

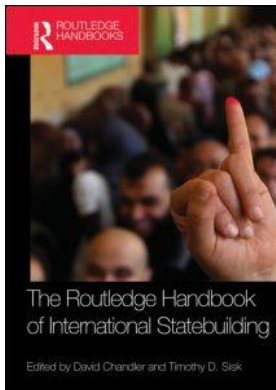
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David Chandler, Timothy D. Sisk

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Clare Castillejo

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# 3

## GENDER AND STATEBUILDING

*Clare Castillejo*

The international statebuilding agenda conceptualizes statebuilding as a deeply political process, concerned with the renegotiation of state–society relations and the allocation of power and resources. Despite this, there has been surprisingly little exploration of how statebuilding affects the gendered allocation of power and resources, or men and women’s differing relationships to the state. There has also been little analysis of how international actors can integrate gender into statebuilding support, although this issue is moving up donors’ agendas.<sup>1</sup>

### **Why gender and statebuilding?**

Fragile states tend to be characterized by high levels of gender inequality.<sup>2</sup> Women are particularly disadvantaged by the extreme poverty and insecurity, weak state institutions and services, and dominance of informal power structures found in fragile states. Moreover, in these contexts women’s relationship to the state is often extremely limited and in many cases entirely mediated by family or customary institutions.

Statebuilding can provide an important opportunity to address entrenched gender inequalities. Processes to renegotiate the social contract, redistribute power and resources and reform state institutions have the potential to strengthen women’s political and economic power, rights, and relationship to the state. Moreover, conflict itself often transforms gender relations, as women take on new roles as household heads, community leaders, combatants, or peace–brokers. Post–conflict statebuilding processes can help maintain and expand this new space.

Countries such as Rwanda and Nepal provide examples of how the integration of gender in the statebuilding agenda can strengthen women’s rights and political and economic power. However, in other contexts, such as Iraq, neither national nor international actors have prioritized gender equality within statebuilding, resulting in the reinforcement of discrimination and exclusion.

Not only is statebuilding an opportunity to promote gender equality, but a gender focus can also help international actors meet their statebuilding goals. For example, by promoting women’s full participation in statebuilding processes international actors can help achieve inclusivity and strengthen the plurality of citizen voice. The promotion of gender equality can also significantly improve economic productivity and development outcomes (World Bank, 2011). Moreover, adopting a gender lens forces international actors to move beyond a default focus on technical

institution building and engage with local and informal spheres and issues of accessibility and legitimacy.

The international community has made commitments to integrate gender into statebuilding support. United Nations Security Council Resolution (UNSCR) 1325 (2000) requires ‘women’s equal participation and full involvement in all efforts for the maintenance and promotion of peace and security.’ The 2011 *New Deal for Engagement in Fragile States* (International Dialogue on Peacebuilding and Statebuilding, 2011) states that ‘The empowerment of women . . . is at the heart of successful peacebuilding and statebuilding.’ On a policy level, the OECD Policy Guidance on Statebuilding encourages external actors to support women’s engagement in statebuilding, while many bilateral and multilateral agencies have their own policy commitments. However, in practice gender has been largely overlooked within international statebuilding support. A study on aid allocations for gender equality in fragile states demonstrates that the greater part of donor spending on security and governance in these contexts does not include any gender equality dimension and concludes that ‘international commitments to increase the participation of women in decision-making are not being supported by donors’ (OECD, 2010).

This failure to integrate gender into the international statebuilding agenda has a number of causes. Gender issues are often caught up in a broader dilemma between prioritizing stability by supporting elite-led processes and promoting genuine inclusion. In addition, work on gender equality frequently touches on sensitive issues related to family, tradition, and identity. This can provoke resistance from powerful local actors and raise uncomfortable tensions between supporting an endogenous statebuilding agenda and promoting normative values. Moreover, international support in fragile states focuses heavily on the center and on formal institutions, overlooking the informal and local realms where women act as citizens and the structural exclusion that they face.

