

WOMEN AND THE DEMOCRATIC MANAGEMENT OF PEACE AND RESOURCES



STRATEGIES FOR THE ACCESS TO JUSTICE AND WOMEN'S PARTICIPATION IN PEACE BUILDING THROUGH THE MANAGEMENT OF RESOURCES

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BACKGROUND

This paper is an ongoing work of SAFF that works on women and resources. It was presented to people in Palestine as the state was preparing to depose at the United Nations its preparedness to govern itself as a nation in the post conflict mode. The issue of gender equality has often been raised as a factor that should be worked upon better by the state. The government and the civil society try as they must to project what is best. It is assumed that the issue can be dealt well under Islamic, Hindu and Christian personal laws as well as under EU and Asian practice.

SAFF was invited to present a paper on Palestinian women's housing rights in a conference in Ramallah in May 2011. As could be imagined, the context of conflict in Indian "occupied" / under siege territories may be similar in Palestine and in India. The photo¹ at the cover of this paper is of a Turk in Kashmir who is ensuring her families security from the security guards of the administration. The needs for people in North East or areas controlled by armed resistance in India point towards need for immediate solutions. The need to create peace zone by increasing women resource base to ensure security of communities is even more important in conflict zone or an occupied territory. This paper was thus revisited in Oct 2011.

A woman's life and body is effectively occupied. The reproductive and productive gender roles assigned by the culture of her own family may vary in a peace or in conflict. Yet these roles take the majority of her time to leave very less time and resources for women to actively engage in community or national leadership roles. Due to this reason not many women are found in leadership positions at higher levels barring a few exceptions.

The Palestinian conference organizers after receiving this paper decided that gender equality issues could not be discussed in open forum. The paper however was presented at a strategy discussion where male leaders acknowledged that no gender disaggregated data was available on resource base or any other services, neither do women get the share in property as the Sahriat or personal laws provide for. Widows and single women face more cultural and economic difficulties. Yet for Palestinians under the Israel occupation the priority is nation building rather than working on gender equality. Any conflict or post conflict situation relegates work on gender equality as secondary to immediate work of maintaining law and order. Women are thus left behind in peace keeping and peace building.

SAFF contacted some women groups while in Palestine and understood that women are facing resurgence of cultural barriers. For many have begun wearing the "men's veil" as the men in their families ask them to represent their cultural identity and assertion. Since the men in the family are doubly burdened with national pride and to uphold an economic leadership the women just have no option but to support them.

Women at the conference in Palestine expressed no opinion in public but shared that they wanted the gender and planning work in Palestine to take shape before September. The need to have shelters and neighborhood facilities are great as homes of the Palestinians are crowded. This is so as building byelaws do not permit expansion or development of new settlements in areas controlled by authorities. Each inch of land and house is a contested property.

¹ Photo credit Laila Tronsdal Moen, Cousellor Royal Norway Embassy, India.

Local area plans allocate resources to women in groups as a reparation for violation of gender resource inequality. A gender resource gap needs to be calculated for each neighborhood to pay back women SAFP advocated through 2011. Advocacy towards this end is an ongoing task SAFP engages with.

The farm land has the same story of male ownership and the control of productive assets is in the male domain. Some free thinkers have generated more freedoms for women in their families than others. Yet the work of developing gender equality in local plans seems very relevant in context of Asian countries like Palestine, India, Afghanistan and Cambodia today.

SAFP has worked on getting women equally participation in planning of areas they live in. This has been a difficult uphill walk. The understanding gender gaps on resources within household is yet to develop in a way households can recognize discrimination. Thus making space for women to participate in local and district planning is another level of work. A silver lining is that work at the highest levels has begun. The UN Security resolution 1325, district planning mechanisms and gender sub plan within that can be utilized well in the context of India to work upon peace and security issues with women's participation.

