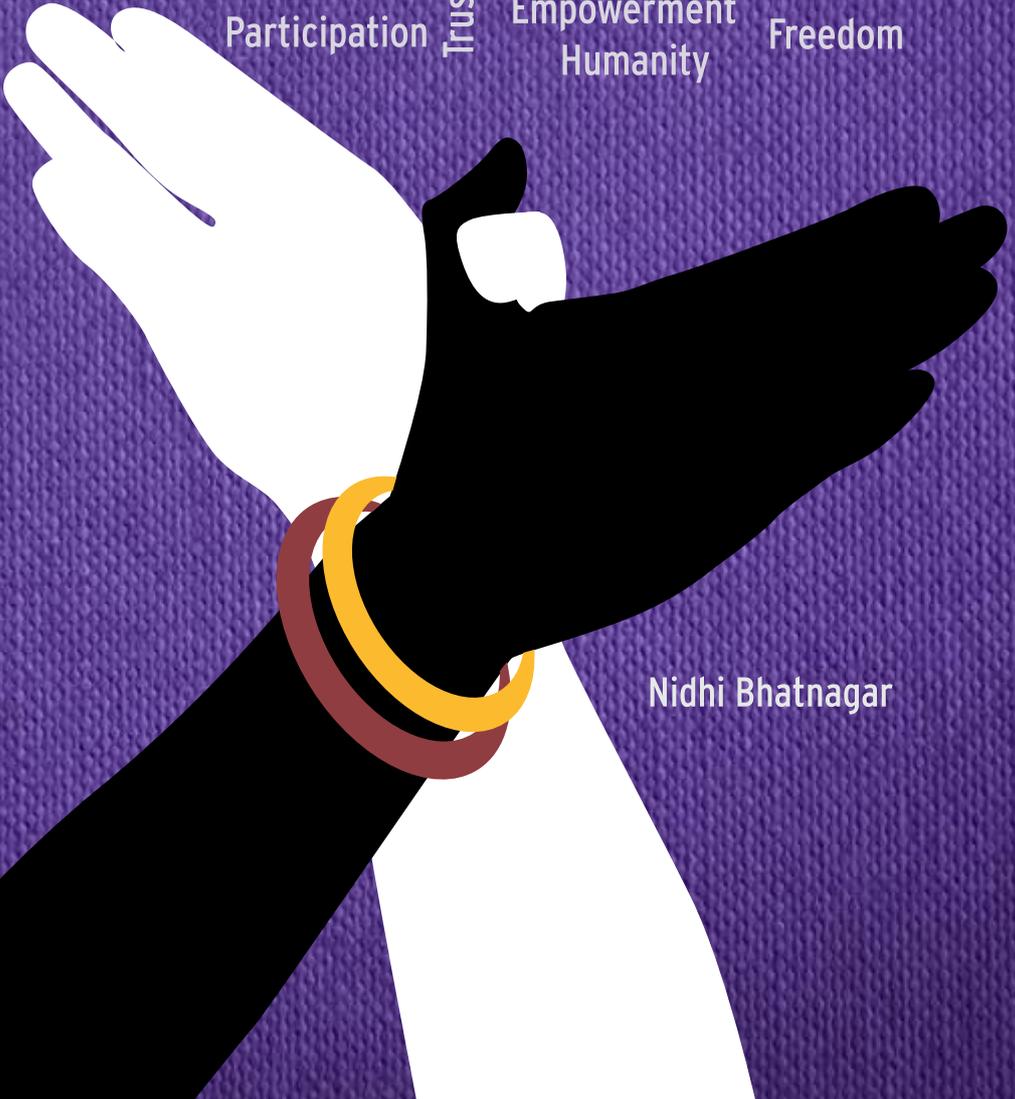


# WOMEN AND PEACEBUILDING : Engendering Policy

Inclusive  
Protection  
Participation  
Trust  
Convergence  
Empowerment  
Humanity  
Gender  
Peace  
Conflict  
Dialogue  
Identity  
Freedom



Nidhi Bhatnagar

**WISCOMP POLICY DIALOGUE III**

**WOMEN AND PEACEBUILDING:  
Engendering Policy**

**Nidhi Bhatnagar**

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New Delhi, India, 2015

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*Published by:*

WISCOMP

Upper Ground Floor, Core 4A

India Habitat Centre

Lodhi Road

New Delhi-110003

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# Acknowledgements

The Dialogue on *Women and Peacebuilding: Engendering Policy* was made possible by a grant from the Peace Research Institute Oslo (PRIO) and was part of a joint project with WISCOMP on **Making Women Count for Peace: Gender, Empowerment and Conflict in South Asia**. The support of Åshild Kolås, Research Professor, PRIO, is gratefully acknowledged. WISCOMP is indebted to the Foundation for Universal Responsibility of HH the Dalai Lama for its support.

Meenakshi Gopinath, Founder and Director, WISCOMP, engaged at every point with the conceptualisation and execution of the Policy Dialogue, and it was her encouragement and leadership that enabled the WISCOMP team to see this effort through. Seema Kakran piloted the project with commitment and vision and her inputs decisively impacted the policy dialogue.

The editorial inputs provided by Manjri Sewak are gratefully acknowledged. Special thanks to Shivani Kaul, Padmini Ghosh, Harish Chandra Bhatt, Sree Kumari and Devender Kumar. Diksha Poddar, Mukarram Wahid and Akorshi Sengupta infused the effort with youthful energy and enthusiasm.

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# Prologue

Since the end of World War II, there has been a noticeable decline in the number of interstate conflicts.<sup>1</sup> Studies suggest that the number of active conflicts worldwide has held steady for roughly three decades while the levels of both interstate and societal warfare declined dramatically through the 1990s, falling over 60% from peak levels.<sup>2</sup>

Scattered data on intrastate conflict however suggests a simultaneous rise in the number of ethnic wars through the 1990s, with the downward global trend in armed conflict levelling off in the 21<sup>st</sup> century.<sup>3</sup> Some studies point to the significant increase in refugees and internally displaced persons: between 1980 and 1990, the total number of displaced nearly tripled from just over 15 million to 45 million. Twenty four states were directly affected by ongoing wars in early 2014 (and 32 wars in total, up from 27 at the end of 2002).<sup>4</sup>

More than half of these states are affected by protracted armed conflicts, but statistics reflect only instances of direct or physical violence, overlooking trends in levels of indirect conflict, which are of a structural or cultural nature. As the peace scholar Johan Galtung articulated in the late 1960s, violence occurs when basic human needs are restricted; in his estimation, these include not only survival and well-being, but also identity or meaning and freedom.<sup>5</sup> In this view, structural violence refers to societal built-in inequalities and injustices (unjust laws, inequitable political and legal institutions and policies) and cultural violence denoting unjust cultural norms and traditions that discriminate against members of a cultural group.

Parallel to this discourse in Peace Studies, economist Mahbub ul Haq challenged the state-centric notions of security using the lens of human security in the context of ‘freedom from fear’ and ‘freedom from want’. Haq identified seven

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<sup>1</sup> Buhaug, Halvard et al. “Global Trends in Armed Conflict.” 2007. Centre for the Study of Civil War, PRIO. [[http://www.hbuhaug.com/wp-content/uploads/2014/02/Global-Trends\\_final.pdf](http://www.hbuhaug.com/wp-content/uploads/2014/02/Global-Trends_final.pdf)]

<sup>2</sup> “Global Conflict Trends.” 2013. Center for Systemic Peace. [<http://www.systemicpeace.org/conflictrends.html>]

<sup>3</sup> Buhaug et al, 2007.

<sup>4</sup> “Global Conflict Trends”, 2013.

<sup>5</sup> Galtung, Johan. “Violence, Peace and Peace Research” *Journal of Peace Research*, Vol. 6, No. 3 (1969), pp. 167-191.

dimensions<sup>6</sup> of threat which led to global insecurity and injustice. This became embedded in a particular re-conceptualizing of development and its link with security.

Amartya Sen's human development approach highlights the paradox of India's 'stable democracy' of a free press, rule of law, and simultaneous structural violence (chronic child malnutrition, the failure of public health provisions, and widespread illiteracy).<sup>7</sup> India has been projected as having an impressive emerging economy, but fares poorly on human development and gender equality indices such as female literacy, life expectancy, healthcare, maternal and child mortality, and violence against women—even when compared to neighbors such as Nepal and Bangladesh.<sup>8</sup> According to Sen and Dreze, the relative success in their development indices is the foregrounding of gender issues and women's agency, in particular.<sup>9</sup>

In the backdrop of ethnic conflicts and prominence of structural violence against women in the India, South Asia and the world, the contemporary moment requires a more nuanced understanding of the patterns underlying cycles of violence, and therefore an expanded definition of what peace entails. As Galtung posits, peace is not only that which occurs when violence ceases (negative peace), but that which proactively restores relationships and reconstructs society (positive peace).<sup>10</sup> While rule of law mechanisms are an important step in processes of peacebuilding, other forms of justice like restorative justice, social justice and reconciliation become important for long-term sustainable peace.

Women's groups have had a positive track record of foregrounding 'positive peace' in their work.<sup>11</sup> Female heads of state in conflict-ridden societies have harnessed the 'power of maternal symbolism—the hope that women could best close wounds left on their societies by war and dictatorship'.<sup>12</sup> A recent analysis

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<sup>6</sup> The seven dimensions of threats outlined in the 1994 UNDP Human Development Report include, economic security, food security, health security, environmental security, personal security, community security, and political security.

<sup>7</sup> Sen, Amartya and Jean Dreze. *An Uncertain Glory: India and Its Contradictions*. 2014. New Haven, USA: Princeton University Press.

<sup>8</sup> Sen, Amartya and Jean Dreze. "Whose Growth is it Anyway." *Outlook*. November 14, 2011.

<sup>9</sup> Sen and Dreze, 2014.

<sup>10</sup> Galtung, Johan. *Peace by Peaceful Means: Peace and Conflict, Development and Civilization*. 1996. NY: Sage Publications.

<sup>11</sup> Pankhurst, Donna. *Mainstreaming Gender: A Framework for Action*. 1999. London: International Alert.

<sup>12</sup> Porter, Elisabeth. *Peacebuilding: Women in International Perspective*. 2007. Oxon, UK: Routledge.

of women's participation during and after conflict scenarios indicates that their presence brings several benefits, such as better communication and bridging skills, advocacy and participation, before and during formal negotiations, post-conflict influence in political spaces, and in terms of powerful symbolic maternal symbolism.<sup>13</sup>

Stories of women putting their lives on the line to build peace across the fault-lines of conflict abound in South Asia and beyond.<sup>14</sup> The role that women have played and continue to play in Northern Ireland, South Africa and Israel-Palestine and within India, in Manipur Nagaland and Assam, has been extensively documented.<sup>15</sup> The Nobel Peace Prize awarded to three women for their peacebuilding work in 2011 gave impetus to governments and international organizations to creatively engage in a serious and consistent manner. Ellen Johnson Sirleaf, Africa's first democratically elected female president, Leymah Gbowee, a Liberian grassroots peace worker who united Christian and Muslim women against militias using rape to terrorize and humiliate opponents, and Tawakkul Karman, a Yemeni activist waging a nonviolent battle for freedom and human rights, well before the "Arab Spring", were awarded the Nobel Peace Prize for using nonviolence to advance women's rights and for their participation in peacebuilding. The initiative of these Nobel laureates is testament to the skills that women can bring to infuse inclusivity, nonviolence and compassion into peace work.

The momentum for equal access and full participation of women in power structures and complete involvement in peace and conflict became a global commitment in 2000 and incorporated in the UN Security Council Resolution (UNSCR) 1325. The Resolution addressed the pivotal role women could play in conflict management, conflict resolution and sustainable peace. This was because women's perspectives were recognized as vital to the comprehensive analysis of

<sup>13</sup> "Women, Gender and Peacebuilding: Do Contributions Add Up? Reflecting on Peace Practice Program Understanding Cumulative Impacts of Peacebuilding." CDA Collaborative. 2012. [<http://cdacollaborative.org/media/45058/Women-Gender-and-Peacebuilding-Do-Contributions-Add-Up.pdf>.]

<sup>14</sup> Swiss politician, Dr. Ruth-Gaby Vermot-Mangold, an anthropologist and member of the Swiss Parliament as well as the Council of Europe, decided to document the work of women in peacebuilding and submit their nomination to the Nobel committee in 2005. *1000 Peacewomen Across the Globe*. NY: Scalo Publishing, 2006.

<sup>15</sup> Please see: Manchanda, Rita. *We do more because we can: Naga Women in the Peace Process*. SAFHR, 2004; Cockburn, Cynthia 2008. 'Drawing Lines Erasing Lines: Feminism as a Resource in Opposing Xenophobia' in Paula Banerjee, ed. *Women in Peace Politics*, South Asian Peace Studies, vol. 3, New Delhi: Sage. Also see UNIFEM, 2005. 'Securing the Peace: Guiding the International Community Towards Women's Effective Participation Throughout Peace Processes.'

conflict, and in providing wider strategies toward peacebuilding. Subsequent Security Council Resolutions 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010) and 2106 (2013), in addition to Resolutions such as 1983 (2011) which provide specific guidance on the impact of HIV and AIDS on women in conflict and post-conflict contexts, together reinforced the call for women's leadership as agents of peacemaking, peacekeeping, and peacebuilding with considerable emphasis on targeted sexual violence against women in situations of conflict.

These Resolutions mandated a fresh security and legal response to improve the environment of protection towards thwarting impunity for perpetrators of violence against women. Reparation programmes and holistic measures for women's re-engagement with society were given emphasis too. However, in recent years, challenges have emerged in introducing these 'new security concerns' into the institutional context of the UN Security Council and into national agendas for action. A comprehensive UN Women study, 'Women's Participation in Peace Negotiations: Connections between Presence and Influence' observed that 'of a sample of 31 major peace processes since 1992...women represent a strikingly low number of negotiators, and that there has been little appreciable increase since the passage of Resolution 1325.'<sup>16</sup> Significant in this discourse were the voices from South Asia which were instrumental in the formulation of Resolution 1325, Bangladesh in particular.

As articulated by Michelle Bachelet, women are not adequately involved in peace processes, and women's rights and gender equality find mention only in 7% of peace agreements. 'Between 1990 and 2010, more than 585 peace agreements were signed. The word 'women' is mentioned in only 16%; 'gender equality' is mentioned in only 7%; and 'gender-based violence' is addressed in only 3% of these agreements. Fewer than 3% of signatories to peace agreements have been women. Yet, in all these conflicts, there was gender based violence and women's rights were violated.'<sup>17</sup> Secretary General of the United Nations, Ban Ki Moon, equally asserted women's experiences as being different to those of men, an insight he felt was contained in UNSCR 1325. The Resolution recognized that women are a powerful yet untapped source for peace.<sup>18</sup>

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<sup>16</sup> Diaz, Pablo Castillo and Simon Tordjman. "Women's Participation in Peace Negotiations: Connections between Presence and Influence." UN Women. October 2012. [<http://reliefweb.int/sites/reliefweb.int/files/resources/03AWomenPeaceNeg.pdf>]

<sup>17</sup> Michelle Bachelet in the documentary film *Side by Side: Women, Peace and Security*. 2012. UN Women Australia. [<https://www.youtube.com/watch?v=a2Br8DCRxME>]

<sup>18</sup> Ban Ki Moon in the documentary film *Side by Side: Women, Peace and Security*. 2012. UN Women Australia. [<https://www.youtube.com/watch?v=a2Br8DCRxME>]

## Introduction<sup>19</sup>

Women all over the world, and particularly in South Asia, have from the turn of the century, entered the arena of peacebuilding through the corridors of human security. They have interrogated the fetishized and reified notions of security that have tended to be jingoistic, militaristic and state-centric. They have questioned the practices of war-making as well as the mindsets that legitimise militarism and the stockpiling of weapons. They have systematically critiqued statebuilding and development paradigms that have been exclusionary, the pervasive violence against women, their lack of equal representation in elected bodies and legislatures, the complicities of the patriarchies of family, community and state that are often arraigned against them, the lack of access to health and nutrition, sexual and reproductive rights, and above all, their exclusion from the negotiating tables where formal peace is often 'brokered'.

