

Women and armed
conflict: from
victims to activists

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The motivations for armed conflict, and the means of achieving them, are diverse and affect specific population groups in different ways. Civilians are not simply caught in the crossfire, but are increasingly a deliberate target – sometimes even the main target. They are targeted in order to acquire or maintain power through terrorizing the civilian population, to (re)gain control over contested territory, or to define a state around a particular ethnic or religious identity. So during the war in El Salvador, the armed forces declared regions held by the Farabundo Martí National Liberation Front (FMLN) ‘free-fire zones’ – any civilians living there were military targets. In the Balkans, the Bosnian Serb Army and political leaders whipped up ethnic and religious identity in order to stake out exclusive territorial rights and ‘cleanse’ other populations. Burmese armed forces have conducted sustained campaigns against ethnic minorities: according to Human Rights Watch (HRW), there are an estimated half million internally displaced persons in eastern Burma, and 140,000 refugees remain in nine camps along the Thailand–Burma border, despite a large-scale resettlement programme by international agencies. More than 50,000 refugees from Chin state remain in eastern India, and 28,000 ethnic Rohingya Muslims live in squalid camps in Bangladesh.

Insofar as civilians have become the deliberate target of modern-day armed conflict, there are two common threads. One is the intentional exploitation of vulnerability. These vulnerable citizens are not only women and children, but include any group that suffers systematic discrimination, from ethnic minorities and indigenous peoples to the elderly and infirm or people with disabilities. The second thread, though one that international treaties and resolutions are designed to break, is that of impunity for mass rape and ‘ethnic cleansing’, crimes that deliberately target (primarily) women of the ‘wrong’ ethnic group, with the aim of traumatizing entire communities.

Following a consideration of the current international legal framework in regard to women in armed conflict, the remainder of this chapter focuses on two main issues, which are also the focus of its detailed case study of indigenous women in Guatemala:

- How are minority and indigenous women involved in armed conflicts, both as active participants and as victims?

- How are minority and indigenous women involved in peace and mediation processes?

Setting the international scene

Both international humanitarian law and international human rights instruments have increasingly focused on the protection of civilians during armed conflicts. In the past two decades, this focus has included a growing awareness of the gender-related impacts of armed conflict, and the role of women in conflict and post-conflict settings.

A significant development in humanitarian law was the two Additional Protocols (1977) to the 1949 Geneva Conventions, which together set out provisions for protecting civilians. These provisions specifically prohibit the targeting or terrorizing of civilians in non-international armed conflicts, even if there are non-civilians in their midst. The provisions for international armed conflicts also rule out any form of indiscriminate attack, including damage to the environment or to the means of subsistence. Populations should be displaced only if this is imperative for their own safety. In addition, desecrating religious symbols or attacking buildings used for religious worship is strictly off limits.

The sad reality, however, is that most modern warmongers either ignore the prohibition on indiscriminate attacks or deliberately target civilians. The civilian death tolls (‘collateral damage’) in Afghanistan and Iraq illustrate today that ‘precision bombing’ remains largely a fiction. There is no such pretence about landmines, which are deliberately strewn near water sources, along roadsides and in fields, and even around schools, with the sole purpose of maiming, killing and terrorizing civilians – which they will continue to do for many future generations. Thousands of people in conflicts from Liberia and Sierra Leone to Democratic Republic of the Congo and Rwanda have been literally hacked to death. But it was the break-up of the former Yugoslavia right at the heart of Europe that exposed once again the sheer brutality unleashed by a manipulated and re-politicized ethnicity. And the way this played out was to include systematic mass rape of ethnic minority women as a weapon of war.

Fifteen years after the drafting of the Additional Protocols, women’s organizations at the 1993 United Nations (UN) World Conference on Human Rights rallied under the slogan ‘women’s rights are human rights’. The resulting Vienna Declaration and Pro-

gramme of Action expressed ‘dismay at massive violations of human rights especially in the form of genocide, “ethnic cleansing” and systematic rape of women in war situations, creating mass exodus of refugees and displaced persons’, adding that while ‘strongly condemning such abhorrent practices it reiterates the call that perpetrators of such crimes be punished and such practices immediately stopped’ (Clause 28). Ironically, these ‘abhorrent practices’ were happening with apparent impunity in the Balkans, only a short distance away from Austria’s borders, in conflicts that were egregiously flouting every one of the stipulations of the Geneva Conventions and Protocols regarding the treatment of civilians and respect for religious faiths.

Two years on, in line with the global objectives of empowering women and mainstreaming gender equality, the section on Women in Armed Conflict in the Platform for Action of the 1995 Beijing World Conference on Women listed six strategic objectives, among which were:

- to increase the participation of women in conflict resolution and at decision-making levels, and protect women in situations of armed and other conflicts or under military occupation;
- to promote non-violent forms of conflict resolution and promote women’s contribution to fostering a culture of peace; and
- to provide protection, assistance, and training to refugee women and women in comparable conditions.

