succeeded in doing when the executive branch failed to act.¹⁰⁶

Another important mechanism facilitating reconciliation has been the creation of National Dialogues. Parliaments routinely play an important role in this type of forum. For example, Nicaragua has experienced several national dialogues over the past decade to resolve contentious issues remaining after decades of conflict. An important recent dialogue focused on resolving land disputes that remained following the Sandinista government's electoral defeat. Members of parliament joined government and civil society representatives to discuss these thorny issues. The Nicaraguan women's movement was particularly active in this process, offering itself as a natural ally to those participants seeking to bring a gender perspective to the discussion. Thus, such a forum is an important avenue for parliament to connect with civil society, a topic elaborated below. When parliaments reach out to civil society organizations it strengthens public ownership in peace and reconciliation processes.

Parliament's Role in Ad-hoc Tribunals: The Gacaca Courts

Post-war situations require at times that parliament establishes a special court to deal with crimes committed during conflict. Parliaments have a special responsibility to ensure that such special courts are indeed constituted to strengthen justice and not to evade international scrutiny. For example, the Sudanese parliament has been criticized for creating a special court, charged with prosecuting crimes committed in Darfur "in an attempt to fend off UN demands that it hand over Darfur war crime suspects to the International Criminal Court."¹⁰⁷ Further, when considering the constitution of a special court, parliament needs to ensure that gender is taken into account in the court's creation and operation.

The gacaca courts in Rwanda are the most discussed recent example of "parliamentary innovation" in the administration of local justice mechanisms.¹⁰⁸ The gacaca courts, which are based on Rwandan tradition, were established in 2001 to deal with the enormous number of people held in prisons under suspicion of having committed crimes during the 1994 genocide. The gacaca law, adopted by the Rwandan parliament, ensured that judges could be elected without any discrimination based on sex and, in its revised form, established protections for the rights of rape victims.¹⁰⁹

Historically, women were not allowed to serve as gacaca judges. When the traditional courts were reestablished, however, women were eligible to be elected. Government estimates show that women represent about one-third of the elected judges at the local

¹⁰⁴ Millar (2004) cited in Anderlini, Conaway and Kays, "Transitional Justice and Reconciliation," 9, http://www.womenwagingpeace.net/content/toolkit/chapters/Transitional_Justice.pdf (Accessed March 10, 2006).

¹⁰⁵ Bastick, "Ensuring Women's Involvement in the Full Reconciliation Process," 5.

¹⁰⁶ Interview with Laurent Akoun, MP-Ivory Coast, Geneva, October 19, 2005.

¹⁰⁷ Habasch, "Comparative Study of Five Arab Countries," 36.

¹⁰⁸ Inter-Parliamentary Union/IDEA, *Making Reconciliation Work: The Role of Parliaments*, 19.

¹⁰⁹ See article 14 and 38 of the Organic Law of the Gacaca Courts.

level.¹¹⁰ At the provincial level, the gender composition of the courts is more unequal, with one-fifth of the judges being female.¹¹¹ Some attention has been given to making the judges more aware of the gender dimensions of justice administration. Human Rights Watch reported that higher-level gacaca judges received training in sexual and gender-based violence, while resource and logistical constraints prevented the training from reaching cell-level judges.¹¹²

Women's involvement in the creation of the transitional justice mechanisms of Rwanda has had concrete results. Women organized effectively in civil society organizations. To point to one specific civil society contribution, a group of forty women's organizations joined forces to advocate for the integration of a gender perspective in the gacaca process.¹¹³ As part of this effort, women played a crucial role in elevating rape to a crime category that could not be resolved in the gacaca proceedings but had to be addressed in the national courts or the International Criminal Tribunal for Rwanda.¹¹⁴ Indeed, article 51 of the law establishing the gacaca courts classifies rape as a category one offense, whereas the jurisdiction of the gacaca courts is restricted to category two and three offenses, including murder and offenses against property.

Other category one offenses concern those individuals who have had a planning role in the genocide, were in leadership positions when committing murder, showed special zeal in killing others, committed torture, or engaged in "dehumanizing acts on the dead body."¹¹⁵ Thus, rape is categorized as one of the most serious crimes committed during the genocide.

Victims of sexual violence have to face the pre-trial gacaca process before their cases are transferred to the regular courts. Women encountered great difficulties in these proceedings. When these deficiencies were acknowledged, parliament adopted a revised gacaca law in 2004 that enhanced "protections for victims of sexual violence in order to facilitate reporting and testimony. Under the new law, a rape or sexual torture victim may choose among three alternatives: testimony before a single gacaca judge of her or his choosing; testimony in writing; or testimony to a judicial police officer or prosecutorial personnel, to be followed by complete processing of the rape case by the prosecutor's office."¹¹⁶

Whereas numerous problems remain to be addressed – for example, many victims lack the knowledge of the option of *in camera* testimony - the gacaca courts represent a good example for the constructive role parliament can play in ensuring that gender considerations inform the administration of justice.

Inclusive Security: Dealing with Post-War Violence

¹¹⁰ Human Rights Watch, *Struggling To Survive: Barriers to Justice for Rape Victims in Rwanda*, <http://www.hrw.org/reports/2004/rwanda0904/6.htm>. (Accessed January 17, 2006).

¹¹¹ Uvin, "The Gacaca Tribunals in Rwanda," 120, <http://www.idea.int/publications/reconciliation/upload/reconciliation_chap07cs-rwanda.pdf (Accessed March 13, 2006).

¹¹² Human Rights Watch, *Struggling To Survive: Barriers to Justice for Rape Victims in Rwanda*, <http://www.hrw.org/reports/2004/rwanda0904/6.htm>. (Accessed January 17, 2006).

¹¹³ Anderlini, Conaway and Kays, "Transitional Justice and Reconciliation," 10, http://www.womenwagingpeace.net/content/toolkit/chapters/Transitional_Justice.pdf (Accessed March 10, 2006).

¹¹⁴ Anderlini, Conaway and Kays, "Transitional Justice and Reconciliation," 9, http://www.womenwagingpeace.net/content/toolkit/chapters/Transitional_Justice.pdf (Accessed March 10, 2006).

¹¹⁵ Organic Law of the Gacaca Courts, Article 51.

¹¹⁶ Human Rights Watch, *Struggling To Survive: Barriers to Justice for Rape Victims in Rwanda*, <http://www.hrw.org/reports/2004/rwanda0904/6.htm>. (Accessed January 17, 2006).

Whereas gender-based crimes committed during war have been recognized as war crimes, “little attention has been given to the way in which conflict-related circumstances influence the continuation of violence within the home” following the cessation of hostilities.¹¹⁷ The application of a gender lens helps parliamentarians to appreciate the importance of addressing domestic violence in the wake of conflict. A gender lens is important to recognize the impact of post-war stress experienced by male ex-combatants and internally displaced people. Women need to be protected from domestic violence, while the needs for treatment and therapy for men and boys who have been forced to commit atrocities have to be recognized.

United Nations studies have found a dramatic increase in domestic violence in war zones. Displaced people are particularly vulnerable. A recent report by Elisabeth Rehn and Ellen Johnson Sirleaf found that “17 percent of displaced households surveyed in Sierra Leone had experienced sexual assaults, including rape, torture and sexual slavery.”¹¹⁸

Post-war Central America provides a good example for the transformation of war-related violence into a crime wave that affects both the public and private spheres.¹¹⁹ Whereas political violence subsided in the wake of the peace accords, criminal violence rose. Increasingly, women have become victims. Of particular concern is the significant number of women that are being assassinated. Guatemala registered the murder of 383 women in 2003, an increase of 135 percent compared with 2002. The violence directed against women is part of a general crime wave affecting the country. According to official statistics, the number of overall murders in 2003 had increased almost 15 percent to reach 4,273.¹²⁰ In El Salvador, on the other hand, 194 women were assassinated in 2003. The violence continued in 2005. During the first eight months of the year, 140 women have been reported killed.¹²¹ Due to the high level of violence affecting women in the region, the United Nations sent special envoy Yakin Ertürk to report on the situation. Her report highlighted that these crimes were committed with impunity and were directed against the most marginal female sectors of society.

Although women suffer greatly under conditions of post-war violence, it is important to recognize that violence prevailing in war-torn societies affects men in disproportionate numbers. In Colombia, for example, one-quarter of all male deaths are attributed to violence, as are 60 percent of deaths for males aged 15-44 years.¹²² Men are four times as likely to die a violent death than women.¹²³

Successful social reconstruction requires the creation of inclusive security, which takes the needs of all citizens into account. Parliaments play a crucial role in the attainment of inclusive security by instituting security sector reform, which includes changing the gender composition of parliamentary committees dealing with security policy, including defense and police matters. At the present time, women are underrepresented on these committees.

In the view of Marie Vlachová and Lea Bason “violence against women is particularly prevalent in post-conflict situations when security sector institutions fail to

¹¹⁷ Strickland and Duvvury, *Gender Equity and Peacebuilding*, 7-8.

¹¹⁸ Rehn and Sirleaf, *Women, War, Peace*, 11.

¹¹⁹ This paragraph is based on Luciak, “Joining Forces for Democratic Governance,” 30.

¹²⁰ Jaramillo 2004:3 cited in Luciak (2004).

¹²¹ Interview with Deysi Cheyne - El Salvador, San Salvador, October 6, 2005.

¹²² Bouta, Frerks and Bannon, *Gender, Conflict, and Development*, 149.