Many women have highlighted the imperative to 'craft' peace that is inclusive and just, addressing the structural causes of conflict that impact women and men in different ways. They have spoken out about how systemic violence impacts their access to livelihoods and economic and political rights. They have mobilized around these issues transcending borders and boundaries to establish regional and global networks.

The fillip for much of this was also provided by the **spirit of UNSCR 1325** and related Resolutions that emphasized moving away from a discourse of victimhood, towards action, to recover the agency of women in conflict and post-conflict situations and in peacekeeping and peacebuilding initiatives. Women in many countries have demonstrated that their increased visibility in public service has encouraged new entrants to this field to push the envelope on gender justice, accountability and democratic transparency.

The watershed cusp of Beijing Plus 20, 15 years of Resolution 1325 and the deliberations around the post-2015 Development Goals, present a **historic opportunity**. It is an invitation to re-envision a global compact that engenders and foregrounds the link between Sustainable Development, Security, Peace, Environment, Democracy and Gender Justice. Globally, UNSCR 1325 gathered

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<sup>19</sup> Gopinath, Meenakshi. *Women and Peacebuilding*, Policy Dialogue, India International Centre, New Delhi. February 21, 2015. Some of the content from this section was also published as 'Her Peace', *Indian Express*, March 26, 2015.

momentum in addressing the pivotal role women could play in Conflict Management, Conflict Resolution and Sustainable Peace. This was because women's perspectives were recognized as vital to the comprehensive response and analysis of conflict and in providing wider strategies towards peacebuilding. Subsequent SCR 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010) and 2016 (2013), in addition to resolutions 1983 (2011), provided specific guidance on the impact of violence and protection in conflict.

These additional Resolutions mandated a fresh security and legal response to improve the environment of protection towards thwarting impunity for perpetrators of violence against women. So, did the original intent of 1325 of **Agency** become a ritualistic mantra? Significantly, the refusal of many governments, especially in the Global South, to acknowledge the existence of conflict within their borders was proving difficult in pushing the spirit of 1325 in the region. Only 48 countries have adopted National Action Plans (NAPs) based on 1325. Except for Nepal, no country has a NAP in the South Asian region. Even though Afghanistan has taken the formal decision to adopt a NAP, the process of it translating into an executable document is still to happen. In Bangladesh, even though Anwar Choudhury had initiated some provisions of UNSCR 1325 in 2000, there is not even a discussion on it in formal policy spaces in the country today.

Therefore, has 1325 been subsumed within the larger Beijing Plus 20 agenda and its entity as a specific contribution to women's agency and participation in the peace and security field and also in policy and governance structures getting diluted or sidelined? Is there now a need to move beyond the legal framework and explore other vocabularies to retain the basic intention so that the spirit of 1325 does not get lost in the labyrinth of National Security concerns and issues of sovereignty?

Are countries becoming resistant to 1325? Are we experiencing a 1325 fatigue? There has been, for example, an innovative approach by women in the region to actually insert some of the concerns of 1325 into the CEDAW framework, the landmark GR 30 Resolution, and the Independent India Shadow Report (which is the 4<sup>th</sup> and 5<sup>th</sup> NGO Alternative Report) on CEDAW. Yet, a lot more needs to be done in the areas of peace and security and political representation of women where their continuing marginalization depletes the survival chances of peace accords and lasting peace. It is here that many more silences need to be broken and a new discourse scripted.

## Women and Peacebuilding: Engendering Policy

With a view to unraveling some of these recent trends, the research initiative **Making Women Count for Peace: Gender, Empowerment and Conflict in South Asia**, a collaborative effort between Women in Security, Conflict Prevention and Peace (WISCOMP), Peace Research Institute Oslo, Malaviya Centre for Peace Research, Mahanirban Calcutta Research Group, Nepal Centre for Contemporary Research, and other individual researchers from India's northeast and Nepal, investigated what women's empowerment might mean in different contexts.

In an attempt to analyse how gendered political power transforms in situations of conflict, WISCOMP organised a Policy Dialogue titled 'Women and Peacebuilding' in 2015 with the underlying assumption that differences in the forms and expressions of gendered power relations, during and after conflict, impact on how 'empowerment' can be achieved. Through contextualization and tracing the manifestations of gendered political power in conflict and post-conflict settings, the focus was towards contributing new knowledge on processes of 'disempowerment' and 'empowerment' of women in conflict and peace.

The Dialogue sought to explore how policy spaces perceived and negotiated these conundrums, and how action research could feed into and assist policy in arriving at nuanced responses that are able to foreground and build women's agency and visibility in crafting robust peace processes — processes that connect the local with the national — so that the exhortation 'from the village council to the negotiation table' becomes a tangible possibility.

It envisaged the creation of a dialogic space where disparate discourses of civil society, academia and policy could converge in exploring the opportunities and obstacles to women's agency in democratic polity. Addressing the question of spaces available to enhancing women's roles as agents of peace, the consultation attempted to identify mechanisms that could be put in place to take on board women's experiences in framing policy. Emphasis was placed on searching for pathways to:

- Bridge the gap between human security needs and the imperatives of law and order;
- Explore ways in which women could be made active participants in formal peace initiatives;
- Examine the challenges and possibilities of women's full participation in peace processes;

- Discover new methodologies to enhance their effectiveness; and
- Identify how policy establishments can put in place structures and procedures for effective implementation of these processes.

Furthermore, the Dialogue provided a context to open conversations between those engaged with the theory and praxis of peacebuilding from the field and thought leaders who influence the policy space, within the larger canvas of human security. In recognition of the fact that these processes are non-linear, special effort was made to identify how policy and action on the field complement rather than work at cross-purposes to one another.

The theme '**Revisiting the Gender Mainstreaming Framework: Bringing Agency Back In**' examined how women's roles as peacebuilders at the grassroots level made them catalysts for inclusive and sustainable peace. The complexities of the cultural, religious and socio-economic structures at work and the contradictions that emerge when multiple identities of women collide or are sidelined, was the focus of the second theme – '**Women in Armed Conflict: The Protection-Participation Conundrum**'. The specific case studies of women's mobilisation in Nagaland, Manipur, Assam, Nepal and similar experiences elsewhere, were analysed. International norms, the successes and deficits in their implementation (like UNSCR 1325+) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), was the third theme along which the Dialogue was structured.

In '**The Way Forward**', the diverse range of women-led movements for peace and democracy, with special focus on case studies from India's northeast and Nepal, were showcased. The attempt here was to draw out unique perspectives and lessons learnt from the field. The content of UN Resolutions, Conventions and international norms and the South Asian experience inform the **Recommendations** for the future that constitute the concluding section.

## Women and Peacebuilding in India<sup>20</sup>



*Nirmala Sitharaman*

I find that there is a slight disconnect between what happens on the ground level, and the critical and important dialogue at international fora. This is said with a certain anxiety as the disconnect should not prevail for too long and should not be too wide. What is happening on the ground in India has to be subsumed in all that we do [whether at the grassroots level or at the level of international discourse]. The language and metaphors that we use have to be reviewed from the point of view of getting to the spirit of things. The absence of such a review probably explains this disconnect and is further linked to the dynamics of what is happening on the ground.

I start with the premise that interaction at international fora is necessary and so is getting the Indian voice heard. The substance of the Indian voice may not be very different from what one hears from elsewhere. Such a dialogue is necessary, whether or not one agrees with the presumptions made here about the disconnect. Some examples will help take the discourse forward as to where the gaps exist.

Why is the role of women important in conflict situations? The examples I cite here are not of those in the context of war but in the spheres of conflict in policy, governance and administration. There is no doubt that in times of conflict, there can be a more participatory role for women which enables their voices to be heard in terms of understanding, explaining and narrating the conflict itself. Most often, unless there is mass mobilisation and the stress is greater on women, we do not find the women coming to interact or have a dialogue when there is a conflict with the administration.

Take for example one state's policy on excise and liquor that had become anti-women, anti-children. It was the women who had to come out and say it in a very big way, eventually leading to a change in regime of the particular state government. This Anti-Arrack Movement of Andhra Pradesh was completely driven by women. It was not just the concern of women alone but the concern of everybody. The issue was of public health, law and order,

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<sup>20</sup> The following is a transcript of the Keynote Address by Dr. Nirmala Sitharaman, Minister of State for Commerce and Industry, Government of India, at the WISCOMP-PRIO Policy Dialogue.

family well-being and the well-being of children. Nevertheless, when did the cutting edge change occur? It was only when women came out in large numbers that it became impossible for those who were governing to face the questions and the issues raised by the women. It became embarrassing for the government and because, coincidentally, it was election time in the state, this initiative had a big impact resulting in a change in regime.

The conflict was not only confined to women, neither was the conflict because of a certain issue related to women; rather it was an issue of what you believe in practicing as a part of your revenue generation model. How far would you go to generate your revenue? After the change in regime, there was no political 'need' for the movement to sustain and it got relegated to the background. Gradually, the situation came back to the level where women (those who wanted to protest), protested, but lost steam. This is one example set before us.

The other was the movement in Uttarakhand before the formation of the state. Women came out in large numbers arguing that the aspirations of the people from the hills were different to the aspirations of those from the plains (Uttar Pradesh), and that the former had different challenges to meet. So the movement for a separate state was largely the Uttarakhand women's movement. Many would undermine the importance of the movement by saying that in Uttarakhand the men largely served in the army; so there were not many men back home left to protest. But this is not the case. I would use this argument to reinforce the fact that there was a women's movement because women were left home to take care of their families and remain in the households also as productive members; whilst the men served in the armed forces. It is this set of women who found it imperative to take up the issue of why they needed a separate state. The kind of harassment they were put through, the experiences they underwent and the way in which they were treated does not show India in good light. They were political protestors who aspired for a separate state.

Both the examples illustrate their own issues peculiar to the movements led by women. Political questioning, arguing for the right for a separate state and the way in which peaceful protests were systematically handled with violence, was unwarranted.

The state of Manipur in India's northeast cannot be overlooked when discussing the role of women and women's role in deciding policy. The

constructive participation of women in policymaking is not a modern phenomenon, but precludes India's independence. Manipuri history will never have one incident where Manipuri women were not in the picture at all. Till today, they stand out and speak for the rights of not just women, but also the rights of the Manipur state and India. So the issue related to whether women wanted a separate market for themselves. Whether you are talking of a policy where you have to look at who needed assistance from the government, building entrepreneurial skills, links to the market; the experiences from Manipur offer an altogether different paradigm for our consideration.

These are three examples of situations where women have played roles in policymaking, sometimes even in conflict with existing positions. Why are there only three such examples in India? Why can't there be more? Why is it that in other states, there is not a culture of women grouping together and speaking out? In those states where women came out and spoke in the open, change was possible. Unfortunately, the change could have been reverted to being something else; their role can never be negated. Even today, their roles are reflected in some way at some level or the other.

In other states, Tamil Nadu for instance, there are other relevant issues related to the policy on revenue and remuneration. A section of people form the toddy-tappers in the state (toddy is a less fermented type of alcohol culled from the leaves of palm trees). The example is one that occurred during the days of Prohibition. In the toddy-tapping process, after the palm tree is brought down, all functions concerned with its production, from fermentation to making sugar, are carried out by women. In the programmes and schemes which the government was formulating then, it was this particular section of people who were relegated to the background because of the threats arising from the influx of Indian Manufactured Foreign Liquor (IMFL). There was a lot of opposition to this move, yet every programme of the government which addressed this section, comprising the backward classes, was male-centric.

Additionally, during one visit by a team of the National Commission for Women, it was discovered that the women who were the actual toilers and added value to the product were nowhere on the scene. Their remuneration was never taken on board in terms of equal pay for equal work (for these women). Rather, the remuneration was only going through the men for the

family which ended up being spent on quarter bottles of IMFL, rather than being used in the households.

Therefore, in policymaking there should be more space for women to speak about their experiences. During an instance of the adoptions of a village by a member of Parliament, in accordance with the *Jan Dhan Yojna* scheme launched by the central government, I discovered that women were wonderstruck at the thought of owning a bank account and could not believe that they would be getting money from the banks in reality. This element of surprise and happiness is something which every policy should have as inherently built within, as an embedded feature.

Women have kept themselves away from speaking out by saying that we can only go thus far and no further; but if only the policy and schemes of the government take them on board, it would be possible to take them as far as you would take the men. This act alone would empower them. Women feel empowered even if they are not going the entire length a man would, but here this particular *Yojna* gave them an immediate feeling of 'I can have a card in my hand' and in some eventuality 'I can try and get some money for my family in my name'. Holding a plastic card in their hand has given them a feeling of pride that they would be standing in queues along with the men in the banks.

The presence of women during the planning and designing stages will give a certain character to the government schemes and this would make a very big difference. Therefore, conflict can be probably prevented. So it should not be the case that only after a conflict arises there is an imperative for women to essay a role, but they can help prevent conflict by being on board in the planning stages.

In the economic field, on the issues of land acquisition and fair pricing, expedited payments for the acquired land and compensation, the voices of the women went unheard. Relief and rehabilitation have become contentious subjects; where there really is no scope for such contention. I would argue that the facilitation process would be greatly enhanced if women and men talk together on these issues. This is so because inherently, and I may be biased, women take non-adversarial positions whenever they deal with conflicting issues because they believe in the substance of their argument, and think that they can persuade through dialogue. For the women, persuasion rather than aggression is efficacious in resolving conflict.

On the basis of the persuasive emphasis in dialogues, any national, international or local dialogue will benefit by the mere presence of women on board. The moment any contentious issue is handled with an adversarial approach even though such an adversarial position cannot be avoided, after a certain level of negotiation one gives up, and opts for the confrontational approach. However, if confrontation is the first approach in dialogue, then it does not move forward. In my experience, I have found women to be more effective in negotiations because of their understanding capacities and ability to deal with situations in a more realistic and practical manner. A non-adversarial engagement in conflict helps prevent conflict. Clearly, the presence of more women is required at every level.

The representation of women in Parliament is an equally important issue when women find only 11% representation today. In other countries, there is a lot more representation, but even so, conflicts are not out of the box there. The mere representation of women does not prevent conflicts, even if the proportional representation of women is an important aspect.

In the context of boardrooms and corporations and incorporation of the mandatory presence of women on boards, women are proving hard to find to be placed as directors. Within the realms of policy, politics and statecraft, educated women find that they have the instinct and ability to perform, but they haven't found their place yet; they are not visible even in the peripheries. Only when one is in the periphery, in the churn, can one get pushed into ascending roles. If there is reservation in Parliament or political forces want women to come to the fore or are pushed into it, these factors can help propel women into the centre.

So, while we talk of women playing a significant role in conflict redressal situations, conflict can be prevented if there are women on board. And, if the situation reaches the level of conflict, where are the women to be found? **The level of discourse that is ongoing has a metaphor which is disconnected with the metaphor that prevails on the ground.** I am in agreement of the view that in diplomatic international engagements there is a need for a language which is acceptable, and which is to a large extent diluted and cannot show the spirit of the language prevailing on the ground. However, the language cannot be divested of the concerns which are on the ground.

The concerns are whether we are providing a space for women to participate in policymaking, which will benefit them and society. Or are we waiting for

that eventual conflict to crystallize to play a role at all? The **engagement** should be first at the **level of conflict prevention**, and if conflict festers, then engage with everybody for a meaningful dialogue.

My suggestion is that women should not be engaged with abstract ideas of peacebuilding and conflict resolution alone; relevant as they may be. **Problem-solving** within their own areas should be taken up since this is a picture that women can directly relate to. This is a picture from where one has to build brick-by-brick the whole momentum of women and participation in policy. For instance, many of the *gram sabhas* in the *panchayats* (local governance entities) where women are actively taking decisions may surprise us all. There are many in the *gram sabhas* who do not have the chance for facilitating women's expression or using the platform to advocate change or highlighting issues related to women in the households. The **change at this level**, for women to play a role and be taken seriously by men, even with 50% representation in the *gram sabhas*, has yet to account for decisions taking women into consideration. The men are even hurtful and disparaging in their attitudes when women take initiatives in these *gram sabhas*.