Building on this growing momentum, the UN Security Council adopted a series of resolutions concerning gender-based violence as a war tactic *and* the need for women to play an active role in peace processes, noting that their marginalization can delay or undermine the achievement of durable peace, security and reconciliation.

- Resolution 1325 (2000) on women, peace and security called on all parties to an armed conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse. It also calls for the equal participation and involvement of women in all efforts for the maintenance of peace and security

- Resolution 1820 (2008) highlighted that the use of sexual violence against civilians as a tactic of war threatens international peace and security.

- Resolution 1888 (2009) emphasized addressing issues of sexual violence from the very outset of peace and mediation processes and bringing its perpetrators to justice. The mandates for UN-sponsored peace negotiations and peacekeeping operations must include provisions for the protection of women and children.

On 16 December 2010, the 10th anniversary of Resolution 1325, the Security Council unanimously adopted Resolution 1960, which approves an annual publication listing armed groups that engage in deliberate campaigns of sexual violence – a public naming and shaming – and for sanctions to follow if the practice continues. Applauding the resolution, the Special Representative on Sexual Violence in Conflict, Margot Wallström, said:

‘Instead of serving as a cheap, silent and effective tactic of war, sexual violence will be a liability for armed groups... The resolution may not bring justice to every victim throughout the history of war – but it will help to ensure that conflict-related sexual violence no longer goes unreported, unaddressed or unpunished.’

The growing number of standards, including other significant developments such as the International Criminal Court, which was inaugurated in 2003, put those who violate them under notice. These standards are a powerful expression of moral consensus even if they do not all carry the force of law. Taken together the international community has legal machinery and moral force (if not always the practical means or political will) to intervene in order to protect civilians, and to track down and prosecute those guilty of violating their rights.

What happens to women in armed conflicts?

At the launch of the 2010 *State of the World Population* report, Thoraya Ahmed Obaid, Executive Director of the United Nations Population Fund (UNFPA) said:

‘When women and girls suffer deep discrimination, they are more vulnerable to the worst effects of disaster

or war, including the weapon and humiliation of rape, and less likely to contribute to peacebuilding, which threatens long-term recovery. If we're serious about preventing conflicts, recovering from war and natural disaster and building lasting peace, we need to empower women, as well as the young and the elderly, to become agents of positive change.'

There is an implicit tension in the two principal goals of the UN Security Council resolutions discussed above. On the one hand, women and girls are cast as victims with no resources of their own, no autonomy and no voice. While not detracting from their courage and resilience, because of their vulnerability to sexual and other forms of violence and with their rights historically denied on multiple fronts, women's overarching need is for protection to stop these atrocities taking place. One aspect of preventing further atrocities is to ensure that the perpetrators are brought to justice, with the aim of making it clear to all, including survivors, that they will not enjoy impunity for their actions. The record here is not encouraging. As Margot Wallström, UN Special Representative of the Secretary-General, noted in a statement on 16 December 2010:

'The estimated 50,000 rapes that occurred during the conflict in Bosnia have resulted in just 12 convictions in national courts. The process has been painfully slow. Women describe being treated in the courtroom as just another exhibit from which evidence can be extracted, saying "It is better to be a criminal than a victim in this system". Most women who endured unspeakable brutality now endure the indignity of seeing their former assailant in the street, the bank, or supermarket, flaunting their impunity. I met with women who, 15 years after the peace agreement, still shake, sigh and weep; one described how the soldiers led her to the entrance of a rape camp, which she remembers as "the door to hell".'

On the other hand, as a country emerges from armed conflict, the resolutions emphasize the critical importance of women playing an active part in shaping the processes of mediation, demobilization and reintegration, and democratic peace-building. The resolutions stress that meeting the needs and perspectives of women and men in an inclusive and holistic manner is the key to preventing future conflicts.

Quite how women are meant to accomplish the rapid transformation from 'defenceless victims' to 'empowered subjects' remains unclear¹ – and it appears that those who are in a position to select the mediation processes also find it difficult to make the transition and actively ensure that women's voices are heard and are influential. Despite UN Resolution 1325, according to the UN Development Fund for Women (UNIFEM), women constitute only 6 per cent of peace negotiators and less than 3 per cent of signatories, and are completely absent from the chief mediating roles in UN-brokered peace talks. The mere fact of including women will not automatically ensure that women's interests will be properly reflected in the peace talks and subsequent processes. But their virtual absence makes it unlikely that their interests will feature at all.

