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GENDER AND FRAGILITY: POLICY RESPONSES

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ABSTRACT

Gender and fragility is a very new area of development policy. Even though development aid frameworks call for gender-sensitive policy, in general, policy responses to fragility do not yet fully take gender into account, even though most of the “characteristics” of fragility have important gender dimensions. The paper looks at ways to strengthen gender equality policy in fragile states in Sub-Saharan Africa with a focus on gender and governance, conflict and peace-building as being key to EU policy responses. The paper reflects on the policy framework in place and on the work already being carried out in five fragile countries in the region. It concludes that a major challenge for the EU is to provide the economic and political support to states and their citizens to redress gender disparities and to empower women as an important development objective and one of the most efficient ways to move out of fragility.

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“The world is ... starting to grasp that there is no policy more effective [in promoting development] than the empowerment of women and girls. And I would venture that no policy is more important in preventing conflict, or in achieving reconciliation after a conflict has ended.”

Secretary-General of the United Nations, Kofi Annan, 8 March 2005

1 Introduction

This important observation by the then Secretary General of the United Nations, Kofi Annan, underscores why it is critical that the EU take gender into account in all its dimensions when addressing fragility in Africa. The following paper¹ sketches some of the policy responses of the EU in relation to gender in fragile states in Sub-Saharan Africa with an emphasis on gender dimensions of conflict and insecurity as well as practical responses in relation to good governance, in particular, the use of gender budgeting. The EU has provided a solid foundation for appropriate responses to gender inequalities in fragile states, though, as the case studies discussed in this paper suggest, there is still more to be done in strengthening gender responsive policy by the EU in fragile states.

Gender and fragility is a very new area of development policy. Even though development aid frameworks call for gender-sensitive policy, in general, policy responses to fragility do not yet fully take gender into account, even though most of the “characteristics” of fragility have important gender dimensions.

The EU Policy response in 2009 needs also to deal with the current financial crisis on top of the food crisis and the on-going climate crisis which could seriously damage the prospects for economic recovery and future economic development, including meeting the Millennium Development Goals (MDGs). There is a grave risk that these interlocked crises could leave the global development architecture flawed and weak. Important discussions are now opening in the EU about what kind of economic policy and appropriate institutions will allow countries to move out of the current crisis with as little damage as possible. Discussion on critical global public goods and social inequalities are being brought back into the forefront of development policy as a way to address the drawbacks of the existing economic arrangements. The global financial crisis could be turned into a real opportunity to help shape current development policy debates in relation to fragile states. This will require a strong focus on ensuring that domestic policies and international action are mutually supportive in bringing about sustained, equitable development, and, at its core, gender equality. The agreement in September 2009 of a new UN entity on gender underlines even further that it is an important moment to strengthen the capacity for developing frameworks and policies, and, in this process, support the implementation of the commitments to gender equality and the empowerment of women.

The challenge is to strengthen the international gender equality machinery by giving it a clear capacity to participate in and influence the financial, monetary and fiscal policy processes, in order to create coherence between macro-economic policy and gender equality goals. Within a rights-based approach to development, there must be the recognition of the central role that gender relations regarding the roles that care, reproduction and sexuality play in people’s economic and social lives, and how these are inter-linked with concerns over poverty, the inequities of global economic institutions and social inequalities between men and women. Public policy can influence the incentive structures in both society and the economy so that the responsibilities for providing and care are more democratically, equitably and in gender-sensitive ways carried out among states, markets, and households and communities.

¹ See also the “Literature Review on Gender and Fragility” by Wendy Harcourt on the ERD website for a detailed list of documents from EU, UN and civil society organisations from which this paper is drawn.

In the light of the financial crisis and global economic downturn, policy responses to fragility need to take into account:

- the different experiences of men and women in fragile states or countries are due to the diverse gender impacts of conflict on men and women, and the differing roles to be played by men and women in post-conflict re-construction, state-building and peace processes.
- the need to embed policy responses in relation to gender and fragility in the work of gender and development policy-building on established international agreements such as the Platform of Action agreed to in Beijing 1995 and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) established in 1979.²
- the opportunities to incorporate gender in post-conflict re-construction and, therefore, to improve gender relations in processes in which countries are moving out of fragility.

This paper, accordingly, looks at ways to strengthen gender-equality policy in fragile states in Africa looking at gender and governance, and conflict and peace-building as key to EU policy responses.

2 EU Policy on Gender Equality in Development Co-operation

As stated above, there is strong EU policy on which to build such a gender responsive approach. EU policy underlines that effective or “good” governance is a key route to reducing poverty and more equal, democratic, corruption-free societies and gender equality. Gender equality is one of the five common principles of EU development co-operation. The EC and the EU Member States set out to be key players in the effort to close the gender gap in the developing world. At international level, they are signatories to international agreements and declarations supporting gender equality. Accordingly, current EU development policy contains a strong commitment to accelerate progress in this important area.

In a communication to the European Parliament and the Council, entitled Gender Equality and Women’s Empowerment in Development Co-operation, the European Commission stated in January 2007:

“It is widely acknowledged that gender equality is not only crucial in itself, but is a fundamental human right and a question of social justice. Furthermore, gender equality is essential for growth and poverty reduction, and it is key to reaching the

² Gender and development, or GAD, “focuses on the socially constructed basis of differences between men and women and puts emphasis on the need to challenge existing gender roles and relations”. In terms of policy frameworks, both the Platform of Action agreed to in 1995 at the UN World Conference on Women in “Beijing 1995” and CEDAW the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), often described as an international bill of rights for women adopted in 1979 by the UN General Assembly are core policy documents. It is on these documents that subsequent development and aid co-operation has been built, for example, the Millennium Development Goals and the Paris Declaration. And their stated concerns about gender, peace, equality and development make them an important policy reference point for gender and fragility.

The Paris Declaration of 2005 on the effectiveness of aid flows has also been a key policy document to take up gender equality as a strategy to improve aid effectiveness reflecting also the Millennium Development Goals particularly Goal Three on gender equality. The Paris Declaration requires the incorporation and evaluation of gender equality in the disbursement of aid and associated aid modalities.

Millennium Development Goals. Nevertheless, gender inequalities are still ingrained in the cultural, social and political systems of many countries.”³

The European Consensus highlights the importance of gender equality in the context of the new aid modalities as a common objective and a common value of the entire EU. The EU supports the mainstreaming of gender equality in all policies, strategies and actions and, on the other, the financing of measures which directly support the empowerment of women.

The EU recognises that challenges remain to the achievement of the MDG targets, including unequal social structures and a failure to integrate gender perspectives fully into country strategies and EU development co-operation. In the light of these challenges, the EU’s aid architecture aims to take gender into greater account, with a particular emphasis on ensuring that there is:

- greater ownership of aid management by women beneficiaries as well as by partner governments;
- clear accountability mechanisms on aid policy and distribution that include both women and men; and
- preparation of Poverty Reduction Strategy Papers, National Development Plans or Country Strategy Papers, which provide an opportunity to analyse the status of women relative to men.

3 Gender Inequality in Sub-Saharan Africa

Putting such gender policy into play is complex in all countries, but particularly so in fragile states. Gender relations are determined by complex economic, social and cultural differences between men and women, which are learned, change over time and vary widely within and between cultures. The economic and social construction of gender contains an unequal power relationship of male domination and female subordination leading to gender inequalities which are ingrained in the cultural, social and political institutional arrangements of all countries, with particularly severe consequences in very poor countries.⁴ Gender inequality leads to greater social fragmentation, poverty, lack of growth and increased levels of violence and insecurity.

In fragile countries in Sub-Saharan Africa, gender inequalities have led to major gender gaps between men and women in education and health, as well as unequal access to formal labour force participation, employment, access to credit, entrepreneurship, income levels as well as inheritance and ownership rights.

There is considerable difficulty in measuring gender inequalities, as the issues such as the empowerment of women and the gender dimensions of poverty are difficult to conceptualise even *before* they are measured. It is also difficult to include sensitive issues such as gender-based violence, particularly in fragile states where the context has to take the gender dimensions of armed conflict into account. In order to address these concerns effectively, more accurate “on the ground” indicators of gender inequality need to be devised, which would require better country specific data on time use, assets, infrastructure, property rights, self employment, as well as violence against women, looking also at levels of empowerment of women at micro, as well as macro, levels.

According to the measurements available, however, gender inequality in Sub-Saharan Africa is the highest in the world measured by the composite indices – Millennium Devel-

³ http://www.consilium.europa.eu/ueDocs/cms_Data/docs/hr/news144.pdf.

⁴ The European Commission published in January 2007 the Communication to the Commission to the European Parliament and the Council: Gender Equality and Women’s Empowerment in Development Co-operation.

opment Goal 3 (MDG3), the Gender-related Development Index (GDI), the Gender Empowerment Measure (GEM), the Gender Equity Index (GEI) and the Gender Gap Index (GGI), as well as the World Economic Forum Gender Gap, and OECD statistics of the economic status of women and the Gender Equity Index by the international institute Social Watch.⁵

Overall, the situation shows that gender inequality is a major characteristic of fragile countries in Sub-Saharan Africa. The 2005 European Consensus⁶ identifies gender equality as one of the five common principles of EU development co-operation. The Accra Agenda for Action (AAA, 2008)⁷ sets out clearly the continued commitment by the EU for gender equality and the empowerment of women results building on the international and regional commitments on gender equality and the empowerment of women.⁸

⁵ The World Economic Forum “The Global Gender Gap Report” 2008 points to considerable gaps between men and women in SSA which are mainly clustered in the bottom 50% of the Report’s measurements of 128 countries. The Gender Gap Index assesses countries on how well they are dividing their resources and opportunities among their male and female populations, regardless of the overall levels of these resources and opportunities. The Report measures the differences between men and women in four critical areas of inequality between men and women:

1. Economic participation and opportunity – outcomes on salaries, participation levels and access to high-skilled employment;
2. Educational attainment – outcomes on access to basic and higher level education;
3. Political empowerment – outcomes on representation in decision-making structures;
4. Health and survival – outcomes on life expectancy and sex ratio.