These narratives explain that through the presence of women and their roles, we can prevent conflict. Clearly, situations of conflict can be prevented if there are roles for women and if they are taken seriously, like men. The role of civil society should be to encourage and bring in women to participate in dialogue at all levels. For instance, dialogue within the Parliamentary Consultative Committees with women on economics could be instructive. Women's voices are simply not heard forums like these in the Parliament.

To conclude, policy circles and academics should go to the ground level to understand the concerns and the 'language' that women speak, and take these collective experiences to the international negotiating table. Civil society should also encourage and bring more women to roundtable dialogue engagements. There is a far more dynamic and important layer where women should be in large numbers and India does not have the women even in the peripheries. It is the periphery where women need to be strengthened and brought into the forefront by giving them the confidence and interacting with the media; making them solid negotiators. The members of Parliament will all have to engage with policy practitioners, academics and others to understand the expectations from them. There are inadequate dialogic exchanges such as this today.



*Meera Shankar*

In the following address, **Meera Shankar**, *former Ambassador of India to the US*, commented how she found resonance and legitimacy in the prognosis of Nirmala Sitharaman in that participation of women in peace rested on the edifice of the participation of women in society, policy and economy. She explained that the two could not be divorced from each other. The challenge for India, according to Shankar, was a wider one of how to enable women to assume greater roles and at the same time, see how their skills and special traits honed over years of nurturing and managing their lives, can be mobilised to make society a better place, and help prevent violence. She did not see a contradiction between the two processes which she felt were dynamic and fed into each other.

Shankar pointed to the dilemma of examining the role of women in peacebuilding in India. On the one hand, India has experienced the participation of women in large numbers during the freedom struggle (when the average female literacy rates was in single digits). The coming out of women (out of *purdah*, so to speak) from the confines of the house was by itself a huge step. However, post the freedom struggle, many women went back to their traditional roles, often confined to the domestic sphere.

In this context, Shankar noted that the constitution was forward-leaning on gender issues, and as a result, the government also became something of an equal opportunity employer, albeit with the prejudices built into the system. Therefore, we find on the one hand that there was the legal constitutional framework and on the other, an extremely restrictive social framework. A situation arose when women who were in positions to transcend the limits imposed by society could aspire to the highest position in the land and achieve all that they wanted to! Conversely, for a majority of the women who were unable to transcend the social constraints of the system within which they functioned, there was an enormous lack of opportunity.

While there were discernible changes with women Prime Ministers coming at the helm, women as heads of political parties, women entering the armed forces and excelling in sports; the bulk of the women continued to face enormous hurdles. Women who dared and broke boundaries and changed gender stereotypes were those who formed the minority. All the same, the state tried through the Panchayat Bill, to bring women into grassroots participation at the level of local bodies of governance. Here, there is considerable participation of women in the *panchayats*

and many women have made a qualitative difference, although some are coopted or coerced to serve as proxies for their husbands for the next term.

Shankar said that women can have very different types of concerns as illustrated by Sitharaman in the states of Uttarakhand, Andhra Pradesh, Tamil Nadu and Manipur. She shared her experience with a case of land acquisition in Greater Noida, near the national capital Delhi, where the villagers (whose land was acquired by the government) were meeting with their representatives to dialogue on the re-training of farmers once the land had been sold and the compensation had withered away. Were the farmers to be retrained or reskilled to take on fresh occupations? During the dialogue, one traditionally attired lone woman came to the forefront to state that women too lived in the village and since they were landless, were they to get nothing from the government? She further said, if the village would transform into a township then they would have no occupation and what was the government going to do about this? Shankar shared that she found this novel voice amidst the multitude of men to be striking. Women bring a problem-solving attitude to local issues in a practical way while men tend to be more focused on power-play and egos. This was visibly determined from the experience of the participation of women in the *panchayats*.

She added that the focus of society has remained mainly on the subject of violence against women, when the focus should be on greater women's participation. In fact, by keeping the focus on violence, it serves to intimidate women from coming out into the public space. Shankar proposed the need to steer the collective focus on the larger issue of enabling the greater participation of women in the polity, society and economy of India.

The way forward rested firstly in education for women. Statistics indicate that enrollment levels for girls are currently high at the primary levels, but abysmally low at the secondary levels owing to large-scale drop-outs. How do we ensure that the girls remain in schools? Does the solution lie in building more schools at the village level or should there be boarding-schools for the girls? These were some options for consideration; otherwise a large section of society would be disempowered. Secondly, the focus of efforts should be on women's economic empowerment. Statistics point to the reducing levels of employment of women in the economy for a variety of reasons. This warrants a deeper analysis on the reasons for this with a view to ensuring that it does not happen. Thirdly, increased participation of women in polity could prove to be an invaluable benefit in the process.

She opined that the Women's Reservation Bill in Parliament was in a strange situation because while all political parties across the spectrum agreed that it

was desirable, yet all colluded in a masterly side-stepping on the subject. Shankar highlighted the importance of avoiding the sporadic engagement of women and focussing instead on sustained mobilisation in achieving their goals. Since the government was an equal opportunities employer, it could play a decisive role in advancing the political and economic participation of women.

Additionally, gender-sensitization should be included at the school level in India to address gender stereotyping, which children imbibe from an early age. Shankar posited that the girls went to school only after the completion of household chores while the boys had no such compulsions. Thus, shared responsibility in homes and changing the attitudes of men and women would help ameliorate this form of gender-stereotyping. Women in India espouse an attitude of self-abnegation in that they do not have an identity of their own but to serve the men in the family. Hence, both men and women together have to change and overcome the fierce gender-stereotyping as they are socialized through family and community networks, traditions and learned patterns of behaviour.



## Revisioning the Gender Mainstreaming Framework: Bringing Agency Back In

A critical area of focus for the Policy Dialogue rested on women's roles as peacebuilders at the grassroots level, and how it made them catalysts of inclusive and sustainable peace. In this context, some of the following questions were explored:

- How do we make the difference between numeric and substantive representation?
- How can women be supported to make the leap from informal levels to the formal decision-making tables? Which institutions within the state structure are best positioned to be allies of women's groups in this process (legislators, bureaucrats, army and/or police)?
- The positive peace work of women should be supported, expanded and funded. How do women legislators and representatives collaborate with male counterparts to build such legitimacy?



Rita Manchanda

A WISCOMP study in collaboration with PRIO provided the context to initiate and trigger dialogue around these issues. **Rita Manchanda**, *Director (Research), South Asia Forum for Human Rights, New Delhi*, presented the findings of a research study co-authored by **Seema Kakran**, *Deputy Director, WISCOMP*, on Gendered Power Transformation in India's Northeast: Peace Politics in Nagaland. The study examined the question of women's agency in the peace process in Nagaland and the changing trajectory of women's engagement at the civil society and municipal council levels. It also explored how the traditional hierarchies of tribal decision-making were changing and being contested by the women.

The objective of the study was to see what parallels could be drawn between the nature of the engagement in Nagaland with other areas of conflict in India. For instance, what were the contextual differences and what possibilities had opened up for women in Nagaland? And what did not exist for women from other parts of the country? In the gendered power transformation, the Naga Mothers Association's crafting of new metaphors and engagement in the peace process was emphasised.

Rita Manchanda provided an alternative perspective on the ‘disconnect’ earlier elaborated upon between the international, national and local levels. The WISCOMP-PRIO study demonstrated that while the grassroots level does not use the metaphors that may be articulated at the international level, the discourse at the international level was in fact derived from the ground level work of women, more than is often cognised.

Manchanda highlighted three different aspects derived from the joint study. *First*, the emancipatory potential of women’s peace work: that is, their involvement in peace politics— pre-conflict, during the course of the conflict and in the post-conflict stage — and even the limits and scope of peace politics in terms of the empowering and dis-empowering dynamic. *Second*, an attempt to connect with some of the questions outlined in the introduction, related to the issue of quotas and the question of the types of alliances which could serve to empower women or strengthen their agency. The *third* aspect delved on the issue of whether it would be worthwhile to spend efforts only on mainstreaming of gender or should there be greater emphasis on alternative strategies?

Manchanda emphasised that it was essential to unpack some assumptions and the belief of a natural connection between women and peace—women also act as perpetrators of violence and conflict. She cautioned that in addressing women’s autonomous agency, women too often get instrumentalised in the peace work that they do. She shared that in the selection of the state for the study, Nagaland was chosen because of the role of women’s transition from informal politics or peace work at the informal grassroots level. The transition from the earlier ‘informal space’ of moral leverage to the assertion of their right to occupy the formal space of politics is what set the Naga women’s experience apart.

Nagaland experienced a visible transition of women who were earlier grouped in their traditional village tribal authorities towards the constitution of structured apex bodies—the Naga Mothers Association (NMA) or as the case in Manipur, the Naga Women’s Union. Women’s organisations that earlier focused on social welfare issues, punitive action against sex workers, drug addicts and rapists, now gravitated from this type of functioning to becoming peacekeepers and core stakeholders of the peace process. The women were seen to be moving from a political engagement that subsumed their gender identity towards an assertion of their political agency; asserting a different kind of imagination in terms of what equal citizenship represents for them as political subjects.

The study uncovered how the women had worked to establish some form of reconciliation, both on the ground and among the Naga leaders of the armed groups,

and how they found themselves placed at the Forum for Naga Reconciliation and were recognised for their civil society activism in the peace process.

She also raised the question of what was meant by women's peace work and tried to connect this to situations armed conflict/insurgency. There was a minimising of the impact of violence, of women's bodies becoming human shields/firebreaks, and prevention of violent reprisal attacks and clashes between factions and state and non-state armies. In this context, Manchanda described the role of Naga women as the Shiroi incident in Ukhrul district of Manipur in 2009 played out.

In this incident, the paramilitary force of the Assam Rifles had moved offensively towards the NSCN (IM) camp intending to attack. In the wake of this, members of the Tangkhul (Naga) Women's Organisation met and sent a delegation for dialogue with the officers of the Assam Rifles cadre. They also organised 24-hour vigils (out in the open) next to the NSCN camp in the direct line of fire comprising groups of 50 women. The local villagers were encouraged by this show of solidarity from the women. The siege had continued for 15 days and left behind in its wake a raging controversy about the legality of the NSCN camp and the ceasefire monitoring mechanism. It became evident from this incident that women's bodies which were hitherto only viewed as victims of sexual violence, were now used as firebreaks or human shields. This is the accomplishment of the Naga women on the ground.

Commenting on the specific role that women essayed during the ceasefire between the Centre and the Naga armed groups, Manchanda said that they were the indirect communicators between the Naga armed groups' leaders who had hitherto been unable to meet in any kind of common forum. The women as well as other members of civil society served as a channel of indirect communication. These women were trusted despite the fact that traditionally Naga women had not even expected to carry messages. They went on to form a significant part of civil society efforts in reopening of the ceasefire agreement ground rules with the argument that the ceasefire should deliver dividends not only to the armed groups but also to civilians. Hence, inscribed into the ceasefire agreement was concern for civilian security and property.

On a broader scale, the women of Nagaland have helped in the expansion of the constituency for the peace process. This was manifested during the signing of the Ceasefire Agreement in 1997 when large sections of the population not committed to the peace process were engaged in dialogue and persuasion for reconciliation by the Naga Mothers at the ground level.

In navigating the course of the journey of the women of Nagaland, Manchanda recounted the slow incremental peace work and the enormous impetus provided by the **expanding space created by the ceasefire**. The conflict had created turbulence and significant social upheaval and the long and protracted ceasefire of Nagaland and the Cold Peace helped open the middle space; providing a fillip to the **emergence of a new middle class**. This middle class, she opined, was different from the colonial sense of the term since it is infused with influential men and an educated professional female population; women who straddled both the Naga tribal structure as well as the more modern ones. The middle class was the product of state penetration and the market and it was within this social churning that women's voices grew more assertive.

Manchanda noted that the women's question was not merely symbolic of the reworking of elite stratification, realignment which threatened traditional tribal structures and hierarchies, but questioned the whole structure of gender relations and therefore, **gender power-shifts**.

The challenges, according to her, emanated from three levels:

- i) Women's demand for political participation.
- ii) Women's questioning of the arbitration mechanism dealing with family issues and in particular violence against women.
- iii) The demand for property rights which is more latent for strategic reasons.

Looking at the challenges of political participation in public life from which Naga women have been traditionally excluded, Manchanda said that a gender divide pervades, just like there is a public/private divide and division of labour. When they fused together in a conflict situation, women entered the fray in public spaces with their peace activism. However, there was also a parallel counter-narrative where women were pushed back into their traditional roles as homemakers; as alluded by Meera Shankar in the opening plenary. The example cited by Nirmala Sitharaman of the women in Telengana points to how fierce the backlash could be; a similar backlash was evinced in Nagaland when women demanded political activism in their claims for their right to public space.

Further, since Nagaland was under the purview of the Sixth Schedule of the constitution, *Panchayati Raj* institutions could not be established in the state. Nonetheless, Municipal and Urban Council elections have been extended by a Special Act of Parliament passed in 2006. This Act has since been rescinded as the all-male Naga Assembly declared that it was violative of Article 371A of the constitution. The male legislators argued that women's political participation

was a threat to their communal identity and hence opposed it. Article 371A as applicable to Nagaland has been used only twice; once for Nagaland claiming its rights to its own oil resources and secondly, on the question of women when they had approached the Supreme Court challenging their exclusion from urban elected bodies. Remarkably, there have been no elections held for the Municipal or Urban Councils in Nagaland since 2008, when the Mokukchung elections were announced, and not held for the women had claimed their rights too.

In the final analysis, Manchanda drew attention to the empowerment-disempowerment vortex on the kinds of alliances that women could forge and the options for recourse in their search for political public space, in addition to finding alliance partners. This was because within civil society, the *Naga Ho-Ho*, the apex organisation of the Naga tribes, was opposed to the idea of women's political participation in elected bodies. Formal political parties were also in opposition arising from the expediency of the political economy that prevails in an unregulated political landscape. The Municipal Councils which controlled large sums of money were equally against the representation of women who challenge their authority and demand accountability. These were the reasons why women, the 'outsiders', would threaten the status quo.

No doubt, conflict creates upheavals in post-ceasefire moments, and in the case of Nagaland, it led to the emergence of a new middle class consisting of influential women and men. The women were educated and smart, straddling tradition and modern culture. Should there be a demand for nomination or equal citizenship rights in terms of elections and political participation? Should we then push to mainstream women to get their presence on board or on participation and equal citizenship rights? These remain a matter for consideration and dialogue.

The discussion in the Policy Dialogue then shifted to the structural constraints by way of legal and societal obstacles that women face in the path to finding peace.

**Gita Mittal**, *Judge, Delhi High Court*, expanded on the recent legislative reforms that address the subject of violence and the challenges that women face on the path to regaining agency. Saying that the issues which formed the focus of this Dialogue had come before the courts, Mittal shared instances of the ways in which violence against women had larger ramifications affecting community identities. In India, instances of pervasive structural violence against women get placed before the



*Gita Mittal*

courts as criminal cases under the Penal Code. She drew attention to the Rwanda Tribunal which examined systematic sexual violations and the wiping out of the Tutsi tribal women of the country. The Tribunal headed by Justice Navaneetham Pillai had adjudicated that the use of rape to subjugate the will of an entire community was genocide and the offenders were punished. In India, incidences of sexual violence inflicted on women are usually caste-based and intended to subjugate particular castes and communities. The cases of violence against women brought before the courts are those concerned with the denial of their basic rights like human rights, constitutional and statutory rights.

