

August 2010

PhD programme – Diversity Management and Governance

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**Is the UNSCR1325 on Women Peace and Security
a mean for women's empowerment?**

Tags: rights // discrimination // protection // peace process // gender // land rights

This paper intends to explore if in some cases of national implementation processes of the first UN Security Council Resolution on Women, Peace and Security, the n. 1325 of 2000 (the International Year for the Culture of Peace, in UNESCO's agenda), the configuration of women's access to land has been considered - at the policy level, leaving an evaluation of impact for a further study. The leading question intends to understand what type of female subjects the different policies implementing the resolution keep into focus and envision, on the continuum that goes from women as victims of war to be protected from violence to women as part the conflict and as bearer of fundamental rights (among which the right to security) which can be only enjoyed in a legal setting - with implication on the socio-economic level - in which no gender discrimination exist.

In particular the focus will be on those developing countries which have prepared and approved a National Action Plan (NAP) for the implementation of the resolution, which to date are:

- 1. Cote d'Ivoire (January 2007)**
- 2. Uganda (December 2008)**
- 3. Liberia (8 March 2009)**
- 4. Sierra Leone (March 2010)**
- 5. Rwanda (July 2010)**

The only other country among developing ones that has prepared a NAP is Chile (NAP launched on 3 August 2009), but it will not be covered in this paper.

Background

On 31st October 2000 the first Security Council of the United Nations resolution on the need to involve women in peace negotiations was unanimously approved. The key concepts contained in it started to finally coagulate few months before in Windhoek, Namibia, during a workshop organized by the Lessons Learned Unit of the Department of Peacekeeping operations (29 – 31 May 2000). The workshop, hosted by the Government of Namibia, produced a final declaration and was the occasion for the launch of the "Namibia plan of action on Mainstreaming a Gender Perspective in Multidimensional Peace Operations", transmitted officially by the Permanent representative of Namibia to the UN on the 12 July of the same year.¹ The previous five years had seen a growing debate around women's participation based on the Beijing Platform. And just weeks after the Namibia workshop the XXIII General Assembly on "Women 2000: gender equality, development and peace for the twenty-

¹ A/55/138-S/2000/693, Letter to the General Assembly Security Council, 14 July 2000

first century" took place at the United Nations Headquarters in New York from 5 June to 9 June 2000. It adopted a Political Declaration and outcome document entitled "Further actions and initiatives to implement the Beijing Declaration and Platform for Action"².

Focus of the analysis and its legitimacy

This paper assumes that the outcomes of this resolution should be evaluated on the actual high level policy changes that governments inscribed in their NAP for reducing gender divide and inequalities in postconflict, rehabilitation and reconstruction settings. If quantitative indicators of women's participation in consultation, negotiation and official positions within peace process is a measure of change, and it is included in the list of proposed indicators to monitor the application of the resolution, a deeper sign of change towards less discriminatory legal framework could more cogently be found in the presence (or absence) of reference to land issue and right to land for women in postconflict processes which are looking forward reconstruction.

In a recent speech of Ambassador A.K. Chowdoury it is proposed a critique to the set of indicators to monitor resolution 1325 proposed by the Secretary General on 22nd of March 2010. In the speech the list of percentage indicators is considered somehow not relevant (beside being unrealistic, because there are no structure in place in many of the concerned countries to capture that information), but mostly not capable to capture if changes are happening at policy level:

“50% of the indicators relate to numbers, percentages and indices that would present the statistical rather than real life change in situation on the ground. These indicators fail to underscore the importance of policy change and policy orientation that could trigger real action for implementation. Some indicators ask for information that is not available realistically in conflict affected countries.”³

It is also proposed, in a different approach, that among the other actors (SG, International organizations and Donors, National Governments) also civil society and Universities too develop research and understanding of the potential of the resolution and of its real impact:

“(g) Universities and other academic institutions, relevant research organizations and think tanks should be encouraged to expand the knowledge base for 1325 in all its implications. University for Peace can take the lead in this process.”⁴

² A/RES/S-23/3, General Assembly, *Further actions and initiatives to implement the Beijing Declaration and Platform for Action* [on the report of the Ad Hoc Committee of the Whole of the Twenty-third Special Session of the General Assembly (A/S-23/10/Rev.1)], 16 November 2000

³ Ambassador Anwarul K. Chowdhury, *Doable Fast-Track Indicators for Turning the 1325 Promise into Reality*. Speech pronounced at the working meeting on 1325 on 27 July 2010 at the United States Institute of Peace, Washington DC.

The Ambassador Chowdhury, currently UN Under-Secretary-General and High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States, took the initiative as permanent representative for Bangladesh to the UN for the adoption of a statement by the Security Council on 8 March 2000 as its President on women, peace and security that served as one of precursors to 1325.

⁴ Ibid.

The shift of focus from what is often reported to be the main objective contained in the 1325 – improve participation of women in peace processes – to land tenure and gender can seem too extreme and charged with political content. But in the action plan for the implementation of the resolution 1325⁵, disseminated five years after the resolution itself, there are clear indication that the horizon of the document is women’s empowerment and not just protection⁶. It is the action plan itself that suggests the relevancy of observing real policies affecting women’s entitlements framework at national level are debated and eventually approved as part of the implementation of UNSCR1325. Nevertheless, in the workplan itself the different objectives stated for each UN entity do not touch on entitlements issues with a gender perspective, limiting to require employment to women.

In the publication *Gender Resource Package for Peacekeeping Operations*, published on 2004 by the Peacekeeping Best Practices Unit of the DPKO⁷, the relevance of access to land in a gender sensitive peace process is clearly marked. It is connected in the multidimensional operations with the components demobilization, civil affairs, and in recovery initiatives⁸

On the other side, land reform and land access is not a key topic of consideration by the “Resolution Watch”, tool set up in the website peacewomen.org created by the Women’s International League for Peace and Freedom (WILPF)⁹, which is intended to track “all language dealing with women and gender in the Council’s resolutions addressing all current and upcoming peacekeeping operations since the adoption of Resolution 1325 and is updated whenever a new resolution is issued”.

Then, last but certainly not least, In November 2003 the final report of the consultation to define the requirements for peace agreements to be able to promote gender, clarifies:

“It is therefore essential that every peace agreement addresses directly and specifically the socio-economic issues relating to the enjoyment of economic, social and cultural rights by women. In order to do this, all actors involved in the peace process and negotiations of a peace agreement must insist on the preparation of a national socioeconomic profile with sex disaggregated data. Such a profile should serve as the basis for the development of socio-economic policies and programmes in the areas of health; education; adequate standard of living; land and property; economic aspects including work, labour and social

⁵ S/2005/636, UN Security Council, *Report of the Secretary General on women peace and security*, 10 October 2005. The report was produced upon request of the Security Council, through the presidential statement S/PRST/2004/40

⁶ “The strategies and activities in the action plan should result in measurable improvement in the United Nations system’s contributions to the empowerment of women in conflict areas.”, *ibidem*, ch. 19.

⁷ During the current year, within the larger peacekeeping reorganization process, the Unit changed its name to “Peacekeeping Lessons Learned Unit”.

⁸ In the section dedicated to project cycle for recovery, in the “Project identification and formulation” phase it is recommended to also include gender equality objectives and to adopt appropriate indicator as women’s access to land.

