

Hellsten, Sirkku K.

Working Paper

The ideal of gender justice and the UNSCR 1325. Two case studies: Kenya and the Democratic Republic of Congo

WIDER Working Paper, No. 2013/137

Provided in Cooperation with:

United Nations University (UNU), World Institute for Development Economics Research (WIDER)

Suggested Citation: Hellsten, Sirkku K. (2013) : The ideal of gender justice and the UNSCR 1325. Two case studies: Kenya and the Democratic Republic of Congo, WIDER Working Paper, No. 2013/137, The United Nations University World Institute for Development Economics Research (UNU-WIDER), Helsinki

This Version is available at:

<https://hdl.handle.net/10419/93722>

Standard-Nutzungsbedingungen:

Die Dokumente auf EconStor dürfen zu eigenen wissenschaftlichen Zwecken und zum Privatgebrauch gespeichert und kopiert werden.

Sie dürfen die Dokumente nicht für öffentliche oder kommerzielle Zwecke vervielfältigen, öffentlich ausstellen, öffentlich zugänglich machen, vertreiben oder anderweitig nutzen.

Sofern die Verfasser die Dokumente unter Open-Content-Lizenzen (insbesondere CC-Lizenzen) zur Verfügung gestellt haben sollten, gelten abweichend von diesen Nutzungsbedingungen die in der dort genannten Lizenz gewährten Nutzungsrechte.

Terms of use:

Documents in EconStor may be saved and copied for your personal and scholarly purposes.

You are not to copy documents for public or commercial purposes, to exhibit the documents publicly, to make them publicly available on the internet, or to distribute or otherwise use the documents in public.

If the documents have been made available under an Open Content Licence (especially Creative Commons Licences), you may exercise further usage rights as specified in the indicated licence.

WIDER Working Paper No. 2013/137

The ideal of gender justice and the UNSCR 1325

Two case studies: Kenya and the Democratic Republic of Congo

Sirkku K. Hellsten*

December 2013

Abstract

The paper examines why the efforts to promote gender justice by development aid have not succeeded in dealing with deeply-rooted structural injustices which prevent the realization of social justice and gender equality. The study analyses the implementation of the UNSCR 1325 'Women, Peace, and Security' in Kenya and the Democratic Republic of Congo. The paper concludes that in current, transitional setting of international development co-operation, there is a need for deeper understanding of the complex social and political power structures and processes that integrate sub-national communal (religious, ethnic, .../

Keywords: women's rights, transitional justice, development aid, UNSCR 1325, Kenya, Democratic Republic of Congo

JEL classification: F5, O2, I00

Copyright © UNU-WIDER 2013

* Professor, University of Dar es Salaam; Docent, University of Helsinki, skhellsten@live.com

This study has been prepared within the UNU-WIDER project 'ReCom—Research and Communication on Foreign Aid', directed by Tony Addison and Finn Tarp.

UNU-WIDER gratefully acknowledges specific programme contributions from the governments of Denmark (Ministry of Foreign Affairs, Danida) and Sweden (Swedish International Development Cooperation Agency—Sida) for ReCom. UNU-WIDER also gratefully acknowledges core financial support to its work programme from the governments of Denmark, Finland, Sweden, and the United Kingdom.



... or political) loyalties and pressures in a manner that efficiently prevents individual women/women as a group from enhancing women's rights and gender equality as a priority.

The World Institute for Development Economics Research (WIDER) was established by the United Nations University (UNU) as its first research and training centre and started work in Helsinki, Finland in 1985. The Institute undertakes applied research and policy analysis on structural changes affecting the developing and transitional economies, provides a forum for the advocacy of policies leading to robust, equitable and environmentally sustainable growth, and promotes capacity strengthening and training in the field of economic and social policy making. Work is carried out by staff researchers and visiting scholars in Helsinki and through networks of collaborating scholars and institutions around the world.

www.wider.unu.edu

publications@wider.unu.edu

UNU World Institute for Development Economics Research (UNU-WIDER)
Katajanokanlaituri 6 B, 00160 Helsinki, Finland

Typescript prepared by Anna-Mari Vesterinen at UNU-WIDER.

The views expressed in this publication are those of the author(s). Publication does not imply endorsement by the Institute or the United Nations University, nor by the programme/project sponsors, of any of the views expressed.

1 Introduction

Development, human security, and transitional justice (TJ) are intertwined in the current international development co-operation and aid agenda. Higher volumes of official development assistance (ODA) are now channelled for TJ mechanisms, programmes, and activities. These programmes are especially extensive in Africa, where many current conflicts and transitional struggles are taking place. The development assistance for TJ includes special mechanisms and procedures that on the one hand aim to deal with past grievances, and on the other hand are meant to enhance better governance and more impartial distributive mechanisms in order to prevent future conflicts. Gender justice is usually mentioned as a special aspect of the TJ processes. Traditionally the main focus on gender justice in transitional societies has been women's special situation in conflict, peace-building, and post-conflict reconstruction. Currently more attention is paid also to wider challenges that women face in their efforts to gain more equal access to political participation and resources. The United Nations (UN) Security Council Resolution 1325 'Women, Peace, and Security' (hereafter referred as SCR 1325) and its implementation illustrate well the challenges that international support to these wider gender focused programmes face, particularly in conflict-prone and transitional societies. The case studies used here are from Kenya and the Democratic Republic of Congo (DRC).

This paper draws its theoretical framework from the third world feminists/post-colonial feminism. Third world feminism and post-colonial feminism both criticize the liberal and individualistic Western ideologies (political liberalism as well as liberal feminism) for ignoring the third world women's struggle for a future that is free of multiple oppressions at once, i.e., those related to one's gender, class, caste, ethnicity, race, religion, and even one's position/role in struggles for nationhood and, for example, against colonialism.¹ This multi-faceted nature of the struggles for liberation and against oppression in relation to gender equality calls for complex and multi-faceted action that can deal with all the different types of injustices, which many women face in conflict-prone societies. Post-colonial feminist accounts of women's struggles in the third world show that merely setting up institutions of democracy (representative assemblies, elections, courts, etc.) and increasing women's numbers in them is not enough to help developing conflict and post-conflict societies to move towards genuinely participatory democracy. The core problem is that development co-operation and/or TJ programmes are often based on an ideal and normative view on just society, as defined by the Northern partners. This view reflects the traditional Western views on individualistic, contractarian approach on political order with liberalized economy, for example, as defined by various liberal theorists, most recently by John Rawls in his political theory of justice (1971, 1993).

The third world feminists explain that because the Western feminists and women's rights activists have themselves had to tackle within this individualistic and liberal framework they easily make it as their mission to empower women elsewhere by trying to set them free of all their communal ties and traditions. The women in the South, while embedded and tied with these multi-layered communal identities, roles, and related obligations, do not necessary

¹ The main arguments of the third world feminism/post-colonial feminism are presented in Mohanty et al. (1991); and Saunders (2002).

want/need to break themselves free from their communitarian context, but need to gain their rights, empowerment, freedom, and respect within these settings.

The contractarian ideal—as abstract and theoretical as it may be—captures well the core ethical assumption of liberal political order: The ideal of autonomous and fully rational decision makers who from equal basis choose the principles of justice under which they can organize their society and its governance structure. In practice, the issues of gender justice have meant a competition between women and men of the top positions. Even in the most democratic and developed societies this means that women have to still struggle to show that they indeed are as independent, rational, and reasonable as their male counterparts; that they make their decisions based on their rational self-interest and for their individual benefit. The third world/post-colonial feminism argues with communitarian line, that this approach—both in theory and in development practice—simplifies the complex and uneven social relations and hierarchies of power. It also disregards ethnic and other communal loyalties, obligations, and pressures that both men and women face in building nations, political structures, and systems of governance. If women's—as well as men's—identities are defined by using gender as the only, or at least, the major defining factor of inclusion and exclusion, the causes of conflict and inequalities, that is, the intricacies of the underlying social hierarchies and communal loyalties, are radically ignored.²

Those TJ programmes that focus particularly on gender justice and women's empowerment face then easily a double jeopardy, particularly in developing countries. Firstly, they often remain as 'parallel programmes' of secondary political importance to the wider reconstruction, reform, and justice procedures taking place in the societies engaging in transitional processes. Secondly, even if apparently democratic institutions are set up, there is an evident danger that the old social structures and hierarchies as well as religious/ethnic fractions remain and in the end only pseudo-democracy promoting pseudo-empowerment is established, while structural injustice will continue.