At the micro level in India, violence against women emanates from homes where gender disparity is pervasive. The women and girls have no realisation of the violation of their basic rights to life and education and, more so, of their bodies. The early marriages of girls violate their personal integrity further, and society subjugates the women such that they do not realize that there was indeed a violation of their basic rights. Only a large churning within society would enable women to speak out against the violation of their basic rights and entitlements.

In her experience, Mittal found a disproportionate impact of acts of violence on the basic rights on women. Several cases that she adjudicated pointed to this fact, where the women had suffered greater indignities in their assertion for maintenance, property, alimony, and in basic desecration of their civil rights and liberties. Mittal maintained that drawing from her experiences in the courts, the legal processes often did not yield justice, even when vigilant women adjudicators presided. Even today, violence against women cases are seldom recognized in terms of the structural violence inflicted on them which in actuality is a direct violation of their basic rights. Therefore, in her submission, while the legal structures may exist to ameliorate these violations, unless strictly enforced, they have little meaning.

**Vani Tripathi**, *former National Secretary, Bharatiya Janata Party (BJP), New Delhi*, focused on the requisite to deconstruct the term 'quota' and its implications in the Indian context of women's representation. She said, while women in Pakistan and Bangladesh are nominated to Parliament, in terms of women's political agency and representation, its implications were debatable. In India, women find it difficult to contest elections from reserved constituencies not just because of gender issues, but because men and women get equally pitted against the other. The men had an unfair advantage foregrounded in their masculine control over this political space.



*Vani Tripathi*

Tripathi described the role and perception of women participating in politics in terms of either those who are liberal-radical, non-conformist, provocative, hell-raising or those who are compliant, adhering, conformist and non-reactive. Within this whole process of what she called a divergent versus a convergent approach, rested the broader inferences of what political representation in India implied.

Commenting that while the Panchayati Raj Act of India (2009) had approved 50% reservation for women in PRIs (Panchayati Raj Institutions), the reality of women *sarpanches* existed in the form of proxies. The women in the villages who had not stepped out of their homes found they were suddenly in front of a 5000-strong crowd and had to make public speeches. It is pertinent that women *sarpanches* were perceived as economic providers initially, but their community building work in schools, hospitals, care for the elderly, and in welfare schemes brought them recognition.

Women's experiences at the local levels did not enable them to actualise their rights owing to several limitations. The mandatory provision for reservation that compelled men to persuade the women in their families to contest was the primary reason. This way, the men were able to retain control over *panchayat* resources by proxy. This feature of proxy-participation by men implied that the women lost autonomy in decision-making processes.

Tripathi shared that women were also often ignored by the male *panchayat* members or the male family members (referred to as *panchpatis*) who attended *panchayat* meetings on their behalf. Women were expected to accede to any decisions that were made. Thus, while women were elected as formal representatives and were accorded with political and constitutional legitimacy, the men exercised the powers associated with reserved membership.

Drawing from her experiences in the electoral process, Tripathi observed that Indian parliamentary democracy was peculiar in that nominated candidates find themselves contesting against elected candidates. Meanwhile, most political parties have 30% representation of women and some intra-party decisions are indeed taken by the women. Although, women are increasingly perceived as effective campaign consultants they are not seen as campaign managers in their political space. The narrative will only change when the latter takes place. Women representatives have reached the *Rajya Sabha* only after several years of hard work. Popular representation is really all about the space that different political parties give women and therefore Tripathi recommended educating members of Parliament on the roles that women could play.

Interestingly, she discovered during her travels that there was a wider and more open-minded approach to women's political representation in the northeast, while in north India the politics of caste weighed heavily upon the women. This was apparent and manifested during the drawing back of the Women's Reservation Bill in Parliament. What then is the way forward? There was sincerity of intentions in bringing women to the foreground, but representation through seats in Parliament alone would not empower them. The fulcrum of the activities should be based on the development of skills.

Even though women are not perceived as effective political fund managers, enabling structures of communication and leadership skills require attention for their future in politics. Equally, women should be aware of the sources of funding and how to generate funds within the political parties they are part of. Tripathi felt that structured political campaigning processes and learning how to do this was the way forward. She, however, contended that achievement in the skilling of women in politics would have to involve the support and change in attitudes of the men for most of policymaking rests with them.

Tripathi concluded her presentation with a few questions on the subject of internal disturbance and armed struggles: In any analysis of conflict-zones, why are those that are only conflict-ridden with terrorism considered? Why do we not view the 'red corridor' geographical region which is very vast from the same prism? The women and youth of the Naxal/Maoist regions and in Chhattisgarh too, have suffered several anomalies which merit attention and debate. An examination of the plight of women combatants in these areas is equally important.



*Kavita Ramdas*

**Kavita Ramdas**, *Representative, Ford Foundation, New Delhi*, began with a description of the research conducted by the Global Fund for Women on gender, militarization and women's rights. She said that women played multiple roles in armed conflict and discovered that women were victims of the patriarchies of the state, non-state militarized groups and families. They were also perpetrators of acts of violence on women, often carried out in the name of family and honour.

The debate on the role of women as combatants encompassed their role as victims being turned into fighting machines (by both states and non-state actors). Referring to discussions with Palestinian women (in the context of their conflict with the Israeli state), Ramdas recounted that their worst opponents were the Israeli women soldiers. In order to project a macho image and equal the toughness quotient of

the Israeli male soldiers, Israeli women soldiers perpetrated acts of violence against Palestinian women to survive within the patriarchal army. In fact, state as well as non-state actors were capable of training both women and men to be perpetrators of violence in as much as they were victims of violence.

Ramdas argued that this space for dialogue was necessary in understanding as a whole the notion of women and participation, regardless of the prism or the worldview as feminists, activists within political parties or as social justice activists outside political parties. In the context of state and non-state actors, Ramdas was of the view that the automatic legitimization of state actors working in the name of nationalism, security and government and the automatic credibility which is accorded to the state has to be questioned.

Further, the concept of the 'nation' needed profound interrogation and if the women did not interrogate the overwhelming blind faith in the 'nation', then it would only serve to trump the basic understanding of feminism. In her view, in any engagement with security and security forces, the dominant narrative of the state and non-state actors should not sway civil society.



*Rashmi Singh*

**Rashmi Singh**, *Director, Mission Convergence, New Delhi*, probed the possibilities of offering alternative spaces for women in the wake of denial of access to public spaces and structural violence as outlined in the study by Rita Manchanda. She spoke of relating the denial of access and violence that women encountered at the individual and community levels with the level of access to public services and institutions.

According to Singh, while considering the issues of **denial of access and structural violence** against women, it would be expedient to understand the vulnerable conditions women faced, which in turn perpetuated the condition in which they were more susceptible to direct violence. The prevention of violence against women, she argued, was best achieved by reducing their vulnerability.

With reference to the work of the *Centre for Convergence* with the government and civil society organisations, she revealed that the creation of opportunities for the participation of women could be a productive exercise if an innovative interface was provided between policy-makers and civil society groups. Definitive strategies proved to be essential in the formulation of better opportunities for women, particularly institutional mechanisms. She found that once there was an

agreement that this would serve as the fundamental prerequisite in the empowerment of women, i.e. the creation of better opportunities and participation, the strategies and mechanisms to provide the conditions for skilling women in negotiation would be put in place. The skill would enhance their negotiation prowess at first between themselves, and later with the society, community and government representatives.

Sharing some of the accomplishments of the models from Jharkhand, South India and the northeast, Singh suggested investment of time and energy in creating alternative spaces, which were not merely shared spaces with men. Instead, the creation of more dedicated collective spaces for women like self-help groups or mechanisms in the form of women's resources centres. This would enable them to negotiate more effectively within the system and also outside.

Singh shared that strategies such as **convergence forums** with the government where women's groups and organisations are able to raise issues in a collective voice would be useful. In a similar vein, the creation of women *sabhas* could help in developing women's capacities and engaging proactively during the course of a *gram sabha*.

These tangible benefits of these collective strategies and women's participation would prove to be more effectual than the mere representation of women and quotas, Singh averred. Efforts at increased facilitative mechanisms for women to start becoming peace educators and gain agency in questioning the structural violence they see around them, was one such strategy. Finally, the strategies on emphasising the role of women from *de-jure* to *de-facto* in the governance process could be a significant development in the movement for women's agency.

**Rosemary Dzuvichu**, *Director, Women's Study Centre at the Nagaland University, Kohima*, whose engagement with the Naga Mother's Association (NMA) and the women's movement is significant in the narrative from Nagaland, elaborated on the role of women in pushing the envelope on existing frameworks of tradition and modernity. She noted that in Naga society women had traditionally essayed roles in peacemaking and village negotiations even in marriages, which have continued into the modern era.



*Rosemary Dzuvichu*

Dzuvichu averred that the women of Nagaland found themselves placed within the backdrop of 60 years of their struggle for self-determination. Today, in their

struggle for political agency in their fight for legal and constitutional rights, they stand in the way of Naga men who are strong proponents of customary rights and practices. In order to find legitimate representation the women of Nagaland took recourse to legal action in the district courts, and later with the Supreme Court, which placed them in direct confrontation with the traditional Naga torchbearers in their assertion for representation for women in the municipalities. She explained that the 60-member all-male assembly had passed a resolution stating that Nagaland should be out of the purview of part IX A of the constitution of India, to circumvent the women's assertion for representation. On the issue of women and the formal peace process, she opined that women should actively participate and that the Naga Mothers Association is a documented active participant in the formal Naga peace process.



*Kheseli Chishi*

**Kheseli Chishi**, *former President, Naga Mothers Association, Kohima*, narrated her experiences within the NMA and said that she discerned a perceptible change on the ground on the issue of women's participation in public spaces. The men have acknowledged that women have a role to play, since they have consistently been in the forefront in conflict zones and essayed a positive role in diffusing conflict.

**Gopal K. Pillai**, *former Home Secretary, Government of India, New Delhi*, highlighted the significance of the demand for reservation for women in Nagaland to the municipal bodies in Nagaland (and not just with traditional village councils), which had the men up in arms. Pillai entreated the official interlocutors on Nagaland to persuade the Additional Solicitor General of India to openly publicise the government policy of representation of women in municipal councils and state legislature.



*Gopal K. Pillai*

He was of the view that the state government was repeatedly entrapped by taking recourse to the argument that they had not heard from the centre. He shared his insights on this count and argued that it was also one of the reasons why the district courts frequently adjourned cases placed before them on the matter. He underscored the need for the central government to issue a formal statement declaring its support for one-third reservation for women in municipalities as per the laws passed by the Nagaland government. This would end the ambivalence

of the largely male dominated Legislative Assembly and other political structures on the sharing of power in the decision-making process.

## **Concluding Reflections**

The discussions were framed as positing the ‘traditional’ world of the Nagas in opposition to the hegemonic influences of ‘modern’ India; and the recourse of the ‘cosmopolitan’ Naga women to the Indian courts was pitted against the customary ways of reconciliation. The singularity of the Naga movement and Naga women’s empowerment came to the fore. The social upheaval of the conflict, women in Naga tradition, women’s peace work, motherhood politics, promotion of unity and accountability, sustenance of the ceasefire and the peace process, women in public life and a consciousness and confidence of women as political subjects, were the themes of discussion. Noticeable shifts in the social stratification and re-imagining equality and inclusion were the underlying strains.

The assertion of rights and quotas for women even within the Naga tribal courts was the other important issue that was highlighted. The women’s challenge to the tribal courts prompted a fierce backlash and, not surprisingly, tribal elders resisted any erosion of their adjudicatory role in managing social relations, especially gender relations. However, the new complexities confronting Naga society, especially in expanding urban centres such as Dimapur, are calling into question the adequacy of customary justice mechanisms. It was equally felt that unless there was a visible change in people’s perception and in the level of consciousness, there would be negligible forward movement. Women’s participation at the *panchayati* level is testimony to this fact. The continuing tensions between the traditions of ‘indigenous’ tribal and community practices and the imperatives of equal citizenship must not become the cause of sequestering gender equality and excluding women from the formal spaces of the ‘politics’ of peace.

# Women and Armed Conflict: The Protection-Participation Conundrum

The discussions around Nagaland provided the context to widen the the dialogue to include issues from other situations of conflict, like Manipur and Assam in India's northeast and the Himalayan state of Nepal. The following concerns emerged as the further focus of dialogue seen through the lens of intersecting tribal, community and gender identities.

- In societies that are transitioning from traditional/communitarian political economies into 'modern' forms, how do the simultaneity of processes of empowerment and disempowerment play themselves out for women? Given this dialectic, how can spaces for the 'agency' of women be expanded?
- How do women transact peace differently across India?
- Do the unique experiences of female ex-combatants give them an edge in understating gender roles and can they be involved in peacebuilding?
- Have women's identities as 'mothers' enabled them to 'speak out', 'reach out' and work in a non-hierarchical/ collaborative manner?



*Ashild Kolas*

In the opening dialogue, **Åshild Kolås**, *Research Professor, Peace Research Institute Oslo, Norway*, posited that in the discourse on women and peacebuilding a Gender and Development (GAD) approach may be advanced. Here, gender refers to socially constructed roles and relations between men and women. In GAD, women (and men) were seen as actors and stakeholders, not merely recipients of development. GAD also recognized the adverse effects of patriarchy on women and emphasized the key importance of women's empowerment.<sup>21</sup> She said that women's empowerment is a process of renegotiating accepted norms and expectations about female and male roles, relations and responsibilities, and opening up new opportunities for women within the household, the community, the state and civil society. From an individual perspective, it is a process that enables a woman to analyse her

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<sup>21</sup> Upreti, Bishnu Raj, Shrestha, Gita and Kolås, Åshild. 'Making Women Count for Peace: Gender, Empowerment and Conflict in Nepal'. Paper presented at a conference on 'The Gender Dimensions of Armed Violence', The Graduate Institute, Geneva. February 2013.

situation, decide about her priorities, develop solutions to her problems, and take action towards improving her situation.

The emergence of 'women's empowerment' as a driving force for policy-making was aligned with the key goals of the global women's movement and its commitment to combating gender disparities and discrimination against women. Towards these goals, the inclusion of women in the political sphere was seen as a potent instrument for much-needed social change. This gave rise to an array of policy measures and programmes on a global scale, in which India's reservations for women in local self-governing institutions (*Panchayats*) stand out as an ambitious social experiment in decentralization and the inclusion of women in decision-making.

The experiences from northeast India<sup>22</sup> point to unique possibilities and learnings that could emerge from a comparison of the *Panchayats* with similar local institutions in areas governed by customary laws such as village councils and the *durbar* in Meghalaya (where there is no reservation for women). In recent years, efforts have been made to elect women into local municipal wards, but the *durbars* tend to resist such efforts and most disapprove of reservation for women. In Nagaland, organisations such as *Watsii Mungdang*, the apex women's organisation of the *Ao Nagas*, has actively supported women who have filed their nominations for office in the state legislature. This addresses the key obstacles for women who want to stand for election: lack of networks, resources and personal connections required to launch a political career. Due to their limited ability to engage in such networking, women are much less likely to be nominated by a party. Since 2006, Naga women have campaigned for the implementation of reservations for women in Municipal Councils as enacted by the Nagaland Municipal (First Amendment) Act, 2006. After years of non-implementation of this Act, women activists filed a case in the Guwahati High Court demanding reservation according to the law.<sup>23</sup>

**Anuradha Chenoy**, *Professor, School of International Studies, Jawaharlal Nehru University, New Delhi*, articulated how 'Women and Armed Conflict: The Protection – Participation Conundrum' flowed out of two internationally recognised documents: the UNSCR 1325+ and the Responsibility to Protect.

<sup>22</sup> Please read the detailed report of Kolås, Åshild and Lyngdoh, Legia. 'Gender, Empowerment and Conflict: Experiences from Northeast India', Report from Workshop on *Gender, Empowerment and Conflict*, Shillong, August 2012. Oslo: PRIO.

<sup>23</sup> Ibid.



*Anuradha Chenoy*

She expanded on the intersectionality of both these documents and how they emerged from different levels of engagement within the UN system. These documents, she averred, were crucial in examining how women should be treated and what their roles should be in conflicts.