The Social Watch Gender Equity Index (2009) on Women’s Empowerment measures the percentage of women in professional and technical workers, female legislators, senior officials and managers, women in decision-making positions in government at ministerial level and seats in parliament. These figures show that there has been mixed improvement in SSA in the empowerment of women, with high percentages of women in parliament.

The OCED Figures (2009) on the Economic Status of Women show major gender gaps in economic status across SSA. The statistics measure non-agricultural wage employment, female legislators and managers, female professional and technical workers, the difference in earned income and economic activity rate between men and women. These figures are supported by the Social Watch index based upon UNDP Human Development Report Figures that look at the activity rate gap of women and men and the estimated earned income ratio.

Other indicators of gender equality such as maternal mortality, levels of gender based violence and low levels of education for women show even wider gender gaps in SSA. In the latest figures on maternal mortality rate by the World Health Organisation (2009) SSA had the highest MMR at 200 in 2005. A total of 14 countries had MMRs of 1,000 or over, apart from Afghanistan 13 were in SSA in Sierra Leone, Niger, Chad, Somalia, Agnola, Rwanda, Liberia, Guinea Bissau, Burundi, DRC, Nigeria, Malawi and Cameroon. The adult life-time risk of maternal death (the probability that a 15 year old female will die eventually from a maternal causes is highest in Africa at 1 in 26 (compared to 1 in 7,300 in developed countries). Niger had the worst risk of 1 in 7.

⁶ Joint Statement by the Council and the representatives of the Governments of the Member States meeting within the Council, the European Parliament and the Commission on European Union Development Policy: “The European Consensus”, 22 November 2005, <http://register.consilium.europa.eu/pdf/en/05/st14/st14820.en05.pdf>

⁷ DAC Network on Gender Equality Managing for Gender Equality Results in Partner Countries Policy Brief, 5 May 2009; available at: <http://www.oecd.org/dataoecd/49/19/42936177.pdf>.

⁸ The European Commission and the EU Member States are key players in the effort to close the gender gap. At international level, they are signatories to International Agreements and Declarations supporting Gender Equality. In particular, the Platform of Action agreed to in Beijing 1995 and Convention on the Elimination of All Forms of Discrimination against Women CEDAW established in 1979. UN Security Council Resolution 1325 and the Solemn Declaration on Gender Equality in Africa. Current EU development policy also contains a strong commitment to accelerate progress. EU Policy underlines that effective or “good” governance continues to be a

Correcting gender inequalities in fragile states requires a comprehensive approach to gender inequalities. In the context of fragile state, the relationship of women to the state is fundamentally different to that of men. Their relationship to the state is mediated through family, community, and religious or customary institutions. Women face a larger gap between their formal and substantive citizenship, as well as greater economic, social and cultural barriers in accessing their rights and participating in decision-making. Moreover, in the context of many fragile states, the domestic and personal issues of most concern to women (such as family law, inheritance, land access or security) are delegated to customary institutions or non-state actors, making women unable to hold the state accountable for rights in these areas. Women also have to deal with the trauma and difficulty of family breakdown, and high levels of gender-based violence experienced in conflict and war. All these factors mean that women face specific barriers in claiming their rights, participating in governance and holding the state to account – in effect, acting as full citizens – and that measures to re-build or reform the state will impact upon them differently.

In order to close gender gaps and correct gender inequality, new institutional arrangements are needed for vigilance and accountability, as well as actions to mainstream gender issues through public sector agencies. Gender mainstreaming requires high-level leadership as well as technical and budgetary resources.⁹

In relation to fragility, the intensive state-building processes that take place in post-conflict and fragile state settings allow for changes in power relations, state structures and institutions, as well as the relationship between the state and its citizens. In the process of moving out of fragility, there are important opportunities for the international community to support national actors in order to build a more accountable state. In moving out of fragility, there is, therefore, also the opportunity to promote the citizenship of women within state-building processes in fragile state settings that result in capable, accountable and responsive states.

The potential of state-building processes to provide women with new rights and opportunities in fragile states are, however, often lost or inadequately addressed within state-building processes, and the opportunities to strengthen the citizenship of women have been missed. International support for state-building has focused almost entirely on building the administrative capacity of the state, and any attempts to strengthen rights and accountability have generally not been gender sensitive. However, within the framework of the Paris and now the Accra agreements, there are now proposals to adopt a more comprehensive approach to the role of politics and power in development processes, including in fragile states.

Rebuilding fragile states opens up the possibilities for commitments to women's rights and to the promotion of gender equality to be confirmed in new governance arrangements. EU development co-operation has signalled that it wishes to play an important role in putting governance and democracy and human rights into action with a body of strong policies on development and on governance, democracy and human rights. As the European Consensus on Development states:

“EU partnership and dialogue with third countries will promote common values of: respect for human rights, fundamental freedoms, peace, democracy, good governance, gender equality, the rule of law, solidarity and justice.”

key route to reduced poverty and more equal, democratic, corruption-free societies and gender equality.

⁹ World Bank-IMF (2007) *Global Monitoring Report: Millennium Development Goals: Confronting the Challenges of Gender Equality and Fragile States*, Washington DC: IBRD and The World Bank.

The Cotonou Agreement between the African Caribbean and Pacific (ACP) group of countries and the EU contains the strongest statement: Article 9 states that respect for human rights, democratic principles and the rule of law constitute the “essential elements” of the partnership, with good governance as its “fundamental element”.¹⁰

The work already being carried out to increase women’s representation in the region through quotas and affirmative action needs to be intensified and aligned with a strong women’s movement to take proactive actions to engage with political, economic and social issues and processes beyond traditional women’s issues, refine strategies and tactics, thereby re-articulating messages to adapt to a changing context and environment.¹¹

The gender dimensions of conflict are multiple, with different experiences of both male and female combatants, gender-based violence and differential access to rehabilitation and basic services, and gender-based violence. In Sub-Saharan Africa conflicts have been pre-dominantly intra-state, and the civil population, including women and children, have been involved in conflict, and, in some cases, have been deliberately targeted. Women and girls are subject to acts of violence, from sexual and gender-based violence to torture, sexual slavery, death and injury from indiscriminate military attacks, and death from being unable to support themselves and their families. Forced displacement and gender-based violence are two deliberate strategies of war that destabilise families and communities. These are among the issues that need to be taken up by the EU as key issues to moving out of fragility and towards resilience.

4 Gender Approach to the Interlocking Crises Finance, Food Climate, Care Crises

The financial crisis is set to have a major impact on development policy in fragile states, exacerbating inequalities, poverty, food shortages and the devastation of the environment. Gender inequality means that women in fragile states will be specifically hit. Already reports are coming in of the damage to women’s livelihoods both in their productive and reproductive capacity. Poor women as heads of households, as farmers, as factory workers and as informal service providers, those caught up in wars, as Internally Displaced Persons and refugees are the people most vulnerable to shocks. In addition, new research from UNRISD points to a looming care crisis in which women (mainly) struggle to perform care work which continues to be invisible in official accounts and policy. Care work on top of agriculture and other productive work is being performed at the cost of the rights and health of women, as their capacity to care is being stretched to the limits in today’s stressed and unequal society. Nevertheless, it is this work that is relied upon in times of crisis. The UNRISD research underlines that development policy needs to take care work as well as the roles of women in production and reproduction into account. EU policy also needs to take account of these issues. In fragile states, in particu-

¹⁰ Zohra Khan, 2006, Making Trade Work for Women The Likely Impact of the Economic Partnership Agreements on Women’s Rights and Gender Equality, available at: <http://www.oneworldaction.org/OneStopCMS/Core/CrawlerResourceServer.aspx?resource=D9620CB7-16D5-48C6-BE0C-96575BF87BDA&mode=link&guid=432eb88656304a178942d4375ba6a2a8>.

¹¹ According to the Inter Parliamentary Union, through the quota system, Africa has greatly increased the number of women in parliaments. According to figures in 2008, Rwanda elected more than 56 per cent female members to its lower house. Angola elected more than 37 per cent of female members in its first election since 1992, signalling a return to the democratic process. Angola joins other southern African countries such as Mozambique, Namibia, South Africa and Tanzania, which have elected more than 25 per cent of female members to parliament. See <http://www.ipu.org/press-e/gen324.htm>.

lar, many developing countries in which public services have been severely weakened, much of the burden of care has inevitably fallen back on women and girls.¹²

To date, the impact on the individual citizen and on African women, in particular, given the existing gender inequalities, are yet to be fully documented. However, the projections are dire. Obiageli Ezekwesili, World Bank Vice President for the the region of Africa, at a recent conference on the impact of the global economic crisis on women in Africa May 2009 stated that:

“The global economic crisis will drastically reduce African women’s individual incomes as well as the budgets they manage on behalf of their households, with particularly damaging consequences for girls ... Poverty has a female face and the global economic downturn will have a significant impact on women as more of them lose jobs and are forced to manage shrinking household incomes.”