Overall, this research paper argues that while the gender specific processes and aid instruments have brought important attention to women's plight in conflict and transitional situations, these efforts have not succeeded in dealing with the deeply-rooted structural injustices that prevent the realization of broader social justice, including gender justice. Thus, in planning and implementing gender focused programmes, such as the SCR 1325, there is a need to pay more attention also to all social categorizations and power relations that define both men's and women's identities in different societies and political contexts as well as at different levels of societies. This research shows that in practice; firstly, the resolution should be seen as an umbrella that covers also other ongoing or planned reforms and other development programmes as well as identifies their major challenges in relation to gender justice. Secondly, while the local ownership of the process is essential, it is important to distinguish motivational and political interests, social positions, as well as roles of different global, national, and local actors. For example, despite the Paris Declaration and its demand for the wider use of national systems, partnering with a national government may not always deliver desired results due very different—implicit and explicit—priorities and interests. Thus, even after the establishment of national action plans (NAPs), it is important for the external partners to continue to provide support also through local grassroot organizations which work on the field with the issues of gender justice, often with the women who are most

² For detailed critique and practical examples, see Mohanty et al. (1991); and Saunders (2002); see also Aoláin et al. (2011).

directly affected by hostile environments, whether during a conflict or in peacetime. These organizations also have the best opportunity to continue lobbying for legislative and policy reforms as well as educating people at all levels. This is important in the changing development co-operation environment in which the resistance towards the Western approach to TJ is increasing, and alternative development and economic partners are easily available.³

2 Transitional justice and aid

During the recent years, more and more funds and other type of support has been channelled to TJ processes and mechanisms in various parts of the world. However, it is next to impossible to know the exact amounts of funds used to support TJ because the assistance is interlinked with other peace-building and conflict management programmes as well as wider justice and security sector reforms. Much of the funds are channelled through wider support to multi-lateral actors and international institutions, such as the UN systems and the International Criminal Court (ICC). Similarly, large part of TJ support goes either in parallel with or through wider development programmes under the recent development-security-governance nexus (de Greiff and Duthie 2009: 43–64; Duffield 2005: 16–24; Hellsten 2012: 1–12; Pham and Vinck 2007).

Nevertheless, the ambiguity of the concept of TJ as well as the ad hoc nature of the support for TJ mechanisms leaves room for criticism and (deliberate or inadvertent) misinterpretations. Firstly, it is particularly difficult to convince the global South that external support for TJ is impartial and non-normative, when the concept itself is ideologically tied with political liberalization and expansion of liberal democracy. As Ruti Teitel (2002) in his comprehensive analysis notes, TJ is a process that clearly aims towards democracy, constitutionalism, and realization of the rule of law. Consequently, the external financial support for TJ has, for the most part, been used to build institutions (representative bodies, courts/the order of law, etc.) and structures (special justice processes, truth commissions, elections, etc.) that are typical for liberal democracy (see, for example, Collier 2011; de Greiff and Duthie 2009; 2005; Hellsten 2012; Teitel 2002; World Bank 2011). In other words, TJ processes, per se, are based on *a social and political ideal* that is to be achieved through them. To a much lesser extent they deal with the root causes of the existing, concrete injustices that have caused the original conflicts. This same setting is problematic in most development aid as the ideal for development is also set according to the Western politico-economic model. Particularly, the African leaders have recently used these arguments against collaboration, for example, with the ICC.

The problem is that in development co-operation and assistance to TJ, the external partners tend to focus on the ideal end-state that is wished to take place in the (near) future. Then the joint programming easily becomes a distraction from reality, as former director of the Institute for Social and Economic Studies (IESE) Dr Carlos Nuno Castel-Branco various

³ This research continues my earlier work on TJ and post-conflict reconstruction. In *Making Peace Work*—edited by Addison and Bruck (2009)—my article ‘Ethics, Rhetoric, and Politics of Post-Conflict Reconstruction: How Can the Concept of Social Contract Help us in Understanding How to Make Peace Work?’ examined the wider ethical dimensions of post-conflict reconstruction. In the TJ and aid programme, my WIDER Working Paper (2012) ‘Transitional Justice and Aid’ studied the various dimensions of the concept of TJ in relation to ODA given to support TJ programmes. In both of these studies, I introduced the tensions between gender justice and social stability/peace.

times has pointed out to the donor community in Mozambique on the role of aid in developing countries.⁴ The ideals of any co-operation are set according to the ideals of the donor countries despite the demand for ownership. In most cases they are based on the ideal that development and TJ will create a contractarian society legitimized by the right political processes. This model of deciding on co-operation follows the idea of political liberalism, based on commonly agreed principles of justice that entail the values of tolerance, equality, as well as individual rights and freedoms even if the actual interests and intentions of the receiving partners might be very different. In general this starting point is not based on equal partnership but on the ideals and wishes of the funding partners. At the same time, the recipient countries struggle with complex conflicts and historical injustices, and different parties of the conflict (whether violent or political) have their own interests and goals. Thus, the *mutual consent on shared values and objectives* is only partial—or forced—frequently yielding a subsequent *lack of political will* on the part of domestic authorities to carry out agreed objectives, as noted also by Aoláin et al. (2011: 81–82) in their study on post-conflict process and gender.

Until recently, the leaders of many developing countries were willing to appear to agree with the joint ideal of development as liberal democracy with market economy in order to maintain the goodwill of the international community. However, as the recent developments in Africa and elsewhere show, this position is rapidly changing as non-traditional development partners—particularly Brazil, Russia, India, China, and South Africa (BRICS)—are bringing in money and investments without any normative conditionalities on deepening democracy, good governance, respect for human rights, and strife for equality (gender parity or wider social equity). In this new context of global political-economy, the governments in developing and transitional countries are also more openly adapting to alternative models of governance; not necessarily those that aim for poverty alleviation but also those that benefit them personally the most, and often (at least indirectly) their wider ethnic communities.

The recent African Union (AU) action against the ICC shows clearly that many African leaders are ready to take bold steps to withdraw themselves from the TJ mechanisms. This is rationalized by blaming TJ of being yet another normative Western imperialist measure aimed to weaken the sovereignty of ‘the legitimately chosen’ governments. They argue that they are merely standing up against neo-colonialism as most African countries have already strong and democratic enough institutions that can produce African solutions to African problems (see, for example, *New African* 2012; *Daily Nation* 2013).

All in all, in these complex circumstances some institutional processes, such as elections, courts of law, legislative and representative institutions that in the West are seen as the corner-stones of democracy, may be used in a manner that brings fear and violence in conflict prone societies as well as in very unequal societies. Rigging of the elections, political manipulation of ethnic loyalties, using of public resources for individual campaigning, controlling the state security agents to suffocate the opposition and media voices have already become a casual practice in many conflict prone developing countries (see Collier 2011; Hellsten 2008; KNCHR 2008).

For example, the Kenyan disputed elections in 2007, led to ethnic hatred and violence that is still dividing the nation and maintaining uneven distribution of power and resources. The ICC

⁴ Meetings with the IESE and development partners during 2011 in Maputo, Mozambique.

process against the accused perpetrators of violence has turned into a(n all African) political power game in which Western countries are blamed of neo-colonialism, and political manipulation of ethnic loyalties are used to discredit the accusations. Similarly in the DRC, the trials and convictions by the ICC have not succeeded in calming down the persistent conflict. Neither have credible elections and inclusive peace negotiations succeeded in creating a more just and stable political order. Instead, the looting of the public resources has continued while the politically and ethnically motivated struggles over resources and power endure (CAFCO 2010, 2011, 2012; HRW 2008; KNCHR 2008; Hellsten 2008; Murungi 2011).

In this type of complex conflict situation, the ideal of contractarian political order that is agreed jointly by all ‘autonomous and rational’ parties has very little to do with the reality in which individual and communal disputes and interests over resources take place. In this reality, despite the formal rhetoric on gender equality, women’s rights are continuously sidelined and directly violated and suppressed in the name of tradition, state sovereignty, or ethnic, religious, and other communal loyalties. Women are expected to sacrifice their quest for freedom and empowerment in order to find a delicate balance between the conflicting patriarchal communal hierarchies and social structures. The external support for TJ processes often goes along with the national priorities, also giving gender justice secondary importance. Similarly at many times it is a subject to other political factors in the supporting countries: their international and national priorities, changing presidential or ministerial interests, and general changes in personnel as well as professional commitments of individual administrative staff members.