The statistics and, more tellingly, the accounts of women sufficiently courageous to tell their stories, leave no room for doubt that women's predominant experience of armed conflict is indeed as the victims of atrocities and sexualized violence committed almost exclusively by men.²

But it is important to nuance the constant portrayal of women, including minority women, as 'innocent victims', and of minority populations as homogeneous and harmonious. In relation to the former, Cynthia Cockburn writes of how Serbian and Croatian journalists published articles featuring 'our' women, armed and in combat fatigues, standing up for the cause of politicized ethnicity. In reality, some 12 per cent of families were 'multi-ethnic', based on inter-ethnic marriage. In Sri Lanka, although the media focused on female suicide bombers, women were always active on the front lines in the Liberation Tigers of Tamil Eelam (LTTE) or 'Tamil Tigers' – which, incidentally, also forcibly evicted non-Tamils (including members of the Muslim minority) from areas under their control. In Eritrea, women constituted up to 40 per cent of the fighting force of the Eritrean People's Liberation Front (EPLF). As recounted by D. Parthasaraty in the journal *Manushi* in 2002, women increasingly participate in acts of communal violence in India, both in direct attacks on other religious communities or Dalit groups, and in the subsequent looting and destruction of their property. And according to Karen Kampwirth, writing

in 2004, women also held high military office as well as being part of the rank and file in the liberation struggles in El Salvador and Nicaragua (30 per cent), and played a role as policy strategists in Guatemala (around 20 per cent), and providing logistical and moral support (60 per cent) in El Salvador. Women also constitute one-third of the predominantly indigenous Zapatistas in Mexico.

These examples by no means invalidate the obvious facts that the vast majority of fighters in both regular military forces and guerrilla movements are men, and that women combatants fight alongside men, and usually in junior roles. Nor is it to deny that armies and irregular forces alike sometimes engage in forcible recruitment. But they do somewhat complicate simplistic notions of what it means to be an 'innocent victim'. We know that it is specious to argue that women invite sexual attack because of what they are or are not wearing. By extension, if we believe in women's empowerment, it follows that women's agency in an armed conflict – whether in uniform, providing logistical or moral support, or engaging in international advocacy – does not detract from their experience as victims of atrocities. Indeed, women who step out of line, whether by taking sides in an armed conflict or by denouncing human rights violations, often face particularly cruel treatment. Women whose support over-steps the boundaries of their gender-submissive role face social as well as political sanctions.

The continuity of violence

Feminist groups in Belgrade and Zagreb were already working on issues of violence against women before the outbreak of armed conflict. As the war progressed they observed that domestic violence not only increased but also took on new and more militarized forms. More men were reported to be threatening or attacking their wives with guns, rifles, bombs or army knives. As Vesna Kesic recounted in an article published in 2002, local feminists therefore drew the link between 'ethnic chauvinism' and sexism:

'In both differences are exaggerated, "Others" are perceived stereotypically as of minor human value and as a threat to the nation and masculinity; domination and violence are perceived as natural and worth the infliction of cruelty and violence.'

But presenting the links between a patriarchal

culture and mass rape exposed these feminists to charges of being both traitors to the nation and of betraying women. By presenting mass rape as an extreme point on a continuum of misogyny and violence against women, their argument challenged the (patriarchal) discourse of ethnicity within which mass rape is part of a 'genocidal strategy'. This discourse treats women as a metaphor for the nation – 'a raped Bosniak or Croatian woman stands for a raped Bosnia or Croatia'. As Dubravka Zarkov puts it, the wars were not being fought between ethnic groups as is commonly understood, but were 'promoted to produce and deepen ethnic identities and obliterate the spaces in which choice might remain about who one feels oneself to be'.

In an analysis that goes well beyond the particularities of the Balkans, Vesna Kesic argues that:

'[M]ilitarized patriarchy and ethnic nationalism intersected and became enmeshed at the roots of the violence in these wars. This mix of ethnic and gender representations, symbols, and images has generated extremely violent practices, particularly in terms of the sexualization of war violence.... The question to answer is: How does sexual desire get invested into constructions of ethnicity and nationalism? How does it become "collectivized" and transformed into war violence?'

Throughout the former Yugoslavia, 'ethnic cleansing' was orchestrated on a vast scale – involving the mass murder of civilian men and the mass rape of civilian women – but rather than being an example of aberrant, 'out of character' behaviour, Kesic suggests a far more disturbing continuum between peace-time violence against women, and the sexualized brutality used against 'enemy' groups in war.