⁹ WILPF is an NGO accredited to the ECOSOC of UN; it introduces itself as:

security; and nationality.”¹⁰

Land tenure security as a mean of protection

Land tenure security for women in the perspective of poverty reduction, reduction of vulnerability (and -as a likely consequence- reduction to sure exposure to sexual exploitation/violence) and not just country development, is an issue that multiple UN bodies deal with. Three of them are more structurally embedding the issues in their mandates: IFAD, UNEP and UN Habitat. By land tenure it is here understood the bundle of social relations that define who can use which plot of land and for what. It is considered a system being the relations connected with other societal structures, and being affected by changes in other social institutions.¹¹

The framing of access to land as a right, and the labeling of any restriction on the basis of sex as discriminatory, was stated clearly since 1994 from the Committee on the Elimination of Discrimination Against Women, in these provisions in General Recommendation No.21 (1994).

In 1997, the UN Sub-Commission on the Prevention of Discrimination and the Protection of Minorities passed a resolution on "Women and the Right to Adequate Housing and to Land/Property".

In February 1998 UNCHS (UN Habitat) jointly with UNIFEM, UNDP, UNHCR and with the UN Centre for Human Rights, organized in Kigali, Rwanda, the “Inter-Regional Consultation on Women's Land and Property Rights in Situations of Conflict and Reconstruction”¹². From this Consultation emerged the Kigali Plan of Action which connects recommendations for increasing women’s participation in peacemaking and the issue of right to lands. The objective are formulated separately, but in sequence at the points 20 and 21:

“20. Mobilize resource and policy support for women's productive development of land to which they have rights, i.e. not just for subsistence agriculture but for housing, production and economic empowerment (Private sector and development agencies).

21. Disseminate information on actions of local women's group for conflict prevention and peacemaking and support their work through networking (Women for Peace Network).

Then the point 23 bridge post-conflict reconstruction and land rights, but does not label any of the activities with the expression “peace-“:

“Raise support for research and exchange of knowledge and experience on post-conflict reconstruction and women's access and rights to land and housing (Academies etc...).”

¹⁰ Report of the expert group meeting on “Peace agreements as a means for promoting gender equality and ensuring participation of women – A framework of model provisions”, Ottawa 2003

¹¹ This definition draws from Susana Lastarria-Cornhiel, “Impact of Privatization on Gender and Property Rights in Africa”, in *World Development* (1997) Vol. 25, No. 8, 1317, 1317.

¹² The Consultation was held on 16-19 February 1998, was organized jointly by UNIFEM, UNCHS (Habitat), UNHCR and UNDP with the financial support of Sweden, DANIDA and CIDA. The consultation was hosted by the Rwandese Government.

The proceedings of that conference report speeches and testimony, and present issues of land tenure faced by women and poor populations in many countries. The Plan of action that is reported has a section for National Government in which 3 over 8 points focus on the need to address land tenure and agrarian reform for increasing gender equality, while other two refer to peace processes and to the need of having more women involved in negotiations.¹³

A document produced by UN Habitat in 1999 (as the first of a series from the Global Campaign to secure Land Tenure) on the same topic seems to contain the boldest statement on the need to connect land tenure reforms with peace processes ensuring higher participation of women for an effective advancement reducing gender gap.

More equality is there in turn considered as itself a measure for preserving peace.

This report clearly states as its main recommendation that:

“Women and women’s organizations must be included in the negotiation of peace agreements and in the reconstruction process from the outset. New laws related to land, housing and property, drafted in the reconstruction period, must include specific provisions which recognize and protect independent rights to land, housing and property for all women. Accessible and independent enforcement mechanisms must be created (...). National organizations must explore strategies for effecting cultural change. Women’s organizations and others must monitor government compliance with international legal obligations. United Nations agencies and other international agencies must re-examine their programmes through a gender lens and then coordinate and restructure their efforts.”¹⁴

In this document it is spelled out how -beyond the difficulties in times of peace caused to women by customary laws which are still observed despite the presence of statutory laws ensuring better rights to women- in conflict situation women have even less land tenure security due to: 1) the overall difficulties in accessing food and goods; 2) their broadly experienced condition of internally displaced or of refugee, to which many women without the men serving in the army are compelled; 3) when they return after a conflict, they might experience a worse condition if they lost their spouse, with other male relatives ready to compete and usurp their rights. Nevertheless, the crisis can be seen as a opportunity for those oppressed by the previous system, mostly thank to the awareness developed through acting new roles while taking care of never faced before tasks and challenges. The document though realistically recognizes that:

“However, this seldom occurs. Women find that upon returning home, their new roles are retrenched, and their pre-conflict, social roles are reinstated. In part, this is because women are excluded from decision making processes relevant to reconstruction (eg: peace agreement or land reform negotiations). This results in reconstruction legislation which does not consider or address women’s rights to land, housing and property.”¹⁵

¹³ Alfred Buregeya, Marguerite Garling, Jill Craig, and Barbara Harell-Bond. *Women's Land and Property Rights in Situations of Conflict and Reconstruction*. Kigali. 2001. p.150.

¹⁴ In the Foreward of UN CHS (HABITATI), *Women’s Rights to Land, Housing and Property in Post conflict situations and During Reconstruction. A Global Overview*. Nairobi. 1999 p.iii.

¹⁵ Ibidem, p.4.

The report very clearly points out two key mechanisms responsible for land tenure insecurity for women: the dependence of access – not of the right – to land on marital status; the increased vulnerability of women in post-conflict – due to separation from men – as far as land access is concerned.

The document also thematizes as a necessary premise the need to recognize that is legitimate talking about women as a collective subject, although each woman has individual profile of class, education, ethnicity, preferences, etc.

IFAD entry points are on issues of conditions on women's rights, and its positions on the topics are equally relevant for this analysis.¹⁶

UNEP's recent researches on conflict and natural resources intersect in several points the issues of peacebuilding, land tenure and of sustainable development, suggesting the urgent need for all international aid to develop higher awareness of the role of natural resource management in the conflict and post-conflict dynamics if any positive impact to create peace is sought.¹⁷

The core point of the comparison of this document with the UNSCR on women and peace is on the accent posed on the need to involve women in peace process and *specifically* in negotiations related to land tenure issues. If the UN Habitat document highlights the need for both, the UNSC resolution 1325 – published one year and half afterwards – does not mention in practice each key element and topic in the peace process.

The 1325 quotes as one of its immediate reference the report of the 23rd Session of the General Assembly, held in June in the same year of its approval. Peace and women's participation are related also in that document which tone, overall, leans towards protection concerns.

The assumptions chosen in these pages are therefore that around the debate on women, war and peace in the years following the historical 1325 resolution there are voices at the UN level that consider a structural part of a peace process those interventions that are oriented - beyond protection - at changing socio-economic opportunities for women. Where discrimination in access to resources exists in countries battered by conflicts, the 'window' of time and resources for peacebuilding activities – especially during peacekeeping operations, which involve international resources for peace and assistance – could be considered, even through the lens of certain UN literature, a time for increasing gender equity on access to key resources, as land is. Therefore, although 1325 does not explicit mention land reform as an objective of equal and gender-correct peace processes, policies and interventions oriented towards gender equity in land reform fit appropriately in the scope of the "mother resolution"¹⁸ on women peace and war, and seems to be recurrent in the international debate in post conflict activities within UN settings.

¹⁶ The Technical Cooper action Programme of the Office of the High Commissioner for Human Rights (OHCHR) as well as the Office of the High Commissioner for Refugees were also involved on the topic already in those years, as the opening statement pronounced by the UN High Commissioner for Refugees of the Rwanda Consultation (Sadako Ogata) testifies.

