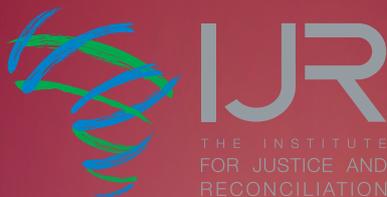


GENDER AND THE POLITICS OF RECONCILIATION

DR HELEN SCANLON



BUILDING AN INCLUSIVE SOCIETY

O C C A S I O N A L P A P E R N U M B E R 1 9

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Abstract

Twenty-two years into South Africa's democracy debates have re-emerged over the limitations of discourses on reconciliation in the country. This stems from the fact that in the two decades since South Africa's first free and fair elections a widening chasm has emerged between the promises of "reconciliation" and the realities of on-going widespread poverty and inequalities. Indeed, South Africa's beleaguered transformation is particularly apparent in terms of the prevalent level of gender-based violence, often cited as the highest in the world, as well as the ongoing feminisation of poverty. As such, important questions have arisen following South Africa's transition over what is needed for a "gender-inclusive" reconciliation.

Reconciliation, while a contested term, can potentially fulfil a number of practical and symbolic purposes of acknowledging the harm inflicted upon victims and promoting social equity and human rights. According to gender activists effective reconciliation has the potential to facilitate post-conflict transformation of socio-cultural injustices and inequalities which inevitably will promote greater gender equality. Nonetheless critiques of reconciliation have centred on it being elite driven, that it benefits particular interest groups and that it imposes undue burden on victims for the restoration and transformation of society. Furthermore it is argued that it has contributed to shifts in the "geography of violence" resulting in the increase of interpersonal violence.

This paper explores how attempts to confront abusive pasts have deliberated gender in the promotion of reconciliation. In particular it will examine the nexus between gender justice and reconciliation in order to assess and considers ways to re-calibrate engagement with ongoing reconciliation processes. Given current debates over revisiting the promise of reconciliation in South Africa it is an opportune time to reflect on how reconciliation could better confront histories of gendered harms.

Gender and the Politics of Reconciliation

May 2016

Dr Helen Scanlon¹

The manner in which a country emerging from conflict or authoritarian rule interacts with its history can create the foundation upon which its future is built.² An effective “reckoning” with the harms of the past is a critical tool for the promotion of reconciliation. While a contested term, reconciliation has the potential to fulfil a number of practical and symbolic purposes through acknowledging the harm inflicted upon victims and promoting social equity and human rights. According to gender activists, effective reconciliation can facilitate the transformation of socio-cultural injustices and inequalities and this, in turn, can stimulate greater gender equality. Ultimately, a gender perspective is critical to fully understand which sectors of society need to be reconciled, as well as how this can best be accomplished. Indeed, as Brandon Hamber and Gráinne Kelly contend, beyond the processes employed to facilitate reconciliation, its realisation requires changes in the attitudes and conduct of a society, as well the confrontation of inequalities.³

Nonetheless, as Nicola Henry and others point out, the meaning of reconciliation is often ambiguous and it has a variety of “psycho-therapeutic, religious and cultural applications and connotations”.⁴ Andrew Schaap has identified a number of inherent problems associated with interpretations of reconciliation. These include “its vagueness in meaning; its incompatibility with modern pluralistic societies; its presumption about pre-existing harmonious relationships; its assimilative drive; its demands for closure; and its exculpatory redemption of the state and nation”.⁵ Critiques of reconciliation often stem from alarm over the frequent politicisation of reconciliation processes and the co-option of practises by elites. Fear has also been expressed in South Africa and beyond that existing interpretations of reconciliation have imposed undue burden on victims as those most responsible for the restoration and transformation of society. Furthermore, it is argued that the versions of reconciliation employed to date have simply contributed to shifts in the “geography of violence” whereby the veneer of peace-building has masked the increase of interpersonal violence. Each of these criticisms has profoundly gendered associations.

This paper will take a critical look at attempts to confront abusive pasts through the promotion of ideals of reconciliation and assess how far their “symbolic” purpose has been realised. In particular, it will examine the nexus between gender justice and reconciliation in order to assess and consider ways to re-calibrate engagement with on-going reconciliation processes. Given current debates in

South Africa over revisiting the promise of reconciliation made in the 1990s it is an opportune time to reflect on how reconciliation could better confront histories of gendered harms.

As such this article seeks to explore four central areas. First, it is critical to understand the contestations over interpretations of “reconciliation” and how ideology and politics interface within this widely bandied term. Once some of the broader criticisms of reconciliation have been outlined the paper locates how, why and in what form gender issues have emerged in discussions of reconciliation. In particular it will explore how, when gender has emerged in debates around reconciliation, stereotypes of women as peace-builders and sexual violence as the primary form of gender-based violations, have been rife. Third, it examines how local processes have been deployed and promoted in discussions on reconciliation. Finally, a lens is placed on South Africa as both the location of the promotion of discourses of reconciliation but also the site of pervasive gender-based harms in the post apartheid era.

Defining Reconciliation

Since the late 1980s the concept of reconciliation has become fundamentally linked to international and national peace-building initiatives in post-conflict and post-authoritarian societies. The term was most widely commercialised in the 1990s by South Africa’s transition from apartheid through both the country’s Truth and Reconciliation Commission (TRC) and its associated visions of *ubuntu* and the “rainbow nation”. Broadly defined, reconciliation has been viewed as a tool to assist societies that have experiences of historic oppression through structural injustices, direct physical harm and/ or the suppression of group identities, and it is a process or set of practices intended to challenge these injustices and re-build relationships.⁶ Among its broad interpretations is the aim “to render no longer opposed” or as Johan Galtung observes “reconciliation is a theme with deep psychological, sociological, theological, philosophical and profoundly human roots - and nobody really knows how to successfully achieve it”.⁷

In 2004 Brandon Hamber and Gráinne Kelly developed five guiding principles to frame processes of reconciliation. These include advancing a “shared vision” of the future of a society, acknowledging and dealing with the past, building “positive” relationships, realising “significant cultural and attitudinal change” and attaining substantial social, economic and political change.⁸ Hamber and Kelly’s principles can be placed in the larger context of developments in the theory and practice of reconciliation over the last three decades. Marita Eastmond has noted how during this period reconciliation has emerged as “a master narrative of our time, offering a promise to remedy the harm done and heal both society and individuals from the experience of violence and conflict”.⁹ Eastmond also contends that discussions around reconciliation have become “embedded in a global moral discourse of social healing” that “invokes the notion of common humanity”.¹⁰ The accompanying ideals of a

liberal peace and the promotion of ‘one nation’ have now become widely accepted as the necessary foundations for reconciliation.