¹²³ Correia (2003) cited in Bouta, Frerks and Bannon, *Gender, Conflict, and Development*, 146.

operate properly. Dissolution of, or disarray in, security institutions such as police leaves them unable to protect the civilian population.”¹²⁴ The authors argue that “reform of the security sector in post conflict situations is essential to establish good governance, and to promote human rights, democracy and the rule of law.”¹²⁵

The restructuring of the security sector in the wake of conflict is an important opportunity for parliament to change the gender composition of police and military forces and make them more gender-sensitive. Women tend to be underrepresented on police and military forces. For example, women officers are only four percent of the Rwandan National Police force.¹²⁶ Parliaments can employ mandatory quotas and other measures of positive discrimination in changing the composition of the security apparatus. Quotas were successfully instituted in the case of Kosovo. The country’s police force has now almost fourteen percent women, which is attributed to the effect of a mandatory quota.¹²⁷ Under the new system, twenty percent of all new recruits have to be women.¹²⁸

Apart from focusing on changing the gender composition of security forces, parliaments need to give attention to funding training programs. New police forces require training to be more effective in responding to gender-based crimes. In recognition of this reality, training programs have been implemented in several war-affected countries. For example, in 2002, one-third of the Rwandan police force received training to strengthen its response to cases concerning sexual and gender-based crimes.¹²⁹ Also, female leaders in Burundi advocated already during the peace negotiations that it was essential for security forces to “have technical, moral, and civic training...with a special emphasis on the protection of women and children.”¹³⁰

Conclusion

Parliaments have a vital role in ensuring that gender considerations are given weight in the administration of post-conflict justice. From South Africa to East Timor, they are beginning to assert themselves, getting involved in the creation of truth and reconciliation

¹²⁴ Vlachová and Biason, *Women in an Insecure World*, 18.

¹²⁵ Ibid., 19.

¹²⁶ Human Rights Watch, *Struggling To Survive: Barriers to Justice for Rape Victims in Rwanda*, <http://www.hrw.org/reports/2004/rwanda0904/6.htm>. (Accessed January 17, 2006).

¹²⁷ Potter, “We the Women: Why conflict mediation is not just a job for men,” 16.

¹²⁸ Kvinna till Kvinna (2001) cited in Bouta and Frerks, “Women’s Role in Conflict Prevention, Conflict Resolution and Post-Conflict Reconstruction,” 45.

¹²⁹ Human Rights Watch, *Struggling To Survive: Barriers to Justice for Rape Victims in Rwanda*, <http://www.hrw.org/reports/2004/rwanda0904/6.htm>. (Accessed January 17, 2006).

¹³⁰ UNIFEM, *Engendering Peace: Reflections on the Burundi Peace Process*, Appendix 1.

commissions, as well as special courts. Parliament can serve as a forum to highlight the complexities of gender-based violence during and after conflict and emphasize the need to direct attention to both female and male survivors of sexual violence. It can also insist on equal access for men and women to proceedings before truth commissions and special courts. Parliaments need to apply a gender lens when revising existing laws and creating new ones in an effort to strengthen the administration of post-conflict justice. The restructuring of the security sector in the wake of conflict is an important opportunity for parliament to change the gender composition of police and military forces and make them more gender-sensitive. A transformation toward inclusive security requires changes in the gender composition of parliamentary committees dealing with security policy.

IV. Gender Considerations for Parliaments During Political Reconstruction

[P]rocesses that confer privilege on one group and not another are often invisible to those upon whom that privilege is conferred...Men tend not to think of themselves as 'gendered' beings, and this is one reason why policy makers and development practitioners, both men and women, often misunderstand or dismiss 'gender' as a women's issue."¹³¹

Gender-balanced peace negotiations and reconciliation are part of a broader transformation process. Efforts to strengthen the gender balance of formal peace negotiations need to be "complemented by steps to broaden the focus from women's presence at the peace table to consistent and systematic attention to gender issues in all aspects of peace processes, including in post-conflict reconstruction."¹³² Thus, special attention has to be given to the implementation of peace agreements.

It is during the implementation phase that parliaments have the potential to take on a central, institutional role. Even in cases when parliament as an institution has not been formally involved during the negotiation process itself, and has only come into the picture when asked to ratify an accord, it now becomes a key actor. Parliaments should exercise their oversight and legislative functions in ensuring an accord's full implementation. Further, peace holds the promise of transformation for parliament itself. It affords legislatures the opportunity to change their composition and become truly representative bodies. The transformation of parliament toward a more equal gender composition is an important indicator that gender equality is given priority in societal reconstruction.

Anne Phillips has identified four central arguments that are made in favor of increasing women's participation in political decision-making. Two normative arguments focus on the principle of justice between the sexes and the fact that sustainable democracy requires a bridging of the gap between participation and representation. The two remaining assertions concern the impact of increased participation. The first one holds that women are more likely to put gender-sensitive policies on the agenda and the second one emphasizes the impact successful female politicians can have as role models.¹³³

Peace accords and subsequent constitution-building present important opportunities for countries emerging from conflict to transform their political systems toward greater gender equality. Parliament has the responsibility to ensure that all citizens are treated equally under the law. Constitutional reform and new electoral laws passed in the wake of conflict present special opportunities to enshrine gender equality. Peace processes are an opportunity to review existing laws and ensure that they do not discriminate against either women or men.

For parliaments to be successful in this transformational effort, they need to build effective coalitions within the institution itself and reach out to civil society. The women's movement, in particular, is a key potential ally in parliament's efforts to move towards greater gender equality in the political sphere.

Power-sharing Agreements and Transitional Assemblies

¹³¹ Greig et al., "Men, Masculinities & Development," 1.

¹³² United Nations Division for the Advancement of Women, "Report of the Expert Group Meeting on Peace Agreements," 2.

¹³³ Phillips (1998) quoted in Bauer and Britton, "Women in African Parliaments: A Continental Shift," 3.

The initial stages of political reconstruction entail considerable challenges for parliaments. Negotiated solutions to armed conflict often result in power-sharing agreements. Recent power-sharing agreements have been concluded in South Africa, Rwanda, Bosnia, Northern Ireland, and the Philippines. The resulting institutions are important because of their capacity “to foster a sense of security among former enemies and encourage conditions conducive to a self-supporting peace.”¹³⁴ Ian Spears has advanced a more critical assessment of recent power-sharing agreements. In his view, experiences from Sierra Leone, Angola and Rwanda suggest, “that power-sharing is a surprisingly unstable form of government that, even in the best of times, provides only a short-term reprieve from violent conflict.”¹³⁵ Indeed, such concern is warranted. In March 2006, Jan Eliason, the president of the U.N. General Assembly, emphasized that over the past twenty years, in half of the countries where conflict had ended it flared up again.¹³⁶

Apart from the concern regarding the long-term viability of power-sharing arrangements, institutions resulting from such agreements have obvious weaknesses. Parliaments that are created as a result of power-sharing agreements tend to be limited in their authority. The agreements are generally derived in a top-down fashion, frequently do not include all parties to the conflict or are imposed by outside forces.

For example, under the power-sharing agreement produced by the Arusha accords, a 74-member parliament was created in Rwanda. This was a top down process, with the negotiating parties choosing their representatives. Political parties were assigned a guaranteed number of seats according to their respective strengths at the time. In addition to political parties, the transitional parliament included representatives of other sectors, including the armed forces. Although women’s organizations were allocated two seats,¹³⁷ this could not be seen as recognition of the need to introduce gender into the work of the new parliament.

Transitional parliaments that emerge from power-sharing agreements lack full legitimacy, since they reflect the relative positions of power held by the signatories of the agreement instead of being representative of a country’s diversity. The members of these transitional bodies face the challenge of reconciling their desire to focus on advancing their group interests with the need to prioritize the needs of society at large. Despite these difficult circumstances, transitional assemblies can provide openings for the advancement of gender equality.

For example, a greatly improved gender balance can be the outcome of elections to a transitional parliament, as evidenced by the Iraqi Transitional Assembly, elected in January 2005. The Iraqi transitional authority had required political parties to nominate at least 30 percent female candidates on the party lists presented in the first election following the overthrow of Saddam Hussein.¹³⁸ According to Hanaa Edwar, a key advocate for women’s rights and equality in Iraq, the quota was the result of organizing efforts and resulting pressure created by civil

¹³⁴ Hartzell and Hoddie, “Institutionalizing Peace: Power Sharing and Post-Civil War Conflict Management,” 318.

¹³⁵ Spears, “Africa: The Limits of Power-Sharing,” 123.

¹³⁶ Remarks by Jan Eliason on occasion of the meeting “Gender Equality: Making a Difference through Parliament,” Inter-Parliamentarian Union/United Nations Division for the Advancement of Women, New York, March 1, 2006.

¹³⁷ Munyandamutsa and Mugiraneza, “Rwanda Case Study,” 18.

¹³⁸ Inter-Parliamentary Union, “The Participation of Women and Men in Decision-Making: The Parliamentary Dimension,” 5.

society organizations.¹³⁹ The international community, in turn, supported these organizing efforts. The election concluded with a new parliament that had 31.5 percent women. In general, however, gender equality is more likely to be on the agenda when interim parliaments renew themselves, discuss constitutional reform or pass new electoral laws.