3 SCR 1325: Women, peace and security versus gender justice

As post-colonial feminism has pointed out, while in general women have often been active in taking national liberation and transitional efforts forward, they are still not accepted as equal partners on the negotiation table where the principles of new political order are decided. Again, in the contractarian terms, women are not seen as autonomous agents that have the right to decide on the structure of the society they will be living in the future. In the Northern African (Egypt, Libya, Morocco, and Tunis) and Middle East (Syria, Yemen, Iraq, and Jordan) uprisings, women have been protesting alongside with men for better governance and against corruption. However, often once the formal change in leadership is achieved, women are expected to return to their ‘normal’ and ‘natural’ roles. Even if women have often been at the forefront during the transitional demands, they have largely kept quiet about the agenda for gender rights in countries where there is rampant gender injustice. In other words, women have had to play it safe and not display strong intentions of advancing gender equality.⁵ This illustrates well the complexity of the deeply rooted nature of structural injustice that women are dealing with in transitional and/or conflict prone societies, as noted by the third world/post-colonial analysis (see Cutrufelli 1983; Lewis 2008; Mohanty et al. 1991: 1–47; Maathai 2009; Saunders 2002: 1–37). Recently these complexities between national or intra-

⁵ On behalf of the Egyptian women who were interviewed after the uprising Hala Kamal, an assistant professor at Cairo University and a member of the Women in Memory Forum said: ‘We did not speak of our gender rights during these protests because it was not right time. We spoke for the political and social rights of all Egyptians. If we were to campaign for our rights as women in parallel with the revolution’s national goal, that would have been called political opportunism’ Atassi (2011). For the wider discussion see also Hellsten 2012. On post-colonial feminism see Cutrufelli (1983: 155–79); Gilliam (1991: 215–236).

national liberation movements and feminist agendas seem to be more and more conflicting with—rather than complimenting—each other.⁶

In these transitional circumstances, external aid that focuses narrowly on women's empowerment with an individualistic approach can be pressuring women to choose whether they should be working for the the women's rights cause or for wider structural injustices that have maintained the unequal social structures and instability. In other words, women's empowerment is set against other political and social priorities, rather than made as an integral part of all these processes.⁷ In this environment taking gender specific programmes forward like the implementation of the SCR 1325 becomes an uphill task as gender justice is usually not very high on the political agenda. In addition, merely adding the numbers of women to dysfunctional institutions does not necessary increase equality and social justice. Rather, men and women are drawn into the old boy networks, corrupt practices, and pressured to give priorities to immediate communal allegiances (such as ethnicity, clan, regional membership, religions, etc.).

Why is the SCR 1325 so relevant example here? In October 2000, the UN Security Council unanimously adopted the resolution that is often seen as landmark for gender mainstreaming in security matters. The SCR 1325 is one of the highest level initiatives that focus on better protection of women in conflict, as well as promotion of women's participation not only in peace-making and -building but also in political and security related issues in general. SCR 1325 represented the first time that the Security Council addressed the situation of women and armed conflict—beyond a few passing references to women as victims or women as a vulnerable group. SCR 1325 not only recognized that women are active in peace-building and conflict prevention, it also recognized women's right to participation in decision making in conflict prevention, conflict resolution, and peace-building processes. Further, it calls for all participants in peace negotiations to adopt a gender perspective and express their willingness to incorporate the same into peace-keeping operations.⁸

The resolution, however, goes beyond the protection of women's and girls' rights in the conflict situation. It also emphasizes women's role in peace-building, reconstruction, and preventive work, that is, in building more just societies that are less prone to conflict to start with.⁹ SCR 1325 is an interesting example of an international resolution that has led to a worldwide action with financial support not only nationally but also from the North to the

⁶ The experiences differ though: while in Egypt during the turmoil, there are reports about an increased sexual harassment and violence, women activists in Yemen say that the uprising has been very beneficial for the women's rights in Yemen. These experiences also depend on the original setting and starting point. Women's situation in Yemen was very poor before the uprising and their voice was not heard while in Egypt women had relatively more liberties.

⁷ Structural injustice is the background that prevents many forms of justice from being realized. It particularly prevents many forms of gender-related persecution and human rights violations from being seen as such. Structural injustice refers to the structure of society in which some people's options and actions are unfairly constrained, while others derive benefits. Whether we talk about gender, ethnicity, religion, or other characteristics used for discrimination, people situated in this way are often threatened with violence and deprivation. See in detail Young (2011: 44–52).

⁸ See the resolution at http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1325%282000%29

⁹ In NAPs, SCR 1325 is often tied together with implementation of other related Security Council resolutions, such as SCR 1820 (2008) on ending sexual violence and impunity as well as SCR 1888 (2009) that focuses on strengthening leadership.

South. Indeed, it appears also to have had a wide impact on related legislations, regulations, policies, and practices in various countries. In many Western countries, in the European Union (EU), as well as the UN programmes and missions, the number of women in security sector has also increased (police, military personnel, and peace keeping). Many Western countries¹⁰ have also been promoting the SCR 1325 in third world countries as a part of their own action plans and programmes of action (see Banerjee et al. 2010; EU 2008; Popovic 2010). The aid instruments used in these cases vary from direct financial bi-lateral aid to support given to NGOs and other non-state actors. Support is given to wider gender programmes as well as to more specific targeted projects and cross-learning or ‘twinning processes’. The instruments vary widely between the different actors, depending on the resources available, the motives and interests of the partners, and on the overall political situation of both of the partnering countries (see, for example, Banerjee et al. 2010; Cohn 2010; EU 2008; FAS 2008; Murungi 2011; Shaw 2010; UN 2010).¹¹

4 The funding for the SCR 1325

In general, the funding for the implementation of SCR 1325 can be divided into internal and external sources. Bi-lateral agencies, private foundations, and NGOs have financially supported or facilitated funding for SCR 1325 and other women, peace, and security initiatives. Various UN agencies have likewise been active in facilitating funding, initiating, and supporting projects and programmes that implement the resolution. There are also indications that the private sector could potentially contribute to generating resources towards the implementation of SCR 1325. However, as for the actual implementation of SCR 1325, particularly at a national level, the main responsibility lies in the hands of national governments. According to the recent studies (Popovic 2010; Cabrera-Balleza and Popovic 2011), financial support has shifted towards governmental programming and action planning from the NGOs in gender programmes. This shift is meant to strengthen the nation state’s possibility to fulfill its duties to its citizens and increase governments’ ownership in the programmes. Also, more funding has been directed through the UN agencies who work with the local partners in different sectors. This overall development may weaken civil society organizations (CSOs), whose contributions in promoting the women, peace, and security agenda is needed, particularly in the context in which the government agents are not committed to a serious transition towards gender justice (see Popovic 2010; Cabrera-Balleza and Popovic 2011: 31–32).

¹⁰ In the Comprehensive Approach, the EU commits to providing political support for resolutions 1325 and 1820; training with respect to Common Security and Defense Policy (CSDP) missions and programmes; exchange of information and best practices through a Women, Peace, and Security Task Force; action at the country and regional levels; integration of women, peace, and security considerations in sector activity; co-operation with the UN and other international actors; and comprehensive monitoring and evaluation. More specifically, the Comprehensive Approach commits the EU to supporting third world countries in their efforts to establish and implement NAPs on UNSCR 1325, including supporting local and national consultation processes that engage women’s organizations and other civil society representatives. See EU (2008) and Civil Society Advisory Group to UN Women, Peace and Security (2009).

¹¹ The resolution 1325 commemorated its 10th anniversary in 2010. This was an opportunity to engage in stock-taking on why the overall implementation has been so slow despite the wide political and economic support for the resolution. It was admitted that there are problems in comprehensive and systematic assessment of the impact as the resolution is very general and its implementation vary tremendously depending on the country, its political, economic and social context, as well as the nature of the conflicts it has endured or that are threatening it.

Currently 43 countries have nationally adopted and launched their action plans for the implementation of SCR 1325. Eleven of the countries that have NAPs and Programmes of Action are in Africa.¹² In Europe, the implementation of the NAPs gets funding from various parts of the state budget as it is a part of the overall public sector performance. Some additional funding may be used particularly in the security sector project and collaboration with the third world countries. In general, in many developing and conflict-ridden countries, policy and programming work on SCR 1325 is often carried out with ODA. As per the Paris Declaration on aid effectiveness, the ODA consists mostly of direct funding from donor governments to developing country governments using their national systems. As in any other development co-operation programme, in the implementation of SCR 1325, the balance between donor objectives and ownership by the recipient country is delicate. Local ownership as well as transparent and participatory funding approaches are needed for the recipient country to effectively develop and implement its programmes. At the same time, it is also important to ensure that the provision of funding and aid lead to the autonomy and not further dependency of a state and its people. The challenge for producing tangible results in Africa in the implementation of SCR 1325 is that while the external assistance helps to get the process going, it often reclines once the action plan has been prepared. The ownership is transferred to the partner country's government, which is expected to budget funds to the realization of the action plan. As discussed earlier, like with any development aid, if there is commitment and political will, the relevant legislations, policies, and their implementation will follow. However, if there is no genuine interest to enhance gender justice, there is no serious action with substantial outcomes. Particularly in the countries that are in conflict or post-conflict situation, and/or have only pseudo-democratic structures of governance, the political and budgetary priorities are usually set elsewhere.

