Getting the past right in West Africa and beyond: Challenging structures through addressing gender-based violence in mediation

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Abstract

Fifteen years after the launch of the UN's landmark resolution 1325 on women, peace and security, its recommendations concerning women as civil society actors, and women as victims of conflicts, have become part of a largely accepted and standardised guide for the international community and in many states. Fewer advances have been made with involving politically skilled women in high-level negotiations and understanding the wider processes of conflict mediation – where the basis for peace is crafted at different levels of society. This article offers insights on which issues should be taken into account regarding gender-based violence during mediation and suggests how a conflict context can be analysed from a perspective of gender and women. It also explores the issues that have dominated

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the agenda of peacemaking in West Africa in particular and across the continent, in order to provide real-world examples of peace and transitional processes where lessons can be learnt about addressing or failing to address gender-based violence. A transformative and inclusive peace process that changes conceptions of the status quo, fights gender-based violence, and includes women in post-conflict planning could remove many risks from women's agency in post-conflict peace and security. It could gradually reform structural factors that constrain women's participation.

Keywords: Gender-based violence, peace processes, mediation, transitions, post-conflict peacebuilding, West Africa.

1. Introduction

For many women's groups, activists, and survivors of gender-based violence during conflicts, addressing the atrocities of that violence during peace processes and in transitional settings means 'getting the past right'. War and violence, and the processes of mediation, are contexts where women are often silenced and forgotten. Getting the past right also means highlighting the kinds of broader structural injustices that must be openly debated and challenged during effective mediation. The integration of a gender perspective into peace mediation implies engaging the negotiating parties in transformative thinking about the different roles of men and women in peace and conflict. Indeed, peace negotiations should be spaces where decisions are taken that prevent a return to the status quo of previous gender relations and pre-conflict power configurations.

Fifteen years after the launch of the UN's (United Nations) landmark resolution 1325 on women, peace and security, the recommendations on action, advocacy and protection concerning women as civil society actors, and women as victims of conflicts, have become part of a largely accepted and standardised guide for the international community and for many states (UN Women 2012:2–3; Rehn and Johnson Sirleaf 2002). Fewer advances have been made towards involving politically-skilled women in high-level negotiations and understanding the wider processes of conflict mediation (Bell and O'Rourke 2010), where the basis for peace is crafted at different

levels of society. Certainly while all the injustices of the past cannot be righted in one agreement and gender issues cannot only be addressed by legal documents in a post-conflict environment, there is plenty that peace processes can indeed accomplish.

The UN Guidance for Effective Mediation, based on consultations with mediators and practitioners globally, highlights the need to include a broad cross-section of conflicting parties and other stakeholders as one of the eight fundamentals for an effective process.[1] The standards set by the World Conferences on Women, UN Security Council resolutions, and Secretary-General reports and commitments provide a normative baseline that supports the efforts of local actors and shapes the expectations of political leaders and donors.[2] The Global Study (Coomaraswamy 2015) on the implementation of resolution 1325 launched in October 2015 stresses that while national ownership is the base for any successful peace process, international support for the process, decision-making and implementation mechanisms can play a major role in advancing the goal of inclusivity and participation of women.

Moreover, recent academic work based on qualitative and quantitative evidence indicates that in inclusive processes, especially in cases where women's groups were able to exercise a strong influence on the negotiation, there was a much greater chance that an agreement would be reached than when women's groups exercised weak or no influence (Paffenholz et al. 2015). The involvement of civil society in peace processes has no discernable negative impact on the outcomes. Indeed, it can reduce the chances of failure by up to 50% and improve the chance of more sustainable agreements. The more specifically inclusion is written into the agreement, the more effective it has been in practice (O'Reilly et al. 2015).

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1   See United Nations Guidance for Effective Mediation (UN Secretary-General 2012).

2   See Convention on the Elimination of All Forms of Discrimination against Women (CEDAW 1979); the Beijing Platform for Action (The Fourth World Conference on Women 1995); UN Security Council Resolution 1325 (UN Security Council 2000) and subsequent resolutions.

Addressing the past is particularly important in contexts where gender-based violence has been a significant manifestation of the conflict or has triggered deeper violence. During mediation processes, victims are often silenced in order to achieve political agreement between political and military actors. Yet operating in a business-as-usual environment where the focus is exclusively on cease-fire agreements and power-sharing arrangements, the underlying causes of conflict are ignored, and its victims are ignored. Men and women who have been direct victims or who have seen atrocities committed cannot become full members of their societies unless this violence is recognised by the parties involved in the conflict, and unless this victimisation is acknowledged by the state. The first step in recognition is establishing accounts of the past where the victims feel their stories and interpretations are represented.

