



Accord spotlight
an international review of peace initiatives

Gendered political settlements

Examining peace transitions in
Bougainville, Nepal and Colombia

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Gendered political settlements: examining peace transitions in Bougainville, Nepal and Colombia

Author: Sophia Close

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Conciliation Resources
Burghley Yard, 106 Burghley Road
London NW5 1AL

www.c-r.org

Telephone: +44 (0) 207 359 7728

Email: accord@c-r.org

[Facebook.com/ConciliationResources](https://www.facebook.com/ConciliationResources)

[Twitter.com/CRbuildpeace](https://twitter.com/CRbuildpeace)

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Cover photo: Nepali Hindu women dancing during the Teej festival at the Pashupatinath Temple premises in Kathmandu. Teej is the biggest festival for Hindu women in Nepal.

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About the report

Based on analysis of three contexts (Bougainville, an autonomous region of Papua New Guinea, Nepal and Colombia) this report explores how gender inclusion – meaningful participation at all levels of decision making, regardless of a person’s gender identity – is negotiated in elite-led peace processes and political settlements in conflict-affected contexts, and how international and national actors can support it effectively.¹

This practice-based research draws on participatory workshops and consultations that were organised jointly with Conciliation Resources’ partners in the three contexts. It also builds on broader guidance, published simultaneously by Conciliation Resources, which extends understanding of how peace processes facilitate inclusion, including horizontal and vertical inclusion, in particular non-elite groups.²

This report specifically examines the strategies used by different gender groups and social movements, particularly women, to inform, leverage or influence the political settlement. This research connects gendered power relationships between and within elites and non-elites. It shows the relationship between gender power dynamics in families, homes and communities and gender power dynamics in the structures and institutions associated with formal peace processes and peace agreement negotiations. It studies the impact of violence and discriminatory gender norms in conflict-affected contexts. And it suggests how international organisations can support the meaningful participation of diverse gender, identity and social groups at all levels of peace processes, particularly where gendered inclusion has not had traction.

This report builds on research within the political settlements literature, including O’Rourke’s ‘gendering political settlements’ and Bell and Pospisil’s ‘formalised political unsettlement’, which conclude that the root causes of violence, including gender inequalities, are rarely fully addressed in any peace process.³ Instead the disagreement at the heart of the conflict into a set of political and legal institutions that ‘contain’ conflict rather than establish shared values – often perpetuating gender exclusion.

The report is structured around:

- Key findings and implications for practice;
- Background;
- Methodology;
- Comparing case studies;
- Detailed findings; and
- Conclusion.

1. The UK Department for International Development (DFID) (2010: 22) defines political settlements as: “the expression of a common understanding, usually forged between elites, about how power is organised and exercised. They include formal institutions for managing political and economic relations, such as electoral processes, peace agreements, parliaments, constitutions and market regulations. But they also include informal, often unarticulated agreements that underpin a political system, such as deals between elites on the division of spoils. Political settlements establish the basic rules governing economic relations and resource allocation.”
2. See: Yousuf, Zahbia. *Navigating inclusion in peace transitions: beyond elite bargains* (London: Conciliation Resources, 2018)
3. Bell, Christine & Jan Pospisil. ‘Navigating Inclusion in Transitions from Conflict: The Formalised Political Unsettlement’, *Journal of International Development*, Vol. 29 No. 5: (2017): 576–593; O’Rourke, Catherine. ‘Gendering Political Settlements: Challenges and Opportunities’. *Journal of International Development*, Vol. 29 No.5 (2017): 594–612

Key findings and implications for practice

Participation of women and other excluded groups in peace talks and political bargaining is important for sustainable peace. Clear opportunities to support gender inclusion exist in all phases of a peace process – before, during and after a peace agreement. However in the short to medium term, inclusion has been limited in terms of both level and breadth. The impact of inclusion risks being mainly symbolic if not complemented by other initiatives that incentivise change in gender norms. There is no one ‘remedy’ or ‘moment’ to ensure greater inclusion. The early insertion of mechanisms for inclusion into peace negotiations, agreements and implementing institutions can imbed more meaningful change, providing leverage points for lobbying and other affirmative action.

- 1. Deliberately building practical forms of inclusion into peace negotiations, agreements and implementing institutions are ways to seize the opportunities for inclusion during and immediately after the negotiation of a peace agreement.** Change is iterative: there is no one ‘remedy’ or ‘moment’ to ensure greater inclusion in any peace process. Technical measures – including constitutional reform processes, quotas and reserved seats – negotiated in the immediate post-peace agreement period – have driven greater representation of women and other gender groups and greater inclusion of gender issues. However, while gains have been achieved, some have been rolled back. These measures do not necessarily enable widespread influence and have not fundamentally shifted gender inequalities.
- 2. Using an intersectional approach to peacebuilding can help identify patterns of multidimensional and persistent gender discrimination.** This can be a basis for more targeted and systematic responses. Women and other excluded groups experience multiple forms of discrimination related to their diverse gender identities. These exacerbate social, legal, economic and cultural, as well as political marginalisation. And violent conflict compounds discrimination. Intersectional approaches help to understand the multiple ways that systems of power – such as ethnicity, class, ability, sexual identity, indigeneity and geographic location – interact with gender to determine who is included in peace processes and who faces persistent exclusion. Unless explicitly addressed, these forms of discrimination continue to be embedded in the new political settlement.
- 3. Longer timeframes and complementary initiatives at all levels of a peace process are needed to overcome resistance to change.** Political settlements are shaped by formal and informal systems of power, which remain deeply contextual and take long periods of time to shift. In many instances, increases in participation have facilitated shifts in gender roles and norms but the underlying political settlement has proved resistant to change. Typically, decision-making continues to take place in informal institutions and structures (faith, customary and family), which tend to be dominated by older, elite men. Existing systems and institutions maintain the status quo gender norms and tend to uphold forms of political settlement that are not inclusive.
- 4. Women and other excluded groups working in civil society organisations often create and sustain spaces for inclusive change.** During and after conflict women and other excluded gender groups have led and been strongly represented within non-state and civil society organisations, but nevertheless remain excluded from many formal institutions and processes of power. They have worked creatively to successfully influence the peace process and the political settlement but this work is difficult to sustain, risky to undertake, and requires support.



