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Women, Security, and the Patriarchy of Internationalized Transitional Justice

Fionnuala Ní Aoláin*

ABSTRACT

In the contemporary global context, transitions from conflict to peace and from authoritarian to democratic governance are a critical preoccupation of many states. In these contexts, accountability for the abuses committed by prior regimes has been a priority for international institutions, states, and new governments. Nonetheless, transitional justice goals have expanded to include a broad range of structural reforms in multiple spheres. Whether an expanded or contracted transitional justice paradigm is used to define the perimeters of change, gender concerns have been markedly absent across jurisdictions experiencing transformation. This article examines the conceptualization of and legal provision for gender security and its subsequent effects upon accountability in times of transition, with particular reference to post-conflict societies. The article closely assesses a range of contemporary issues implicated for women including an examination of post-conflict security from a gender perspective, gender and disarmament, and the centrality and effect of security sector reform for women. The article pays particular attention to the under-theorized and under-researched role of international masculinities, and the patriarchy that is imported with international oversight of transitional societies.

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[T]here are direct links between violence and conflict with the way that manhoods or masculinities are constructed.¹

When women are afraid to go out in the street, they can't take advantage of the theoretical freedoms that are now available to them.²

I. INTRODUCTION

Transitional justice is an unavoidable feature of contemporary political and legal discourse, from the international criminal trials spawned by the conflict in the Balkans to the hybrid version of international-local justice meted out in Iraq to Saddam Hussein. Its proponents are many, and its detractors (though not as numerous) are equally vociferous. Those who articulate the value of transitional justice discourse maintain its primacy and relevance to vexing quandaries, including the most appropriate means to respond to grievous and systematic human rights violations by prior regimes, and by what best means to bridge the gap between the legal imperative of accountability and the political pragmatics of governance. Detractors demur at the tradeoffs and question the outcomes generated by transitional accountability. In both accounts this article suggests that an analytical piece has been (with some notable exceptions) missing—namely, that the processes, institutions, and values that drive change in transitional society are deeply gendered.³

In almost all contexts where transitional justice is a contemporary political reality, the focus primarily lies with mechanisms of legal accountability, whether formal (trials) or less formal (truth commissions). Here the experiences and needs of women are markedly absent or silenced by the general discourse of accounting for the past.⁴ Moreover, and critical to understanding such silencing, one cannot evaluate the credibility and value of accountability mechanisms for women in times of transition without an eye to the broader transitional dynamic of the society in question. In particular, by not assessing the structures and modalities of change that create and enforce exclusion for women in post-conflict and post-repression contexts, we fail to effect meaningful political and legal transformation for women in situations

^{1.} Gary Barker & Christine Ricardo, Young Men and the Construction of Masculinity in Sub-Saharan Africa: Implications for HIV/AIDS, Conflict, and Violence, 26 CONFLICT PREVENTION & RECONSTRUCTION 24 (2005).

HUMAN RIGHTS WATCH, "KILLING YOU IS A VERY EASY THING FOR US": HUMAN RIGHTS ABUSES IN SOUTHEAST AFGHANISTAN 73 (2003), available at http://www.hrw.org/sites/default/files/reports/ afghanistan0703.pdf (quoting gender expert in Kabul).

See, e.g., Fiona C. Ross, On Having Voice and Being Heard Some After-Effects of Testifying Before the South African Truth and Reconciliation Commission, 3 ANTHROPOLOGICAL THEORY 325 (2003).

See Fionnuala Ní Aoláin & Catherine Turner, Gender, Truth and Transition, 16 UCLA WOMEN'S L.J. 229 (2007).

where profound social and political change is negotiated. Reflection on the modalities of change requires paying attention to the ways in which violence is ended, paused, or shifted within a society. Transition is generally marked by impact on the levels of public violence experienced in a given society and the security that is perceived to accompany it. The gender analysis advanced here suggests we need to be more adept in understanding what happens to and for women in these contexts.

. The absence of a gender dimension in the establishment, revision, and operation of new legal and political institutions in transitional societies has been acknowledged.⁵ The genealogy of institutional gaps for women traces to omissions from peace-making and transitionary "deal-making," compounding the normative legal gaps that facilitate further exclusions down the line. But additional exploration is required to assess why women remain structurally excluded, and in particular why they remain excluded as the processes of transition become increasingly internationalized.⁶ This article does not cover all that terrain but explores why internationalization, which at least in theory leads us to presuppose that the security outcomes will be better for women (thus perhaps leading to greater institutional involvement and gain), does not deliver that dividend. Part II of this article commences with scrutiny of the forms of patriarchy that are present in transitional societies, and particularly explores the nexus of complimentary patriarchies that are evidenced between local and international actors. Attention is paid to the import of patriarchy derived from international oversight and/or intervention and its social, political, and legal interaction with local patriarchies. The international community occupies a complex role in transitioning societies, evidenced by the interplay between western and local masculinities. Its role is particularly heightened as the perceived guarantor of security and stability, though as the analysis explores, such presence or support may not be synonymous with gender security.

The central focus in Part III is to account for and explain the dynamics of security transitions for women in conflicted societies. Security is used as an embracive concept, encompassing both the notion of physical security for women (or lack thereof) in transitional societies and a broader notion of human security that presuppose a relationship between material security, legal security, and political capacity. The language of security is omnipresent in transitional justice discourses. It manifests particularly around demilitarization

Christine Bell, Colm Campbell & Fionnuala Ní Aoláin, Justice Discourses in Transition, 13 Soc & Legal Stud. 305 (2004).

These exclusions remain despite UN Security Council Resolutions 1325 & 1820. Women and Peace and Security, adopted 31 Oct. 2000, S.C. Res. 1325, U.N. SCOR, 55th Sess., 4213th mtg., U.N. Doc. S/RES/1325 (2000); Acts of Sexual Violence Against Civilians in Armed Conflicts, adopted 19 June 2008, S.C. Res. 1820, U.N. SCOR, 63d Sess., 5916th mtg., U.N. Doc. S/RES/1820 (2008).

and ending conflict, and it is implicit in certain models of reconciliation. Part III begins an assessment of what a multi-layered concept of transitional security for women might encompass and identifies the linkage between gendered security and successful gender accountability in the post-conflict environment. The exploration centers on the meanings and forms of security that materialize in post-conflict societies and the gap that emerges between the rhetoric and the reality of lived security for women as societies experience an alteration in the patterns, forms, or levels of violence.

Part IV examines the role that security sector reform plays in the perceived success of transition in post conflict societies. Security sector reform has become synonymous with internationally supported stabilization and reconstruction. The tension between complimentary local and international imperatives, as contrasted with the impact of security sector reform for women, is drawn out. In conclusion, this article begins to articulate what a gendered vision of a secure transition might look like. Here the modalities and interplay of conflict endings, and the processes that manage negotiations and new beginnings are considered. The take-away message affirms the centrality of security to credible transitional justice processes and encourages the success or failure of the transitional project to be concretely measured in terms of security gains for women.

II. THE PATRIARCHIES AT PLAY IN TRANSITION

A key element in the perceived success of many transitional accountability mechanisms, and the willingness to establish new legal and political institutions, lies in engaging the support of international organizations and other states in their establishment.⁷ The transitional moment is usually only one point on the continuum of a protracted legal and political engagement between the transitional state and the international community. The transitional state is captured between the multiple interests of other states, their willingness to articulate views about a regime or conflict, and their formal or informal interaction with key actors at pivotal change moments. While much could be said about this complex interaction in general, this analysis will focus on two aspects: first, the relationship between the international community's previously articulated views on human rights compliance during a conflict or a period of authoritarian rule; and second, the complex role that the international community can play in compounding gender inequality and unaccountability once entangled with a transitional society.

The High Commissioner's Office in Bosnia; The Implementation Force (IFOR) and the SFOR in Bosnia NATO-led multinational forces; Interim Authority in Kosova; United Nations Transitional Authority in Cambodia (UNTAC).

Recall that international entanglement with and oversight of transitional societies rarely happens at the crucial transitional moment. Rather, there has usually been a long interplay between the multiple interests of other states, their willingness to articulate views about a regime or conflict, and their formal or informal interaction with key actors at moments of significant change. This analysis suggest that there is a definable connection between the international community's previously articulated views on human rights compliance during a conflict or period of authoritarian rule and the extent to which this view has ignored and/or sidelined women's experiences of harms. The general dimensions of "harm naming" are critical to and a central aspect of transition, namely dealing with the past abuses of the prior regime, and inter alia forming the basis for the institutional legal and political reforms that follow.8 It is also central to the lack of naming that occurs for ordinary violence during the conflict/repressive period. The general pattern is that this previous process of naming harms is extremely difficult to dislodge in the transitional context.

We know that transitional societies are the subject of substantial international scrutiny prior to any settlement. Transitioning societies have been repressive or violent (or both), and international oversight may have "named and shamed" systematic and significant human rights violations in the pretransition phase. As a result, the kinds of human rights violations that have been identified externally as particularly egregious during the conflict will have a clear ascendency in the hierarchy of harms that are perceived to merit review and redress in the post-conflict period. Gender-based harms struggle to gain place in this hierarchy, thereby compounding the broader set of social and political reasons why gender harms may be on the sidelines in conflicted societies. For example, international nongovernmental organizations (NGOs) such as Amnesty International, Human Rights First, and Human Rights Watch may have been active in sending investigative missions, producing numerous reports, and providing a large range of support for their domestic NGO counterparts. When it comes time in the settlement phase of a conflict or a regime handover, these prior interventions are critical to framing the way in which accountability is sought, articulated, and constructed. This construction comes from intact western conceptions of human rights hierarchies imbued with their inability to consider their own patriarchy and unwillingness to recognize it at work in an export form.9 It is important to recognize that the narrative constructed about the nature and form of

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^{8.} Fionnuala Ní Aoláin, *Exploring a Feminist Theory of Harm in the Context of Conflicted and Post-Conflict Societies*, QUEENS L.J. (forthcoming 2010).