Prior to the existence of these documents, the role of women in armed conflict and the participation-protection dilemma was a silenced and marginalised one. Even so, women historically have been part of conflicts in multiple ways and where they were assigned formal roles, they emerged as active participants, both in conflict and peace processes.

Chenoy felt that while the theory on which UNSCR 1325 was premised was merit-worthy, problems could arise in its practice and implementation. The reasons for these problems in practice and implementation were similar to the reason why women remain absent in formal participation and post-conflict transformation. The most widely accepted reason is structural, as the scholar Johan Galtung emphasised. Structural or institutional power is such that the relations of power (and particularly social power) systematically prohibit women from coming into the formal peace process, negotiations and/or electoral fields.

The structure has embedded women in the ‘personal’ space. Given the public-private schism problematic, it is the social and institutional manner in which power is structured and plays itself out in the personal domain that is significant here. Explaining further, she shared that in the conflicts in South Asia (Nepal and Sri Lanka), very often, within the armed groups one third of them comprised women combatants. The role of women combatants in armed struggles is one which has not drawn the attention of policy makers in South Asia.

According to Chenoy, South Asia was experiencing ‘a post-conflict moment’ even though war continues in different ways and forms. For instance, after the elections in Sri Lanka, there is hope for peace; in Nepal, women found some space in the making of its constitution. Chenoy also pointed to a critique emanating from feminists that often women in positions of government/bureaucracy reflect their own government, state or party’s nationalist positions on peace politics.

While societies in South Asia are experiencing transitional moments in the fields of technology, urbanisation, globalisation and the economy, power remains in the hands of men. Chenoy posited that women can break free and use these

changes in society for empowerment. Yet, they are simultaneously used in their own disempowerment because of the prevalent and embedded structures. The argument that the empowerment of women implies that they should become like men needs to be interrogated. Rather, she put forth the argument that men must step forward in the homes to assume responsibility in the private spaces as well.

Women have broken barriers and ceilings, but the responsibility of the home remains with them. For instance, when the Naga peace talks were taking place, the Naga mothers were responsible for cooking a large meal for the participants. The protection-participation conundrum continues and, for the sake of protection and honour, the old arguments continue to prevail in practice. This practice, she believes was a public, social and collective one and embedded in power and institutions. There is an intersectionality within these which can only be collectively challenged. However, the nationalist and hegemonic discourses are harsh and force women to conform. They have to fight jingoism both in private and public spaces if they have to refrain from conforming to 'male' expectations. The personal is a barrier, but the most important one that needs to be challenged.

The challenge remains in strengthening the voices of women in security and peacebuilding at the community, national and international levels. It is also a question of how the 'protection' of women becomes operationalized by security forces and agencies of the state. Security sector reforms around the indicators suggested by UNSCR 1325<sup>24</sup> could provide an important entry point to inform and reform policy on women, peace and security.

**Gopal K. Pillai**, *former Home Secretary, Government of India, New Delhi*, recollected his experiences in 2001 of a meeting with the Naga Mother's Association delegates and how their slogan, *Shed No More Blood* left a lasting impression on him. This slogan was evocative, coming as it did from the mothers who had felt the pain of child-bearing and child-rearing, and then lost their children to the armed conflict. The *Shed No More Blood* movement of the NMA led in some sense (in his view) to an incentive for accelerating the peace process.

Peace in Nagaland came about in 1997 with the signing of the Accord with the NSCI(M), the main party of the Naga armed groups who had negotiated with the government. This provided the fillip for civil society and the middle class in

<sup>24</sup> Please see the 26 Indicators in the *Advance Report of the Secretary General on Women, Peace and Security*, document of the Security Council (2010) under the symbol S/2010/173. [[http://www.peacewomen.org/assets/file/Indicators/sg\\_report\\_on\\_1889-op17.pdf](http://www.peacewomen.org/assets/file/Indicators/sg_report_on_1889-op17.pdf)]

essaying a role for them. Pillai contended that the Nagaland problem could not have been resolved only through negotiations with the NSCI(M), but also with civil society groups, NMA and the Naga Ho-Ho tribes who had to be equally engaged. The ensuing dilemma, according to Pillai, was that the leader of the NSCI(M) Isaac Muivah considered himself to be the sole voice of the Naga people, while the representatives of the Centre asserted that they heard other voices from the grassroots in Nagaland. In fact, Muivah did not have a clear mandate to settle the dispute and he had to incorporate all the voices from the ground. This aspect was highlighted by the government negotiators at various levels in their efforts to make the process more inclusive for a lasting settlement.

The dispute in Nagaland and the trauma that the women have experienced since the 1950s, as several case studies indicate, festers even today. Drawing from the case of the *Meira Paibis* of Manipur, Pillai narrated how this strong and powerful women's organisation took up issues relating not just to social practices or the economy, but to the use of women as body-barriers between the security forces and militant groups.

Attention was drawn to a positive example from Nagaland's Mon district where NGOs have worked with the *Konyak* tribes to bring changes at the level of the primary school. Their role has even been endorsed by the Village Council elders. The NGOs have taught the children in the primary schools that boys and girls are equal, and this has augured well in efforts to initiate lasting societal changes, particularly with respect to gender relations.

Based on his experiences in the Northeast, Pillai stated that the **issue of a thriving conflict economy** (nurtured by decades of conflict) in Nagaland could serve as a serious obstacle to moving forward. It would be extremely challenging to overcome the stranglehold of the conflict economy in any efforts for lasting peace.

**Ranjana Kumari**, *Director, Centre for Social Research, New Delhi*, focused on the issue of *why* and *how* women were found absent from peace negotiations in South Asia. Drawing from her study of examining the absence of women in politics in the three different political environments of India, Nepal and Pakistan, Kumari explained the reasons for women's limited participation.



*Ranjana Kumari*

Nepal opted to have one-third representation of women in the making of its constitution wherein many of the women were directly elected and a vast majority was indirectly elected. However,

when it came to the issue of tangibles and active participation of the women in the committees and sub-committees that were formulated on specific issues, women were found missing. This sent the message that whilst it was acceptable to allow women to become part of the process, their voice was not always fully taken on hand or reflected adequately in policy.

The women members of the committees faced problems arising from intra-party dynamics. Kumari concluded that the women members did not have the requisite expertise on the issues that were under the purview of the respective committees they were selected in. On the other hand, the men represented several constituencies on the intersectionality of caste, for instance, in the Constitution Committees. During the second phase of elections in Nepal, women in great majority did not contest elections because of the fear from inflictions of violence against women in politics. In Kumari's view, this was because of the social barriers purportedly created by the male dominant political class to deter women from entering the public/political space.

Kumari drew attention to the situation in Pakistan, where even though women found 20% representation in Parliament, they were nominated and not elected representatives. The women who had chosen to contest elections had suffered multiple forms of violence perpetrated on them, like personal intimidation, character assassination, and physical assault, to name a few.

She found the **Indian democracy** to be an incomplete one since it did not provide **adequate representation** for women in Parliament. The women who were dominant in politics survived in an environment where the rules of conduct were created by the male-dominated political strata. In this type of political model, women who aspired to political agency operated within these specified confines in order to succeed. Kumari felt that there was no cogent alternative discourse on a feminist or gendered model of democracy. Women's participation in politics has been marked by violence manifesting in several forms. This deters them from contesting elections or entering the political process, which further leads to their complete absence from peace negotiations, parliamentary processes etc.

Kumari contended that women's consciousness has to grow by pushing and forcing the structures of dominance to gain space from men. She highlighted the importance of re-socializing and re-engineering minds in framing new structures, against the all-pervasive dominance by political parties, *panchayats* and other patriarch-led institutions.

**Bishnu Raj Upreti**, *Executive Director, Nepal Centre for Contemporary Research, Kathmandu*, showcased the role played by the women of Nepal and



*Bishnu Raj Upreti*

their participation in the armed conflict. According to him, women were politically involved in huge numbers since they aspired to bring about a change in regime. The other reason was revenge for acts of (sexual) violence against their loved ones by the police/army. Radical ideology too helped in mobilizing the young women, while still others participated because friends were involved.

Upreti shared how women did not find political space in the governance bodies and in the committees appointed to draft the constitution of Nepal. And, even though the radicalisation of women was easy, the translation of this change within the complex patriarchal forces was challenging. This was evidenced in the absence of change in the real power structures.

On the issue of women's participation and role in the peace process, Upreti narrated how the Maoists in the beginning of the struggle, had a strong commitment to change the fundamentals of the social structure, emphasising work for the equality of all sections of society and establishing their access to power and resources. Later, as the movement advanced, there was a gradual shift, and once they attained power they proved to be no different from the previous ruling dispensation. It was striking how the Central Committee structure of the Maoists did not account for women's representation even though the manifesto stated 33% representation for women in its cabinet.

Looking at the challenges ahead and the means to increase women's participation in politics and the peace process, Upreti suggested the following:

1. Effective mobilisation of the media for the purpose of ensuring women's access to politics or rights.
2. Developing a strong network of civil society working with expert opinion-makers who are committed to change and in collaboration with the media they could complement each other.
3. International resolutions like the R2P and 1325 could be helpful in sensitising people.
4. Looking at legal provisions to ensure women's representation in politics.

**Seema Khajooria Shekhar**, *Additional Advocate General, Jammu and Kashmir High Court*, examined how the women of Jammu and Kashmir fared in terms of access to justice and redressal of their grievances. Kashmir, like any other region experiencing long years of conflict, has witnessed the breakdown of social order

and the rule of law. This has exposed the marginalized sections of the society, especially women, to insecurity, harassment and torture. Women suffered when they became vulnerable to rape or sexual abuse or forcible leaving of their homes, and even when members of their families were killed, maimed or went missing. On the flip side, there were many women who were active voluntary participants in their roles as combatants and as supporters of the militancy.



*Seema Khajooria Shekhar*

On the question of whether women in Jammu and Kashmir had access to justice and whether there were legal provisions for their protection, Shekhar drew attention to the constitution of Jammu and Kashmir stating that it is an integral part of India; thereby all the protections and rights applicable to the rest of India were equally relevant in Jammu and Kashmir. The legal instruments governing to the rest of India like the Indian Penal Code, the Pre-Conception and Pre-Natal Diagnostic Techniques Act and the Domestic Violence Act, were however not applicable to Jammu and Kashmir.

Instead, the Jammu and Kashmir State Ranbir Penal Code (RPC) serves as the criminal code with a separate Jammu and Kashmir Pre-Conception and Pre-Natal Diagnostic Techniques Act as well. In a progressive move forward, the state government passed the Protection of Women from Domestic Violence Act (PWDVA) in 2010 to curtail increasing incidents of domestic violence, the provisions of which are almost identical to those of the Act passed by the Centre.

Further, in recognition of some new criminal acts to be an offence and promulgating laws applicable to these offences, the Criminal Law Amendment Act of the Government of India of 2013 was amended by the Centre. Offences in the form of acid attacks, sexual harassment, voyeurism and stalking were now incorporated into the Indian Penal Code, which was also assimilated within the state specific criminal laws of Jammu and Kashmir.

In this milieu, she felt it would be prudent to consider whether the law protected women under the Domestic Violence Act of Jammu and Kashmir and whether justice was accessible to them. Access to justice for women was enshrined in the codes pertaining to the specific problems brought before the courts for adjudication. Violence against women in the state had manifested in different ways and the issue of a **Permanent Resident Certificate**, also known as the State Subject Certificate, has proven to work against the women of Jammu and Kashmir. The residents of Jammu and Kashmir who are Indian citizens were to

attain this certification which would entitle certain privileges like the acquisition of property, the right to vote, amongst others. In what was tabled as the **Permanent Resident Women Disqualification Bill** in the state legislature, dealing specifically to the disqualification of a woman as a State Subject after marrying a Non-State Subject, it could have served to be detrimental to the interests of women had it entered into force. The women would have been denied their fundamental right to equality if Permanent Resident Certificates were issued on grounds of a condition entailing as 'Valid Till Marriage'. This served to be in violation of Articles 14 and 15 of the constitution of India and Section 5 of the Jammu and Kashmir constitution. In pursuance of this certification by the State, women were issued letters of termination for those who were married to Non-State Subjects and wherever applicable, were denied the right to retain government jobs.

However, the full bench of the Jammu and Kashmir High Court set aside this assertion made by the state government in the Courts pronouncing that the 'validity till marriage provision' was a violation of the fundamental rights of the citizen and therefore, untenable. The women would remain permanent residents of the state till their deaths and retain all the rights. Ultimately, the Bill was not passed in the state legislature.

Shekhar further elaborated that women's access to justice was restricted and limited to the empowered few that were educated, economically affluent and resided in cities. Jammu and Kashmir, remained a backward state as there were geographic regions that were without access to transport and road connectivity. For the future, full access to justice would require reaching out to the women in remote and unconnected areas by creating awareness and education policies. The literacy rate as it stood at 49% (according to the Jammu and Kashmir Census Report of 2011) was woefully low, she shared.

In conclusion, Shekhar advocated for the involvement of women in peacebuilding saying that their participation would make the process more inclusive and enable women to act as catalysts for social change. She emphasised that women formed 50% of the population and therefore it is imperative to fight for their rights and participation in public life.

**Rakhee Kalita Moral**, *Fellow, Nehru Memorial Museum and Library, New Delhi*, spoke of the armed conflicts in India's northeast. Saying that the information about how women involve themselves in these struggles is scarce, she pointed to the inadequate attention that the gendered aspect of war and

demilitarization in conflict areas has received. The specific ways in which women got transformed into political subjects, for instance, has not been analysed closely.

The significance of how former women combatants had engaged in politics and the structural measures for their rehabilitation, re-integration and de-mobilization, is crucial in a wider dialogue on the protection-participation conundrum, wherein the protection of women combatants was essential.



*Rakhee Kalita Moral*

In the context of the conflict in Assam, Moral shared that when former women combatants returned to society, the armed United Liberated Front of Assam (ULFA), known for spearheading a specific kind of rebellion for more than 30 years, had receded in the wake of several social, psychological and political upheavals. In this maelstrom, former female combatants emerged as the most vulnerable subjects who had to cope with the politics and consequences of disengagement from the military outfit (which continued to patronize them). They did not always find redressal for their needs and grievances in post-conflict rehabilitation measures.

In this context, how did the state engage with the women, if at all it did? Were legal transitional justice frameworks put in place? Moral felt that there has been inadequate engagement on these measures by both civil society and the state in the context of the conflicts in India's northeast. Women's active participation in the ULFA's armed struggle amounted to about 10%. Yet, it was the women who despite their vulnerability brought about a certain form of agency. This did not imply agency in terms of being an actor in the armed conflict, but in terms of what drives women in post-conflict situations to re-invent, re-fashion, renew and reconfigure their lives. The larger issue of enabling the female subject to handle her post-conflict moment continues to fester.

Against this background, Moral highlighted the absence of a structural framework or formulation to engage with the vulnerable subjects who find themselves placed beyond the pale of law, justice, health, citizenship and consequently society. It would be pragmatic to consider where these vulnerable women were being accommodated. Until there was official recognition of these vulnerable subjects, which UNSCR 1325 highlights as crucial to women's agency, the exhortations of this Resolution will remain a pipe dream.

These women were merged into society and had to discover for themselves their own channels into which they might want to fit themselves. Moral shared the example of women combatants who had de-mobilized, surrendered and, assisted by the state, found that they were better placed in dealing with their future. However, the women who straddled the fence and had not de-mobilized in the strict sense of the term (and therefore not formally exited but by virtue of the ceasefire/peace accord), were really left in-between.

At the international level, transitional justice and DDR (disarming, de-mobilising and reintegration) programmes have helped former combatants return to society and have proved to be a particularly successful mechanism to engage with the women 'left in-between'. However, in the conflict areas of India where such DDR programmes are absent, it was difficult for women to negotiate a new future for themselves.