Women from the highly marginalised Badi community at a protest rally in Kathmandu, August 2007. © Kiran Panday

5. International frameworks and standards are useful to leverage for inclusion. However, they need to be complemented by homegrown, bottom-up perspectives, approaches and priorities. International standards have been leveraged by women and other excluded groups, both to gain influence in peace negotiations and guarantee gendered recommendations in agreements, as well as ensure constitutional and other legal and political frameworks support practical forms of inclusion. Yet implementation has been challenging: international standards are often perceived as external, top-down and threatening, and have been used to defend the status quo and challenge progressive agendas.

6. Support from international organisations to local activists in the form of solidarity, funding, capacity and network building is invaluable, but needs to be based on gender-sensitive analysis. International solidarity and support has been critical to achieving local forms of inclusion. However, the assistance has also been problematic, exacerbating community and national level tensions. International organisations rarely undertake gender-sensitive analysis. Yet this is essential to ensure an intersectional approach, to target programming and policy on inclusion and to avoid unintended negative impact.

Background

The findings and conclusions in this report are based on three gender workshops facilitated by Conciliation Resources and our partners in three contexts, in Colombia (April 2016), Nepal (April 2016) and Bougainville (April 2017).⁴ Each workshop focused on examining how diverse gender groups in conflict-affected contexts understand and experience change in transition processes.

Evidence shows that the normative participation of women in formal peace negotiations can positively impact the initial cessation of violence and the sustainability and effectiveness of peace agreements.⁵ There is much less evidence on the gendered nature of political settlements and the roles women and other excluded groups play at all levels of the peace process. How this translates into influence, and – ultimately – gender equality in the post-peace agreement political settlement needs further investigation. To grasp the possibilities for promoting inclusion, a greater understanding of the gendered aspects of political settlements is necessary.

The question of power is at the root of both political settlements and gender. The study of political settlements aims to understand how formal structures and institutions are shaped and controlled by both informal (i.e. customary, faith or private sector leaders) and formal (i.e. political or military) actors.

Much political settlements research ignores gender or creates false binaries – constituting elites as male with a particular type of masculinity, usually military, and non-elites as female.⁶ This research examines non-elite perspectives of

peace processes to show how this false binary privileges male elites and entrenches male interests to the detriment of women and other excluded groups.⁷ This research also challenges the binary between public (political) and private (family and community) spheres of power.

Workshops explored how effective peace processes have been in securing inclusive outcomes, and what might have been the necessary components for these successes. It investigates the ways in which women and other excluded groups challenge and expand political settlement frameworks through social movements and organised activism. In each context we reviewed how violence (or the threat of violence) against women and other excluded groups affects their ability to engage in the bargaining process in political settlement.

At a global policy level many actors – multilaterals (i.e. the UN), bilaterals (national donor governments) and civil society – promote inclusion, particularly of women, in peace negotiations with the aim to increase the sustainability and effectiveness of peacebuilding.⁸ Targeted policy and aid instruments have been developed to achieve this (for example, 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and United Nations Security Council Resolution (UNSCR) 1325 and associated resolutions).⁹ We asked participants to what extent they used these international standards to further their inclusion aims and questioned how, in the contexts in which they work, international actors could better tailor their support to gender inclusion.

4. These three workshops and subsequent reports are part of a four-year research programme, the Political Settlements Research Programme (PSRP) funded by the UK Department for International Development and implemented by a Consortium led by the University of Edinburgh, and includes: Conciliation Resources; the Rift Valley Institute; the Institute for Security Studies; and the Transitional Justice Institute.
5. Paffenholz, Thania et al. *Preventing Violence through Inclusion: From Building Political Momentum to Sustaining Peace* (Geneva: Inclusive Peace & Transition Initiative/The Graduate Institute of International and Development Studies, November 2017)
6. Ni Aolain, Fionnuala. 'The Relationship of Political Settlement Analysis to Peacebuilding from a Feminist Perspective', *Peacebuilding*. Vol. 4 No. 2 (2016): 151-165; O'Rourke, Catherine. 'Gendering Political Settlements: Challenges and Opportunities'. *Journal of International Development*, Vol. 29 No.5 (2017): 594-612
7. See: Yousuf, *Navigating inclusion in peace transitions*.
8. See: United Nations & World Bank. *Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict* (2018).
9. See: Council of the European Union, (2008). *Comprehensive approach to the EU implementation of the United Nations Security Council Resolutions 1325 and 1820 on women, peace and security*; Department for International Development (2017). *Building Stability Framework*; Department for International Development, Foreign and Commonwealth Office, Ministry of Defence (2018) *UK National Action Plan on Women, Peace & Security 2018 – 2022*.

Methodology

The methodology for each workshop was grounded in Conciliation Resources' *Gender and Conflict Analysis Toolkit*, which provides tools to strengthen understanding of how gender differentiates experiences and perspectives of violence and the causal factors for this violence.¹⁰ This process allowed participants to explore assumptions regarding gender roles, behaviours and expectations, and challenge unequal power relations, systems and institutions.

Conciliation Resources worked with partners in Colombia, Nepal and Bougainville to co-design and co-facilitate each workshop to navigate sensitivities and to contextualise questions on political settlement. This practice-based approach was innovative, as the majority of political settlements research has been theoretical and internationally or nationally focused. Workshops were primarily conducted in local or national languages (Tok Pisin, Nepali, Spanish) to enable deeper, more contextualised discussions.¹¹ This report also draws on a range of secondary literature, which is cited throughout.