Madeline Rees, International Intervention in Bosnia-Herzegovina: The Cost of Ignoring Gender, in The Post War Moment: Militaries, Masculinities and International Peacekeeping Bosnia and the Netherlands 51–57 (Dubravka Zarkov & Cynthia Cockburn eds., 2002).

violations in transitional societies has as much to do with the demands for accountability at the transitional moment as it has with the prior narrative of violence and causality. This narrative is significantly constructed by the watchful and deeply involved international community. It is a narrative with a distinctly gendered dimension.

How are we to understand these international patriarchies and to appraise the nature of their effects? While patriarchy is broadly understood to capture the idea of male power over the female, its etymology is traced to the Roman law construct of familial social organization. This pedigree affirms the superiority of the father in the family or clan, the dependence of women and children upon him, and the reckoning of descent and inheritance in the male line. In contemporary times, theorists have identified organic linkages between patriarchy and its contemporary outworkings and various forms of masculinity as they arise within societies and institutions. A preponderance of literatures across disciplines has deepened our understanding of how masculinities are constructed and differentiated.¹⁰ In parallel, the role of masculinity norms "in giving rise to violence against women is being theoretically scrutinized,"¹¹ and resultantly some international organizations have recognized (albeit on an ad hoc basis) that there is a pressing need to deconstruct and reduce the negative aspects of masculinity and to integrate men and boys into programs aimed at reducing violence against women.¹² In general, much less scrutiny has been given to dissecting the patriarchy inherent in international institutions, even less to revealing the masculinity bias of these same bodies and the actors who represent them. This article asserts that this bias illuminates why transitional justice in the broadest sense fails women and also why the enforcement of the cornerstone of transition in conflicted societies (namely security) fails to meet the basic test of gender neutrality.

In this context, we should note that international interface and influence in post-conflict societies is compounded by the role of such key international actors as the United Nations. So where the United Nations has paid particular attention to a conflicted or authoritarian society in the form of resolutions, mandated Special Rapporteurs, Special Representatives, and inclusion in thematic oversight in addition to review by treaty bodies, a substantive narrative already exists in the international/national context

^{10.} See, e.g., Nancy J. Chodorow, Femininities, Masculinities, Sexualities: Freud and Beyond (1994); R.W. Connell, Gender and Power: Society, the Person and Sexual Politics (1987).

See Kirsten Anderson, Violence Against Women: State Responsibilities in International Human Rights Law to Address Harmful Masculinities, 26 NETH. Q. Hum. Rts. 173, 175 (2008).

^{12.} For a review of the effects of such integration in a variety of post-conflict and health related programs see Barker & Ricardo, *supra* note 1.

about the form and nature of violations that have taken place.¹³ This narrative evidences a fundamental structural problem, namely that certain kinds of bodily harms are elevated over others in terms of their perceived seriousness. Thus, violence to women often fails to fit the narrow legal categories that dominate general understanding of serious human rights violations,¹⁴ and normal pervasive sexual and physical violence against women is simply not counted in the overall narrative of conflict or regime change. The Afghani example provides a concrete illustration of this point.

When the United States-led coalition invaded Afghanistan in October 2001, one of the myriad of justifications for the war (in addition to the de facto activation of the self-defense provisions of the UN Charter) was the rationalization that it would liberate women from "the misogynistic rule of the Taliban."15 At least on its face, this rationale was carried through to the Bonn Process of December 2001, where an accord was signed by representatives of the militia forces who fought with the United States-led coalition against the Taliban, representatives of the former King of Afghanistan, and representatives of various other exiled Afghani groups, as well as in the Afghan Constitution of 2004, which contains specific guarantees to protect women's rights. However, the litany of formal guarantees hides a far more depressing and sober reality. Key to understanding the fundamental lack of change and experience in the lives of women in Afghanistan is the measurement of what constitutes "security" in the new Afghanistan and the lack of accountability for previous violations experienced by women during the Taliban regime. While the Taliban have been replaced, their internal successors are in part regional military factions (often with histories of systemic human rights violations and engagement in widespread criminal activity) and conservative religious leaders who fundamentally share similar illiberal views on the status and role of women in Afghani society. They have little political appetite for social reform. In strategically supporting these elites, the external actors (specifically the United States and its allies) have in practice been prepared to accept widespread under-enforcement or non-enforcement

^{13.} For example, the United Nations interface with Guatemala, where between 1982 and 1986 the Commission on Human Rights mandated a Special Rapporteur to study the human rights situation in the country. This was followed in 1987 by a replacement mandate—a Special Representative of the Commission to receive and evaluate information from the government on the implementation of human rights protection measures included in the new Constitution of 1985.

^{14.} For example, it is only relatively recently that the European Court of Human Rights has interpreted the ECHR prohibition on torture to include the experience of rape. See Aydin v. Turkey, App. No. 23178/94, 1997-VI Eur. Ct. H.R. 1866; see also Ivana Radacic, Rape Cases in the Jurisprudence of the European Court of Human Rights: Defining Rape and Determining the Scope of the State's Obligations, Eur. Hum. Rts. L. REV. 357 (2008).

^{15.} HUMAN RIGHTS WATCH, BETWEEN HOPE AND FEAR INTIMIDATION AND ATTACKS AGAINST WOMEN IN PUBLIC LIFE IN AFGHANISTAN 1 (2004).

of women's rights (and their security)¹⁶ because of the calculation that the maintenance of these key alliances outweighs the interests of any particular group in Afghani society, even those who offered a compelling text for intervention. Moreover, international actors are unable to acknowledge their own patriarchy as it informs their response to the marked gender discrimination and violence that they confront on the ground.

The Afghan example potently illustrates how the shape of transition for women is tremendously influenced by the role and stance of the international community. It also demonstrates the extent to which human rights violations experienced by women (in this case during a prior oppressive regime) can remain a continuous experience despite the claims of transition to the public political spaces in society. This suggests that we need to think more carefully about the interface between the broader international processes focused on naming human rights violations in conflicted and authoritarian societies, as they operate to frame the manner in which transitional accountability is sought, and in particular to expand our concepts of violent action and social change within transitional societies.

Cynthia Cockburn and Dubravka Zarkov have argued that the postconflict environment, like conflict, is "vividly about male power systems, struggles and identity formation."¹⁷ Moreover, there may be an enormous flux in that male post-conflict fraternity, both on an individual and communal level. So, men who were in power are losing power, other men are taking their place, and as is often the case when a conflict stalemate arises, internationals (generally culturally and politically differentiated other males) are coming into a society to fill a vacuum. As Handrahan has noted, "[t]his 'international fraternity'—the community of decision makers and experts who arrive after a conflict on a mission of 'good will'—holds the upper hand, morally, economically and politically."¹⁸ However, while the international presence is lauded for rescuing such societies from the worst of their own excesses, what is little appreciated is that such men also bring with them varying aspects of gender norms and patriarchal behavior that transpose into the vacuum they fill.¹⁹ Moreover, despite an array of cultural differences

^{16.} See Fionnuala Ní Aoláin & Eilish Rooney, Underenforcement and Intersectionality: Gendered Aspects of Transition for Women, 1 INT'L J. TRANSITIONAL JUST. 338 (2007).

Cited in Lori Handrahan, Conflict, Gender, Ethnicity and Post-Conflict Reconstruction, 35 SECURITY DIALOGUE 429, at 433 (2004).

^{18.} Id. at 433.

See Lesley Abdela, Kosovo: Missed Opportunities, Lessons for the Future, 13 DEV. PRAC. 208 (2003) (report of the former Deputy-Director, NGO, Civil Society Building for the OSCE Mission-Kosovo detailing the consistent lack of integration of women and genderrelated issues into the planning of the Interim Arrangements for Kosovo), available at http://dx.doi.org/10.1080/09614520302942; see also Human Rights Watch, Not on the Agenda: The Continuing Failure to Address Accountability in Kosovo Post-March 2004 (29 May 2006), available at http://www.hrw.org/en/node/11308/.

between locals and internationals, frequently overlooked are fundamentally similar patriarchal views that internal and external elites share, which operate in tandem to exclude, silence, or nullify women's needs from the transitional space. As Cockburn and Zarkov's edited collection explores, the loosening of rigid gender roles from the social flux that conflict inevitably creates is not necessarily sealed off at conflict's end or transition by national male leadership, but rather this role is taken up by the male international development community, "whose own sense of patriarchy-as-normal is quite intact."²⁰

III. SECURITY AND TRANSITION

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There is a self-evident link between security in the transitional environment and gender accountability (or equality) in any form, whether by trial, truth commissions, or otherwise. A starting point for this interrogation is challenging the assumption that women's security and men's security are identical in such circumstances.²¹ Rather, as research on women's security highlights. there are numerous obstacles in the post-conflict and transitional political environment to meaningful security for women. Such obstacles include: the lack of a secure physical environment, making it dangerous for women to function in any meaningful sense in the public sphere for fear of harm; particular vulnerability to sex-based violence unchecked by the formal end of hostilities or the change-over in regime; allied with a lack of political acknowledgement giving credence to a wider and more embracive notion of security beyond a narrow militaristic and state-oriented approach. Arguably, a broader approach to security could function to prevent or ameliorate the systematic emergence in many transitional societies of organized crime and racist or minority targeted violence in the transitional phase.²² So while the primary purpose of addressing gender security remains to redress the imbalance and distortion produced by dominant security discourses and the policies that accompany them, its broader effects may transform the post-conflict environment in unexpected ways.

