

**ENGENDERING CONFLICTING PREVENTION AND PEACE
MAKING IN AFRICA: PUTTING WOMEN AND WOMEN'S RIGHTS
FIRST**

BY:

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LIST OF ACRONYMS AND ABBREVIATIONS

ACHPR	African Charter on Human and Peoples Rights
AHSG	Assembly of Heads of State and Government
AI	Amnesty International
AU	African Union
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CPA	Comprehensive Peace Agreement
DDR	Disarmament, Demobilisation and Reintegration
DPA	Darfur Peace Agreement
DPKO	Department of Peace Keeping Operations
DRC	Democratic Republic of Congo
GIA	Global and Inclusive Agreement
HRW	Human Rights Watch
ICD	Inter Congolese Dialogue
ICTR	International Criminal Tribunal for Rwanda Genocide
ICTY	International Criminal Tribunal for the Former Yugoslavia
IDP	Internally Displaced Person/s
LRA	Lords Resistance Army
MONUC	UN Mission in the DR Congo
OAU	Organisation of African Unity
RRR	Return, Recovery and Reintegration
SGBV	Sexual and Gender Based Violence
SLA	Sudan Liberation Army
SPLA/M	Sudan Peoples Liberation Army/Movement
UN	United Nations
UNAIDS	UN Joint Programme on HIV/AIDS
UNIFEM	UN Development Fund for Women
UNMIS	UN Mission in Sudan
UNSC	UN Security Council
VAW	Violence against Women

ABSTRACT

Africa has had numerous armed conflicts since independence. The conflicts have taken a huge toll on the socio economic development of Africa. Recently a Report indicated that Africa had lost over US Dollars 300 billion in wars. This was approximately the same amount of money that Africa had borrowed in the same period.

In direct relation to human suffering, African women (and to a great extent children) have had the worst of conflict in Africa. African women have traditionally been care providers, food gatherers and caretakers of children. Through out African conflicts, women have been easy targets of abduction, systematic rape and sexual enslavement in Rwanda, the DRC, northern Uganda, Sierra Leone, Darfur and Liberia (among other countries). The patriarchal systems ensure that women remain in a position inferior to men and this perpetuates their vulnerability. The gender relations prevailing in Africa imply that women have to gather firewood, fetch water and seek food even in conflict times. This leaves them pretty exposed to rebels, militia and even government soldiers, at whose hands they suffer rape, enslavement and all other kinds of Sexual and Gender Based Violence (SGBV).

Despite the terrible suffering that African women have endured in conflict times, women are not adequately involved in conflict prevention and peace making in Africa. This is again part of the problem of gender relations and patriarchy in Africa. Women have not been adequately involved in peace making efforts in Darfur and other conflict areas of Africa. It is the contention of this Paper that women are effective peace makers and agents of reconciliation. Women are the care givers and providers and always on the grass roots. Even the African Charter on Human and Peoples Rights 1981 and the Protocol on Women in Africa 2003 do not concretely provide for full involvement of women in conflict resolution and prevention in Africa.

This write up therefore recommends a multi pronged approach to conflict prevention and security in Africa, in relation to women: First, women's rights must be respected and protected. Closely connected with this is pro active gender equality such that women's roles in societal matters especially decision making are greatly improved. Also, women must be fully involved in all stages of conflict prevention, peace making and conflict

resolution. This includes peace talks and other areas like disarmament, demobilisation, return and reintegration. It is then that conflicts in Africa can be completely solved and lasting peace attained.

ABOUT THIS PAPER

This Paper is generally about one problem which has been characteristic of all conflicts that the world has witnessed. It is indeed the paradox of all conflicts. That problem is the fact that women generally or almost completely never start any armed conflict, be it in Africa or other parts of the world. But women suffer most when that conflict (which they never or rarely start) breaks out. Women endure untold abuse during conflict as the societal breakdown and failure of law and order leave them terribly exposed to all sorts of abuse like abduction, systematic rape, sexual enslavement and general SGBV. It is indeed puzzling and calls for thorough research for all activists to establish as to why women are not properly involved in peace making and conflict resolution and prevention efforts. It generally becomes an issue of men when peace talks begin and women are once again relegated to their traditional areas of cooking tea and other refreshments and all other kinds of care giving for the peace talks delegates (who are predominantly men). Peace making and conflict resolution therefore in Africa omits an essential element. It is high time that women are involved in peace making. Lasting peace could be attained. Besides, involving women is just but a step towards respect, promotion and protection of their rights.