With resolutions 1889 (2009) and 2122 (2013), the UN Security Council turned its focus to women's active roles as leaders in peacemaking, conflict transformation and conflict prevention. Resolution 1889 addresses women's exclusion from peacebuilding and the lack of attention to women's needs in post-conflict recovery. Resolution 2122 calls on parties to peace talks to facilitate equal and full participation of women in decision-making; aims to increase women's participation in peacemaking by increasing resources for women in conflict zones; and acknowledges the critical contributions of women's civil society organisations. In order to reinforce these resolutions and bring back 1325 to its human rights origins, the Global Study launched in October 2015 stresses how the international community should take a stronger stand against gender-based violence during and after conflicts, and anticipate the backlash against women. Nationwide strategies should be implemented to protect women and women's rights defenders, especially if the governments are not able or willing to provide this support.[3]

Building on resolution 1325 and the subsequent resolutions, this article offers insights on which issues should be taken into account regarding

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3   See Coomaraswamy 2015, Chapter 12. Linkages between human rights mechanisms and the Security Council resolutions on women, peace and security: Opportunities for enhanced accountability for implementation.

gender-based violence during mediation and suggests how the conflict context could be analysed from a perspective of gender and women when the mediation strategy is being defined. It also explores issues that have dominated the agenda of peacemaking in West Africa in particular and across the continent, and in other continents with similar processes – to provide real-world examples of peace and transitional processes where various lessons can be learnt about addressing or failing to address gender-based violence.

Gender in this article constitutes a central premise of conflict analysis, and gender-based violence a context-specific concept that mediators need to use as a method for understanding societal dynamics – not just something left to experts in gender issues or women's issues. The idea of a 'continuum of violence' is a key point, because it offers a framework for describing how different types and levels of violence interact with each other, and how past conflicts are built-into the logics of contemporary violence (Kelly 1998; Steans 2006:58; Pankhurst 2008:1–6).

The evidence presented here is based on knowledge accumulated from a joint project on the West African peace processes with the Crisis Management Initiative (CMI) and the West African Network of Peacebuilding (WANEP) between 2011 and 2014.[4] Interviews with local and international experts, government representatives, local organisations, focus group discussions, reports on West Africa in general and Liberia and Côte d'Ivoire in particular are used as sources, along with academic literature on mediation.

This project did not collect a comprehensive sample of evidence, nor did it base recommendations on high-profile cases.[5] Rather, the evidence builds on the workshops and in-depth interviews conducted during fieldwork in Liberia and Côte d'Ivoire, and discussions in 2011 and 2012 in Abuja and Dakar with ECOWAS, AU, and UN representatives, as well as with

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4   To know more about the CMI-WANEP project on Gender Based Violence and mediation in West Africa, and an earlier, practitioner version of the study, see Tarnaala 2013.

5   A comprehensive sample can be used to identify systematic patterns, whereas drawing conclusions from high-profile cases alone can lead to inaccurate predictions. See on this issue Nordås 2012 and Cohen and Hoover Green 2012.

people from both governments. The findings do not represent all West African conflicts in a systematic and exhaustive manner, but do suggest a theoretical and practical framework for integrating lessons learned from these West African peace processes with regard to the work of mediators in the future.

Gender-based violence and relevant mediation frameworks in Africa

According to the Committee on the Elimination of Discrimination against Women (CEDAW), 'Wars, armed conflicts and the occupation of territories often lead to increased prostitution, trafficking in women and sexual assault of women, which require specific protective and punitive measures' (CEDAW 1992). Gender-based violence takes different forms according to the context of each conflict, and transforms through various phases of the conflict cycle. Thus it should not be analysed independently from other social and political violence occurring in these situations. International scholarship on gender has long shown how sexual and gender-based violence rarely conforms to the timelines of peace treaties and ceasefires but endures past them (El Bushra 2012:6, and El Bushra and Sahl 2005). This is why in order to prevent this violence, more should be known about its causes and how it manifests over time.