New research by the United Nations’ Standing Committee on Nutrition¹³ gives the first estimates of how the crisis has hurt the very poorest in fragile states. In the poorest countries a rise of 50% in the price of staple food has pushed up the family food budget from 50% to 60% of family income. It is estimated that the inevitable cut in staple food will lead to more than 700,000 more anaemic pregnant women in SSA. As the report states, “Women are usually the last to benefit from increasing income, but they are usually the first to make sacrifices when the financial situation deteriorates”.¹⁴

The global economic crisis will arrest capital accumulation by women and it will drastically reduce women’s individual incomes as well as the budgets they manage on behalf of their households. The World Bank research findings show early household income declines in Uganda and a fall in income from agriculture in Madagascar, where girls are the first to be removed from schools. The crisis in Africa is leaving women with ever fewer job choices. In many export-oriented industries – for example, the cut-flower industry in Ethiopia, Kenya and Uganda, and the textile industry in Kenya and Lesotho – it is women, not men, across Africa who are losing their jobs because of the crisis. Declining remittances and a tightening of micro-finance lending are restricting the funds available to women to run their households.

In an interview with Inter Press Service, Kudzai Makombe Mwila Chigaga, the regional senior gender specialist at the International Labour Organisation’s (ILO) African headquarters in Addis Ababa, Ethiopia, spoke about the projected impact of the financial crisis on Sub-Saharan Africa’s labour sector and on women, in particular. She underlines that the crisis hits fragile states that have already been weakened by poverty, HIV and AIDS as well as gender inequality and discrimination. The informal sector in these states is very large, in particular, in West Africa, where women participate in the informal sector in large numbers.

The major impact of the financial crisis in fragile states will be at household level, where women are taking up the burden of the crisis. With no institutionalised social protection, unemployment benefits, or health insurance when the breadwinner loses his or

¹² This project is undertaking comparative research on the multiple institutions of care (households and families; states; markets; and the not-for-profit sector), their gender composition and dynamics, and their implications for poverty and social rights of citizenship. It seeks to undertake empirical research on the care sector in different developing regions and to connect the analysis to some of the conceptual debates on care that have taken the developed capitalist economies as their point of reference. The research spans across eight countries, including South Africa and Tanzania, and all countries have at least one “recent time use” survey (TUS) available at:

[http://www.unrisd.org/unrisd/website/projects.nsf/\(httpProjectsForProgrammeArea-en\)/37BD128E275F1F8BC1257296003210EC?OpenDocument](http://www.unrisd.org/unrisd/website/projects.nsf/(httpProjectsForProgrammeArea-en)/37BD128E275F1F8BC1257296003210EC?OpenDocument).

¹³ http://www.unscn.org/Publications/SCN_Nutrition_Impacts_of_Financial_Crisis.pdf.

¹⁴ *The Economist*, 20 June 2009, p 61.

her income, there is nothing further to which they can resort because they are already at the last resort. In order to protect households, it will be important to take into account the triple roles of women - their productive, reproductive and care-giving roles. Many rural women, in particular, have no safety-net. This is going to have a telling effect at household level in terms of child-malnutrition, children dropping out of school, and an increase in frustration and domestic violence. In terms of responses to improve gender equality and to try to keep on target for the MDGs, agriculture is the sector in which it is possible to create jobs. Given that 70-80 per cent of women are employed in the agricultural sector, it will, therefore, be important for some sort of affirmative action programme to enable women to obtain access to subsidised farm inputs, such as seed and fertiliser, so that food production can continue.

Kudzai Makombe Mwila Chigaga also warns that gender-based violence in the home is also likely to increase. She comments that, in times of crisis, the care-giving role means that women are more adaptable. They will find ways of making money. In desperate times, men do not have the same coping mechanism, so it is likely that frustration will emerge and manifest itself in terms of violence in the home.¹⁵

4.1 Policy debates on gender and governance in fragile states

The World Bank *Global Monitoring Report: Confronting the Challenges of Gender Equality and Fragile States on the Millennium Development Goals* (MDGs), 2007, highlights gender equality and fragile states as two areas that require greater international attention. It describes gender inequality as a lost opportunity for countries and citizens to generate and gain from economic growth. The report underlines that women are disadvantaged in three major ways: through less access than men to rights (equality under the law); to resources (equality of opportunity); and, voice (political equality).

The report defines fragile states as countries with particularly weak governance institutions and poor capacity and sees a major challenge in supporting the delivery of services and post-conflict recovery and reform. It calls for better aid resources (donors); sound, sequenced development strategies (developing partners); better technical support for strong strategies (the IFIs); and a more coherent "aid architecture" to reduce the costs of fragmentation.

The report offers a useful approach to gender equality in that it criticises the shortcoming of the MDGs in relation to gender equality, stating that the official MDG3 indicators only partially capture gender equality and the empowerment of women in the areas that they are designed to measure: education, employment, and political participation. It goes on to observe that times of change and transition offer opportunities for improvement in gender equality when there is the political will and the resources to do so. It also underscores that laws and institutions and gender-equality policies provide a level playing-field, but have no impact if they are not enforced with institutions, budgets and reliable information:

"The promotion of gender equality requires distinct institutional arrangements (for vigilance and accountability), as well as actions to mainstream gender issues across public sector agencies. Gender mainstreaming can work, but it requires high-level leadership as well as technical and budgetary resources." (The World Bank 2007: 145).

Taking up the key messages from this report, we can argue that moving out of fragility requires bringing about change in relation to governance and citizenship, in particular, women citizens. As stated in policy documents such as the Paris Declaration and affirmed in the Accra Agenda, the aid effectiveness agenda is moving towards a more

¹⁵ <http://ipsnews.net/news.asp?idnews=46746>.

flexible and long-term oriented mode in order to foster political dialogue and transparency that engages not only governments but also citizens.

It is not only important that these new directions are not re-directed by the current international crisis, but also that they are re-inforced, instead. Effective or “good” governance continues to be a key route to reduced poverty and more equal, democratic, corruption-free societies as well as gender equality.

In relation to fragility, the intensive state-building processes that take place in post-conflict and fragile-state settings allow for changes in power relations, state structures and institutions, and the relationship between state and citizens. In the process of moving out of fragility, there are important opportunities for the international community to support national actors in order to build a more accountable state. In moving out of fragility, there is, therefore, also the opportunity to promote women’s citizenship within state-building processes in fragile-state settings that result in capable, accountable and responsive states.

In the context of fragile states the relationship of women to the state is fundamentally different to that of men. Their relationship to the state is often mediated through family, community, and religious and customary institutions. Women face a larger gap between their formal and substantive citizenship, as well as greater economic, social and cultural barriers in accessing their rights and participating in decision-making. Moreover, in many fragile state contexts, the domestic and personal issues of most concern to women (such as family law, inheritance, land access or security) are delegated to customary institutions or non-state actors, making women unable to hold the state accountable for rights in these areas. All these factors mean that women face specific barriers in claiming their rights, in participating in governance and in holding the state to account – in effect, in acting as full citizens – and that measures to re-build or reform the state will impact upon them differently.

5 Gender and the Security Dimension of Development

Gender cannot be treated as a programmatic sector such as agriculture, but, instead, relates to complex processes mediated by culture, ethnicity, religion and other country and region-specific variables that can change or become rigidified in pre-crisis, crisis and post-crisis situations.

Women make a difference to the peace process, in part, because they adopt a more inclusive approach towards security and address key social and economic issues that would otherwise be ignored. But they remain marginalised in formal processes and under-represented in the security sector as a whole. There continues to be discrimination in education and economic security, socio-cultural discriminatory practices and laws, sexual violence and harassment, and the exclusion of women from decision-making within the security sector. As already mentioned, there are legal instruments in place in relation to gender equality and women’s issues, such as CEDAW, and the African Union Protocol on women’s rights (2003). The problem is how to ensure that governments allocate resources to gender and women’s issues, with support by donors and the regional bodies, with the UN as a major arbitrator of such instruments as CEDAW and Resolution 1325. Gender and conflict is an important focus of gender-sensitive development analysis and policy. Gender relations are affected in conflict and post-conflict situations in three areas in particular: health and education, employment and income, and violence. Weak administrative and institutional structures lead to insufficient basic services. Widespread poverty and violent conflict prevent groups of poor people, particularly women and girls, from gaining access to these services where they exist.

The low economic growth and the high household poverty levels of fragile states push women into income-generating work for longer hours, typically in the informal sector

and in agriculture-related activities. War industries developed to finance the conflict can be a new source of income, as in the cases of oil, diamonds and other precious metals in, for instance, Angola, Congo-Brazzaville, the DRC, Liberia, Sierra Leone and the Sudan. But any economic advances for women are offset by the closure of other industries and the collapse of government structures and the corresponding employment losses. In Angola, Eritrea, Mozambique and Zimbabwe, women lost their formal sector jobs to men returning from the war/conflict. During conflict, the absence of men often leaves women with the sole responsibility for maintaining the household. More than seventy percent of children depend entirely on widowed mothers to sustain them. These women are often not able to inherit or claim the property of their deceased husbands, thereby causing them severe poverty. Through displacement, both men and women lose access to land and other assets, and take up alternative income-generating activities.