In Kenya, for instance, Peter Mwangi Kagwanja wrote in 2000 in *Forced Migration Review* of how, within the wider politicization of ethnicity, 'refugees from other Somali clans [from Somalia] were lumped together with Kenya's ethnic Somalis', who were already subject to multiple forms of discrimination. Non-governmental organization (NGO) health workers recorded that rape and beatings of refugee women were daily and nightly experiences. In a different case, this time involving Sudanese refugees in Kenya, Sudanese cross-border militias and male refugees, as well as members of the Kenyan security forces sexually assaulted, gang-raped, and kidnapped women and girls as young as 11 or

12. Most of the victims were from the Dinka community. The Kenyan authorities dismissed these reports, and few of the victims brought charges because of fear of reprisal by male refugees.

As these examples show, organized armed violence is not synonymous with war in its conventional sense. To take just two examples, from Colombia through Central America to Mexico, for instance, a violent death is more likely than not to be related to drug trafficking. And throughout much of Africa the illicit mineral trade both fuels and finances what the Kenyan Vice-President Kalonzo Musyoka calls 'the cause of incessant conflicts, environmental degradation but ultimately and sadly too, poverty'.

Waging war and claiming peace: the case of Guatemala

In March 2010, a Tribunal of Conscience against Sexual Violence towards Women during the Armed Conflict took place in Guatemala. Four 'judges' from other backgrounds and lands took part, as well as 35 witnesses of honour, including Mayan, *mestiza* and foreign women activists, several men and international academics. As UN Resolution 1325 passed its tenth anniversary, the Tribunal represented the culmination of a collective process to address and raise state and civil society awareness of sexual violence suffered by (predominantly indigenous) women during the armed conflict. Ugandan Judge of Conscience Teddy Atim comments that the Tribunal:

'is important for the local women, the indigenous women. For the first time they're talking about what they've gone through, and I think that the significance is that it helps them to discover who they are. The inner self destroyed by the war begins to open up through this kind of process.'

The Tribunal also brought to public attention the fact that rape of indigenous women continues to be commonplace as a reprisal against social organizing, especially in the forced evictions of indigenous *campesinos* in land conflicts. The fact that femicide (the gender-based murder of women) in Guatemala is higher than anywhere in the region was also noted.

Guatemala's 36-year internal armed conflict began in the eastern part of the country in the 1960s, shortly after the US-backed military coup

overthrew President Jacobo Arbenz and the 'democratic revolution'. In the 1970s the conflict shifted to the mainly indigenous western highlands. Although half the Guatemalan population are indigenous, Mayans have always faced profound discrimination and marginalization, and inequalities in terms of class, ethnicity and gender run deep. Skewed land tenure (2 per cent of the population owns 60 per cent of the country's arable land) as well as grinding poverty, dire working conditions of indigenous *campesinos* in the large coffee, sugar and cotton export plantations, and next to no state services in health and education gave rise to mass indigenous incorporation into the rebel forces. Although more than 80 per cent of the rebel ranks were indigenous, and about 20 per cent were women, the guerrilla leaders were overwhelmingly *mestizo* men (of mixed Spanish and indigenous descent, also referred to as *ladinos*).

The army resorted to unprecedented levels of terror: after suppressing expressions of social organization and unrest in urban areas, it turned with a vengeance to the rural areas, using scorched earth operations and massacres, forced disappearance, selective and indiscriminate killings, accompanied by torture, mutilation and rape. Guatemala has one of the worst historic human rights records in Latin America: the 1999 UN Truth Commission documented 626 massacres, and more than 440 villages were destroyed as part of the armed forces' strategy to 'remove the water from the fish' (i.e. to isolate the rebels from their support base in the civilian population). More than 200,000 people were killed; 83.3 per cent of cases documented by the Truth Commission were Mayans.

The army sought to exterminate indigenous ways of life from the very roots, using symbolic as well as physical and material forms of destruction, as this Mayan woman testifying before the Tribunal stated:

'The soldiers burned all our houses, right in front of our eyes. They burned our millstones, our maize, our sacred life-giving maize ... they told us that by whatever means, they were going to make all Indians disappear.'

In her testimony presented at the Federation of the Relatives of the 'Disappeared' – FEDEFAM – conference in Mexico City (November 1983), Mayan catechist Carmelita Santos was one of the first indig-

enous women to denounce sexual violence:

I think these massacres are worse for us women, because first the women are raped ... and after raping her, they pull out her tongue, they put out her eyes, they tear away her breasts, and afterwards, they just leave her dying there. Many times we have said – witnessing such terrible suffering – that we'd prefer it if they simply shot us, but not be killed in this way.'

Scorched earth practices and indiscriminate repression led to the forced displacement of more than a million people from the indigenous highlands to cities and the coast, while hundreds of thousands of indigenous *campesinos* also sought refuge in neighbouring Mexico. Displacement was particularly painful for Mayan women, who had to change their traditional dress to hide their identity. Those captured were placed in militarized 'model villages' and 'development poles', similar to the strategic hamlets deployed in Vietnam. Others lived for more than a decade in 'communities in resistance' (*comunidades de población en resistencia*, or CPR), permanently on the move to avoid army persecution. A particularly destructive army measure intended to destroy the Mayan social fabric obliged all men in the highlands aged between 15 and 40 to join the 'civil patrols' to act as buffers between the army and insurgent forces.