^{20.} Handrahan, *supra* note 17, at 436. *See generally* Arms to Fight, Arms to Protect: Women Speak Out About Conflict (Olivia Bennett, Jo Bexley & Kitty Warnock eds., 1995).

^{21.} See Mary Caprioli, Democracy and Human Rights Versus Women's Security: A Contradiction, 35 SECURITY DIALOGUE 411 (2004).

^{22.} See, e.g., Thokozani Xaba, Masculinity and its Malcontents: the Confrontation Between "Struggle Masculinity" and "Post-Struggle Masculinity," in CHANGING MEN IN SOUTHERN AFRICA 105 (Robert Morrell ed., 2001); Charles Ukeje, Youths, Violence and the Collapse of Public Order in the Niger Delta of Nigeria 26 AFR. DEV. 338 (2001); Center for the Stud. of Violence and Reconciliation, Into the Heart of Darkness: Journeys of the Amagents in Crime, Violence and Death, Paper prepared as part of research conducted for Council for Scientific and Industrial Research (CSIR) (1998).

Strong theoretical challenges have been mounted to the dominance of state-based approaches to security studies by asserting that individual and societal approaches to security can give greater insight into the structural causes of violence and conflict, thereby realigning how the approach to conflict resolution and transition is constructed.23 From these studies some central insights are highly relevant to the ideas explored here. The work of Johan Galtung and Kenneth Boulding was amongst the first to assert the need to acknowledge both individual and social elements of security.24 Galtung in particular emphasized that peace did not simply mean the absence of war-it was also related to the establishment of the conditions for social justice. His views on violence are particularly convincing here, noting that violence is all those "unavoidable insults to basic human needs, and more generally to life, lowering the real level of needs satisfaction below what is potentially possible."25 From this he constructs a key distinction between negative and positive peace. He argued that the absence of armed conflict can be defined as negative peace, and positive peace means the absence of both direct physical violence and indirect structural and cultural violence.²⁶

This position has a strong resonance with the argument advanced here. namely that in projecting a narrow focus on particular forms of physical violence to the person, the transitional context (and specifically its accountability mechanisms) ignore a much wider range of institutional and structural elements that may cause greater harms to society as a whole and to women in particular. A key element of this critique of the dominant language of security is that emphasis on direct physical violence (generally specific to defined periods of conflict), whether through truth processes or political rhetoric, tends to exclude the broader relevance of the language of security for women.²⁷ For many women the relationship between the physical violence experienced during conflict (noting that term will be broadly understood) and the security of the post-conflict environment are not discontinuous realities, but rather part of one singular experience that is not compartmentalized. Furthermore, recent work has confirmed that violence against women not only persists but "even increases beyond pre-war levels and sometimes even beyond wartime levels."28 Thus, accountability for violence may not have the

^{23.} See Pinar Bilgin, Individual and Societal Dimensions of Security, 5 INT'L STUD. REV. 203 (2003).

^{24.} See Johan Galtung, Cultural Violence, 27 J. PEACE RES. 291 (1990) (defining cultural violence as those mechanisms which render acceptable both direct violence and structural violence).

^{25.} See Johan Galtung, Peace by Peaceful Means: Peace and Conflict, Development and Civilization 197 (1996).

^{26.} Id. at 32.

^{27.} See also Fionnuala Ní Aoláin, Political Violence and Gender in Times of Transition, 15 COLUM. J. GENDER & L. 829 (2006).

Donna Pankhurst, Post-War Backlash Violence Against Women What Can Masculinity Explain?, in Gendered Peace Women's Struggles for Post-War Justice and Reconciliation 293 (Donna Pankhurst ed., 2007).

nflict/transitional environment as it

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same end point for women in the post-conflict/transitional environment as it may have for male combatants or male political actors. This central insight ought to profoundly redefine how we come to determine what constitutes security in the post-conflict environment, and whose securities are being advanced by a narrow as opposed to a broad definition.

Some inroads are being made on the traditionally narrow and stateoriented view that security discourse belongs to and is only really about the state. For example, the Commission on Human Security has started to move the discourse to a more inclusive basis, beginning with the premise that achieving human security requires not only protection but also a strategy to empower people to support themselves.²⁹ A real and pressing question is whether we consider massive economic deprivation as a security threat, particularly when those made most vulnerable in most societies as a result of such deprivations are women and children. Notably, the former Secretary-General of the United Nations has articulated the view in his report, *The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies*, that the relationship between massive economic deprivation and violence needs to be more carefully considered in transitional processes.³⁰

The starting point is to understand the centrality of security as a concept for individual and community well-being. Significant debates are ongoing concerning the definition of security.³¹ Two divergent starting points offer themselves. First, there is a broad concept of security that encompasses physical, social, economic, and sexual security. This article asserts that when all these securities are combined in a manner that elevates and affirms the experience and relevance of gender, then gendered security is achievable. This method is identified as a process of "re-gendering" security. In this view, gendered security can be seen as an umbrella that brings together a wide set of institutions and structures that guarantee security within the state. In this approach, reform would be linked to broad democratic transformation that is based on equality principles applied to multiple legal spheres and contains a redistributive economic dimension. While these goals may seem wider than the narrow set of imperatives which have traditionally dominated transitional justice discourse, there is increasing recognition that a failure to address the broader demand for economic and political transformation can have profoundly disabling and limiting effects on the capacity for accountability in the traditional transitional justice mode.

^{29.} COMMISSION ON HUMAN SECURITY, HUMAN SECURITY Now (2003), available at http://www. humansecurity-chs.org/finalreport/English/FinalReport.pdf.

The Secretary General, Report of the Secretary-General on the Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies, Delivered to Security Council, U.N. Doc. S/2004/616 (23 Aug. 2004).

^{31.} These divergent views have a very specific effect on the articulations of policy and practice in the area of security sector reform outlined in Part IV.

The second approach to security adopts a narrow definition that conceives of security in physical terms only. In this view, security is aimed at delivering specifically defined outcomes conveyed by a narrowly defined security apparatus. Thus, for example, when post-conflict or repression security discourse elevates the protection of and accountability for physical security only and narrows what counts as physical violence for the purposes of containing conflict or repression (often conflating physical security with narrowly defined sexual security for women), there are decisively negative implications for women.³² Moreover when violence is understood in specific and narrow ways, this affects broader understandings of what issues are open for negotiation, mediation, and reform purposes, and what kinds of institutional reforms ought to follow.

Some scholars have identified cultural elements as the most substantive barrier to security, but the analysis contained in Part II of this article suggests that cultural evaluation ought to include reflection on the ingrained patriarchies that international interface and oversight brings to transitional societies, and should not be presumed to apply to "native" cultures only.³³ Research has also identified the organic link between a lack of gender security and entrenched structures of inequality and discrimination.³⁴ Others have focused on the prevalence of violence that woman in transitional societies experience, both in the public and private spheres. Such research confirms that meaningful security and equality for women will not be achieved by simply placing barriers to state (or public) violence directed against them; rather, fundamentally transformative action against violence and its underlying causes in the private sphere must be part of the transformative project.

A. Disarmament and Security

As we identify a tension between narrow and broader notions of security in the post-conflict environment, an important arena to address directly is the relationship between disarmament and security. The requirement to disarm combatants frequently constitutes a core element of transitional processes.³⁵ It

^{32.} Christine Bell, *Women Address the Problems of Peace Agreements, in* Peace WORK: WOMEN, Armed Conflict and Negotiation 96 (Radhika Coomaraswamy & Dilrukshi Fonseka eds., 2004); Ní Aoláin, *supra* note 27.

Arif Dirlik, Culturalism as Hegemonic Ideology and Liberating Practice, CULTURAL CRITIQUE 6 (1987). See also Johan Galtung, Cultural Violence, 27 J. PEACE RES. 291 (1990) (defining cultural violence as those mechanisms which render acceptable both direct violence and structural violence).

J. ANN TICKNER, GENDER IN INTERNATIONAL RELATIONS: FEMINIST PERSPECTIVES ON ACHIEVING GLOBAL SECURITY (1992).

^{35.} See, e.g., The Agreement, Gr. Brit.-Ir., 10 Apr. 1998, § 8, available at http://www.nio. gov.uk/the-agreement (hereinafter Belfast Agreement). The Belfast Agreement deals with security and refers to the "normalization" of security arrangements and practices. This includes the reduction of armed forces, the removal of security installations, and emer-

is a process that has deeply involved the international community in various matrixes. Its presence or absence raises complex questions in post-conflict or regime-change societies from a gender perspective. The relationship of disarmament to accountability for human rights violations is a complex one, not least because in some contexts successful disarmament may be premised on political compromises that exclude or deny the possibility of accountability.