This analysis is intersectional; workshop participants included indigenous women, women from ethnic minorities and women from diverse faith groups and geographic locations. It also incorporates other excluded groups, such as gender and sexual minorities and young women and men.¹²

In Colombia we worked with our long-term partners CIASE (*Corporación de Investigación y Acción Social y Económica: Social and Economic Action and Research Corporation*), a national network of Colombian peacebuilding non-governmental and civil society organisations, and CONAMIC (*Coordinación Nacional de Mujeres Indígenas de Colombia: National Coordination of Indigenous Women of Colombia*), a newly established network of women from 10 different indigenous communities. The workshop was held over two days, involving 24 women.

We partnered in Nepal with Social Science Baha, an independent non-governmental research institute based in Kathmandu. The Nepal workshop was held over two days at a location outside Kathmandu with 24 participants (13 women, 1 transgender person and 10 men); they represented a broad cross-section of women, gender and sexual minorities, Dalits ('low caste'), Janajatis (indigenous communities) and Madhesis (from the southern Tarai plains), people with different religious affiliation and local-level and national politicians, civil society groups, academics, journalists and independent researchers.

Consultations in Bougainville took the form of a three-day joint analysis workshop with 15 stakeholders (10 women and 5 men) in December 2016 and a focus group in February 2017 with 30 participants (25 women and 5 men) from civil society, local government and church institutions from all three regions of Bougainville. The Bougainville workshop and pre-interviews were co-facilitated by a Bougainvillean and an international consultant.

Across all three workshops we sought to expand 'gender' beyond a conflation with the category of 'woman', to understand the gendered nature and form, including different gendered roles and experiences of political settlement. In doing so, the workshops explored political settlement beyond elites. It examined how political settlement includes or excludes women and other gender identities, both formally and informally, and examined how the political settlement mirrors other gender hierarchies and biases embedded in the structures and institutions already in place in each context. The workshops examined both formal and customary decision-making institutions and structures in acknowledgement that understanding power relationships in both private and public spheres are critical to understanding political settlement.

10. See: www.c-r.org/resources/gender-and-conflict-analysis-toolkit-peacebuilders

11. For further information on methodology see: Close and Yousuf, 'Gendered political settlements and peacebuilding: mapping inclusion in practice', *feminists@law*, Volume 8, Issue 2. *Special Issue: Engendering Political Settlements: Theoretical and Practical Perspectives on Inclusion*. (forthcoming, 2019).

12. This report uses the term 'gender and sexual minorities' to refer to the wider group who may not be encompassed by the acronym 'LGBTQI+' (Lesbian, Gay, Bisexual, Trans, Queer, Intersex).



CONAMIC members and participants at Gender Workshop, Cachipay, Colombia, April 2016. © CIASE

This participatory and intersectional approach had mixed success. The workshops enabled deeper understanding of the different gendered roles and experiences of diverse groups of women in peace transitions. We were however more challenged in attempting to extend the understanding of gender beyond 'women'. In some of the contexts both we and our partners found it difficult to engage the participation of men, and gender and sexual minority groups. It was also difficult to address these more complex framings of gender, particularly due to the deep social and other power dynamics that gender discussions entailed, particularly in conflict-affected contexts. That sort of exploration would require more dedicated time and sustained inquiry. We learnt that more specific engagement with partners and participants to broaden the understanding of gender, and the explicit inclusion of men, boys and gender and sexual minority groups is required in any future research.

Comparing case studies

The three contexts were chosen to examine violent conflict to peace transitions over an almost 20-year time frame. Each context has seen violent conflict between governments and armed groups, and each conflict ended with the negotiation and signing of a formal peace agreement between key parties to the conflict. This allowed a comparison not only of different post-peace agreement political settlements, but also the changing dynamics over this time period. This section provides a short introduction of each conflict context.¹³ It highlights that while each context is very different, there were similarities during the peace transitions.

Each of the conflicts was driven and sustained, either very explicitly (Nepal and Colombia) or partly (Bougainville) by concerns of exclusion and inequality.

Over the past six decades, in Colombia a number of groups (such as FARC [*Fuerzas Armadas Revolucionarias de Colombia*: Revolutionary Armed Forces of Colombia] and ELN [*Ejército de Liberación Nacional*: National Liberation Army]) have taken-up arms to protest exclusion from political participation and economic development. The struggle for inclusion of indigenous and Afro-descendant communities dates back to the colonial period and continues today, in a dynamic that is not directly linked to the armed conflict. In particular, indigenous women in Colombia continue to experience multiple forms of discrimination that restrict their political participation, including in the peace process. These are driven by formal as well as customary systems, and manifest in political, social, cultural, and economic discrimination, and physical violence (including sexual violence). Armed conflict has exacerbated the effects of this discrimination.

In Nepal, the Maoist ‘People’s War’ lasted between 1996 and 2006. The Maoists had the stated aim of redistributing power away from the traditional elites, with gender inequality, class resentment and indigenous marginalisation among the reasons cited for the conflict. They gained additional supporters as Nepali citizens opposed the King and royal regime, and grievances grew around issues such as the unequal access to development and systematic discrimination on the basis of social identity.

In Bougainville, a civil war, termed ‘the crisis’ occurred between 1988 and 1998. Numerous issues around mining, including widespread environmental impacts, a failure of communities to benefit equally, and other social changes caused by mining, became entangled with the widespread recognition of political exclusion and a call for self-determination.

In addition, each of the contexts experienced peace negotiations and the signing of a comprehensive peace agreements which provided, or led to the provision of, technical measures for greater inclusion.