Fundamentally, however, gender is mostly not seen by international agencies as a political issue to be integrated into the central frameworks of statebuilding. Instead gender tends to be sidelined to work in ‘social’ sectors, addressed through isolated projects that focus on women’s special needs rather than gender power relations, and disconnected from broader efforts to analyze and respond to fragility. Greater understanding is required of how gender relates to the core politics of statebuilding in fragile contexts: in particular to political settlements and political governance; security and the rule of law; citizen voice and participation; and the informal nature of power. These issues are addressed throughout this chapter.

### **Political settlement**

At the heart of statebuilding lies the political settlement. This is an agreement – mostly between elites – on ‘the “rules of the game,” power distribution and the political processes through which state and society are connected’ (OECD, 2011). Post-conflict contexts can provide an opportunity to radically transform the political settlement. As the political settlement sets the statebuilding framework, the inclusion of women’s interests in political settlements is critical if statebuilding is to deliver for women.

Evidence suggests that women are largely excluded from formal negotiations over the political settlement in fragile contexts. Key processes such as negotiating peace agreements and drafting constitutions are mostly controlled by male elites that resist women’s demands for inclusion. A UNIFEM (2010) review of women’s participation in 24 peace processes found that ‘women are conspicuously underrepresented.’ Even in contexts where women have played a significant role in bringing about political change – as in South Sudan or Egypt – they have been marginalized from subsequent discussions over the nature of the state.<sup>3</sup>

Despite exclusion from the negotiating table, women frequently influence the formal political settlement from outside. This can involve intensive lobbying during peace negotiations and constitution drafting processes. For example, women activists in North and South Sudan successfully campaigned to get women's rights recognized in the interim constitutions that followed the end of conflict. Women have also used gender equality commitments in formal frameworks to press for a broadening out of the political settlement over time. For example, in Nepal, women used constitutional commitments to equality to campaign for changes to discriminatory citizenship and property laws.

The political settlement is not simply determined by formal frameworks. In fragile states informal 'rules of the game' play a crucial role and women typically have very little influence over these rules. Therefore, even where women's interests are included in the formal political settlement this may not be matched by a real shift in power relations. For example, in Guatemala an inclusive peace process resulted in comprehensive constitutional rights for women and a range of institutions to promote gender equality. However, there has been little change in exclusionary power relations within Guatemala, making this formal framework for gender equality in practice meaningless.

The statebuilding literature generally presents political settlements as gender-neutral. However, there can be a close connection between the distribution of political power and patterns of gender inequality. In such cases promoting a political settlement that includes women's interests is particularly challenging. A clear example is Afghanistan, where women's rights have historically been caught up in contests between different political forces and their international backers – from the Soviet-backed regime to the Taliban. Kandiyoti (2005) argues that the issue of women's rights 'continues to occupy a highly politicized and sensitive place in the struggles between contending political factions in Afghanistan.' Another example is Burundi, where elites blocked legislation to grant women inheritance rights, which is required to meet constitutional gender equality commitments. Burundian elites use land ownership to maintain power and buy patronage. Inheritance rights for women would significantly alter land distribution patterns and threaten a political settlement based on exclusionary land ownership (Gahungu and Kazoviyo, 2011). In both cases women's rights are presented as threatening 'tradition,' when in fact they threaten certain power interests.

There is increasing international focus on promoting 'inclusive' political settlements, as necessary for long-term stability. In practice international actors mostly have little influence over who shapes the political settlement. However, even where they do have influence, international actors often fail to promote women's inclusion in political settlement negotiations. This is partly because of an emphasis on 'bringing in' those who can threaten the state, as well as limited awareness of the importance of women's participation.

One such example is Kosovo, where the powerful United Nations Mission failed to promote women's participation in the peace processes or give women leadership roles within its own structures. This resulted in women's representatives being excluded from negotiations on the Comprehensive Proposal for Kosovo Status Settlement. However, where the international community does promote women's participation, this can make a significant difference. For example, high-level participation by women in the internationally supported Kenya National Dialogue and Reconciliation process led to the inclusion of women's views and interests throughout the process (McGhie and Wamai, 2011).