¹⁷ UNEP, From Conflict to Peacebuilding. The Role of Natural Resources and the Environment. Nairobi 2009.

¹⁸ More resolutions will follow in the decade following the UNSCR1325, articulating different aspect of protection for women from sexual violence in conflict and post-conflict: 1820 (approved in 2008), and 1888 (approved in 2009).

Implementing the UNSCR 1325

Two years after the resolution was approved, a study commissioned by the interagency Task Force on Women, Peace and Security and coordinated by the Special Adviser of the Secretary-General on Gender Issues and Advancement of Women (OSAGI) was published.

The documents analyses the variety of impacts that warfare produces on women, from exposure to sexual violence, to change in roles and in livelihoods patterns, to militarization of the family or of themselves, identifying windows of opportunities for interventions that could increase, in post conflict peacebuilding processes, gender equalities in the reconstructed societies. In this document the focus on intervening for guaranteeing rights of access to land is explicit:

“While armed conflicts and instability more often than not entail profound loss, stress and burden, women and girls can gain temporarily from the changed gender relations that may result from armed conflict. They can acquire new status, skills and power through taking on new responsibilities. These changes can challenge existing norms about their roles in society. In some conflicts, the loss of men through exile, fighting or death has allowed women and girls to assume functions that were normally the prerogative of men. At such points, norms about roles and participation of women and girls in decision-making in the household, civil society, the formal economy, and their rights to own land or goods may be altered, to their benefit.”¹⁹

The central concept is here expressed more then explicitly: intervening on land issue with a gender approach in peace building processes is here considered appropriate and well timed, given the reshuffling of roles that wars normally imply.²⁰ Along these lines, in the eve of the 10th anniversary an essay on the progress of implementation of 1325 includes in recommendations the focus of donors on women economical empowerment to achieve the resolution’s objective, including supporting land ownership as a key measure.²¹

¹⁹ Inter-agency Task Force on Women, Peace and Security, OSAGI, *Women, Peace and Security*, New York 2002.

²⁰ This point is well articulated in Meredith Turshen, Clotilde Twagiramariya (eds.), *What women do in wartime: Gender and conflict in Africa*, London, Zed Books, 1998.

²¹ “Donors should also help women to attain economic independence through land ownership, micro-enterprise and skills training. All post-conflict recovery plans should be subjected to gender-impact analysis and specify the funds dedicated to women’s needs. At the same time, gender considerations must be mainstreamed, such that the health minister views reproductive health care as a top priority, the commerce minister promotes women’s engagement in all levels of business activity, the education minister stresses girls’ education from primary to tertiary levels, and so on. Women’s issues are too important to be left to the women’s ministry alone.” Donald Steinberg, *Women and War: Power and Protection*. United States Institute for Peace, June 2010.

The first UN System wide Work Plan for 1325 is structured around different topics²² (and conflict related phases) and intends to refer to the global UN system, leaving other type of instruments to the other three levels: intergovernmental, each UN entity level, and then field level (where the interagency mechanism is identified as the most appropriate).

One of the actions indicated in order to reach the objectives stated in the section of Peacebuilding and Peacemaking²³ consist in the development of a project, to be handled by INSTRAW, for supporting the realization of national action plans (which did start and has supported the preparation of documents under the acronym “NAP”).

Overall, many of the objectives of the global work plan focus on the peace process itself, aiming at increasing participation of women into peace negotiations, in peacekeeping operations and in developing gender-sensitive pre- or post conflict analysis and programming; there are found three objectives, though, which are more directly focused on realizing actual policies favorable to women and capable to reduce gender divide in concerned societies. These objectives, as presented in the Report of the Secretary General, are²⁴:

- 1) Under the peacemaking and peacebuilding section
B3. Ensure that gender perspectives and in particular the special needs and priorities of women and girls are taken into account.

In particular it is recognized as a perspective output of the Department of Political Affairs (DPA) that peace agreements will be sensitive to women’s right and gender focus projects;

- 2) Under the Humanitarian response section, within many other objectives and actions focused on modalities of implementation of response (included developing tools and training for gender mainstreaming in emergency programmes), we find:
D1. Develop, implement and evaluate policies and strategies on gender mainstreaming in all humanitarian assistance programmes.

In particular FAO strategy will have to incorporate in the implementation of a Gender and Development Plan of Action (2002-2007) that “women have access to sufficient, safe and nutritionally adequate food and control and management of natural resources and agricultural support services”. Also it has to “provide policy and decision-making

²² Twelve: a) Conflict prevention and Early Warning; b) Peacemaking and Peacebuilding; Peacekeeping operations; Humanitarian response; e) Post-conflict reconstruction and reahabilitation; f) Disarmament Demobilisation and Reintegration; g) Preventing and responding to Gender based violence in armed conflict; h) preventing and responding to sexual exploitation and abuse by United Nations staff, related personnel and United Nations partners; i) Gender balance; j) coordination and partnership; k) monitoring and reporting; l) financial resources.

²³ Objective B1 – Develop strategies, including training and capacity-building initiatives, to ensure women’s full participation in all stages of the peace process, including in the negotiation and implementation of peace agreements, drafting and negotiation of constitutions and development of strategies for resettlement and rebuilding.

²⁴ S/2005/636, UN Security Council, *Report of the Secretary-General on women, peace and security*.

This resolution accompanied the presentation of the UN system wide Action Plan On Security Council Resolution 1325 (2000) On Women, Peace And Security, which consisted in a questionnaire for collecting information on the implementation of the resolution. One year after in the Document S/2006/770, UN Security Council, *Report of the Secretary-General on women, peace and security* a first presentation of advancement in the implementation was reported. No reference to land reform appeared in that document.

processes at all levels in the agriculture and rural sectors and opportunities for farm employment in rural areas”.

This above described action turns out in ‘main outputs’ which include: “sufficient safe and adequate food and opportunities for women in emergency situations”.

3) Under the Post-conflict reconstruction and rehabilitation there are the objectives more directly focusing on policy change:

E.1. Develop, implement and evaluate policies and strategies on gender mainstreaming in all post-conflict reconstruction and rehabilitation programmes.

For FAO and IFAD the workplan provides to “Evaluate existing capacities and provisions for women, development and gender mainstreaming” and the outputs expected are the identification of gaps and challenges.

Interestingly enough, within the other objective that in the same section deals with policy changes, this time with a human right approach, there is no mention of points of assignments to FAO. Even if institutional reforms are mentioned, nothing in this part of the workplan gets close to issues of land reform and women’s rights to land:

E.4 Promote the protection of human rights of women and children in all policies and programmes in support of constitutional, judicial and legislative reform, including truth and reconciliation and electoral processes in conformity with international norms.

In fact, neither IFAD nor FAO are mentioned at all in this specific objective, which most appropriately could have articulated the elsewhere stated priority (see point 2 above) – even related to the right to food – of guaranteeing access to natural resources, and therefore to land.

A review of the overall action plan for 1325 was expected to provide elements to understand if any specific guidance was provided on incorporating land issues in NAPs and in related peacebuilding activities. The conclusion obtained is that there is no explicit mention of land access issues beyond landmines contamination problems, and that instead in the most relevant part the workplan does not foresees at all a role for FAO or IFAD, the two UN entities directly connected with land access and agriculture.

Having NAPs

In 2005 the Canadian representative in the UN Security Council proposed that all UN Member States prepared a National Plan as a viable solution for actually implementing the 1325 resolution²⁵. After the global plan of action the Spanish Ministry of Foreign affairs funded INSTRAW to set up and manage a programme for providing technical assistance to countries in this articulation of the policy statement. The Spain has invested also through its International Cooperation Agency on capacity building for NAPs through training and set up of community of practice.