Rape as a weapon of war

According to the Truth Commission, the most under-reported human rights violation was the rape of indigenous women. No overall estimates as to the number of women affected exist. Of the 1,465 cases of rape that were documented by the Commission, 88.7 per cent were of Mayan women and girls of all ages. As one survivor states: 'it's the *campesinos*, the Indians, who get raped because they used to say we were animals, that's why they did it to us, because they thought we were worthless'. In a 2009 report by Equipo de Estudios Comunitarios y Acción Psicosocial (ECAP) and Unión Nacional de Mujeres Guatemaltecas (UNAMG) (hereafter ECAP y UNAMG), indigenous women spoke of suffering sexual violence during the massacres and when the army captured their husbands and sons:

I went to the military detachment based in the plantation to ask about my husband ... I wanted them to

let him go because he hadn't done anything wrong ... They raped me right there ... five of those soldiers did it to me.'

Women were routinely raped in front of their children, often gang-raped, and others were forced into slave labour – cooking, washing clothes and providing sexual favours under duress – for the army or the civil patrol leaders.

The impact of rape, documented in the ECAP y UNAMG 2009 report, has been devastating. While young women were regarded by many in their own communities as 'damaged goods' and no longer 'suitable' for marriage, married women were treated as 'adulterers' and subjected to further sexual and physical violence. War widows have had an especially difficult time, often regarded by other women as 'loose' and potential 'husband-grabbers'. Community ostracism, particularly of women raped in public, led many widows to leave. Some women did receive support from their mothers and occasionally fathers, but others were rejected by their families. Most women, though, accepted the children they had conceived through violence:

'Well what that man did to me was against my will. But my son was born and grew up, and now he's 19. He's my consolation. He always leaves me a bit of money when he comes, and tells me not to worry. If it weren't for my son I would hang myself.'

Mayan spirituality has also been a source of solace and has contributed to reparation. One Mayan woman said that the cleansing powers of burning *pom* (resin) and lighting candles means: 'Now I don't feel dirty any more, I feel that my body is innocent, my body is all right because it is clean and I am clean.'

Organizing has promoted widows' mutual support and agency. Informal local widows' groups contributed to day-to-day living. Many of these joined the Mayan National Coordination of Widows (CONAVIGUA), protesting army violence and their sons' forced military recruitment. Participation, capacity-building and income-generation projects have contributed to their healing and well-being. Organized refugee women in Mexico participated in negotiations for their return to Guatemala, fighting for shared land tenure. While most refugee-returnee organizations disappeared

once back in Guatemala, the women's organizations Mama Maquín, Madre Tierra and Ixmukane have continued to strengthen women's capacities and support rural women's demands.

Mayan women and the insurgency

Mayan women contributed to the rebel forces in different ways, many giving food and *tortillas* (hand-made maize pancakes), sewing uniforms and acting as messengers. As the army killed their families, more Mayan women joined the guerrillas, as Lucía explains:

'They killed two of my sisters and two of my brothers, my father fell ill and died, and my other sister and I joined the guerrillas, first me and then she came later. We had to join because we thought that if we were captured by the army they would rape, torture and kill us. I asked my mother's permission and she had to agree. She was a lone parent and had to do all the manual labour, so she taught us how to use the machete and the hoe and cultivate our small plot of land.'

Some, like Margarita, joined the rebels to avenge the death of their loved ones: 'the armed forces should pay for killing my brother'. Others, as in Lidia's case, had nowhere to go: 'I made my own decision to join the rebels – after they had taken my dad, my mum and everyone else I was on my own. I must have been about 10 years old.' Wanting their voices to be heard and their testimony committed to history, these Maya Ixil ex-combatants sought the help of *mestiza* women in Guatemala City to get their story heard; these were eventually published in 2008 under the title *Rebel Memories Against Oblivion*:

'Some of the women who had joined the rebels dropped out of the organization afterwards, maybe because they are so overwhelmed with sadness that they hardly step outside the house. Others were killed in combat or fell sick and died. This is why we want to write a book recording our history, because we don't want to forget it. It's also important that young people know this history and so have some notion of how it all happened.'

Conditions in the rebel ranks point to greater equality between men and women in some aspects. Men washed clothes, cleaned dishes and cooked; however, these changes did not last after demobilization. As Morna Macleod argued in 2008, many Mayan intel-

lectuals and activists considered that the rebel forces prioritized the class struggle against poverty rather than indigenous or gender equality concerns.