As international actors further develop their approaches to inclusive political settlements, women's inclusion is likely to move up their agenda. Existing experience provides some lessons for the international community on promoting political settlements that include women. Firstly it is clear that women's participation in top-level political settlement negotiations can make a

real difference. It is important that international actors seek ways to incentivize elites to include women in negotiations, as well as support women's demands for inclusion. Moreover, formal expressions of the political settlement within peace agreements and constitutions establish the framework within which women can make future demands on the state. International actors can press for strong references to women's rights within these agreements and support activities to disseminate and implement them.

Beyond promoting women's formal participation, international actors should analyze the relationship between the political settlement, elite interests, and gender inequalities. This can help them to understand resistance and identify opportunities. However, it can involve asking uncomfortable questions about 'tradition' and whose interests it represents. Finally, it is important to recognize that women's formal inclusion can be meaningless if exclusionary informal 'rules of the game' are not addressed. While international actors inevitably focus on formal institutions, support for formal change must be accompanied by efforts to transform underlying power relations.

### Political governance reform

Statebuilding in fragile contexts often involves political governance reform, frequently through internationally supported democratization processes. Democratization provides an opportunity to dramatically increase women's formal political participation, as seen in a wide range of contexts from East Timor to South Africa. However, it must be recognized that democratization is not automatically positive for women. In Egypt democratization has resulted in women being pushed out of public life and the empowerment of conservative political forces.<sup>4</sup>

The international community strongly promotes the adoption of parliamentary quotas for women within political governance reform. As a consequence many fragile states have comparatively high levels of female representation. In countries such as Rwanda and Nepal, where quotas are part of broader efforts to empower women, they have contributed to a more gender-responsive state.<sup>5</sup> However, in many contexts – from Pakistan to Uganda – women's increased political participation through quotas has not translated into substantive influence. Feminist critics increasingly question the international community's assumptions about the impact of quotas. For example, Goetz and Musembi (2008) call for a realistic assessment of what quotas can achieve in contexts of patronage.

There are various reasons why quotas fail to have policy impact. Despite increased numbers in the legislature, women are often not given decision-making roles within the executive or key committees. For example, women constitute 27% of the Afghan parliament but have very limited representation within cabinet and the high-level policy-making bodies that take decisions about security, counter-narcotics, and development (Borchgrevink et al., 2008). Evidence also suggests that women elected through quota systems often do not champion gender issues. This can be both because political parties deliberately select socially conservative female candidates and because new female parliamentarians are unwilling to challenge party leaders. As Cornwall and Goetz (2005) point out, 'winning and keeping office can be contingent on downplaying feminist sympathies.' However, it must be recognized that in many fragile contexts quotas have only recently been adopted and it may take time for their policy effects to be felt.

Despite these challenges, quotas are undeniably important in increasing women's political voice and changing perceptions about their public role, particularly given the serious structural barriers that prevent women from entering political institutions in many fragile states. These barriers often relate to the specific nature of post-conflict politics, where stakes are high and politics is personalized and characterized by insecurity and patronage (Maley, 2004). In

some fragile contexts women also lack political capacities and face social stigma for taking on a public role.

Political violence is common in fragile contexts, and women candidates are particular targets. For example, in Sierra Leone female candidates are harassed by male ‘secret societies,’ while in Afghanistan they face threats from male candidates and insurgents (Kellow, 2010; Human Rights Watch, 2010). Women are also disadvantaged by corrupt and clientist politics in many fragile states, as they have limited ability to offer financial bribes or mobilize patronage networks. Moreover, in contexts where customary leaders mobilize votes, their objection to women’s political participation is a serious obstacle.

Political parties are a key gatekeeper to women’s political participation. In fragile contexts political parties are typically highly personalized around male leaders and do business through informal networks that women cannot access. For example, Guatemalan female politicians describe how political parties are ‘owned’ by leaders, have no mechanisms for collective decision-making, and are continually reconstituted in response to new opportunities for power (Alamilla and Quintana, 2010). Women members are rarely given leadership roles within such parties. They are frequently sidelined within a ‘women’s wing,’ whose role is to support male leaders rather than influence the policy agenda.