In this article, I use Gender-Based Violence (GBV) as an umbrella term for any harmful act that is perpetrated against a person's will and that is based on socially ascribed (gender) differences between males and females. Along these lines, gender-based violence 'encompasses a range of human rights violations and includes, but is not limited to, forced marriage, attacks against women's human rights defenders, other harmful traditional practices and sexual violence (including rape, sexual slavery, trafficking, forced impregnation, forced abortion, forced sterilisation, forced prostitution, indecent assault, inappropriate medical examinations, strip searches and sexual harassment). The results are devastating as survivors face multiple psychological and medical problems including HIV and other sexually transmitted infections, pregnancy, infertility and

genital mutilation. GBV can be directed at women, men, girls and boys, but is more often directed against women and girls and is linked to women's subordinate status in society' (Inter Agency Standing Committee (IASC) 2005:7; see also Nagarajan and Green 2012:2–4).

In the past 15 years, increasingly it has been African actors, rather than external international actors who have led the engagement in mediation and conflict prevention during moments of crisis within the region. This has happened simultaneously with the strengthening of normative frameworks and mechanisms on gender and women both in Africa and globally.[6] The African regional human rights system – which includes the African Commission on Human and Peoples' Rights, and the African Court on Human and Peoples' Rights – has some of the strongest normative frameworks for women's rights. This includes the Protocol on the Rights of Women in Africa, the first international or regional human rights instrument to include provisions on abortion. Unfortunately, the African system lacks enforcement, painting a dim picture of justice for women's rights violations at regional levels. The African Commission, which receives individual complaints of human rights violations, has received only one complaint in its history (of 550 such complaints) requesting a remedy for a violation of women's rights (Coomaraswamy 2015).

Since 2002, the African Union's (AU) African Peace and Security Architecture (APSA) has functioned as the main framework for managing peace and security challenges on the continent, offering the prospect of African solutions to African challenges. APSA offers a holistic approach to peace and security that recognises the importance of mediation and how it needs to be adapted to changing politics and new global challenges in Africa (Vines 2013:107). While the APSA foundational document does not mention gender per se, the AU's Gender Policy from 2009 opens the space for women to participate in mediation, and states that female leaders should be mobilised and included 'in mediation processes and reflection

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6   The Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (African Union 2003), see also the Solemn Declaration on Gender Equality in Africa (African Union 2004).

groups, as well as post-conflict actions'.[7] Since mediation processes are by their very nature intensive, long-term commitments, they require a flexible and nearly permanent engagement with a dedicated support unit, as well as considerable financial resources. Not only are situations under mediation complex and protracted, but the very environment within which mediation occurs is also increasingly complex (Gomes Porto and Ngandu 2014:197). It is within this complexity of long-term commitment that both official and unofficial mediators, in structured and unstructured processes, need to engage relevant actors and pose the right questions to address gender-based violence. The following sections will suggest the most relevant issues gathered from practitioners and victims in the field, and from the academic literature.

2. How to address gender-based violence that occurred during conflict and displacement

2.1 How sexual violence should be analysed, measured, and its mechanisms understood

During the past twenty years, research and expert reports have brought to light how sexual violence is being used against women (and to a lesser extent men) in conflicts. In a study by the Peace Research Institute Oslo (PRIO) on sexual violence in African conflicts, this form of violation featured in five of the conflicts, in Uganda, Liberia, Sierra Leone, Burundi, and the DRC (Nordås 2011:2). Since 2013, in the conflicts in South Sudan and Central African Republic, national and international organisations have called attention, based on the testimonies and other evidence from victims, to the frequent occurrence of sexual and gender based violence. In these instances, rapes occurred in front of family members and in public spaces, and some victims were abducted and forced to provide sexual favours for soldiers and to perform daily labour for the warring factions. In order to understand the phenomena, mediation teams need to seek out not only research on sexual violence during conflict, but also find out the priorities of victims' themselves.

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7   AU gender Policy Feb 10, 2009.

Sexual violence is not an isolated violation, and it often follows a logic that can be researched and understood (Wood 2009:131). If mediators fail to understand this logic in their general conflict analysis, they risk forming an inaccurate picture of the deeper dynamics at play in the conflict. There might be a high incidence of sexual violence, for instance, because it is being used as an explicit 'strategy of war' to target particular political or ethnic groups. But rape might also be a result of weak chains of command, and unsupervised troops on the ground. In order to prevent the repetition of sexual violence during mediation processes, more needs to be known about its causes and why it changes. Cycles of hatred and revenge produced by sexual violence rarely conform to the timelines of peace treaties and ceasefires, but endure and are difficult to reconcile.