²⁵ As Namibia did somehow *ante litteram* with the Namibia Plan of Action on Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations, before the resolution was even approved, in order to advance on the themes that will afterwards be articulated together in the resolution 1325.

It can be said that Spain contributed to make the years between 2006 and half 2010 *NAP*²⁶ time for eighteen countries. It is not in the possibilities of this paper to explore the role of the donor country in the definition of the individual country process, which have normally be funded bilaterally by other donors.

While a comprehensive review of these workplans is being undertaken by INSTRAW, in these pages the analysis will be limited to few country cases, and in order to seek answers to few specific questions: do the NAPs of developing countries coming out from a recent conflict show attention for land reform issues? How severe is the gender gap on this topic in each of the considered countries?

COTE D'IVOIRE

The war in Côte d'Ivoire had a cumbersome impact on women, due to the massive perpetration of rape and sexual violence. Women are the majority of refugees, and prostitution also dramatically augmented with the spread of the war. So did HIV/AIDS prevalence, which in 2005 was in 6.4% for women versus 2.9% for men. The National action plan was finalized in Côte d'Ivoire quite soon, in January 2007, with respect to the date of the resolution and the explosion of the conflict, which happened in September 2002. Realized with the support of UNDP and of the Government of Norway, the document presents a situation analysis with no softening of the brutal reality of violence affecting women.

Arriving first in the African context, this document became a reference for others in different African countries.

The lack of effective structure for enforcing rule of law, the lack of training in armed civil force for supporting raped women are identified from the opening lines as gaps to face and fill. The objective is stated clearly and powerfully: “intégrer le genre dans le domaine de la politique de paix en vue de réduire les inégalités.”

Four axes are identified, declined along the political, judicial system, social sphere, economic and productive domains. They are:

- Protection of women's right
- inclusion of gender policies in any policy
- women's participation to reconstruction
- women's participation into politics.

This workplan is quite concise and includes budget allocation. There is no mention of any land reform law; but there is reference to “L'existence de nouvelles lois plus protectrices et plus égalitaires” as an indicator of progress.

Land access and conflict

Issues with access to land are recognised to have been the bottom line cause of the 2002 conflict. Returnees coming back after the migrations in the '60s and '70s was the factor raising tensions with the 'autoctonous', especially when the former inhabitants did find their land sold or occupied. Although the main issue continued to exist after the 2007 agreement, the Government has been trying to use the 1998 Rural

²⁶ NAP can also mean the equivalent of the famous Spanish word “siesta”

law, applying it to case emerged before and after the war.²⁷ Presidential election being postponed since 2005, also the activities of Ministry of Solidarity and War Victims which had to be the focal point for IDPs' issues had to be discontinued. The situation at present is at a pure *impasse* and it is experienced inability of traditional as well as of State institutions to have land issues dealt with an authoritative voice. Land law exists since 2005, but until 2009 no deeds were still issued. While traditional authorities apply customary law, temporary assigning land also to migrants, younger generations do not want to accept that option. Private investors' perspective sees in the stalling incapacity of Côte d'Ivoire to allow land security (in the sense of right to ownership²⁸) a disincentive to development. But there exist other opinions on this point: the theory identifying a causal relationship between lack of modern and productive agriculture and absence of solid and reliable system for private ownership is contested by C. Lund²⁹.

Neither the more recent nor the oldest law on land tenure contain an explicit discrimination in access for women to property. According to customary rule as well they can be granted (temporarily, since land belongs to the State only) land, although it is more difficult for them to access credit. But overall, in one of the countries with the highest prevalence of female genital mutilation (FGM) there is no significant discrimination towards women linked to land access.

When putting the text of the workplan in this context, it becomes relevant the broad preamble on the effect of sexual violence, and the accent on protection included to stop FGM. This has a precise reference the action 3.4.iv for the "amelioration de l'accès des femmes à l'investissement privée par les facilités de credit et de procedures."

The rich soil of the country makes possible extensive cultivation of cocoas (40% of the world production comes from Côte d'Ivoire). By this produce are supported both the rebel army and the government military, generating for the rebels more revenues than diamonds do³⁰. This additional piece might make more understandable why a law assigning property to autochthons is still on its initial steps, and has not provided any land title yet. The personal profits that members of the rebel groups are getting out of cocoa, diamonds and cotton – as the UN Panel of Experts on Côte d'Ivoire³¹ has

²⁷ Barbara McCallin, "Côte d'Ivoire: land reform as a substitute mechanism for restitution to displaced persons", in *TerraNullius* Weblog (posted on March 25 2010), available at <http://terra0nullius.wordpress.com/2010/03/25/cote-d%E2%80%99ivoire-land-reform-as-a-substitute-mechanism-for-restitution-to-displaced-persons/?blogsub=confirming#subscribe-blog>, accessed on 24 of August 2010.

²⁸ See articles published on his blog by the President of the Chamber of Commerce of Cote d'Ivoire Jean-Louis Billon, "Land tenure in Africa: A Private Sector Perspective in Côte d'Ivoire", (posted on 6 of August 2010), available at http://www.jeanlouisbillon.net/Land-tenure-in-Africa-A-Private-Sector-Perspective-in-Cote-d-Ivoire_a48.html, (last access 26 August 2010)

²⁹ Christian Lund. *African land tenure: Questioning basic assumptions*. IIED, 2000.

³⁰ Global Witness. *Hot chocolate: How cocoa fuelled the conflict in Côte d'Ivoire*. Global Witness Publishing. Washington, D.C. 2007.

³¹ UN Security Council Group of Experts. *Report of the Group of Experts submitted pursuant to paragraph 7 of Security Council Resolution 1584 concerning Côte d'Ivoire*, 7 November 2005, New York.

globally unveiled in 2005 – in on the other side a disincentive to peace that contributes to keep in stall the political and economical situation.

For understanding who are the subjects benefiting of this situation in a gender perspective, a gender analysis of these “economies of war’ around diamonds, cocoa and cotton in Cote d’Ivoire should be made to conclude if the stalling situation keeping this *status quo* is affecting more negatively women or men. In any case, it seems to be a condition adverse to the enablement of action 3.4.iv invoked in the 1325 implementation workplan, because the *status quo* (no deeds for individual properties, to which women too could be entitled) implies difficulties for obtaining credits, and therefore differentially impacting women who have less wealth and power on monetization of assets to obtain cash for investment on land and agriculture.

UGANDA

The Uganda NAP was prepared by December 2008, on a quite unique structure which ties together the resolution 1325, 1820 and the Goma Declaration, with the aim of also increasing coordination among these different instruments. A broad introduction presents a situation analysis and underlines the need to focus on sexual gender based violence (SGBV) being a priority stated of the two UN resolutions³² and of the Goma Declaration; its consequences on the spread oh HIV/AIDS is also considered a priority. Beside enormous prevalence of rape in war, the increased vulnerability of women to exploitation, sex slavery and prostitution due to the extreme food insecurity and to the massive displacement is recalled as a factor impacting on the magnitude of the problem of sexual violence, described as profound violation of human rights. The huge amount of small weapons circulating in the Great Lakes Region is seen as a cause further destabilizing the area.