As part of this global remedy to promote peace-building in countries emerging from conflict or authoritarian rule a range of tools have been deployed to advance reconciliation including truth-seeking mechanisms, public apologies and reparations. At the national level, the most commonly employed is official truth commissions, over forty of which have been created since the 1980s. Anne Orford notes constructing a “truth” about the past is presented: “at the individual level, in therapeutic terms, as a means of healing those who have been wounded by the violence of civil war, revolution, or despotism. At the collective level, establishing the truth of a contested history is understood as a necessary basis for moving forward as a nation and creating the conditions for a viable, shared life”. However, she suggests that appeals to truth in transitional contexts are in reality often mechanisms aimed at “an audience of liberal internationalists” to show those “states undergoing “transition” were also being produced as reliable subjects of the capitalist democratic order”.¹¹ More broadly, Daly emphasises that in many transitional contexts “the evil is often so ghastly that it is unlikely to be mitigated by a greater understanding of the details” and, furthermore, the “truth is irrelevant to reconciliation not because reconciliation happens anyway but because it does not happen at all”.¹²

The homogenisation of understandings of reconciliation has resulted in context-specificities becoming a “blind spot”.¹³ Drawing on the Australian context, Nicole Henry observes that: “indigenous self-determination and sovereignty ... are fundamentally at odds with the ‘one nation,’ liberal peace-building formula of reconciliation”. She notes how reconciliation deployed to promote nation-building “implicitly refuse to accommodate indigenous aspirations of difference”.¹⁴ This “blind spot” also obscures the social conditions and power relations that influence how local actors interpret and respond to reconciliation processes.¹⁵ Given the marginalised position of many women recognition of power relations and social realities are critical to reconciliation.

Often dubbed the “global reconciliation industry” there has developed a hierarchy of “thick” and “thin” notions of reconciliation.¹⁶ The “thin” and most common conception of reconciliation is similar to Johan Galtung’s definition of “negative peace” in that it is centred on the “absence of violence, the absence of war”.¹⁷ This response involves the deployment of various reconciliatory terms including “peaceful co-existence”, “living together”, “social cohesion” and, in the South African context, *ubuntu* – each ultimately aimed at promoting “social interaction and cooperation between former enemies”.¹⁸ While sometimes incorporating a degree of legal accountability, the performance of thin reconciliation is often also seen as the pragmatic response to a violent past. As Schaap contends, following histories of marginalisation and oppression the need to address this legacy is crucial “to enable people divided by that past to coexist within one political community and to recognize the

legitimacy of its law”.¹⁹

However, critics, including Schaap, acknowledge that prioritising “pragmatism” may not only result in frustration among those excluded or alienated by reconciliation processes, as is currently apparent in the South African context, but ultimately it weakens longer-term sustainable peace-building. Tim Murithi and Fanie du Toit suggest that reconciliation processes have often been hijacked by elites who not only place the burden of reconciliation on victims but also, more critically, creates an unstable foundation for “social cohesion”.²⁰ Or, as Schaap succinctly notes, reconciliation has been used “to legitimate a particular order in which the interests of some are privileged over those of others” and this in turn, provides an “exculpatory redemption of the state and nation”.²¹ Peter Manning further cautions that reconciliation “might mean different things even within the same contexts and milieus”.²²

“Thick” reconciliation, linked more broadly to “positive” peace and the confrontation of structural violence, in theory promotes more holistic approaches to truth, justice and acknowledgement. As Schaap contends, concepts of restorative justice are often irrelevant in contexts where there is “no prior state of harmony that could be restored”.²³ Thus, as Dustin Sharp has argued for effective reconciliation it is important for “a greater embrace of participatory and community-level approaches to justice rooted in local norms and traditions, as well as a more holistic approach to the scope of justice issues addressed in transition, including questions of economic justice”.²⁴ Indeed numerous studies reveal that in contexts of widespread poverty, unemployment and residual inequality the concept of reconciliation has proved too abstract and removed from lived realities to fundamentally rebuild social relations. Referring to the South African context, Mahmood Mamdani argues that: “if reconciliation is not to turn into an embrace of injustice, of evil, then the pursuit of social justice needs to be recognized as a political imperative”.²⁵ And, as Brounéus notes, conflict-related trauma must be integral to any debates around peace-building since the psychological impact of conflict influences conceptions of social cohesion and reconciliation.²⁶ Addressing these issues are central to the promotion of gender justice.

Gender and the Theory of Reconciliation

The aftermath of conflict and authoritarian rule has been seen by many analysts as a window of opportunity to bring about radical reform and promote gender equality. Since the 1990s this has manifested in local and international demands for legal and political change such as the introduction of quotas for women in political spaces as well as anti-discriminatory laws. As a result, many previously perceived “private” issues such as inheritance and reproductive rights have been catapulted into the public realm in post-conflict settings. However, the widespread persistence of gender-based violence in post-conflict and post-authoritarian settings has led to questions as to whether a focus on legal

reform in the realm of gender justice has resulted in a superficial acceptance of transformation. If reconciliation in its “thick” sense is to be understood as recognition, acknowledgement and redress of harms, then more creative ways of acknowledging gendered harms are needed. Thus interrogating the position of gender concerns in current theories of reconciliation is imperative.

According to Susan McKay, national priorities regarding reconciliation are often developed at the expense of gender justice, especially when “thin” notions of reconciliation are employed. She also notes that reconciliation processes to date have been overwhelmingly driven by interests that favour the powerful and, in turn, further disenfranchises the vulnerable. Indeed, some analysts have pointed to the reality that through reconciliation processes women may in fact be deprived of gains achieved during conflict when gender roles are more fluid. This stems from the fact that post-conflict “transformation” often coincides with a restoration of prior gender relations. In addition gender roles may be subject to the longer-term impacts of conflict. For example, as the Rwandan genocide and post-apartheid South Africa reveal, a growth in the female-to-male ratio and increases in female-headed households may in fact create new vulnerabilities. And as Elissa Helms notes in the context of Bosnia and Herzegovina, reconciliation processes often sustain ideas of separate gender spheres whether this be prior to or post-conflict constructs. Ultimately, these views underpin: “both constructions of essential, unsurpassable ethnic difference as well as imaginings of renewed life alongside erstwhile ‘ethnic’ enemies”.²⁷ What these views fail to achieve is challenging gender identities within either debates over “difference” or “renewed life”.

An obstacle to the advancement of gender-sensitive reconciliation has been that a “gender perspective” is often interpreted as solely involving the concerns of women and, within this reading, the experiences of women are often considered universal. However, it is important to recognise that not all women experience conflict or authoritarian rule in the same way, and their experiences often vary according to race, ethnicity, class, education, age, sexual identity and location. Adopting an intersectional approach challenges assumptions of women as passive victims. It also acknowledges the reality that women can be autonomous actors who choose to support, oppose or survive a conflict or authoritarian rule. Beyond being victims during conflicts, women carry out a variety of roles including those of perpetrators. Indeed, it is critical to move beyond the binaries whereby women as victims are juxtaposed against men as perpetrators.