For instance, following the ceasefire agreement with ULFA (in Assam), the central government instituted several designated camps which were in reality a half-way house between a mobilised state and the mobilised cadreship. If the duration of the stay was long, the camps sometimes facilitated and triggered re-mobilisation of the vulnerable subjects, who found no other way but to remain there without subsistence. They discovered that they were ill-equipped to move back into society. In the case of Assam, women's participation, was a result of social transformation (or through organized collectives) as much as from mechanisms outside the purview of state institutions. These women combatants found entrepreneurial agency and put themselves into the fold in renewing themselves. It was important to take cognizance of the empowering and disempowering trajectory in the addressal of the possible return of such subjects back to the state.

**Rosemary Dzuwichu**, *Director, Women's Study Centre, Nagaland University, Kohima*, highlighted the difficulties that Naga women have encountered in efforts to assert their rights in the context of the prolonged armed conflict in the state. She opined that it was challenging for women from Nagaland to focus on issues of protection or participation when the legal system did not really work in their favour. The protection of women's rights within an environment of gender-based violence, discriminatory customary laws, absence of rights of inheritance, land and property, has not helped assuage women's grievances in Nagaland.

The reality which prevails on the question of redressal is one of the state government's failure to implement laws regarding women and their participation in politics. Dzuwichu shared that fast track courts were reinstated to adjudicate on

crimes of sexual violence against women. Yet, these courts were closed after a short period and the cases filed by women were then placed before family courts. According to Dzuvichu, the Armed Forces Special Powers Act (AFSPA) which operated in Nagaland meant that the women were not accorded adequate protection. What kind of protection could be provided for the women in the wake of these impediments in law? This led the women of Nagaland to approach the Supreme Court of India. Thus, there is now a situation where on the one hand, the armed groups are asking for the right of self-determination and on the other, women's groups are pleading before the Supreme Court for their political rights.

Interestingly, Dzuvichu noted that the Naga mother's movement has changed over time. During the formative years of the movement, the women had intervened primarily on social issues like alcoholism and drug addiction. During the 1990s, they gradually started to play the role of mediators building peace between the different armed Naga groups with the aim of reducing inter-tribe violence. It is pertinent to note that the role of women as peacemakers and peacebuilders in these processes is acknowledged by the Naga men.

Dzuvichu concluded with the remark that she was hopeful about the future because, even though there would be clashes with the traditional and customary practices of Naga society, the young and educated generation was in favour of women's access to justice. This generation fully understood the necessity for women's participation in public spaces. A nascent movement of the Naga youth called the Action Committee Against Unabated Taxation is quite exemplar in the context of the changes from the ground today.

Commenting on the disproportionate impact of conflict on women, **Seema Mustafa**, *Editor-in-Chief, The Citizen, New Delhi*, shared her journalistic experiences of reporting conflict to demonstrate the very specific ways in which women's lives were affected by violence. Whether we look at the plight of the half-widows of Jammu and Kashmir (unrecognised both by the *Hurriyat* and other political leadership in the state) or the killing of women and children in the *Baksa* region of Assam, which has been overlooked by the authorities, or the large-scale murders of women in their homes on account of dowry and other forms of domestic abuse, the state, civil society, and particularly the women's movement, have failed to provide justice and uphold the rights of women in these different contexts.



*Seema Mustafa*

**Ashok Sajjanhar**, former *Ambassador and Secretary of the National Foundation for Communal Harmony, New Delhi*, dwelt on the subject of mothers and children and how they were affected by communal violence. During the course of his work on communal violence, he discovered that women were resilient, even if the breadwinners of their families were killed, remaining optimistic and determined. He however added that there was a need for women to be more vocal in such contexts.



*Ashok Sajjanhar*

The central objective of any government should be on development which is nearly impossible without women. There has to be a way where education and media are co-opted to reach out to the target audience of women and youth to transform gendered power structures and mindsets that stereotype women as victims lacking agency.



*V. G. Patankar*

**Lt. Gen. V.G. Patankar (Retd.)**, *Member, Executive Council, Vivekananda International Foundation, New Delhi*, while reflecting on the comments emanating from the Dialogue, observed that few solutions had been offered as the way forward. Contending that there was tremendous scope to move forward on the subject of gender and conflict, he proposed three possible ways for the promotion of participation of women in conflict and post-conflict moments. This could be achieved through the processes of i) enabling measures, ii) building confidence and, iii) developing their potential. The enabling exercise had to be a gradual and well-thought out process involving a change in attitudes in the face of adversity and opposition from the men to begin with, and tradition and society on the other hand. He offered that a beginning could be made through subtle low-key orientation programmes. During the processes of orientation, it would be easy to identify the potential for future leadership positions for women, motivational jobs etc. This would result in leading to a more organised movement taking it forward.

The enabling process would serve to increase the threshold of ability of participation in public life or social activities and finally to public office. In practice, wherever this has occurred and women were fortunate to have a legacy in politics and were offered an opportunity, they were able to rise to the occasion.

Patankar shared the example of the Indian Army's military-civic action through *Operation Sadhbhavana* (1998) in Jammu and Kashmir where he was stationed

at the time and helped initiate some programmes. He elaborated upon two such efforts. *First*, the people of the region including children were taken on a trip to the capital New Delhi to witness the Republic Day celebrations which showcased India's diversity. *Second*, a programme called *Siraj-un-Nisa* was initiated to provide computer and typing skills to women and equip them with professional knowhow. This was a popular initiative because it did not have any political connotations and met with success. In addition, there were other initiatives like using self-help groups involving villagers in the implementation of projects, using funds of the Border Area Development Programme for development projects, among others.

As an extension, he felt that the best approach to enable women was for them to discover their own potential through a self-realisation process. For example, a small army school in the Uri district had women teachers who travelled far from the Line of Control. They were sent on a 'discovery' mission to several places in India where they learnt how local bodies were run completely by women. They also met with women entrepreneurs and women bankers. On their return home, they realised their individual potential by observing the experiences of multitudes of women across India.

It is significant that after the *Kunan Poshpura* incident in Jammu and Kashmir where the Army was accused of carrying out excesses against the women, young girl-widows were found to be ostracised from society. Many families were averse to getting their sons married to these girls. This had devastated the mothers of the girls, yet the girls did not lose their spirit and wanted to stand on their own feet. Patankar shared how they wanted to learn computers, mother-child care methods, and seek gainful employment with the government, thereby displaying a high sense of awareness and self-respect.

Thus, when women were offered an opportunity, they discovered themselves and were able to step out of the confines of their homes. So when there was talk of gradual processes of women's empowerment, these experiences from the field must be considered. A top-down approach on the other hand would have a short term impact.

Confidence-building was also identified as an important tool through which women could be empowered. While social mindsets should be transformed to believe that women can deliver when they serve in public office, likewise, women too should have faith in their own ability to attain agency and participate in public life.



*Hameeda Bano*

Appreciating Patankar's understanding and initiatives for the empowerment of women in Kashmir, **Hameeda Bano**, *Professor, Department of English, University of Kashmir, Srinagar*, pointed to the seemingly insurmountable challenges that a conflict economy poses for local stakeholders who wish to build peace, as articulated by Gopal K. Pillai in the context of the conflicts in India's northeast and Kashmir. With reference to the different forms of violence against women, she commented on an earlier reference that

acid attacks on women were taking place in Kashmir even today, stating that while such attacks could be attributed to disgruntled boys responding to rejection by girls, these were also the result of processes of militarization taking root in the Valley.

**Ravinder Pal Singh**, *Senior Fellow, Institute of Defence Studies and Analyses, New Delhi*, in a comprehensive exploration articulated how once an area which is declared as 'disturbed' by the government suffered from two significant deficits: in terms of public safety and state security, and two, governance and public administration. While the state addresses security deficits in disturbed areas by deploying additional units of regular military forces under AFSPA, several governance deficits remain un-addressed on the faulty



*Ravinder Pal Singh*

assumption that restoration of peace would facilitate the administration to correct these deficits in their normal course. The governance deficits, in Singh's view, could be overcome by enhancing the scale of structured participation of women's groups, administrators and experts in the following areas:

- Enhance access to Justice: Additional tehsil-level courts; arbitration and mediation; civil affairs advisors.
- Enhance access to public safety, local policing and security sector accountability.
- Enhance access to economic empowerment through officials authorized for re-distribution of economic assets, skill development in agro-enterprises etc.
- Enhance access to development health services, education, transportation and shelter.

Thus, once an area has been declared as ‘disturbed’ for the deployment of security forces under the provisions of AFSPA, the following should be initiated to address the six deficits in governance:

### **1. The security sector’s organisational deficits**

- Some disturbed areas have had long histories of ethnic or communal fault-lines. The state needs to create and deploy ‘specially designed transitioning units to stability’ to bridge the gap between security and governance deficits, while deploying military units for internal security.
- ‘Stability units’ should include the component of robust security capabilities as well as enhanced resources for governance-building to facilitate economic empowerment, access to justice and health services. The governance components of stability units should be flexibly structured to address the uniquely felt needs of specific disturbed areas which would supplement the development programmes of the public administration.
- Stability units should have an increased component of women as civil affairs officials, human rights lawyers and master trainers for skills that are not being built by the public administration such as gender sensitive training of military units deployed in disturbed areas, local enterprise development for women such as poly-house cultivation, off-grid solar power, community level food processing and marketing, et al.

### **2. Deficits in the Justice System**

- Increase the presence of women judges and sub-judges in the Judiciary in disturbed areas by instituting tehsil-level courts, fast track courts and mobile courts.
- Organise workshops for women in local mediation and access to justice facilitators. Facilitate human rights groups to set up offices in disturbed areas.
- Legislation and legislative oversight of disturbed area policies and plans: Develop legislation for checks-and-balances to address the limitations of AFSPA, namely lack of transparency of fast tracking of cases of abuse; public monitoring of the prosecution sanction process; weak public knowledge of accountability process in military command channels; develop time-bound decisions for procedures on incidents of impunity; identify indicators for withdrawal of disturbed area status and AFSPA; and establish a public scrutiny mechanism for AFSPA.
- Organise legislative oversight standing committees for security and intelligence functions in the disturbed states, both in the state assemblies and in the Parliament for compliance with law. Conduct workshops with the academia

in disturbed areas for legislative oversight of security forces' methods and training.

- Provide additional resources for statutory bodies to set up field-level offices, research and information services. Increase the presence of the State Human Rights Commission, National Commission for Women and the Minority Commission in disturbed areas.
- Institute an office of a Security Sector Ombudsman with investigative powers who would report to the state assembly and Parliament.

### **3. Executive Branches**

- Increase the participation of women in the Executive Branch offices at the state, district, tehsil, block and at *panchayat* levels from one-third to half of the allocated staff.
- Initiate special executive bodies at the tehsil and block levels for the provision of needs pertaining to health and nutrition, shelter, security (policing), economic empowerment through scientific training in building small-scale enterprises and improving access to justice.
- Since disturbed areas have statistically shown a higher incidence of health problems and injuries than others, this would require additional hospitals, enhancing the availability of trained medical staff and casualty evacuation services.

**4. Independent Public Verification Processes (IPVP)** to be set up once an area is declared as disturbed by the legislature of the state. The IPVP should be constitutionally empowered to restore public trust and confidence in state machinery in disturbed areas. The role of an IPVP Commissioner should be to build women's capacities and broaden their public participation in the professional verification process, such as:

- Validation of peacebuilding policies, long and short-term plans of executive/judicial processes to restore normalcy.
- Scrutinise outcomes of executive plans at district, tehsil and block levels in creating conditions to counter the problems in disturbed areas. This requires formal communications between public administration officials and the Commissioner for IPVP. The objective would be to institutionalise the voices of the marginalized and the increase accountability of the state.
- Monitor milestones for post-conflict peacebuilding initiatives, reconstruction, rehabilitation, and gender mainstreaming objectives at the tehsil/block levels.

- Independent review of development schemes at the village levels.
- Address the impediments to media reporting and resource redistribution for the marginalized segments.
- NGOs engaged with the IPVP should be funded by the Corporate Social Responsibility, Member of Parliament Local Area Development, and the state.
- Increase participation of women human rights lawyers, development activists, media and ex-combatants in the IPVP. Build-up and train post-conflict negotiating teams to comprise 50% women.

According to Singh, so long as there was perceptible political exclusion of women from policymaking at the national level, it would be challenging for decision-makers in any patriarchal society to accept and promote these initiatives. This would necessitate bringing disparate groups working on gender issues in a nationwide umbrella initiative to build a coherent approach to promote social justice, political participation, empowerment and entrepreneurial opportunities for women. By overcoming the cultural and ideological divides of women's groups working with different sets of motivations, this can be achieved.

Moreover, the potential membership of such initiatives for gender mainstreaming by women with tertiary education from an estimated 400 universities in India can further lead to strengthening their collective voices. Once this has been achieved, the concept of 'each one teaches one' should be initiated for girls from marginalized communities in India's rural sector. Such an initiative would be politically significant to counter-balance women's exclusion from decision-making in any political party. These initiatives would be important prerequisites to building inclusive peace in strife-torn communities.

## **Concluding Reflections**

The Dialogue wrestled with questions of women and armed conflict and the protection-participation conundrum that is implicit in UNSCR 1325. It was often articulated that some of the empowering impetus of 1325 had been toned down in the subsequent Resolutions, which laid too much emphasis on the aspect of sexual assault and violence against women. It was therefore important to bring agency back into the discourse. There were three distinct narratives that emerged during the discussions:

- The impact on women as victims and survivors of the violence that comes with internal security conflicts.

- The potential value of women as peacebuilders, mediators and interlocutors of the peacebuilding constituency.
- Limitations and negative outcomes of legislation for deploying armed forces in aid of civil authority in ‘disturbed areas’.<sup>25</sup> Legislation that accords impunity has to be seriously dissected and its deleterious effects comprehensively understood. Women and children often remained caught between two armed patriarchies in situations of conflict with little agency to opt for alternative sources of safety.

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<sup>25</sup> Pal Singh, Ravinder. ‘Suggested Initiatives for Women in Peacebuilding in Disturbed Areas’, WISCOMP Roundtable on *Women and Peacebuilding*: New Delhi. 21-22 February, 2015.

## International Agreements: The Way Forward

The third session of Dialogue focussed on the successes and deficits in the **implementation** of international agreements such as UNSCR 1325+ and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

The recently formulated General Recommendation 30 on October 2013 of the CEDAW Committee states<sup>26</sup>:

*...the Convention [CEDAW] requires State parties to focus on the prevention of conflict and all forms of violence. Such conflict prevention includes effective early warning systems to collect and analyse open-source information, preventive diplomacy and mediation, and prevention efforts that tackle the root causes of conflict. It also includes robust and effective regulation of the arms trade, in addition to appropriate control over the circulation of existing and often illicit conventional arms, including small arms, to prevent their use to commit or facilitate serious acts of gender-based violence. **There is a correlation between the increased prevalence of gender-based violence and discrimination and the outbreak of conflict.** [Emphasis added] For example, rapid increases in the prevalence of sexual violence can serve as an early warning of conflict. Accordingly, efforts to eliminate gender-based violations also contribute in the long term to preventing conflict, its escalation and the recurrence of violence in the post-conflict phase.*

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<sup>26</sup> The CEDAW Committee comprises 23 experts who among other responsibilities also make recommendations on any issue affecting women to which they believe the state parties should devote more attention. **General Recommendation 30** is the outcome of deliberations over a period of three years and was adopted at the **Fifty Sixth session of the Committee in 2013** and ‘covers the application of the Convention to conflict prevention, international and non-international armed conflicts, situations of foreign occupation and other forms of occupation and the post-conflict phase. In addition, the recommendation covers other situations of concern, such as internal disturbances, protracted and low-intensity civil strife, political strife, ethnic and communal violence, states of emergency and suppression of mass uprisings, war against terrorism and organized crime, which may not necessarily be classified as armed conflict under international humanitarian law and which result in serious violations of women’s rights and are of particular concern to the Committee.’