The stated objective of the workplan encompasses both protection and participation:

“The overall goal of the Action Plan is to ensure the protection of women and girls from gender-based violence, particularly rape and other forms of sexual abuse and guarantee increased representation and participation of women at all levels of decision-making in conflict resolution and peace processes.”³³

The document includes a chapter on the actors to whom the plan is relevant, and who are also expected to contribute to its implementation, in it institutional sector as well as civil society. The required conditions of success are stated as well: funds availability followed by political will are realistically listed first.

Differently from the other workplans here compared, the Uganda one has a part dedicated to analyzing and articulating the gender aspects of the conflict. Based on a UN study source, the chapter provides element to go beyond the clear cut statement of war as being a matter of men, which often turns out to present a simplified scenario in black and white and that unvoluntary contributes to make more inaccessible to women real spaces of participation in peacebuilding. In this gender analysis part, issues of land are pinpointed as key: loss of entitlement to land use due to

³² The Security Council will issue in 2009 another resolution on women and violence in war settings the n. 1888. At the time of the preparation of the NAP it was not existing yet.

³³ Republic of Uganda, *The Uganda Action Plan on UN Security Council Resolutions 1325 & 1820 and the Goma Declaration*, December 2008.

displacement, loss of husband and difficulties in claiming inheritance, intervention for demobilization which tend to prioritise men over women in granting land and credit.

Another chapter is dedicated to present the legal framework and the legal basis of rights based approach and the existing policies (included the Uganda Gender Policy (1997) and the National Action Plan for Women, or the National Peace, Recovery and Development Plan (2006-09)) relevant for the implementation of the resolutions. Being the right to land included in the 1995 Constitution it is considered as a key element in the planning part of the document, although empowerment is not mentioned in the objectives as a goal of the document itself.

In the actual frame of objectives and indicators though, the document lacks a connection between the focus on SGBV, which is present all over the strategic objectives, and the choice of targets. It also lacks the identification of measures for a real economic reintegration of GBV victims or for preventing violence through diminishing women's economic vulnerability. The document seems to assume that economic rights are or can be granted through other means (the same mentioned in the legal background). But it can be contended that the right to land mentioned in the Constitution is really effective in the Country.

Land tenure system in Uganda

Until the 1960's, the customary law was the reference. Differently from other countries, the Uganda customary law on land recognized to widows the right of inheriting men's property, and wife who received land in the marriage to be the one spouse to obtain a part in the possessions' of the other.

It was during the 60's with the introduction of privatization of land that female status towards land ownership begun to erode. Newly constituted magistrates courts started to pressure women to accept to split their husband property with other wives. The spread of HIV/AIDS worsened the trend, interrupting the practice of automatically sending a letter to a widow to confirm her property of the matrimonial house and the right to 15% of land of their deceased husband. The reasons invoked for discontinuing this practice was that it would have been pointless to give land to the wife in case of HIV/AIDS, being a sexually transmitted illness the woman would contract it too.³⁴

Complexly organized in five type of regimes, the land tenure system in Uganda is enshrined in the Constitution and co-exist with the customary law, under which is over 70% of the country land.

The land owned by the State can be leased to companies or to individuals, and it is not for settlements, rather for productive activities.

With a law on marriage dating 1970, women are recognized the right to own land regardless their marital status. But no actual registration was recorded at least until 2005 of titles to women in the privatization process, likely because women do not have the real means to purchase land.³⁵

³⁴ Zenebeworke Tadesse Marcos, "Revisiting customary institutions and gender relations: a daunting challenge". In *Gender and land compendium of country studies*, FAO 2005. Retrievable at <http://www.fao.org/docrep/008/a0297e/a0297e04.htm#TopOfPage>

³⁵ Ibid.

Land tenure system (through several legal instruments) in the country allows women individual property, although it is de facto not observed formal ownership by women. The NAP analyses the connection between vulnerability – violence – lack of land security especially in post conflict, but it does not put land security as an objective within the scope of the implementation of the resolution. The possibility of a reinforcing instrument for gender equity in land tenure is therefore lost on the implementation of UNSCR1325.

LIBERIA

In contemporary Liberia peacemaking and peacebuilding are female. The end to the mandate of President Taylor came after the Accra Peace Agreement (18th of August 2003), in which the Mass Action for Peace organized by the Women in Peace Network played a crucial role in obtaining Taylor to sign. Catholic and Muslim women together advocated in Monrovia and in other areas with dedication and success, obtaining to mobilize thousands of women. Only a small delegation on 20 women could be covered by funds to go to Accra, but they gathered hundreds of other women to sit in front of the place where peace talks were happening.

After almost three weeks of peace talks not terminating in any agreement, the women of WIPNET adopted the same strategy that in the 1271 the citizens of Viterbo, Italy, enacted in order to convince the cardinals to elect a Pope in very tense times³⁶: they locked the people of the delegations inside the building completely shutting also the windows, till when the agreement was signed. The tradition of women peacebuilder in Liberia starts from the early years of the 19th century, when thousands of women obtained to halt the chief system that privileged import over local production³⁷.

Liberia's workplan for UNSCR 1325 is referred to as the result of the most participative process among the many set up for the preparation of national plans of the resolution. It was launched on the 8th of March of 2007, under the still lasting mandate of the first African female president Ellen Johnson Sirleaf who has been leading the process with insider's competency.³⁸

The workplan is organized in three pillars: protection, prevention and participation, empowerment. One of the six strategic objectives fully consecrated to guaranteeing

³⁶ The town, as many others in the Italian regions, had been battered for many years with a bloody civil war between guelfi and ghibellini, parties originated from two factions sustaining different families for the command of the Empire. The cardinals selected for the elections were also divided in two parts. From that moment on the election of popes had to be done in segregated settings, with "locked doors". In the same town, Viterbo just few years before a young woman, Rosa, engaged in a peacemaking effort, preaching in the streets to convince everybody to stop violence and end the war, until when she got put in exile. Her protest was in the street as well (and it is remembered every 3rd of September in her home town) as the WIPNET women of Liberia, but she demonstrated as a 'solo' initiative.

³⁷ For the full story of WIPNET and of the mass advocacy see the text of two of the animators of the movement: Thelma Aremiebi Ekiyor, Leymah Roberta Gbowee, *Women's Peace Activism in West Africa*. The WIPNET Experience.

<http://www.peoplebuildingpeace.org/thestories/print.php?id=80&typ=theme>

³⁸ Among her many activities, President Sirleaf, before being elected, contributed to UNIFEM's publication in 2002 *Women, War and Peace: The Independent Experts' Assessment on the Impact of Armed Conflict on Women and Women's Role in Peace-building*.

access to and participation in management of natural resources. It explicitly mentions the right of use of land and the rights of registration.

“Strategic Issue 6: Empower women, increase their access to housing and natural resources and strengthen their participation in the management of the environment.”

Among the activities it is found:

“Free sensitization and education courses on land, inheritance and property rights provided to women by trained paralegals.”

In the outputs of this strategic issue it is stated that women are integrated into decision-making structure of the Land Reform Commission, and that women and women’s group should take part in the task of developing TOR.

And explicitly, the increase in the number of women owning land and with improved knowledge of their contractual property rights is an indicator. The actual gender mainstreaming of gender of the Property Registration System is indicator as well.

Another key policy proposed is the enhancement of women’s participation in natural resources management, and the corresponding indicator straightly points to number of women involved in mining, and number of women living in mineral rich areas involved in natural resources management committees.