While not remotely comparable to the scale of the violence committed by the armed forces, insurgents had raped 6 of the 54 Mayan women who testified in the 2009 ECAP y UNAMG study. A few indigenous women became captains and lieutenants, but had to excel more than men in order to be recognized. This contrasts with the Zapatista uprising 15 years later in neighbouring Chiapas, Mexico, when, to people's amazement, Maya Tzotzil rebel major Ana María headed the occupation of the town Ocosingo in January 1994.

While many indigenous women were driven to join the rebel forces in the face of repression in Guatemala, Mayan women in Chiapas joined the clandestine guerrilla organization as an option that freed them from the constraints of community life. The Zapatistas probably learned from the lack of gender and ethnicity-related demands on the agendas of their fellow Central American rebel forces, and on International Women's Day a year before the Zapatista uprising, a 'Revolution within the Revolution' took place: the Women's Revolutionary Law. The ten articles included the right to participate and occupy leadership roles, to work and receive a fair salary, to choose a marriage partner and have as many children as one wants and can look after, as well as the right to health and education, and the right not to suffer violence.

Peace without justice

Although rural Mayan women were among the most affected and most vociferous against ongoing army repression, no Mayan women were included in the UN-mediated peace negotiations between the government-army and rebel forces. The 1996 Peace Accords included an agreement on indigenous peoples' identity and rights, and specific provisions for women, including the creation of an Indigenous Women's Defence Commission (*Defensoría*). Implementation of the Accords has been patchy, and heavily dependent on international aid. While indigenous 'windows' (*ventanillas*) have been included in public social assistance programmes, these are notoriously underfunded. The Catholic Church and UN Truth Commissions brought to light much of the war atrocities, but dissemination of the reports and implementation of recommendations have been



scant. Monsignor Gerardi, president of the Catholic Church Truth Commission, was murdered just two days after presenting their findings in 1998, indicating the risks involved in revealing the toll of the armed conflict. Impunity runs rife, and human rights activists continue to risk their lives, as do key witnesses in cases of strategic litigation.

Armed conflict has had a devastating impact on Mayan community life, as a Kanjob'al ex-combatant explains: 'Our village never recovered. It was as if our communal heart had been cut out.'

One small gain is that Mayan women now have increased agency and visibility in Guatemalan society. Rigoberta Menchú set a precedent when she received the Nobel peace prize, and CONAVIGUA leader Rosalina Tuyuc and social activist Manuela Alvarado became a highly respected national congresswomen. For the first time in Guatemalan history, Mayan women have been appointed as cabinet (vice) ministers. But indigenous women continue to be deeply under-represented in local and national government. Many Mayan women's organizations have formed since the signing of peace, promoting their participation in public life and decision-making, and lobbying for culturally appropriate

public policy. In their struggle for culturally sensitive gender equity, many combine collective, individual and women's rights discourses with the Mayan principles of complementarity, duality and balance.

Various significant reparation initiatives are being carried out by civil society. For some years now several Guatemalan rights-based organizations, feminists and international academics, have been documenting cases of war crime rape and working with Mayan women survivors. The 2009 ECAP y UNAMG study is one such product. But writing in 2010, Alison Crosby and M. Brinton Lykes caution against the risk that rape survivors who speak out publicly become 'iconic representations of sexual violence'. They include in their collaborative research creative workshops with Mayan rape survivors that aim to:

'critically reflect upon what they are doing, who they are becoming and how to sustain these processes of change in the midst of the ongoing adversarial social and cultural conditions of violence and impunity.'

Despite the genocide, over the past two decades Mayan movements – and increasingly Mayan

Left: Armed police guard members of the displaced Bambuti pygmy community who sit outside a church in Rutshuru, North Kivu, DRC. *Mark Lattimer.*

women – have gained a voice and are pushing for recognition of indigenous law, spirituality, languages and education. More recently, there is a growing movement around the defence of territory and natural resources, using International Labour Organization (ILO) Convention No. 169 (on indigenous and tribal people's rights) to carry out consultations on mining projects and dams. Given that these issues most affect the daily lives of Mayan women, many are spearheading these recent struggles.

What happens after war?

It is sometimes said that war and armed conflict can empower women, offering greater financial independence and thus building their confidence. True, women do take on many new roles – whether working in traditionally male-dominated jobs or being forced into survival activities such as sex-work. When Salvadoran refugees arrived in Honduras in 1981, there was not one teacher or health worker among them. By 1990, the returnees, mainly women, included 407 teachers and 358 health workers. Women had also become car mechanics, blacksmiths, carpenters, hammock-weavers, builders and shoemakers, as well as acquiring valuable administrative skills.