The Bougainville Peace Agreement (BPA) was signed in 2001, including by one Bougainvillean woman. While it did not have any specific provisions about women’s inclusion, in 2002 the Bougainville Constitutional Commission included three women’s representatives who advocated for a guaranteed voice for women in any new formal political institutions. As a result, three parliamentary seats were permanently reserved for women under the 2004 Constitution (out of 40 seats: 7.5 per cent), along with three reserved seats for ex-combatants. Additionally, the Constitution guarantees women at least one seat in the 12 person Bougainville Executive Council (BEC), ensuring their participation at Cabinet level.

Nepal signed the 2006 Comprehensive Peace Agreement (CPA) and the Maoists entered the political mainstream via the peace agreement. The CPA also legitimised the rise of identity-based political actors, including Madhesis, Janajatis and gender and sexual minorities. As a result of the CPA more than 50 legal provisions that discriminated against women have been

13. This section directly draws on: www.c-r.org/resources/indigenous-women-and-colombias-peace-process, www.c-r.org/accord/nepal and www.c-r.org/accord/papua-new-guinea%E2%80%933bougainville

amended, caste-based discrimination has been criminalised, local languages have been given priority and reserved quotas have been introduced in education and government service. This is in line with the Gender Equality and Social Inclusion (GESI) approach promoted by the Nepalese Government and many others. The Interim Constitution of 2007 and the Constituent Assemblies between 2008 and 2015 have seen substantial increases in proportional representation of excluded and minority groups. The 2015 Constitution rolled back some of these gains – despite amendments in 2016 to increase the levels of inclusion. It curtailed women’s rights to pass citizenship to their children. Further, the continued omission of transitional justice processes and the weakening of secularism are of concern.

In Colombia, after four years of peace negotiations the government and the main guerrilla group, FARC, signed an historic final peace agreement in 2016. Women’s organisations as well as ethnic minorities were successful in advocating for their direct engagement with peace negotiators and eventually achieved significant influence on the wording and the provisions in the peace agreement, thus setting an international standard for the inclusion of diverse groups of women and gender and sexual minorities.

Despite many women being actively involved in each of the conflict contexts they were either excluded or included only in limited capacity in the negotiation of the peace agreement.

In Bougainville, despite numerous women in civil society and faith-based organisations actively engaging in peacebuilding prior to the ceasefire, very few women were invited to participate in the peace negotiations. At the Bougainville People’s Congress only six out of a total of 106 were women and only three women sat on the Bougainville Constitutional Commission after 2001. The 2001 BPA was brokered by leaders and senior members of armed groups and existing male political elites, with significant involvement of international peacebuilders, but the 52-member Bougainvillean delegation only included two women.

In Nepal and Colombia women played roles as active combatants, and in all three contexts, women were involved in supporting armed violence through a range of activities. In each context, women cooked, organised logistics and transportation, shared information and developed communications and media to support armed violence. Despite the Maoists stated aims on gender equality, in Nepal not a single woman was included in the peace agreement negotiation teams. Neither were any women included in the People’s Liberation Army (PLA) and Nepali Army teams negotiating the integration process. Colombia is distinctly different from the other two contexts in terms of the level and breadth of inclusion during the peace negotiations; indeed, the peace process has been innovative in many ways. The Havana talks provided space for a diverse range of voices: survivors of violence, women (including indigenous women), and sexual and gender minorities.

Each peacebuilding process had significant engagement with international partners.

Bougainville’s peace talks were held with the support of the UN, New Zealand and Australia and helped to break deadlocks and achieve the lasting ceasefire in 1998 and the peace agreement in 2001. In cooperation with a small UN Observer Mission on Bougainville (UNOMB) the early implementation of the peace process between 1999 and 2003 was observed by a Peace Monitoring Group from Australia, New Zealand, Fiji and Vanuatu. Donor partners, particularly Australia, New Zealand and the UN, continue to provide support for peacebuilding and ongoing implementation of the BPA.

In Nepal, international partners, including neighbouring India and western donors (particularly the UK and the US) and the UN, have played important roles in securing a peaceful and inclusive transition. The peace negotiations and key actors’ capacities were supported by international partners and the early years of the peace process (2006–12) were categorised by strong international donor support for social inclusion, with targeted programming for areas of historical marginalisation. While the Colombian peace negotiations took place without international mediation, Cuba, Norway, Venezuela and Chile played a formal support role. The UN and other international actors are providing important additional support in the implementation of the peace agreement.

Detailed findings

A number of detailed findings emerged, which help to illuminate issues related to gender and inclusion in peace transitions. This section reviews the specific opportunities, challenges and drivers of gender exclusion faced by women and other excluded groups striving to achieve greater levels of meaningful participation in the political settlement, and identifies broad patterns across the three contexts. It also evaluates the effectiveness of the efforts of international actors in supporting inclusive political settlements.

Conflict shifted gender roles and norms but dominant masculine hierarchies remain

The changing political settlement creates space for revising gender norms, that is, the deeply held expectations of the roles and behaviours of women, men and other gender identities. In each of the three contexts women and other gender identities have evidenced the range of new peacebuilding decision-making and roles they played during and after the conflict. Yet gains have been offset by limitations regarding gender roles and status.

“ *The new constitution for marginalised groups like Dalits is like a mirror. ‘Herda aina, chhamda chhaina’. [It seems to reflect all your aspirations but in reality there is nothing.]* ”

Nepal workshop participant

In Bougainville, both women and men supported and encouraged the armed struggle, and while most women were not combatants they provided shelter, fuel, food and healthcare to combatants and communities during the crisis. During and since the crisis women have played more prominent leadership roles within civil society and selected parts of faith-based institutions. In Colombia, women constituted about 40 per cent of the combat force. However they never held senior command levels and they also struggled to be seen and heard at the peace negotiations. Women and other rights activists (including indigenous and LGBTIQ+ women) have been

leading a number of civil society initiatives but are still struggling for visibility and acknowledgement. In Nepal, the Maoist insurgency had a significant impact on inclusion and gender equality. During the conflict men and women shared many responsibilities within the PLA. Large numbers of women joined the PLA, especially from marginalised caste and ethnic groups and while a majority of women PLA members were foot soldiers, some also reached middle leadership positions. The Maoists’ commitment to women’s emancipation helped raise awareness.