According to Nordås, in many Sub-Saharan Africa wars of the 1990s, victims of sexual violence were purposefully selected for political reasons; but apparently such political targeting decreased in conflicts in the first decade of the 20th century. However, sexual violence has not abated; it is simply being conducted for different reasons. It was reported that Sierra Leonean rebels, for example, were specifically targeting very young girls to reduce the risks of contracting sexually transmitted diseases (STDs) (Nordås 2011:2). During post-conflict electoral violence in Côte d'Ivoire and in Guinea 2009, however, sexual violence was aimed at opposing political factions and anti-government protesters (the latter particularly in Guinea).

Testimonies collected in Sierra Leone and Liberia in the 1990s, show how some young girls joined the militias more or less voluntarily in order to escape forced marriages, among other things. In these roles, they had to take on many different tasks – not only sexual services – but also combat missions and raids, weapon and munitions transport, intelligence gathering, torture, robbery and pillage, providing basic daily supplies, and caring for the wounded (Haas and Schäfer 2009:4). In order to avoid shame and stigmatisation, these young women later tried to hide, refused bringing in public the violence perpetrated against them and denied their own actions as members of militias.

It is difficult to estimate if sexual violence during conflict is decreasing as a result of the increased publicity and improved channels for reporting. Some academic experts estimate that rape is not getting worse over time. But we do not know the total number of victims globally per year, so it is impossible to gauge. Utas suggests that recipients of humanitarian aid are aware of this dynamic: he found that Sierra Leonean refugees in Liberia believed that rape victims received special attention from aid organisations, and that some would answer researchers accordingly (Utas 2005, quoted in Cohen and Hoover Green 2012:449). What we do know through testimonies is that after war-time rapes, sexual violence continues inside the communities, perpetrated by family members, neighbours, youth gangs, and ex-combatants. Statistical evidence also suggests that post-conflict survivors of sexual violence tend to be far younger than survivors of domestic violence and other violent crimes, and that perpetrators of sexual and domestic violence are generally considerably older than their victims (Small Arms Survey 2012:2).

To complement 1325, United Nations Security Council resolutions 1820 (2008), 1888 (2009), 1960 (2010) and 2106 (2013) specifically request numerical data on the 'prevalence and trends' of sexual violence since the lack of accurate data for mediators has been a justification for inaction. Much of the information on sexual violence analyses the phenomenon based on confidential testimony, and often individual stories are repeated without questioning how representative the stories are in the broader context. This is why estimates and percentages about the extent of sexual violence have become part of the academic and policy debate on what we know about sexual violence and how it could be tackled. In response to this, Cohen and Hoover Green (2012:455) suggest that 'it is preferable to use accurate, if vague, terms (i.e. "many thousands" to describe the extent of rape in Liberia for example), and to hew to the principle that one human rights violation is one too many'. Rather than only registering or analysing incidents, a whole culture of inaction and impunity should be questioned.

2.2 Listening to internally displaced persons and refugees

During the past several decades of conflict and instability across Sub-Saharan Africa, survivors have moved from being internally displaced people (IDP), to refugees to returnees. In many cases, 'refugee' becomes a nearly permanent status. When the issues of displacement and conditions for return are discussed, mediators and their teams should seek detailed knowledge on the social, political, and gender dynamics among IDP communities and among refugees in camps. Resolution 2122 (2013) supports an increase in women's participation in peacemaking by increasing resources for women in conflict zones, as well as acknowledges the critical contributions of women's civil society organisations. For mediators this can include organising activities ranging from wide consultations to focus group meetings in order to provide women the opportunity to engage both with the mediators and the public during the dialogue. Equally important for this type of inclusion is financial and technical support to organisations of displaced women.

Women in refugee camps are frequently victims of sexual or gender-based violence. The atmosphere in camps is usually very tense, and many victims of violence live in fear – for themselves and their families – that they could become victims of violence again. This intensifies the initial traumas of GBV. While it is a reflection of the wider political tensions, sexual violence is unfortunately a hidden crime, particularly in camps and during times of displacement, as victims are reluctant – or unable – to report attacks. Survivors of sexual violence frequently encounter severe prejudice from members of their own families and communities and are therefore reluctant to publically discuss an attack (Dabo 2012:10, 14; Hovil 2012:6). Prejudice and fear reinforce a culture of impunity in gender-based violence.