Nevertheless, most European countries support initiatives on gender and security issues in third world countries or regions of interest to them. Many Northern countries—as a part of the implementation of their own NAPs—provide support to third world countries to engage more actively in domesticating SCR 1325. The North-South co-operation in implementing the SCR 1325 has been widening recently. It is not based only on financial support to the governments or CSOs of conflict prone countries, but includes also twinning processes. This means identifying country-to-country partnerships, such as between Liberia and Timor Leste with Ireland; and most recently between Kenya and Finland. The twinning strategy entails exchange of experiences, lessons learned, and strategies during the action planning processes in the partnering countries.¹³ These processes may not have very high costs. For example, the Finnish initial investment for the twinning process was only EUR500.000 for the first year. The funds were channelled through the Gender and Governance Programme administered by

¹² Côte d'Ivoire (2007); Liberia (2009); DRC (2010); Rwanda (2010); Uganda (2008); Sierra Leone (2010); Guinea (2011); Senegal (2011); Guinea Bissau (2010); Burundi (2011); Ghana (2010); and Nigeria (2013). Kenya has a draft action plan but is has not been officially launched yet. See also the needs assessment for Africa http://www.un.org/womenwatch/osagi/cdrom/documents/Needs_Assessment_Africa.pdf

¹³ Twinning generally involves partnerships between resource-rich countries and resource-poor countries and can involve the development of NAPs on very different bases. Finland has not been at war for 66 years, but is an important provider of peacekeeping troops. Finland's NAP was created to provide services to countries coming out of conflict. Although Kenya also provides troops for peacekeeping missions, it experienced conflict following its general election. Thus, its NAP will need to address situations of armed conflict within its own borders as well as integrate UNSCR 1325 and related resolutions into its peacekeeping missions. See on twinning:

http://www.realizingrights.org/pdf/Working_Paper_on_NAPs_Twinning_and_Regional_Action_Plans_Final.pdf and on the implementation http://www.un.org/en/peacekeeping/documents/10year_impact_study_1325.pdf

(then) the United Nations Development Fund for Women (UNIFEM). Later the direct support to the NAP was stopped. Instead, the Finnish support for gender programming was channelled as support to the UNWOMEN's country strategy in Kenya. Similarly, other partners supported wider gender programmes—Canada/Canadian International Development Agency (CIDA); United Kingdom/the Department for International Development (DfID); Denmark; Germany; Netherlands; Norway; Spain; and Sweden—none directly the implementation of Kenyan NAP (KNAP) (see, for example, Cabrera-Balleza and Popovic 2011; see also Banerjee et al. 2010; Dharmapuri 2011; Shaw 2010; UN 2010; UNWOMEN 2012).

In summary, it is not possible to get detailed statistics on the overall development funding for the SCR 1325 as its objectives are funded from various sources and through different programmes and instruments. Often the funding is linked to processes, programmes, and projects that might have taken place before the SCR 1325, which related to wider security and justice sector reforms as well as gender programming. The reports on the costing mentioned earlier also take only random examples of different countries, but there is not available any comprehensive and consistent study that maps the funding for the SCR 1325 implementation in all the countries who have launched or are working on their NAPs.

5 SCR 135 in the Democratic Republic of Congo

The DRC is a large country in central Africa and the influence that it has is crucial for the stability of the sub-region. It has geographically important position and it is very rich in natural resources, both of the factors that have fueled the conflicts. The DRC has witnessed decades of war, leaving a large number of people dead and forcing hundreds of others to flee—especially to neighbouring Uganda and Rwanda. The complexity and continuity of the conflict is due to the multiple actors involved and their personal interests related to ethnicity, power, natural resources, and inclusion/exclusion (CAFCO 2010, 2011: 89–92, 2012; UNICEF 2012).¹⁴ The ongoing conflicts can be read as struggles for political positioning by the elites—those of the DRC as well as those of its regional neighbours (in the east and north: Uganda, Rwanda, Tanzania, Burundi, and Kenya as well those in the south: Angola, Namibia, and Zimbabwe). Ethnic conflicts and disputes over territory in areas rich in natural resources have a long history in the region. Laxness and complicity of the state in regard to the management of Congolese rebel groups (and at times creating these), has promoted national and international persistence off impunity. The cyclical conflicts since the 1990's

¹⁴ The Rwandan genocide in 1994, for example, partly fuelled the 1st and the 2nd Congo Wars, and the aftermath of these events are still having effects in the conflicts in Eastern Congo. The war officially ended with the December 2002 Pretoria Agreement, but the conflicts have continued nevertheless. Currently (September 2013), the DRC government and the UN accuse Rwanda/Kigali for backing the rebel groups now entitled M23. M23 was launched by Tutsi soldiers who mutinied from the DRC army in 2012, and are now fighting against their former comrades. The Rwandan Government, on the one hand, blames the DRC for harbouring the remnants of the Hutu rebels assumed to have taken part in the Rwandan genocide, and potentially planning new instability in Rwanda. Rwanda is building up its troops on the border. Tanzanian troops, on the other hand, are a key part of a newly deployed UN military intervention force mandated to take the offensive against rebel units. Uganda, for its part, is acting as a mediator as the chair of the Chair of the International Conference of the Great Lakes Region (ICGLR), while it is simultaneously also accused of backing the M23; and domestically worried about the large number of the Congolese rebels fleeing across the border. All this is directly tied to a competition on the region's vast natural resources, and has a long history since the Belgium colonial rule. In November 2013, the M23 leaders were ready for cease-fire but in the end could not agree on terms for peace in negotiations with the DRC government.

have affected the population deeply, particularly women and children. The latest cycle of violence in the Eastern Congo (Goma/North and South Kivu) emerged when new rebellion surfaced in 2012, despite the various earlier attempts to stabilize the country. Following regional pressure, the rebels began peace talks mediated by the Ugandan government, however, the fighting has been going on. New cycle of sexual violence, rape, and other gender based violence has emerged during these conflicts (Mpoumou 2004, CAFCO 2010, 2011, 2012; Wairagu 2012; Steiner et al. 2009; UNICEF 2012). According to Wairagu (2012) and UNICEF report (2012), mass rape has been a weapon of war practiced by both militias and government forces; even the UN forces are blamed of rape and sexual violence in the DRC. Besides psychological stress and physical sexual violence, women and children also suffer from acute malnutrition, serious illnesses like cholera, malaria, as well as HIV/AIDS and other sexually transmitted diseases. As they have had to move to harder-to-reach and unstable areas to escape the violence getting any treatment is even more difficult (see UNICEF 2012).

What makes the situation in the Eastern Congo even more unstable for the residents of the conflict areas is the withdrawal of the state in the conflict ridden and remote areas. For the large part, the international and local humanitarian agencies and development actors (in the Provinces of North and South Kivu, the health care, for example, is largely taken over by Doctors Without Borders, the education by the UNICEF, and other sectors by various other non-state actors). While humanitarian assistance is desperately needed, the effects of international aid are controversial. External assistance for a large degree is actually encouraging the state to withdraw its services and use the resources elsewhere. As corruption in the DRC is endemic and the governance system is authoritarian as well as based on the exchange of personal favors, the public funds are rather used to maintain the cycles of patronage (see CAFCO 2010, 2011; FCO 2012; Steiner et al. 2009; UNICEF 2012).

As in most countries—particularly in Africa—the struggle for women’s rights existed in the DRC before the outbreak of conflicts. The gap between the implementation of laws that protected women and the social reality was wide. Women were kept at a distance from political affairs and could not hold formal positions of power. Domestic and sexual violence was also common. During the conflicts the situation escalated. The long lasting conflicts and the history of violence as well as undemocratic forms of governance had already created local activism to enhance women’s participation in conflict resolutions before the SCR 1325 process started. Originally, the movement of women in conflict was drawing on other international commitments and policy guidelines endorsed by the DRC, such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and The Beijing Platform for Action with the support of United Nations Development Programme (UNDP) as well as the Governments of Switzerland and Canada, including collaboration with regional women’s rights organizations, such as Femmes Africa Solidarité (FAS).

The various non-governmental women organizations started working together in order to advocate women’s participation in peace processes through the national action for the SCR 1325. Congolese NGO groups collaborated with the Office of Gender Affairs in the United Nations Organization Mission in the DRC (MONUC) to translate SCR 1325 into the country’s four national languages and to raise public awareness. With the support of UNIFEM and FAS in co-operation with Women as Partners for Peace in Africa (WOPPA), negotiations known as the Inter-Congolese Dialogue were achieved. The UN continued its support to enhance women’s situation in the DRC peace processes, and finally the NAP for

the SCR 1325 was adopted by the government in June 2010 (CAFCO 2011; FAS 2008; Mpoumou 2004, Nagadya and Pierson 2010).