1 OVERVIEW OF CONFLICT IN AFRICA

Over the past few decades Africa has probably suffered more from mass and factional armed conflict than any other continent in the world. Between 1960 and 1998, there were 32 wars in Africa, seven million lives were lost and over nine million people became refugees, returnees or Internally Displaced Persons (IDPs).¹ In 1996 alone, 14 out of the 53 countries of Africa were afflicted by armed conflicts, accounting for more than half of all war-related deaths world-wide. The crisis in the Democratic Republic of the Congo (DRC) alone indeed sucked in a dozen or so States and over 50 million people of the Great Lakes region.² This is not a record of which the continent can be proud. In fact it can be safely said that had the conflict in the DRC been in another part of the world, it could have been referred to as a world war. It was not.

The consequences of these conflicts have seriously undermined Africa's efforts to ensure long-term stability, prosperity, human rights and gender equality for its peoples. As a direct result, the quest for socio-economic development and strengthening of African economies has been undermined. For example, the 17-year old civil war in Sudan has resulted in more than two million dead and at least five million displaced. It has brought starvation and extreme poverty to the Sudanese people. Although under the Comprehensive Peace Agreement that the Sudan government signed with the rebel Sudan Peoples Liberation Army/Movement (SPLA/M) in Kenya in 2005 peace has generally come back, reconstruction remains a mountain to climb.³ Ethiopia and Eritrea diverted an estimated 80 per cent of their national budgets to augment their defence in a war that claimed at least 400,000 lives.⁴ They now face famine and destroyed livelihoods for millions of their citizens, in particular the most vulnerable and affected - women and children. These two countries are indeed armed to the teeth but their economies are doing badly.⁵

Over the years, conflicts in the world and Africa in particular have changed in nature. Interstate conflicts have given way to internal civil wars whose main victims are civilian populations. The tragic Rwandan genocide in 1994 will forever remain one of the darkest pages in African history.⁶ The new types of conflicts no longer aim at defeating the opponent's armies but at inflicting pain and humiliation on civilians by destroying their identity and sense of community. They erode institutions that provide a basis for the sustainability of African societies and undermine societal values replacing them with

institutionalized violence. Women become specific targets. Rape, forced pregnancies, sexual slavery and assault have also become deliberate instruments of war. Such instruments destroy the bonds which hold communities together. Indeed the UN Tribunals for the former Yugoslavia (ICTY) and Rwanda (ICTR) have held that rape is a weapon of war whereby the opponents' females are abused and subdued.⁷ The present day conflict in Darfur in western Sudan is another example of how bloody internal conflicts have become.⁸

The above realities make the issues of gender equality, human rights and specifically women's rights particularly salient features of conflict management. It is therefore vital that attempts at managing violent ethnic conflicts or preventing them, must bring women into the process at an early stage as contributors and active participants in all stages of conflict management. It could be explored further as to how women could play a lasting role in rebuilding, DDR, Return, Recovery and Reintegration (RRR), psychosocial support for the victims of wartime SGBV and all other recovery and development issues.

Tackling conflict in Africa with a view to involving women in prevention and resolution involves a thorough understanding of the causes of conflict in Africa. Conflict in Africa has been caused by several factors like the colonial hangover, weak institutions, and greed by individual leaders who practice the politics of client and patronage that ultimately ferment conflict. Other factors like the monopolisation of politics and resources compound the already polarized situation. Gender comes in as part of the inequitable positions that characterize the social economic climate of African politics. Women have traditionally suffered under the patriarchal systems which ensure that all resources, power and decision making are controlled by men. It therefore gets clear that involving women in peace making and conflict resolution largely involves the realisation that women have rights and that their rights are as important as men's.

1.1 Understanding the Concept of Peace in traditional Africa

It is not true that in traditional Africa peace is completely unknown or entirely undervalued. In fact research reveals that in several African societies, harmonious living, tolerance and co existence were treasured and well respected across the society. A

scan across the various communities of Africa reveals the value and importance that was attached to peace in Africa.

According to the traditional Cameroonian people peace is not only seen as an absence of war. In almost all the cultures of Cameroon, peace was equated with 'freshness', health, well being, harmony, calm and tranquillity.⁹ The absence of such qualities was seen as the sign of conflicts, which could be either latent or overt. It was that harmony and freshness which provided farmers with good crops, fishermen with abundant catches and hunters with game. When there was enough food for everyone, peace would reign in homes and families, clans and tribes. As nobody had any reason to be envious of anybody else, neighbouring communities could live in peace, visit one another during the off-seasons and attend weddings and funerals. It is interesting to note that research in Somali, Rwanda and Burundi also confirmed the above notion.¹⁰

Interesting to note is the fact that despite the disadvantages that women faced under African culture, women were valued as sources of love and harmony. In general, African traditional societies assigned to women the role of educator.¹¹ Such education is the type that starts from the cradle and was effected by means of a variety of activities in which the children participated. Thus the most general implication is the understanding that peace is not born but made and that the culture of peace in traditional African societies was implanted in a child through responsible upbringing and socialisation undertaken and supervised by mothers. Peace building was taken seriously in traditional African societies and it was established, little by little, in young minds and moulded in the behaviour and personality of the young through the agency of the mother.