Displacement impacts the lives of women and men differently, as women will often assume new responsibilities as heads of households while they are refugees, or internally displaced. Frequently women leave their homes

as wives of men at war, but end up as widows taking care of their children and/or elderly parents during the displacement, or they become mothers while in a refugee camp. The focus groups of this study highlighted that upon returning, the expectations of women and men differ, and women's concerns were seldom heard. It is therefore essential to report clearly on IDP camps in a standardised manner – providing gender indicators and developing data that differentiates between women and children.

Within refugee and IDP camps, access to justice is usually lacking or nonexistent. Hovil (2012:15) notes that camps are often run and perceived as isolated islands outside of national jurisdiction, particularly in cases where UNHCR (UN High Commissioner for Refugees) or other international actors effectively run the camps when there is limited national capacity. Linked to this is the problematic notion that what goes on inside a camp is irrelevant to wider national processes, unless it has a direct bearing on the 'outside'. There has been a major shift within the humanitarian establishment, with a growing awareness of the political ramifications of humanitarian action. The concept of the passive 'good' refugee without agency or political intention is increasingly being challenged (Hovil 2012). This is even more important when considering that many African IDPs do not even live in camps. In many countries, according to international organisations, there are more displaced persons and refugees living outside of camps than inside, and most are women.

To assess the differential impact of displacement on men and women, the differences between camp settings and other conditions of displacement need to be distinguished, given that the vulnerabilities of displaced women and refugees are often more numerous outside camps. Within camps, mediators need to seek conditions that allow people to speak freely, and ensure they are listening to both men and women with an awareness of the existing political tensions. Issues of sexual violence need to be brought to the fore, and secure conditions provided for women to speak.

3. How to address gender-based violence in transitions from conflict to peace

3.1 Engendering transitional justice

During the past decade, significant gender-sensitive requirements on transitional justice have been characterised by very high levels of international involvement and pressure. According to Aroussi (referred to in Pratt and Richter-Devroe 2011:497–498) this may have facilitated the inclusion of model provisions on justice for gender-based violence, but has also created significant threats to the peace process. Most importantly, unrealistic requirements may result in peace agreements that carry very little hope of implementation. Other analysts have underlined that transitional justice mechanisms are – and should be – vehicles for creating gender justice, which can correct structural injustices of the previous regimes. Women themselves need to play a pivotal role in this development. For many, 'getting the past right' means not only truth-telling and historical memory about the impact of conflict, but also the recognition of structural injustices against women, such as inheritance laws for example, that need to be addressed and transformed by transitional justice measures (Meertens 2012:13).

It is important to ensure that a gender perspective is included throughout the implementation of transitional justice mechanisms and not isolated within parallel administrative structures. Women must not only be given a nominal presence in the process, and/or appear in separate chapters in a truth commission report. The implementation of Truth and Reconciliation Commission (TRC) recommendations to address gender-based violence should be a high priority, including recommendations on memorialisation, reparations, and state recognition. The larger society must know the truth about what happened to women during the conflict, and recognise the specific nature of suffering that women have undergone. As a way of recognising structural injustices, this can become a driver of post-conflict reconstruction and reconciliation.

If alternatives to the formal justice system are explored, their effectiveness and their ability to address not only gender concerns but also international human rights standards should be tested. For many women's groups the biggest problem of traditional justice mechanisms has been their lack of gender sensitivity, both at the level of individual justice operators, and in structures. Alternatives might include local mediation, use of paralegals, Palava Hut[8] discussions and codification of customary law. Most importantly, women should be consulted in the application and modification of these alternatives. For most of the women interviewed for this study, as well as in the comparative literature on transitional justice, forgiveness necessarily has to be accompanied with recognition of crimes committed by the perpetrators. This claim is highly gender-specific and has transformative power. 'They need to recognize what they did', was the statement reiterated during many meetings. 'We can forgive but not forget.' For most women consulted in this research, the path to reconciliation starts with the recognition of the atrocities committed against them, the state acknowledging their victimisation, (with women ultimately no longer being stigmatised for what they have suffered), and ends with the demand that perpetrators plea their victims for forgiveness.

