PART I

SETTING THE STAGE

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Introduction

It is not difficult to hurt, but it is difficult to repair.

– South African proverb

Since roughly the early 1990s and especially after 2000, some of the most dramatic changes in women's political engagement have occurred in countries that came out of major conflict. This is especially evident in Africa, where sixteen countries have ended major civil wars since 1986. Postconflict countries in Africa are making more constitutional and legislative changes related to women's rights compared with nonpostconflict countries. They have considerably higher rates of female legislative representation when compared with nonpostconflict countries, and they have more women in executive leadership positions. Postconflict Liberia, for example, had the first elected woman president in Africa; postconflict Uganda had a woman vice president for ten years; and postconflict Rwanda has the highest rates of female legislative representation in the world. The dominant party in postconflict Namibia is in the process of adopting a Gender Zebra Policy in which men and women share governance so that women and men both have 50 percent of positions in government, parliament, and state-owned enterprises.

This study asks: Why do countries that have experienced major civil conflict appear to be following a distinct and faster trajectory than nonpostconflict countries when it comes to adopting women's rights reforms and promoting female leadership?

I am using the term "postconflict" to describe countries where there has been a significant decline in the number of deaths related to conflict and where there has been a decline in hostilities. For purposes of generalization, I am focusing in this book on postconflict African countries that engaged in sustained and high-intensity conflict that ended after 1985. All of these countries had at least one year – and on average eight years of conflict – with over 1,000 recorded deaths

per year, according to data collected by the Uppsala Conflict Data Program (UCDP) and the Peace Research Institute Oslo (PRIO). I am certain that most of these conflicts experienced considerably more deaths than what UCDP and PRIO report in their Armed Conflict dataset, but I take these measures simply to be rough indicators and a means by which to distinguish between levels of conflict. Thus, for the purposes of this study, countries experiencing high-intensity conflicts that ended after 1985 include Algeria, Angola, Burundi, Chad, Congo Brazzaville, Ethiopia (Eritrea), Liberia, Morocco (Western Sahara), Mozambique, Rwanda, Sierra Leone, Sudan, South Africa (Namibia), and Uganda. Separatist movements resulted in the creation of new independent states in Eritrea and South Sudan, whereas a national liberation movement resulted in Namibian independence from South Africa. Countries that are treated as experiencing ongoing conflict as of 2014 include Democratic Republic of Congo, Central African Republic, Libya, Nigeria, Somalia, and South Sudan.

My characterization of a decline in conflict does not imply that violence has ended, nor does it imply, as Page Fortna (2004) claims, that peace is "the absence of war." Numerous forms of violence continue in postconflict contexts, particularly for women, who continue to face heightened insecurity in their homes or communities. Sometimes, the forces that are supposed to be "protecting" civilians, like peacekeeping troops, have themselves been sources of insecurity and gender-based violence. Recent research suggests that the death rate for women is higher than for men after the conflict is over (Ormhaug, Meier, and Hernes 2009).

In the postconflict period, we witnessed the beginnings of transformations of various gender regimes within key institutions like the state. Gender regimes in political institutions pertain to gender relations of power and the way politics is organized hierarchically along gender lines in political institutions like legislatures, the executive branch, local government, and other such institutions. Gender regimes can also refer to the gender division of labor and the ways in which occupations are arranged along gender lines. They can refer to the gendered nature of human relations and feelings of prejudice toward women. And finally, they refer to a gendered culture and symbolic system. These regimes operate within a whole system or gender order (Connell 2002).

Change between gender regimes can be uneven. Thus, we have sometimes seen women gaining political power through quotas in legislatures, judiciaries, and government positions, with less change in other spheres such as the military and police. It appears that women found it easier to make inroads into key political and economic institutions, but much harder to gain a foothold in religious and traditional institutions outside the state and market. Nevertheless, there were significant changes in the gender regimes, particularly in political institutions, but also in other institutions in countries affected by major conflict, and some progressed further than others. The case studies in this book examine the regime changes along a variety of dimensions.

Women took on new roles in society and in the labor force in many postconflict countries. What is less clear is the extent to which men took on more domestic roles in the home, although there is evidence of this in some of the case studies. Women gained more positions of political and economic power. Norms changed regarding acceptable treatment and portrayal of women in the media. People's visions of what was possible for women expanded, sometimes quite dramatically; thus women's symbolic power increased. Transformations in legal frameworks, which this book examines, reflect these normative changes, and they served as a first and necessary step toward fundamentally altering the gender regime. The extent to which legal changes translate into real-world impacts is an empirical question that has to be answered on a country-by-country basis, but there is also evidence of some change in this regard, and it is presented in the three case studies. I am more guarded about making major conclusions about such overall outcomes at this time for the majority of postconflict countries because the constitutional and legislative changes are so new in many of the countries in question.