The timing of the DRC NAP coincided with the 10th anniversary of the SCR 1325. The DRC presents a case with ambiguous results on the implementation of the SCR 1325. On the one hand, in many aspects, the DRC case presents a successful and comprehensive preparation for the implementation of the resolution: 1) the initiative in the DRC was indigenous. It came from local agents and showed the solidarity of women who had suffered tremendously in the long-lasting conflict. Thus, the process had a genuine ownership since its beginning; 2) the DRC initiative was expanded to a regional initiative. This is essential as the conflicts in the region are spread across the borders, and thus, can only be dealt with regional response and action; 3) the process has had a wide multi-stakeholder approach and generous funding—including the promises of the government to support the implementation from the state budget;¹⁵ 4) while the process received financial assistance from the Western governments, a large part of it was channelled through FAS and other local organizations rather than being a top down, bi-lateral North-South project;¹⁶ 5) preparation for the NAP was done in an organized manner with baseline studies and needs assessments in advance.¹⁷

Nevertheless, despite all these positive aspects, the overall impact of the resolution has remained meager and there is no political will to take it seriously forward. Women remain marginalized in conflict, in conflict resolution, and in political life in general. The report on the 2nd phase of monitoring in 2011 summarizes the challenges. While there are several legislative improvements, in practice, the numbers of women in Congolese governments were decreasing (men have had over 90 per cent representation both in both parliament and government). Moreover, despite their competence, women rarely are in command—and often take up only positions that are secondary in rank. Similarly, the FAS reports (2008; Nagadya and Pierson 2010) note, as high-level strong female leadership is absent, women are denied involvement in the prevention, management, and resolution of conflicts in their own country. Even if regional networking has helped women to gain greater participation and visibility at the community and decision-making level, the official positions are still very few. Women who are involved in state governance are seen to be more related to the improvement of the image of the government in the eye of international community rather than giving gender justice a priority. Thus, it appears that the purpose for appointing women is only to comply with international standards, rather than to truly increase women's empowerment. Additionally, in the security sector, the presentation of women is still very low, and sexual violence is rampant. The CAFCO monitoring reports (2010, 2011, 2012) conclude year after year that while small steps forward had been taken, the overall implementation of gender justice is still not achieved. In the strongly patriarchal context of Congolese society, strengthened by reactionary customs and discriminatory practices towards women and girls, there is no political will to take women's rights and gender equality seriously.

¹⁵ In June 2010, the Global Open Day on Partnership for Peace in the DRC on 'Women's perspectives in conflict resolution, peacekeeping and peace building in the Democratic republic of Congo', brought together the UN agencies, president Joseph Kabila, various ministers, diplomats community, civil society, media, administration, and financial partners. The DRC government has officially committed to its implementation. The practice, however, is different.

¹⁶ The Nordic countries (Finland, Norway, and Sweden) as well as DFID provided most of the funding for FAS' support to the SCR 1325 in Africa.

¹⁷ The programme's total implementation costs per annum were estimated to be US\$48.743.1010. On the DRC initiative, see also FAS (2008); Nagadya and Pierson (2010); CAFCO (2011).

Despite of wide international political and financial support for the SCR 1325 and the substantive humanitarian assistance, peace in the DRC has been elusive. Neither has the actual realization of gender justice moved forward significantly. The external support was given particularly to the process of making the NAP and launching it. The promises by the government to support its implementation have not been realized. The funding by the government is not forthcoming and there appears to be donor fatigue to support the process comprehensively once the NAP was launched.

As the peace negotiations are really not about ending structural injustices, but about access to power and resources by the existing elites, gender justice does not feature as a high priority. After all, if gender equality would be taken seriously, it would mean that other structural—ethnic and regional—injustices would also be dealt with. However, none of the parties in the mediation process has in their interests to do that as all have too much to gain personally. Thus, the male-led peace negotiations are mostly about the independence/autonomy of different ethnic groups in relation to the access to the mineral wealth, and regional dominance, rather than how to reach more equitable society (CAFCO 2010: 94–96).¹⁸

6 SCR 1325 in Kenya

Kenya is a heterogeneous and multi-ethnic country, which has succeeded, since its independence in 1963, to remain reasonably stable despite the wide spread political and economic turmoil in the region of Eastern and Horn of Africa. However, conflicts based on ethnic inclusion/exclusion and ‘tyranny’ of numbers has continued since independence (1963) with occasional blow outs and violent clashes. Recently, after the disputed 2007 general elections Kenya went through a violent experience of post electoral chaos that lead to the loss of over thousand lives, displacement of more than half a million people and destruction of property and infrastructure, worth of millions of dollars (see KNCHR 2008). While the next elections of 2012 did not lead into similar violence, the underlying ethnic tensions have deeply divided the country, and social explosions are possible. Already, in the north the clashes between various ethnic groups over resources and dominance continue. In Kenya, as in many other African countries, emerging conflicts have their roots in injustices of the past. The colonial rule that used ‘divide and rule strategy’, and later left the post-colonial states to struggle in building ‘nations’ within arbitrarily contrived borders that failed to properly deal with the region’s ethnic diversity cultivated deep seated ethnically based mistrust and inequalities. As reports by the Human Rights Watch (HRW) (2008) and the Kenya National Commission on Human Rights (KNCHR) (2008) on Kenyan post-2007

¹⁸ The official mediations for peace are not happening where the conflicts are taking place but in the luxury hotels in the region and abroad. The female representation in these mediations currently consists of two high level women, the Rwandan Foreign Minister Louise Mushikiwabo and the UN Secretary-General’s Special Envoy for the Great Lakes region of Africa Mary Robinson. The local people have no knowledge what is discussed in these mediations and how they will affect their lives. Additionally, women have high level meetings separately (often simultaneously and parallel to the official peace negotiations). For example, right after the last Kampala negotiations in September 2013 there was a large women’s conference in in Bujumbura, Burundi to discuss the DRC situation in order to develop a road map for the better engagement of women in peace processes. Again, local women were not part of this meeting either. This parallel conference was organized by Robinson in partnership with FAS and the International Conference on the Great Lakes Region (ICGLR).

election violence have shown, for cultural and individual self-preservation, people learnt to support their own and distrust the others. In other words, these tensions and clashes are result of long-term structural injustices related to greed and grievances of the ethnic leaders and the peoples (see also Hellsten 2008; and Murungi 2011).

In Kenya as in the DRC, while not to the same degree, sexual violence and rape have been used as weapons in ethnic aggressions; also before and after the most violent periods. Additionally, the cultural context is chauvinistic and many traditions continue to suppress women and prevent gender equality even during the non-violent periods. While the conflicts have not been as extensive and violent as in the DRC, similar patterns are clear. The issues, the natural resources and access to power as well as their control, the manipulation of ethnicity for political purposes, and the targeting of women both through oppressive traditions as well as the use of sexual violence (HRW 2008; KNCHR 2008; Murungi 2011).

Nevertheless, the entry process of the SCR 1325 to the Kenyan political agenda was very different from that of the DRC. Earlier, SCR 1325 had been lobbied for by local women's rights organizations, such as Kenya Human Rights Commission, and well-known activists. It however never gained national or political support. It was after the 2007 post-election violence when the implementation of the resolution and twinning process with Finland was brought up. This happened at the highest level, when the president of Finland Mrs Tarja Halonen and the Vice President of the Grand Coalition government Mr Kalonzo Musioka agreed in June 2009 that twinning on SCR 1325 between these countries should be taken forward. This, originally very much top-down approach, was worked on civil service level and gradually the process was sold to the relevant governments and state functionaries with the promise of financial support. Then the stakeholders groups were created in order to have multiple actor presence. While non-state actors were keen on taking the process forward in order to improve gender equality, the Kenyan government's interest was more political; it could offer a chance to improve the tarnished image of the country's leadership after the post-election violence and its aftermath (see, for example, Banerjee et al. 2010; Murungi 2011).

In Kenya, the state and grassroot awareness of the SCR 1325 was very low to start with, and a lot of work had to be done in order to give content to the resolution in order to change it from mere numbers to have relevance to citizens'—and particularly women's—everyday life. Despite these efforts, the awareness or implementation of the resolution was not comprehensively localized at the grassroots. There were Kenyan human and women's rights organizations which were interested and committed to take gender equality forward. However, this process remained sidelined with all the other ongoing reform processes (wider justice and security sector reform, constitutional reform, public sector reform, etc.). Instead of being able to use gender mainstreaming as a guiding value, gender equality became an additional element to these reform processes. Instead, the creation of KNAP became a process parallel with the wider reform agenda. Even the opportunities in promoting gender justice better in the new constitution were compromised to other political, ethnic, and religious interest. Small steps forward were made, but women again had to sacrifice comprehensive gains in women's rights in the name of the wider mediation and stabilization processes of the divided society.