In addition, girls were specifically trained in their duties and responsibilities as women and the elderly women were responsible for this training. It was suggested that from early childhood, each child was exposed to a variety of songs, stories, proverbs and sayings directed by the mother or the aunt and conveyed at the fireplace or after the evening meals, which aim at reducing conflict. The songs, stories, proverbs and sayings contain simple but clear messages and moral teachings. Indeed some of the studies went ahead to suggest that African mothers in such stories and songs tried to project to the children what they expect of them as sons and daughters in family and community relationships. They showed that in sum, the themes of such stories and songs expect the children to demonstrate: responsibility through reciprocity; honesty and loyalty

through mutuality and deference; and faith and compassion through inner strength and self-control. They also focus on the importance in human living and mutuality, of consideration for others. Indeed many African stories talk of greed and individual interests as destabilising factors and major sources of conflict and the young men and women were warned against them. Certain myths given to children in those days were meant to emphasize the fact that to avoid war can sometimes be an act of good leadership. Some stories also underscored the negative aspects of conflict and hostilities such that these become a deterrent. In all societies disciplinary measures existed, even for the very young, to set them on the right road at an early stage. In traditional African societies peace germinates and flourishes only on the manure provided by the presence of a number of key African cultural values. These values include: patience, tolerance, honesty, respect for elders, communality and mutuality, compassion, regard for due discretion, gentleness, modesty, self-control, moderation, flexibility, and open-mindedness.

In a nutshell, it is not true that peace was never known or understood in traditional Africa. The African situation as already noted above has worsened due to several factors like colonisation, the inadequate preparation of Africans for the post independence self rule, the Cold War and poor leadership. Suffice it to say therefore that had the colonisers preserved and improved the good values of African culture along the modern western values, a lot of trouble could have been averted. This therefore brings us to where we are: going back to the drawing board and reinvigorate the process of involving women in peace making and the wider protection of human rights.

2 GENDER AND THE POSITION OF WOMEN IN AFRICAN CONFLICTS

This chapter explores the meaning of gender and its evolution in direct relation to Africa. An analysis is also made in this chapter on the evolution that women's rights have taken in Africa. This will be conceptualised alongside the conflicts in Africa.

2.1 Conceptualisation of Gender and Women's Rights in Africa and African Conflicts

Gender generally refers to the differences in the social functions and power relations of men and women (and to a large extent child).¹² Gender is to do with the differences in

the roles of women and men, the differences in what is expected of them by society and how both should be treated by virtue of existing differences.

Gender mainstreaming therefore implies a deliberate and proactive effort to bear in mind the implications of any decision, plan, implementation or project on both men and women.¹³ Gender mainstreaming therefore means that all plans, decisions and management are guided by gender considerations.

In Africa, society has been generally patriarchal.¹⁴ This implies that power; resources, decision making and control have been dominated by men. This is not to suggest that women did not or do not have any roles to play at all in Africa. Women have their roles but these roles are also controlled by men. Such is the status of women in Africa. Even after independence, the situation did not change much. Nonetheless Africa has witnessed the wave of women emancipation campaigns that have been on going in recent years. The International Conferences on Women in Nairobi and Beijing opened an environment of intense advocacy for women's emancipation and gender equality.¹⁵ Serious activism has since developed across Africa and there have also been proactive efforts to improve the situation of women in Africa.

The Charter of the Organisation of African Unity (OAU) 1963¹⁶ did not generally provide for gender equality and the protection of women. Its main concern was the preservation of African independence and combating colonialism and interference in the domestic affairs of sovereign African States. In relation to gender and women, it was sadly inadequate.

The African Union (AU) Constitutive Act 2001¹⁷ provides expressly that one of the principles of the AU is gender balance and equality.¹⁸ The AU has since gone ahead to establish a Declaration on Gender Equality in Africa whereby at least 50 % of all the members of the Commission of the AU had to be women.¹⁹ Indeed many African governments have attempted to appoint many women to political positions of decision making and influence. In several African countries many women are parliamentarians and cabinet ministers. Such is the situation in countries like South Africa, Rwanda, Uganda and Kenya.

The question is now whether the above developments have brought concrete improvements in gender equality and balance in Africa. It is also a massive question as

to whether they have improved the situation of women Vis a Vis conflict and the role that women can play in preserving peace and ending conflict. The answer in the opinion of this Paper is no! This Paper contends that efforts at gender equality and balance must be complemented by concrete respect, promotion and protection of human rights. The situation of women's rights Vis a Vis conflict in Africa is now analysed.