An increase in the number of female workers in extension service in agriculture is posed as well, to mitigate a very common problem in agricultural development programme that hampers –in many countries - the equality of chances between men and women for gender reasons. Women do not have access to the same adequate agricultural training – and do not get kits of tool and seeds which come with training³⁹ Not only policy and development oriented measures are very connected with access and right to land, but also more emergency response/recovery kind of activities. Attribution of land to women who are traumatized by the violence of war is also proposed as an empowerment measure, within a humanitarian horizon.

Beside appearing deeply thought through in a feminist perspective and articulated in a variety of key operational details, with a clear hand on competencies proceeding from development activists, the tone of the document is quite effervescent and determined. Unlike other NAPs, this document focuses on many elements for transforming opportunities and capabilities for women: problem analysis of each issue mentioned has been performed and solutions are identified and proposed, in order to really enabling the subjects and empowering them.

Land tenure in Liberia

In a country where the curse of resources is brightly evident, divided in the high concentration of diamonds, oil and gas and rubber forest, introducing such an attention on resources management committees is unusual and a powerful way to open up the path to land reform. Almost all land was the property of the state in 1984, when the Constitution was approved, with few exception mostly in urban areas, freehold, and few plantations privately hold. No rights to mineral resources or to

³⁹ See on this issue: Ruth Meinzen-Dick, Agnes Quisumbing, Julia Behrman, Patricia Biermayr-Jenzano, Vicki Wilde, Marco Noordeloos, Catherine Ragasa, Nienke Beintema. *Engendering Agricultural Research*. IFPRI, 2010, p.32.

beneath land were included. Land could be held in fee by citizens only (with few exceptions for educational and missionary institutions), under customary law, and vast majority used for subsistence farming, and under the control of the chief headman.

A Land Commission was established in August 2009, and few months afterward it signed a convention (agreement of cooperation) with UN Habitat to channel the UN Peacebuilding Funds that have been allocated to quickly start the process.⁴⁰

SIERRA LEONE

According to the Director of Gender and Children's Affairs in the Ministry of Social Welfare, Gender and Children's Affairs, Mrs. Fatu Kargbo, "the advancement of women in decision making processes of the country has shown that the UN Resolution 1325 is making an impact on the lives of women in Sierra Leone"⁴¹

A formal workplan for its implementation, though, has only been launched by the President on the 8th of June, during the Open Days on the 1325.

The civil conflict erupted in 1991 and was formally ended in 1999, with the Lome peace agreement. The prominent role played in peace negotiations by women's groups can only be paralleled with the engagement of women in Liberia. In 1995 a large group asked to negotiate directly with the Leaders of the Revolutionary United Front (RUF), led by Elizabeth Lavalie, but a turned out to be a disastrous defeat. Nevertheless the SL Women's Movement for Peace kept organizing occasions for direct negotiations, and the significant quantity of women among the commanders of RUF, who also diminished the occurrence of SBV helping abducted women to escape, was a key element.⁴² And it was still 1995 when women's group also called for multi-party elections, and for having half of peace delegation represented by women, who also fought to have a 30% quota for women as in the Beijing accords.

The first Minister of Gender and Children's affairs adopted a cross cutting approach. Another *coup d'Etat* changed drastically the composition, and initiated another round of negotiations (1997 – 1999). Through the UN Office of WILPF Sierra Leonean women managed to spread information on violence and injustice received at home, and to keep the international attention high and proactively involved wuth earmarked funds. In 1999 the civil government was reinstated and a National Consultative Conference was called, involving broadly women's group. A manifesto was agreed upon by the Government of Sierra Leone, the National Commission for Democracy and Human Rights, the National Forum for Human Rights, the High Commissioner for Human Rights and the Special Representative of the Secretary-General: it stated the need to implement the obligation under the CEDAW. At the Lome negotiations though, very few women could participate from the part in conflict and slightly more

⁴⁰ The original motivation of a peacebuilding Fund established in August 2007 was the funding *prima facie* of intervention in a short time to profit of the window of opportunity that often arises in the aftermath of a peace agreement signing.

⁴¹ Written by Ndeamoh Mansaray, *Sierra Leon on Track with resolution 1325*. In "Cotton Tree News", Thursday, 31 December 2009. Retrieved on 24 of August 2010 from <http://www.cottontreenews.org/content/view/2741/68/>

⁴² Isha Dyfan, *Sierra Leone Case Study*, presented to te United Nations Division for the Advancement of Women (DAW) Expert Group Meeting on "Peace agreements as a means for promoting gender equality and ensuring participation of women – A framework of model provisions". 10-13 November 2003. Ottawa, Canada

from civil society. Something happened to the strong gender momentum that emerged in the country, but the Lome' Peace agreement almost appears gender blind⁴³.

The SiNAP

By the end of February 2010 a new national consultation was held, two days long, to draft and adopt a national workplan and a budget for the 1325. In March 2010 the plan was finalized, and it declared itself as the result of a strongly participative process. In the introduction signed by the President Ernest bai Koroma it is pointed out that very little progress have been done in Sierra Leone to ensure respect of women's rights.

Realised with the support of Dutch Cordaid, it is structured along 5 pillars:

1. Prevention of conflict including violence against women/children (SGBV)
2. Protection, empowerment of victims/vulnerable persons especially women and girls
3. Prosecute, punish perpetrators effectively and safeguard women/girls' human rights to protection (during and post-conflict) as well as rehabilitate Victims/Survivors of SGBV and perpetrators.
4. Participation and representation of women
5. Promote coordination of the implementation process including resource mobilization, monitoring and evaluation of and reporting on the Sierra Leone National Action Plan.

While the document highlights that "Women who constitute about 52% of the population, represent 65% of the labour force engaged in agriculture",⁴⁴ no mention at all is done of right to access land, none of property right in general.

The objective or protection an empowerment appear melted in a single objective.

Land tenure issue in Sierra Leone

Land tenure in post war Sierra Leone, although not connected with the scope of 1325 since not mentioned in the NAP, is nevertheless a key issue to development and (food) security. Based on the inalienability of land, the customary system that provides extended families as holding properties and the paramount chief controlling and guaranteeing respect of attribution has returned en vogue after the end of the 11 years civil conflict. The retention to land, which is able to continuously provide over time while money from sale are not, makes the land "banked": it is kept, although uncultivated, as an asset essential to guarantee wealth security over time and in adverse conditions. Since it could only be alienated if all the members of the extended family, included those to still be born, at risk of being declared an illegal transaction, it basically never occurs that land is sold.⁴⁵

Women's right to land vary in different region of the country, with the North being the most conservative (no properties allowed to women, almost no decision making power on agricultural activities on land) and the East of South women can inherit land

⁴³ Ibidem, p.6.

⁴⁴ Republic of Sierra Leone. *The Sierra Leone National Action Plan for the Full Implementation of United Nations Security Council Resolutions 1325 (2000) & 1820 (2008)*. March 2010. P.6.

⁴⁵ Jon D. Unruh, Harry Turray. *Land tenure, food security and investment in postwar Sierra Leone*. FAO. 2006.

and even become paramount chiefs. Overall though the access to land for women passes through temporary assignments of land which have to be requested to the paramount chief.⁴⁶

There is therefore a general difficulty in accessing land do to the insecurity of the agreement made under the customary law, which cover short time lag (one year) and might not be renovated, hampering the possibilities of attracting investments – but also of increasing production and contributing to food security.

Researching for elements in the debate on reform of land tenure, it seems that only little advancement is done. Youth rights (men under 35, with no property – yet) seems to be more a priority;⁴⁷ and also much focus seems to be on the “resource curse” to explain both past reluctance to farm and current inclination of youth movements to revert to farming abandoning inconsistent and crisis impacted marked of diamonds⁴⁸.