Despite the problematic nature of political parties in fragile states and their critical role in mediating citizen engagement with statebuilding processes, they receive little international attention. Wild and Foresti (2010) note that donors are cautious about engaging in this highly sensitive area and that international support usually involves top-down technical assistance based on an ideal of what a political party should be. This typically includes promoting electoral quotas and providing capacity development for women members, but not addressing the exclusionary power structures and lack of internal democracy that keep women marginalized within parties.

In order to fully seize the opportunities provided by political governance reform, international actors must understand the specific gender challenges of politics in fragile contexts. They must also move beyond a limited focus on quotas and elections and adopt a broader range of measures to promote women’s political influence. These would certainly involve getting women elected, but also equipping women to act effectively once in office, supporting coalition building among women politicians, linking women politicians with women’s civil society movements, and promoting the inclusion of women in the executive.

Critically, the international community should strengthen its engagement with political parties. This requires dialogue with male party leaders on gender equality issues; supporting women party members to promote a gender equality agenda; and addressing sensitive issues of party democracy and decision-making. Moreover, support for reform of political institutions should be combined with addressing the structural barriers to access that women face; for example, by addressing violence toward women candidates, the economic cost of participation, or stigma against women in public life.

### **Legal and justice reform**

Establishing the rule of law is a statebuilding priority and significant international support is provided for legal and justice reform in fragile contexts. This support usually includes some measures to improve women’s rights and access to justice. In order for such measures to be effective, an understanding is needed of how struggles over women’s rights relate to broader power interests.

Constitutional reform often enshrines new rights for women, including to equality. However, such reform tends to create gaps between women’s constitutional rights and the reality of national

laws and justice institutions. Whether the state undertakes legal and justice reform to close this gap can depend on the relationship between gender inequalities and the broader political settlement. Closing this gap frequently requires expanding state jurisdiction over personal and family issues that are often delegated to customary or religious authorities. This means challenging the notion that these are ‘private’ or ‘cultural’ issues and redefining them as areas in which citizens have rights. International actors can provide critical support to women’s campaigns for the realization of their constitutional rights.

Sierra Leone and Sudan provide contrasting examples of how women’s rights can be related to broader power interests. In Sierra Leone women’s rights are caught up in a power struggle between formal and customary authorities (Castillejo, 2008). In 2007 the government enacted legislation that gave women formal rights on a range of personal status issues previously under customary jurisdiction. This legislation both realized women’s constitutional rights and was part of a broader agenda to extend formal state authority. Chiefs have resisted these reforms, which undermine their authority, revenue-raising ability, and the balance of power between formal and customary institutions.

While in Sierra Leone the extension of women’s rights increased formal state power, in Sudan the restriction of women’s rights serves the regime’s interests. Since 1989 the regime has strengthened sharia as the main source of law and appointed highly conservative judges. Women’s rights have been severely curtailed by this Islamicization of the law (Tønnessen and Kjøstvedt, 2010). The new interim constitution provides some limited rights for women, and women have used this constitution to lobby for the repeal of discriminatory laws.<sup>6</sup> However, the regime is unwilling to close this legal gap and is instead reinforcing conservative ideology to consolidate its power following the South’s secession.

International statebuilding support often contains a strong emphasis on reforming justice institutions and improving access to justice. In fragile contexts women can face particularly severe barriers to accessing formal justice institutions because of their socioeconomic marginalization. These barriers include cost, language, travel, lack of education, limited awareness of their rights, and social stigma. In many cases they result in women using discriminatory customary justice institutions, even where reform has brought them new formal rights. International efforts to strengthen justice institutions therefore need to be combined with initiatives to address the socioeconomic barriers to access experienced by women. One option is the establishment of community-level paralegal committees, as seen in Nepal (El-Bushra et al., 2012). These have served women’s basic justice needs, although there are questions over their sustainability and connection to formal justice institutions. Such initiatives must support women’s access to formal justice rather than relegate their claims to informal justice mechanisms.

Even where significant international support is provided to the formal justice system, in many fragile contexts customary justice institutions continue to be the main provider. Justice reform programs must therefore engage with both formal and customary justice actors, promoting women’s rights and seeking to strengthen links between the two arenas. There are some interesting examples of such internationally supported initiatives, such as Sierra Leone’s Justice Sector Development Programme.