In India research is under way to include women in planning. Different organizations have different framework defined for themselves. They range from

- Work with victims of violence; provide counseling and safe spaces to recuperate from violence.
- Work with administration to understand that violence is systemic and affects women the most.
- Work on developing no conflict zones or safe and productive local neighborhoods.
- Work on gendered planning for negotiation to maintain peace.
- Work with women to develop their strength and resilience to build peace by participation in community, national and International levels.

Each state corporate and civil society actor has role in developing a perspective on gender roles on peace building. The UN shows a way through its [UN Security Council resolution 1325](#). As a landmark legal and political framework it acknowledges the importance of the participation of women and the inclusion of gender perspectives in peace negotiations, humanitarian planning, peacekeeping operations, post-conflict peace building and governance. This resolution should be widely understood and recalled in daily life to impact gender equality in developing a peaceful home, neighborhood and our world.

In particular, resolution 1325² calls for:

The **participation** of women at all levels of decision-making, including:

- in national, regional and international institutions;
- in mechanisms for the prevention, management and resolution of conflict;
- in peace negotiations;
- in peace operations, as soldiers, police and civilians;
- as Special Representatives of the UN Secretary-General.

² http://www.unifem.org/gender_issues/women_war_peace/unsr_1325.php

The **protection** of women and girls from sexual and gender-based violence, including:

- in emergency and humanitarian situations, such as in refugee camps;
- through developing and delivering pre-deployment and in-theatre training to peace operations personnel on the rights of women and girls and effective protection measures.

The **prevention** of violence against women through the **promotion** of women's rights, accountability and law enforcement, including by:

- prosecuting those responsible for war crimes, genocide, crimes against humanity and other violations of international law;
- respecting the civilian and humanitarian nature of refugee camps;
- excluding sexual violence crimes from amnesty agreements, as they may amount to crimes against humanity, war crimes or genocide;
- strengthening women's rights under national law;
- supporting local women's peace initiatives and conflict resolution processes.

The **mainstreaming of gender perspectives** in peace operations, including by:

- appointing Gender Advisors to all UN peace operations;
- considering the specific needs of women and girls in the development and design of policy in all areas;
- incorporating the perspectives, contributions and experience of women's organizations in policy and programme development.

This resolution should be widely understood and recalled in daily life to impact gender equality in developing a peaceful home, neighborhood and our world.

Learning from the exchange with Control Arms Foundation of India (CAFI), New Delhi and Manipur Women Gun Survivor Network (MWGSN) in India and with other women groups. SAFP has promoted peace building by including reparations through a peaceful local planning process with planning authorities of the Indian states.

Inclusive local plan in all wards of the city to enhance the productive role of the excluded through equitable access to infrastructure, financial and natural resource managed by women groups.

Planning to increase visibility of women in the governance of their areas needs to be attempted under Indian urban flagship programmes called JNNURM. SAFP recommends that the design of integrated community local plan, toilets, roads, buses, waterpoints, housing should be done after collecting data from women about their needs and how they will like to participate in the productivity and safety of their local areas. A systematic district gender planning tailored to the needs of all people can be attempted by:

- Identifying the existing gender gaps in access to resources and services of all areas where local plans are being developed and allocate resources to lessen the gap.
- Ensuring that slum and city development contracts plan to fill the gender resource gap through specific projects to plan "inclusion" as mentioned in the 12th five year plan of the Nation.

- Converging Urban development, environment and enterprise promotion and social welfare schemes support system for the residents of an area to sustain resources.
- Provide budget for building skills of women groups to manage the infrastructure for care and productive services through the government, religious and private corporate agency programs.
- Initiate projects to conserve natural resources of the local area for the primary use and management of the local residents including migrants and guests and other market interests. In the expression of interest for contractors to propose make it mandatory that the 30% of these resource adaptation projects should be managed by women groups
- Ensuring annual monitoring of the increase in women employment and enterprise.

Work and community spaces near homes, safe transport and training to set up enterprises for livelihood with assured access to infrastructure and credit will enhance the economic performance and overall social wellbeing.