Some of the aforementioned postconflict changes in Africa, for example, women's legislative representation, are also evident in Southeast Asia (East Timor), South Asia (Nepal), and Central America (Nicaragua). This study focuses on Africa because the trends are most pronounced on this continent. The number of countries embroiled in conflict in Africa has been greater than in any other part of the world in the postindependence period. Also the number of countries coming out of conflict has been the greatest. The increase in the resolution of conflicts in Africa in the 1990s and especially after 2000 was due to such factors as the end of the Cold War, the increased importance of international and regional peacekeeping forces, greater efforts regarding diplomacy and peace negotiations, and the increase in influence of peace movements.

Postconflict Rwanda claimed the world's highest ratio of women in parliament in 2003, and by 2007, Rwandan women held 56 percent of the country's legislative seats, rising to 64 percent in the 2013 elections.[1] Similar trends are evident in other postconflict countries: Women hold on average 28.5 percent of the parliamentary seats in postconflict countries compared with 18 percent in nonpostconflict countries. Liberia's Ellen Johnson Sirleaf became the first elected woman president in Africa in 2005, as more women in postconflict countries began running for the presidency after 2000.

This study explores why we have seen such dramatic increases in female political representation in postconflict countries, especially since around 2000. It looks specifically at why postconflict countries have been more likely to make constitutional and legislative changes advancing women's formal status.

[1] All data on national women's legislative representation in this book is derived from the Inter-Parliamentary Union in 2014, www.ipu.org/wmn-e/classif.htm.

The book focuses primarily on three case studies, Uganda, Liberia, and Angola, which are examined against cross-national comparative data pertaining to women's rights influences on opportunity structures (peace agreements and constitutional reforms) as well as outcomes (numbers of female political leaders and women's rights legislation). It traces their evolution, documenting the commonalities and differences in causal mechanisms that gave rise to these developments. It looks at these cases against the backdrop of structural changes in Africa, including the end of conflict and political liberalization. Uganda and Liberia were more successful than Angola in advancing women's rights. The contrast between these countries allows us to identify crucial factors that explain the causal mechanisms at work in postconflict countries.

This chapter starts by outlining the key arguments of the book. It sets the stage by discussing the decline in conflict in Africa and globally as well as the concomitant political liberalization that occurred in Africa. The chapter then details some patterns that have accompanied these trends; it discusses the literature on backlash against women after conflict and on changes in gender relations; and it explores the historical antecedents of present-day trends with the adoption of female suffrage after World War I. The chapter concludes with a description of the research design, methodology, and methods employed in this study.

EXISTING APPROACHES

Beyond the issue of female representation, there have been very few studies that connect the decline of conflict to broader changes in women's rights in Africa, and to the extent that this has been mentioned in the literature, it has been primarily in the context of individual postconflict countries like Mozambique (Disney 2008), Uganda (Tripp 2000), Sudan (Abbas 2010; Tønnessen 2011), and Rwanda (Burnet 2012). Together with Alice Mungwa, Isabel Casimiro, and Joy Kwesiga, I began to explore this relationship between women's rights outcomes and conflict comparatively in a coauthored book; however, the chapter was still fairly speculative (Tripp et al. 2009). Some have mentioned, but not explored, the connection between women's legislative representation and conflict through comparative analysis (Bauer and Britton 2006; Luciak 2006; Muriaas et al. 2013; Zuckerman and Greenberg 2004). Others have examined women parliamentarians' impact on legislation in postconflict countries (Pearson and Powley 2008; Luciak and Olmos 2005).

A few cross-national studies posit a connection between conflict and women's representation. Melanie Hughes (2009) shows how long-lasting and major civil war during the 1980s and 1990s positively impacted female legislative representation in low-income nations. Kathleen Fallon, Liam Swiss, and Jocelyn Viterna (2012) found that the effects of conflict on representation in countries transitioning to democracy are no longer evident after 1995. However, they are only examining countries that have transitioned to democracy. Most postconflict countries in Africa are not democratic.

This study builds on a quantitative cross-national study I carried out with Melanie Hughes (2015) of the relationship between electoral institutions, democratization, and armed conflict. We discovered, using a longitudinal statistical method of latent growth curve analysis, that postconflict African countries follow a trajectory of women's representation that is distinct from that of countries that have not gone through major conflict, and that major civil conflict becomes more important rather than less after 1995 in this correlation. We found that conflict had a significant and independent impact on women's political representation in sub-Saharan Africa and correlates strongly with the sharp increase in female legislative representation in sub-Saharan Africa, which tripled between 1990 and 2010. We also found that incremental changes in civil rights result in increases in women's legislative presence further down the road.