“ *Our history is fading – traditionally it’s the women who own the [land] title, but practically it’s the men who are managing it and making all kinds of decisions without consulting the women.* ”

Bougainville workshop participant

These changed roles have been as a result of advocacy (the struggle for women’s rights), necessity (where across all contexts women reported needing to travel and work outside the home as a result of the absence or inability to work of the male primary breadwinner) or the removal of legal or economic barriers (where new laws resulted in excluded groups’ participation). Shifts in social norms and public perceptions have led to reduced social stigma toward formally excluded groups, such as in Nepal where Dalits are increasingly recognised as important contributors to society, as reflected in the enactment of the Caste-Based Discrimination and Untouchability (Offence and Punishment) Act in 2011.

However, in Nepal and Bougainville, the flexibility in gender roles has not been sustained in the long run. No research participants categorised the changes resulting from the transitioning political settlement in each context as transformed or gender equal. In Bougainville, since 2005 only one woman has won an open seat, in the context of a widely held misconception that these non-reserved seats are ‘men’s seats’. Stereotypes limit the ability of women representatives to influence wider societal issues beyond health or education. In Nepal the senior Maoist leadership has remained all men. Women ex-combatants

have faced severe challenges in the post-war transition, as demobilisation mechanisms have largely failed to cater for their specific needs regarding rehabilitation and reintegration.

Within any context there are multiple domains of power and influence (for example formal, faith and customary institutions) that have deeply entrenched and gendered patterns of behaviour including hierarchies of decision-making that are maintained and reinforced over time by their members.¹⁴ While formal institutions and structures remain critical in reinforcing gender norms, participants in Bougainville, Nepal and Colombia cited the more crucial importance of customary and faith-based institutions in the social construction of gender norms for the majority of people living at a community level.

MacKenzie and Foster highlight that the 'return to normal' after conflict is linked to particular forms of gendered political order, ones that rely on patriarchal constructions of gender norms.¹⁵ They describe these links as "masculinity nostalgia", where the desire in peace to return to an idealised version of patriarchal masculinity is grounded in gender roles (fatherhood, landowners, breadwinners) that are seen to be stabilising and the solution to insecurity. This can be seen echoed in the widely used refrain of 'women as nurturers, mothers and peacebuilders' used in Bougainville and Colombia, that has had some effect in persuading elites to include women in decision-making, but has also been simultaneously used to stereotype and essentialise women's roles and exclude younger women and men or people identifying as a gender or sexual minority.

As time passes after the signing of the peace agreement, if gender relationships, behaviours and expectations have not been fundamentally transformed during the transition process, the new and existing institutions tend to uphold and maintain the status quo of established gender roles and norms. Over time, these forms of political settlement limit the opportunities for greater inclusion and gender transformation. This finding highlights the importance of the current political moment in Colombia, where women, including indigenous women, recognise the need to imbed and institutionalise the current shifts in gender norms in order to create lasting change.

Technical mechanisms increase participation but not necessarily influence

In Bougainville under the 2004 Constitution three parliamentary seats were reserved for women, along with three reserved seats for ex-combatants and at least one woman is ensured a seat at Cabinet level. Women can have key leadership roles within Bougainville's largely matrilineal society, but in practice access to and influence on decision-making is primarily shaped by male-dominated customary and church structures and values. More recently the Autonomous Bougainville Government (ABG) created an Office for Gender Equality to ensure the integration of gender equality across ABG departments, policies and programming; and passed the Community Government Act 2016, which creates a framework for equal representation of women and men at a local government level. It is still unclear whether these changes have made a difference.

In Nepal the post-war era has brought clear gains for women and other excluded groups in terms of formal political participation and representation, but their participation gains have not been matched by their ability to influence decision-making. Both the Interim and new Constitution guarantee 33 per cent representation for women in the House of Representatives, the lower chamber of Parliament and in provincial legislatures, and women have achieved senior positions such as President and Speaker of the Parliament. Quotas were also introduced for the public sector. The first Constituent Assembly (2008–12) marked a shift in the balance of power away from traditionally dominant 'upper caste' Hindu groups (now known as the Khas Arya group) to increased participation of previously marginalised groups, namely Janajatis (indigenous groups) from approximately 25 to 36 per cent; Madhesis (excluding Janajati from the Tarai plains) from 12 to 24 per cent; Dalits from zero to eight per cent; and women's overall representation increased from five to 33 per cent).

14. See: Yousuf, *Navigating inclusion in peace transitions*.

15. MacKenzie, Megan & Alana Foster. 'Masculinity Nostalgia: How War and Occupation Inspire a Yearning for Gender Order', *Security Dialogue*, Vol. 48 No. 3 (2017): 206–223

“ *We are empowered but we do not have power.* ”

Colombia workshop participant

While many progressive, inclusive issues were discussed within the first Constituent Assembly, members were not able to agree on a Constitution. A period of intense political change followed the 2015 earthquakes, generating ongoing challenges and opportunities for gender inclusion. Over time Nepal has seen the political settlement more strongly reflect the previous caste, ethnic and political hierarchies. Representation is dominated by political parties dominated by male elites and candidates are largely determined by their closeness to powerful party leaders, while women candidates are often selected to contest constituencies they are unlikely to win. Established male political leaders continue to monopolise major policy negotiations, often outside formal institutions.