Constitutional Reform

The cessation of armed conflict and subsequent peace agreements entail at times the opportunity for parliaments to rewrite constitutions and enshrine gender equality. It is parliament's responsibility to ensure equality under the law. Key issues, including women's and men's equal access to land, property, education, health care, work, and politics can be given constitutional rank.¹⁴⁰ The constitutional protection of women's rights is particularly important in countries where prevailing social practices and norms deprive women of their rights.¹⁴¹ African countries, including Eritrea, Ghana, Malawi, South Africa, and Uganda, have been on the forefront of strengthening women's constitutional rights as the result of reforms initiated over the past decade.¹⁴²

Parliaments can assure that constitutional assemblies and other institutions involved in constitution writing are gender balanced in their composition and inclusive in making the process itself participatory. Indeed, "the U.N. Commission on Human Rights has articulated a specific right to participate in constitution-building."¹⁴³ Recently, parliaments in East Timor and Kenya were involved in constitution-writing processes.¹⁴⁴

Gender considerations have been a part of several constitutional experiences. The Constitutional Commissions set up in East Timor to facilitate local consultations on the constitution required at least 40 percent female participation.¹⁴⁵ The Constitutional Commission of Afghanistan was also diverse. It comprised 35 members, with seven of them being women.¹⁴⁶ In Uganda, an umbrella organization representing the women's movement succeeded in getting two women appointed to the Constitutional Commission.¹⁴⁷ Rwanda's constitutional process was inclusive and taken to the people by a Women's Committee, which conducted training and awareness programs throughout the country.¹⁴⁸ In Sierra Leone, on the other hand, only men were involved in drafting the new constitution.¹⁴⁹

Parliamentarians seeking to strengthen gender equality as part of a constitution-writing

¹³⁹ Conversation with Hanaa Edwar – Iraq, New York, March 2, 2006.

¹⁴⁰ Bouta, Frerks and Bannon, *Gender, Conflict, and Development*, 77.

¹⁴¹ *Ibid.*, 81.

¹⁴² Nyamu-Musembi, "For or Against Gender Equality? Evaluating the Post-Cold War 'Rule of Law' Reforms in Sub-Saharan Africa," 9.

¹⁴³ Shoemaker, "By the People and For the People: Constitution-Building, Gender and Democratization," 9.

¹⁴⁴ Nakamura and Johnson, "Supporting Parliaments as Mediators in Conflict and Post-Conflict Situations," 14.

¹⁴⁵ Roynestad, "Timor-Leste - Expert Group Meeting on Peace Agreements," 13.

¹⁴⁶ Mosadiq, "The New Afghan Constitution," 30.

¹⁴⁷ Dilts, "Engendering Rights in Uganda," 35.

¹⁴⁸ Shoemaker, "By the People and For the People: Constitution-Building, Gender and Democratization," 9.

¹⁴⁹ Author's interview with Elizabeth Alpha-Lavalie, Deputy Speaker of Parliament-Sierra Leone, New York, March 1, 2006.

process, can center their efforts on the adoption of powerful international instruments. The incorporation of international treaties and conventions that protect women's rights, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), highlights the importance a new constitution gives to gender equality. Advocates and opponents of gender equality recognize this.

In Uganda, for example, "CEDAW served as the starting point for rewriting [the country's] constitution in 1995."¹⁵⁰ Similarly, female leaders in Burundi proposed that CEDAW be specifically mentioned under Article 3 of the Burundi constitution, which establishes the people's fundamental rights.¹⁵¹ In El Salvador, on the other hand, the prevailing cultural climate did not favor the incorporation of CEDAW into the constitution as part of the reform process initiated following the Chapultepec agreements. Reflecting this climate, members of the Catholic and Protestant church hierarchies recently lobbied the Salvadoran parliament against even passing CEDAW, arguing that this would lead to "a cultural disaster."¹⁵²

In terms of parliament's role in conflict and recovery, the constitutional protection of gender equality in political decision-making deserves particular attention. Many peace agreements contain provisions that call for quotas or other measures of positive discrimination that would lead to increased equality in political decision-making. These provisions have to be implemented by enshrining them into the constitution and by incorporating them into electoral law.

Rwanda is a good example of a country seeking to institute greater gender equality in the wake of violent conflict. Particularly in the area of political decision-making, Rwanda has made substantial progress. Following the 2003 elections, the Rwandan Senate is composed of 12 women and 14 male senators. In the *Chambre des Députés*, 39 out of 80 members of parliament are women. Based on this election result, the Rwandan parliament can claim the distinction of having the most equal gender composition in the world. This was achieved due to quotas written into the constitution and new electoral laws passed by parliament.

Iraq and Afghanistan represent the most recent successful examples of implementing constitutional quotas:

Implementing Constitutional Quotas: The Reforms in Afghanistan and Iraq

Afghanistan changed from a country where women's rights were severely restricted, to guaranteeing gender equality under the law. In the area of political representation, the new constitution guarantees women's formal inclusion into political decision-making. Article 83 states that at least two female candidates from each province should be elected to parliament. This constitutional provision was successfully implemented. In the September 2005 elections, 69 women, representing about 27 percent of the 249 members of the Wolesi Jirga, were elected. Similarly, the new constitution of Iraq, which was ratified in October 2005, guarantees women one quarter of parliament's 275 seats. In Iraq too, the constitutional quota was enforced. Following the December 2005 electoral contest, women represent one quarter of the National

¹⁵⁰ Bouta, Frerks and Bannon, *Gender, Conflict, and Development*, 83.

¹⁵¹ UNIFEM, *Engendering Peace: Reflections on the Burundi Peace Process*, Appendix 1.

¹⁵² Interview with Deysi Cheyne - El Salvador, San Salvador, October 6, 2005.

Council of Representatives. These two electoral outcomes are of particular significance in a region where women continue to be underrepresented in political decision-making and in some instances lack full citizenship rights. For example, in the 2005 local elections in Saudi Arabia - the first to be held in that country - men could participate fully. Women, however, were denied the right to vote or stand for election.

It is important to recognize that, at this point, the outlined changes are restricted to the formal level. Nevertheless, they represent an important milestone in the region's political development.

Sources: Inter-Parliamentary Union, "Women in Politics," <http://www.ipu.org/wmn-e/suffrage.htm>; Mosadiq, "The New Afghan Constitution."

El Salvador demonstrates the importance of anchoring women's political participation in the constitution. Although significant constitutional reforms were enacted in the wake of the Chapultepec peace accords, little progress was made in the area of electoral law.¹⁵³ For example, no constitutional quotas guaranteeing women's political representation were passed. The lack of constitutional protection has resulted in considerable fluctuations in women's role in political decision-making. Nidia Díaz, who represented the guerrilla forces during the peace negotiations, affirmed that the progress Salvadoran women made in the first years following the accords is being eroded.¹⁵⁴ The Salvadoran experience confirms that women benefit from having their right to political participation legally secured. The good will of political leaders who favour gender equality is subject to change over time and needs reinforcement.

Constitutions have the same inherent weakness as peace agreements. They can remain lofty documents whose provisions formulate an ideal vision of society instead of stating concrete principles that can be translated into new societal practices that improve people's lives. As Ariane Brunet and Isabelle Solon Helal have pointed out, the Afghani constitutions of 1977, 1980, and 1990 all had specific gender equality clauses. Thus, Afghani women working towards enshrining women's rights in the post-Taliban constitution were aware that they had to simultaneously devise "strategies to ensure that the constitution-making process translates into democratic gains for women."¹⁵⁵ Constitutional principles have to be implemented through specific laws. In the area of political decision-making, electoral laws are essential in translating constitutional gender equality provisions into practice.

Electoral Reform

Countries emerging from crisis frequently modify their electoral laws in the recognition that all sectors of the population need to be guaranteed full access to the political process. Parliaments have the opportunity to enact electoral reform that ensures the full incorporation of women and minorities into the political process. Important considerations for parliaments involve

¹⁵³ Jessup, "El Salvador Case Study," 21.

¹⁵⁴ Interview with Nidia Diaz, MP- Central American Parliament, San Salvador, October 6, 2005.

¹⁵⁵ Brunet and Solon Helal, "Seizing an Opportunity: Afghan Women and the Constitution-Making Process," 5.

the type of election system to be used and the introduction of electoral quotas.

Electoral quotas are playing an important role in changing the gender composition of the world's parliaments. About forty countries have constitutional or electoral gender quotas for parliamentary elections.¹⁵⁶ A frequently advanced argument holds that it is crucial for female representation in parliament to achieve a "critical mass" - considered to be about 30 percent.¹⁵⁷ The "critical mass argument" holds that for women to have a substantive impact on parliamentary decision-making, they need to be present in significant numbers.

At the end of 2005, nineteen countries had reached or surpassed 30 percent female representation in parliament:

¹⁵⁶ Dahlerup and Freidenvall, "Quotas as a 'fast track' to equal representation for women," 26.

¹⁵⁷ The 30 percent gender-composition goal was affirmed at the Beijing Women's Conference.