From a gender perspective a number of issues arise. First, what constitutes disarmament sufficient to satisfy a ceasefire requirement in the political/military sense may not in fact entail the removal of all such weapons from the public, and more importantly the private sphere. Second, a perhaps trite but true observation is that the disarmament of weapons is not the disarmament of minds. Working this premise through we find that the underlying social psychological dimensions that, in a conflicted society, have supported the resort to violence and the elevation of particular forms of masculinity that accompany it, are not in any sense undermined or addressed by a formal disarmament process. Thus, a key issue to be addressed concerning violence in conflicted societies is what exactly is meant by the term "ending violence." In the parlance of ending public violence or internal conflict this conversation revolves around decommissioning weapons and getting armed paramilitaries/insurgents to swap violent confrontation for peaceful debate about contested issues. However, this kind of discussion rarely engages with the fundamental requirement of changing deep-seated social attitudes toward the use of violence.³⁶ Attitudinal change is critical and under-valued. For women, it means that while guns may physically no longer be present in public spaces, this does not change a social psychology that makes the use of violence acceptable (whether in the private or public sphere).

A highly complex issue that arises in the context of identifying and managing the forms and facilitators of violence in many transitional societies is the relationship between disarmament and intimate violence. The quandaries have been graphically identified in such transitional societies as

gency powers, and other measures appropriate to and compatible with a normal peaceful society. The text of the Agreement Disarmament is discussed further below in Part IV *infra*. For interesting discussions involving the masculinities at play in the Colombian DDR process see Kimberly Theidon, *Reconstructing Masculinities: The Disarmament, Demobilization, and Reintegration of Former Combatants in Colombia,* 31 Hum. Rts. Q. 1 (2009); Fredy Hernan Gomez Alcaraz & Carlos Ivan Garcia Suarez, *Masculinity and Violence in Colombia: Deconstructing the Conventional Way of Becoming a Man, in* THE OTHER HALF OF GENDER 93 (Ian Bannon & Maria Correia eds., 2006).

^{36.} See AMNESTY INT'L, THE IMPACT OF GUNS ON WOMEN'S LIVES (2005) (containing a sustained and detailed cross-jurisdictional study of the "ordinary" impact of gun violence against women). The study notes that although "available data supports the widespread assumption that most direct casualties of gun violence are men, particularly young men, women suffer disproportionately from firearms violence, given that they are almost never the buyers, owners or users of such weapons." *Id.* at 2.

South Africa,³⁷ where the perceived escalation of domestic violence rates post-apartheid have raised deep concerns about the relationship between preexisting apartheid violence and its spill-over to a transitional society.³⁸ There is evidence that post-conflict societies do (at least) statistically experience greater proportions of domestic and intimate violence. Monica McWilliams has argued that domestic violence experienced by women during conflict may be more severe in its form (particularly in ethno-national conflicts) because the resort to external mediation of such violence (e.g. access to police) may have been entirely absent.³⁹ Thus, increased reporting at the end of conflict may not mean absolute empirical increases in violence per se; rather it may simply mean that reporting is possible where it was not previously, and in fact, the forms of violence may be more muted.

Other theorists have argued that the reassertion of violence in the private sphere during the transitional phase constitutes a form of compensation for male combatants, for their loss of public status and hegemony.⁴⁰ This is graphically shown by the psychological phenomena of the returning warrior who has, through conflict, normalized the use of violence and views the home as another site in which to exercise power and control through physical force. Notably, in previous work examining truth processes, it has been demonstrated that domestic and intimate violence, as it was experienced or heightened for women during conflict or authoritarian regimes, has never been examined as an integral part of the accounting for the totality of violence experienced by women at conflict's end.⁴¹

The disarmament process can present many complexities for parallel accountability mechanisms, not least because partial, incomplete, or unsatisfactory disarmament means that there is little gap between violations that took place during a conflict/prior regime and those taking place post-transition. Moreover, where discharged-but-not-disarmed combatants return to their homes and families with their weapons, the sites of violence may simply move from the public to the private sphere. From the gendered critique of accountability mechanisms, what we learn is that truth processes may examine the prior violence in the public sphere but will not engage in any way with the continual violence that is facilitated in the private sphere by non-rehabilitated and non-disarmed former combatants. The disconnect between the operation and scope of the transitional justice mechanism and

^{37.} See infra Part IV, Section C for further discussion.

^{38.} These issues are further addressed *infra* in Section C discussing Security Sector Reform in post conflict or repressive societies.

^{39.} See Monica McWilliams et al., Tackling Domestic Violence: A Policy For Northern Ireland (1995).

^{40.} See, e.g., Anu Pillay, Violence Against Women in the Aftermath, in The Aftermath, WOMEN IN POST-CONFLICT TRANSFORMATION (Sheila Meintjes, Anu Pillay & Meredeth Turshen eds., 2002).

^{41.} Ní Aoláin & Turner, supra note 4.

the intimate and everyday realities of living with a former combatant for women could hardly be more starkly contrasted.

The absence of meaningful security (in both a narrow and broad definition) for women in the post-conflict or transitional phase has direct and measurable effects on women's interest and participation in accountability processes. At the simplest level, if it is not physically safe for women to testify before such processes (whether international, hybrid, or domestic courts or tribunals) by virtue of an insecure physical environment (and the barriers to women in this context will be higher than for men), then the absence of security will affect the narrative that emerges from the process. But at a deeper level, if we take security to encompass a wide range of markers, where women continue to experience high levels of "normal" sexual and physical violence within a transitional society, it becomes deeply problematic to expect women to make artificial distinctions between pre- and posttransition harms when the experience of harm may be continuous. At the very least this ought to have significant implications for our understanding of what constitutes a successful transition.

IV. SECURITY SECTOR REFORM AND TRANSITION

As we probe and problematize what a successful and secure transition would be like for women, a pragmatic site of analysis requires examination of security sector reform. The term "security sector reform" first made an appearance in a speech by Clare Short, the British Minister for International Development, in 1997.⁴² The concept of security sector reform has substantial political and policy currency in Europe but generally not in the United States. Despite this, the concept has permeated a number of international policy contexts in recent years and has a wide range of applications beyond the post-conflict society. It has been linked *inter alia* with "debates on poverty alleviation, sustainable development, professionalization of the security forces, and good governance."⁴³ Security sector reform has

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^{42.} Theodor H. Winkler, Managing Change: The Reform and Democratic Control of the Security Sector and International Order 5 (Geneva Ctr. for the Democratic Control of Armed Forces, Occasional Paper No. 1, 2002). Short's concept was further conceptually developed by European and Canadian academics in subsequent years. However, some challenge has been made to the notion of the "newness" of this field. Farr argues that "versions of the current security sector reform debate have been ongoing since at least the middle of the 19th century." See VANESSA A. FARR, BERGHOF RESEARCH CTR. FOR CONSTRUCTIVE CONFLICT MGMT., VOICES FROM THE MARGINS: A RESPONSE TO SECURITY SECTOR REFORM IN DEVELOPING AND TRANSITIONAL COUNTRIES, available at http://www.berghof-handbook.net/articles/ssr_farr.pdf. Farr also articulates that contemporary theorists (mostly men) fail to articulate and acknowledge their intellectual debts. Id. at 3.

^{43.} NICOLE BALL, TSJEARD BOUTA & LUC VAN DE GOOR, ENHANCING DEMOCRATIC GOVERNANCE OF THE SECURITY SECTOR: AN INSTITUTIONAL ASSESSMENT FRAMEWORK 12 (2003).

its roots in western donor debates over how best to target and implement development assistance, thereby fostering a policy nexus between poverty and security debates.⁴⁴ Here security sector reform is asserted as an integral part of development assistance, especially in post-conflict societies, which are particularly prone to revert back to violent conflict.⁴⁵

Security sector reform applies to repressive regimes, faltering or failed entities, transitioning states, and democratic states. Debates in all these contexts have concentrated on oversight and structure of civil-military relations,⁴⁶ the democratic control of the armed forces, and the integration of all the security agencies responsible for securing a state's internal and external integrity. Generally all these conversations exclude women, and women are not represented at the "tables" where such discussions take place.

A precise and agreed definition for "security sector reform" by all the agencies, governments, institutions, and international organizations using it is still lacking—what is clear is that security sector reform is a broad concept which covers a multitude of relationships and sites. This article endorses the view that the broadest possible consensus on the scope of security sector reform is vital to gender parity and visibility and is essential to the practical rolling out of security in post-conflict societies.

To this end, this part of the article undertakes a review of security sector reform through a gender lens as a means of expanding our conceptualization of what gender security can and might mean in post-conflict societies. In advancing this goal, it is important to pay attention to the manner in which the term "women" can be mentioned in policy-making contexts but without bringing the concept of gender into play. This analysis adopts three substantial methods for responding to gender deficits: a mainstreaming approach, a specialized focus, and a cross-cutting method. A mainstreaming approach draws on the United Nations definition which is described as involving the "assess[ment of] the implications for women and men of any planned action, including legislation, policies or programmes."⁴⁷ A specialized ap-

^{44.} A good example is provided by the Netherlands. "Peace and Security are preconditions for development and poverty reduction, which make security a sustainable development issue." *Id.*

^{45.} However, one clear issue in this context is to ensure recognition that a holistic vision of SSR within the "development community" is not homogenous. See FARR, BERCHOF RESEARCH CTR. FOR CONSTRUCTIVE CONFLICT MGMT., supra note 42, at 3; see also Kofi Annan, Secretary-General, United Nations, Address to World Bank: Peace and Development—One Struggle, Two Fronts (19 Oct. 1999) ("development has no worse enemy than war").