In addition, the membership of the second Constituent Assembly (2013–17) was very different to the first Constituent Assembly. The Women’s Caucus was banned, and traditional parties dominated by high-caste communities reconsolidated their power. The 2015 Constitution was rushed through in the months after the earthquake with very limited participation or consultation and with uneven impacts on gender equality. It was drafted by members of only three major parties: an exclusive group of 15 men, 14 of whom were from the Khas Arya group. It cemented some legislative gains in protecting gender identity, such as guarantees of participation in state mechanisms for gender and sexual minorities. But the right of women to pass on citizenship to their children, previously enshrined in the 2006 Nepal Citizenship Act, was denied in the 2015 Constitution.

However, opportunities for inclusion remain; women and other excluded identity groups are active in community level decision-making. The recent Local Level Election Act (2017) requires that of the five elected members of each ward committee of municipalities and rural municipalities, one woman of any caste or ethnicity and one Dalit woman must be elected.

This has resulted in more than 7,000 women and a further 7,000 Dalit women holding elected office in local bodies, providing this previously under-represented group a potentially influential voice in policy making.

In Colombia the peace process is considered to have innovated on a number of fronts in relation to inclusion. Not because marginalised sectors took part in the negotiations, but due to the external influence of civil society on the negotiations. This led to the creation of a dedicated Gender Sub-Committee with women and men from government and FARC to ensure the provisions and the text of the 300-page peace agreement were gender sensitive. In an unprecedented process, the government and FARC peace panels received direct testimonies from conflict survivors, from women and LGBT delegates, and also from ethnic minorities. The concerns of all these participants were reflected in the peace agreement.

Women and other excluded groups dominate civil society and create space for change

Across the three contexts civil society has been deeply involved in the peace and transition processes. In each context there is evidence that women and other excluded gender groups are largely absent from elite decision-making but that they are prominent in social movements; playing strong leadership roles and advocating for rights and recognition. Women and other excluded groups have used a range of mechanisms, institutions and processes to push for more inclusive transition processes. Mobilisation, improvements in transport and technology infrastructure and increased access to education and training have also strengthened networking across different identity groups.

“ *We need to put women in all spaces – if only men attend meetings, men will not take our issues into account.* ”

Bougainville workshop participant.

Bougainville has a strong history of women's civil society and faith-based activism, with women playing key peacebuilding roles during the crisis and peace process, including in the Bougainville Constitutional Commission. At different stages of the crisis women were credited with helping to promote the conditions for peace by brokering local-level ceasefire resolutions, convening key meetings, and persuading men on all sides to engage in the peace talks. Yet, there is a disconnect between the vibrant activism and peacebuilding leadership of local Bougainvillean women during the crisis and their influence over the formal peace negotiations, and subsequently only a small number have been able to engage effectively in formal politics.

In Nepal, following the adoption of the Interim Constitution in 2007, women's groups led workshops, discussion programmes and other interactions at the district level and below to inform local people about the Constituent Assembly elections and the important issues that would have a bearing on women in the new constitution. The 33 per cent representation of women in the first Constituent Assembly was an outcome of this steady pressure from women's groups, but, as described above, some of these gender gains (for example regarding citizenship rights) were wound back in the 2015 Constitution.

During its conflict Colombia demonstrated a strong and vibrant women's and rights movement with knowledge of international and national legal frameworks and strong institutional capacity and advocacy platforms. This movement successfully influenced peace talks between the FARC and the Colombian Government to ensure the inclusion of gender and women's rights in the peace agreement. One of the most influential advocacy tools was the creation in 2013 of a National Summit of Women, which brought together the main networks of women's organisations. Indigenous and Afro-descendant groups were able to lobby for a specific Ethnic Chapter in the peace agreement – a set of principles to guide implementation of the agreement in ways that uniquely recognises the specific concerns and rights of indigenous and Afro-descendant peoples. The acknowledgement of the rights of women and of indigenous peoples is now a hook for emerging initiatives by indigenous women.

Multiple forms of discrimination experienced

This research evidences that before, during and after conflict, women and other gender identities disproportionately experience violence and discrimination. This manifests as heightened vulnerability to economic, social, political and cultural violence. These multiple forms of discrimination are related to the complex ways in which gender interacts with other power systems (including age, class, caste, religion, ethnicity and ability). While constructions of gender vary between contexts and change over time, gender is consistently a factor that determines who has access to power, authority and resources. Discrimination is multidimensional, and when related to bigotry, ableism and racism and other discriminatory frameworks it forms “overlapping structures of subordination”.¹⁶ Accessing power is therefore more challenging for people who experience marginalisation due to one or more parts of their identity.

“ We have faced armed conflict, psychological violence, domestic violence within our communities, and outside we suffer discrimination.

Colombian partner, CONAMIC.

This discrimination is linked to the practical challenges of realising individual and collective rights. For example, in Colombia, indigenous women face multiple forms of discrimination, both by formal (at national and local levels) and customary (at local and community level) systems and institutions. This complexity is compounded by the geographic, territorial and cultural diversity of indigenous communities in Colombia. This ongoing discrimination has prevented indigenous women playing a meaningful role in conflict prevention, political debate and the emerging post-conflict governance and monitoring processes. The limited participation of indigenous women is rarely highlighted within indigenous communities due to the tension between collective cultural rights and individual rights – including gender rights, which are considered by some indigenous peoples to

16. Cho, Sumi, Kimberlé Williams Crenshaw, & Leslie McCall. 'Toward a Field of Intersectionality Studies: Theory, Applications, and Praxis, *Signs*, Vol. 38, No. 4. [2013]: 797.

be an imposition of international human rights frameworks. By claiming individual women's rights, some indigenous women feel they are betraying the collective indigenous cause of self-determination and disrespecting their culture.

Overcoming these various forms of discrimination requires multiple strategies and collective action by indigenous peoples and women's rights activists, to transform indigenous women's positions in Colombian society – both inside and outside their communities. Indigenous Colombian women have used legal and policy advocacy to remedy their discrimination. Meanwhile in Bougainville, participants explained how grassroots women peace activists have also used strategic advocacy to gain traction in formal political spaces at ABG and community levels.