Conflict-affected fragile states experience, or have experienced, high levels of violence. Sex work and casual prostitution tends to increase in conflict situations, when women engage in prostitution as a means of survival, and a breakdown in law and order allows for increased trafficking of women and children. In many wars, women are sexually violated. They lack both the mobility to flee the violence and the necessary arms to protect themselves. Rape is used as a weapon in war aimed at humiliating the enemy, and it is seldom a random activity, but is, instead, a planned strategy of warfare. While it is mainly women who suffer gender-based violence, men also experience rape, albeit to an unknown degree due to the stigma involved. Evidence from different countries suggests that gender-based violence continues, but changes in nature in post-conflict situations.

The gender dimensions of conflict are multiple with different experiences of both male and female combatants, gender-based violence and differential access to re-habilitation and basic services, and gender-based violence. Physical and sexual violence, particularly towards women and children, occur with greater regularity during, and after, armed conflict. Lack of the re-inforcement of international commitments designed to protect the human rights of women and girls during and after armed conflict prevents real progress towards gender equality.

In terms of policy responses, it is important to move away from seeing women as just the victims of a conflict, and, instead, look to the post-conflict period as a moment to build a more inclusive and gender-balanced social, economic and political relationships in post-conflict societies. The all-encompassing upheaval caused by armed conflict creates the potential to re-define gender relations in the post-conflict period in more gender equitable ways. Using the international rights-based frameworks, the political transition period - if it includes women - can establish greater gender equality and political representation of women, thus providing opportunities for the re-organisation of political institutions, which, in turn, leads to greater security, particularly for women and girls. The international policy environment needs to provide support for organisations and interventions that promote gender equality in all sectors, in order to ensure that long-standing patterns of oppression will not be re-established.

6 Gender and Peace-building (Resolution 1325)

The adoption of Security Council Resolution 1325 by the United Nations on 31 October 2000 was fundamental to the issue of gender equality and peace-building. UN Resolution 1325 is considered a watershed for international women's rights and peace and security issues. Security Regulation Resolution 1325 is the first formal and legal document from the United Nations Security Council that requires parties in a conflict to respect women's rights and to support their participation in peace negotiations and in post-conflict reconstruction. The Security Council resolution specifically addresses the disproportionate and unique impact of war on women, and the under-valued and under-utilised special contributions by women to conflict resolution and sustainable peace. It urges the equal

and full participation of women as active agents in peace and security. The adoption of Resolution 1325 was initiated in 2000 by Netumbo Nandi-Ndaitwah, then Minister of Women's Affairs in Namibia, when the country chaired the Security Council. After lobbying by dozens of women's organisations and UNIFEM, the resolution was adopted unanimously.

Among other recommendations to UN and national entities, the resolution calls for:

- prosecuting people for crimes against women (often such crimes are committed with impunity);
- extra protection of girls and women in war zones as they are more often deliberately victimised;
- appointing more women for peace-keeping operations; and
- involving more women in negotiations, peace talks and post-war re-construction planning.

Peace negotiations in Africa have been supported not only by the UN and by governments, but also by civil society networks and institutions. Co-operation between the state, civil society and the international community is important to establish stable peace constituencies and to stimulate non-violent conflict resolution. Key to this strategy is the involvement of women and women's community organisations.

Women can help to build peace across cultural divides and can help to (re-) build civil society in unstable regions. Considering the high level of distrust and the lack of capacities of civil society in fragile states, the gender-identities of women could be used to bridge other differences.

Women are active in peace processes, primarily at the informal level, where women's organisations take on mediating and reconciling roles. Although Security Council Resolution 1325 calls for the mainstreaming of gender into peace-keeping operations, the realities are that women are still often marginalised in formal peace processes. However, it should be noted that, where they have participated, there have been important gains during the re-building of institutions and legal frameworks in post-conflict situations.

Women are already engaged in community-based initiatives relevant to Security Council Resolution 1325, which need to be supported more effectively. UNIFEM is currently running the programme "Supporting Women's Engagement in Peace-Building and Preventing Sexual Violence in Conflict: Community-Led Approaches", with the support of the UK's Department of International Development (DFID). This programme shows how a strategic use of gender roles, small scale and informal strategies, coupled with national-level and international efforts to implement Security Council Resolution 1325, can make real improvements in women's lives in fragile settings (UNIFEM, 2007).

An example of how important it is to involve women in peace-building is seen in the work of The African Centre for the Constructive Resolution Disputes (ACCORD). ACCORD's primary aim is to influence political developments by bringing conflict resolution, dialogue and institutional development to the forefront as an alternative to armed violence and protracted conflict. ACCORD works from SADC in the south, through the Great Lakes region to the Horn of Africa and in West Africa. ACCORD trains men and women in conflict resolution, negotiation and mediation skills to assist them present their issues, needs and interests at peace tables in the Sudan, Somalia, DRC, Sierra Leone and Guinea, Kenya, Burundi, DRC, Liberia, Rwanda, South Africa, the Sudan and Uganda.

Central to ACCORD's work is the task of strengthening the mechanisms to incorporate women into governance and political processes in African states in post-conflict situations. Their work points to the enormous gender inequalities and challenges to bring women into social, political and economic leadership positions in peace-building and reconstruction processes and the importance of International Conventions and UN resolu-

tions¹⁶ in underscoring the important role of women in maintaining peace and security in their societies. Their work throughout Sub-Saharan Africa indicates how peace-building is a continuous process in states moving out of fragility, and gender equity is crucial to encourage good governance, transparency and accountability. For example, ACCORD reports that, in Liberia, female civil society groups and national networks of Sierra Leone have, since the 1990s, acted as mediators between rebels and the government of Sierra Leone, which led to cessation of hostilities. Mano River Women Peace Networks in Sierra Leone, Liberia and Guinea (MARWOPNET) were signatories to the Lomé Peace Accord, and were awarded the United Nations Human Rights Prize for their role in peace processes in the West African region in 2003.

The Security Council Resolution 1325 on “women peace and security” is the institutional expression of women’s struggle in building sustainable peace based upon more equitable distribution of political, social or economic power among men and women.

The EU and its Member States promote support for the engagement of women in peace-building and preventing sexual violence in conflict through community-led approaches. The strategic use of gender roles, small-scale and informal strategies, coupled with national-level and international efforts to implement Security Council Resolution 1325, can make real improvements in the lives of women in fragile settings.¹⁷ EU policy takes into special account the vulnerable situation of women in times of war and endeavours to co-operate in involving women at all decision-making levels in peace-building and conflict resolution operations, as well as in humanitarian efforts.

The EU and its Member States work with conflict affected countries developing National Action Plans for UN Security Council Resolution 1325. At a time when the EU is continuing to develop its crisis management capacity and to launch new operations, efforts need to be made to integrate gender-related issues in ESDP policy-making, not as a separate issue, but as an aspect that permeates all action. Some Member States have already developed National Action Plans for Security Council Resolution 1325. These can be used as a starting-point for a common strategy and to support the development of National Action Plans in third countries.¹⁸ The National Action Plans (NAPS) for the implementation of Security Council Resolution 1325 - are underway in nine European countries (Denmark, UK, Sweden, Austria, the Netherlands, Spain, Norway, Switzerland and Iceland). NAPs are seen as innovative attempts and comprehensive strategies to promote the follow-through of international commitments.¹⁹

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- ¹⁶ Global Conventions, UN Resolutions & African Protocol on Gender, Peace and Security:
 – The Convention for the Elimination of all Forms of Discrimination Against Women (CEDAW) 1979;
 – Beijing Platform for Action 1995;
 – UN Resolution 1265 on “Protection of Civilians in Armed Conflict” adopted on 17 September 1999;
 – UN Resolution 1261 on “Children and Armed Conflict” adopted on 25 August 1999;
 – UN Resolution 1296 on “Protection of Civilians in Armed Conflict” adopted on 19 April 2000;
 – UN Resolution 1314 on “Children and Armed Conflict” adopted on 11 August 2000;
 – UN Resolution 1325 on “Women, Peace and Security” adopted on 31 October 2000;
 – “Women 2000: Gender Equality, Development and Peace for the Twenty-first Century”, New York, 5-9 June 2000;
 – Protocol on the Rights of Women in Africa, Maputo, 11 July 2003.
- ¹⁷ “Women Building Peace and Preventing Sexual Violence in Conflict Affected Contexts. A Review of Community Based Approaches”, UNIFEM October 2007.
- ¹⁸ For more information on the EC/UN Partnership on Gender Equality for Development and Peace, see www.gendermatters.eu.
- ¹⁹ For a more detailed analysis of NAPs, see Sheriff, Andrew with Karen Barnes (2008), “Enhancing the EU Response to Women and Conflict. With Particular Reference to Development Policy”, Study for the Slovenian EU Presidency, Discussion Paper n. 84, April 2008.

7 Gender-based Violence in Conflict Areas

Gender-based violence against women, especially in conflict and post-conflict situations, is increasingly an issue of concern. Across Africa, incidents of rape and other sexual violence have been documented in many armed conflicts, including those in DR Congo, the Sudan, Rwanda, Liberia, Sierra Leone, Somalia and Uganda. There is a need to include responses to gender-based violence in political interventions in conflict and post-conflict situations.²⁰

An example of a pan-African woman led project to deal with gender-based violence is that of Akina Mama wa Afrika - the name means "solidarity among African women" in Swahili – which is a regional programme funded by the Dutch government to end impunity for the perpetrators of and support for the survivors of sexual abuse in conflict and post-conflict situations in West Africa and the Great Lakes region.