### **Security sector reform**

Security sector reform (SSR) is a priority area for international statebuilding support. This support has traditionally focused on state security and paid little attention to gender issues. However, both UNSCR 1325 and the growth of human security approaches have led to an increasing international focus on the security of women citizens.

Men and women often have very different security needs in fragile contexts. For example, research in Liberia found that women's immediate security concerns relate to gender-based violence in the home and community (Onslow et al., 2010). Recent years have seen an increase in internationally supported initiatives to address women's security needs. According to El-Bushra et al. (2012), such initiatives typically involve increasing the number of women in security agencies, creating specific police facilities for women, addressing women's needs in DDR, and addressing displaced women's needs. However, Schoofs and Smits (2010) argue that women's security is still frequently marginalized within SSR. They describe how sexual violence has received little attention within SSR in Democratic Republic of Congo, despite being a major threat to women's security.

While SSR initiatives often improve security agencies' responsiveness to women, they rarely promote the inclusion of women in decision-making about security. For example, SSR in Kosovo included recruitment of women into the police and establishment of special police units to address domestic violence and trafficking. However, the Kosovo Security Council blocked women's civil society organizations (CSOs) from participating in drafting the Kosovo Security Strategy (Qosaj-Mustafa, 2010). Similarly, police reform in Burundi involved the recruitment of female police and the establishment of provincial-level gender focal points. However, women police officers face widespread harassment by male colleagues and are unable to enter senior management roles because they lack formal educational qualifications.

International actors supporting SSR tend to address women's security through discrete projects rather than by mainstreaming gender throughout security analysis and planning. This can result in overlooking the ways that women's insecurity relates to gender power relations in society, as well as to the broader dynamics of fragility. For example, in Sudan domestic violence trends were linked to DDR processes and changing gender relations following conflict, but donor approaches to domestic violence have not acknowledged this link (Domingo et al., 2011). Likewise, high levels of gender-based violence in Guatemala and Mexico are connected to broader patterns of fragility, including political and social exclusion, weak rule of law and widespread drug and gang crime. The response to this violence must therefore be situated within a holistic approach that addresses these multiple aspects of fragility.

The leading role taken by international actors in many SSR processes could offer an opportunity to promote a gendered approach. However, awareness of gender issues remains limited within the male-dominated international security community. While progress is frequently made in strengthening security agencies' responsiveness to women, far more focus is required on transforming security institutions to allow women to enter decision-making roles. Increased attention must also be given to the socioeconomic barriers that prevent women from accessing security services. Critically, international actors should integrate gender into security analyses and engage more with women's CSOs. This can improve their understanding of the relationship between women's insecurity and the broader context and their response to women's security needs.

### **Women's voice through civil society**

Support to civil society is a central element of the international statebuilding agenda and international actors often provide significant support to women's CSOs. Ensuring that this support promotes a representative women's voice that can engage with broader statebuilding processes requires an understanding of the nature of women's civil society in fragile states and the impact external funding has on it.

Women frequently mobilize in unprecedented ways during conflict, to campaign for peace and for their interests to be included in post-conflict political settlements. In some contexts, such



as South Sudan, this can be the first time women have mobilized to make political demands. Women's civil society can also play a role in brokering peace, as the Mano River Women's Peace Network did in Liberia, Sierra Leone, and Guinea. However, women's activism often decreases substantially following the consolidation of peace. This appears to be both because the motivating factor of conflict has gone, and because women's activism becomes formalized into CSOs that compete for funds in the post-conflict aid environment. For example, although Kosovan women activists, politicians, and academics jointly lobbied to demand inclusion in negotiations on Kosovo's status, they no longer work together and their relationship is characterized by mistrust (Qosaj-Mustafa, 2010).