Transforming Parliament: Countries Achieving 30 Percent, 2005			
Country	Electoral system	Existence of Quotas⁽¹⁾	% Women in NA
Rwanda	Plurality: first past the post	YES Type 1: Constitution establishes quota for women. Type 2: 24 seats out of 80 are reserved for women in the National Assembly. Type 3: 20% district councilors are reserved for women.	48.8
Sweden	Proportional representation: list system	YES Type 4: 50% quota for women in the Social Democratic Labour Party, the Left Party and the Green Party	45.3
Norway	Proportional representation: list system	YES Type 4: 40% quota for women in the Socialist Left Party, the Norwegian Labour Party, the Centre Party, and the Christian People's Party.	37.9
Finland	Proportional representation: list system	NO N/A	37.5
Denmark	Proportional representation: list system	NO Used to have Type 4. Quotas were abandoned around 1996.	36.9
Netherlands	Proportional representation: list system	YES Type 4: Labour Party has 50% quota for women; Green Left has a quota for women also (% not confirmed).	36.7
Cuba	Majority: two-round system	NO N/A	36.0
Spain	Proportional representation: list system	YES Type 4: Spanish Socialist Workers' Party has 40% quota for either sex.	36.0
Costa Rica	Proportional representation: list system	YES Type 2: 40% quota for women in all public elections. Type 4: 40% quota for women in the National Liberation Party and the Christian-Social Unity Party; 50% in the Citizen Action Party.	35.1
Mozambique	Proportional representation: list system	YES Type 4: The Front for the Liberation of Mozambique has a 30% quota for women.	34.8
Belgium	Proportional representation: list system	YES Type 2: One third minimum quota for either sex; two top positions on party list cannot be held by members of the same sex. Type 4: 50% quota for women in Flemish Socialist Party and French Socialist Party.	34.7
Austria	Proportional representation: list system	YES Type 4: The Green Alternative has 50% quota for women; the Austrian People's party has 33.3% and the Social	33.9

		Democratic Party of Austria has 40%.	
Argentina	Proportional representation: list system	YES Type 1: Constitution establishes quota for women. Type 2: 30% of party's list must include women in winnable positions. Type 3: The capital and provincial laws include quotas. Type 4: Most parties adopted a 30% quota for women.	33.7
South Africa	Proportional representation: list system	YES Type 4: The African National Congress has a 30% quota for women, 50% quota for women on party lists at local level.	32.8
New Zealand	Mixed member proportional system	YES Type 4: Voluntary party quotas	32.2
Germany	Proportional representation: mixed-member system	YES Type 4: The Party of Democratic Socialism and the Greens have 50% quota; the Christian Democratic Union has 33.3%; the Social Democratic Party of Germany has 40%.	31.8
Guyana	Proportional representation	N/A	30.8
Burundi	Proportional representation	Yes Type 4: Legislated quota of 30% women candidates	30.5
Iceland	Proportional representation: list system	YES Type 4: The People's Alliance and the Social Democratic Party have 40% quota for women.	30.2
<p>Note 1: The following types of quotas are considered: Type 1 = Constitutional quota for national parliament Type 2 = Election law quota or regulation for national parliament Type 3 = Constitutional or legislative quota for subnational government Type 4 = Political party quota for electoral candidates.</p> <p><u>Sources:</u> UNRISD (2005); Inter-Parliamentary Union (2005).</p>			

At this point, political parties in more than fifty countries have adopted quotas that require “a minimum proportion of women on their party’s candidate list.”¹⁵⁸ The data show that the majority of the countries that have moved significantly toward achieving gender parity in parliament are relying on voluntary party quotas. Four conflict-affected countries – Rwanda, Mozambique, South Africa, and Burundi – are part of this elite group. Three had voluntary party quotas, with Burundi having introduced legislative quotas for its 2005 election. Rwanda has reinforced the voluntary party quotas with a constitutional guarantee, propelling the country to the top of the list. Until December 2005, Iraq was also part of the “critical mass club,” having used legislated party quotas to elect a parliament that had 31.5 percent women among its

¹⁵⁸ Dahlerup and Freidenvall, “Quotas as a ‘fast track’ to equal representation for women,” 26.

membership.¹⁵⁹ Thus, any parliament discussing electoral reform can draw on this clear evidence, which establishes the powerful impact of quotas. Drude Dahlerup has described quotas as being the “fast track” to greater gender equity in political representation as opposed to the slow evolutionary change observed in the Scandinavian countries.

Some parliaments are reluctant to adopt quotas. For example, in Liberia, the 2004 Electoral Reform Act, which would have established a 30 percent female candidate quota for political parties, “was overwhelmingly rejected by the 76 member NTLA – only four of whom were women.”¹⁶⁰ Even when parliaments favor gender equality, it is up to the political parties to reflect such a goal in their practices. In Macedonia, parliament adopted a “Declaration for promotion of gender equality in the decision making process.” Yet there have been no significant changes in women’s participation in decision-making, due to the fact that gender equality is not given a prominent place among the established priorities of the country’s political parties.¹⁶¹ The Balkans are demonstrating that voluntary party quotas do not always succeed in increasing women’s representation in parliament. Although a shift to legal quotas is under discussion, it is essential to strengthen the societal dialogue on the importance of gender balance in political decision-making. Transformation toward greater gender equality requires new thinking by men and women.

Further, it is well established that under a system of proportional representation female candidates are more likely to get elected than in single member district systems. Only two of the countries shown in the table above – Rwanda and Cuba - do not use proportional representation to elect their parliaments and are apparent exceptions to this rule. In both countries, however, special measures exist that favor women’s representation and thus “compensate” for the traditional hurdles posed by the electoral system. In the case of Rwanda, a constitutional quota reserves one-third of the seats in the Chamber of Deputies for women. Whereas Cuba has no official gender quotas, measures of positive discrimination operate behind the scene to increase women’s participation in the National Assembly. Cuba’s National Candidacy Commission, which determines the list of candidates for parliaments, selects candidates in a process that permits control over the gender composition of the lists. Since there is only one candidate for each parliamentary seat, voters do not choose between competing candidates and thus cannot discriminate against women.¹⁶²

Formal versus Substantive Change

Electoral and constitutional reforms that facilitate gender equality in political decision-making can serve as catalysts for change but need to gain the electorate’s support before they can become transformative. In cases when the improvement in a parliament’s gender balance is perceived to be the result of outside pressure or political elite agreements, such as in Iraq, Afghanistan, or Rwanda, there is particular concern that the formal changes in gender equality are easily reversed or will not translate into substantive achievements. For example, female participation in the Iraqi parliament declined from the 31.5 percent reached in January 2005 to 25.5 percent in the December election of the same year. In the last elections, less than the required 25 percent of women candidates were elected. The Iraqi Electoral Commission required

¹⁵⁹ Inter-Parliamentary Union, “The Participation of Women and Men in Decision-Making: The Parliamentary Dimension,” 4.

¹⁶⁰ Pajibo, “Liberia Case Study,” 13.

¹⁶¹ Ordanoski, “Macedonia Case Study,” 12.

¹⁶² Luciak, “Party and State in Cuba: Gender Equality in Political Decision-making,” 245.

the political parties to replace elected male candidates with women that were lower on the list until the constitutional quota was fulfilled. This indicates that support for gender equality in political decision-making has yet to take firm root in the mind of the Iraqi voters and their elected representatives. Indeed, according to Nasreen Berwari, currently serving as a minister in the Iraqi government, there is “significant danger that the quota will be eliminated” when the constitution is revised by the incoming government.¹⁶³

Apart from maintaining formal, legal gains, the real issue is a substantive one. It concerns the role Afghani and Iraqi women elected to parliament actually play in the daily functioning of the legislature and whether their presence in parliament makes a difference in the policy-making process. A crucial question that remains to be answered is whether parliaments that have become more representative in their gender composition in the wake of peace agreements and constitution building will actually incorporate a gender perspective in parliament’s core functions and implement their policies effectively. Alan Greig, Michael Kimmel and James Lang have emphasized that “the entry of a sufficient number of women into positions of political power and influence will help to make gender visible as a key governance issue and will challenge the masculinization of power,” while cautioning that “the entry of more women into positions of power within these structures may be a necessary but not sufficient condition for gender-equitable sustainable human development.”¹⁶⁴

The high-profile case of Rwanda is frequently used to focus the discussion on the question of formal versus substantive gains in gender equality. The record so far lends itself to conflicting interpretations. Supporters of the current government consider the impact of women’s participation in parliament considerable. Women’s presence is viewed as having made the parliament as a whole more gender-sensitive, whether on the issue of hunger, safe drinking water supply, or sexual violence.¹⁶⁵ Critical voices maintain, however, that despite the positive change toward greater formal gender equality, considerably more time and substantial political engagement is required for women to play a substantive role in the country’s key decision-making processes.¹⁶⁶

Most importantly, gender-sensitive policies passed by any of the worlds’ parliaments need to be actually implemented to have an impact on people’s lives. Experiences from the African continent and elsewhere provide a cautionary note. On the one hand, Africa is proud of its established record of progress. It is recognized that in terms of laws and political status, “women are making solid, even extraordinary, gains toward equality.”¹⁶⁷ Women’s equity commissions are widespread in sub-Saharan Africa’s forty-eight nations and in November 2005, the Protocol on Women’s Rights, ratified by fifteen African countries, took effect as part of the African Human Rights Charter. Nevertheless, a recent report by the United Nations Economic Commission for Africa found that the progress by African women in political mobilization, advocacy and government representation, is “not yet reflected in substantial changes in the lives of ordinary women.”¹⁶⁸ Assessments from other regions of the world raise similar concerns.

¹⁶³ Author’s interview with Nasreen Berwari – Iraq, New York, March 2, 2006.

¹⁶⁴ Greig, Kimmel and Lang, “Men, Masculinities & Development,” 11.

¹⁶⁵ Interview with Aloysia Inyumba, MP-Rwanda, Geneva, October 20, 2005.

¹⁶⁶ Munyandamutsa and Mugiraneza, “Rwanda Case Study,” 22.

¹⁶⁷ <http://www.nytimes.com/2005/12/30/international/africa>; December 30, 2005.

¹⁶⁸ United Nations Economic Commission for Africa, quoted in <http://www.nytimes.com/2005/12/30/international/africa>; December 30, 2005.