Gender and Reconciliation at the Local Level: Women as Peace-builders?

Much of the literature on gender and reconciliation is replete with stereotypes around women as peace-makers or peace-builders and central to local reconciliation processes. As Christine Bell and Catherine O’Rourke argue, “the difficulties of navigating the boundary between using gender as a category disruptive of traditional military and political assumptions, and ‘essentialising’ women as bringing a ‘different voice’, a different set of priorities, and a form of ‘transcendent’ identity politics, is particularly acute” in reconciliation processes.²⁸

This is perhaps reinforced by examples of women’s widespread involvement in informal reconciliation processes despite, or because of, their absence in more formal processes. As Karen Brounéus has observed, these stereotypes are explained through either an “essentialist” or “constructivist” framework.²⁹ Essentialists argue that due to biological reasons women are innately more nurturing, passive and peaceful. Constructivists, on the other hand, maintain that women are more invested in peace-building due to gender roles which places them at the centre of mediating disputes.³⁰ This view suggests that because of religious and cultural conditioning women are able to forgive and reconcile more easily than men.³¹ It is also suggested that this expectation of women as more forgiving lies at the heart of numerous reconciliation processes. However, both of these oversimplifications and stereotypes have been challenged by authors such as Karen Brounéus who caution that these views “distort our understanding of war and peace” and the role of gender issues.³² Indeed she argues that post-genocide Rwanda reveals that women hold significantly more negative views towards peace-building.

It is nonetheless important to recognise that often women themselves subscribe or employ these stereotypes to gain entry into the public sphere. Elissa Helms has shown that in Bosnia and Herzegovina women reproducing “donor-speak (and) public statements in support of reconciliation or gender equality can not always be taken at face value or as proof of women’s greater inclination to reconciliation”.³³ Indeed in some contexts women promoting themselves as peace-builders may be because working with men would be deemed political and would be frowned upon. With reference to Nicaragua, Julie Cupples has explored how “women themselves strategically drew upon crude, simplistic stereotypes... they employ a language of victimhood, based on Catholic images of suffering motherhood ... Gender identities – in particular, motherhood and its connotations of sacrifice and nurturing – can enable women to attempt reconciliation with former ‘enemies’”.³⁴ However, as Julia Wells argues in the South African context, appeals to motherhood as a method of activism is often constrained because “at some point women’s political activism is bound to be perceived as interfering with their prescribed roles as mothers”.³⁵ Thus the promotion of the concept

of motherhood is profoundly ambiguous and spells both progress and regress to the status of women. On the one hand, it can be used to draw women into the public realm, yet on the other, it set the limits and social norms within which women (and men) are expected to conform.

Masculinities as Sites of Inquiry

As a number of analysts have contended, a true gender perspective requires an interrogation of how both men and women are affected by violence and conflict. Failure to do this has resulted in a general lack of understanding as to how best to engage men in gender-sensitive reconciliation processes. As a result, examples reveal that reconciliation processes tend to reproduce gender identities portraying men as political, violent and nationalistic while women are represented as humanitarian, peace-loving and open-minded. But as Simon Harris notes, when men are absent from gender initiatives it obscures how it is primarily patriarchal attitudes and institutions that require reform in order to achieve gender equality.³⁶

In addition, it is critical to recognise the impact of gender roles in conflict such as the promotion of violent masculinities. This is particularly evident “in contexts when men’s abilities to be the provider and protector of a family are compromised”. As the 2003 United Nations (UN) sponsored handbook on reconciliation notes: “the frustration and anger this may give rise to can be a serious threat to a reconciliation process”.³⁷ As mentioned earlier, gender roles often become fluid during times of political upheaval when women may take on responsibilities that were previously the realm of men in their absence and this can result in attempts to reassert dominant masculinities post-conflict.

Indeed, as Adam Jones revealed, applying a “gender lens” to the 1994 Rwandan genocide can provide new insight into both its causes and consequences.³⁸ In his exploration of the genocide he shows how an economic crisis in Rwanda in the early 1990s was linked to a “gender crisis” for young Hutu men. Jones contends that without land or employment young men could not marry and as a result they could not achieve social status. This in turn, precipitated a further crisis in male-female relationships which manifested in the high rates of gender-based violence that occurred during the genocide.³⁹ His intention is not to justify but rather to offer a lens to help explain the roots of gender-based violence at this time. As has been noted above, understanding and addressing the root causes of violence is critical to enact true reconciliation.

Given the reality that domestic violence increases incrementally during and after conflicts, where violence becomes increasingly normalised, adapting the scope of reconciliation processes is critical. As Cynthia Cockburn has argued, societies with high rates of domestic violence are also those most likely to engage in violent conflict and war.⁴⁰ The 2003 UN handbook on reconciliation reflects that “establishing trustful and respectful relations between men and women, and between particularly targeted groups

of men and women, is essential for fashioning a democratic society. Such relations require full recognition of how a particular conflict has involved and affected men and women in different ways”.⁴¹ In order to achieve this, it is vital to challenge assumptions that men’s experiences of conflict and transitions are universal. Ideologies of masculinities are continually contested and are always being renegotiated in the context of changing power relations.⁴²

The Reduction of Gender-based harms to the rape of women

The literature on gender and reconciliation places a great deal of emphasis on the need to address sexual violence. As has been shown elsewhere, sexual violence in conflict is a tactic aimed at destroying the social and cultural fabrics of communities. Kirsten Campbell has observed that “sexual violence is the form of violence which most clearly communicates masculinisation and feminisation... that is, sexual violence is a performative act that instantiates these gender norms”.⁴³ The current conflict in Syria has been described as a “rape crisis” and, according to the International Rescue Committee, the primary reason for families becoming refugees have been rates of sexual violence within the country’s borders.⁴⁴ Undeniably, rape as a weapon of war has been used widely to intimidate victims and their families, as well as the broader community. This violence has long-lasting effects on both the rape victims themselves and on the affected community more broadly. Fionnuala Ni Aoláin describes this as a “community of harm”.⁴⁵