In Liberia and Sierra Leone, the TRC processes, albeit critiqued for the many ways they did not achieve their objectives on truth and reconciliation – nevertheless as an exemplary first step towards gendered transitional justice, collected tens of thousands of testimonies, of which almost half were from women. The Liberian TRC was the first to include the diaspora in a truth and reconciliation process. Among the diaspora, statements were taken from Liberian refugees in the United States and in neighbouring West African countries. The recently established Ivorian TRC, in line with the recommendations of resolution 1325 and the African regional human rights system has included in its mandates: listening to women refugees and IDPs and the creation of two specific commissionaire posts for women.

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8   The Palava hut process is a dispute resolution mechanism accompanied by cleansing rituals that has been used by the Kwa-speaking people in Liberia in the case of tribal warfare between two ethnic groups. It embodies the key dimensions of truth-telling, accountability, reconciliation and reparation. See, for example, Pajibo 2008.

3.2 Reporting and registering

What women face almost everywhere, is not only a problem of justice and data, but also, on a more concrete level, many difficulties when trying to report cases of GBV through justice systems. Courts in countries recovering from conflict are often understaffed, meaning that cases are not called for hearing. In many West African countries, legal advice is very expensive and thus unattainable for women. Mediators should insist that societies debate whether and to what extent war-time perpetrators of GBV will face legal consequences. The creation of free and otherwise accessible mechanisms for reporting and registering is key in this process.

In Côte d'Ivoire and Sierra Leone a medical certificate 'proving' rape for the court can cost over US$100 – an amount that most women cannot afford. Though sexual and domestic violence cases reported to the police might result in an arrest, few are tried in court and convictions are rare. From the point of view of women, government authorities are perceived as distant, inefficient and on the side of men. Therefore, training and awareness-raising among judges is vital. Another serious issue that prevents women from reporting GBV is the fact that survivors are often pressured to regard their cases as internal family matters to be dealt with outside of the formal justice system.

Since there are no gender-sensitive legal provisions in place related to the participation and protection of witnesses and victims, creating mechanisms of informal data gathering and approaching other witnesses of GBV is also critical. Pharmacists and health clinic personnel, for instance, are often well-aware of the prevalence of GBV. On the other hand, as Dziewanski (2012:13) reminds us, national monitoring systems are usually not sufficient because the extent to which they reflect the actual situation depends both on the state's capacity to provide data on incidents of violence and the ability or willingness of survivors to report them. Contextualisation and interpretation of the data from different angles should be taken seriously as well. As an example, in Liberia, no study currently exists that makes use of interviews with male perpetrators of sexual violence.

Concrete support to victims must go beyond collecting testimonies. And experts underline the importance of maintaining the confidentiality and protection of victims throughout the process of collecting testimonies. Women need to feel that they will not risk anything by telling their story. Furthermore, counselling needs to be given before the testimonies are recorded since recollecting and sharing the experience of violence can be both healing and frustrating. In fact, focus group participants for this study shared examples where testimonies led to deepening frustration but not healing. Nothing had followed after several rounds of talking to outsiders.

In spite of the extensive impunity and difficulties with the judicial systems, there remains a level of confidence in justice systems among the women in civil society organisations and public service interviewed for this study. In Côte d'Ivoire, testimonies of rape are collected by different organisations to permit the prosecutor of the Republic to open investigations. In Liberia, the 2012-enacted rape law is an indication that the state is becoming less tolerant of GBV-related crimes.

3.3 Property inheritance and land rights

The fierce competition over economic resources, particularly land, can trigger violence and revive old conflicts. When reparations or restitution of property are discussed, more attention needs to be focused on the rights of widows and other women as legal inheritors of land and property, and monitoring mechanisms created to ensure the effective implementation of land restitution. In countries where the pre-conflict context was profoundly biased against women and land ownership, there may be a need to address not only the fallout from the conflict, but also the inequalities and discrimination that existed before the conflict (UNEP 2013).

In the civil wars of Sierra Leone and Liberia in the 1990s, and to a large extent in Côte d'Ivoire at the beginning of 2000, land rights were at the heart of the conflict. According to Haas and Schäfer (2009:3), young men in these countries took up weapons in order to remove corrupt political elites who were perceived to be 'ruining' the country and robbing natural resources.