The international community had been funding since 2004 a wider gender focused programme Gender and Governance (GGP). As the GGP was administrated earlier by the then UNIFEM, currently UNWOMEN, it was not always clear whether the programme had Kenyan, UN, and donor agenda. Even its work planning process was often heavily guided by

the funding donor group despite the fact that the original implementing partners of the programme were NGO/CSOs with limited links with the government. Despite further planning, the programme remained managed by UNIFEM and was often identified as a UNIFEM project rather than Kenya's own project. Linkages to the government institutions mandated to promote gender equality were weak and did not include any aspects of decision making for a long time, until more contacts were established with the former Ministry of Gender, Sports, Culture and Social Services, which itself was sidelined in the Kenyan decision-making and policy planning. Currently the GGP is winding down, and the external support to the SCR 1325 has become part of the wider support to the UN Country Office and UNWOMEN's country strategy (see Banerjee et al. 2010; UNWOMEN 2012). There is no direct commitment from Finland to further fund the implementation of the SCR 1325, instead the formal twinning process between the two countries no longer continues. Neither have the other GGP donors committed to funding the implementation of KNAP.

The KNAP is currently under the ministry of internal security, but its official launching has been delayed due to the governance, constitutional, structural transitions, as well as the challenges in implementation of the new constitution. Political turbulence around the ICC cases, in which both the president and the vice president are on trial accused of instigating 2007 post-election violence, the Kenyan Parliament's removal of Kenya from the ICC, and the AUs supporting attempts to defer and/or block the ICC trials, are diverting the attention and energies elsewhere and increasing the unpopularity of any TJ measures. Kenya's gradual pull away from its Western development partners towards closer ties with the BRICS and its leaning to its African partners collaboration altogether move Kenya further away from realizing transitional concept of justice which it sees paternalizing and partial. This attitude is reflected in President Uhuru Kenyatta's speeches at the AU (12 October 2013) against the ICC (and its 'patrons' the UK and the US), and on the national Mashujaa Day (20 October 2013) for the support of Kenyans against foreign influences, which he accused of seeking to dominate and manipulate the country.¹⁹

These developments are unlikely to increase the government's interest in implementation of 1325 any time soon, despite the fact that Kenya is actively attending to the conflicts in the region—not only in Somalia but also in the DRC. In these negotiations the gender issues are kept in the minimum. On the donor side, the lobbying for SCR 1325 has also calmed down. The gender sector donors appear to be waiting the government to take the next step, but do not use funds or time to push for this step to happen. The funding has not been consistent and the promises of collaboration have not been followed up actively. The momentum seems to be lost with all other, more important, issues taking place.

7 Women's rights, ethnicity, and social loyalties in neo-nationalist governance

In the beginning, we noted that the concept of TJ is normative and that the processes tied to it are based on the expected end-state of transition in a same manner the ideal of development is. Thus, external interventions are also overlapping: humanitarian relief overlaps with peace keeping, which overlaps with post-conflict reconstruction which overlaps with TJ, both of which overlap with long-term sustainable development (Aoláin 2011: 82; see also Duffield

¹⁹ *Daily Nation* (2013) at <http://mobile.nation.co.ke/News/Uhuru-Kenyans-told-to-guard-against-colonialism/-/1950946/2040134/-/format/xhtml/-/g4rcbvz/-/index.html> and *New Vision* (2013) <http://www.newvision.co.ug/news/648328-uhuru-blasts-us-uk-in-his-au-speech--full-speech-below.html>

2005; Hellsten 2012). This overlapping of TJ and development also has created more resistance from the African leaders to accept 'the jointly' negotiated development agendas, as they are also seen to be a part of the Western neo-colonial imperialism. This (neo-)nationalist movement draws on the sovereignty of the African states and calls for respect for their traditions and policy choices.

Moghadam (1994) argues that in its earlier days nationalist struggles and women's emancipation were working hand in hand, but today feminists and nationalist view each other with suspicion and hostility. Nationalism, and often more narrowly, ethnic communitarism, is no longer seen by feminists and reformers 'as a progressive force for change—the panacea to problems of underdevelopment and social inequality, the path to a healthier and less authoritarian socio-economic order' (Moghadam 1994: 3). Instead, today nationalism can be retrogressive, conflict ridden and destructive phenomenon in which various national groups and ethnic communities are pitted against each other. In addition, the national project increasingly assigns to women the responsibility for the reproduction of the group—through family attachments, domesticity, and maternal roles (Moghadam 1994: 3–5). The result is that in conflict situations gender bias becomes extreme, when society is 're-patriarchalized'. Particularly nationalist and ethnic conflicts are related often to supremacist ideology and supposed 'normal' hierarchies in human nature.

As Patricia Albanese (2001) asserts, nationalistic or ethnically based ideologies lead also to women's categorization: women are not only the weaker sex but they also have natural roles as the biological producers of the ethnic heritage and continuity of the nation or ethnic community. Domestic sphere and ethnic loyalties become the prime way of preserving cultural traditions that are perceived to be threatened in times of ethnic competition and conflict. Simultaneously, the structures of either aggression or resistance are militarized in attempts to revive traditional, authoritarian, and patriarchal social forms and relations. This creates what Albanese describes as an 'archaized' social environment or culture and leaves women, and especially women as members of a particular ethnic group, at an increased risk of violence and sub-ordination. Women are expected to represent their ethnic communities—and to be loyal to the interest of the leaders of these communities (Albanese 2001: 45–147).

Thus, on the one hand, women are the targets and victims of gender-based violence not only because they are women, but also because they are female members of an ethnic group. According to Albanese this nexus of gender and ethnicity is typical to all nationalist ideology as nationalist propaganda in general is based on ethnic supremacy and purity and it accentuates differences as well as promotes rivalry and violence. On the other hand, in order to protect themselves and their families, there can be no consistent and comprehensive solidarity between women from different ethnic groups, regions, or social classes. While we can find positive examples of women working across the ethnic lines in order to overcome conflicts and violence, majority of the women cannot join these efforts in fear of retaliation or in hope of a reward. Similarly women even in political positions often represent first and foremost the political party, the ethnic entity and community they come from. (Albanese 2001: 45–75). In Kenya, during and after the 2007 elections violence, there are particularly NGOs which work for ethnic unity in order to mediate ethnic hostilities and to prevent further conflicts between different communities. However, at the political institutions, including the rather ethnically based political parties, the hostility between women from different ethnic groups was very concrete. Women were not expected to defend the rights of women as a group across the ethnic borders but rather to defend their own communities and fight for (the inclusion of) their communities.

Unless gender focused programmes, such as the implementation of the SCR 1325, take seriously into account these communal pressures and solidarities already in the phases of planning as well as in the implementation, they will remain on the parallel tract. As post-colonial feminism has noted, despite women's shared burden, there is no automatic sisterhood or solidarity across the globe—or even within a nation. Thus, it is important to pay more attention to the context in which gender programmes and processes are taking place. While the NGOs may have more solidarity, women working for political parties and government bodies may focus more on securing their positions—and can be less willing to take forward any issues, including women's rights, that might jeopardize their personal benefits or the status quo of the system. Thus, in planning for partnerships the partners need to be aware of the various types of challenges faced at different social and institutional levels.

Also, when TJ mechanisms and processes are set in place, it needs to be noted that in many societies, even during peacetime, the law or other formal state institutions do not always protect women. While laws and justice are essential mechanisms for women to realize their human rights, they can also be used to suppress and discriminate women. Similarly, the legal TJ mechanisms, particularly, when set to a different cultural setting, may have unintended consequences. As several researches in this field have shown, these mechanisms may further victimize women. For example, when Truth Commissions, domestic courts, or international tribunals deal with sexual based violence they may easily stigmatize women and turn their communities away from them. Additionally, they may hide the persistent structural injustices by giving a false picture of obtained equality through mere numbers (women in decision making, sexual violence cases in the court, and convictions of perpetrators, etc.) (Aoláin et al. 2011: 153–74; Greenberg and Zuckerman 2009: 101–33; Wairagu 2012; Scanlon and Muddell 2009: 9–29; see also UNWOMEN 2011).

Thus, while new ways to deal with sexual and gender based violence (SGBV) have been brought in, the focus on women and their suffering may sometimes separate gender injustices from wider human rights violations/crimes against humanity related to other structural injustices. For example, setting up special courts dealing with sexual violence—as has been done in the DRC—has brought more SGBV cases to be openly dealt and more perpetrators to be convicted. Simultaneously, women's participation in political sphere, leave alone security and justice sectors, has not significantly improved. In several cases, the women taking the rape cases to the courts have been instead stigmatized by their communities (see, CAFCO 2011, 2012; Nagadya and Pierson 2010; Eade 2004, Greenberg and Zuckerman 2009: 101–33; Wairagu 2012; Scanlon and Muddell 2009: 10–19).