2.2 Women's Rights and Conflict in Africa

Women's rights in Africa generally can be looked at within the framework of the African Regional Human Rights System.²⁰ The African Regional Human Rights System is basically based on the African Charter on Human and Peoples' Rights (ACHPR) (1981).²¹ The African Charter was adopted by the former OAU Assembly of Heads of State and Government (AHSO) (now referred to as the AU Assembly) in Nairobi Kenya in June 1981. The Charter is a unique instrument of human rights in several senses. It was the first international human rights instrument that provided for all categories of human rights (Civil political, socio economic and group rights) in a single document.²² The Charter creates the African Commission on Human Rights. But the Charter is also discredited with what are called claw back clauses. These are provisions that appear to take away given rights. These so called claw back clauses create limits on several given rights.

In relation to women, the Charter is terribly weak. The Charter only expresses provides for the protection of women's rights in a single article that also provides for the protection of children and the family.²³ It has been argued that the Charter indeed puts women and children on the same footing and in a subservient role in a family.²⁴ The Charter provides nothing for the involvement of women in conflict transformation. The Charter equally provides nothing express for the involvement of women in decision making or representation, apart from a general provision on equality and prohibition of unfair discrimination.²⁵ The Charter is also without provisions on other areas that are crucial to women in situations of conflict. Such are Violence against Women, rape and war crimes.

It has hence been recognised that there is need to have a specific instrument that caters for the rights if women in Africa. It has been hoped that such an instrument would

galvanise all efforts and activities that aim at gender equality and protection of women's rights in Africa.

2.3 The Protocol on Women's Rights in Africa

The Protocol to the African Charter on Human and Peoples' on the Rights of Women in Africa 2003²⁶ (the Protocol on Women or the African Women Protocol), is an attempt to effect the identification, promotion, fulfilment and protection of women's rights in Africa in both the private and public spheres. It is specifically structured to take care of the situation of women in Africa, against a background of socio-economic and cultural obstacles.

The Protocol was adopted by the Assembly of the AU on 11 July 2003 in Maputo Mozambique. This was after a protracted process of debate among the selected representatives of AU states. It was realised after the coming into force of the African Charter, that women's rights remained inadequately protected in terms of the available framework in Africa.²⁷ The situation of women definitely remained highly vulnerable to human rights abuse even after the coming into force of the African Charter. Sexual and gender imbalance remained. As a result of this gender bias, a number of activists and organisations clamoured for the transformation of the African human rights discourse to more closely reflect women's experiences.

The Protocol is a fairly big departure from the African Charter in relation to the protection of women's rights in Africa. Some of its provisions on the protection of women are analysed in turn, with an emphasis on women and conflict:

2.3.1 The rights to Life, Integrity, and Security of the Woman

The Protocol provides for the protection of women's right to life and human security. While the Protocol provides for the protection of the women's right to life and their security in article 4, it does not consider several relevant matters. For instance it omits to touch upon rape as a weapon of war in a comprehensive way. Yet, in recent times rape has been used as a weapon of war and genocide against women. It also follows that many of the women that were raped for instance in the 1994 Rwanda Genocide contracted HIV. The Protocol should have usefully covered such an aspect.

Still in article 4, the Protocol provides for the rights of women refugees but excludes Internally Displaced Women (IDW), yet the latter are worse off than the former.²⁸ The drafters of the Protocol should have captured this precarious situation of women in Africa. IDW in Africa have generally suffered sexual abuse that directly exposes them to HIV/AIDS and other dangers. For instance in the DRC, young girls in the eastern provinces have been repeatedly and systematically raped by both the local militia and in some instances, the peace keepers.²⁹

2.3.2 Protection of Women in Armed Conflict

Admittedly the Protocol must be credited for this provision. The Protocol realizes the plight of women in armed conflict. Article 11 of the Protocol provides for the protection of women's rights during conflict situations by the States Parties by adequately applying international humanitarian law. It also caters for refugees and internally displaced women in war situations. However, the Protocol is silent on the protection of the girl child in such situations.

The girl child has been a serious victim of sexual violence in war situations in Africa. By failing and/or neglecting to provide for the protection of the girl child in armed conflict the makers of the Protocol missed a phenomenon that is occurring in Africa presently. This indeed leaves the aspect of violence against the girl child in war situations untouched.

2.3.3 Women and Decision Making

Article 9 of the Protocol provides that women shall be involved in all levels of governance and that they shall not be discriminated against on the basis of their sex or gender. Women are also to be represented at all levels in equivalent proportions to the status of men. Although the article does not provide concrete details on how this is to be done, this provision is important and provides a gateway to the involvement of women in decision making and policy formulation. It can be said at this stage that full involvement of women may in itself help forestall potential conflicts and women have proved to be accommodative and tolerant – essential prerequisites for coexistence and tranquillity.