Parliamentary Alliance Building

Female parliamentarians across the world have been successful in efforts of coalition building across party lines. In Zimbabwe, the recently established Women's Parliamentary Caucus was successful "in bringing together women across party lines to work together to further the women's agenda and [confront] current challenges facing the sub-region, such as poverty, HIV-AIDS and gender equality."¹⁶⁹ The Ugandan Women's Parliamentary Association has also succeeded in working across party lines and has assumed "an active role in legislative debates on gender issues".¹⁷⁰ In Uruguay too, female parliamentarians got together to form a women's caucus that bridges ideological divides.¹⁷¹

Women parliamentarians in Rwanda established the first parliamentary caucus that reached across party lines and included both Hutus and Tutsis. It addressed issues of concern to women, regardless of their ethnic or party affiliation.¹⁷² This Forum of Women Parliamentarians "has been instrumental in examining gendered aspects of new legislation."¹⁷³ In Macedonia and Bosnia-Herzegovina, women get together in the Women's Parliamentary Club to discuss the impact of pending legislation on women and then take their concerns back to their political parties.¹⁷⁴

The Association of Women Parliamentarians and Ex-Parliamentarians in El Salvador has distinguished itself by successfully crossing ideological boundaries. Created in 2000, the organization demonstrates that Salvadoran legislators can work together effectively, regardless of their ideological convictions, to strengthen women's access to positions of political power. The successful Salvadoran experiment has already spawned emulators in the region. For example, in 2005, women parliamentarians from Panama used the Salvadoran statutes as a model when drafting rules to create their own association.¹⁷⁵

These efforts of alliance building have two main weaknesses. Successful alliances tend to be restricted in their work to a focus on strengthening women's political rights. Not surprisingly, it is easier for women parliamentarians to find consensus around strategies for strengthening women's political rights than to find common ground on issues that involve economic and reproductive rights.¹⁷⁶ Further, efforts of parliamentary alliance building generally do not include male parliamentarians. Men are still reluctant to openly work on behalf of gender equality.

Support for gender equality among male parliamentarians is at times superficial. It is not uncommon to find male parliamentarians who support gender equality measures because they perceive such support as the politically expedient thing to do. Karolina Ristova points to the

¹⁶⁹ UNDP, "Zimbabwe Case Study," 14.

¹⁷⁰ Bauer and Britton, "Women in African Parliaments: A Continental Shift," 20; Interview with Alitwala Kadaga, Deputy Speaker of Parliament-Uganda, Geneva, October 19, 2005.

¹⁷¹ Interview with Graciela Garcia, MP-Uruguay, San Salvador, October 7, 2005.

¹⁷² Bastick, "Ensuring Women's Involvement in the Full Reconciliation Process," 3.

¹⁷³ Bauer and Britton, "Women in African Parliaments: A Continental Shift," 20.

¹⁷⁴ Interview with Karolina Ristova, MP-Macedonia, Geneva, October 18, 2005; Interview with Ruza Sopta, MP-Bosnia-Herzegovina, Geneva, October 18, 2005.

¹⁷⁵ Interview with Gloria Salguero Gross - El Salvador, San Salvador, October 6, 2005.

¹⁷⁶ Hipsher, "Right and Left-Wing Women in Post-Revolutionary El Salvador," 134.

experience of her male colleagues in Macedonia's parliament who seek to be "politically correct and know that if you want to be modern" you need to voice support for gender equality in decision making.¹⁷⁷ Female parliamentarians from Serbia and Montenegro report similar attitudes. Women's participation in parliament "is considered necessary because of European Union standards, not because men support it."¹⁷⁸ Female parliamentarians at times complicate matters further by exhibiting exclusionary attitudes toward potential male allies.

Another impediment to strategic alliances in favor of gender equality is the fact that women are seen as competitors. When women assume a greater role in politics, they are correctly perceived as competing for the same positions of power.¹⁷⁹ In the opinion of Alitwala Kadaga, Uganda's deputy speaker of parliament, male parliamentarians "are not very keen" on women's participation.¹⁸⁰ In El Salvador, women's success in rising to powerful positions in political decision-making has led to a backlash. The gender focus has been instrumentalized, following a period when gender equality in several political parties was prioritized and women's representation in parliament increased.

Male militants across El Salvador's political parties feel increasingly threatened by the success women have in getting into positions of party leadership. Gloria Salguero Gross, a former speaker of the Salvadoran parliament from the governing ARENA party, summarized this reality succinctly: "The men don't want to give up their positions [of power]."¹⁸¹ Aloysia Inyumba, the first Minister of Gender and Family under the new Rwandan government, has correctly emphasized that societal transformation requires "attitude change" among men and women.¹⁸²

The challenges ahead are indeed great. The key to engendering democratic governance is to strengthen the commitment to gender equality among both male and female parliamentarians. Women's caucuses have been especially successful in bridging ideological boundaries and contributing to transformative change. However, only when women and men work together can societal transformation succeed.

The integration of men into traditional women's networks has its own perils. Margareth Mensah, the Vice-Chairperson of Namibia's National Council, articulates the view of many women who feel they "need a special place for women" in parliament to organize and thrive.¹⁸³ Edna Madzongwe, the speaker of Zimbabwe's parliament shared the experience of her female colleagues organizing special workshops on gender issues which are attended by men, while keeping the regular meetings of the Women's Caucus reserved for women.¹⁸⁴ Thus, the solution lies in the creation of *gender caucuses*. Women's space is best protected within traditional parliamentary networks, while gender caucuses that include women and men send the important signal that gender is not a synonym for women and that societal transformation has to be a joint

¹⁷⁷ Interview with Karolina Ristova, MP-Macedonia, Geneva, October 18, 2005.

¹⁷⁸ Interviews with Slavica Djukic-Dejanovic, MP-Serbia and Montenegro, and Zlata Radovanic, MP-Serbia and Montenegro, Geneva, October 18, 2005.

¹⁷⁹ Interview with Raquel Hernández, MP-El Salvador, San Salvador, October 4, 2005.

¹⁸⁰ Interview with Alitwala Kadaga, Deputy Speaker of Parliament-Uganda, Geneva, October 19, 2005.

¹⁸¹ Interview with Gloria Salguero Gross - El Salvador, San Salvador, October 6, 2005.

¹⁸² Interview with Aloysia Inyumba, MP-Rwanda, Geneva, October 20, 2005.

¹⁸³ Author's interview with Margareth Mensah, Vice-President of the National Council-Namibia, New York, March 1, 2006.

¹⁸⁴ Author's interview with Edna Madzongwe, President of the Senate-Zimbabwe, New York, March 1, 2006.

endeavor of both sexes.

Reaching out to Civil Society

It is parliament's role to represent the frequently divergent interests present in society and use its "ability to build relationships within parliament and within the broader community."¹⁸⁵ At this point in time, parliaments "often inadequately engage non-governmental actors."¹⁸⁶ At times, relations between civil society organizations and parliament are outright antagonistic. Leaders of the Pakistani parliament, for example, perceive non-governmental organizations as favoring donor over national interests.¹⁸⁷ The parliament in Namibia, on the other hand, enjoys a constructive amiable relationship with civil society groups.¹⁸⁸

Parliaments in conflict-affected societies, in particular, tend to have weak relations with their constituencies. Many parliamentarians seek contact with the voters only during election time. In order to strengthen their legitimacy, parliaments need to reach out to their constituents, "increasing relationships between parliament and other governance partners such as civil society."¹⁸⁹ Parliaments can employ different means to interact with civil society, including holding national dialogues, organizing public parliamentary hearings on proposed laws, or soliciting presentations by experts. Several African parliaments, including the ones of Somalia, Liberia, and Zimbabwe have been increasingly engaged with civil society organizations. Yet the initiative for these dialogues rarely comes from parliament.¹⁹⁰

From a gender perspective, the women's movement is a key ally in parliament's efforts to strengthen gender equality. Gender-sensitive policies passed by parliament often have their origin in proposals emanating from civil society, which in turn, has an interest in facilitating their implementation. For example, women's groups in many countries are actively engaged in campaigns against gender-based violence. As a result, parliaments in a number of post-conflict societies have strengthened their laws against domestic violence and can count on the support of women's groups to see these laws implemented.

Parliaments need to ensure institutionalized access to citizen's groups. Leaders of the women's movement across the work share the experience that once women leaders are elected to parliament, they frequently cease to be accessible, even to members of their former organizations. This is particularly remarkable in instances when these newly elected legislators continue to hold executive positions in the organizations that helped them get elected.¹⁹¹

Conclusion

¹⁸⁵ World Bank Institute (WBI) and Commonwealth Parliamentary Association (CPA), "Parliaments as Peacebuilders," 1.

¹⁸⁶ UNDP/Inter-Parliamentary Union, "Global Study Group Meeting: Final Report," 14.

¹⁸⁷ Author's interview with Nighat Agha, MP-Pakistan, New York, February 28, 2006.

¹⁸⁸ Author's interview with Margareth Mensah, Vice-President of the National Council-Namibia, New York, March 1, 2006.

¹⁸⁹ UNDP/Inter-Parliamentary Union, "Global Study Group Meeting: Final Report," 12.

¹⁹⁰ Van Brabant, "Strengthening Parliaments in Conflict and Post-Conflict Situations: Drawing on Select Experiences from Africa," 24.

¹⁹¹ Author's interview with Rosibel Flores, MP-El Salvador, San Salvador, March 5, 2004.

During the implementation phase of peace agreements parliaments have the potential to take on a central, institutional role. Parliaments need to exercise their oversight and legislative functions in ensuring an accord's full implementation. Recent experiences demonstrate that constitutional reform and new electoral laws passed in the wake of conflict present special opportunities to enshrine gender equality. Parliaments can demand that constitutional assemblies and other institutions involved in constitution writing are gender-balanced in their composition and inclusive in making the process itself participatory.

Peace holds the promise of transformation for parliament itself. The recent elections in Iraq, Afghanistan, Burundi, Rwanda, South Africa and Mozambique all demonstrate that rapid change toward more gender-balanced parliaments is possible. Constitutional and electoral quotas are playing a key role in bringing about this change.

Whereas the recent trend toward more gender-balanced parliaments in several conflict-affected countries is encouraging, it remains to be seen whether these formal achievements translate into substantive change. Are women's voices being heard and do gender-balanced parliaments effectively enact more gender-sensitive policies? In order to bring about lasting change to the institution and to society, parliamentarians – both women and men - need to strengthen current alliances and make them more inclusive, building bridges across ideological and gender boundaries.