^{46.} SAMUEL P. HUNTINGTON, THE SOLDIER AND THE STATE: THE THEORY AND POLITICS OF CIVIL-MILITARY RELATIONS (1957).

^{47.} Report of the Economic and Social Council for 1997, U.N. GAOR, 52d Sess., at 28, U.N. Doc. A/52/3 (1997). By comparison the European Commission defines gender mainstreaming as "the integration of the gender perspective into every stage of policy process—design, implementation, monitoring and evaluation—with a view to promoting equality between women and men."; see Ulla Sladek, The CoP's definition of Gender Mainstreaming and Gender Equality (13 Nov. 2007), available at http://www.gendermainstreaming-cop.eu/node/174.

proach involves carving out unique protections and mechanisms to ensure distinct spaces of gender equality within broader contexts (that may or may not function gender neutrally). A cross-cutting approach involves making provisions simultaneously for both mainstreaming and specialization in the same policy or legislative context. These three schemes provide useful tools to think about how security sector reform does or does not seek to ensure gender integration in its policy formation, execution, and assessments of its own success or failure.⁴⁸ A substantial challenge lies in identifying what mainstreaming and other mechanisms would practically encompass in the security sector reform context and how they would transform the masculine cultures dominant in this sector to deliver gendered security in practice.

A. BROADER CHALLENGES TO GENDERED SECURITY SECTOR REFORM

Some commentators assert that "security [is] accompanied by the recognition that the monopoly of power, and particularly the monopoly of the legitimate exercise of force, has to be vested in the community, the state and cannot rest anywhere else."⁴⁹ There is no doubt that a growing number of states are challenged by the loss of their monopoly on the use of force. Challenges identified arise from the privatization of the exercise of force, the inability of some states to control their armed or military forces in part or in full, the capacity of armed and powerful remnants of totalitarian or extremist factions to exercise force, the parallel state-control mechanisms exercised by powerful criminal or terrorist organizations, and the capacity of technological developments to make traditional exercises of state force obsolete. In this view, the major challenge to security sector reform for the state is to reassert its full control and authority over the exercise of force.⁵⁰

One such approach links security sector reform (whether in democratic or non-democratic contexts) to funneling the security sector back to civilian and democratic control. It is important to stress the extent to which this widespread debate (with significant legitimacy among international states and institutions) fails to engage with the patriarchies and exclusions that are

^{48.} VASUKI NESIAH ET AL., INT'L CTR. FOR TRANSITIONAL JUST., TRUTH COMMISSIONS AND GENDER: PRINCIPLES, POLICIES, AND PROCEDURES (2006) "This report uses the term 'gender' broadly to encompass the ways in which sexual identity and difference are constructed (and contested) in various contexts and impact men's and women's experiences of human rights abuse." The report addresses how "[a]ttitudes and ideologies regarding sexual identity and difference can motivate and shape human rights violations against both men and women". An important reference in security sector reform is to think through how these "attitudes and ideologies" can permeate and shape the reform process.

^{49.} See Winkler, supra note 42, at 3.

^{50.} There are also grassroots challenges to the dominance of the state from such communitybased initiatives as restorative justice programs.

reinforced (and/or invented) to re-exercise that form of control.⁵¹ Thus, an important conclusion drawn here is that the reformist mode of security sector reform contains an explicit modeling on western security sector organizations with a compelling blind-spot about the gender distortions inherent in these institutions and their subsequent export to other states. Compelling research undertaken on intimate violence experienced by partners of military personnel and the socially constructed genderedness of the military community in western states demonstrates the evident contradictions inherent in exporting western military models to transitioning states as presumed ideals of virtue.⁵² As Part II of the article asserted, in these exchanges complimentary rather than contradictory patriarchies may meet in the guise of reform, and the exchange may do little more than further embed existing propensities to and silences around violence. The particular danger here is that the legitimization and external validation that accompanies strategies for successful security sector reform programs actually entrench gender-based exclusions and discriminations in ways that are extremely difficult to dislodge.

Alternatively some literature in the field presents a view of security that is described as more cooperative in nature and views the state in partnership with community and other societal groups to share responsibility for and capacity to exercise force and thus ensure (or repress) security. Such cooperative or community based approaches need critical assessment from a gender perspective. While they may be more informal, locally based, and communal in structure, this does not mean that they are gender neutral nor even positively disposed towards women's needs. In fact, quite the opposite can be true in practice. Critical probing of these co-operative models reveals substantial concern as to whether cooperative models actually seek to deliver shared (and gender sensitive) notions of security, or whether the semantics mask equally problematic structural exclusions.

Aside from specific cooperative models, extensive institution discussions are taking place about a wider definition of security as discussed in Part

^{51.} An example is found in a challenging review by the Bonn International Center for Conversion, Voice and Accountability in the Security Sector. There is a positive and indeed progressive emphasis on the relationship between security and poverty. The report highlights the way in which poor people experience ill-security far more frequently and negatively. However, there is almost no disaggregation of the gendered nature of poverty in most societies, nor is there a link made between "intimate" violence, poverty, gender, and security reform. Another clear bias in the report is the use of the term "victim," stressing at the outset that: "Although men are more frequently the victims of war and violent crime, modern war is increasingly deadly for women and children." Again, there is a lack of critical analysis around what hierarchies of victims are constructed, and how women are often categorized in the secondary rather than the primary categories of victimhood. Nicole BALL & MICHAEL BRZOSKA, BONN INT'L CTR. FOR CONVERSION, VOICE AND ACCOUNTABILITY IN THE SECURITY SECTOR (July 2002), available at http://www.smallarmssurvey.org/files/portal/issueareas/security/security_pdf/2002_Ball_et_al.pdf.

^{52.} See, e.g., Deborah Harrison, Violence in Military Community, in Military Masculinities Identity and the State 71 (Paul R. Higate ed., 2003).

III of this article. For example, drawing on the broader analysis of security, the Commission on Human Security's 2003 articulation of an individually empowered model of security has much to offer the discussions of security definition in the security sector reform context.

Both state and cooperative models present reform opportunities. In theory both could be sites in which the three models identified above (mainstreaming, specialization, and cross-cutting approaches) are utilized. Moreover, we should not assume that it is either a state or a communal model that will deliver security sector reform for women. Mixed state/communal structures may in reality provide the most successful models both generally and from a gender audit perspective. A real test for national and international policy makers is to think through what this kind of mixed partnership would mean for the interests that to date have been dominant in security sector reform politics.

The challenge for the state and the communal modalities is twofold: first, to be capable of identifying and addressing entrenched, discriminatory, and exclusionary masculinities; and second, to meaningfully apply mainstreaming, specialized, or cross-cutting approaches to address the gender deficit in the security sector reform process. This would also require identifying the individuals and groups most marginalized from the security sector reform process (mostly women, urban and rural poor, and ethnic/racial minorities), and systematically working through how a mainstreaming, specialized or cross-cutting approach would take account of their interests.

B. Security Sector Reform, Transition, and Transnational Interests⁵³

In the context of transitional states, Christine Bell's tripartite analytical structure assessing the phases of peace negotiations and peace-making generally defined is useful.⁵⁴ Bell identifies three phases in ending violent conflict: first, the pre-negotiation stage; second, the framework or substantive agreement phase; and finally the implementation phase. In all three contexts, Bell identifies substantial barriers and pitfalls for women's participation and substantive "take-up" of the issues that most substantially affect them.⁵⁵

^{53.} Some commentators have made further distinctions between different kinds of countries that have high priority in security sector reform. See Int'l Alert, Damian Lilly & Michael Von Tagen Page, The Privatisation of Security and Security Sector Reform (2002) (on file with author) who identify five types of country groups: 1) consolidating democracies, 2) lapsing or stalled democracies, 3) transitional democracies, 4) conflict torn societies, and 5) states under reconstruction.

^{54.} CHRISTINE BELL, PEACE AGREEMENTS AND HUMAN RIGHTS (2000); see also Bell, Women Address the Problems of Peace Agreements, supra note 32.

^{55.} Bell, Women Address the Problems of Peace Agreements, supra note 32, at 100-16.

These categories are a useful means to identify at what points and to what degree security sector reform agendas manifest and when, if at all, gender is integrated. It is evident that security sector reform issues arise in all three contexts. If one starts from the position that women experience differential exclusions from peace processes generally (in all three phases), such barriers are further refined in the specifics of security sector reform. The exclusions persist despite the UN Security Council Resolution 1325 and the recent adoption of UN Security Council Resolution 1820.

In parallel, existing discourses also expose the view that "civilians are ... ill-equipped to address substantive issues related to the security sector."⁵⁶ If this is well received wisdom in ordinary times, we should assume that it has a heightened sensitivity in situations of great political and military flux. The "exclude civilians" view is compounded by the vision that formulating and executing security policy (in the narrowest sense) is a legitimate responsibility (almost a "spheres of competence" approach) given to the security forces themselves and, where applicable, to international military elites. Additionally civil society organizations generally shy away from substantive engagement with such bodies or are simply not represented in the spaces where the conversations about policy formation take place. Thus, women face additional layers of exclusion because they are unrelentingly absent from the military decision making processes and the small number of women who "get to the negotiation tables" will be unlikely candidates for a civilian addition to security sector reform conversations.