The project builds on the policies and legal frameworks that address violence against women in the Beijing Platform for Action, the UN Security Council Resolution 1325 on women, peace and security and national level laws on sexual and domestic violence. The project will gather knowledge, documentation and statistics regarding women's actual experiences of gender-based violence be it in conflict or in peace in order to advocate for better policies and better implementation of those policies. The project will also aim to build a different calibre of leaders who can create the political will needed to implement the policies. The project works in Democratic Republic of Congo and in Sierra Leone, where there are policies at national and regional levels. In western Africa, there is ECOWAS (the Economic Community of West African States), which has a strong peace and security component, but nonetheless needs to be more gender-blind responsive by taking the experiences of women in war into account. In Central Africa, there is the International Conference on the Great Lakes Region (ICGR), which, again, has important clauses on gender-based violence that still need to be implemented. The project aims to co-ordinate the women's organisations doing work on gender-based violence and to assist such movements in becoming stronger and speaking with one voice to the governments in order to create changes around sexual violence. Lastly, the project will track the governments in order to make sure that they implement the policies and the international treaties that they have ratified.²¹

The Security Council Resolution 1325 on "women, peace and security" is the institutional expression of women's struggle in building sustainable peace, based upon more equitable distribution of political, social or economic power among men and women.

Women's groups are active in peace processes, primarily at the informal level, where women's organisations take on the roles of mediating and reconciling. (See the case studies in concept note). The EU and its Member States promote support for women's engagement in peace-building and in preventing sexual violence in conflict through community-led approaches. The strategic use of gender roles, and small-scale and informal strategies, coupled with national and international efforts to implement Security Council Resolution 1325, can make real improvements in women's lives in fragile settings.²² EU policy takes into special account the vulnerable situation of women in times of war and endeavours to co-operate in involving women at all decision-making levels in peace-building and conflict resolution operations, as well as in humanitarian efforts.

Another example of good practice is the Irish Joint Consortium on Gender-Based Violence. At the initiative of Amnesty International and Irish Aid, a group of agencies came together in 2004 to develop a more systematic response to gender-based violence. What

²⁰ <http://www.ipsnews.net/africa/nota.asp?idnews=46702>.

²¹ <http://ipsnews.net/news.asp?idnews=46701>.

²² 'Women Building Peace and Preventing Sexual Violence in Conflict Affected Contexts. A Review of Community Based Approaches', UNIFEM October 2007.

is most innovative about the Consortium's approach is that they put gender-based violence at the centre of sustainable peace and development, stressing that not only is it a violation of human rights but that it is also undermines humanitarian and development interventions. The Consortium seeks to ensure that gender-based violence becomes a high-profile issue and that responses move away from *ad hoc* projects.²³

There are obstacles that need to be overcome if the EU is to play a stronger role in the issue of women and conflict. There is still need for more efficient accountability, monitoring and reporting mechanisms, and for the insufficient financial and human resources to be allocated to this field of action.²⁴ *The European Consensus on Development* and the EC's Development Co-operation Instrument consider gender as a core value of EU development policy. Commitments to enhance the implementation of UN Security Council Resolution 1325 appear in many key EU documents, such as the Council Conclusions on Gender Equality and Gender Mainstreaming in Crisis Management adopted in 2006. The EU has made UN Security Council Resolution 1325 a guiding principle for ESDP operations and has developed a framework for gender mainstreaming.

The European Parliament has also been at the forefront in calling for stronger EU action in the area of women and conflict. However, there is a general perception that the EU has made little progress on the ground. In particular, there are four areas where it is felt that the EU and its Member States should improve their action:

- sexual and gender-based violence (SGBV);
- the empowerment of women and improved accountability;
- EU Member States and conflict-affected countries developing National Action Plans for UN Security Council Resolution 1325;
- regional approaches to women and armed conflict.

In more general terms, the EU is looking to improve its understanding of issues relating to women and conflict, and to ensure regular consultation with local stakeholders. Gender equality is a fundamental principle of the EU's foreign and security policy. As stated in the Charter of Fundamental Rights of the EU, equality between men and women must be ensured in policy areas. Some Member States have already developed National Action Plans for Security Council Resolution 1325. These can be used as a starting point for a common strategy and to support the development of National Action Plans in third countries.

8 Gender and Security in Fragile States: Five Case Studies

8.1 The Sudan

The Sudan has been ravaged by more than 40 years of war. Since independence in 1956, war has been a constant condition, from the initial war between the North and the South, to the most recent conflict in Darfur. Forty years of war have resulted in two million deaths and over four million displaced persons (International Crisis Group, 2006).

²³ For a detailed account of The Irish Joint Consortium on Gender-Based Violence, see Sheriff, Andrew with Karen Barnes (2008), 'Enhancing the EU Response to Women and Conflict. With Particular Reference to Development Policy', Study for the Slovenian EU Presidency, Discussion Paper n. 84, April 2008.

²⁴ Sheriff, Andrew with Karen Barnes (2008), "Enhancing the EU Response to Women and Conflict. With Particular Reference to Development Policy", Study for the Slovenian EU Presidency, Discussion Paper n. 84, April 2008.

Although the conflict between the North and South has formally ended with the Abuja negotiations, the Sudan remains a highly militarised country.

War has taken a heavy toll on women and their children. The majority of the displaced and those living in IDP camps are women with children. Most Sudanese women, especially in the South, live in extreme conditions of poverty, with high rates of illiteracy, limited access to basic social services, including health care, food and water services. Maternal mortality is among the highest in the world with 1,700 per 100,000 live births for southern Sudan and 509 for northern Sudan. Ninety per cent of women in southern Sudan are illiterate (UNIFEM, Government of Norway, NUPI, 2005).

Because of the war, many women are often the head of the household, responsible for providing an income to their families. Women have also been the victims of gender-based violence, such as forced impregnation through rape. By the end of 2005, where 2.2 million IDPs were living in camps, the situation had become so unsafe for women that they risk being raped every time they left their settlement to go and collect fuelwood (WILPF, 2006).

Despite the discrimination that they suffer at all levels of society, women in the Sudan have been active in adopting strategies of survival in the face of conflict, and in advocating for their rights to be included in the peace agreements. Since the 1980s, Sudanese women have organised through civil society organisations, community-based and non-governmental organisations and international support networks. Civil society organisations provide basic support such as sharing food or caring for the children of southern IDP women, particularly those who have been arrested and imprisoned for income-generating activities that are illegal in the North, such as the brewing of beer (International Crisis Group, 2006). Through these activities, women have become more engaged in public and political processes, and some of them have taken up leadership roles.

However, the situation of women varies across the regions of the country. The North is subjected to Sharia law, which has consequences on the way in which women perceive their rights. Female leaders in the North argue that western-style secularism exploits women. An example of this was when Farida Ibrahim, a presidential legal adviser, described the International Convention on the Elimination of All Forms of Violence Against Women (CEDAW) as being "against Sharia Law" and therefore "a disaster for human beings". (International Crisis Group, 2006).

Despite the activism of women, their participation in the formal peace agreements was very limited. Because of the scant participation of women in the process, the Comprehensive Peace Agreement (CPA), signed in Nairobi on 9 January 2005, is a gender-neutral document, with no timelines, targets or indicators for monitoring the progress of the inclusion of women in the re-construction process. In particular, the protocol on disarmament, demobilisation and re-integration does not refer to any gender issues. This makes it very difficult for women to be socially re-integrated, due to the stigma attached to sexual violence or forced prostitution suffered by many women during the conflict.

Due to the efforts of UNIFEM and the Government of Norway, however, the involvement of women in the peace-building process was greatly enhanced, through a meeting with Sudanese women from both the North and the South that was held just a few days before the Oslo Donors' Conference (11-12 April 2005). The meeting brought together 50 women, who produced a common statement to be presented at the donors' conference expressing their shared concerns and priorities.

Their main priorities were in the following areas: the education of girls and women; the economic, political and legal empowerment of women; capacity building; health, including HIV/AIDS; the building of more resource centres for women; and the translation and distribution of the content of the peace agreements, which was unknown to most of the population. Most importantly, women came up with a recommendation to donors that funding should be given according to the gender responsive resource allocation

principle. The proposal was that, at least 80 percent of resources for the re-construction of the Sudan should meet at least three of the following criteria: combating HIV/AIDS and decreasing maternal mortality, reducing gender inequalities in law, policy and practice; directly benefiting young girls in disadvantaged communities; and targeting rural areas (UNIFEM, Government of Norway, NUPI, 2005).

The same support was given to women from Darfur during the negotiations between the Sudanese government and the Sudan Liberation Army in the period 2005-2006. UNIFEM and the African Union Gender Desk established a Gender Expert Support Team (GEST) with representatives of female NGOs. With the help of UNIFEM, Norway, Canada and Sweden, these women lobbied the international community to press for their engagement in the negotiations. The result was that the Darfur Peace Agreement (DPA) signed on 5 May 2005, is much more gender-sensitive than the CPA. It calls for the participation of women in decision-making bodies and improved mechanisms for dealing with gender-based violence. However, the document is far from perfect, as there are no quotas to ensure the participation of women and no mechanism to monitor the effectiveness of protection from gender-based violence (International Crisis Group, 2006).