While most of the work that SAEP does is at the level of training advocacy and lobbying, it is heartening to see that National government and UN agencies have taken the task on mainstreaming gender and refocusing on gender equality action plans with an earnest interest. This interest is a first step to being about basic attitudinal shift in the Asian mind set.

STRATEGIES FOR THE ACCESS TO JUSTICE AND WOMEN'S PARTICIPATION IN THE MANAGEMENT OF PEACE AND RESOURCES

PRINCIPLE

Women's rights in, access to and control over land, housing and property is a determining factor in women's overall living conditions³ and factor determining survival in the post conflict context⁴. Democratic management of housing, land and resources demands a change in the resource allocation from authorities and communities in favor of women. Only when women are recognized as stakeholders and shareholders in district and city plans can safety be ensured. Hence it is clear that security comes from ownership of spaces and neighborhoods as well as control of areas populations stay in. Therefore SAFP suggests that district and city planning during and the post conflict context in particular be gender mainstreamed.

INTERNATIONAL HUMAN RIGHTS LAW

Women and their right to property is now a well settled and recognized principle in international human rights law –

- The Universal Declaration on Human Rights (UDHR)⁵: Article 17(1) and 17(2) establish the right to property for all people regardless of sex, Article 25 establishes for everyone the right to an adequate standard of living including housing and to security in the event of a lack of livelihood and 16 of the UDHR states that men and women are "entitled to equal rights as to marriage, *during marriage and at its dissolution*."
- Article 26 of the International Covenant on Civil and Political Rights⁶ is a broad, anti-discrimination provision which indicates that any law – regardless of its subject matter – which discriminates on the basis of sex is in breach of the ICCPR
- Under Article 15 of the Convention for Elimination of Discrimination Against Women⁷, States Parties are obliged to accord to women "equality with men before the law"; "a legal capacity identical to that of men" including "equal rights to conclude contracts and to administer property".
- Article 16(1)(h) obliges state parties to provide "The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property whether free of charge or for a valuable consideration"

³ United Nations Centre for Human Settlements (Habitat), *Women's Rights to Land, Housing and Property in Post-Conflict Situations and during Reconstruction: a Global Overview* (Nairobi, 1999), P. 18

⁴ Rachel Waterhouse, *Women's Land Rights in Post War Mozambique*, paper presented at the inter regional consultation which states that because most women in Mozambique rely on subsistence agriculture, access to land ensures their livelihood.

⁵ Universal Declaration of Human Rights, adopted 10 Dec. 1948 by General Assembly Resolution 217 A (III), UN GAOR, 3rd Sess.

⁶ International Covenant on Civil and Political Rights, *adopted* 16 Dec. 1966, G.A. Res. 2200 (XXI), U.N. GAOR, 21st Sess., Supp. No. 16, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171 (*entered into force* 23 Mar. 1976)

⁷ Convention on the Elimination of All Forms of Discrimination Against Women, *adopted* 18 Dec. 1979, G.A. Res. 34/180, U.N. G.A.O.R., 34th Sess., Supp. No. 46, U.N. Doc. A/34/36 (1980) (*entered into force* 3 Sept. 1981)

- Under Article 3 of the International Covenant on Economic, Social and Cultural Rights women are guaranteed equal rights to the enjoyment of all economic, social and cultural rights set forth in the ICESCR and Article 11(1) codifies the right to adequate housing for women.
- Resolution 1325(2000) adopted by the UN security Council *expresses* “concern that civilians, particularly women and children, account for the vast majority of those adversely affected by armed conflict, including as refugees and internally displaced persons” and “*reaffirms* the important role of women in the prevention and resolution of conflicts and in peace-building, and *stressing* the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, and the need to increase their role in decision-making with regard to conflict prevention and resolution”

CONTEXT

*“In communities torn by conflicts, women almost invariably constitute a majority of the population. Many have become heads of household. Disregarding their ownership rights marginalizes them, thus depriving a large part of the community of its means of livelihood”*⁸