C. DDR, Transition, and Gender

Frequently the most obvious matter flagged as a security sector reform subject is disarmament, demobilization, and reintegration (DDR) programs. DDR efforts are integral parts of development aid and peace-making processes in multiple conflict situations.⁵⁷ An extensive general literature has emerged on the subject of DDR,⁵⁸ as well as more particular case-study analyses, look-

^{56.} BALL & BRZOSKA, supra note 51, at 11.

^{57.} A strong link has been established between disarmament and development. See generally David A. Koplov & Philip G. Schrag, Carrying a Big Carrot: Linking Multilateral Disarmament And Development Assistance, 91 COLUM. L. REV. 993 (1991); Herbert Wulf, Disarmament as a Chance for Human Development: Is There a Peace Dividend? (U.N. Dev. Programme, Occasional Paper No. 5, 1992).

^{58.} See, e.g., Deutsche Gesellschaft fur Technische Zusammenarbeit, Demobilisation and Reintegration of Ex-Combatants in Post-War and Transition Countries (2001). Mats R. Berdal, Disarmament and Demobilisation After Civil Wars: Arms, Soldiers and the Termination of Armed Conflicts (Int'l Inst. for Strategic Studies, Adelphi Paper Series No. 303, 1996); LOTTA HAGMAN & ZOE NIELSEN, INT'L PEACE ACADEMY, A FRAMEWORK FOR LASTING DISARMAMENT, DEMOBILIZATION, AND REINTEGRATION OF FORMER COMBATANTS IN CRISIS SITUATIONS (2003),

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ing at particular countries and how they have reintegrated and demobilized (or not) former combatants.⁵⁹ DDR is identified as central to ensuring and changing the conditions of security at the community level. But, DDR comes with strong instrumental and policy goals. At its essence it may function as the most important preliminary step in ending or limiting violent conflict. It can act instrumentally to facilitate control over armed forces, both state and non-state.

There is an important and increasingly acknowledged relationship between disarmament and security. This includes both the realization of sexual security for women as well as the broader concept of gender security that may be advanced when disarmament is entwined with economic distribution and political representation. Disappointingly acknowledgement largely comes in the form of specialized focus, for example as "an issue requiring special attention" rather than being mainstreamed into state or institutional processes involved with DDR.⁶⁰ In some literature there is a positive emphasis and recognition of the role of female soldiers and the female dependents of male combatants.⁶¹ The overarching limitation is the lack of gender mainstreaming in the DDR policy context.

available at http://www.ipacademy.org/pdfs/FRAMEWORK_FOR_DDR.pdf; Kees Kingma, Bonn Int'L Ctr. for Conversion, Demobilisation and Reintegration of Ex-combatants in Post-war and Transition Countries (2001); Kimberly Mahling Clark, U.S Agency Int'L Dev., Fostering a Farewell to Arms: Preliminary Lessons Learned in the Demobilization and Reintegration of Ex-Combatants (1996); U.N. Dep't of Peacekeeping Operations, Disarmament, Demobilization and Reintegration of Ex-Combatants in a Peacekeeping Environment: Principles and Guidelines (1999); Mark Knight & Alpaslan Ozerdem, Guns, Camps and Cash: Disarmament, Demobilization and Reinsertion of Former Combatants in Transitions from War to Peace, 41 J. Peace Res. 499 (2004).

^{59.} See Jessica Schafer, A Baby Who Does Not Cry Will Not Be Suckled: AMODEG and the Reintegration of Demobilised Soldiers, 24 J. S. AFR. STUD. 207 (1998). An exploration of the politics and the organization of the Mozambican demobilized soldier's association, and their relationship with government, donors, and its own members; Kris Brown & Corinna Hauswedell, Burying the Hatchet: The Decommissioning of Paramilitary Arms in Northern Ireland (Bonn Int'l Ctr. for Conversion, Brief No. 22, 2002); Markus Koth, To End a War: Demobilization and Reintegration of Paramilitaries in Colombia (Bonn Int'l Ctr. for Conversion, Paper No. 43, 2005); Chris Alden, Making Old Soldiers Fade Away: Lessons from the Reintegration of Demobilized Soldiers in Mozambique, 33 SECURITY DIALOGUE 341 (2002).

See KINGMA, supra note 58, at 35–38. (In this report the special attention runs to nine lines of a fifty-one page report), Emily Schroeder, A Window of Opportunity in the Democratic Republic of Congo: Incorporating a Gender Perspective on the Disarmament, Demobilization, and Reintegration Process, 5 PEACE CONFLICT & DEV. 1, 3 (2003).

^{61.} See, e.g., SUSAN MCKAY & DYAN MAZURANA, WHERE ARE THE GIRLS? GIRLS IN FIGHTING FORCES IN NORTHERN UGANDA, SIERRA LEONE AND MOZAMBIQUE: THEIR LIVES DURING AND AFTER WAR (2004); MATT HOBSON, SAVE THE CHILDREN, FORGOTTEN CASUALTIES OF WAR: GIRLS IN ARMED CONFLICT (2005), available at http://www.reliefweb.int/rw/lib.nsf/db900sid/EVIU-6BSFEG/\$file/ SCF_apr_2005.pdf?openelement; BETH VERHEY, REACHING THE GIRLS: STUDY ON GIRLS ASSOCI-ATED WITH ARMED FORCES AND GROUPS IN THE DEMOCRATIC REPUBLIC OF CONGO (2004), available at http://www.crin.org/docs/Reaching_the_girls.pdf; Susan McKay & Dyan Mazurana, Girls in Militaries, Paramilitaries, and Armed Opposition Groups (2002).

The presence or absence of DDR raises complex questions in post-conflict or regime change societies from a gender perspective. The requirement to disarm combatants frequently constitutes a core element of transitional processes.⁶² If we accept a link exists between past accountability and meaningful security sector reform it is also evident that the complexity of concessions made to secure political agreement can operate to undercut the transformative potential offered by security sector reform. These compromises, mostly made by elite men, often fail to engage with the particular vulnerabilities created for women by partial or excluded accountability. These vulnerabilities are critical to the creation (or lack) of security for women.

An obvious linking issue is how to measure the success or failure of demobilization and disarmament from a gender perspective. This benchmarking for success through a gender sensitive lens is markedly absent throughout all the programs reviewed for this article. The underlying socialpsychological dimensions which, in a conflicted society, have supported the resort to violence, and the elevation of particular forms of masculinity that accompany it, are not in any sense undermined or addressed by a formal demobilization process, and are usually not measured as a means to define successful and secure transition. The disarmament process can further present many complexities for parallel accountability mechanisms, not least because partial, incomplete, or unsatisfactory disarmament means that there is little gap between violations which took place during a conflict/prior regime and those taking place post-transition.⁶³ This article suggests that when security sector reform (whether narrowly or broadly defined) is ineptly undertaken fundamental accountability in the transition context is compromised. Selfevidently, as outlined above, when combatants return home to their families after an ineffective DDR process, the sites of violence may simply move from the public to the private sphere.

D. Security Sector Reform and "Ordinary" Violence

As identified in Part II, disaggregating conflict or repressive violence from intimate violence poses highly challenging conceptual and practical dimensions for transitioning societies. South Africa has been identified as the

^{62.} See, e.g., Belfast Agreement, supra note 35, § 8. This Agreement include the reduction of armed forces, the removal of security installations and emergency powers, and other measures appropriate to and compatible with a normal peaceful society.

^{63.} This was made evident in the Liberian context. A poorly planned and timed DDR program was initiated on 8 December 2003. The session quickly deteriorated into looting, violence, and mass rapes throughout Monrovia. Human Rights Watch, The Guns Are in the Bushes: Continuing Abuses in Liberia, Human Rights Watch Briefing Paper (2003).

quintessential example of these challenges,⁶⁴ where the perceived spiraling of domestic violence rates post-apartheid challenge the notion that there is a clear distinction between pre-existing gendered apartheid violence and experiences of domestic and random gender-based violence in the transition phase. As domestic and other forms of violence experienced by women skyrocket, this peak of violence is not deemed relevant to security sector reform.⁶⁵

Security sector reform has also consistently failed to engage with the "returning warrior" problem, the combatant who may be out of circulation for the purposes of public political violence but poses significant risk in the domestic private sphere. Here again the integration of ordinary and "conflict/regime" violence into security sector reform debates where regulation of violence is at the heart of the discussion is markedly absent. There is little acknowledgement in the general literature to the organic link between ordinary and extra-ordinary violence.⁶⁶ Moreover, there is a conceptual unwillingness to affirm that a failure to address ordinary violence has long-term and structural implications for the success of any specific security reform efforts.

These observations suggest that transitioning societies in general, but those examining security sector reform in particular, should pay particular attention to the connections (or lack thereof) between ordinary and extraordinary violence.⁶⁷ There is a pivotal connection between the control of force that is sought by security sector reform (extra-ordinary and public) and a complete lack of systematic analysis of the ordinary private violence experienced by women, which is completely disassociated from the wider issues of control being exercised in society.⁶⁸ In this context, there is a need to challenge a militarized view of what constitutes safety and to bedrock violence against women as a central (ordinary) aspect of the security that needs to be created.