Cornwall and Goetz (2005) suggest that donor support for civil society creates 'new democratic spaces' in which women can pressure the policy process from outside formal political institutions. This seems to be particularly true in post-conflict contexts where there was previously little space for women's political activity. Castillejo (2011) describes how in Sierra Leone, South Sudan, and Burundi donor funding for civil society following conflict has provided women with resources, training, and networking opportunities and led to the development of a range of women's CSOs. Women's CSOs tend to play a variety of roles in fragile contexts including providing services; raising awareness on gender issues; mobilizing women to engage in political processes; representing women's interests in policy debates; and lobbying for political and institutional reform.

In some fragile contexts women can take on leadership roles within civil society without facing the hostility and obstruction found within formal politics. This is partly because civil society is a newer space with fewer links to traditional power and patronage relations, making women's participation less threatening. Civil society activism can therefore provide an important route for women to build up a political profile and enter formal politics without having to come up through political parties. For example in the Philippines, women's civil society alliances have provided a stepping stone for women to get elected and bring a feminist agenda to parliament (UNIFEM, 2008). The flourishing of post-conflict civil society as a space for women's political action often contrasts sharply with the exclusionary nature of formal politics.

A major challenge for international actors is that mainstream women's CSOs are often unrepresentative and dominated by elite women with little connection to grassroots communities. This is unsurprising, as in most fragile contexts only elite women have access to education and resources. However, in many cases more rooted, local-level women's organizations do also exist. These organizations tend to be less visible and attractive to international funders because of lack of connections, limited institutional capacity, and inability to speak 'donor language.' This situation can result in international support strengthening elite women's voice at the expense of other women's perspectives.

Issues of representativeness are particularly complicated when women's civil society is divided along the identity, ideological, and political cleavages that affect broader political society. This creates challenges for international actors in negotiating diverse women's agendas. For example, women's civil society activism in Nepal is largely based on community identity, with Dalit women mobilizing around caste discrimination, Madhesi women around language and customary practices, and Janajati women around access to services (El-Bushra et al., 2012). Through long-term engagement, donors have helped these diverse women's movements to build national-level advocacy coalitions. In contrast, donors in North Sudan have mostly not recognized the plurality of the women's movement and its relationship to wider ideological positions. Women's CSOs in North Sudan are divided into those with a secular pro-democracy agenda, those with an Islamic pro-democracy agenda, and those with a conservative Islamic agenda. However, international actors have mostly operated as though there were one unified women's voice and set of interests (Domingo et al., 2011).

International funding for civil society is undoubtedly vital in enabling women to mobilize and influence statebuilding in fragile contexts. However, the way that donors provide funding can skew the priorities of women's activism, as informal women's networks become formal NGOs that respond to donor agendas. International actors are generally reluctant to provide core funding to women's CSOs, preferring to offer short-term project funding. This makes it difficult for CSOs to develop their organizational capacity or political agenda. Instead they develop projects that respond to donor priorities rather than constituents' interests and which are frequently both apolitical and unsustainable. Moreover, donors' preference for channeling funding through a handful of capital-based, English-speaking women's CSOs enables these CSOs to control the national women's civil society agenda.

International efforts to promote women's voice in statebuilding can be strengthened by greater engagement with the complexity of women's civil society. This involves listening to a range of women's perspectives and avoiding preconceived ideas of women's interests. It also requires combining support to elite women's CSOs with support to grassroots organizations that may not speak donors' language or share their agenda, but can genuinely represent local women. A priority for donors should be to link grassroots women's organizations into statebuilding debates and processes.

In order for women's civil society to flourish in fragile contexts, CSOs require sustained core funding that allows them to build political capacity and an independent political agenda and avoids diverting them into service delivery. Support is also required to strengthen alliances across different types of women stakeholders, including those alliances developed during conflict. Recognizing that civil society can provide an alternative route for women to enter formal politics, more emphasis is required on developing leadership skills and particularly political capacities among young non-elite women activists. In fragile contexts, where young people may have very different experiences and aspirations to current leaders, it is vital to develop a broader spectrum of future women leaders.

### **Informal power and customary institutions**

The statebuilding literature acknowledges the importance of informal power in shaping political and social dynamics in fragile states. However, international actors rarely engage with the informal institutions and practices that are so central to both statebuilding processes and gender relations. This is unsurprising given their mandate, the sensitivity of work in informal arenas, and the limited entry points for such work. However, the result is to overlook the role of informal structures in mediating women's participation in statebuilding and limiting progress toward gender equality. Women's ability to act as citizens and engage with the state is particularly restricted by two different – but frequently related – types of non-formal power. These are the power of informal networks within formal institutions, and the power of customary institutions.