Gender mainstreaming should receive special attention and emphasis in post conflict Palestine because –

- Women’s right to property is guaranteed by Islamic and Christian customary law. Under the integrated Islamic approach to women’s property rights, a woman’s reduced inheritance rights are theoretically expected to be compensated for through alternative means of wealth generation which include a woman’s equal access to purchase through earnings, endowments, gifts and special supplements such as savings , dower and maintenance⁹
- But even in the presence of such recognition, the reality of women is one which calls for urgent action and attention to resource allocation and gender mainstreaming. Despite the fact that men tend to be on the frontlines of the battlefield, wars are not or not solely about men in battlefields especially in light of the fact that approximately 75% of those killed in war are civilians and among these civilians women (along with children and older men) will be found in huge numbers¹⁰. Women also find it difficult to run family farms without men's labour and participation. And hence land impinges directly on women’s relationship to land, housing and property.
- Women are often the worst sufferers in time of conflict and hence greater emphasis should be given to their rehabilitation and the realization of all their rights.
- During times of conflict, most households are headed by women and such roles are taken away from them in order to restore the patriarchal pre conflict situation which is seen as ‘normal’. For instance, during the war in Eritrea, women comprised over 30% of the military forces, as

⁸ Sadako Ogata, UN High Commissioner for Refugees, *Opening Statement* at the iINTER-REGIONAL CONSULTATION ON WOMEN'S LAND AND PROPERTY RIGHTS IN SITUATIONS OF CONFLICT AND RECONSTRUCTION , 16 - 19 February 1998, Kigali, Rwanda

⁹ UN-HABITAT, *Policy Maker’s Guide to Women’s Land, Property and Housing*, (Nairobi, 2006) P.17

¹⁰ Leilani Farha, *The Case of Forced Eviction* in COMMON GROUNDS: VIOLENCE AGAINST WOMEN IN WAR AND ARMED CONFLICT SITUATIONS edt. Indai Sajor (1998) 77

commandos, assault troops, tank and truck drivers, mechanics, doctors.¹¹ In Rwanda, women took up roles contrary to patriarchal norms such as managing refugee camps and building their own communities.¹² All of such participation is reduced in the post conflict situation due to a 'roll-back' in female participation. This is worsened by gender-discriminatory laws and the lack of enforcement of beneficent legislation.

- Building better international support by guaranteeing rights, safety and freedoms to counter campaigns for example the Israel's NGO Alternative Report¹³ that highlights violation of women's rights to privacy, security and dignity inside prisons.
- Women are de-facto leaders during conflict times and such capacity to lead households and make decisions must be recognized by law as well as the community.

METHODOLOGY

While a wide and comprehensive plan is required in order to engage with gender equality in town planning, the following guidelines may be helpful when formulating area and neighborhood plans:

- Awareness and data generation for community livelihood security and security of tenure through women's cooperatives (for placement and productive enterprises, care services, and housing projects).
- Setting up information service to improve access to resources for community under women's ownership
- Setting systems of employment regulation for safeguarding workers and women's interest through neighbourhood women resource committee
- Establishing neighbourhood care services women resource increase projects and centres that are linked with city wide space and village administrative units for developing social infrastructure to increase productivity and safety.

ROLE FOR NGOS

Impetus must also be provided to civil society partnerships for women's rights, NGOs principally can work towards the following five areas :

- enhancing awareness of women's property rights and developing business plans for collective wealth generation for neighborhood development;
- lobbying for improvement in women's security for tenure;
- Participating in projects aimed at augmenting women's rights and resource control;

¹¹ Tsehainesh Tekle, *Women's Access to Land and Property Rights in Eritrea*, paper presented at the Inter regional consultataion

¹² Marieke van Geldermalsen, *Women Breaking the Vicious Circle: A Gender Perspective on Cause and Effect in the Burundese and Rwandese Conflicts*, Habitat Debate , Vol.1 No. 2 (1995) at 20.