As we reflect what the concept of security means for post-conflict societies (and the relationship between ordinary and extra-ordinary violence) it is particularly important to probe the distinctions between *de jure* and *de facto* security. This requires meaningfully examining the security experience for women as opposed to conducting box-ticking exercises that checks the

^{64.} See, e.g., Sasha Gear, Wishing Us Away: Challenges Facing Ex-combatants in the "New" South Africa, 8 VIOLENCE & TRANSITION SERIES (2002).

^{65.} See Brandon Hamber, "We Must Be Very Careful How We Emancipate Our Women": Shifting Masculinities in Post-Apartheid South-Africa (U.K. Econ. and Soc. Res. Council New Security Challenges Programme, Working Paper, 2006) (on file with author).

^{66.} One exception is the work of LaShawn R. Jefferson, In War as in Peace: Sexual Violence and Women's Status, in Human Rights Watch World Report 2004: Human Rights and Armed Conflict 325 (2004).

^{67.} NESIAH ET AL., supra note 48, at 25.

^{68.} See FARR, BERCHOF RESEARCH CTR. FOR CONSTRUCTIVE CONFLICT MCMT., supra note 42, at 4.

elite definitions of secure environments but does not actually test or ensure that security is experienced in practice by women.⁶⁹ A prime example of this gap between *de facto* and *de jure* security has been identified in the experiences of women in post-Taliban Afghanistan discussed above.⁷⁰

The security sector reform process raises significant issues about the interface between international masculinities as they connect with the societies experiencing transition. An important general element to consider here is whether the bureaucratic, command-control-oriented, masculine systems and structures which pervade the international community's interface with domestic security sector systems are actually structurally capable of accommodating change. Nonetheless a key element in the perceived success of many transitional accountability mechanisms is the support of international organizations and other states in their establishment as discussed above.

A good example of the methodological problem is represented by the work of political scientists Neil J. Mitchell and James M. McCormick, who have assessed the political and economic causes of human rights violations⁷¹ through their use of Amnesty International reports to develop a twodimensional scale of human rights violations for countries mentioned in the reports. The coding used related to civil and political violations only, with key violations such as arbitrary imprisonment and the systematic use of killings and torture against prisoners highlighted. In this scale and approach, countries are rated and compared for their human rights performance. The categories privilege the experience of men, inherently exclude women's experiences, and have an evident impact on the measures that are adopted to respond to the perceived seriousness and scale of a state's human rights record.⁷² This is but one example of systematic methodological processes that create the broader context in which harms experienced by women are acted upon by national and international actors. Specifically, there is an entrenched disconnect in linking the general continuum of violence that women experience, whether in times of conflict, peace, or transition. These experiences are part of the broader context into which security sector reform

^{69.} See The Aftermath: Women in Post-conflict Transformation (Sheila Meintjes et. al. eds., 2001).

^{70.} See HUMAN RICHTS WATCH, "KILLING YOU WAS A VERY EASY THING FOR Us," supra note 2, at 73. ("While the de jure discrimination and limits on freedom of movement and dress of the Taliban have largely ended, life for too many women and girls in Afghanistan remains replete with similar, de facto restrictions"). Examples also about in "post-conflict" Zimbabwe, Namibia, Eritrea, Mozambique, and Algeria. See Donna Pankhurst, Women, Gender, and Peacebuilding (Ctr. for Conflict Resolution, Dep't of Peace Studies, Working Paper No. 5, 2000).

See Neil J. Mitchell & James M. McCormick, Economic and Political Explanations of Human Rights Violations, 40 WORLD Pol. 476 (1988).

^{72.} Amnesty International reports that such acts include violence against women, arbitrary arrests, the abuse of gay, lesbian, bisexual and transgender people as human rights abuses. See AMNESTY INT'L, ANNUAL REPORT (2006).

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is placed. This analysis suggests that a failure to deal with these broader contextual issues will limit the extent to which security sector reform can meaningfully contribute to gendered security.

E. Critique of Mainstream Approaches to SSR

There is a substantial body of general criticism concerning existing approaches to security sector reform.⁷³ There is a serious concern that SSR tends to focus too heavily on capacity-building at the expense of addressing more fundamental shortcomings, in particular the need to build up the integrity of the security system.⁷⁴ Such integrity-promoting measures include structural reforms that discourage abuses (e.g. vetting, building institutional accountability, strengthening institutional independence, and advancing adequate representation) and ensure that the security system is actually responsive to and reflective of the communities it protects and operates within. But, as preliminary analysis it is also clear that such criticism also suffers from a lack of gender perspective and integration. Thus, the strategies that are positively mooted to ensure reform of security sector reform themselves fail to engage substantively or consistently with gender issues.⁷⁵

There is also an evident structural link between security sector reform and dealing with the past. The failure or lack of this dimension seriously

^{73.} These criticisms range from the observation that SSR constitutes a European center left "project," to claims that it is devoid of meaning as it ignores the underlying causes of insecurity in developing countries. "It has also been criticized for being too narrowly married to an optimistic conception of the possibilities for external manipulation of political and social forces and that in most formulations it leaves out the requirements for major changes in the industrialized countries, such as an overhaul of their arms export policies." Michael Brzoska, Development Donors and the Concept of Security Sector Reform 5 (Geneva Ctr. for the Democratic Control of Armed Forces, Occasional Paper No. 4, 2003).

^{74.} See generally Heiner Hänggi & Vincenza Scherrer, Towards an Integrated Security Sector Reform Approach in UN Peace Operations, 15 Int'L PEACEKEEPING 486 (2008).

^{75.} The priorities for security sector reform highlighted by BALL et al., *supra* note 51 include: 1) Ensuring that security sector organizations, especially the security forces are accountable both to elected authorities and to civil society and that they operate in accordance with democratic principles and the rule of law; 2) Making information about security sector budgeting and planning widely available, both within governments and to the public; 3) Creating an environment in which civil society can actively monitor the security sector and be consulted on a regular basis on defense policy, resource allocation and other issues; 4) Strengthening civil society organizations and other NGO to play such roles; 5) Fostering an environment that promotes regional/sub-regional peace and security; 6) Giving adequate attention to specific legacies of war, such as practical disarmament and demobilization. The clear sense of this agenda is the sense of a reformist impulse, but one which critically fails to take account of its own biases and which in effect will result in a conversation in which elite men will continue to talk to each other about security and in which gender will inevitably be sidelined.

undermines the extent to which security sector reform can be meaningful, long-lived, and transformative. Therefore, there is a need to think about security sector reform in the context of transitional institutional transformation.⁷⁶ In particular, there is a need to think about how the gender failings of past-focused accountability mechanisms have manifested themselves and how these failings have influenced current understanding of what role the past plays in security sector reform.⁷⁷

Another clear (but marginalized) critique of security sector reform is directed at the unwillingness of national or international policy makers and academics to address precisely "who are the individuals who should participate in, take ownership of, and ultimately benefit from SSR."78 Moreover, even those who advocate a deep concept of security sector reform run the risk of promoting lofty sounding platitudes without fundamentally engaging with marginal voices.⁷⁹ It is also useful to reflect on the use of language by security sector reform insiders and the extent to which the terminology is exclusionary and sidelines gender. The focus on the language of leadership, control, containment of threats, and force assumes a particular understanding of security sector reform and a predetermined conceptualization of who the subjects of the discourse are. It should also be noted that the discourse of security sector reform has a pervasive overlay of hetero-normativity that pervades militarization, demilitarization, and security sector reform conversations.⁸⁰ This overlay is particularly relevant as we assess how intersectionality plays out in the security sector reform context and how problematic essentialist responses to the absence of gender may be for women.⁸¹

F. Locales and Representation

Finally this analysis highlights an obvious point—namely, that most of the locales where security sector reform is discussed, decided, and implemented are decision-making entities that have a history of poorly (or not) representing women.

^{76.} LAURA DAVIS, INT'L CENTER FOR TRANSITIONAL JUST., TRANSITIONAL JUSTICE AND SECURITY SECTOR REFORM (2009), *available at* http://www.initiativeforpeacebuilding.eu/pdf/Transitional_Justice_and_Security_System_Reform.pdf.

^{77.} See Ní Aoláin & Turner supra note 4.

^{78.} See FARR, BERGHOF RESEARCH CTR. FOR CONSTRUCTIVE CONFLICT MGMT., supra note 42, at 2.

^{79.} Id. at 2.

See generally, Brenda Cossman, Dan Danielsen, Janet Halley & Tracy Higgins, Gender, Sexuality, and Power-Is Feminist Theory Enough?, 12 COLUM. J. GENDER & L. 601 (2003).

See Eilish Rooney, Engendering Transitional Justice: Questions of Absence and Silence, 3 INT'L J.L. CONTEXT (2007) (exploring the application of intersectionality theory to the exclusion of women from peace process negotiations).