But the evidence on how far these new roles survive the peace is discouraging. While women's rights are seldom high on the revolutionary agenda – the Zapatistas in Mexico are the exception that proves the rule – women combatants understandably expect to play a part in shaping the new government or nation. Yet today few Eritrean women have jobs, and female illiteracy is high, as Ravinda Rena notes in a 2007 report published by the Eritrea Institute of Technology. A few years after their return to El Salvador, most of the refugee women had reverted to their pre-war gender roles and very few were actively using their new skills, as Norma Vasquez recounted in 1999. According to the international NGO International Alert, disarmament, demobilization, and reintegration (DDR) programmes commonly give precedence to men in terms of employment and job creation. Women fall back into the informal economy, as has happened in South Caucasus.

A common post-conflict discourse is that women should bear children – particularly if their community feels its survival is under threat. 'Pro-natalist' policies such as reduced tax and other inducements to encourage large families were common in parts of Europe as it emerged from two world wars. Following the liberation struggle in Nicaragua, women were also encouraged to have more children, as Julie Cupples wrote in a 2004 article for *Gender & Development*. Children may be seen to represent hope for the future, and perhaps a source of security. But as women from such different contexts as Eritrea and El Salvador found, rather than new beginnings, the post-war scenario can be far from liberating for women. As discussed in a 2004 report by Martina Fischer for the Berghof Research Center for Constructive Conflict Management, there may even be a backlash against freedoms enjoyed before or during the war as men return home and expect to resume their former roles, or as conservative 'traditions' are revived and imposed – as happened in the cases of Afghanistan and Iran. There is also some evidence to suggest that domestic violence increases in the post-war period. And, as the Guatemala case study showed, women who have survived rape and have no option but to bear any child they conceive may then be ostracized for dishonouring their family or community. Albanian women in Kosovo did not dare to confide in their husbands that they had been raped during the war, for fear of being divorced on these grounds.

Gender inequality is a reality in all societies. UN Women estimates that one woman in three will experience sexual violence over the course of her life. Globally, women have far fewer resources than men, including access to education, decent work, wealth and property. Consequently women are hugely under-represented in the upper echelons of institutions that are so relevant to peace processes, such as the military and security forces, the legal profession, religious authorities and government. Given that according to the Inter-Parliamentary Union, only 19 per cent of parliamentary seats are held by women worldwide, their power to shape formal political agendas even in peacetime remains extremely limited. The Beijing goals of women's empowerment and gender equality are just as valid today as they were in 1995.

So even when mediation processes do make genuine efforts to ensure that women participate equally

with men, they face a difficult task in facilitating women's full engagement from such a low starting point, while at the same time convincing men – and women – that this is an integral part of the democratic process, not just an optional extra. While 'women's participation' certainly projects a stronger role than 'women as victims', gender inequality before – as well as during and usually after – conflict poses a colossal challenge to making it a reality. This is an even greater challenge when the women who might have most to contribute are also subject to discrimination on the grounds of their ethnic identity or language, as the Guatemala case study makes very clear. In view of donors' current demand for quick and tangible 'results' rather than investing in the long-term and messier process of supporting women's participation in building a democracy, international funding and UN interventions have focused far more on protecting women and girls in armed conflict than on promoting women-led peace. There is obviously an imperative to protect those who are in immediate danger, but it is short-sighted to neglect the investment in peace-building, which would in the long run aim to reduce the need for urgent protection interventions. And the failure to address major structural injustices, such as the systematic subordination of women, or the exclusion of particular ethnic or religious groups, seriously undermines the achievement of 'positive peace', as opposed to merely the absence of war. As Anwarul K. Chowdhury, UN Under-Secretary-General and High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States notes:

'Sustainable peace is inseparable from gender equality. In coming years, women could and should play a more significant and substantive role in making the transition from culture of violence to culture of peace. We should not forget that when women are marginalized, there is little chance for an open and participatory society.'

Can minority and indigenous women benefit from international agreements?

Without the material and political backing to act upon them in a comprehensive and disinterested manner, international agreements and resolutions are benchmarks, statements of principle rather than action plans. This does not detract from their

importance. The history of human rights is one of gradual rather than spectacular gains. History also tells us that rights are never just handed down from above, but have to be simultaneously claimed from below.

Mary Robinson, the former UN High Commissioner for Human Rights, has underlined that the prevention of violence depends on linking up the women, peace and security agenda with human rights mechanisms. Minority women have also pointed out that international instruments, including UN Resolution 1325 and its successors, tend to be silent on ethnicity. There is no specific mention, for instance, of the need to ensure that minority women are involved in peace processes, recognizing the role they can play in building bridges across communities, taking on leadership roles in their own communities, and encouraging male leaders to commit to the peaceful pursuit of their collective claims.