V. Parliament's Role in Economic Reconstruction: A Gender Perspective

“Equality between men and women requires a transformation
of women's access to property.”¹⁹²

Governance crises, whether they involve armed conflict or simply mass protests, generally have their roots in the incapacity of governments to meet the economic needs of the citizens. Thus, economic reforms can play a crucial role in preventing or ameliorating conflicts. Parliaments have a responsibility to oversee and enact post-conflict economic policies. A recent report by the World Bank Institute (WBI) and the Commonwealth Parliamentary Association (CPA) emphasizes the central role parliaments need to assume in preventing and alleviating economic crisis in war-torn societies. It holds that “the role of parliament in conflict-affected countries becomes even more acute when considering the contribution parliaments make to poverty reduction and the well-recognized correlation between conflict and poverty...parliaments have a vital role to play in managing conflict not just by addressing contentious issues and relationships but by helping to avert poverty.”¹⁹³

The gender dimensions of poverty and poverty alleviation are well established. World Bank experts emphasize that “poverty exacerbates gender disparities” and assert that “gender inequality hinders economic development.”¹⁹⁴ How to specifically engender post-conflict macroeconomic policies remains a challenge, however, since this continues to be “an underresearched topic, especially in terms of case studies and policy recommendations.”¹⁹⁵

It is essential for parliaments to take gender into account when passing laws to alleviate economic crisis and strengthen economic reconstruction. Further, economic decision-making itself has to become more gender-balanced. Women continue to be significantly underrepresented. At the parliamentary level, as of 2005, only twenty women throughout the world held portfolios on finance and the budget.¹⁹⁶

Several countries have undertaken innovative approaches in gender budgeting to ensure that the needs of all citizens are considered. Gender budgeting initiatives need to inform poverty reduction programs and other efforts of economic reconstruction. A gender perspective is essential, whether parliaments enact plans to recover from natural catastrophes or revise laws in order to end restrictions on women's property rights. In order for women to be fully integrated into sustainable development efforts, many structural problems need to be addressed. Key among them is the crucial question of women's property rights.

¹⁹² Deere and León, *Empowering Women: Land and Property Rights in Latin America*, 23.

¹⁹³ World Bank Institute (WBI) and Commonwealth Parliamentary Association (CPA), “Parliaments as Peacebuilders,” 5.

¹⁹⁴ World Bank Policy Research Report, *Engendering Development: Through Gender Equality in Rights, Resources, and Voice*, chapter 2.

¹⁹⁵ Bouta, Frerks and Bannon, *Gender, Conflict, and Development*, 146.

¹⁹⁶ Inter-Parliamentary Union, “The Participation of Women and Men in Decision-Making: The Parliamentary Dimension,” 6.

Gender Budgeting

Over fifty countries have adopted gender budgeting initiatives, with about half of them having institutionalized such programs.¹⁹⁷ Winnie Byanyima has emphasized that current gender budget initiatives can not be considered full-blown budget plans but “are essentially monitoring and audit exercises. Within government, they bring attention to the issue of gender equity in the allocation of resources. For civil society advocates and parliamentarians, they are useful tools for calling for greater transparency of budget decisions and accountability to women.”¹⁹⁸ Gender budgeting is still a relatively new idea. Barbara Prammer, deputy speaker of the Austrian parliament, affirmed that parliamentarians in many industrialized countries consider the full implementation of gender budgeting a challenge and are not fully cognizant of its implications.¹⁹⁹

Gender-sensitive budgeting systems are being advocated in a number of countries throughout the developing world. For example, in Brazil, civil society works with women parliamentarians to advocate gender-responsive budgets.²⁰⁰ In the Philippines, women’s groups advocate the importance of gender budgeting and emphasize the crucial role legislative provisions play in pushing for gender equity.²⁰¹

The goal of these efforts is to transform the budget process itself, by “increasing the role of legislatures and civil society.”²⁰² Once parliamentarians are familiar with various budget models, and see the benefit of gender budgeting, they can become effective advocates for encouraging women and men to take an active role in economic reconstruction.

Transforming the Budget: Parliamentary Budget Initiatives in Africa

South Africa was among the first countries to introduce a gender perspective in its economic policy-making. The South African Women’s Budget Initiative was the result of a joint effort of parliamentarians, organized in the Joint Standing Committee on Finance’s Gender and Economic Policy Group, and several civil society organizations. The initiative focuses on the gender dimensions of taxation and expenditure and seeks to ensure that the budget process conforms to the principle of gender equity. The effort is participatory, involving discussions at the national and local levels of government and seeks input from citizens.

Uganda and Tanzania have joined South Africa in developing important gender budget initiatives. In Uganda, the Parliamentary Women’s Caucus joined forces with the Forum for Women in Democracy to develop a three-year gender budget initiative. As part of this effort,

¹⁹⁷ IPU/UNDP/World Bank Institute/UNIFEM, *Parliament, the Budget and Gender*, 69.

¹⁹⁸ Byanyima, “Politics, Good Governance and Gender: Gender Budgeting Experiences in Three African Countries,” 3.

¹⁹⁹ Author’s interview with Barbara Prammer, deputy speaker of the Nationalrat-Austria, New York, February 28, 2006.

²⁰⁰ IPU/UNDP/World Bank Institute/UNIFEM, *Parliament, the Budget and Gender*, 44.

²⁰¹ Reeves and Wach, “Women’s and gender budgets,” 14.

²⁰² IPU/UNDP/World Bank Institute/UNIFEM, *Parliament, the Budget and Gender*, 75.

women parliamentarians and civil society organizations organised workshops on the budget process for interested parliamentarians. A central theme of these workshops is to get a better understanding of the gender implications of structural adjustment policies.

In 1997, civil society groups in Tanzania joined forces in the Gender Networking Programme to apply a gender lens to the country's budget process. The network seeks to understand how spending decisions affect women's and men's access to basic services, including to health and education. Now it is parliament's turn to institute a comprehensive gender budget initiative.

Sources: Byanyima, "Politics, Good Governance and Gender," 6-9; World Bank Policy Research Report, *Engendering Development*, 270; IPU/UNDP/World Bank Institute/UNIFEM, *Parliament, the Budget and Gender*, 28.

Gender budget initiatives should not be limited to a country's annual national budget process but need to inform all areas of economic policy-making, including plans for poverty reduction or recovery efforts in the wake of natural disasters.

Poverty Reduction Strategy Papers

Poverty Reduction Strategy Papers (PRSP), initiated in 1999 and elaborated in a participatory process between local stakeholders and international financial institutions, determine the macro-economic and social policies a country pursues to promote growth and reduce poverty. About sixty countries have presented PRSPs to the International Monetary Fund or are in the process of completing their plan.²⁰³

The development of a poverty reduction plan constitutes an important opportunity to ensure that gender is taken into account as a key principle in the plan's design and subsequent implementation. At this point, most parliaments are not using their institutional prerogatives to insert themselves effectively into this aspect of economic reconstruction.

PRSPs are often explicitly conceived as operational frameworks to reach the Millennium Development Goals (MDGs).²⁰⁴ These goals constitute a broadly recognized legitimating basis for parliamentary efforts to engender economic policy. Parliamentarians view the millennium goals as an important mechanism to advance gender equality. Carmelita Ferreira and Farkhonda Hassan, who are, respectively, members of the parliaments of Suriname and Egypt, affirmed this recently.²⁰⁵

While country progress reports on poverty reduction plans acknowledge the important role parliament has to play in monitoring the implementation of economic policy, they recognize

²⁰³ International Monetary Fund, "Poverty Reduction Strategy Papers," <http://www.imf.org/external/np/prsp/prsp.asp> (Accessed March 19, 2006).

²⁰⁴ International Monetary Fund, "Poverty Reduction Strategy Papers," <http://www.imf.org/external/np/prsp/prsp.asp> (Accessed March 19, 2006).

²⁰⁵ Author's interview with Carmelita Ferreira, MP-Suriname, New York, March 1, 2006; Presentation by Farkhonda Hassan, Panel on "Arab Women in Politics" organized by UNIFEM, New York, March 2, 2006.

that legislative bodies are not sufficiently involved. For example, Cambodia's 2004 progress report points to the role of parliament in launching the country's strategy and states "a need for strengthening the capacity of Parliament to allow for meaningful monitoring."²⁰⁶

The inclusion of a gender perspective into poverty reduction plans, helps countries to recognize that gender disparities constitute structural barriers to poverty alleviation. Cambodia's report identifies women and men's "unequal access to education, paid employment, and land ownership" as key problems. It acknowledges that women's marginalization leads to their "poor reproductive health, vulnerability to HIV and trafficking" and puts them in a disadvantaged position in the home and society.²⁰⁷

Parliaments need to closely monitor the implementation of poverty reduction plans to ensure that economic policies benefit men and women equally. Country progress reports are filled with references on "gender," yet there is justified concern that women continue to suffer disproportionately in the wake of conflict and ensuing economic crises. For example, the 2002 country document from Serbia and Montenegro entails explicit discussions of gender but it remains to be seen how this analytical progress translates into economic improvements at the grassroots level.²⁰⁸

Neo-liberal structural adjustment policies have eroded the already limited social safety network existing in post-conflict societies. For example, Elaine Zuckerman and Marcia Greenberg have emphasized the gendered impact of structural adjustment programs on women's education: "Women and girls often have less opportunity for schooling than men in general, but in post-conflict contexts these disparities are exacerbated by structural adjustment cutbacks in public expenditures that force many young girls to care for families and seek informal-sector employment, denying them the opportunity to attend school."²⁰⁹

The lack of information on the gendered impact of economic crises continues to be a problem. Argentina confronted this issue recently, when the United Nations Committee on the Elimination of Discrimination against Women discussed the country's CEDAW report in August 2002 and "noted the lack of information provided on the impact of the [2001] economic crisis on the female population."²¹⁰ Argentina was urged to investigate and complied in an exemplary fashion. As a result of a governing crisis that started in 1999 the country had experienced a significant increase in poverty. By 2002, more than half of the population was living under conditions of poverty or extreme poverty. The information supplied by the Argentine government showed that households headed by women had been disproportionately affected.²¹¹ For example, the gender-disaggregated data revealed that "in non-poor households, unemployment among women with children was higher than among men," whereas in the case of poor heads of

²⁰⁶ International Monetary Fund, "Cambodia: Poverty Reduction Strategy progress, Report," 113.
<http://www.imf.org/external/np/prsp/prsp.asp> (Accessed March 19, 2006).