¹³ NGO Alternative Report in response to the list of issues and questions with regard to the consideration of periodic reports, Submitted in May 2005 To the Committee on the Elimination of Discrimination Against Women, CEDAW/PSWG/2005/II/CRP.1/Add.7 available at [http://www.iwraw-ap.org/resources/pdf/israel\(1\).pdf](http://www.iwraw-ap.org/resources/pdf/israel(1).pdf), last checked on 27th May,2011

- monitoring implementation of policies;
- Providing legal support for enforcement of women's property rights.¹⁴

INVOLVING PRIVATE AGENCIES AND LOCAL AUTHORITIES TO MITIGATE CLIMATE CHANGE

The need to work on the challenges arising from the financial and ecological crises the world faces cannot be over stated. Area-based plans that promote food production, greening areas and water conservation can mitigate the effects of climate change. The potential of including a gender-resource-equality framework in area planning can be extended to involve the private sector albeit with due caution. Solar and other clean energy projects have taken off productively in India in a way women self help groups benefit.

Rights to natural, human and financial resources within natural and built environment need to be built within the market economy frame work that takes responsibility to harvest back profit to local area and its communities. With more market-driven projects and privatized development, corporate agencies' action and responsibility also need to be enhanced to increase access, control and use of common assets and resources by women. Gender Resource Equality Advocates in India with the support of UN women promoted policies and project ideas to ensure gender resource equality within the concept of Sustainable Development Gender-equal Zone (SDGEZ).

Sustainable Development Gender Equality Zones: All state and local leaders need to pilot this concept within their areas This would essentially mean that they understand and approve area development plans to include regeneration of resources such that each local governance unit, consciously sets aside at least half resources to women groups in order to manage the regeneration of natural and built infrastructure of the city. A SDGEZ pilot has been initiated in Edakochi, in Kerala¹⁵, which will award use rights to women and men equally for income generation; provide services such as safe drinking water, sanitation or old-age, children and migrant care projects; besides natural conservation projects and commercial support projects, where matching grants could be made available from the sector's ministry budget . SDGEZ is accepted in principle and policy but needs to be applied in practice with a training, monitoring and evaluation framework.

¹⁴ Id. Note 7 at P.34

¹⁵ Available at www.inspire-india.com/concept1a.htm, last checked on May27,2011

An initiative in India: Implementation of the guidelines issued by the National Planning Commission's "District Gender Sub Plan" will be carried out through a program supporting pilot projects to apply lessons and upscale plans in many more regions with the help of various UN agencies. In Tamil Nadu, a wind-energy company, Suzlon, has successfully launched a public/private experiment in that gives land-use rights to women on wind-energy farms¹⁶. Such projects could be basic unit for area development plans.

Leadership of Excluded Women

Increased participation of women in administration is the transformation needed to utilize existing women's resources in each neighborhood and to develop gender-resource equality. For this, data are needed to determine the percentage of public, private and government resources local women and men have access to and control over in each administrative unit. The gender deficit determines women's entitlements to fill the resource use and control and ownership gap to become equal.

CASE EXAMPLES

- In India due to efforts of SAFF the chief town planner of a state called Kerela has submitted a Gender plan for the attention of authorities. This means that each sector and spatial plan will have a gender equality component.
- In an area in Delhi that is inhabited by Muslims, women groups articulated what they wanted in the local area plan. This was presented to political leaders, leaders of Mosques and Waqf board as they were controlling public spaces as well as mind of the men in community. Women thought of projects that benefit their elders, children as well as themselves. These were projects that needed women to access buildings that could be shared with women groups for use during few hours of the day. The projects were coaching class for entrance test of different institutions that young people, especially girls could go to in their neighborhood, or setting up placement and care services, call centers and entrepreneur ventures with women in groups that could hire men as support for work that needed to be done.
- After civil society demands housing under government schemes are allotted in name of women or in joint ownership of husband and wife in case of rehabilitation schemes. Private housing projects also report more ownership among women as the government offers tax rebate if ownership is in the name of women.