Some minority communities have successfully used international instruments, including human rights, as a tool for demanding accountability, creating space for their participation in discussions on peace and security, and engaging in wider political action.

In Nepal, the Peace Women's Alliance, which represents indigenous, Dalit, Madhesi and disabled women, regards UN Resolution 1325 as a major step in ensuring their representation in the post-conflict parliament. So they requested that the UN Technical Assistance Mission (TAM) take UN Resolution 1325 as its point of departure in regard to security, reintegration, and elections, and take account of 'the differential needs and situation of minority women and men in all ... deliberations'. The Alliance also pointed out that the TAM's composition should reflect a proper gender balance.

In the South Caucasus and Russian Federation, the NGO International Alert held a series of workshops with women on international standards, such as the 1979 Convention on the Elimination of All Forms of Discrimination against Women. They then elicited the participants' ideas on how to strengthen UN Resolution 1325. Women in the South Caucasus pointed out that the breakaway states (such as Abkhazia and South Ossetia) do not recognize previous commitments, and that women's political representation is almost non-existent. They also emphasized the largely ignored consequences of the conflicts for women: displacement, unemployment-

ment or the loss of career, the proliferation of small arms, ethnicity and gender inequality all restrict women's enjoyment of formal rights.

Women in Timor-Leste considered violence a part of family life, not a matter for police intervention. With UN support, the Police Development Programme prepared a manual for the Timorese National Police on violence against women, and conducted training sessions on domestic abuse. And in May 2010 the Timorese Parliament passed the Law Against Domestic Violence. Now deemed as a public crime, prosecution for domestic violence no longer depends on whether a complaint is filed.

There are some serious shortcomings, however. For one thing, not only are peace processes conducted largely without any substantive input by women, let alone minority women, peace agreements also often include amnesty clauses for the perpetrators of human rights abuses, including rape. This gives the message to survivors and violators alike that these crimes are not as heinous as other violations. It also means that women continue to live in fear.

In Rwanda, according to MRG's local partner organizations, criminal law against 'genocide ideology' has made it impossible to discuss ethnicity, which makes it hard for people to form groups that could bridge ethnic divides and ease tensions. In addition, HRW has reported that rape survivors have complained about the lack of privacy in Rwanda's informal *gacaca* courts, and observers have raised concerns about lenient sentences on the one hand and convictions based on flimsy evidence on the other.

Women excluded from post-war planning

'It is really amazing', said one Kosovar woman ... 'that the international community cared only about Kosovar women when they were being raped – and then only as some sort of exciting story. We see now that they really don't give a damn about us. What we see here are men, men, men from Europe and America, and even Asia, listening to men, men, men from Kosovo. Sometimes they have to be politically correct so they include a woman on a committee or they add a paragraph to a report. But when it comes to real involvement in the planning for the future of this country, our men tell the foreign men to ignore our ideas. And they are happy to do so – under the notion of "cultural sensitivity". Why is it politically incorrect to ignore the concerns of Serbs or other minorities, but "culturally sensitive" to ignore the concerns of women?'

As the above quotation (taken from a 2002 UNIFEM report, *Women, War and Peace*) indicates, where peace accords are silent on systematic exclusion and discrimination, it seems ingenuous to imagine that post-war governments will voluntarily address such structural inequalities, or be in a position to guarantee the full democracy that underpins 'positive peace', as opposed to regarding peace as merely the absence of war and armed conflict. The Millennium Development Goals, which have very much influenced, even dominated, the thinking, policy and practice of aid donors and international NGOs, are also silent on issues of conflict, human rights, ethnic discrimination and violence against women.

Human rights, as we have said earlier, have to be claimed from below in order for a culture of rights to take root. An important role for international cooperation – not just aid agencies, but also scholars and activists – is therefore to support grassroots and civil society organizations to articulate and press for their rights and to make sure that their interests are properly addressed in any reparations, transitional justice systems and, perhaps most important in terms of 'positive' and sustainable peace, the truthful recording of their history. ■

Notes

1. Thanks to Susan A. Berger (2006) *Guatemaltecas: The Women's Movement 1986–2003*, Austin, University of Texas Press, p. 45, for this formulation.

2. The term 'sexualized' rather than 'sexual' denotes that the violence encompasses a wide range of offences that are meant to humiliate and break down the victim's integrity and self-esteem as well as to cause pain and physical harm. Though few survivors talk about it, men and boys are also victims of such violence, usually inflicted by men but occasionally by women, such as the case of sexualized violence against Iraqi male prisoners at Abu Ghraib. In focusing on atrocities that are usually masterminded by a small minority, it is easy to forget that the vast majority of men do not benefit from war. Men are also brutalized, victimized, sexually abused, humiliated, mutilated, tortured and killed; boys and young men are forcibly recruited into one or another fighting force.