Formal political institutions in fragile states tend to be dominated by informal power relations and networks, with decision-making based on personal relationships rather than formal rules. Women are disadvantaged in multiple ways by such informality and patronage. First, women within formal institutions frequently find themselves excluded from the male networks and spaces where decisions are made. This prevents women from converting formal inclusion into actual influence. For example, in Kosovo and Burundi women politicians complain that important political decisions are made by small groups of male colleagues in bars (Castillejo, 2011). Second, women – and marginalized men – making claims on formal institutions are particularly disadvantaged when formal rules do not apply and patronage relations or informal payments are required to gain access or receive services. Third, informality poses a challenge for women's

movements seeking to influence policy. For example, Tadros (2011) points out that in Jordan and Egypt, ‘policy influence heavily relies on informal relationships rather than strictly formal citizen–state engagements.’

Building a state that is responsive to women requires engaging with the ways in which informality shapes formal institutions and the gendered impact of this. International support for institutional reform should go beyond formal structures and address practices of power within state institutions. This can include supporting women to highlight and challenge the informality they encounter within political, judicial, and administrative institutions. In addition, applying a gender lens to broader work on corruption, patronage, and accountability would be particularly valuable, as these governance challenges have specific implications for women.

Customary institutions tend to be very powerful in fragile contexts and have particularly extensive control over women’s lives. These institutions often play a central role in maintaining societal gender norms and have authority over issues of importance to women, such as personal status laws and access to community resources. In addition, they may be the only authority that women can access. Evidence suggests that many – although not all – customary institutions discriminate against women and maintain traditional patterns of social and economic exclusion (Economic Commission for Africa, 2007). This makes their substantial power problematic for an inclusive statebuilding agenda. However, it must be recognized that customary authorities can sometimes deliver outcomes that benefit women, such as rapid and accessible dispute resolution or customary leadership positions for senior local women.

Customary institutions can play a key role in mediating women’s relationship to the state and participation in statebuilding processes. Customary leaders are often responsible for representing community interests in dialogue with formal state actors or international donors. Given the patriarchal nature of most customary institutions, this can result in women’s interests being inadequately represented and their needs remaining unmet. Customary institutions can also be critical in facilitating or blocking women’s access to state institutions and services. For example, in Liberia and Sierra Leone some customary authorities prevent women from seeking justice through formal courts, while in Afghanistan and Pakistan religious authorities sometimes prevent women from accessing education and health services.

The international statebuilding literature suggests that support for hybrid orders that combine formal and customary structures can enhance stability and state legitimacy in fragile contexts. However, such an approach can also formalize and further entrench the exclusion of women and other marginalized groups. While it is important that international actors engage more with customary authorities, this engagement must acknowledge the gender implications of customary power and seek to promote women’s rights. There are some interesting examples of internationally supported initiatives to promote gender-sensitive reform of customary institutions, such as work with traditional leaders in Kenya to establish new customary land rights for women (Chopra, 2007).

There are often complex linkages between formal and customary power in fragile settings. Customary structures frequently dominate formal politics and can be the basis for informal patronage networks within formal institutions. In some fragile contexts customary institutions can determine who gets elected, in whose interests the law operates, and how state resources are allocated. This interdependency between formal and customary institutions has serious gender implications. It can result in the customary exclusion of women being carried into the formal sphere and in discriminatory customary institutions being strengthened through state support. International actors should therefore be cautious of any statebuilding processes that reinforce this customary–formal interdependence. For example, in Pakistan’s Federally Administered Tribal Areas (FATA) the central state uses tribal leaders as an intermediary to maintain control over the

population and represent state interests. This serves to reinforce these customary power structures, which are both highly discriminatory toward women and a source of deep local grievance (Vira and Cordesman, 2011).