In Nepal our research examined the specific discrimination experienced by gender and sexual minority groups, ethnic minorities (Janajatis, Madhesis, Dalits) and women ex-combatants and how legal, constitutional, electoral, and governance structures changed to expand representation of these identity groups. Remarkable progress in institutionalising sexual and gender minority rights has been achieved through effective mobilization and advocacy by movements such as the Blue Diamond Society. This is despite sexual minorities habitually having been overlooked in the gender discourse in Nepal. Advances have included constitutional commitments and the introduction of sexual and gender diversity in the school curriculum. But sexual minorities still continue to face significant legislative barriers and social stigma.



Ceremonial dance marking the 2001 Bougainville Peace Agreement © AusAID

An intersectional approach highlights the need to re-examine the structures of decision-making that can perpetuate forms of inequality (legal, governance, economic, cultural, religious), and that can shift during the transition process. Within political settlements analysis, these institutions and structures are often classified as neutral (or aimed to be) with respect to gender, ethnicity, class and sexuality but are often disproportionately discriminatory to women, particularly women who experience discrimination because of the other identities they hold (i.e. indigenous, poor, younger / older women).

Using a gender-sensitive conflict analysis that prioritises an intersectional approach can support international and local partners to deepen understanding of how different identity groups experience violence and better target their interventions.

This emphasises the importance of taking an intersectional approach early in the process of negotiating and implementing peace agreements (for example, regarding transitional justice, land reform, disarmament and reintegration). It is critical to consider how inclusion can be built into the institutions and structures stemming from these agreements so that all groups can benefit more equally from the peace process.

International frameworks give leverage, but implementation is challenging

Civil society actors, especially women's groups (Bougainville), but also indigenous women (Colombia), Dalits, ethnic minorities and gender and sexual minority groups (Nepal) have used legal frameworks (see Text box on p.16) to start contextualised discussions on gender. These instruments have also been used to facilitate the transnational flow of ideas about gender roles in peace processes and political settlement, and provided tools and frameworks to enable discussions on the intersections between different types of rights, for example on women's, gender and indigenous rights in both Colombia and Nepal. In each context, these actors integrated international frameworks into national or regional-level UNSCR 1325 Action Plans to develop and enforce these norms at a local level. This highlights the political power of international legal norms.

International frameworks supporting inclusion

In all three contexts international rights frameworks and instruments (including CEDAW and UNSCR 1325) have been used by women and other excluded groups to challenge the status quo, promote a progressive agenda and to claim rights. During this research, international frameworks and instruments were cited as critical in expanding understanding of gender and human rights. In addition, the particular experiences of women in Nepal and Colombia have contributed to generating international legal norms (for example, UNSCR 1820 (2008), 1888 (2009) and 2144 (2015) highlighting the need to end impunity for gender-based violence in conflict and CEDAW General Recommendation 30 (2014) linking the need to protect women's rights before, during and after conflict). Other relevant frameworks include the 2015 UNSCR 2250 on Youth, Peace and Security, the 2007 UN Declaration on the Rights of Indigenous Peoples, and the 2006 UN Convention on the Rights of Persons with Disabilities.

In Colombia, international human rights frameworks and other legal protections are important but do not ensure indigenous women's rights. Securing legal and political recognition of rights has enabled indigenous peoples, especially women, to make demands on the state. However, high levels of impunity for violations and lack of implementation of policies and legislation create the risk that legal mechanisms will not lead to practical change. Multiple strategies, including by indigenous peoples and women's rights activists, are required to transform the formal political settlement. Donors and the Colombian government must also find ways to reach beyond male-dominated indigenous structures to engage with indigenous women on issues such as political representation, sexual and reproductive rights and economic security.

“ *The movements of people with disabilities and sexual minorities have achieved more attention in a short span of time as they have also been linked to international movements. While such issues immediately resound in the headquarters of donors, issues regarding Dalits are not recognised or prioritised in international forums.*

Nepal workshop participant

In Nepal, recourse to international agreements and frameworks on gender equality has provided important impetus for the advancement of women's rights and progressive policy change. Women's rights activism has been instrumental in ensuring the adoption of key international agreements in Nepal, such as CEDAW and UNSCR 1325 and 1820. Discriminatory citizenship rights for women have especially affected Madhesi communities where inter-marriage across the open border with India is common. Lack of citizenship limits many life opportunities, such as being able to hold high office, and such restrictions compound other constitutional discrepancies for Madhesi communities more broadly, for example, regarding federal demarcation and political under-representation. These examples show that national legal frameworks continue to discriminate against women, while some barriers to women's advancement in Nepal have struggled to gain traction in the international sphere – such as structural and intersectional challenges relating to caste.

There is a continued divide between international legal standards on gender and human rights and the experience of women and other gender identities on the ground. In each of the three contexts there is a gap in state capacity (and legitimacy) where formal institutions and structures (for example, governance, legal, education, health, security) do not permeate deeply to the community level. This means that despite local activism, women's and other human rights standards and instruments at a national and international level, for example the Action Plans are often not practically reflected at community levels.

The mixed impact of international engagement on gender

Across all three case studies participants confirmed that international actors and international standards and norms have been critical to advancing their work on inclusive peacebuilding and gender equality. However, in each case there are enormous sensitivities, and significant backlash and tensions have emerged that are associated with the current approaches used by international actors to operationalise these universal gender and human rights frameworks.