Although the situation remains very difficult for women in the Sudan, violence continues and little of what was promised in the agreements has been delivered, the fact that women, with the support of UN and EU actors, were able to raise their voice and their demands, is an example of good practice for the donor community in other conflict settings.

8.2 The Democratic Republic of Congo

Since 1996, the Democratic Republic of Congo (DRC) has endured a major humanitarian crisis, with an estimated death toll of 3.9 million people. One characteristic of the war in the DRC was the indiscriminate use of rape as a weapon of war. Between 1998 and 2003, 51,000 cases of rape were reported in the provinces of South Kivu and Kalemie (Sheriff, 2008). Medecins Sans Frontieres reports that 75 percent of all the rape cases that they have had to deal with were in the eastern Congo (Grignon, 2009). Unfortunately, the trend continues, as, in 2009, a huge incidence of sexual violence and rape continues in eastern Congo.

The total number of cases of sexual violence is certainly higher than these figures, as the reported cases represent only a fraction of the total. The stigma attached to sexual violence is still very high and women fear that, if they go to the police, they will lose any prospect of marriage, or that their husbands will abandon them. They also fear that the perpetrators will punish them for reporting the abuse.

Sexual violence is perpetrated by all the parties in the conflict: the Congolese Army, Rwandan Hutu rebels and Congolese Tutsi rebels. Furthermore, rape has now become so ingrained in the fabric of society that it is also used as a basis of gender power-relations. A culture of impunity has led to a situation in which even policemen, prison guards and individuals in positions of power commit acts of violence.

The consequence of the widespread use of sexual violence is profound damage to society as a whole, beginning with the victims' dignity, physical and moral integrity. The violence has eroded the economic and social fabric of rural communities, and has led to the impoverishment of already disadvantaged groups. The scale and the nature of sexual abuse has created a serious public health problem, with an increase in HIV and AIDS and other sexually transmitted diseases. The lack of medical infrastructure, especially in remote areas, has compounded the problem (International Alert, 2005).

In trying to cope with such high levels of violence, the DRC has a dynamic civil society with many community and non-governmental organisations set up to protect human rights as well as women's groups. These organisations provide services such as health care, legal assistance, food, psychological support and political training. They also work through networks and in conjunction with international NGOs and UN institutions. One

example of such women's groups is the Coalition Against Sexual Violence, which lobbied the Congolese authorities to reform the national criminal law in order to re-inforce provisions against rape. Another example is the Réseau des Femmes pour un Développement Associatif (RFDA) which opened several refuges for women, which offer support to the victims of violence. This has encouraged many women to step forward and speak out about their experiences (International Alert, 2005).

The government has taken very few steps to counter sexual violence, despite being a signatory to CEDAW. Women have been systematically excluded from the negotiation table of the peace agreements. However, with the support of UNIFEM, UNDP and the AU, women used Security Council Resolution 1325 to campaign and secure their presence in the peace-building process. Their role was very important in producing the peace that resulted in the 2005 referendum, which approved a new constitution. During the registration period, women's organisations mobilised and trained women, contributing to a high female turn-out. Article 14 of the new constitution provides for greater participation of women in all national, provincial and local institutions. However, no law has been passed to apply Article 14, and, during the transition period, only 16 per cent of the parliamentarians and 11 per cent of members of government were female (International Crisis Group, 2006).

International action has been weak in the DRC. The UN's peacekeeping mission, MONUC, has been unable to report effectively the scale of the violence to the Security Council. As established in 1999, prior to the adoption of Security Council Resolution 1325, its first resolutions did not contain gender language. Even after the renewal of its mandate, its reports to the Security Council contain limited references to sexual- and gender-based violence (WILPF, 2007). Furthermore, allegations of sexual abuse and exploitation of the Congolese population by UN peacekeepers also emerged in 2004.

There are, however, some positive initiatives. One example is the "Joint Initiative on Sexual Violence in DRC", which started in 2003. This initiative was led by the UNFPA and adopted a multi-sectoral response to address SGBV in eleven provinces of the country. Belgium was the first donor to support the initiative, followed by Canada, Germany and other EU Member States. Belgium also led the process of bringing the issue of sexual- and gender-based violence in conflict to the political stage by hosting, in co-operation with the European Commission and the UNFPA, the International Symposium on Sexual Violence in Conflict and Beyond in Brussels in June 2006. On a similar note, the DFID has recently established the position of sexual- and gender-based violence advisor in the DRC, which is a sign of the increased attention that donors are giving to the issue (Sheriff, 2008). However, given the scale of the violence in the DRC, a much stronger commitment from the EU and the international community is required.

8.3 Uganda

Northern Uganda has experienced conflict for more than 20 years. Civilians have been the primary target of attacks by the Lord's Resistance Army, one of the main rebel groups. In terms of numbers, this war has produced 1.4 million IDPs, 25,000 abducted children, including 7,500 girls. Women have suffered violence also at the hands of the Ugandan Defence Forces. Widespread violence has meant the destruction of entire communities, physical and psychological traumas and the spread of HIV/AIDS. As a result of the conflict, women have also taken on the burden of supporting their families, as the number of households headed by women increased by 71 percent during the war (Isis-WICCE, 2008).

According to a 2008 Amnesty International Report, entitled "Doubly Traumatized, the lack of access to justice for the female victims of sexual- and gender-based violence in northern Uganda", women and girls in northern Uganda, who suffer sexual- and gender-based violence, often face difficulties in trying to ensure that the perpetrators are brought to justice. The study, conducted in five districts in 2007, reveals the discrimination that women face when they try to pursue cases of rape, defilement, domestic vio-

lence, assault and other forms of violence. Amnesty International considers that the current justice system in northern Uganda is grossly inadequate, particularly with regard to ensuring the protection of women and girls from sexual- and gender-based violence.²⁵

Uganda is the good example of a country where, despite the sheer scale of the violence experienced by women, they have managed to develop successful survival strategies and have mobilised to support each other. Uganda has by far the most advanced, articulate and organised peace movement in the region. In 1989, the Gulu District Women Development Committee played a significant role in bringing peace to this area by staging peaceful protests and campaigns. Members of the committee marched through towns singing funeral hymns and calling for end to the conflict. Many rebels gave up their weapons as a result of this community peace initiative. Betty Bigombe, Minister of the State of Gulu, has played a crucial role in the mediation efforts between the LRA and the Ugandan government since 1994 (International Crisis Group, 2006).

Civil society organisations have come together under the Uganda Women's Coalition for Peace (UWCP) to demand that women have a voice in the negotiation process, known as the Juba Peace Process. The UWCP groups the most prominent NGOs that work on gender and conflict issues and female leaders at national and district level. With support from UNIFEM and the Gender Advisor to the Special Envoy for the LRA Affected Areas, the UWCP carried out extensive consultations with women and community-based organisations in the Gulu District. In this way, the organisation developed a comprehensive assessment of women's needs in relation to the peace negotiation. Some women from the UWCP also travelled to Juba and obtained observer status so that they could provide direct input into the process.

As the process is still on-going, it is not yet possible to understand if the final agreements will reflect the proposals of women; however, the fact that women's organisations have been able to participate in the process is already a very positive step (Sheriff, 2008). The example of Uganda is one that could be replicated in other regions and countries.

It is important to note that the women's movement in Uganda has strong networking mechanisms that link women from different regions enabling them to share experiences of violence, reduce their isolation and increase their self-esteem. Communication among women is also provided by the radio programmes on Security Council Resolution 1325 in partnership with the International Women's Tribune Centre (IWTC). The programmes were made available in English, Luganda and Swahili and are intended to raise awareness on Security Council Resolution 1325 and how it can be used to protect and promote women's rights (WILPF, 2006).

Most of these efforts and achievements have occurred with little governmental support. To the detriment of gender equality, the government has not passed laws that protect women and children in the family, or ensure the equal rights of women to own, lease and sell the land. As in the case of Congo, Uganda has ratified CEDAW, but it still has no specific law protecting women. Despite international recommendations and the fact that there is a Ministry of Re-habilitation, no post-conflict recovery programme for any of the war-affected districts of Uganda has been put in place (Isis-WICCE, 2008). The women's commission and a gender desk are not strong and have few resources and little political backing. The neglect of the government has forced women's organisations to mobilise. For example, in the Kitgum District, where the abduction of women and children is still going on, they have created the Kitgum Women's Peace Initiative (KI-WEPI) to assist those who manage to return. The centre offers counselling services and also provides some income generating activities such as tailoring and baking for formerly abducted girls (International Crisis Group, 2006).

²⁵ <http://ipsnews.net/news.asp?idnews=47167>.

Another example is the National Association of Women Judges of Uganda (NAWJ), composed of 40 jurists, which provides advanced training for Uganda's judges and magistrates regarding the link between violence against women, property rights and the HIV and AIDS epidemic. It also aims to improve access to justice for women in post-conflict situations. The country's 1995 constitution also calls for the protection of women's rights. Rape and other sexual- and gender-based crimes are also provided for under the country's penal code. However, the penal code does not recognise marital rape - widespread in Uganda - as a criminal offence, mainly due to the presumptions in customary law that consent to sexual intercourse is given by the act of marriage. Uganda also lacks a comprehensive law which deals with domestic violence. NAWJ is proposing a draft Domestic Violence Bill, which seeks to criminalise marital rape and other forms of domestic violence, and this is currently under consideration in parliament.²⁶

Donors provide mechanisms to support the dynamism and the creativeness of the Ugandan women's movement. The DFID supports the Centre for Domestic Violence Prevention (CEDOVIP). Through the DFID, the CEDOVIP provides training sessions at police stations on domestic violence as a violation of human rights. The police have also created Child and Family Protection Units, which provide friendly support to women and children who have been sexually assaulted.