In fact, young combatants would often target old men in the villages who were perceived to be powerful and who had demanded extremely high bride prices when they married off their daughters. In all three countries, marriage, land use rights, and political participation were prerequisites for recognition as full men. These prerequisites of 'manhood' were often systematically denied to young, low-ranking men – and hence many joined the rebel groups (Schäfer 2009:3). This intense competition for economic resources and opportunities, together with rigid age stratification, was one of the triggers of violence in all three West African countries.

When the war was over, widows especially had to struggle to retake possession of their husbands' land in situations in which their in-laws did not recognise their right to the land. In most cases, property inheritance and land ownership were regarded as belonging to the husbands' male family members. Women whose husbands had died before they had children were the worst off as they could not claim their husband's possessions, including land he would have inherited. More complicated were cases where families refused to recognise the legitimacy of marriages or children born in exile. As a consequence, women were either pressured to leave the family land, or had to stay and accept the leadership of the male relatives or the family.

Consequently, while widespread land disputes are a legacy of war, they are also a source of gender-based violence today. For example, with ethnic tensions heightened by the conflict and given the importance of land for security and livelihoods, the issue of access to land has been identified as a potential trigger point for renewed conflict in Liberia (UNEP 2013:29–30). In Côte d'Ivoire, experts consulted for this study indicated that some of the most complex issues of GBV currently have to do with the rights of women to inherit land, and the traditional practice wherein widows become a possession of the deceased husband's brother (levirate[9]).

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9   Levirate marriage is a type of marriage in which the widow is obliged to marry her deceased husband's brother, and the brother of a deceased man is obliged to marry his brother's widow.

4. Understanding post-conflict gender-based violence in order to minimise obstacles for reconciliation

It is often the case in conflict contexts that women will acquire unaccustomed social and political leadership roles in their communities while men are engaged in warfare – which temporarily weakens traditional hierarchical structures. In many conflicts this can strengthen the roles women play in mobilising constituencies and advocating for an end to the conflict with key combatant actors. Yet this type of newly acquired agency can become a source of tension. It is important to understand that these multiple roles – victim, survivor, mediator, and community leader – also expose women to further violence, especially locally, when positions of power are being renegotiated in post conflict. Resolution 1889 (2009) urges all programs providing support to post-conflict processes to evaluate the degree to which women are safely habilitated and technically prepared to engage on equal footing with men. Further, these evaluations should assess whether women are able to build cohesive platforms, organise coalitions, debate and agree with partners on how to bring about cultural change, create awareness and garner support from women in both rural and urban areas (UN Women 2012).

This is important because when demobilised but not completely disarmed combatants return to their homes and families, war behaviours often move to the private sphere. In many countries that have suffered a violent conflict, rates of interpersonal violence remain high after the cessation of hostilities (WHO 2002:15; Theidon 2011:15). In this sense, disarmament, demobilisation, and reintegration (DDR) are at the heart of gender-sensitive peace agreements. Not everything can be resolved in a peace process, but with today's knowledge of post-conflict violence, mediation should always address the options available for the prevention of future community violence in face of demobilisation. In order to provide secure conditions for women, the impacts of DDR arrangements on civilians need to be assessed before the implementation of reintegration programs. DDR and its subsequent implementation phases create scenarios for power struggles

where the reassertion of violence in the private sphere may constitute a form of compensation for male combatants for their loss of public status and hegemony. Furthermore, engaging in violence can be a rational choice for men when there are few other opportunities to gain economic security, social status and value within their communities, and security for their families and communities (Pratt and Richter-Devroe 2011:495).

Theidon (2013:17) has highlighted how, according to organisations that monitor processes of disarmament, arms are used to commit violence against women within the household by intimate partners and friends. This happens during conflict as sanctions against violence break down, and women's social and economic vulnerability increases, but often escalates in post-conflict environments. In situations of conflict and endemic violence, hyper-masculinity plays an enlarged and elevated role. Its social power is intensified when violence is endemic, and other social structures are weak. The keeping up of these hyper-masculine patterns and hierarchies is particularly strong in the immediate post-conflict process. Haas and Schäfer (2009:6–7) have noted how outside the capital in Liberia, old male and female elites used all means at their disposal to undermine the new national guidelines on post-conflict inclusiveness. Also in neighbouring Sierra Leone, female circumcisers, who are highly regarded and powerful, interpreted selective female genital mutilation as a way to help re-establish the old social order, and some actually received expense allowances from the wives of high-ranking politicians (Cohen 2013:385). This political and economic support by elite local women to traditional structures was also reported in Côte d'Ivoire.