– ‘General Recommendations.’ Committee on the Elimination of All Forms of Discrimination Against Women. UN Office of the High Commissioner for Human Rights [<http://www.ohchr.org/EN/HRBodies/CEDAW/Pages/Recommendations.aspx>]

The following questions informed this section of the Dialogue:

- What has been the impact of the UN Resolutions, Conventions and international norms on the lives of women living in contexts of violence in South Asia?
- How do we make gender-just legal instruments align with the spirit of prevailing global norms even when Resolutions like 1325 are not formally adopted by states?
- What are the strategies that can be used to sensitize the law and order apparatuses and judicio-legal systems to these issues?



*Vrinda Grover*

**Vrinda Grover**, a leading Delhi-based human rights lawyer and women's rights activist, focused on the difficulties faced when advancing the concerns of women in areas with varied forms of conflict. The well-known articulated position of the Government of India at international fora enunciates the absence of internal armed conflict in India. This has often proved to be a technical hurdle in foregrounding the varying concerns of Indian women across the country.

In 2010, the CEDAW Committee issued a General Recommendation 30 (GR 30) that has been instrumental in helping to open the door to put forward certain concerns globally and in India. It has particular salience in states that have not already adopted UNSCR 1325, owing to the refusal to formally acknowledge the existence of conflict within their boundaries. The scope of GR 30 is such that it covers the application of the Convention to Conflict Prevention to include international and non-international armed conflicts, situations of foreign occupation, and other forms of occupation and the post-conflict phase. Further, the Recommendation covers other situations of concern such as internal disturbances, protracted and low-intensity civil strife, political strife, ethnic and communal violence, states of emergency, suppression of mass uprisings, war against terrorism and organized crime, which may not necessarily be classified as armed conflict under international humanitarian law, and which result in serious violations of women's rights and are of particular concern to the Committee.

Grover examined the GR 30 guidelines and noted that phases of conflict and post-conflict situations have at times been divided into pre, during and post-conflict demarcations with a view to approach it in a linear formation. But conflicts may merge, subside and intensify again, defying such linearity. It was noteworthy

that GR 30 did not consider women as a homogenous group even within conflicts. There was the realization that women could be at the receiving end of the conflict and not engaged in any way with the conflict, and at the same time women could just as easily be combatants in the conflict or ‘displaced’ because of it.

Aggravated situations of economic deprivation or deprivation of other forms of civil liberties or of sexual violence that women experienced both due to conflict and displacement were – some of the ways in which it is important to see how different forms of conflict – that can persist and cannot be classified as ‘armed conflict’ impact women’s lives.

On the basis on this specific formulation, Grover shared how groups from the northeast, Kashmir, Chhattisgarh, Jharkhand and Orissa came together to produce a special chapter on GR 30 and presented it before the CEDAW Committee in July 2014. The chapter formed part of the National Alliance for Women’s Organisation (NAVO) Shadow Report representing the concerns of India.

Commenting on the CEDAW meeting held in Geneva, Grover specified that the Committee gave due attention to the concerns that were raised on the role of women in peacebuilding, the impact of displacement on women, women combatants, and the space for women in the post-conflict phase. According to Grover, the recurrent theme that was highlighted, regardless of the nature of the conflict or armed insurgency, was the presence of the Army/security personnel and the recognition of the different kinds of struggles over resources. Issues of violence against women in the context of communal conflict, were also foregrounded.

Further, hurdles in securing justice for women were noted and impunity was found in the institutional mechanisms and in the structure of the law. The extra-judicial killing of Indian citizens in areas of internal disturbance was also flagged as an area of concern, and while women were necessarily not always the targets of extra-judicial killings, the impact of this form of militarization on the entire community was highlighted.

The Shadow Report advanced that impunity for gender-based violence under the various repressive legislations operational in the regions was a high trigger point for recurring conflict. In the various central government-funded research and strategic studies, the ‘trigger’ for conflicts find rare mention. There is no attempt either to incorporate how women define or understand these ‘triggers’. Their perceptions of ‘early warnings’ in local communities and the very important local level strategic work that women are involved with in preventing conflict

finds little focus in these studies, thereby invisibilizing their important contributions to conflict mitigation.

More alarmingly, in parts of the conflict-affected northeast and Chhattisgarh, rich in deposits of mineral resources and huge bio-diversity, women's human rights defenders and civil society groups expressed concerns over large-scale ravaging of these natural resources by corporations, private individuals and the security forces, pointing to the possibility of this being the 'trigger' for the next bout of conflict. The proliferation of small arms and the policy of allowing sections of surrendered armed groups in these regions to retain their arms for self-protection was another grave concern.

The aspect of enforced disappearances, especially in Kashmir, was, according to Grover, a gendered crime since the impact of this was borne by women and their families. The struggle against political apathy to this has been spearheaded for long by the women of Kashmir. The issue of displacement and *ad hoc* policies that are put in place, both in terms of their formulation and their temporality in dealing with issues of displacement, was also highlighted.

In a strong statement, Grover alluded to the clear ethnic, religious and gender dimensions to enforced disappearances in Kashmir designed to intimidate and silence dissent. While the gendered impact of disappearances is especially significant, the men are the principal targets of forced disappearance. The women meanwhile spend the rest of their lives in a relentless search for their loved ones.

The Shadow Report also focused on the issue of women as combatants and ex-combatants in conflict situations in India's northeast and sought to foreground the processes and mechanisms available to integrate them into society. Grover shared that the focus was also on the opportunities for their reintegration to lead another life and the provision of a suitable role and voice in political processes.

Grover highlighted the tradition of women's collective activism in northeast India. Women at the local level played significant roles in peacebuilding, from mediating between conflicting sides, protecting their communities against reprisal attacks, demanding justice and repeal of emergency laws like AFSPA to building community-wide support for peace and reconciliation. In Manipur, the protest against human rights violations and silent appeal for peace by the Iron Lady Irom Sharmila (which has entered its 15<sup>th</sup> year) was unprecedented, while the *Meira Paibis*' protest expressing outrage at the alleged rape, torture and killing of Manorma Devi by the paramilitary forces has drawn widespread international attention.

The NMA and the Naga Women's Union of Manipur stood out in the tapestry of women's agency in conflict situations having demonstrated a capacity to translate local peacebuilding activism into formal authority. Equally, the role of women in the indigenous communities in decision-making processes both, at the level of the state as well as bringing it up in litigation to the Supreme Court, deserved attention.

The government's formal initiatives were duly considered by the CEDAW Committee meeting in Geneva, but none of the schemes took cognizance of the several types of impact of conflict which necessitated a different kind of gendered lens for redressal. Grover noted that despite these contributions and the post-UNSCR 1325 international awareness and commitments to bring women's experiences and leadership into peacebuilding efforts, women's roles continue to be seen in an instrumentalist way, both by government agencies and non-state actors in India. It comes as no surprise, therefore, that women have been marginalised in formal peace processes.

The recommendations made by the CEDAW Committee reflected some of these issues on the subject of women in conflict such that the concluding observations were titled, 'Violence Against Women in Border Areas and Conflict Zones'.

*..... The Committee is deeply concerned about the reported high level of violence against women in conflict-affected regions of Kashmir, the Northeast, Orissa, Chhattisgarh and Andhra Pradesh, including rape and other forms of sexual violence, enforced disappearance, killings and acts of torture and ill-treatment. It is particularly concerned about the AFSPA and the fact that it requires the prior authorization by the government for prosecution of a member of the security forces and the reprisal that women have to face if they initiate proceedings for justice in the public domain or in courts.....*

Finally, the India chapter in the CEDAW Report encapsulated the essence of the international debate and the Indian experiences to include the following recommendations:

- *Need for comprehensive analysis and action for conflict prevention and conflict transformation in the affected areas. We especially call for protection of land rights and natural resources in areas peopled by indigenous communities affected by conflict as these have been major 'triggers' for the continuum of conflict.*
- *Since women are not a homogenous group and their experiences of conflict and specific needs in post-conflict are diverse, the state should address the specific discriminations of the diverse categories of women.*

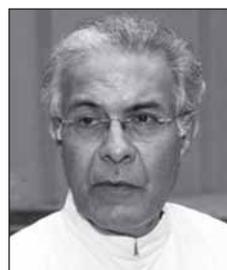
- *Special attention ought to be paid to the needs of indigenous, rural, poor, differently abled, trafficked, religious and sexual minority women and young girls in conflict situations.*

Grover illustrated how the CEDAW Committee's stand was reinforced by the Justice J.S. Verma Committee (2013) which had recommended amendments to the laws related to crimes against women. The Committee raised the concern that 'systematic or isolated sexual violence, in the process of Internal Security duties, is being legitimized by the Armed Forces Special Powers Act, which is in force in large parts of our country'. It recommended a review of the continuance of AFSPA in the context of extending legal protection to women in conflict areas.

The Committee also specified that women in conflict areas were entitled to all the security and dignity that was afforded to citizens in any other part of the country, and thereby recommended bringing sexual violence against women by members of the armed forces or uniformed personnel under the purview of ordinary criminal law; taking special care to ensure the safety of women who are complainants and witnesses in cases of sexual assault by the armed forces; and setting up special commissioners for women's safety and security in all areas of conflict in the country.

Citing the example of Manipur and the role of AFSPA, the reports tabled by two different Committees—Justice Hegde Committee (appointed in January 2013) and the Justice Upendra Inquiry (who submitted his report to the Manipur Chief Secretary on November 22, 2004)—specified that the Act had indeed failed in effectively dealing with insurgency and that the armed forces had indulged in excesses and violations. According to the Hegde Committee, the Act had provided sweeping powers to the security forces to the extent of killing suspected persons with protection against prosecution. The Act had also failed to provide protection to the citizens against possible misuse by security forces.

**Wajahat Habibullah**, *Chairperson, Commonwealth Human Rights Initiative, New Delhi*, dwelt on the issue of drawing alternatives to the law and order approach in conflict areas in India to focus on how these alternatives could help enhance women's agency. Speaking from his experiences in Kashmir and as Chairperson of the Minorities Commission, he stated that women were the most affected and the least heard in communal conflicts. The fact that women can become the most effective means



*Wajahat Habibullah*

of preventing communal conflict is seldom reflected; a well-established fact revealed by the post-riot developments in Mumbai (referred to the period after January 1993). Habibullah shared the example of how Mohalla Committees, a civil society initiative that involved members of the police and the public (1994) had helped heal some of the communal wounds of the 1992-93 riots in Mumbai. The experience of the Committees offered invaluable insights for democracies functioning in plural and diverse societies.

In Mumbai, participants in the Committees were drawn both from the **police and the public**. They did not assume adversarial stances as opposing Muslim or Hindu camps, but as **partners** involved in a symbiotic relationship for the maintenance of peace and harmony. He pointed to the pivotal role that women played in the confidence-building process. The Committees continue to exist long after the riots, and extend their activities not only to overcome and anticipate riots but also in assisting their constituents to implement other programmes of the government. In Habibullah's opinion, this type of mechanism proved to be effective since the Committees were led by women while in the rest of India, the Mohalla Committees are led by men. The Mumbai Committees comprised mostly women who came together from different communities and forged hitherto unknown social relationships.

Previously, the women living in the *mohallas* were discouraged from moving out of their homes and the men would go out together in groups; thereby inter-community interaction was minimal in the *mohallas*. This however changed when the women of Mumbai articulated that they had an abiding role and stake in the maintenance of peace. Since the establishment of the Mohalla Committees, there have been no major communal conflicts in Mumbai and communal harmony has been maintained.

In the context of this shining example, Habibullah said that the alternative to police action in law and order situations could be the involvement of the community; specifically the women for they have proven to be effective in building community relationships and acting as safeguards against breakouts during crises. By inference, women are best placed to provide early warning information about discord between communities.

Shifting focus to the Kashmir conflict, he pointed to the instrumental role of women in the projection of grievances and discontent of the public. He documented the situation during the outbreak of the militancy in the 1990s and the leading role women took in large demonstrations where the government responded with violence. As the whole process evolved, women were increasingly

marginalised and fell prey to rape and other forms of violence, and were widowed too. At the same time, the government lacked a concerted policy to deal with these victimized women in their search for redressal and rehabilitation within society.

The deliberate decision of the government which specified that widows of the militants did not deserve attention was discriminatory, but has since been rescinded. This led to the formulation of the J&K State Rehabilitation Council in 1994 with the objective to provide physical, psychological and economic rehabilitation to the victims of militancy in Jammu and Kashmir, with special focus on widows, orphans, handicapped and aged persons, whose breadwinner was killed or incapacitated as a result of the militancy.

To illustrate the abiding grievance of women across the Kashmir Valley, Habibullah referred to the *Kunan Pushpora* incident when a battalion of the 4<sup>th</sup> Rajasthan Rifles 68<sup>th</sup> Brigade conducted a cordon-and-search operation in the Kunan and Poshpora villages of Kupwara (in February 1991). He posited that what happened thereafter remains a subject of rage and fury, allegations and denials, claims and counter-claims. The villagers have alleged that army personnel raped anywhere between 23 to 100 women repeatedly, through the night. If true, this would make it the single biggest instance of sexual violence by the state forces in India's history. The Army denied the accusation. Habibullah expressed his disappointment with the fact that this case was never investigated to its logical conclusion through established processes of the law.

Habibullah, who had served as the Commissioner at the time, maintained that in the course of the official inquiry, while the allegations could not be substantiated, they could never be ruled out entirely. This situation required conducting a judicial investigation at the level of superintendent of police, but the case was summarily dismissed. He shared the hope of establishing abiding peace provided the women felt that they could now live their lives in the way that they would want.

**Rekha Chowdhury**, *Professor of Political Science, University of Jammu*, spoke to the experience of women as peacebuilders in Jammu and Kashmir and how women attempted successfully to transcend the fault-lines of region and religion. Chowdhury upheld that women had been political actors in their own right since the emergence of the movement for self-determination in the 1990s, and they were in fact the face of the popular movement. In this way, women helped legitimise



*Rekha Chowdhury*

militancy in Kashmir, a phenomenon that emerged along with the separatist struggle. Local women projected sons and militants as heroes in funerals and celebrated martyrdom. Therefore, women became a definitive part of the political movement and the armed struggle.

While women were the first to feel the impact of the violence, they were the first to withdraw their support too. In the early 1990s, the fringe elements became the centre of the armed militancy and they began to pressurise women through the enforcement of codes of ethics like veiling and restrictions on their education. However, Chowdhury noted how the women had individually and collectively resisted the onslaught. Even more significant was that Kashmiri women were not Talibanised and preserved the unique Kashmiri culture and displayed agency. By the mid-1990s, Kashmiri women came out openly to speak against the culture of the gun. She shared how the now deceased *Hurriyat* leader Abul Ghani Lone had vocalised the role of foreign militancy in the struggle for self-determination, and women's groups had obviously taken note.

According to Chowdhury, there are challenges which could stymie women's agency. She pointed to a latent tension between gender and political identities. Gender issues have not been central to the discourse but instrumental nevertheless and sexual violence through rape has often been used to highlight the misrule of the state and excesses by security forces. The concern was not so much on gender but the instrumental use of rape in the conflict. Therefore, gendered identities were subordinated to the political identity during tense and conflict moments.

In Jammu and Kashmir, the most important issue that is debated is of political freedom and every other struggle is considered subservient to the political. The special type of autonomy that women have attained in Naga polity is not apparent in Kashmir. Undeniably, gender issues are not autonomous of political movements.

Another challenge, Chowdhury pointed to was the fact of gender not being central to the discourse. The impact of this was huge on Kashmiri women in the form of a visible increase in acid attacks and sexual harassment cases. Over the last decade, the sex ratio has moved from positive to negative levels to now being less than 900. This alarming statistic is not part of the political discourse. Yet another challenge emanated from the division of women between the different regions of the state. As a result, the women did not take a stand for themselves, representing the interest of their communities and unable to transcend these divides. Moreover, since the formal participation of women was absent, their role in peacebuilding was negligible.