In 2007 three Gender Bills have passed in Sierra Leone Parliament which “provide women with greater rights in the areas of marriage and divorce, inheritance, and domestic violence – areas where women had previously faced significant legal discrimination. In addition, specialised Family Support Units have recently been established in all district headquarter police stations to deal with domestic and gender-based violence. These Family Support Units have experienced huge demand – showing women’s desire to seek justice for violence - but are understaffed and difficult to reach for women living in rural areas.”⁴⁹

Overall, by looking at the latest 15 years, the connection of gender and peace in the country seem in general to be loosing momentum; and the inclusion of gender issues within the land tenure system reform is quite far from happening. Moreover, also the train of the 1325 workplan seems to be missed for now.

RWANDA

Despite the high investment on gender mainstreaming observed in the country in the reconstruction post the early ‘90s conflict and the 1994 genocide, it has not been until recently (july 2010) that the plan for the implementation of the 1325 has been finalized and published. The attention during much of the first decade of the century was concentrated on constitutional reform and on cascading changes in institutions and policies. Gender mainstreaming has been a forcing guiding principle in this transformation, which has led to put quotas for female elected, approve laws against gender violence and gender sensitive land laws.

The resolution itself has not been formalized in a national law, although *de facto* peace negotiation in the country have included large women’s participation.

A participative process has led to integrate within the document a ‘reminder’ with some definitions and considerations of what is peace.

⁴⁶ Ibidem

⁴⁷ Some of the articles found are: Omotunde E. G. Johnson, PhD. Reforming the Traditional Land Tenure System in Sierra Leone. May 8, 2008. Last retrieved at http://standardtimespress.net/cgi-bin/artman/publish/article_2924.shtml

⁴⁸ Sigismond Wilson. “Diamonds in Sierra Leone, A Resource Curse? Paper presented at the International Conference “Financial markets, adverse shocks and policy responses in fragile countries”, Accra, 21-23 May 2009.

⁴⁹ Clare Castillejo, *Building Accountable Justice in Sierra Leone*, in “Working paper n.76”. Fundacion para las relaciones internacionales y el dialogo exterior, January 2009

Five components in the plan encompass violence prevention, protection of women's rights, reinforcement of women's participation to decision making, peace-building and women's environment in post genocide; the fifth one focuses on the implementation of the action plan, included monitoring stakeholders and overall advancement.

A specific characteristic of Rwanda NAP is the attention paid to training and capacity development of women as actors of the peace process and reconstruction.

Also, the initial baseline of ongoing initiatives has allowed the identification of a broad variety of stakeholders, which the Plan intends to keep connected and more effective.

Another typical feature -as a measure both for gender mainstreaming and for strengthening reciprocal respect of several ethnic groups - is the investment on translation in all languages spoken in the country of all the new laws gender sensitive.

In Rwanda therefore the implementation of 1325 happened somehow "ante litteram", before the action plan was prepared.

The plan was written after a regional consultation held in Burundi, in August 2009. The need for a regional dimension is documented by some of the participants; because 1325 is a tool appropriate monitoring is needed, therefore indicators are expected.

Before the statement of the objectives, in the text the commitment of the country to transform the legislation is declared as a key point.

Analysing the NAP, it seems that Rwanda keeps its 1325 NAP very formal and not "contaminated" with specific policy objectives. An explanation could be that this plan comes when many key decisions and laws have been issued on two very hot topics, land redistribution and improved access for women to the land. Indeed the debate over land tenure reform has started quite quickly in the reconstruction phase, and seemingly without direct reference to the resolution 1325.

Land reform in Rwanda

Land issues in post conflict can be a continuous smart for reigniting conflicts. As affirmed in a study on Rwanda case of the relationships between land issues and conflict, conducted by the ODI in 2006:

"Effective management of competition for land in the decade after the end of a conflict may in such circumstances be critical to the maintenance of peace. In planning for the post-conflict period, it is essential to be clear on what role land has played in the conflict. [...] In Rwanda, because of land scarcity and the need to accommodate returnees, land itself was the resource at issue. In these negotiations, tensions may emerge between international standards regarding the rights of refugees and displaced persons, and the compromises that need to be struck to obtain (and maintain) peace."

Land scarcity under a much too fast growing population has been indicated as one of the main issue underlying the explosion of the conflict and then the genocide.⁵⁰

⁵⁰ For a discussion on this point see Catherine André, Jean-Philippe Platteau, *Land Relations Under Unbearable Stress: Rwanda Caught in the Malthusian Trap*, in "Journal of Economic Behaviour and Organization", 34, vol. 1 (1998).

Women in the early phases of reconstruction in the country were highly present in decision making roles, being a in numbers overwhelmingly more than men. As per the household profile, one third is headed by women still nowadays.

After the genocide two waves of refugees returning their home (while one wave pushed perpetrators and survivors of the genocide outside) put additional pressure on land, in 1994 (Tutsis returning from previous migration) and in 1996 Hutus who had left in 1994. As nowadays, Rwanda is the country with the highest ratio of person-to-land in Africa. Among the institutions rebuilt in the immediate aftermath of the genocide to administer justice in absence of judicial system, the *imidugudu* policy encompassed cases of land assignments. Since this policy gave local authorities considerable discretionary powers to grant or deny land rights, it turned out to be detrimental to many women, as explained by Laurel Rose⁵¹. In 1996 the Ministry of Gender drafted a bill to ensure right for daughters to inherit property from their parents and to women to inherit land from their deceased husband. The law was only passed in 2000, and referred only to women in official marriages, which are relatively rare.⁵² Moreover, as remarked in a advocacy document from the Rural Development Institute⁵³ intended to advocate for stronger definition of women's rights in the 2005 Organic Land Law (and which contains a detailed articulation of the passages and of the mechanism that still prevented women to have actual same real access are presented) no property rights exist for women on their deceased husband's house. And as far as land rights are concerned, even if women manage to take their case to the court and the court rules in their favor, there will be rarely a follow up for enforcing the decision.

In a study of John Bruce published on the Humanitarian Policy Group Review⁵⁴ key points of and critics to the land law in Rwanda were presented. The land law was ready in 1999 but not passed until 2004. The new Constitution passed in 2003 establishes as illegal any discrimination between sexes. The main observations which stopped its course, also moved by the World Bank, was the lack of articulation of the policy for guaranteeing correct interpretation to the law. The distribution of land to returnees (estimated in around 1.000.000) was the main issue that shaped the law, together with the need to avoid gender discrimination on property rights. The law establishes only two categories of tenure, privately owned land or public land – State hold land, abolishing customary. The study finds that “Vulnerable groups in particular now see the state as the best guarantor of tenure security.”, where they identify with returnees (often non voluntary but expelled from the hosting countries), poorer and

⁵¹ Laurel L. Rose. *Women's Land Access in PostConflict Rwanda: Bridging the Gap between Customary Land Law and Pending Land Legislation*. In “Texas Journal of Women and Law”, vol 13, n. 2, 2004, pp 197-250.

⁵² The Rwandan Civil Law on Property is named “Matrimonial Regimes, Liberties and Succession Law of March 2000”.

⁵³ Jennifer Brown, Justine Uvuza. *Women's Land Rights in Rwanda: How can they be protected and strengthened as the Land Law is implemented?* RDI. Seattle. September 2006.

⁵⁴ John Bruce. *Drawing a line under the crisis: Reconciling returnee land access and security in postconflict Rwanda*. HPG Working Paper, ODI, June 2007.