The momentum by international actors to realise these international gender norms and frameworks in practice has also had substantial pushback. 'Gender' is seen as synonymous with 'women', and a particular stereotype of a woman that is elite and/or disrespectful of cultural or faith-based gender norms. For example, in the plebiscite on the peace agreement in 2016, religious objections to the explicit inclusion of gender and sexual minorities in the Colombian peace agreement were used as a focus in the marginally successful 'No' campaign. The success of the 'No' movement raised questions about how the peace process could meaningfully include diverse groups, while effectively ending violence and creating the conditions for sustainable peace. In Nepal there has been a major backlash against inclusion since the end of the first Constituent Assembly in 2012. Traditional political parties, and certain parts of the media, the bureaucracy, judiciary and civil society have dismissed inclusion as an external agenda, one that weakens Nepali sovereignty and exacerbates national divisions. By the time of the second Constituent Assembly the international community reflected a shift to favor stability over inclusion.

“ *They [internationals] want the same thing as us, they want to help us, but maybe we need to change the wording. We maybe need to change that black and white bold 'human rights' into a smaller font.*

Bougainville workshop participant.

In Bougainville, men and some women explained that the language, terminology and framing of women's human rights and gender equality can be seen as exclusionary and disrespectful of cultural gender norms. International and Bougainvillean concepts of gender can differ widely, and this lack of shared clarity often creates misunderstandings which affect perceptions and support for international work on gender. For example, international interventions that only focus on women's inclusion through political empowerment often overlook the complexity of masculinities, violence and insecurity in Bougainville. In addition, in Bougainville men are currently engaged in a limited, simplistic and often tokenistic way in gender work, which focuses primarily on women. This contributes to negative male attitudes towards gender work, including international interventions on inclusion.

This challenge of terminology can be remedied by working with local actors to develop locally appropriate terminology and approaches. For example, in Bougainville participants suggested focusing on tangible outcomes to advocate for reducing gender imbalance. Linking concepts of gender equality to more sustainable and inclusive economic development, equal access to justice, health and education or more effective political decision-making were viewed as more concrete than the use of human rights-based approaches and terminology.

In each of the case studies, international activities on gender and women's empowerment have become equated with the failure of international actors to include local-level actors and decision-makers, and they are seen as lacking in local ownership, and sustainability. This has led a substantial part of the population in Bougainville to reject 'gender' and 'rights-based' language and activities, and also pushback from a range of actors and institutions in Nepal and Colombia to inclusivity and 'gender identity' within the peace process.

Currently, in Bougainville women are usually taken out of their communities to attend gender and peacebuilding trainings, without men. On return, men in their communities often struggle to relate to the new perspectives and terminology they have acquired; this can lead to suspicion or rejection of these ideas. To ensure broader acceptance participants suggested that men and women should undertake training on gender and leadership together to strengthen co-learning and solidarity. A better understanding of the customary and religious systems that shape gender roles and perspectives could make interventions more effective. International actors should build on existing Bougainvillean civil society work to contextualise rights-based frameworks.

International actors are not a homogenous group, however these challenges are similarly cited across all contexts and bear due consideration by international organisations whether explicitly or less obviously working on gender. Greater reflexivity and flexibility by international actors is required to consider how to work with different groups of both women and men to pursue this critical work. Inclusion requires stronger recognition of their existing and different capacities by the relevant governments and international donors, as well as access to funding, technical support to strengthen institutional capabilities, and protection from ongoing security risks faced by activists. As a remedy to more deeply contextual gender and peacebuilding work, international organisations should also undertake gender-sensitive analysis to understand the multiple levels of decision-making, including informal (faith and customary) systems of power, to help target effective programming and policy on inclusion.

Conclusion

This research prioritises gender as an important category within the political settlement analysis and highlights the need to examine gender in the institutions and processes associated with the negotiation and implementation of peace transitions. Gender is shown across all three case studies to be a critical element in peace processes and to go beyond women's participation or a focus on conflict-related sexual violence. For example, gendered power dynamics determine how legal, political and socio-economic outcomes are framed, and who proportionately benefits.

Examining the complexity of power dynamics in formal and informal decision-making and the impact of gendered violence and discriminatory gender norms in conflict-affected contexts, reveals a more nuanced understanding of how peace is negotiated and implemented. Our research indicates that there is no one 'remedy' or 'moment' for gendered inclusion. To create gender equality and transform gender norms requires longer timeframes and work across all the multiple levels of structures and institutions in which gender norms are maintained and reinforced.

While international engagement remains crucial, the effectiveness of international interventions in supporting inclusion has been mixed. Our research critiques the 'good governance' agenda promoted by many international organisations. It reveals that, by prioritising stability and 'thinking and working politically', reform often occurs only in areas where it is considered politically feasible, usually within the formal sphere, with male elites. Changes can secure new forms of representation, but often fall short of achieving the meaningful participation of all parts of society, particularly women and other excluded groups – which is integral to sustainable peace.¹⁷ Thus, an approach to political settlements that prioritises stability without inclusion often preserves hierarchical and patriarchal decision-making systems.

This intersectional analysis of the compounding and overlapping structures that subordinate women and other excluded groups exposes how current approaches to peacebuilding often do not address the structural dimensions of gendered violence, nor resolve the complex forms of gendered discrimination. Far from being neutral, peace processes mirror underlying patriarchal and masculine formal and informal systems and institutions, resulting in a deeply 'gendered political settlement'.

17. See: Yousuf, *Navigating inclusion in peace transitions*.

Gendered political settlements: examining peace transitions in Bougainville, Nepal and Colombia

This paper brings together learning from practice-based research carried out by Conciliation Resources and its partners in Nepal, Colombia and Bougainville, an autonomous region of Papua New Guinea.

This report explores how gender inclusion is negotiated in peace processes in conflict-affected contexts, and how international and national actors can support it effectively. In particular, it examines the strategies used by different gender groups and social movements to inform, leverage or influence peace transitions.

Conciliation Resources is an independent international organisation working with people in conflict to prevent violence, resolve conflicts and promote peaceful societies.

Accord spotlight presents focused analysis of key themes for peace and transition practice.



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