The situation is similar in Kenya; while women have gained more access to political positions, they still do not have the needed influencing power. The promise of SCR 1325 and its implementation has in both cases been taken forward, but then later set aside despite the given promises by the governments. At high political level the issue is brought up when it serves also other interests and purposes of the states in question, while civil society at large more consistently continues to try to push for a substantive change in respect towards women's rights. Internationally the sexual violence against women has been raised as an urgent issue several times, but in the peace negotiations the implementation SCR 1325 is not directly on the agenda in the DRC. Neither is it on the mainstream political agenda in Kenya.

8 Conclusions and recommendations

The foreign aid that is pledged to enhance democratic development and human rights sometimes ends up (re)justifying and even enforcing practice of pseudo-democracy that, for its part, maintains unequal power structures, including gender injustice. This is at least partly due to the poor understanding of the distinction between values and facts; democratic ideals and actual political practices in development co-operation planning. Particularly evident this becomes when we study more closely women's position in societies that suffer from religious, nationalistic, and ethnic conflicts. In many conflict and transitional societies, the structure of social justice is based on collectivist traditions and communal divisions, which are drawn from supposed natural hierarchies (ethnicity, religion, gender, etc.). In these societies, the principle of individualistic contractarian impartiality is not an institutionalized practice. Thus, even during and after the formal reform processes and institutional reconstruction, structural social injustice and violence often persist.

Women remain treated as representatives of their particular communities, rather than as autonomous and equal decision makers with equal rights and liberties. Women may be given formal positions in governance institutions (government, parliament, and other representative bodies, courts, etc.). Nevertheless, they are still expected to protect and advance the interests of their families, clans, ethnic or religious communities. Women—or progressive men—have little room to efficiently deal with other communally based structural injustice biases that continue to cause conflicts and instability. To change the situation, there is a need to produce local innovative solutions which deal with the complex social context that is sensitive to the realities of the communities in question. In order to find these solutions there is a need for more consistent funding—both nationally and internationally. Finally, the international partners should invest in longer-term comprehensive collaboration plans with their Southern partners. Short-term assistance that is dropped as soon as the national plans are established will not help women to achieve gender justice in conflict prone and developing countries.

In relation to the SCR 1325, the main practical recommendations are the following:

- 1 There is a need to take into account the post-colonial/third world feminist critique that emphasises the complex and multi-layered nature of the struggles of women in developing, conflict ridden, often traditionally patriarchal societies, and give the ownership in designing the programmes to the local, progressive agents and organizations outside the formal government structures. Empowerment of women has to be taken forward from within the communities where the oppression is the hardest.
- 2 In planning any co-operation programme, there is a need to make a distinction between the ideals to be promoted and the social and political practices that actually take place in the co-operation environment. Acknowledging different interests and objectives at the planning state is essential in constructing realistic expectations and relevant indicators. Development co-operation should not be a donor's wish list but it should be based on actual challenges of the circumstances.
- 3 It is important to recognize that the state as an implementing body has its own interests which are not always in line with the interest of women—and in general with the less powerful groups of the society. Thus, when working on gender justice it is important not to build fragmented gender specific programmes but to use international agreements, such as the SCR 1325, as an umbrella that provides the guidelines for all

reform programmes at the same time. Emphasizing the international nature of these resolutions and programmes is also essential to avoid branding them as Western imports.

- 4 Local experience and local approach is needed, particularly from the grassroots. The top down designs will not bring the expected results as they tend to face the challenges related to the complex race, ethnicity, class, etc. hierarchies and ignorance of the women's plight and opportunities to gain influence at the different levels of societies.
- 5 Having multi-stakeholder process is essential but does not alone guarantee the success of the programme; it is important to get women in positions of influence—but it is equally important to have men in positions that help them to better understand the benefits of the programme for the whole society. Finding gender balance is no one's loss, but a gain for any society.
- 6 The UN involvement is central but it has to be clear that the SCR 1325 is not a UN programme but a national programme with full national and local ownership at all levels.
- 7 The tendency in the SCR 1325 related programmes has been focusing on making and launching NAPs; while there have been some monitoring activity going on in their implementation, the follow up action needs to be improved and the funding system should be more consistent and systematic. The action plan should not be seen as the end product and a goal in itself, but as a road-map or framework for substantive reforms.
- 8 Needs based assessment should be done in order to understand what type of programmes work in different contexts—and tackle with different types of oppressions. This assessment should include wide consultations with the citizens, both men and women.
- 9 The external funding needs to be on longer-term basis and the programmes should be planned more coherently. The twinning processes should be jointly planned from the beginning and the twinning should focus on the actual needs of the Southern partners; the process should be based on realistic timelines and detailed action plans with sufficient funding commitments—to both the relevant government institutions as well as to the NGOs and/or Community Based Organizations (CBOs) who work more efficiently at the grassroots and can continue lobbying government on behalf of the citizens who are most vulnerable.
- 10 There is a need to conduct comprehensive and consistent studies on the funding structures of the implementation of SCR 1325 and analyse the cost-effectiveness in different environments/circumstances.

References

- Albanese, P. (2001). 'Nationalism, War, and Archaization of Gender Relations in the Balkans'. In M. Baca Zinn, P. Hondagneu-Sotelo, and M.A. Messner (eds), *Gender Through the Prism of Difference* (third edition). New York and Oxford: Oxford University press.
- Aoláin, F., D.F. Haynes, and N. Cahn (2011). *On the Frontlines. Gender, War and the Post-Conflict Process*. Oxford and New York: Oxford University Press.
- Atassi, B. (2011). 'The New Egypt: Leaving Women Behind'. *IPS/Al Jazeera*. 17 March 2011. <http://www.ipsnews.net/>
- Banerjee, P., P. Poutiainen, I. Dey, S. Dunghana, W. Kioko, P. Mattila, and M. Muhindi (2010). 'Women, Peace and Security: Implementation of UN Security Council Resolution 1325 in the Context of Finnish Development Policy. With case studies from Kenya, Nepal and North-East India'. Final Report. Helsinki: Ministry for Foreign Affairs of Finland. http://www.peacewomen.org/assets/file/Resources/Government/1325_implementation1325finnishdevelopment-kenyanepalneindia_banerjeeetal_jan312010.pdf (accessed 14 September 2013).
- Cabrera-Balleza, C. and N. Popovic (2011). 'Costing and Financing 1325: Examining the Resources Needed to Implement UN Security Council Resolution 1325 at the National Level as well as the Gains, Gaps and Glitches on Financing the Women, Peace and Security Agenda'. (Revised and updated edition). CORDAID and ICAN-GNWP. http://www.gnwp.org/wp-content/uploads/2010/02/Final-July-25-2011-Costing-Financing_contents.pdf (accessed 6 September 2013).
- CAFCO (2012). 'Monitoring Report on UNSCR 1325 in Afghanistan, Colombia, Democratic Republic of Congo, Fiji, Liberia, Nepal, Netherlands, Philippines, Rwanda, Sierra Leone, South Sudan, Spain, Sri Lanka, Sweden, and Uganda'. New York: GNWP. http://www.gnwp.org/wp-content/uploads/2010/02/DRC_Report.pdf (accessed 14 October 2013).
- CAFCO (2011). 'In-country Civil Society Monitoring Reports. Security Council Resolution 1325: Civil society Monitoring report 2011. Democratic Republic of Congo. New York: GNWP. <http://www.gnwp.org/wp-content/uploads/2012/02/drc.pdf> (accessed 6 September 2013).
- CAFCO (2010). 'In-country Civil Society Monitoring Reports. Security Council Resolution 1325: Civil society Monitoring report 2011. Democratic Republic of Congo'. New York: GNWP. <http://www.gnwp.org/wp-content/uploads/2010/02/DRC.pdf> (accessed 6 September 2013).
- Cohn, C. (2010). 'Mainstreaming Gender in UN Security Policy: A Path to Political Transformation?'. Working paper 204. Boston Consortium on Gender, Security and Human Rights. <http://www.genderandsecurity.umb.edu/Cohn%20Working%20Paper.pdf>
- Collier, P. (2011). *Conflict, Political Accountability and Aid*. New York and London: Routledge.
- Cutrufelli, M.R. (1983). *Women of Africa*. London: Zed Books.