More attention should be directed at creating early warning mechanisms to alert national authorities and international actors monitoring peace processes about community violence against women, as a manifestation of GBV in a post-conflict situation. Young women are particularly vulnerable, as they are commonly the victims when domestic and community violence rates go up after a demobilisation process. In a way, sexual violence during war time translates to a 'normal state of affairs' in unstable post-conflict societies. A recent study by the Small Arms Survey (2012:7–8) found that

while females are the predominant targets of sexual and domestic violence, males and females generally experience similar rates of victimisation in terms of overall criminal offences.

Many ex-combatant females who joined combat units in the hope of a better future are reported to be the most miserable now in West Africa (Conciliation Resources 2012:8). Many are frustrated and could take up weapons again to secure their livelihood. Young male ex-combatants are another frustrated group who suffer distrust and rejection by society. However, according to the Small Arms Survey (2012:7), despite the persistent stigma that appears to surround this group in Liberia, the role of ex-combatants in sexual violence in post-conflict Liberia may be overstated. Perpetrators of sexual and domestic violence are apparently more likely to be friends, neighbours or family members. Data by the same organisation shows that approximately four per cent of GBV cases are gang rapes, indicating that 95.2 per cent of GBV offenders are males who are generally much older than their victims.[10] Moreover, in the same study a rape counsellor at the Du Port Road Clinic in Monrovia observed that most rape cases she comes across involve girls and young women between five and seventeen years old (Small Arms Survey 2012:8). A disturbingly high number of GBV survivors in post-conflict environments are very young girls who have been raped by family members, friends, or neighbours.

According to the IRC (2012:3–5) ignoring these so-called 'private matters' results in a failure to confront one of the most significant public health crises and is a primary obstacle to women's empowerment in post-war societies. The deeper scars of domestic violence often manifest as shame, humiliation and isolation – which inhibit a woman's participation in social, economic or community activities and render reconciliation efforts difficult. It also inhibits young girls from becoming full members in their societies.

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10 On average, perpetrators of sexual violence and domestic violence are approximately 25 and 33 years old, respectively. The household survey data indicates that the majority of victims are young girls who are on average just under 19 years old.

5. Conclusion

Evidence from many conflicts is showing how the past decades have changed the scenarios of war, with civilians in general and women in particular becoming more tightly involved in conflict, both as targets and actors. The vast majority of today's conflicts have moved from battlefields to cities, their outskirts, and villages where civilian lives are intertwined with war and conflict actors. This has subjected civilian populations to rules of violence for extended periods of time and simultaneously changed the roles women play drastically. Because of these new settings, women have emerged as indispensable actors in mediating peace: they lead and understand the logics of peace movements, and are essential in shaping the international normative frameworks regulating conflict.

A new complex social and political terrain is emerging, characterised by formal gains of women in normative and constitutional developments, and the political displacement of men. The presence of women peace-builders can reorient negotiations away from limited notions of cessation of hostilities and power-sharing to issues of social justice such as responsibility sharing for the victims and communities affected by war (ICAN 2015:6). It is on this new, uncertain territory that women's gains and the changing roles of men in post-conflict situations are played out. Cahn and NíAoláin (2009:8) remind us that many forms of violence may be hidden in post-conflict processes and have more to do with the real or symbolic displacement of men from pre-war or war time power positions. Because of these power struggles, in order to secure benefits for women, the whole conflict cycle should be acknowledged and analysed, and key implementation arrangements should be negotiated within the peace agreements. Land ownership, property inheritance, and elections stand out in this context as the most contested issues.

A transformative and inclusive peace process that changes conceptions of the status quo, fights gender-based violence, and includes women in post-conflict planning could remove many risks from women's agency in post-conflict peace and security. It could gradually reform structural

factors that constrain women's participation. In Africa today, the African Union, its member states and regional organisations such as ECOWAS have elaborated gender policies and adopted gender declarations, action plans and frameworks, strategic plans, gender audits and gender analysis tools which guide mainstreaming, programming and budgeting. They have also developed training tools and resources. Yet a stronger integration of efforts between mediation, post-conflict reconstruction and reconciliation with their impacts on gender relations is still to be developed. In peace mediation the agenda has been created but it needs the political will of strategically placed men and women to put it in practice in concrete processes. It needs states not only to formally adopt the language and recommendations of resolution 1325, but to act according to its spirit.

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