2.3.4 Women's Right to Peace

Article 10 of the Protocol provides that women have a right to peaceful existence and expressly provides that women shall have the right to participate in the promotion and maintenance of peace. The article provides that States shall take proactive action to increase women's participation in processes and structures of peace building and conflict resolution at the local, regional and international arena. The article also provides that women shall be involved in all structures and processes that are in place for the protection of returnees, IDPs, refugees, asylum seekers and the repatriated.

This article is indeed a milestone in the involvement of women in conflict resolution, peace making and all the attendant processes.

The question is whether the provisions in article 10 of the Protocol on women can practically be translated into concrete steps for the involvement of women in conflict. The answer is yes provided that there is the political will so to do and the required resources are available. There is also need for awareness raising on the rights of women and the existence of the above article, its implications and the obligations it places on African States Parties. The obligations under the Protocol are generally a continuation of the obligations under the African Charter. According to article 26 of the Protocol States Parties are to report on their implementation of the Protocol in accordance with article 62 of the African Charter.

The Protocol on women presents the first framework for the African Regional System to involve women in peace making and conflict resolution. It presents an opportunity to hold African States accountable in accordance with their obligations under the Protocol. Although it is not clear how States will be closely monitored (apart from the initial and periodic Reports) on their involvement of women in peace making and conflict resolution processes, the presence of the framework that the Protocol provides is good and could be improved upon in future. Besides, the Protocol is yet to come into force. It requires 15 ratifications and after 30 days the Protocol will come into force. There is thus some way till it can begin regulating things in Africa.

There is also an operational question as to how the Protocol can regulate or facilitate the involvement of women in peace building and conflict resolution in relation to the

mechanisms that are provided by the AU security mechanisms. So far there is nothing in place to harmonise the two.

2.4 The Peace and Security Council Protocol

The Protocol Relating to the Establishment of the Peace and Security Council of the AU 2002 was adopted by the AU Assembly in Durban South Africa. The Protocol establishes, provides for and regulates the activities and mandate of the Peace and Security Council of the AU. The Peace and Security Council derives its mandate in article 5 (2) of the Constitutive Act of the AU. The Peace and Security Council is established within the AU as a standing decision making organ for the prevention, management and resolution of conflicts. It is a collective security and early-warning arrangement to facilitate timely and efficient response to conflict and crisis situations in Africa. It is supported by the AU Commission, a Panel of the Wise, a Continental Early Warning System, an African Standby Force and a Special Fund. Its specific guiding principles are: peaceful settlement of disputes and conflicts, early responses to contain crisis situations so as to prevent them from developing into full-blown conflicts, respect for the rule of law, fundamental human rights and freedoms, the sanctity of human life and international humanitarian law, interdependence between socio-economic development and the security of peoples and States, among others. The functions of the Council are promotion of peace and security, early warning and preventive diplomacy, peace building and post conflict reconstruction among others. The Council has powers to implement the common defence policy of the AU, impose sanctions on States, undertake peace making and conflict resolution efforts and authorise the mounting and deployment of peace keeping operations, among others.³⁰

But while the Protocol on the Council contains provisions on human rights and intends to prevent grave abuse of human rights in African countries, in relation to the involvement of women in peace making and conflict resolution there is a huge dilemma. For instance in as far as peace building and conflict resolution are concerned; the mandate is entirely placed in the hands of the Council. The Protocol on Women provides that women should be involved in all structures and processes of peace making and conflict resolution in Africa. But the mandate of peace making and conflict prevention is entirely in the hands of the Council. Yet the Protocol on the Council doesn't expressly provide anywhere that

women shall be involved. In fact more worrying is that in the Panel of the Wise there is no minimum number of women that must be included during any term of office. It is therefore unclear how women can be meaningfully involved in peace making and conflict resolution in Africa if there is no express framework for their involvement, in the Peace and Security Council of the AU. It follows therefore that the provisions of the Protocol on Women that call for the involvement of women in peace initiatives may only end at the State level and may take long to be applied at the continental level. It also becomes severely doubtful that States will adhere to such provisions if there is a parallel mechanism that exists and operates in the Peace and Security Council. There is therefore need to urgently engage the relevant authorities to wake up to the anomaly that has been highlighted above. This would then help keep up the good provisions that the Protocol on Women provides in relation to the involvement of women in peace building.