However, the recent international focus on sexual violence often obscures “why the rapes happened in the first place, how women (or men) expressed resistance and negotiation and the ways in which sexual violence is connected to structural and systemic conditions existing prior to the outbreak of violence”.⁴⁶ In addition, as Manuela Melandri notes, reconciliation processes are often linked to, or are dependent on, public acknowledgement. This is due to the fact that “truth telling is founded on the premise that public testimonials of both victims and perpetrators will be cathartic and healing both for the individuals involved and for the nation as a whole”.⁴⁷ However Fiona Ross’s examination of the South African Truth and Reconciliation Commission revealed that many women victims were not “healed” by publicly testifying, in fact many cited further trauma as a result of being part of the process. Given the widespread stigma around sexual violence Melandri argues that alternatives to public acknowledgement through truth-seeking initiatives are needed. But this alternative should not be the socially acceptable coping strategy of self-imposed silence.⁴⁸ As Orford contends current truth-seeking processes mean there often remains a “victim who refuses to be saved, the subject who will not speak her suffering in the time and place and languages offered to her... responding to the call of the other may interrupt the process of transition, but it may also give us the opportunity to learn from her about justice”.⁴⁹ It is important to also be cognisant of the lasting

impact of psychological harm post conflict. Karen Brounéus observes that in the Rwanda context women carried “a heavier burden of war-related memories in their bodies and minds” as a result of the gendered nature of the genocide.⁵⁰

Perhaps more disturbingly, it has been shown truth-seeking around acts of sexual violence can often reinforce gender stereotypes around “active” masculinity and “passive” femininity which may alienate victims further in the process. With reference to the International Criminal Tribunal for the Former Yugoslavia (ICTY), Kirsten Campbell has noted that men were primarily testifying about the conflict while women testified around sexual violence. She remarked this had profound implications over the way the past is recorded and understood. “If men primarily narrate war, then they appear to function as actors within the conflict. If women only narrate rape, then they appear as passive victims of sexual violence.”⁵¹

In order to stem gender-based violence it is thus critical to understand the power relations that underpin sexual violence. It is also worth noting that women’s access to reconciliation processes are often impeded by gender discrimination that is embedded in existing social systems. For example, addressing sexual violence may be hindered by the stigma ascribed to survivors who often chose to remain silent about their abuse. Melandri has observed that for reconciliation processes to be more gender sensitive consideration should be given to ensure changes in broader legal frameworks that discriminate against victims of sexual violence. While women’s rights are legally protected in many countries, in practice, women are often bound by customary or religious practice that limits their ability to inherit, own land or property. This could be challenged through the inclusion of full legal rights for those children born of rape or addressing discriminatory practices that may hinder survivors’ abilities to provide for their families.

Understanding the dynamics giving rise to sexual violence may assist in avoiding spectacles such as the 2014 Global Summit on Sexual Violence in Conflict where perpetrators were routinely demonised as “monsters” and contrary to society at large.⁵² Henri Myrntinen and Aisling Swaine have observed that this “monster myth” suggests: “that once we remove sexual violence from conflict, the problem is “solved,” with limited problematisation of violent conflict and militarization themselves. It also raises the idea that rape outside of conflict or not perpetrated by uniformed “monsters” is not... also the ‘stuff of nightmares’”.⁵³

The international preoccupation with the rape of women (primarily located in the global south) at the expense of other gender-based harms has been starkly reinforced through high-profile campaigns by Hollywood celebrities such as (now Dame) Angelina Jolie. Presented as moral and virtuous campaigns, this international lens echoes former “white crusader” interventions aimed at uplifting the “authentic victim subject” in profoundly gendered ways. As Kapur had noted in the Indian context: “the focus on the victim subject reinforces the depiction of women in the postcolonial world as perpetually marginalised and underprivileged” inviting

“protectionist responses”.⁵⁴ Further, Henri Myrntinen and others have raised questions over the ethics of using “selfie campaigns, hack-a-thons, hot air balloons, hashtags and handicraft sales” to raise awareness about rape during the 2014 Global Summit to end Sexual Violence in Conflict.⁵⁵ Relegating conflict-related sexual violence as the primary (only) form of gender-based violations in the international “spotlight” has undoubtedly limited the field’s ability to deliver gender justice.

Addressing “Gender-skewed” Violence

It is thus important to recognise the impact of what Margaret Walker has dubbed “gender-skewed” violence. This involves moving beyond conceptions of justice committed against an individual by understanding violations as part of a pre-existing as well as “an unfolding and multi-layer process” of violence.⁵⁶ Melandri argues that since sexual violence is used to undermine society’s social fabric, reconciliation processes must move beyond focusing on the victim-survivor and perpetrator to include the family and local community.⁵⁷ Processes thus need to be cognisant of the domino effects that result from the destruction of physical and social infrastructure during conflict or as a result of marginalisation. Biases often render these violations invisible or inevitable and if the intention of reconciliation is to “remedy the harm done and heal both society and individuals from the experience of violence and conflict” understanding how these are gendered is key.⁵⁸

One example of this is displacement: in 2014 there were 11.4 million people displaced as a result of conflict in Africa, the highest of any continent and the majority of those displaced were women and children. These include displaced persons deemed refugees that have been dislocated across 22 countries including South Sudan, Central African Republic and the Democratic Republic of the Congo.⁵⁹ Specific challenges have emerged over mitigating the vulnerabilities of women in displacement camps, where they are subject to a range of violations including sexual and gender-based violence. These violations have continued during resettlement initiatives, at which time women have been subjected to further disputes over access to land and resources. A number of circumstances make women and girls particularly vulnerable in displacement camps including the fact that they tend to be responsible for basic household needs, including procuring food and water. This often entails women and children venturing outside of the camps where they are in danger of abduction or sexual violence.⁶⁰ It has also been shown that displaced women and girls have a higher mortality rate than men and boys because informal and formal systems of health services and food provision in camps privilege men and boys over women and girls.⁶¹

In post-conflict and post authoritarian settings women also often continue to be subject to pre-existing inequalities and gender-based discrimination that in turn exacerbates their marginalisation. For example, the deliberate killing of

male community members may compromise women both economically and legally.

Reconciliation processes have also tended to delineate between “primary” and “secondary” victims. Ni Aoláin’s discussion of communities of harm reveals how in situations of gross human rights violations those related to direct victims are often equally traumatised. She notes how “many women know and feel instinctively when harm comes to those connected to them: that the harm is not disembodied and unrelated to them but they feel and experience it as a direct harm to the self”.⁶² Indeed a study of peace-building following the Rwandan genocide revealed more women than men lost a close family member and 40 percent of women were widowed. By comparison only three percent of men had lost their spouse.⁶³ Thus narrow definitions of what constitutes a victim and a perpetrator in reconciliation processes tends to obfuscate the long-term impact of violations on secondary victims and their dependents.