## **Conclusion**

It is clear that statebuilding can provide an opportunity to address deep-rooted gender inequalities within the state and in state–society relations. However, such change is often fiercely opposed by political and traditional elites, whose interests it can threaten. Evidence suggests that international actors are not taking full advantage of opportunities to promote gender equality within political, institutional, and social change processes in fragile states. While they frequently support a range of gender initiatives, these are mostly not linked to the broader statebuilding agenda, have a technical rather than political focus, and are discrete ‘gender’ projects rather than genuine mainstreaming.

The international statebuilding community needs to understand gender as a political issue. This involves asking how gender inequalities relate to the political settlement and broader patterns of power and resource allocation. It also involves examining how arguments about ‘tradition’ represent particular power interests and how gender inequalities relate to aspects of fragility such as violence, poverty, and corruption. Developing this understanding requires the adoption of a political economy approach to gender analysis, as well as greater integration of gender issues into existing political, conflict, security, and economic analyses. The development of gender awareness across key statebuilding sectors – such as security – is critical.

It is vital that international actors champion women’s interests with the most powerful actors and at the most critical moments in the statebuilding process, rather than making gender an ‘add-on’ after political deals are done. This involves proactively promoting women’s participation in negotiations around the political settlement. The international community must also broaden and deepen its support for women’s political participation. This requires addressing the multiple barriers women face to both access and influence within political institutions, as well as engaging more robustly with political parties. International work on gender in fragile contexts currently focuses heavily on institutional reforms, service delivery, and technical assistance. These are important, but their impact is limited if women cannot participate at the highest political levels or shape the policy agenda.

Economic, social, and cultural barriers emerge as a major factor preventing women from taking advantage of the new opportunities offered by statebuilding. These include barriers related to poverty, human capability, and social attitudes, as well as barriers related to the political culture in fragile states. International actors should therefore combine support for institutional reform with a focus on strengthening women’s socioeconomic position and political capacities. A holistic approach to women’s rights can highlight the ways in which women’s lack of economic and social rights limits their access to civil and political rights in fragile contexts.

Sustained support for women’s voice is critical if women are to influence the statebuilding agenda. Such support should foster broad coalitions across civil society, politics, and public institutions. It should also support these coalitions to develop their own policy agenda, to become effective political actors, and to engage with political and institutional change processes. This requires that international actors work with a much wider range of partners, including grassroots women’s organizations. Donors also need to move beyond a model of technical support and project funding, to provide core funding and political capacity building in order to develop sustainable and politically effective women’s organizations. Given the weakness of women’s civil society in fragile settings, international actors must tread carefully to avoid dictating its agenda.

Perhaps the biggest challenge for the international statebuilding agenda is how to address the informality of power in fragile contexts. The promotion of inclusive statebuilding – and particularly women’s inclusion – requires international actors to increase their work in this sensitive and difficult-to-access area. As a starting point the international statebuilding community must enhance its understanding of how informal and customary power shape both statebuilding processes and gender inequalities in different fragile contexts. Ultimately, however, international actors need to take more risks in working with informal institutions, as well as provide greater support for women’s political and civil society to engage with them.

### Notes

- 1 There are some new initiatives under way to strengthen gender approaches within international statebuilding support, most notably by the OECD and DFID.
- 2 For example, all members of the G7+ group of conflict-affected countries included in the 2011 UNDP Gender Inequality Index rank extremely high, with the exception of Burundi.
- 3 In South Sudan women participated as fighters in the Sudan People’s Liberation Army, while in Egypt women were active in the revolution that ousted the Mubarak regime. In both countries women were excluded from processes to draft the interim constitution that followed regime change.
- 4 Following the 2011 revolution Egyptian women were excluded from the committee to draft the interim constitution, parliamentary quotas for women were removed, and women participating in political protests are increasingly subjected to violent attacks.
- 5 In both Rwanda and Nepal post-conflict statebuilding involved a range of measures to promote gender equality, including economic empowerment, legal reform, and gender budgeting.
- 6 The 2005 National Interim Constitution states that ‘The equal rights of men and women to the enjoyment of all civil and political rights and to all social, cultural and economic rights . . . will be ensured.’

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