ALTERNATIVE CLAIMS

Backlash against women after conflict?

Much of the literature to date has focused on backlash against women as a consequence of conflict (de Watteville 2002; Kelly 2000; Meintjes et al. 2002; Pankhurst 2003, 2007; Pankhurst and Pearce 1997). I define backlash as a tangible and measurable pattern of undoing the gains made in women's rights, such as the erosion of women's rights legislation and/or replacing them with laws that undermine women's status. Donna Pankhurst has argued: "Rather than receiving support at the end of wars, women usually suffer a backlash against any new-found freedoms, and they are forced 'back' into kitchens and fields. Where governments and/or warring parties establish new constitutions or peace processes, they often neglect the needs of women or outwardly limit or restrict the rights of women" (2003, 161). Indeed this was borne out in earlier periods, globally and within Africa.

Events in Algeria after independence in 1962 were a forerunner of what was to come in other parts of sub-Saharan Africa in the postindependence era. Women first broke gender barriers during the Algerian war of independence against France (1954–1962), when large numbers of women served as freedom fighters, fighting side by side with men in what was considered one of the most brutal liberation wars on the continent. Other women served as civilians who provided food and shelter for the insurgents (Daoud 1996, 138; Salhi 2010). Yet after the war, women found themselves abruptly pushed out of public life (Ahmed 1982).

Women subsequently fought in the armed liberation struggles in Mozambique, Guinea Bissau, Angola, and Rhodesia (Zimbabwe). The changes described in this book did not occur after the end of the aforementioned wars of liberation prior to 1985. As in Algeria, women found themselves sidelined after independence in these countries. Even in struggles where women's concerns were addressed by the liberation movement, they did not necessarily benefit after

the struggle was over. In Mozambique and Guinea Bissau, women's liberation was seen as part and parcel of the liberation movement (Ranchod-Nilsson 2006; Urdang 1978). Leaders of the Frente de Libertação de Moçambique (Mozambique Liberation Front), or FRELIMO, envisioned creating a non-patriarchal society after winning independence from Portugal. As the late Mozambican President Samora Machel said in a speech to the First Conference of the Organização da Mulher Moçambican (Mozambican Woman's Organization), or OMA, in 1975: "Woman's liberation is a necessity of the revolution, a condition of its triumph, and a guarantee of its continuity" (Urdang 1978). During the war, women had their own military contingents and played key support roles during the fighting; however, after independence, women were told to put their demands on hold in the interests of development.

Similarly, in Zimbabwe, women had made up one-third of the fighters in the guerrilla movement that led to the end of white minority rule, and they had played supporting roles. Zimbabwean President Robert Mugabe acknowledged that the war would not have been won without the help of women (Mugabe 1984). Nevertheless, Zimbabwean women activists were incensed when they were told to wait for an indefinite time until their rights could be fully addressed in the interests of national development (Staunton 1990; Sylvester 1989). Leaders of women's organizations in Zimbabwe explicitly told women's organizations in South Africa to avoid this predicament when South Africa emerged out of apartheid. I witnessed this sentiment in discussions with Zimbabwean women's organizations as South Africa was transitioning to independence (see also Jirira 1995; Lueker 1998). Janet Place wrote at the time about these feelings of political exclusion in Zimbabwe:

> Women still complain that only limited strides have been made in changing the legal and cultural barriers to women's advancement and participation in government. In fact, Zimbabwean women were quick to advise the women of other emerging democracies that the liberation of women must go hand in hand with the political liberation of the country. There was a sense of betrayal among the women of Zimbabwe at the time of independence, who found that the country's call for equality for all did not include them. (Sinclair and Place 1990)

As a former research associate of the John D. and Catherine T. MacArthur Foundation, I visited numerous women's nongovernmental organizations in Harare, Zimbabwe, in 1990. At the time, the frustration was palpable among leaders and activists working with the Association of Women's Clubs of Zimbabwe, Women in Law and Development in Africa (WILDAF), Zimbabwe Women's Resource Centre and Network, Zimbabwe Women's Bureau, and Women's Action Group.

Tanya Lyons (2004) described an Operation Clean-Up carried out in 1983 in which police and soldiers beat and harassed women found traveling alone or in groups on the grounds that they were prostitutes. The majority of the 6,000 women targeted in these humiliating campaigns were ordinary

housewives, workers, and even former combatants. Zimbabwean feminist activist Shereen Essof (2005) wrote about how by the late 1990s the state was undermining key women's rights legislation and denying women property and inheritance rights.