Gender and the International Discourse on Reconciliation: Peace Processes and Resolution 1325

Addressing gender issues is a critical aspect of reconciliation at both the local and institutional levels. As has been noted above, reconciliation should be a holistic process that extends beyond those subject to violations and the perpetrators to include all facets of society. Generally, including women in decision-making positions has been seen as a route to address the inequalities between men and women. This has led to numerous commitments at the regional and international level for quotas to promote the visibility of women in the public space. Thus, the first wave of literature focused on gender and reconciliation revealed the lack of women in high-level peace negotiations.

According to a 2012 United Nations report on 300 peace agreements only 18 accords, relating to just ten conflicts, mention sexual violence or other forms of gender-based violence. The report also revealed that none of these peace agreements recognised sexual violence in their proposals for reparations, economic recovery or development measures.⁶⁴ This can in part be explained by the fact that between 1990 and 2010 women made up less than five percent of all signatories to peace agreements. In addition, they constituted only three percent of chief mediators and formed less than nine percent of the negotiators in official peace processes. Bell and O’Rourke have observed that women’s inclusion in peace agreement texts is “an important starting point in achieving other political, legal and social gains for women”. They suggest references to women can be significant at the stage of “ceasefire and pre-negotiation agreements; framework agreements which set out the arrangements for substantively settling the conflict; and implementation agreements that address implementation of the framework agreement”.⁶⁵ However, as Elizabeth Porter notes women’s contributions to reconciliation are currently largely “informal, *ad hoc* and rarely part of formal peace processes,

so their stories often drift, unacknowledged’.⁶⁶ As a result, much of the literature on gender and reconciliation has tried to recover stories of women’s involvement in informal peace processes, as will be explored below.

The passage of United Nations Security Council (UNSC) Resolution 1325 (2000) on Women, Peace and Security was intended to mitigate women’s exclusion from the international peace and security agenda. Resolution 1325 provided the first official acknowledgement of the links between gender and conflict and proposes a legal framework for addressing women’s peace and security concerns at local, regional and international levels. It has since been supported by six further resolutions on Women, Peace and Security: resolutions 1820, 1888, 1889, 1960, 2106 and 2122.⁶⁷

A 2015 United Nations study into the fifteen years since the passage of UNSC Resolution 1325 claims that peace processes that included women as witnesses, signatories, mediators, and/or negotiators demonstrated a 20 percent increase in the probability of a peace agreement lasting at least two years. The report notes that this positive impact was shown to rise over time, with a 35 percent increase in the probability of a peace agreement lasting 15 years.⁶⁸ In a further study of 40 peace processes it was suggested that there was a higher probability of an agreement being reached where women’s groups were able to influence the negotiation process. This research also suggested that a demonstrable role by women’s organisations in negotiation processes correlated with a greater likelihood of agreements being implemented.⁶⁹ What these studies do not reveal is if it could be shown that it was the involvement of women *per se* that was the influential factor or if these positive results in peace agreements were the consequence of these processes generally being more inclusive.

Despite some advancement in the inclusion of women in peace negotiations, progress has been uneven. For example, in the 2015 peace process in Mali all diplomats involved in the international mediation team were men over fifty-five years of age. Further, among the 100 delegates at the talks, there were only five women. The lead mediator, Algeria, suggested that women’s involvement was not central to the negotiations due to cultural reasons, fear that their involvement would delay the negotiations, and “a preference for leaving women’s participation for the “reconciliation” phase, once an agreement has been reached”.⁷⁰

Kenya, on the other hand, is often cited as a successful attempt to incorporate women in peace negotiations. The 2008 peace talks following the 2007 post-electoral violence included five women - Graça Machel as advisor, two female negotiators, Martha Karua, and Sally Kosgei, a senior-level political adviser from the UN, Margaret Vogt, and a female adviser from the Centre for Humanitarian Dialogue, Meredith Preston McGhie.⁷¹ It is important to not overstate the role of these individuals (nor to down play continuing high levels of gender discrimination in Kenya) and Martha Karua provides a good example of how employing a negotiator with a political mandate does not result in the

addition of a gender perspective.⁷² In fact, the National Accord and Reconciliation Act of 2008 incorporated no direct references to women or gender. As Bell and O'Rourke have shown the introduction of quotas for women in peace negotiations has often proved difficult to reconcile with political or ethnic quotas.⁷³ It is nonetheless worth noting that both the Truth Justice and Reconciliation Commission and the 2010 constitution have played role in recognising the pervasive gender-based issues that need to be addressed in Kenya.

Thus it is evident that there remains many obstacles to women's equal participation beyond numbers, including gender stereotypes, psychological and traditional barriers, and prevailing inequalities in education, training and resources. A 2015 Women Leading Peace report noted: "A particularly problematic and increasingly criticised trend is the "add women and stir" approach, which assumes that solely the presence of women in high-level peace negotiations is not only necessary but also sufficient to elicit favourable peace outcomes".⁷⁴ As Mayesha Alam has remarked, "the essentialisation of women, the assumption and indifference toward treating all women as the same, is frequent, problematic, and counterproductive" in peace-building initiatives.⁷⁵

Local Justice and Reconciliation

As noted above, much of the literature on gender and reconciliation centres on the role of women in local peace-building processes.⁷⁶ These investigations often reinforce suggestions that women are naturally more peaceful and thus more predisposed to reconciliation. In part responding to failures of achieving top-down approaches to reconciliation, increasing calls have been made to employ local justice mechanisms, which are usually informal and community based, especially in Africa. The scale of violations committed during conflicts in societies where formal justice mechanisms have been depleted has resulted in calls to adapt indigenous and informal justice mechanisms as tools of conflict resolution and peace-building.

There has been some well-documented success in the employment of local mechanisms in the promotion of reconciliation, and it is argued these processes have the potential to widen access to justice in the face of mass atrocities, as well to enable women to hold decision-making positions. At the theoretical level, some argue local justice mechanisms are better placed to reconcile by "creating a spiritual sense of belonging to a community, imagined or real".⁷⁷ According to Charles Villa-Vicencio indigenous reconciliation allows perpetrators and victims to contribute to a new society since these processes allocate greater involvement in decision-making processes. He argues that making cultural and religious connections between different parties promotes social-cohesion and civic trust. He further suggests that while international justice represents "judicial control and clarity", indigenous justice represents "cultural resonance and community responsibility".⁷⁸

As noted above, local mechanisms have increasingly been employed as a facet of transitional justice due to the recognition that criminal justice and truth-seeking processes have been unable to achieve the objectives of reconciliation. Indeed, the former prosecutor of the Special Court of Sierra Leone, David Crane, noted that "our perspectives are off kilter...we consider our justice as the only justice...we don't create mechanisms by which we can consider the cultural and customary approaches to justice within the region".⁷⁹ In general, local justice mechanisms are seen as "culturally embedded", quicker to implement and more accessible physically to the local population. The support for local justice also stems from the fact that they are lot cheaper to employ, which is critical given the high costs associated with international criminal justice. For example the *Fambul Tok* (Family Talk) launched in Sierra Leone in 2007 has been seen as critical in facilitating community reconciliation in the aftermath of the conflict. By 2012, 2700 people had testified before 60000 members of their communities in 155 ceremonies.⁸⁰ Its relevance is particularly stark when compared to the Special Court for Sierra Leone, which cost \$300 million in the prosecution of just fourteen perpetrators.⁸¹