Uganda is a priority country for many donors. However, a small part of this funding is targeted towards conflict-affected areas and towards the victims of violence and torture. In particular, there is an urgent need to establish funding to develop psycho-traumatic treatment centres in all areas of Northern Uganda. "Evidence suggests that, unless these difficulties are addressed, this could lead to serious trans-generational effects with future instabilities in Uganda" (Isis-WICCE, 2008: 187).

8.4 Sierra Leone

Sierra Leone has recently emerged from a ten-year war that ravaged the country between 1991 and 2002. The conflict resulted in the destruction of infrastructure and institutions, increased poverty and contributed to the breakdown of the political system. Even today, two-thirds of the population continue to live under the poverty line. Sexual-based violence played a huge part in the conflict and continues to be a serious problem even in the post-conflict setting. If it is not addressed properly, it could pose serious threats to the country's stability in the future. It is estimated that around 250,000 women and girls were victims of sexual violence during the war (Sheriff, 2008).

This violence finds its causes in the deep gender inequalities that pervade Sierra Leone's society at every level. Women have always been marginalised, discriminated against and under-represented in the country's decision-making structures.

The role of customary law contributes to the subordinate position of women in society. Sierra Leone, like most African countries, has two sets of legal systems. Customary law is set at chieftom level and is administered by local courts and local police, with jurisdiction over community and domestic issues, such as land, inheritance, divorce and debt. These are the issues that are of most relevance to the daily lives of women. The formal legal system has jurisdiction over more serious crimes and has the responsibility of upholding national laws. Most women, who live in remote rural areas, would normally have access to the first justice system, which is, by definition, more traditional and discriminatory against women. Local courts are always male dominated and do not rule according to state commitments in terms of human rights, including CEDAW. In this way, women are prevented from enjoying both their constitutional and their human rights. This is often the case when women suffer gender-based violence. The local courts often do not refer the case to the magistrates, as they are compelled to do according to the Domestic Violence Act of 2007 (Castillejo, 2008).

²⁶ <http://ipsnews.net/news.asp?idnews=47167>.

The government, however, with the help of international donors, is taking concrete steps to address the issue. As a result of widespread mobilisation by women's networks, three "Gender Bills" were approved in 2007, which cover important rights for women, relating to customary marriages, property inheritance and sexual violence (International Alert, 2008). The challenge now is to make sure that they are disseminated and integrated into customary law at local level. Civil society organisations and the DFID-sponsored Justice Sector Development Programme (JSDP) are working with customary authorities to strengthen the human rights compliance of customary law.

Another important initiative that was adopted in Sierra Leone was the establishment of a Truth and Reconciliation Commission (TRC). The commission gave women the opportunity to participate and to testify to the violence that they experienced. It produced a report in 2004, which contains a detailed analysis of the status of women in the country in all aspects of social, economic and political life, as well as recommendations on women's rights. However, these recommendations are yet to be implemented.

For example, the Truth and Reconciliation Commission (TRC) recommended that 30 per cent of parliament should be made up of female representatives. However, this measure was seen by male-dominated parties as a threat and was never adopted (Castillejo, 2008).

As part of the reform of the formal justice system, Family Support Units (FSU) were established in all police stations. These units have specially-trained personnel and are dedicated to working with victims of rape, sexual abuse, domestic violence and trafficking of women and children. FSUs also have referral services for free medical care and legal assistance. Evidence suggests that they have been effective in increasing the number of women who report sexual violence and in reducing the stigma attached to it. In 2003, FSUs received and investigated 3,121 reports of sexual and physical violence, a significant increase compared to previous years (UNIFEM, 2007). In order to change women's attitudes towards the police and to encourage them to report violence, it is important that the police system is reformed so that more female officers are employed. Sierra Leone has set the target of a 30 per cent quota of female officers and is half-way towards reaching this target (UNIFEM and UNDP, 2007). Despite these advances, a workshop carried out by International Alert has shown that women still feel that security sector reform processes have suffered from a lack of engagement with civil society and non-state actors (International Alert, 2008).

A similar initiative to the Family Support Units has been adopted by the International Rescue Committee (IRC) with funding from the DFID and Irish Aid. The IRC has set up three "Rainbo Centres", which are designed to provide free, holistic care and services to victims of sexual assault, including medical evaluation, psychological counselling, and advice on reporting the incidents to the police. In 2007, 1,176 clients accessed the Rainbo Centres, an increase of 19 percent compared to the previous year (Sheriff, 2008). However, the fact that there are only three centres and that they are located in urban settings, make them inaccessible to the vast majority of rural women who suffer abuse.

As all these examples show, Sierra Leone is high on the donor agenda. It was also one of the first countries to be included in the Peacebuilding Commission (PBC), a new intergovernmental advisory body of the United Nations that supports peace efforts in countries emerging from conflict. It was allocated US\$35 million from the Peace-building Fund, which was established alongside the PBC (International Alert, 2008). However, there is a concern that donors' and government initiatives, in particular, those to contrast gender-based violence, are *ad hoc* and unco-ordinated, as they lack a comprehensive National Action Plan (Sheriff, 2008).

8.5 Liberia

Liberia suffered a brutal civil war between 1989 and 2003. It is estimated that 250,000 people were killed, up to one-third of the population was displaced and 75 percent of women and girls were subject to sexual- and gender-based violence. Women were not only victims in the war; together with children, they made up 38 percent of combatants (Campbell-Nelson, 2008). The Liberian conflict grew to involve the whole of the West African sub-region with Sierra Leone, Nigeria, Guinea, Côte d'Ivoire and Burkina Faso supporting different factions. In August 2003, the Comprehensive Peace Agreement was signed.

The question of the unequal distribution of resources remains unresolved, with Americo-Liberians, the descendants of freed slaves who returned from the USA, retaining control over the country's resources, despite representing only five to ten per cent of the population, a situation which continues with worrying consequences for peace.

The role of women in the peace agreement was very important. The 2003 Golden Tulip Declaration was the result of more than ten years of struggles by women's organisations to gain recognition in formal peace processes and to influence male-dominated peace accords. The Declaration calls for the full participation of women in all structures and all institutions in both the transition period and in post-conflict society. The role of female Liberian peace activists was internationally recognised, as the Mano River Women's Peace Network (MARWOPNET) was awarded the United Nations Prize for Human Rights in 2003 and Etweda Cooper, a peace activist, received the UN 1325 Award in 2005 (Campbell-Nelson, 2008).

The role of women in the Liberian peace-building process was testified by the election of Ellen Johnson Shirleaf to the Presidency of the country in 2006, the first woman elected head of state in Africa. Her election was accompanied by a more women holding public positions.

As in Sierra Leone, a Truth and Reconciliation Commission (TRC) was established after the end of the conflict. This body served the purpose of uncovering wartime crimes and giving a voice to the female victims of violence. Since its inception, the commission has made efforts to incorporate gender mainstreaming into its mandate. By July 2008, 40 percent of those giving testimony in public hearings had been women (Campbell-Nelson, 2008). However, the TRC has received widespread criticism on a number of fronts, including lack of transparency, poor outreach at grassroot level, public in-fighting between commissioners, and the lack of a witness protection scheme. Furthermore, it is not a court with punitive powers. The problem of legal accountability and the prosecutions of the crime perpetrators is deeply felt by civil society. Prosecution is seen as a necessary pre-condition for full reconciliation and to eliminate the culture of impunity that can give rise to future human rights violations. However, the Liberian judicial system will not have the capacity to do this for many years, in terms of physical and financial resources.

Nonetheless, some gender-sensitive legislation has been introduced, such as the amendments to the rape law and the inheritance law, and a fast track gender court to address cases of sexual violence (WILPF, 2007).

One case for concern is the condition of female ex-combatants. By late 2004, approximately 22,000 women and 2,740 girls of a total 103,000 ex-combatants had been disarmed and demobilised (Campbell-Nelson, 2008). Despite claims that gender was mainstreamed into the policies and procedures of the disarmament process, this was not the case. Women were sent home without proper assessment of their reproductive health, their sexual and psychological conditions, and their re-integration into their communities was not dealt with properly. Their re-integration into their families and communities is very difficult as they suffer the double stigma of having experienced sexual abuse and of having been affiliated with the armed forces.

In terms of security sector reform, Liberia has made some important strides to include women into the police forces. In April 2005, the Liberian National Police (LNP) established the Women and Child Protection Unit (WACPU) with help from the United Nations Mission in Liberia (UNMIL) and UNICEF. The WACPU collaborates with governmental and non-governmental bodies, supported by the Gender-Based Violence Inter-Agency Task Force which co-ordinates the work of the UN and other donors. Because of the donor prioritisation of this area of the police forces, the WACPU is better equipped than other sectors and is regarded as an élite task force. Police officers thus want to be associated with gender-related work, which has contributed to the reduction of the stigma attached to gender violence. In 2007, a contingent of 100 Indian policewomen was also sent by the UN to Liberia with the aim of encouraging women to join the Liberian police services (UNIFEM and UNDP, 2007). Despite all these efforts, though, the target of 20 percent women joining the police has not been achieved yet.