²⁰⁷ International Monetary Fund, "Cambodia: Poverty Reduction Strategy Progress Report," 113.
<http://www.imf.org/external/np/prsp/prsp.asp> (Accessed March 19, 2006).

²⁰⁸ International Monetary Fund, "Serbia and Montenegro: Poverty Reduction Strategy Paper."
<http://www.imf.org/external/np/prsp/prsp.asp> (Accessed March 19, 2006).

²⁰⁹ Zuckerman and Greenberg, "The gender dimensions of post-conflict reconstruction," 76.

²¹⁰ United Nations Committee on the Elimination of Discrimination against Women, "Argentina: Follow-up to the fourth and fifth periodic reports of States parties," 4.

²¹¹ *Ibid.*, 7.

households, unemployment rates were higher among men.²¹² The Argentine experience demonstrates that a gender lens can help governments to recognize the differential impact economic crises have on women and men and assist them in designing effective poverty relief policies.

Gender Considerations in the Wake of Natural Catastrophes

Parliaments can assure that relief operations and economic reconstruction efforts carried out in the wake of devastations caused by nature take gender-specific needs into account.

Transforming Disaster Relief: The Impact of Natural Disasters on Women

The 2004 Tsunami in Asia, the 2005 earthquake that destroyed parts of Kashmir, as well as the 2001 Salvadoran earthquakes or the devastation caused by Hurricanes Mitch (1998) and Stan (2005) in Central America, highlight the importance of taking gender into account when designing reconstruction policies in the wake of disasters. Women are more likely to die in natural disasters, relief efforts frequently do not take their gender-specific needs into account, and their voices tend to be excluded from reconstruction efforts.

According to estimates collected by the Global Fund for Women, the 2004 Tsunami killed three times more women than men. Early reports from Pakistan also show that in the earthquake more women were killed than men. Interestingly, experiences from across the world indicate that women are the first to mobilize in the wake of disasters. In 1998, Central American women took the lead in the rebuilding efforts after Hurricane Mitch, and reports from Banda Aceh show that “more than 70% of the local civil organizations working in the area were women’s groups or groups mostly staffed by women. However, women are rarely included in policy- and decision-making and frequently go unrecognized for their critical roles.”

Source: Chew and Ramdas, *Caught in the Storm*, 1-8.

Nighat Agha, who chairs Pakistan’s Senate Committee on Social Welfare and Special Education, also affirmed that the gender implications of the massive rebuilding required after the earthquake are not a consideration in the Pakistani parliament.²¹³ Experiences from the Central American region further confirm the gender blindness of relief efforts.

In El Salvador, the government did not incorporate gender into disaster relief planning in the wake of the two devastating 2001 earthquakes. The Salvadoran parliament does not embrace gender budgeting and the parliamentary committee in charge of economic policy does not focus on gender. This reality impacts on parliamentary decision-making concerning economic problems arising from natural disasters. Gloria Salguero Gross, the current Commissioner for Democratic Governability in the Salvadoran Government, acknowledged that during the October 2005 floods that devastated the country, gender considerations did not inform the government’s response to the crisis.²¹⁴ When individual women representing parties on the left and members of civil society organizations met to discuss the crisis from a gender perspective, their efforts received no support from parliament.²¹⁵ In Guatemala, which suffered even worse human and economic

²¹² Ibid., 8.

²¹³ Author’s interview with Nighat Agha, MP-Pakistan, New York, February 28, 2006.

²¹⁴ Interview with Gloria Salguero Gross - El Salvador, San Salvador, October 6, 2005.

²¹⁵ Interview with Nidia Diaz, MP-Central American Parliament, San Salvador, October 6, 2005.

losses than El Salvador from the same storm system, parliament was equally unresponsive to the need to consider the gendered impact of the crisis.²¹⁶

At this point, parliamentarians who understand the need for a greater emphasis on the gendered impact of economic policies are in the minority. Women's organizations on several continents have been on the forefront of efforts to put a gender perspective on the economic decision-making agenda. The women's movement has been especially interested in bringing the gendered insecurity of land tenure to parliament's attention.

Gender and Property Rights

Land reform is a key ingredient of any post-conflict reconstruction effort. Gender is always a contentious issue when property rights are concerned. In many countries women lack full citizenship rights, including the right to own and inherit property.

Parliaments are called upon to enact laws and institute reforms to end gender discrimination in the area of property rights. Peace agreements, in particular, present parliaments with important opportunities to institute change, since such accords generally address land issues that are at the heart of many conflicts.

Donna Pankhurst and Jenny Pearce maintain that peace negotiations led by male negotiators have resulted in women being disadvantaged in agreements reached concerning land reform. The authors argue that "in Nicaragua, deals between Sandinistas and the Contras often specifically excluded women from owning land, even though the war left many widows and single mothers."²¹⁷ Similarly, in Bosnia-Herzegovina, women suffered in the wake of the peace accords because prevailing laws did not give them full property rights.²¹⁸ Women are also discriminated against in Burundi, where a married woman, contrary to her brother, is precluded from inheriting after her parents."²¹⁹

Post-conflict societies often establish formal guarantees for equal property rights. For example, the Rwandan parliament passed legislation that guaranteed women and men equal rights to property and inheritance.²²⁰ The Liberian parliament also recognized the rights of women to inherit the property of their deceased husbands, rectifying an injustice of customary law.²²¹ Yet legal remedies are frequently not effective, since the question of property rights tends to be an area "where customary law and legal rights diverge."²²²

In many countries, including Uganda, Rwanda and Namibia, customary laws often prevail over the legal protections enacted by parliament.²²³ Frequently, in-laws deprive widows of the property they have legally inherited from their husband. Thus, parliaments need to ensure

²¹⁶ Communication with Silvia Solórzano - Central American Parliament, San Salvador, October 6, 2005.

²¹⁷ Pankhurst and Pearce, "Engendering the Analysis of Conflict," 161.

²¹⁸ Kvinna till Kvinna, *Engendering the Peace Process*.

²¹⁹ Ndayiziga, "Role du Parlement Burundais Pendant le Conflit," 23.

²²⁰ Zuckerman, "Macroeconomic Policies and Gender in the World Bank."

²²¹ Pajibo, "Liberia Case Study," 13.

²²² Bouta, Frerks and Bannon, *Gender, Conflict, and Development*, 80.

²²³ Zuckerman and Greenberg, "The gender dimensions of post-conflict reconstruction," 72.

that the equal right to own property enshrined in constitutional or civil law is upheld at the grassroots level.

Parliaments need to take a comprehensive view when instituting land reform. Access to land ownership is a necessary but not sufficient condition for the successful integration of women into economic reconstruction. Women are also discriminated against in their access to credit and are often neglected when landowners are offered technical assistance by government extension agencies. Conditions imposed by lending institutions, such as literacy requirements, make it more difficult for women than for men to get access to credit. The evaluation of land distribution programs that were established in the wake of peace accords, have shown that female beneficiaries have difficulties in obtaining the credit necessary to successfully cultivate their land.

Conclusion

Parliaments have a responsibility to oversee and enact post-conflict economic policies. Sustainable development requires parliaments to take gender into account when passing laws to alleviate economic crisis or enacting policies to strengthen economic reconstruction. Although several countries, from Brazil to Southern Africa, have undertaken innovative approaches in gender budgeting to ensure that the needs of all citizens are considered, gender budgeting initiatives are only beginning to inform poverty reduction programs and other efforts of economic development. In general, parliaments frequently remain on the sidelines of economic reconstruction. Gender is of crucial concern, whether parliaments enact plans to recover from natural catastrophes or revise laws in order to end restrictions on women's property rights. Land reform is of particular importance in war-affected societies that seek to fully incorporate women into economic reconstruction.

VI. Conclusions and Current Trends

“Transforming parliament is a journey and not a destination.”²²⁴

Syringa Marshall-Burnett, President of the Senate, Jamaica

Parliament’s Role in Conflict Prevention and Peace-Making

Peace negotiations constitute a crucial entry point for considerations of gender justice. A gender-sensitive peace process requires a more balanced gender composition of the negotiating teams and insistence that the gender dimensions of a conflict are taken into account during the negotiation process. Parliament can play a central role in ensuring that a gender perspective informs peace agreements. Parliamentarians need to insert themselves early on into official peace negotiations and gain visibility for the institutional contributions the legislature can bring to the process. The claim for the inclusion of parliamentary representation in formal peace negotiations rests on the legitimizing function parliament confers. Parliament also constitutes a key forum for the discussion of peace initiatives advanced by civil society. Further, parliament is central in ratifying accords once they have been concluded and in conveying the contents of peace agreements to their constituents. Through active involvement in the peace process, parliamentarians can serve as effective advocates for inclusive, gender-sensitive DDR processes. By emphasizing the importance of gender-balanced negotiation teams and ensuring that gender informs all agreements that are concluded, parliament can set the stage for a successful transformation of society toward greater gender justice.