A recently developed transitional justice framework discussed by the African Union identifies the value of using of indigenous/ ethno-justice mechanisms to facilitate justice and transformation.⁸² This is often justified by the examples of northern Uganda where *Mato Oput* has organically been employed by the Acholi people to assist with the reintegration of former Lord's Resistance Army combatants. In Rwanda, the use of *gacacas* to address the 1994 genocide is also often cited as a successful example of a large-scale attempt to implement reconciliation on the community level. Of the estimated 120,000 perpetrators arrested in 1994, only 10,000 had been tried in the formal courts by 2006. The *gacaca* courts were therefore established in 2002 as a means of speeding up the process of adjudication those responsible for genocidal violence.

The *gacacas* had five stated aims: to enable truth-telling about the genocide; to promote reconciliation among Rwandans; to eradicate the culture of impunity; to speed up the trial of genocide suspects, and to demonstrate Rwanda's own problem-solving capacity. Overall an estimated 1,958,634 cases were tried before the courts between 2002 and 2012 at a cost of US\$40 million. By comparison, the International Criminal Tribunal for Rwanda (ICTR), set up to try those most responsible for the genocide, completed just 75 cases at a cost over US\$1.5 billion by the time it closed in 2015.⁸³ However given the nationally led character of the modern-day *gacacas* Bert Ingelaare and others have decried the process as "an invented tradition".⁸⁴ He suggests the process at best resulted in a superficial and "thin" reconciliation intended to buttress a governmental version of the "truth".

Part of this "invented tradition" involved the inclusion of women in a process that had historically been male-led. Women were specifically included in the *gacacas* at a number of levels – the Executive Secretary was a woman, Domithile Mukantanzwa, and a quota system required

that over thirty per cent of judges were women. At the outset the most serious crimes including rape were not tried before *gacacas*, but were instead dealt with by the national courts or the ICTR. However from 2008, the *gacacas* were given jurisdiction over rape cases and according to Amick between 2008 and 2010 6,608 cases of rape and genocide were heard.⁸⁵ Morris suggests that the number of rape cases tried demonstrated “the minimal attention given to the cases of rape: the *gacaca* could have conceivably tried an estimated 250,000 to 500,000 of these cases”.⁸⁶ This was reinforced by concern that the cultural context did not allow for revelations of sexual violence as these could lead “to community ostracism, ineligibility to marry and other secondary harms”.⁸⁷ As a result, it is perhaps not surprising that Brounéus shows that women revealed more negative experiences of the *gacacas* than men. She notes that women did not believe the *gacacas* made living together easier. In fact she reveals many women believe the *gacaca* process actually intensified their suffering.⁸⁸

It is also worth noting that a number of studies indicate that local justice mechanisms ordinarily overlook gender imbalances or inequalities, and may even serve to reinforce them. Since many local processes traditionally preclude women’s involvement, this also creates questions if quotas are implemented, as this inevitably changes the nature of the mechanisms. A UN study on the implementation of Resolution 1325 found that many indigenous mechanisms focus on a community truth told from a male perspective, while women’s truth is not a priority. For example, Victor Igrega has revealed that in Gorongosa, Mozambique ceremonies used in the wake of the civil war involved only the spirits of deceased men despite women being active participants in the conflict. Another concern linked to ethno-justice is that sexual and gender-based crimes universally carry significant social stigma, which may create obstacles to women revealing their experiences, as noted above in relation to broader processes. Concern has been expressed over the difficulties of women having to testify against someone within their community even in contexts such as Rwanda where closed hearings were allowed.

There is also the question of whether local processes are effective when addressing crimes of the magnitude experienced in a number of recent conflicts. Many local mechanisms (including *gacacas* in Rwanda and *Mato Oput* in northern Uganda) were initially intended to settle disputes between individuals, families or villages, or when one person had committed a crime against another within his or her ethnic group. Local mechanisms may therefore be inadequate when it comes to dealing with mass human rights violations or widespread sexual violence. Anxiety has also been raised over the fact that women’s bodies are often used to mediate conflicts, for example by marrying off girls to compensate for losses. As such, there is concern over how local reconciliation processes can be implemented in a way that does not encroach on women’s human rights.

Gender and Reconciliation in South Africa⁸⁹

Twenty-two years into South Africa’s democracy debates have re-emerged over the limitations of discourses on reconciliation in the country. This stems from the fact that in the two decades since South Africa’s first free and fair elections in 1994 a widening chasm has emerged between the promises of reconciliation, exemplified in discourses around the rainbow nation, and the realities of on-going, some say increasing, poverty, inequalities and racism. Indeed, South Africa’s beleaguered transformation is particularly apparent in terms of the prevalent level of gender-based violence, often cited as the highest in the world, as well as the on-going feminisation of poverty. South Africa is currently the world’s most consistently unequal societies with a Gini coefficient of between 0.660 to 0.696.⁹⁰

South Africa’s national reconciliation process was primarily navigated through the Truth and Reconciliation Commission that emerged in 1995 as a result of the negotiated settlement achieved through Convention for a Democratic South Africa (CODESA). As has been noted elsewhere, the negotiations were infused with moral and political compromises which continue to confront the lives of those who have remained marginalised since South Africa’s transition.⁹¹ Mahmood Mamdani has detailed how compromises reached at CODESA meant that the nature of reconciliation promoted by the TRC “was arrived at in the political and legislative that preceded and made possible its creation”.⁹² Thus the Act creating the TRC outlined the Commission’s objective as being to both “promote reconciliation” and to facilitate the promotion of “national unity in a spirit of understanding which transcends the conflicts and divisions of the past”.⁹³ As a result, Annelies Verdoolaege suggest that the TRC Commissioners’ branded a form of reconciliation that “was not so much oriented to the past; it was rather directed towards the present and the future”.⁹⁴

While the South African TRC’s achievements cannot, and should not, be dismissed, it is important to also reflect on whether its failure to investigate the structural impact of apartheid has in some ways allowed acceptance of the on-going violence in the country and, in particular, gender-based violence. As Sheila Meintjes and others contend, South Africa is a society living in an aftermath where “the political violence against women committed in the past has direct and indirect links to current levels of violence”.⁹⁵

As such, anxieties about South Africa’s transition have become increasingly loud especially relating to the issue of the country’s stark failure to confront historically entrenched socio-economic inequalities. For some this cannot be divorced from compromises made to support a new political and legal dispensation without engagement with the structural legacies of apartheid. These concerns raise far deeper questions over the field of transitional justice and its preoccupation with individual violations as the route to ensure transformation and, ultimately, reconciliation. As Mahmood Mamdani contends “the semi-official narrative

crafted by the TRC described apartheid not as a system in which a racialised power disenfranchised and dispossessed a racialised majority, but as a set of human rights violations of a minority of individual victims carried out by an even smaller minority of individual perpetrators".⁹⁶ Reservations over the implications of this narrative has manifested in an upsurge of protests among large sectors of the black population concerned over the lack of transformation in both the public space and in lived realities.