Headquartered in Seattle, and with seats in India, Russia and China, it is an organization 40 years old engaged in land rights.

Since only two of the countries selected for this paper are covered by the FAO database on land tenure and gender, other sources had to be used to gather the basic information.

women headed households.

According to customary law, women had no right to inheritance, and could get to use land for themselves and their families only upon decision of their husbands. In case of death of their husbands, the will of males' relatives would choose the destiny of the women's use of possible usufruct, upon undisputable decision. Even after the approval of the Constitution and the Organic Land law recurring to customary law to regulate inheritance issues has continued to be a broadly used habit, also due to ignorance of current legal framework. In 2008, an assessment from a USAID funded initiative for land dispute management of land still reported that "[...] There are significant barriers to women and vulnerable groups accessing local dispute resolution, including ignorance of the law, fear of physical violence, fear of community mistreatment, a percent of bias, lack of time, and lack of an advocate."⁵⁵

The Government has proceeded since the land tenure law approval with attribution of land (recurring to military and park land too in order to answer to the raising need) and with 'villagisation' (development of infrastructure and land use masterplan, also a measure to facilitate resettlements) while also promoting – with the endorsement of FAO – consolidation. From a women's point of view, the critiques that can be moved to consolidation policies alleged capacity of increasing efficiency are totally embraceable. As Bruce points out: "Consolidation programmes have in fact rarely been implemented effectively in developing countries.

The basic idea behind them, from an agricultural production standpoint, is that there is a scale below which farming is inefficient. There is little empirical evidence of this. [...] Empirical studies of farm fragmentation do not support consolidation. These studies, including one in Rwanda, reveal that fragmentation appears to impose few real costs, and on the positive side, it gives farmers access to diverse land."⁵⁶ The policy in support of consolidating (combining) holdings together has nevertheless not brought to the existence of large property, rather to a concentration of the best land in the hands of groups living in or closer to town.

The author's final remarks highlight five points for a lesson learned out of Rwanda peace process and land issue. Among those: international community should have started advising earlier, so to arrive to better peace agreement with a better clarity on land issues: "Good land policy begins at the peace negotiations." No words is tributed though on possible improvements in policies to ensure more balanced access to land for women as well.

None of the documents quoted above relates the process of the land tenure reform with the elaboration around the 1325. Instead, the Ministry on Defence (one of the tree in which the Government of Rwanda is organized, together with Agriculture, Gender and Family promotion) web site does mention the 1325 as a reference for the activity against gender based violence performed under its mandate.

It can be concluded that in the case of Rwanda the process of land reform progressed independently from any political attention tributed to UNSCR 1325. Land was a key and delicate issue partially causing the crisis and the ethnic conflict and had been digested internally with slow but solid advancements towards a more gender equal

⁵⁵ ARD, Inc. Rwandan Initiative for Sustainable Development. *Rural Development Institute. Land Dispute Management In Rwanda. Final Report.* USAID, 2008

⁵⁶ Ibidem, p.30.

legislation on land ownership that has started to affect society and traditional culture. The formal plan for the implementation of the resolution only came in this year as a side measure not influencing the process.

Final remarks

We have observed different interpretations in the different African countries which prepared an implementation plan for the resolution of what actions are considered necessary to guarantee protection and participation in peace process. This can be seen as the common denominator, and indeed these aspects of the resolution, protection and participation, are the ones normally mentioned in briefs and presentation of the resolution. What significantly stands up is that only in one case over the five considered access to land and land issues for women are elaborated and incorporated in the text. The case that shows this difference is Liberia, the only one to have a female President, which also represent the first case of female president in Africa of the History. The NAP is too recent (2010) to evaluate any impact on women and land in the peace process, and so is the land reform law (2009). It is a fecund case for a continous monitoring on gender policies connecting peace process and gender right to land.

In the initial part a justification of the relevance of this nexus has been proposed using literature on women war and conflict. But the really cogent argument for expecting NAPs-not-to- nap on land tenure and gender derives from the text of the resolution itself.

If we just take the article 8, for instance, any lines could be interpreted as referring to the basic need and in some countries (Uganda) constitutional right to have access to land:

“8. [The Security Council] Calls on all actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective, including, inter alia: (a) The special needs of women and girls during repatriation and resettlement and for rehabilitation, reintegration and post-conflict reconstruction; (b) Measures that support local women's peace initiatives and indigenous processes for conflict resolution, and that involve women in all of the implementation mechanisms of the peace agreements; (c) Measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary;

a) Special needs in resettlement, rehabilitation, reintegration and reconstruction could under any mean for any abstract subject (male/female) not include land for housing, land for subsistence (in countries where this sector is still absolutely dominant in the livelihoods of inhabitants) and land for production?

b) Local women peace initiatives are by and large connected to use of natural resources. This issue promises to be way to crucial in a moment of evaluating the progress realized under the 1325 after 10 years of its approval and after decades of literature on women in peace processes⁵⁷, therefore another paper should be developed to elaborate the topic.

⁵⁷ Many readings can be quoted as relevant for this subject, to choose one which thematize also the how the link is underestimated in literature on peacebuilding it could be chosen Monica Kathina Juma.

c) once the correlation between economic vulnerability and exposure to sexual and gender based violence is affirmed, accepted, proclaimed, one would think that the entitlement approach should become the primary one. And that it should definitely at least be included when the Country itself frames protection and access to land as basic rights.

At least another article of the UNSCR1325 seems to point towards the need to include access to land issues within the vision to be articulated upon the resolution itself:

“13. Encourages all those involved in the planning for disarmament, demobilization and reintegration to consider the different needs of female and male ex-combatants and to take into account the needs of their dependants;”

By quoting also the needs of dependants, and those to be cared for the article makes reference to source of income, specifically source of income alternative to service in army (or for armed forces). The connection to entitlement here is stated more than suggested.

Then generic women’s right are quoted, beyond right to protection:

15. Expresses its willingness to ensure that Security Council missions take into account gender considerations and the rights of women, including through consultation with local and international women's groups.

Last but not least, In the first part of the resolution is made reference to priority action against landmines:

“Emphasizing the need for all parties to ensure that mine clearance and mine awareness programmes take into account the special needs of women and girls [...]”

As far as mine clearance is concerned, what in practice the statement is likely to mean is that understanding hindrances to physical access to land for women in a given place is needed (apart from possible opportunities for women residing in recruitment for land clearance itself). The practical activities required by prioritization of mine clearance tasks - had they to be done with a gender sensitive approach - would also include understanding of land tenure patterns, so to choose tasks and conditional prioritization that at the community level could ensure opportunities to use of cleared land for women as well.

What can therefore be concluded is that the ideas of implementation of the resolution defined in the cases considered with the unique exception of Liberia, underachieve the distance set by the broad vision and the objectives proposed by the resolution itself, at least because there is no elaboration of prioritizing women’s access to land.

The (gender) blindness on this key right that could enable shift in gender roles and contribute to shape stable and lasting peace is found also in the list of proposed indicators set up by the Secretary general to monitor the implementation of the resolution itself. Although it might take a feminist standpoint to highlight this, a critique to the low tone taken by the implementation of the resolution has also been

Unveiling Women as Pillars of Peace. Peace Building in Communities Fractured by Conflict in Kenya. Interim Report. UNDP - Management Development and Governance Division. May 2000.

remarked by the Ambassador A.K. Choudhury, setting as broad the group of observers interested in a more radical interpretation of the resolution 1325.