At the present time, parliaments play only a limited institutional role in conflict prevention and peace making and do not fully realize their potential. Yet there are encouraging examples of successful parliamentary initiatives, including experiences from Lebanon, Bangladesh, and Ukraine. In general, the current individual involvement of parliamentarians in peace processes needs to be broadened to an institutional level.

Parliament’s Role in Rebuilding the Social Sphere

Parliaments have a vital role in ensuring that gender considerations are given weight in the administration of post-conflict justice. From South Africa to East Timor, they are involved in the creation of truth and reconciliation commissions as well as special courts. Parliament can serve as a forum to highlight the complexities of gender-based violence during and after conflict and emphasize the need to direct attention to both female and male survivors of sexual violence. It can also insist on equal access for men and women to proceedings before truth commissions and special courts. Parliaments need to apply a gender lens when revising existing laws and creating new ones in an effort to strengthen the administration of post-conflict justice. The restructuring of the security sector in the wake of conflict is an important opportunity for parliament to change the gender composition of police and military forces and make them more gender-sensitive. A transformation toward inclusive security requires changes in the gender composition of parliamentary committees dealing with security policy.

²²⁴ Remark by Syringa Marshall-Burnett, President of Jamaican Senate, during the meeting “Gender Equality on the Legislative Agenda: The Role of Women Presiding over Parliaments,” Inter-Parliamentarian Union, on occasion of the 50th Session of the Commission of the Status of Women, New York, February 27, 2006.

Parliaments in conflict-affected societies are starting to take greater initiative in social reconstruction. Particularly in the creation of truth commissions, there are encouraging signs of parliamentary involvement. South Africa and East Timor represent recent cases of parliaments making important contributions in this regard, and Rwanda demonstrates the potential for parliamentary innovation in the creation of post-war special courts.

Parliament's Role during Political Reconstruction

During the implementation phase of peace agreements parliaments have the potential to take on a central, institutional role. Parliaments need to exercise their oversight and legislative functions in ensuring an accord's full implementation. Recent experiences demonstrate that constitutional reform and new electoral laws, passed in the wake of conflict, present special opportunities to enshrine formal gender equality. Parliaments can assert their authority in demanding that constitutional assemblies and other institutions involved in constitution writing are gender balanced in their composition and inclusive in making the process itself participatory. In order to be successful, parliamentarians need to strengthen current alliances and build bridges across ideological and gender boundaries.

Parliaments are playing a central role in rebuilding their societies. The recent elections in Iraq, Afghanistan, Burundi, Rwanda, South Africa and Mozambique, all demonstrate that parliaments can become more gender balanced under difficult conditions. Constitutional and electoral quotas are playing a key role in bringing about this change.

Whereas the recent trend toward more gender-balanced parliaments in several conflict-affected countries is encouraging, it remains to be seen whether these formal achievements translate into substantive change. Are women's voices being heard and do gender-balanced parliaments effectively enact more gender-sensitive policies? The improved gender composition of many post-conflict parliaments has yet to translate into a new gender consciousness espoused by parliamentarians themselves. Parliamentary alliance building between women and men is in its infancy. Parliaments in conflict-affected societies often fail to adequately engage non-governmental actors and tend to have weak relations with their constituencies. Women's organizations, in particular, need to be recognized as potential allies in the struggle toward greater gender justice.

Parliament's Role in Economic Reconstruction

Parliaments have a responsibility to oversee and enact post-conflict economic reconstruction. Since poverty and gender inequality are linked, sustainable development requires parliaments to take gender into account when passing laws to alleviate economic crisis and rebuilding a country after war. Gender-budgeting initiatives are an important way to highlight the impact of economic decision making on men and women. Gender is of crucial concern, whether parliaments enact plans to recover from natural catastrophes or revise laws in order to end restrictions on women's property rights. Land reform is of particular importance in war-affected societies that seek to fully incorporate women into economic reconstruction.

Parliaments in several war-affected countries are part of innovative gender budgeting initiatives but their role remains limited. Parliamentarians need to be more active in ensuring that poverty reduction programs have a gender perspective and monitor the implementation of these programs. Parliaments are mostly relegated to the sidelines of economic reconstruction. Institutional change could serve a good starting point for greater involvement in economic reconstruction. For example, parliaments need to address the current gender imbalance of parliamentary committees that deal with economic decision-making.

Concluding Principle:

The institutionalization of a gender perspective in all aspects of parliament's endeavors needs to be part of an agenda that includes female and male parliamentarians. The gender dimensions of conflict and recovery can only be fully addressed as part of a broad transformative process that changes the power structure of current gender relations. Working with male and female parliamentarians as agents of change is central. Without a fundamental change in political beliefs, any improvement in gender equality is likely to be of a temporary nature. In the end, a transformation toward greater gender equality is only possible if women and men work together to change societal consciousness.

VII. Recommendations

A. *For Parliamentarians*

- Parliamentarians – both men and women - need to be receptive to systematic and sustained gender awareness training:
Parliamentarians need to join the discussion on gender justice and take advantage of capacity-building opportunities.
- Use parliament as a forum to highlight the importance of bringing a gender perspective into the peace process:
Parliament can be used as an effective forum to inform citizens about the importance of gender-inclusive peace processes. Parliament can monitor official peace negotiations and give voice to informal initiatives emanating from civil society.
- Insist on gender-balanced negotiating teams to formal peace negotiations:
Specifically, parliamentarians can seek to influence the composition of the government's negotiating team. In cases where parliament itself has gained representation at the peace table, it needs to send a gender-balanced delegation.
- Monitor the implementation of peace agreements and use the oversight function to ensure that gender provisions are fully implemented:
Parliaments can use their oversight function to closely monitor the implementation of peace accords. Discuss the peace accords in the appropriate committees.
- Demand that the composition of truth commissions and special courts is gender-balanced and monitor their operations:
Parliament passes enabling legislations for the creation of such bodies and can demand a gender-sensitive process.
- Reform the judicial system to more effectively combat gender-based violence:
Gender-based violence tends to increase in the post-war context and deserves parliament's special attention.
- Insist on the incorporation of international treaties and conventions that protect women's rights, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) into new constitutions:
Parliamentarians seeking to strengthen gender equality as part of a constitution-writing process, can effectively center their efforts on anchoring international instruments in new constitutions.
- Advocate the inclusion of electoral gender quotas into new constitutions and include them into electoral laws:
The constitutional and legal protection of gender quotas greatly reinforces voluntary commitments and reduces the risk that a shift in the political climate adversely affects gender equality in political decision-making.
- Focus on the gender implications of electoral systems:
When enacting electoral reform in the wake of conflict, parliaments need to consider the advantages proportional representation offers for strengthening the gender balance in political decision-making.

- Advocate the adoption of voluntary gender quotas by political parties:
Voluntary party quotas are an effective means of strengthening women's representation. Parliaments regulate political parties by defining the requisites for their legal status, finances and structure. Thus, political party laws enacted by parliament can facilitate and encourage greater gender equality.
- Establish a gender caucus in order to institutionalize efforts of coalition-building:
Parliamentary coalition building for gender mainstreaming needs to include women and men. Both sexes need to be part of the dialogue on the importance of gender justice. A gender-balanced executive committee should chair such a caucus and the caucus should aim for gender balance in its composition.
- Be accessible to potential allies from civil society:
Parliamentarians need to be accessible to civil society organizations that can be allies in the struggle for greater gender equality. This is particularly true for women's organizations.
- Introduce and strengthen gender budget initiatives:
Gender budget initiatives are important opportunities for parliamentarians to better understand and serve the gendered economic needs of their constituents. Gender has to inform parliamentary decision-making concerning all aspects of economic planning and reform.
- Make parliamentary committees more gender-balanced:
Gender-inclusive committee structures, particularly on economic and security matters, make it more likely that the needs of all constituents are fully considered.

B. For the International Community

- Provide support for systematic and sustained gender awareness capacity-building:
"Gender" remains a foreign concept for many parliamentarians. Continued donor support for workshops and other education activities that provide parliamentarians with opportunities to learn about gender in conflict and recovery is essential. Support for workshops that include women and men is essential. Men and women need to have a knowledge base, in order to be effective advocates for greater gender equality.
- Support gender experts teams that include women and men:
When supporting parliamentary activities in support of gender equality, it is essential that the expert teams themselves be gender balanced. This serves more than a symbolic function. Such teams are more likely to truly consider the *gender implications* of proposed activities, as opposed to a more limited focus on the needs of women.
- Insist on the importance of gender-inclusive peace processes:
Donor support for gender-balanced peace negotiation teams and insistence that any agreement has to fully incorporate a gender perspective strengthens the legitimacy of similar demands coming from parliament and civil society.
- Support parliamentary exchanges on gender-inclusive peace processes:
Parliamentarians have greatly benefited from learning about successful experiences from

other countries and regions. Such efforts should be expanded.

- Insist on gender balance when supporting constitution-writing processes:
Constitutional assemblies and drafting committees need to be more gender-balanced. Women and men need to be fully included into constitution writing processes.
- Continue support for parliamentary women's associations:
Women's caucuses represent important venues for alliance building. Current efforts to support women's networks are bearing fruit and should be expanded.
- Support parliamentary activities that provide women's groups with opportunities to enter into a dialogue with parliament:
Logistical support for such activities can facilitate access to parliament by women's groups.
- Support capacity building for women and men on gender budgeting:
Parliamentarians of both sexes benefit from learning opportunities on the implications of gender budgeting.
- Support the creation of parliamentary gender caucuses:
Male parliamentarians need to be brought into the dialogue on gender justice. Only an effective alliance between women and men can transform parliament and society toward greater gender equality.

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