- Daily Nation* (2013). 'Uhuru Tells Kenyans to Guard Against Colonialism'. 20 October 2013. <http://mobile.nation.co.ke/News/Uhuru-Kenyans-told-to-guard-against-colonialism/-/1950946/2040134/-/format/xhtml/-/g4rcbvz/-/index.html>
- de Greiff, P. and R. Duthie (eds) (2009). *Transitional Justice and Development. Making Connections. Advancing Transitional Justice Series*. New York: Social Science Research Council.
- Dharmapuri, S. (2011). 'A Survey on UNSCR 1325 National Action Plan Mechanisms for Implementation, Monitoring and Evaluation'. A Discussion Paper prepared for the US Civil Society Working Ground on Women, Peace and Security. http://www.hks.harvard.edu/cchrrp/research/working_papers/Dharmapuri_Examples_for_NAPs_FINAL_3_12_12.pdf
- Duffield, M. (2005). 'Social Reconstruction: The Reuniting of Aid and Politics'. *Development*, 48(3): 16–24.
- Eade, D. (2004). 'Part Two: Introduction: Peace and Reconstruction. Agency and Agencies'. In H. Afshar and D. Eade (eds), *Development, Women and War. Feminist Perspectives. A Development in Practice Reader*. Oxford: Oxfam Information Press.
- EU (2008). 'Comprehensive approach to the EU implementation of the United Nations Security Council Resolutions 1325 and 1820 on women, peace and security'. Brussels: EU.
- FAS (2008). 'National Action Plan on the Implementation of the UNSCR 1325 in Burundi, Democratic Republic of Congo, and Rwanda'. Dakar: FAS. <http://www.genderlinks.org.za/article/national-action-plan-on-the-implementation-of-un-security-council-resolution-1325-in-burundi-democratic-republic-of-congo-and-rwanda-2010-03-17>
- FCO (2012). 'Human Rights and Democracy 2012: the Democratic Republic of Congo'. London: FCO. <http://www.hrdreport.fco.gov.uk/human-rights-in-countries-of-concern/democratic-republic-of-congo/>
- Gilliam, A. (1991). 'Women's Equality and National Liberation'. In C.T. Mohanty, A. Russo, and L. Toures (eds), *Third World Women and the Politics of Feminism*. Bloomington and Indianapolis: Indiana University Press.
- Greenberg, M. and E. Zuckerman (2009). 'The Gender Dimension of Post-Conflict Reconstruction: The Challenges in Development Aid'. In T. Addison and T. Bruck (eds), *Making Peace Work, The Challenges of Social and Economic Reconstruction*. New York: Palgrave Macmillan.
- Hellsten, S. (2012). 'Transitional Justice and Aid'. WIDER Working Paper 2012/06. Helsinki: UNU-WIDER.
- Hellsten, S. (2009). 'Ethics, Rhetoric, and Politics of Post-Conflict Reconstruction: How Can the Concept of Social Contract Help us in Understanding How to Make Peace Work?'. In T. Addison and T. Bruck (eds), *Making Peace Work: The Challenges of Social and Economic Reconstruction*. New York: Palgrave Macmillan.
- Hellsten, S. (2008). 'Failing States and Ailing Leadership in African Politics in the Era of Globalization: Libertarian Communitarianism and the Kenyan Experience'. *Journal of Global Ethics*, 4(2): 155–69.

- HRW (2008). 'From Ballots to Bullets. Organized Political Violence and Kenya's Crisis of Governance'. (20:1A). <http://www.hrw.org/reports/2008/kenya0308/kenya0308web.pdf> (accessed 14 October 2013).
- KNCHR (2008). 'On the Brink of the Precipice. A Human Rights Account of the Kenyan post-2007 Election violence'. Final Report. Nairobi: KNCHR. <http://wlstorage.net/file/full-kenya-violence-report-2008.pdf>
- Lewis, D. (2008). 'Discursive Challenges for African Feminism'. *QUEST: An African Journal of Philosophy/Revue Africaine de Philosophie*, 20: 77–96. <http://www.quest-journal.net7volXX7Quest XX Lewis.pdf>
- Maathai, W. (2009). *The Challenges for Africa*. New York: Anchor/Random House.
- Moghadam, V. (1994). *Gender and National Identity. Women and Politics in Muslim Societies*. London and New Jersey: Zed Books.
- Mohanty, C., A. Russo, and L. Toures (eds) (1991). *Third World Women and the Politics of Feminism*. Bloomington and Indianapolis: Indiana University Press.
- Mpoumou, D. (2004). 'Women's participation in Peace Negotiations: Discourse in the Democratic Republic of Congo'. In J. Ballington (ed), *The Implementation of Quotas: African Experiences*. Quota Report Series. DEA, EISA, and SADC Parliamentary Forum Workshop held on 11–12 November 2004, in Pretoria, South Africa. http://www.idea.int/africa/upload/women_drc.pdf
- Murungi, B. (2011). 'Kuhusiska Waawake ni Kudumisha Amani. The Kenia National Action Plan for Implementation of UNSCR 1325 & 1820. 2013–2017'. Draft document.
- Nagadya, S. and M. Pierson (2010). 'Voices From the Field: The implementation of the UNSCR 1325 in the Democratic Republic of Congo'. New York: FAS. http://www.peacewomen.org/portal_resources_resource.php?id=985s
- New African* (2012). 'ICC vs. Africa: The Scales of Injustice'. March 2012 (515).
- New Vision* (2013). 'Uhuru Blasts US, UK in his AU Speech'. October 2013.
- Pham, P. and P. Vinck (2007). 'Empirical Research and the Development Assessment of Transitional Justice Mechanisms'. *International Journal of Transitional Justice*, 1(2): 231–48.
- Popovic, N. (2010). 'Costing and Financing 1325: Estimating the Resources Needed to Implement Women, Peace and Security Resolutions at the National Level'. CORDAID and GNWP. http://www.peacewomen.org/assets/file/Resources/NGO/1325_costingfinancing1325_cordaid-popovic_jan2010.pdf (accessed 14 September 2013).
- Rawls, J. (1993). *Political Liberalism*. New York: Columbia University Press.
- Rawls, J. (1971). *A Theory of Justice*. Harvard: Harvard University Press.
- Saunders, K. (ed.) (2002). *Feminist Post-Development Thought. Rethinking Modernity, Postcolonialism and Representation*. London and New York: Zed Books.
- Scanlon, H. and K. Muddell (2009). 'Gender and Transitional Justice in Africa: Progress and Prospects'. *African Journal on Conflict Resolution. Special Issue on Gender and Transitional Justice in Africa*, 9(2): 9–28.

- Shaw, M. (2010). 'Moving Beyond Rhetoric: Assessing the Impact of Resolution 1325'. http://www.peacewomen.org/assets/file/Resources/Academic/1325_movingbeyondrhetoric_shaw_may2010.pdf (accessed 1 September 2013).
- Steiner, B., M. Benner, E. Sondorp, K.P. Schmitz, U. Mesmer, and S. Rosenberger (2009). 'Sexual Violence in the Protracted Conflict of DRC Programming for Rape Survivors in South Kivu'. *Conflict and Health*, 3(3). <http://www.biomedcentral.com/content/pdf/1752-1505-3-3.pdf> (accessed 1 September 2013).
- Teitel, R. (2002). 'Transitional Justice Genealogy'. *Harvard Human Rights Journal*, 16.
- UN (2010). 'Ten Year Impact Study on Implementation of UNSCR 1325 (2000) Women, Peace and Security'. Final Report to the UN Department of Peace Keeping Operations Department of Field Operations. New York: UN. http://www.un.org/en/peacekeeping/documents/10year_impact_study_1325.pdf (accessed 6 September 2013).
- UNICEF (2012). 'UNICEF Humanitarian Action Update: Democratic Republic of the Congo'. New York: UNICEF. http://www.unicef.org/hac2012/files/UNICEF_DRC_Humanitarian_Action_Update_2012.pdf (accessed 14 October 2013).
- UNWOMEN (2012). 'Gender and Governance Programme, Phase III: A Component of the UN Women Kenya Country Programme (2008–2013). Strengthening the Promotion of and Respect for Women's Rights, Promoting Women's Political Participation and Enhancing Gender Responsiveness in Democratic Governance in Kenya'. Annual Report to the GGP donors. January–December 2012. Nairobi: UN.
- UNWOMEN (2011). '2011–2012 Progress on the World's Women: In Pursuit of Justice'. New York: UNWOMEN. <http://www.progress.unwomen.org/pdfs/EN-report.Progress.pdf> (accessed 6 July 2013).
- Wairagu, F. (2012). 'DRC: The Forgotten Rape Capital of the World'. Nairobi: Institute of Security Studies (ISS). <http://www.issafrica.org/iss-today/drc-the-forgotten-rape-capital-of-the-world> (accessed 14 October 2013).
- World Bank (2011). 'The 2011 World Development Report: Conflict, Security, and Development'. Washington, DC: World Bank.
- Civil Society Advisory Group to UN Women, Peace and Security (2009). 'Working Paper on Advancing National Action Plans, Regional Action Plans, and Twinning on Women, Peace and Security'. http://www.realizingrights.org/pdf/Working_Paper_on_NAPs_Twinning_and_Regional_Action_Plans_Final.pdf (accessed 17 October 2013).
- Young, I.M. (2011). *Responsibility for Justice*. New York: Oxford University Press.