The chasms developing in the discourse around the "rainbow nation" was sharply displayed in a series of racist outpouring on social media in December 2015 which revealed the lack of attitudinal and cultural shifts in South Africa that Hamber and Kelly identify as key to reconciliation. This led to a response by political activist Andile Mngxitama who argued that:

Th(e) denial of racism (in South Africa) is based on a lie that was hatched in 1994 by our political leaders and christened the "rainbow nation" by Archbishop Desmond Tutu. It was a rickety Humpty Dumpty put together by a series of unethical strategies and lies ... This non-racialism without justice traps whites and blacks inside a lie mistaken for a common brotherhood and limits our understanding of what makes Sparrow-like⁹⁷ acts possible – namely ... institutionalised racism.⁹⁸

South Africa's Transition

The release of Nelson Mandela in 1990 and South Africa's subsequent democratisation was accompanied by commitments to create a non-racial and non-sexist society and, in so doing, prevent a repetition of the past. This was always going to be a formidable task given the ways that race, class, gender and sexuality were manipulated through apartheid's legal framework. But, as often occurs subsequent to regime change, mobilisation by civil society occurred to ensure gender-sensitive policies and laws were enacted. Even before the first democratic elections, South Africa signed up to the United Nation's Convention to Eliminate All Forms of Discrimination Against Women (CEDAW) in 1993, an international treaty to protect and promote women's rights which has established standards for achieving gender equality.

Ni Aoláin and others have drawn attention to the unique ways in which authoritarian regimes such as the apartheid state were repressive in gendered ways. In South Africa racial discrimination was embedded through the political and legal framework and this context had a profound impact on gender roles. Specific policies such as forced removals and influx control were intended to prevent the African population, but in particular, African women, from settling in the urban areas. There were also more subtle examples of racially motivated social control of which women were the primary victims. This was evident in the area of employment and education as well as reproductive rights. For example

there were attempts to socially engineer population growth through policies aimed at inhibiting the growth of families among the black population, while promoting larger families among the white population.

From 1994, the African National Congress (ANC) sought to demolish the discriminatory frameworks established by the apartheid government. In December 1996, a new Constitution bestowed South Africa with one of the most comprehensive frameworks for the protection human of rights in the world. It notes that: "The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth". In order to realise gender-based rights the Constitution called for the creation of a Commission on Gender Equality, whose object was "to promote gender equality and to advise and to make recommendations to Parliament or any other legislature with regard to any laws or proposed legislation which affects gender equality and the status of women".⁹⁹ Indeed Mandela made his commitment to creating a new dispensation apparent in 1995 when he noted: "as a tribute to the legions of women who navigated the path of fighting for justice before us, we ought to imprint in the supreme law of the land, firm principles upholding the rights of women. The women themselves, and the whole of society, must make this a prime responsibility."¹⁰⁰

Beyond the Constitution a number of laws and policies have been implemented to address gender issues, such as the 1998 Domestic Violence Act and the 2009 Sexual Offences Act. In addition, one of South Africa's oft-cited achievements in the representation of women in public office, which has been achieved through the ruling ANC's own quota system. Significantly while (white) women made up just three percent of parliamentarians during the last apartheid government, following the first democratic elections in 1994 the number of women increased ten-fold. By 2009 women made up 44 percent of those in the National Assembly, the third highest representation of women parliamentarians in the world, although this decreased slightly following the 2013 elections after which women held 42 percent of seats.¹⁰¹ Women are also well represented in Jacob Zuma's 2013 cabinet holding 41 percent of ministerial positions, 47 percent of which are at deputy minister level. And, at the international level, South African women now occupy highly visible and influential roles. For example Nkosazana Dlamini-Zuma has been Chairperson of the African Union since 2012 and Phumzile Mlambo-Ngcuka has been Executive Director of UN Women since 2013.

It should be noted, as Shireen Hassim and others have observed, in South Africa obligations to promote gender equality was won through "elite suasion" and "arose out of a commitment to human rights in the ANC, rather than out of a broad public deliberative process".¹⁰² Indeed we have seen the erosion of much of the gains made in the heady years of the 1990s and the increasing assertion of a heterosexist and patriarchal society under the Zuma administration. This has

created additional challenges to addressing the widespread gender inequalities in South Africa and insert gender fully into discussions on reconciliation. As such, South Africa is testament that the liberal feminist ideals of increased representation of women as key to transformation does not hold true.

Apartheid's Legacy

President Nelson Mandela was quick to identify the need to address the structural and cultural obstacles to realising gender equality in South Africa. In a speech on Women's Day in 1996 he observed:

"The legacy of oppression weighs heavily on women. As long as women are bound by poverty and as long as they are looked down upon, human rights will lack substance. As long as outmoded ways of thinking prevent women from making a meaningful contribution to society, progress will be slow. As long as the nation refuses to acknowledge the equal role of more than half of itself, it is doomed to failure"

However, despite the rhetoric, progress has been slow in addressing the profound inequalities within South African society beyond changes at the level of the law. As noted above, South Africa is the most unequal nation in the world and these inequalities remain primarily determined by race. As Human Rights Watch has observed: "despite being a middle income country, the key indicators of poverty for the African population are equal to or worse than those for much poorer countries elsewhere in Africa".¹⁰³ The international NGO has detailed how "95 percent of those in the poorest 40 percent of the population are African and 65 percent of Africans are poor, by the same measure".¹⁰⁴

To fully assess the extent of these inequalities it is important to disaggregate by race and gender since African women constitute both the lowest paid workers and the majority of the unemployed in South Africa. As Hassim notes: "poverty and inequality are deeply-gendered and inextricable phenomena and to address them as if they were not is misguided to say the least".¹⁰⁵ As many gender analysts recognise the reform or restructuring of economic and social structures is critical for reconciliation. Nonetheless, in South Africa, African women have been bearing the brunt of the increasing feminisation of poverty. Human development indicators such as those embodied in the 2015 United Nations Millennium Development Goals have, albeit inadvertently, highlighted African women's continued marginalisation. While there is now generally parity in the educational achievement of men and women in South Africa of those living under the food poverty line – defined as less than R305 per month – the majority are African women. According to the government's 2013 Millennium Development Goal Report women employees earn only 77 percent of the amount male employees earn and while 20 percent of women earned R1000 or less per month this

figure was only 10 percent among men.¹⁰⁶ Women form the majority of the country's unemployed and in 2015 only 51 percent of the female population between the ages of 25 and 54 were employed.