Although such disappointments had characterized earlier conflicts, this changed a few years later around the time that the Ugandan civil war ended in 1986. The timing of the end of conflict was critical. A new breed of women activists became visible after the Third United Nations Conference on Women held in Nairobi in 1985 and especially after 1995, the year that the Fourth UN Conference on Women was held in Beijing. By 1985, the norms regarding women's rights were rapidly changing throughout the world, and Africa was about to move into a period of political liberalization in the 1990s. However fraught some of the political openings were, as countries shifted from authoritarian to hybrid regimes (neither fully democratic nor fully authoritarian), they were sufficient to create enough political space to allow autonomous women's movements to mobilize and put pressure on governments for gender-based change. Women's organizations were key actors in the process of political liberalization, but they also were prime beneficiaries of the political opening, which was accompanied by an increase in freedom of association and freedom of the press, as well as an increase in civil liberties and political rights more generally. Since 1995, forty-nine constitutions were rewritten in Africa, and twenty-three of these were in postconflict countries or countries with ongoing conflict. Only four countries did not rewrite their constitutions in this period.

The lack of backlash was evident with the end of conflict in Uganda in 1986, and it has continued to be evident after other conflicts. Liberia came out of conflict in 2003, and there was no major backlash. In part, this was because the country had a long history of women leaders at the local and national levels. Not only did women claim the presidency, key ministerial, and local government positions, but the popularity of the women's movement was at an all-time high, starting with the interim government and continuing into the presidency of Ellen Johnson Sirleaf, who assumed office in 2005. The movement had been credited with speeding up the process of peacemaking and was benefiting from that boost. In a study of the media between 2000 and 2012, for example, Lisa Kindervater (2013) found that the gap between the number of positive and negative articles about women and gender equality increased seven-fold between 2003 and 2006. There were no virtually no antimovement articles between 2000 and 2009, but there was a slight increase between 2010 and 2012. Nevertheless, the number of positive articles remained twice as high. Although there was a drop in the number of positive articles because the movement itself died down after the war, there was not a significant increase in negative articles either. Had there been a backlash, one would have expected an increase in negative press.

In recent years, in countries like Kenya, Uganda, South Africa, and Zimbabwe, mobs have publically stripped individual women who were deemed to be dressed indecently. In several cases, the attacks were caught on video and went viral

on YouTube. A South African journalist, Sisonke Msimang (2015), claimed that this was a reflection of backlash in the face of so many women in top positions and the fact that "churches, traditional leaders and politicians are forming powerful coalitions that are seeking to challenge decades of progress." Although one can point to such incidents, I believe they do not reflect a new reaction but, rather, a conservative undercurrent that never went away. These types of attacks on women's bodies are not new and have taken place in earlier periods, as in Uganda under Idi Amin, at a time when women were not gaining positions of power but were adopting Western-style attire (see Chapter 3). I would still contend that one ought to see more such reactions if there were a true backlash, and there would need to be similar new patterns of reversal of gains in multiple arenas. More important, one would expect to see a pullback of women in positions of power and a revocation of quotas as well as an undoing of the legal framework.

Thus, although backlash may have described some outcomes, the dominant trend has been an increase in women's rights at the formal level in most postconflict countries. After 1990, postconflict countries generally did not experience the type of backlash evident in earlier conflicts in Africa because the international norms had changed by the mid-1990s, and there were new pressures, especially from multilateral actors like the United Nations but also from bilateral donors, from regional bodies like the Southern African Development Community (SADC), as well as from domestic women's movements to pursue women's rights reforms. Also countries that had longer traditions of female leadership were less resistant to women in power. Thus, the conjuncture of these factors was critical to setting in motion a distinct path for postconflict countries when it came to a women's rights agenda. After the end of major conflicts from Uganda to Namibia, South Africa, Mozambique, Rwanda, Burundi, and Liberia, women's organizations vigorously pressed for increased representation, often in the form of quotas. Women's rights language was included in 78 percent of the peace agreements in Africa between 2000 and 2011 – more than any other region of the world (see Chapter 6).

Women demanded seats at the peace talks, on electoral commissions, on constitutional commissions that drafted new constitutions, and in interim and newly formed governments. As a result, in Liberia women were represented in all transitional institutions. A woman, Frances Johnson-Morris, headed the Electoral Commission, and three of the six participants were women. Another woman, Elizabeth Nelson, succeeded Johnson-Morris. Gloria Musu Scott headed up the constitutional review committee, and three out of six participants on the commission were women. Four out of the nine commissioners on the Truth and Reconciliation Commission were women. Ruth Ceasar was appointed deputy executive director for operations at the National Commission on Disarmament, Demobilization, Rehabilitation, and Reintegration between 2006 and 2009 and oversaw the implementation of programs affecting 101,000 ex-combatants.