2.5 Analysis of the Conflict related Violations of Women's Rights in Africa

This Paper finds a close nexus between general disrespect for the rights of women, the limited involvement of women in peace making and conflict resolution, and the severe violation of women's rights during conflict in Africa. Indeed it can be said that had women's rights been properly respected, promoted and protected, then women would be thoroughly involved in peace initiatives and grave violations of women's rights during conflict would be reduced. The African Commission on Human Rights has defined what it means to respect, promote and protect human rights.³¹ Women's rights are indeed human rights and the Vienna Declaration 1993 has it that all human are interrelated and indivisible.³² It is imperative thus that a quick scan be done on the violations of women's rights that have been fermented by conflict in Africa.

2.6 Sexual and Gender Based Violence in Conflict Situations

SGBV is the wider notion of Violence against Women (VAW) and is generally all harm that is directed at women (and sometimes children) in both the public and private spheres of life.³³ It includes physical and emotional harm and all threats to inflict such harm on women. Thus, Rape, sexual enslavement, assault, denial of basic provisions, confinement, harassment, over work, forced pregnancy, domestic violence and verbal

abuse are aspects of SGBV that women suffer all over the world. According to UNIFEM, 1 in 3 women has suffered one or more aspects of SGBV and normally so at the hands of an intimate partner.³⁴

Conflict situations only serve to exacerbate rape. The break down in law and order, society and family structure as a result of conflict implies that women are bereft of adequate protection. They are thus easy pickings for the rebels, militia, government soldiers and sometimes (sadly) peace keepers. In the DRC, Human Rights Watch (HRW) reported systematic rape of women and young girls by the rebels, the militia and at times peacekeepers of MONUC.³⁵ Amnesty International (AI) reports similar stories. In Rwanda during the 1994 Genocide, women were systematically raped and as already noted above; the ICTR later held that rape had become a weapon of war and humiliation. In northern Uganda, young girls were abducted, brutalised and turned into sex slaves for various rebel commanders of the Lords Resistance Army (LRA).³⁶

The retention by women of their normal duties and roles even during conflict serves to worsen their vulnerability. Women remain the care givers, the gatherers of food, water and grass for their homes and have to tend to the sick and injured. For instance in Darfur, it has been established that most women have been raped when they go out to fetch water, firewood or grass. They are easily picked by the militia or rebels or other lawless individuals. This Paper has decided to group all the abuses that women suffer during conflict as SGBV.

The above analysis on SGBV brings out the folly of peace making and conflict resolution in Africa. It becomes clear that a lot remains to be known on the nature and extent of the abuse that women endure during conflict. It has been discovered that many abused women do not come forward to complain. They either fear stigmatisation, public ridicule, mistrust and reprisals from the perpetrators. Such is for instance the situation in Darfur. Peace making and conflict resolution in Africa must therefore be structured in a way that does not promote men centred but also equitably women centred strategies. The best women centred approach is a full fledged, open and respectful involvement of women in all peace making structures and processes. It is only then that women can open up and reveal what threatens them and how such can be prevented and overcome.

3 ANALYSIS OF RECENT PEACE PROCESSES IN AFRICA

In recent times there have been several conflicts that have been peaceably settled in Africa. This has occurred in Burundi, Sudan, DRC, and Angola among others. The most prominent observation that easily comes to the surface is the fact that women were not adequately involved in the process.

In the peace process that characterised the Inter Congolese Dialogue (ICD), women were not adequately involved. The ICD was full of men from the government and rebel sides and at the eve of the signing of the Global and Inclusive Agreement (GIA) in South Africa in 2002, women had been sidelined. Nonetheless the GIA was signed and to date its implementation is slowly on going.³⁷

The Sudan conflict that had raged for twenty years and left south Sudan totally devastated was ended by peace talks between the Sudan government and the SPLA. The protracted talks cannot be said to have adequately involved women. It was again an affair of men. Eventually the two sides signed the historic CPA in Naivasha and the agreement remains under implementation and contains a referendum on self determination in 2011.

In relation to Darfur, the process can to say the least be referred to as dubious! Here was a peace process that was shrouded in secrecy and allegations of money having changed hands. It was in addition not embraced by all the warring factions. After protracted talks, the Sudan government and one faction of the Sudan Liberation Army (SLA) led by Minni Minnawi signed the Darfur Peace Agreement (DPA) in Abuja Nigeria in 2005. But in relation to women, the reality was really darker. Despite various reports on the massive abuse of women's rights in Darfur, the process did not adequately involve women. Issues like community policing, the involvement of women in camp management, alternative sources of energy, water and grass could all have been comprehensively tackled with the involvement of women. This was not.

4 OPPORTUNITIES AT THE INTERNATIONAL LEVEL

The above analysis brings forth the question: are there further opportunities at the international level that Africa could utilise to further the involvement of women in peace process in Africa?