Representation constitutes a key element of re-gendering security in the security sector reform context. It is relevant to mainstreaming, specialization, and cross-cutting approaches to gender security. This stated, an important and underlying caveat should be noted. Gender security will not be assured by merely addressing the lack of women's representation in key security sector reform sites. It would be an elementary mistake to confuse representation with reform. UN Resolution 1325 "urges UN Member States to ensure increased representation of women at all decision-making levels . . . for the prevention, management, and resolution of conflict."82 It calls on governments to take a proactive position to promote the entry of women into the security services.⁸³ It also requires the presence of women in peace-making negotiation teams. But presence raises numerous complex issues. As Eilish Rooney questions in a related context, "For instance, which women should be present? Would any woman be able to 'represent' women's interest? Are 'women's interests' different from men's interests? How so? . . . Can legal formulation accord recognition to women's presence in this context?"84

Beyond the procedural package of issues raised by representation itself lies the further step of ensuring that women are meaningfully represented in decision-making positions and that there is a critical mass of women present so that divergent women's voices can emerge.⁸⁵ This critical mass is essential to deflect the real possibility that women will either be absorbed into the status quo or marginalized.⁸⁶ A preliminary empirical assessment of women's participation in negotiation processes premised on the requirements of Resolution 1325 reports that women themselves have viewed their presence as tokenistic and have become deeply disillusioned with their participation and their influence on outcomes.⁸⁷ The challenge is manifold—requiring both

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^{82.} See also Women and Peace and Security, S.C. Res. 1325, supra note 6.

^{83.} Id. A relevant reference point here is reform of the police services in Northern Ireland negotiated as part of the Belfast Agreement, supra note 35. Such reform was mooted as a means to ensure greater cross-community confidence in a police force that had a significant history of human rights violations and was implicated in broader concerns about the representative nature of the state and its institutions of governance. The reform process was advanced by the establishment of an international commission to review policing, the Patten Commission see The Report of the Independent Commission on POLICING FOR NORTHERN IRELAND: A NEW BEGINNING (1999), available at http://www.nio.gov. uk/a_new_beginning_in_policing_in_northern_ireland.pdf. While this report was viewed as engaged with the broadest set of policing and security reform issues, it failed to pay meaningful attention to gender issues and the highly masculine structure, organization and membership of the police force in the jurisdiction.

^{84.} See Rooney, supra note 81.

^{85.} This requires consideration of the need for applying quotas to ensure women's representation.

Donna Pankhurt wisely points out that the mere presence of women does not per se lead 86. to a change in attitudes in high "masculine" institutions and contexts. See Pankhurst, Women, Gender, and Peacebuilding, supra note 70, at 12-13.

^{87.} See Victoria Brittain, The Impact of War on Women, 44 RACE & CLASS 41-51 (2003).

positive and diverse representation and further efforts to ensure a critical mass is present and retained at the negotiation tables. Achieving this outcome may require no less than fundamentally recalibrating the militaristic culture that defines the entities that presently make up the sector.⁸⁸

Consider also the multiple sites where representation itself must be advanced. We can conceive of four key entities engaged in security sector reform conversations:

- Governments
- Security Sector (including *inter alia* public militaries, non-governmental militias and groupings, police, intelligence agencies, border guards, and private entities providing state or private security)
- Local Stakeholders (including formally identified civil society groupings and identifiable social, religious, ethnic, and other groups who lack organization ability or formal recognition)
- External Partners (including international institutions, regional and multilateral organizations, other states)

All of these locales are male-dominated, with a notable dearth of women in key decision-making arenas. Engaging with gender security requires transformation in all these sites to prevent the phenomena identified earlier of patriarchies reinforcing one another in contexts that project as reform processes. If one moves beyond the idea of simplistic representation based merely on the idea that the presence of women (any women) constitutes gender representation in the security sector reform context, then a plethora of substantive institutional reform matters become present. These are relevant to all four of the entities identified above. Such strategies mitigate against the adoption of a specialized approach to gender security but emphasize the comprehensive set of contexts in which mainstreaming and/or crosscutting approach operate. They include recruitment, promotion, and transfer strategies; training agendas; discipline and grievance procedures; and axiomatically family-friendly working supports as well as legal protections to entrench such advances. Fundamental issues of organizational culture and subcultures arise in all four sites as male and macho sexism are arguably endemic to these institutional structures. To underestimate the scale and depth of transformation required is to fundamentally underestimate the barriers that exist to meaningfully ensuring gender security, and ultimately to the project of transitional justice itself.

^{88.} An important general point to note here is that the while much energy is spent ensuring that women are placed "at the table," little follow up is given to ensuring that they remain. A key challenge is retaining a representative spectrum over the three stages described by Bell, Women Address the Problems of Peace Agreements, supra note 32, at 100–16.

G. A New Paradigm of Gendered Security

In his review of the concept of security sector reform applied to developing and transitional societies, Herbert Wulf has argued that the concept offers the potential to be "excitingly broad in scope, since it should be undertaken with the intent not only to disarm a society or reduce the size of its armed forces, but to fundamentally change civilian-military relations by installing democratic control over the security sector."89 This quotation to some extent manifests a number of pitfalls evident in reformist and liberal approaches to security sector reform. A re-gendering of security sector reform would require that these "reformist" positions be as critically evaluated as their conservative counterparts. This is because from a gender perspective reform may constitute a euphemism for change that involves modification but not transformation. This can be management-focused change⁹⁰ or change that is premised on outcomes that are highly traditional. In this context the term "security-sector transformation" has been proposed as an alternative term that is intended to convey the message that wide-ranging change in the security sector is sought, rather than narrowly perceived security-sector reform.⁹¹ As highlighted above, it is important to think about how the modeling of change onto western democratic notions of institutional structure may look like positive change but in fact, these institutional structures are as deeply patriarchal as their non-western counterparts. The institutional modeling then may deliver change (or not) but in fact is premised on notions of institutional functioning that are not at all focused on what women want or need.

A central issue theme across much of the literature in this domain is the dominant narrative of masculinity pervading security sector reform policies and analysis. This meta-narrative is also linked to a pervasive emphasis on what is deemed to constitute the core elements of the security sector. Typically the emphasis on certain providers of security (military, police, intelligence agencies, state security, paramilitary organizations, and border guards) continues to emphasize the public providers of security and fails to engage with the broader sites and causes of private violence experienced by women. Moreover what is seen as progress in security sector parlance may actually simply not respond in any way to the need for mainstreaming, integrating, or cross-cutting gender into security sector reform analysis. Thus, for example some contributions speak positively to the advances made by

^{89.} As *quoted in* Farr, Berghof Research Ctr. for Constructive Conflict Mgmt., *supra* note 42.

For an analysis of this kind of paper change, see Mary O'Rawe, Human Rights and Police Training in Transitional Societies: Exporting the Lessons from Northern Ireland, 27 Hum. Rts. Q. 943 (2005).

^{91.} Neil Cooper & Michael Pugh, Security Sector Transformation in Post-Conflict Societies 2002; David Chuter, Defence Transformation: A Short Guide to the Issues (2000).

integrating defense reform, police reform, and judicial sector reform under an integrated umbrella—instigating "a holistic approach to the provision of security, integrating all the relevant institutions and their connections"—but gender or other marginal voices are not integrated in any way.⁹² From a feminist perspective then security sector reform in this holistic model could actually serve to perpetuate and extend structural patriarchies rather then unpick and replace them.

In conclusion, and taking a lead from the International Center for Transitional Justice's (ICTJ) analytical approach to truth commissions, it is valuable to ask why we need to specifically pay attention to gender when engaging in security sector reform? As the ICTI's Report noted, this attention is required because "dominant hierarchies will marginalize women's priorities, interests and participation"; they will "render invisible the gendered patterns and structures" that accompany (in this case) security sector reform.⁹³ Identifying the pervasiveness of this invisibility for women highlights the likelihood of substantial resistance to a transformative vision of security sector reform. As Vanessa Farr notes, "those who wield power within violent and exclusionary structures will [not] easily give it up."94 It is also evident that strategies to rectify such exclusion require broad and transformative approaches addressing the social reality of women's inequality and the violence that pervades normality for many. Only when such broader contextualization become part of the "fix" in step with micro schemes and strategies to transform the security sector will gender security be effectively realized for women.

V. CONCLUSION

The narratives that emerge from the "women's sector" in many transitional and post-conflict societies suggest that women have an expansive notion of what and where transformation is required, and it is not limited to the public domains that so often dominate peace agreements and transitional "deals" between internal political factions. Gendered notions of accountability and harms also manifest a clearly different conceptualization than the dominant masculinity that overshadows the peace deals and transitionary mechanisms that typically come to the fore at the end of conflict or following a period of authoritarian government in transitional societies. Women experience both the public and private aspects of dysfunctional societies, and articulate the need to transform politics and practice in both contexts.

^{92.} Quoting Brzoska, supra note 73, at 16.

^{93.} NESIAH ET AL., supra note 48, at 43-44.

^{94.} FARR, BERGHOF RESEARCH CTR. FOR CONSTRUCTIVE CONFLICT MGMT., supra note 42, at 7.

In conclusion, the lived experience of women in conflicted and postauthoritarian societies suggests that the term "transition" has much more territory to occupy that it has hitherto and that much work is needed to both ground and empirically quantify this fundamental difference of conceptualization. The starting point for such expansion is assessing and revisiting the accountability and restructuring mechanisms that have come to be seen as synonymous with transition, probing their biases and exclusions, and offering an alternative and inclusive vision of what meaningful accounting and transformative institutional change might look like for women. From that follows a hard-nosed examination of transitional processes more generally, allied with a willingness to expand the narrow band of public transition(s) that

are viewed by many as transformative—yet consistently fail to take account of broader gendered transformations necessary to genuine social revolutions in societies experiencing profound political and social change.