Women's Resource increase plan visualized in:

1. Kochi, Kerela: The member of the Kochi Legislative Assembly has sanctioned 15% budget of the State Government to establish a Sustainable Development Zone in Edakochi. The planners have accepted SAFF advocacy to include gender-equality resource zones within this planned initiative.

2. Kollam, Kerela: Similarly, the Integrated District Development Plan (IDDP) of Kollam has accepted policy and project ideas to make gender plan an integral part of the district as well as state plan

3. Delhi: Program, meant for all do not reach women equally. Official schemes now give access to infrastructure as advocated by SAFF. Women groups have worked with government on UN supported safe city campaign. Inclusive Cities Project of the central government of India can include gender equality in resource ownership in spatial plans. The district administration can assist women to access infrastructure to organize safe migration, placement services, and care services in their neighborhoods.

¹⁶Available at <http://www.suzlonfoundation.org/pdf/PublicAndPrivatePartnershipIncreasingWomenResourceBase.pdf>

Planning and Design

Women specific needs only can be understood once they have been consulted in a manner that they fully understand their rights. Women plan their living and work environment to cater to needs of space to cook and care for family while managing production work at home. Their design of spaces determines how a woman can manage assets and be actively productive to improve the local life of her community.

Women safety framework: UNIFEM has developed the Women and Safe Cities project, which calls for redesigning areas with lighting and public spaces that can be used by many people at all times to ensure people will be present to call for help, if needed. This should deter violence, in general, and violence against women, in particular.

Space needs and livelihood: Healthcare centers and markets often are planned, but more workspaces and job opportunities are needed near the home to help women and men manage domestic and community responsibilities while increasing their productivity.

Distance of the built infrastructure and livelihood resource from residential space is an important factor for women to use and claim that resource.

Sathi All for Partnerships, a civil society organisation, promotes partnerships to work for women resource increase and care for disabling mental illness. SAFP coordinates a global forum called the Consult for Women and Land Rights and is a member of the Habitat International Coalition - Women and Habitat Network.)

Experience testifies that special measures are needed to ensure equal participation and inclusion of women. The examples above indicate of how women housing and land rights will be envisaged in the Palestinian housing and land rights movement. It is assumed that women and men walk together in the struggle to gain access of land and housing and will share the gain and pain equitably.

LEARNING FOR BUILDING A CAMPAIGN

Campaign for gender equality for peace building : The means to achieve substantive gender equality is possible by practical steps, including: Organized women and men mapping all available resources in their area to support their livelihood and infrastructure needs and drafting their plan to conserve and protect environment through green livelihood.

- Local, regional and national authorities adopting and implementing Gender Equality Action Plans, by including specific requests of local women for resource reallocation.
- Encourage youth to develop their own campaigns for productive and safe spaces to implement UN Security Council Resolution 1325(2000).
- Seeking UN Women's assistance for ensuring budgetary and infrastructure provisions for local Gender Equality Action Plan and insisting on equitable allocation under all the schemes and in local charters and district gender sub plans.
- Campaign targeted at resource owning institutions declaring any unused, underused resources/assets and making those available for use with mutual consent of needy inhabitants as part of charter of equality between women and men in local life.
- Campaign to strengthen human right base and housing rights framework with Corporations for sharing resources with local communities: lands, buildings, vehicles, equipment, or any productive assets that can be used equally by women and men;
- Civil society actively pursuing gender equality in resource allocation and the principles of gender justice and equality by
 1. Researching to establish specific gender resource gap data in each sector.
 2. Training women and men to develop enterprise that help local area climate change adaptation and mitigation plans.
 3. Develop neighborhood services owned and managed by women.
 4. Campaign for gender equal representation for all negotiating team