4.1 The UN System

The mandate to maintain world peace and security is enshrined in the UN Security Council under chapter 7 of the UN Charter.³⁸ The Charter not only committed its members to save succeeding generations of the scourge of war, it also unequivocally reaffirmed fundamental human rights and the equal rights of men and women. Despite this strong commitment, the understanding of the impact of armed conflict on women and girls and the role of women in conflict resolution and peace building developed slowly within the United Nations. It took several decades to develop a strong normative framework and strengthened operational policies and procedures and make the UN system increasingly responsive to the needs and priorities of women and girls in countries in conflict. Early efforts to address the situation of women in armed conflict include the consideration by the Commission on the Status of Women in 1969 whether special protection should be accorded to women and children during armed conflict and emergency situations. In 1974, the General Assembly adopted the Declaration on the Protection of Women and Children in Emergency and Armed Conflict.³⁹

4.2 UNSC Resolution 1325

On 31 October 2000, the Security Council adopted resolution 1325 under the presidency of Namibia.⁴⁰ This resolution was the culmination of several decades of growing realization of the diverse roles that women play both in conflict and building peace and the result of active involvement and advocacy by women's organizations. The resolution has galvanized the UN system, Member States and civil society organizations and has become one of the best known and the most translated resolution of the Security Council. Within the United Nations system, the Inter-Agency Taskforce on Women, Peace and Security of the Inter-Agency Network on Women and Gender Equality has been coordinating efforts for the implementation of the resolution.

In recent years, the Security Council has sought to meet with women's groups and other civil society organizations in order to access information on the situation of women and girls during meetings and during missions to conflict regions, including the DRC, Kosovo and Sierra Leone. The Council has requested a number of individuals to testify before it on the role of women in peace processes and peace building, including the Minister of Women's Affairs of Afghanistan and the Special Rapporteur on violence against women in March 2002 and the senior gender adviser from a peacekeeping mission (MONUC) in 2003.

Resolution 1325 has led to the deployment of gender advisers in peacekeeping operations and at headquarters, the development of a gender resource package and training materials. DPKO is in the progressive process of creating departmental action plans on gender mainstreaming. Since its adoption, resolution 1325 has also led to the inclusion of more comprehensive information and data on women and gender issues in both thematic and mission-specific reports presented to the Security Council for its review.

One could also look at the several Women's Conferences that have taken place. During these conferences, the need to involve women in conflict resolution has always been brought forward. But concrete steps to implement such resolutions and declarations have remained wanting. There is also the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) 1979. CEDAW generally calls on States to eliminate all obstacles to women's involvement in decision making among others. If properly utilised, there could be a difference.

5 CONCLUSION

There appears to be a normative framework at both the regional and international levels for the involvement of women in peace processes and conflict resolution in Africa. However there are massive doubts at the will and concrete efforts that can transform the frameworks into tangible ways for the involvement of women in peace making and conflict resolution in Africa. This Paper suggests that there is need for a multi pronged strategy to achieve the desired results. Such a strategy must be spearheaded by the realisation, respect and protection of women's rights and proactive action to eliminate

and redress all obstacles to women's full participation in decision making and societal management. Otherwise the situation of women will not change.

End Notes

¹ See paragraph 1 of the Abstract and the 2007 *World Disasters Report* of the International Committee of the Red Cross (ICRC)

² The DRC war that broke out in August 1998 pitted many countries against each other including the DRC, Uganda, Rwanda, Burundi, Chad, Angola, Namibia, Zimbabwe and others by proxy

³ The CPA was signed in Naivasha Kenya on 1 May 2005 under the auspices of the Kenyan government.

⁴ Ethiopia and Eritrea fought a bloody war over the border town of Badme and a Boundary Commission has since delivered its verdict which handed over the disputed town to Eritrea. However Ethiopia has not handed over the town and massive tension remains.

⁵ See generally the *World Index Report 2006* and the 2007 *Human Report Development Report* of the UNDP

⁶ The Rwanda Genocide was triggered off on 6 April 1994 when the plane carrying former president Juvenal Habyarimana was shot down in Kigali. For 100 days, an estimated 1 million Tutsi and moderate Hutus were massacred. For more on the Rwanda Genocide see generally; Prunier, G (1997) *Rwanda: History of a Genocide*

⁷ For more on rape as a weapon of war see *The Prosecutor v Jean Paul Akayesu* ICTR 59/ 99, available <<http://www.ictr.org>> (accessed on 9 December 2007)

⁸ The Darfur Conflict broke out in 2003 and its overall cause is the marginalisation of the area and limited resources especially land and water

⁹ De Maio, J (2004) *Waging Peace: The Role of Women and Conflict Management in West Africa*. Paper presented at the annual meeting of the American Political Science Association, Hilton Chicago and the Palmer House Hilton, Chicago, IL 2 September 2004; available at <http://www.allacademic.com/meta/p60598_index.html> (accessed on 15 December 2007)

¹⁰ See above

¹¹ As in above

¹² Agosin, AM (2000) *Women, Gender and Human Rights* 18

¹³ See the definition that UNIFEM provides for Gender Mainstreaming, available at <<http://www.unifem.org> > (accessed on 15 December 2007)

¹⁴ See for instance the nature of Primogeniture in Africa, in *Magaya v Magaya* (1999) Supreme Court of Zimbabwe, Unreported. The Supreme Court of Zimbabwe held that in Africa, men are succeeded by their male off springs and that there are no female heirs!