Efforts to increase the participation of women in decision-making processes and to end gender violence have also been strong at community level. Donors should support these initiatives. UNIFEM has funded the Women Peace Huts project. The project has been established by the Women in Peace Building Network (WIPNET) and serves as a community mediator. The women meet on Thursday mornings, share information about problems and issues that they have heard about in the community, and plan actions to further investigate and resolve the issues. Community members also come to the Peace Huts with problems to be solved, including difficult issues such as rape, as well as those relating to land, religious differences, and tribalism. The Peace Huts also serve as a refuge, as women experiencing domestic violence can go to the Peace Huts for safety (UNIFEM, 2007).

9 Gender and Citizenship

One specific problem in fragile states is the issue of legal pluralism in promoting and defending women's rights. Many African countries have different legal systems based upon statutory, religious and customary law. Each of these legal systems has different notions of what women's rights entail, thereby complicating the reform agenda. The systems are often overlapping, which presents problems as to where rights can be claimed. For instance, if you are married under customary law and your rights are violated, which legal code is used to adjudicate? Often, it is unclear which is the supreme law, as some of these systems are not legislated upon or recognised, and, in a system of weak and compromised institutions, this is often problematical and causes further erosion of rights. In addressing ways to improve legal systems and governance institutions, it is important to realise this is where patriarchal social relations, levels of literacy and women's awareness of and access to their rights come into play. In order to address these complexities and build new governance structures more resources that take gender inequalities into account and put affirmative action policies in place are required.

The Spanish Research Institute FRIDE and the Campaign for Good Governance in Sierra Leone, in a very recent research in Freetown and Moyamba, Kono and Koinadugu (Castellejo 2008), examined the forms of citizenship currently available to women in Sierra Leone, the challenges women face in claiming their rights and participating in governance, and the changes that are being brought about by the strengthening of the formal state. In order to realise the potential benefits to the citizenship of women from the state-building process, it is important that the strengthening of both the rights and the participation of women are explicit aims built into all governance policies and strategies from the initial stages of peace-building, through to democratisation and institution-building and strengthening. It is also important that state-building processes fully engage with customary governance structures – which are central to most women's lives – rather than construct a formal state that lies "on top" of unreformed customary governance structures which continue to determine people's daily lives.

Policy approaches would be greatly strengthened by cross fertilisation between the state-building in fragile states and the existing body of work on gender and governance approaches in order to produce more gender-sensitive and informed theories and policy making on fragile states. Such a dialogue could help establish how aid effectiveness in fragile states can take into account the issues surrounding gender and citizenship, and the challenge of gender-based violence, and the extent to which poor women in fragile states are able to participate in the decision-making structures which are shaping the events and outcomes in their own lives.

The Paris Declaration refers to gender equality as a cross-cutting issue which requires a harmonised effort. This could potentially prepare the way for more policy dialogue on gender equality and women's rights, but only if deliberate measures are adopted, including elevating gender issues into the mainstream of macro-economic policy formulation, planning and resource allocation, or implementing national and/or sector programmes targeted to gender equality and the empowerment of women. Gender budgeting ensures that a gender perspective is integrated in budgetary planning and programming. It is, therefore, a key tool for ensuring that: 1) gender analysis is mainstreamed into national, sector and local budgets; 2) resources are ear-marked for women's empowerment programmes aimed at redressing gender inequalities. This twin-track approach is widely-accepted by donors and governments as an effective strategy for gender equality and the empowerment of women.

10 Gender Responsive Budgeting

Gender responsive budgeting has emerged as a major policy response to put the new aid modalities in place. Gender-budget analysis or gender-responsive budgeting is a "gender mainstreaming strategy that directs attention to economic policy focusing on government budgets".²⁷ The growing use of new aid modalities in the EU, and, in particular, direct budget support, is changing relations between donors and partner countries, and setting a new framework for policy dialogue. Respect for women's rights and the promotion of gender equality are inherent to good governance, democracy and human rights, but support is patchy for programmes and projects, within the governance, democracy and human rights ambit, which would increase women's capacity to enjoy and exercise their human rights, and would enable women to engage in governance processes and participate politically. Gender-responsive budgeting operates in more than 70 countries at national, local and sectoral levels. Some very useful gender budget analysis has been done in several African countries including Tanzania, Uganda, South Africa and Mozambique.

Gender-responsive budgeting (GRB) has enormous potential for advancing gender-equitable resource allocation in fragile states. In order to make aid effective in addressing poverty and inequality, it is essential for donors and national governments to have a greater understanding of the specific challenges that women face. GRB is particularly important in the context of re-building and strengthening state institutions, as it provides important an entry point for gender mainstreaming. However, the increasing use of new aid modalities as an aid delivery mechanism poses a particular challenge regarding how to meet gender equality commitments through such an instrument. Gender-responsive budgeting is one way to achieve this because it requires governments to apply gender analysis to the budgeting process at national and local levels.²⁸

Many governments receive funds for their national budgets through bilateral and multilateral assistance. Most low-income countries are dependent on external resources to

²⁷ Rhonda Sharp. (2003). *Budgeting for Equity: Gender budget initiatives within a framework of performance oriented budgeting*. UNIFEM: New York.

²⁸ Communication from the Commission to the European Parliament and the Council – Gender Equality and Women Empowerment in Development Co-operation, 2007.

finance their public expenditures as they are unable to raise revenue internally. For example, in Uganda, donors financed about 42 percent of the 2006/07 budget, while, in Tanzania, ODA accounts for around 42% of the government budget and 80% of the development budget.²⁹ Donors play an influential role in shaping national policy priorities, budget processes and, consequently, development outcomes.

Donors providing such assistance have their own gender policy commitments. The UK Department for International Development's (DFID) *Gender Equality Action Plan* sets out how the DFID will promote gender equality and the empowerment of women in its development co-operation activities. At regional level, the 2005 EU Consensus on Development and the 2007 *European Commission Communication on Gender Equality and Women's Empowerment in Development Co-operation* commit EU donors to ensure the effective implementation of the strategies and practices that contribute to the achievement of gender equality and the empowerment of women. Southern governments also have commitments to gender equality and the empowerment of women. These usually flow from international declarations and agreements such as the 1995 *Beijing Declaration and Platform for Action (BPfA)* and the 1979 *Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)*. Regional commitments such as the 2008 SADC Gender and Development Protocol, and the 2003 Protocol to the African Charter on the Rights of Women in Africa place the human rights of women and the empowerment of women at the heart of development. Many have strong national plans of action for promoting gender equality and have started implementing GRB.

Donors supporting fragile states must ensure some level of co-ordination of aid in accordance with the 2005 Paris Declaration on Aid Effectiveness. The Declaration sets out the key principles for improving aid delivery and effectiveness. It aims to foster country ownership of development by harmonising donor financing to sector or national budgets; aligning donor support to national development plans; promoting civil society participation for mutual accountability, and ensuring more predictable development results. The new aid modalities (sector and budget support) pose particular challenges for tracking gender equality outcomes. However, the increased use of new aid modalities as an aid delivery mechanism poses a particular challenge of how to meet gender equality commitments through such an instrument. Gender responsive budgeting is one way to achieve this because it requires governments to apply gender analysis to the budgeting process at national and local levels.³⁰

11 Conclusion

In addition to having the right policy prescriptions in place, there is also the question of how to build political will once the policies are formulated. Good policies can have no impact if they are not enforced, and enforcement requires institutions with budgets. Good policy on gender has been agreed to and brought into African state and pan-African regional arrangements. But the real issue continues to be how to make it happen.

As Maria Nzomo stated in Zimbabwe when she was the Kenya High Commissioner while addressing women's political participation and gender mainstreaming sub Saharan African institutions:

“professional organisations' intellectual expertise and capacities, alertness to the dynamics of regional integration, clear vision and patience ... a lot of vigilance will obviously be needed ... this will only be realised if ... African women and men are prepared to seize the moment'.” (2003)

²⁹ Tanzarn, N. 2008. *Just Budgets: Just Budgets: Increasing Accountability and Aid Effectiveness through Gender Responsive Budgeting: Uganda*. One World Action. London, UK.

³⁰ Communication from the Commission to the European Parliament and the Council – *Gender Equality and Women Empowerment in Development Co-operation*, 2007.

Nzomo was speaking in 2003, but such a statement reverberates even more now. Even the best policies, implanted where there is no will to implement them will fail.

Implementation, or political will for that matter, is a function of prevailing mindsets, habits and interests. Moving out of fragility requires addressing long-term problems with people willing to reconsider established conventions and to face neglected issues such as gender inequalities together with better understanding of how different economic and governance institutions actually work. It is much more than the presence of sound macro-economic policies, or hard and soft infrastructure. It is essentially a function of the capacity for political agreement and for action by the people, men and women, within a given society; the ability to be able to think long-term, include all stakeholders, and to create and shape effective institutions. If this is lacking, then development is likely to fail. Why countries end up being tagged as “fragile” or end up in conflict is precisely because they do not have a functional capacity for agreement and action. A major challenge for the EU is to provide the economic and political support to both states and their citizens in order to redress gender disparities, and empowering women is an important development objective and possibly one of the most fair and efficient ways to move out of fragility.

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