The 2014 National Employment Equity Report noted that in the private sector women constituted just 30 percent of Senior Management in 2013 and only 20 percent in Top Management.¹⁰⁷ These statistics were confirmed by a July 2013 report by audit firm PwC that showed that women constitute just ten percent of those on the Johannesburg Stock Exchange and on average earn 28.1 percent less than men. And although South Africa's boasts progressive reproductive health laws (over 90 percent of pregnant women have access to antenatal care) levels of maternal mortality in South Africa have increased to 625 deaths per 100000 live births in 2010. Given that the UN MDG target was 38 per 100000 live births by 2015 this figure clearly highlights changes to policies and laws alone are not enough to address legacies of inequality from the past.¹⁰⁸ It is impossible to discuss gendered statistics without acknowledging their racially skewed reality.

As discussed above, rates of gender-based violence in South Africa are both contested and extraordinary. Crimes include high incidences of sexual crimes -the South African Police Service (SAPS) received 55,000 reports of rapes in 2010 but the Medical Research Council claim that less than one in 25 rapes is reported to the police. According to Louise du Toit 40 percent of reported instances of sexual violence concern "victims younger than eighteen years of age, and 15 percent of all reported cases involve victims under age twelve. About 84 percent of child rapes and 52 percent of adult rapes involve perpetrators known to the victims".¹⁰⁹ She also notes that there is no proper record of male rape victim numbers. In addition rates of teenage male homicide are extremely high but are nonetheless similar to the numbers of adult male homicide.¹¹⁰

According to Louise du Toit, there are currently four, often problematic but not mutually exclusive, interpretative frameworks used to explain the high rates of sexual violence in South Africa. The first is that of "past-perpetrator trauma" whereby the prevalence of sexual violence is explained through rationalisations centred on "masculinities in crisis", "colonial emasculation" or "precarious masculine identities".¹¹¹ While not a justification for the current levels of violence, it is clear that during apartheid there was an acceptance of violent behaviour and, consequently, widespread toleration of gender-based violence. A study by the Medical Research Council has contended that the state-sponsored violence perpetrated during the apartheid era in conjunction with societal responses to this violence has meant: "for many people, physical violence has become a first line strategy for resolving conflict and gaining ascendancy".¹¹²

Louise du Toit notes that "social exclusion" due to socio-economic marginalisation is the second explanation for high levels of sexual violence. This locates the causal factors for sexual violence in the present rather than the past. The third explanation focuses on patriarchal politics

and particularly the backlash that has occurred as a result of the enshrinement of women's legal rights post-apartheid. Du Toit notes a final explanation that requires an interrogation of "ontological violence". She argues this approach can reveal both the perpetrator's motives of power as well as the damage suffered by victims. She suggests this provides the best explanation for understanding levels of sexual violence since it is not reductionist about masculinities and/or class and offers critical insight into accountability for sexual violence.¹¹³

Nonetheless the violence of South Africa's past cannot be divorced from the present. It is thus important to question whether South Africa in fact remains "imprisoned by its history" and what is needed for a "gender-inclusive" reconciliation. As Susan McKay observes, reconciliation should incorporate "processes which are equitable, not privileged by and for men, and which distinguish the nefarious forms of injustice women experience during and after ... conflict".¹¹⁴

Conclusion

Since reconciliation has become part of the peace-building vocabulary it is important to reflect on whose "reconciliation is being desired: by whom, for whom and what for".¹¹⁵ Despite contestations over the definition of the word there is general consensus that reconciliation should involve a variety of processes, is long-term and complex but to date, has involved "sets of claims rather than objective outcomes". As Schaap reveals, it is important not to allow the capture of reconciliation by "conservative appropriators" and instead differentiate "the concept of reconciliation from its various conceptions".¹¹⁶ As has been shown, a significant challenge to reconciliation processes remains ensuring the protection and participation of marginalised sectors of societies. A holistic concept should thus include a gender perspective and, as recent efforts at peace-building have consistently displayed, its absence compromises the process of reconciliation.

While the inclusion and participation of women in reconciliation processes is necessary, it is important to move beyond empty terms such as "gender mainstreaming" and "add women and stir". Sarah Glatte and other have noted, to date, existing unequal power relations between women and men are often perpetuated and reinforced by reconciliation processes. As a result these processes often "inhibit meaningful and sustainable" transformation.¹¹⁷ As outlined when gender issues do appear in reconciliation processes, the preoccupation with sexual violence has created a hierarchy of gender-based harms, which has led to socio-economic violations receiving limited, if any, consideration. Further, many analysts have identified that limiting gender-based violations to the rape of women obfuscates the lived experiences of affected communities that gave rise to violence in the first place.

As has been revealed above, even though women's needs and rights have been increasingly recognised through

international and national commitments, women continue to face specific socio-economic challenges in the aftermath of conflict. These include limited access to health care, education and other social facilities that are often destroyed during conflicts, or are denied under authoritarian rule.¹¹⁸ As such, Sarah Glatte contends that "the reinforcement of the public/private distinction ... has often led to situations in which political and economic structures (traditionally public) are fundamentally overhauled while the marginalisation of gender and equality concerns are reasserted".¹¹⁹

Indeed, South Africa's current unrest calls into question what is needed for a "gender-inclusive" reconciliation. Mahmood Mamdani has argued that the South African TRC missed an opportunity to influence post-apartheid discourses on reconciliation. He suggests this could have been achieved through the creation of public education campaigns "about the structural horrors and social outcomes of apartheid as a mode of governing society...to make the argument that the political reconciliation of adversarial elites could only be made durable if followed by social reconciliation of the population at large".¹²⁰ This reconciliation will be incomplete without recognising how power, race, class and gender were, and remain, related to structural and social inequalities. As a 2015 poster by the South African student movement #RhodesMustFall poignantly stated: "Dear History: this revolution has Women, Gays, Queers and Trans. Remember That".

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(Endnotes)

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² Mayesha Alam, *Women and Transitional Justice: Progress and Persistent Challenges in Retributive and Restorative Processes* (Basingstoke: Palgrave Macmillan, 2014).

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GENDER AND THE POLITICS OF RECONCILIATION

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