¹⁵ *The Beijing Declaration and Platform of Action* 1995 outlines several measures that States should take to uplift women.

¹⁶ The OAU Charter was adopted by the AHSG of the then OAU in Addis Ababa Ethiopia on 25 May 1963. It is available at <<http://www.africa-union.org/root/au/Documents/Treaties/treaties.htm>> (accessed on 18 December 2007)

¹⁷ The Constitutive Act of the AU was adopted by the outgoing AHSG of the OAU in Lome Togo on 11 July 2000. It is available at <<http://www.africa-union.org/root/au/Documents/Treaties/treaties.htm>> (accessed on 18 December 2007)

¹⁸ See article 4 (I) of the Constitutive Act of the AU

¹⁹ The Durban Declaration on Mainstreaming Gender in the African Union was adopted by prominent African civil society organisations on 30 June 2002 in Durban South Africa. It is available at <http://www.honvedelem.hu/files/9/8008/durban_declaration_on_gender_mainstreaming_2002.pdf> (accessed on 18 December 2007)

²⁰ There are three Regional Human Rights Systems in the World, namely: the African, the European and Inter American Regional Systems.

²¹ The African Charter on Human and Peoples' Rights was adopted by the AHSG of the OAU on 27 June 1981 in Nairobi Kenya. It is available at <<http://www.africa-union.org/root/au/Documents/Treaties/Text/Banjul%20Charter.pdf>> (accessed on 18 December 2007)

²² For more on the uniqueness of the African Charter, see generally; Evans & Murray (2002) *The African Charter on Human and Peoples' Rights: The System in Practice*

²³ See article 18 of the African Charter on Human and Peoples' Rights. It places women, children and the family in one and only, one provision.

²⁴ See above

²⁵ See article 2 of the Charter

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- ²⁶ The Protocol was adopted by the AU Assembly on 13 July 2003 in Maputo Mozambique. It is available at <http://www.africaunion.org/root/au/Documents/Treaties/Text/Protocol%20on%20the%20Rights%20of%20Women.pdf> (accessed on 18 December 2007)
- ²⁷ See Paragraph 12 of the Preamble to the Protocol on Women in Africa
- ²⁸ See Mugisha, B (2004) *The Rights of Women and Children as Internally Displaced Persons: The Case of Uganda and the DRC*. Unpublished LLM Dissertation, Centre for Human Rights University of Pretoria, South Africa
- ²⁹ See *The War within the War: Sexual Violence against Women and Girls in Eastern Congo*. A Report compiled by Human Rights Watch on SGBV in Eastern DRC, 2002, available at: <http://www.hrw.org/reports/2002/drc/Congo0602.pdf> (accessed on 18 December 2007)
- ³⁰ See Article 7 of the Protocol on the powers of the Peace and Security Council of the AU
- ³¹ See: *Social Economic Rights Action Centre (SERAC) v Nigeria*, African Commission on Human and People's Rights, 1999. The held African Commission held that to respect rights meant that the government simply avoids violating rights, protecting means that the government enforces rights and provides justice to victims, promotion means acknowledging that the rights exist and increasing awareness about them.
- ³² The Vienna Declaration and Programme of Action was adopted by the World Conference on Human Rights on 25 June 1993. Article 5 thereof provides for the complementarity and indivisibility of human rights
- ³³ See for instance the definition of SGBV that the Protocol on Women in Africa provides in article 1 (j) thereof
- ³⁴ See: *Not a Minute More: Ending Violence against Women* (2003) UNIFEM. See the preface provide by the UNIFEM Executive Director Noeleen Heyzer on 6 of the book.
- ³⁵ See n(29) above
- ³⁶ See UNICEF Report on *the Night Commuters on Northern Uganda*, 24 May 2004, available at http://www.unicef.org/media/media_21312.html (accessed on 20 December 2007)
- ³⁷ The Global and Inclusive Agreement was signed by the DRC government and rebels on 16 December 2002 in Pretoria South Africa.
- ³⁸ See generally Chapter 7 of the UN Charter on maintaining peace in the world and regional arrangements

³⁹ See Resolution 3318 of the General Assembly (XXIX) 1974

⁴⁰ Adopted by the UN SC at its 4213th Meeting on 31 October 2000

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