Women were also missing from the informal political processes even amongst the militant groups, with Asiya Andrabi of the *Dukhtaran-e-Millat* being the only exception. The women were marginalised in the sense that the jurisdiction of the National Commission for Women did not extend to Jammu and Kashmir, while the women's commission of the state was almost defunct. In the light of this background, the marginalisation of women in the decision-making process prevents them from being active participants in formal peacebuilding. Their roles have thus been limited to the informal level in peacebuilding.



*Veena Sikri*

**Veena Sikri**, *former Ambassador and Convenor of the South Asia Women's Network, New Delhi*, discussed how the pervasive patriarchal mindset spanning South Asia (and India in particular), manifested in the suppression and domination of women in all fields that are further exacerbated during conflict. Women do not have access to resources, health and education, and yet, they are the main procurers of basic resources to run their homes. Sikri shared the findings of the World

Economic Forum's Global Gender Gap Report, which measures the position of women in terms of access or gaps in access to resources, and found that on economic opportunity and participation, political empowerment, education, and health of the women, India stands at 114 out of 142 countries. The women of India were found to have the lowest access to health in the world.

She also narrated, for instance, how there was a huge percentage of women studying in universities in Kashmir today, but inadequate employment opportunity following this. A clear lack of economic emancipation and concomitant lack of employment for the women in Kashmir, persisted. It is only when women's access to resources are ensured in an integrated manner can they be brought into formal roles in peacebuilding. Finally, Sikri stressed on the efficacy of fostering a pan-South Asian solidarity for women to share their experiences and realise their commonalities, using this common ground to build a peaceful regional network for conflict management.

**Anjoo Sharan Upadhyaya**, *Adjunct Professor, Malaviya Centre for Peace Research, Banaras Hindu University, Varanasi*, focused on the role of local peace committees in Nepal. Women found representation in these committees by filling the slots of 'victims'. While the committees ostensibly had to be politically neutral, the women were forced to reflect their political affiliations during deliberations. As a result, there was no clarity in the constitution-making exercise too. Nepal remained sliced along political and ethnic lines. Even with

33% representation of women in the first Constituent Assembly, women have been unable to develop as a force to reckon with. Where gender issues were primary, they were also sliced across political/ideological lines to which specific members belonged. In fact, while Nepal has some very mature female politicians, they often merged with the political philosophies of the parties they represent.



*Anjoo Sharan  
Upadhyaya*

Therefore, there has been a dilution of the substantive political representation of women in Nepal. Women's capacities to hear multiple perspectives and handle multiple issues outside direct conflict are yet to be harnessed. Further, political instability has persisted and is marked by a high prevalence of light arms that have not been surrendered. The country is also plagued with a high dependence on donor agencies, which on their part need to evaluate the situation and involve women in the peace process. Looking ahead, Upadhyaya suggested that Nepal could learn from examples of best practices followed in other nations that have emerged out of conflict.



*Jayant Prasad*

**Jayant Prasad**, *former Ambassador, and Advisor, Foreign Policy Programmes, Delhi Policy Group, New Delhi*, shared his understanding of the fault-lines in terms of building and sustaining peace in Nepal as also the constraints that women face in conflicts. Women have been able to play a certain role in restoring and maintaining normalcy in the Kashmir Valley for instance, but several challenges still remain. These challenges have resonated in other countries as well, like Algeria, Afghanistan and even to some extent in Liberia, where

the contributions of women have not been fully taken forward in the formal peace processes.

Prasad found the example of the *Mohalla Committees* (shared by Wajahat Habibullah) to be instructive in the sense that it was possible to play a conciliatory role because of support from the administration and the police. In other places where this has been attempted, like in Muzzafarnagar in Uttar Pradesh, difficulties were experienced in getting people from different communities together because of segregation and the ghettos in which they resided. They did not have the traction of proximity that an urban conglomeration like Mumbai provided. In his view, each conflict situation is dissimilar and therefore different solutions and policies have to be crafted separately for each.

In Afghanistan, women politicians have gained from the changes in their political representation, but there is always the danger of a rollback. In the *Jan Andolan* (or people's movement) in Nepal, women played a frontal role and many of the women were subsequently given seats in the Parliament. The backroom negotiations have not borne fruit in crafting the new constitution and women did not find place for themselves there. It is interesting to note that the former Maoist insurgency leadership was overwhelmingly male.

Women's agency in the final analysis was an internally generated dynamic. The pertinent question is to look at the costs of not involving women in conflict prevention and peacebuilding and to devise a way to assess how gender exclusion impacts conflict resolution efforts. He reiterated the oft-mentioned assertion of viewing women not as victims but rather as agents of stability and progress and to thus integrate them in governance structures. This would not be attainable if people worked only from the outside (for instance, donors); rather it is a dynamic which has to be addressed internally by societies.

**Khesheli Chishi**, *former President and Member, NMA, Kohima*, shared her experiences from the field. She posited that in the conflict between the Indian security forces, the government and the Naga armed groups, women were at the forefront of all the efforts to diffuse tension and reduce violence. She described the role of Naga women in the conflict as firefighters where the voice of the Naga Mother's Association is used as a weapon. The men also appeared amenable to providing the public space for the women's groups in understanding and solving problems.

Describing an intervention of the NMA, she narrated the incident of a people's protest in May 2010 in the Mao region, some distance from Dimapur. Security forces had come with equipment and personnel to tackle the demonstrators making the scene appear like a war zone. This had a deep psychological impact on the local population. The mothers had come forward and protested against the display of armory in a civilian protest. However, to quell the protestors teargas shells were fired, and later the security forces resorted to blank and blind firing against the protestors. There was an outcry against the imposition of 144 CrPC. Two young boys were killed on the spot. Even in her despair, one of the mothers pleaded for peace to prevail.

Chishi indicated that the NMA was convinced of its role in peacebuilding despite the internal pain and humiliation they have encountered in their struggle to gain agency. She argued that peace work through dialogue and understanding before conflicts break out would be more fruitful.



*Mallika Joseph*

**Mallika Joseph**, *Director, Institute of Peace and Conflict Studies, New Delhi*, made a plea to move beyond stories of victimhood to the next level, which focused on the narrative of women as peacebuilders, peace enforcers and agents of change. This was particularly true for India, she averred. In international contexts such as Liberia, the formal role of women in bringing the conflict to an end and in fostering peace had been acknowledged. There was a visible

comprehensive understanding of women in conflict beyond victimhood and as survivors.

However, Joseph felt that in the official discourse in India there was an undue emphasis on women as **victims** of violence. It is imperative to move beyond this understanding to mainstream the new narrative with emphasis at the international level, on the role of mothers in addressing radicalization. There was also a widely-held view that women hold a unique position in **mitigating radicalisation** since they are able to identify early warning signs in their homes and communities. Unfortunately, this view is not manifested in the Indian context, even though it has been at the forefront in the role of women in the armed forces and addressing the gender component in the security forces. All-women police stations in India deserve special mention. India was the first country with an all-women force in the para-military regiment and it also sent a women-only contingent for peacekeeping in Liberia that proved very successful on the ground.

According to Joseph, women's representation in the armed forces is remarkable. The larger discussion within this has emerged from gender equality issues and the question remains on the incorporation of more women into the armed forces. Gender stereotyping is exceedingly prevalent in the Indian armed forces. Joseph questioned the extent to which women in higher positions in offices were responsible for the continuance of gender-stereotyping. Women who excelled in the security forces were those who matched their male counterparts and attained greater recognition and acceptance, and as a result seldom upheld issues relating to gender. Clearly, there is a deficiency of a new gendered narrative by the women in power. What then is the narrative that the women have established in the security forces and their roles? This was not clearly visible.

According to Joseph, the role that women chart in the **prevention of conflict is unacknowledged** in India. As a result, the security forces are geared to be primarily reactive rather than proactive and preventive in nature. The

disconnection between these aspects is overlooked which could otherwise have helped address the challenge of mainstreaming women at the next level.

The gender narrative within the establishment has to move beyond looking at feminism as a threat or merely as equality with men. A more comprehensive approach, argued Joseph, could define women's roles in peacebuilding and conflict prevention effectively. The counter-narrative can take root by those women in service. Rekha Chowdhury's argument resonated with Joseph on the tension which is constant between gender and political identities. The gender narrative has to be re-evaluated to being unique in peacebuilding, she stressed.

**Meera Khanna**, *Trustee of the Delhi-based Guild of Service and also Trustee of the Women's Welfare Trust in Jammu and Kashmir*, observed that the deficit of trust in the social fabric of Kashmir should be seen in the context of the Army's presence in the Valley. She said that AFSPA was a thorn in the side of democracy. She shared that in her journey of documenting the experiences from the ground in Kashmir, women's organisations advocated the same regressive policies without realizing that they were shrinking their own spaces. As a result, patriarchy was entrenched in the system and there was the absence of spaces for women to gain agency.



*Meera Khanna*

**Hameeda Bano**, *Professor of English, University of Kashmir, Srinagar*, expressed the opinion that UNSCR 1325 called for an engendered perspective to consider the special needs of women during conflict. It was the first legal document that required parties in conflict to prevent violations of women's rights, to support women's participation in peace negotiations and in post-conflict reconstruction and to protect women and girls from sexual and gender-based violence. It recognised that the protection of women and girls and their participation in peace processes is important to international peace and security. The Convention on the Elimination of All Forms of Discriminations Against Women is also a widely accepted mechanism to assess the role of women in all forms of conflict situations. It has sought to draw attention and resources to the role of women in mitigating violent conflict.

In examining the Kashmir conflict and its violent onslaught against women and girls against the backdrop of these international norms, the testimonies and first-hand experiences from the ground indicate that these international regulations have been observed in breach rather than in compliance. According to Bano, women's rights have been grossly violated with impunity. The security forces

have launched the most potent tool of repression used in theatres of political conflict—namely, rape, sexual humiliation and sexual torture—to inflict deeper wounds of retribution on those involved in the Kashmiri resistance movement.



## **Recommendations**

The Dialogue foregrounded several complex issues and made recommendations highlighting key determinants on the spaces available to enhance women's roles in peacebuilding. The examination of a diverse range of women-led movements for peace and democracy brought forth unique perspectives and lessons learnt from the field. The imperative to break silences and formulate new discourses in the areas of peace, security and political representation was underscored. This was based on the unanimous agreement that the continuing marginalization of women depletes the survival chances of peace accords and peace processes. Thus, equal access and full participation of women in power structures and their full involvement in efforts for the prevention and resolution of conflicts were considered paramount.

Several significant deliverables and concrete alternatives were enunciated by the participants working on these issues. Their recommendations are shared here in the hope that these would lead to progress on policy and grassroots-level change, as well as sustained and collaborative dialogues between practitioners and policymakers on issues that are at the interface of women, conflict and peace.

- Even as gender equality is being recognised as integral and inalienable to good governance, strengthening women's participation in conflict must be an essential corollary, given the increase in levels of intra-state political and ethnic conflicts around the world.
- All aspects contributing to the vulnerability of women in society such as illiteracy, violence, lack of access to social security, health etc. need to be squarely within the ambit of redefining the security discourse. 'National security' must be demystified, freed from deterrence vocabularies and placed squarely within the ambit of a democratic dialogue and debate that takes on board the heat and dust of ordinary citizens' quotidian insecurities and anxieties.
- Governments must be urged to mainstream gender considerations into all conflict transformation processes within and between states. This includes increasing the numeric and substantive representation of women at all stages of conflict transformation processes including multi-track diplomacy initiatives. A continuum of communication needs to be built from 'the village council to the negotiation table'. The contribution of women should not be confined to the so-called 'soft issues' of development, but it should be all-

inclusive. This could include the participation of women soldiers and officers in national and international peacekeeping operations.

- Advocacy, training and capacity building programmes in leadership, peacebuilding, and negotiation are crucial. The pool of trained women and gender experts needs to be enhanced since peacebuilding requires special skills that must be deployed at several levels of conflict transformation.
- Both men and women must speak on behalf of those women who may not be at the peace table. Continuous dialogue between those at the negotiation tables and women at the grassroots should be facilitated.
- Adequate child and family care arrangements for women peacebuilders and negotiators need to be factored in for all funding-related to peacebuilding processes.
- Environmental issues and the contribution and concerns of women on ecological sustainability should be given due importance since this is a crucial sector of ongoing and potential conflict, within and between societies.
- Civil society efforts that build solidarities and women's networks across borders and boundaries can often be a stronger force in engendering peace and security processes than formal government interventions. These need support.
- The exchange of good practice and ideas on how organisations advance women's rights and gender justice in conflict transformation processes is essential. This will go a long way in evolving shared goals that are both, context sensitive and global in their impact. This is part of linking the global and local imperatives to evolve an inclusive set of parameters for action. Civil society has rich expertise to offer here.
- Enhancing the effectiveness of women in peace processes is linked to enhancing the qualitative and numerical representation of women in all institutions of democracy, including legislature and public bodies. Gender representation is a cross-cutting issue and will contribute greatly to changing patriarchal mindsets for the de-weaponisation of society, elimination of small arms, zero impunity for the excesses of armed forces and other manifestations of various fundamentalisms that instill fear in people and are threats to peace.
- Experience and research show that peace processes that are not 'engendered' are often endangered. Peace and security discussions should be reconfigured as an intertwined matrix of issues that also involve education, public health, the feminisation of poverty, wage differentials, unpaid labour, invisibilised domestic and agricultural work, and violence against women, in order to emphasize the importance of human security in 'engendering' peace.

- The process of building solidarities across borders and boundaries in South Asia in the framework of people-to-people engagement as opposed to formal government-to-government engagement is in itself a strong force for peace and security in South Asia.
- All peace processes within and across South Asia should be inclusive, representative and gender-sensitive by taking gender perspectives into full account at all stages and phases.
- Underscoring the importance of understanding the different approaches to peace and conflict transformation (which are being practiced in different regions/contexts), participants acknowledged the need to explore the strategic directions that are being taken with reference to gender inclusion and women's rights in peace processes to better understand each other's work.
- It is important to exchange good practices and ideas on how organisations are advancing women's rights and gender inclusion in conflict resolution processes. For this, the need is to enhance networking and communication arrangements.
- Enhancing the effectiveness of women in peace processes inextricably linked to the enhancement of representation of women in all institutions of democracy including legislatures, constitutional reform processes and other important decision-making structures.

In the ultimate analysis, peacebuilding is about transforming relationships by building bonds of understanding and trust among and between peoples (as distinct from governments). It is about democratic dialogue and building a stake in the future of humanity. Educating women for public leadership is about making despair unconvincing and hope practical. The call for such an engagement is optimally present in the fortuitous convergences of 2015. The need is for women to work in partnership with men to collaboratively usher in a world waiting to be born.

## Participants

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**Ashok Sajjanhar** is Secretary of the National Foundation for Communal Harmony, New Delhi. A career diplomat, he has served as the Ambassador of India to Kazakhstan, Sweden and Latvia.

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**Khesheli Chishi** is a grassroots peacebuilder and former President of the Naga Mother's Association, Kohima.

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**Mallika Joseph** is Co-Director of the Institute of Peace and Conflict Studies, New Delhi. She has also served as the Executive Director of the Regional Centre for Strategic Studies (Colombo). She is the first woman and the youngest ever to assume both these positions.

**Meera Khanna** is Trustee of The Guild for Service (New Delhi) and also Trustee of the Women's Welfare Trust (Jammu & Kashmir). The focus of her work is capacity building for women's empowerment in Jammu and Kashmir.

**Meera Shankar**, former Ambassador of India to Germany (2005–09) and USA (2009–11), is the Independent Non-Executive Director of ITC Limited, New Delhi.

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**Rekha Chowdhary**, until recently, was Professor of Political Science at the University of Jammu, with 23 years of teaching experience. She is currently the Coordinator of the University Grants Commission-sponsored Special Assistance Programme in the state of Jammu and Kashmir.

**Rita Manchanda** is based in New Delhi as Director–Research of the South Asia Forum for Human Rights, where she founded and developed programmes on 'Women, Conflict and Peacebuilding' and 'Media and Conflict'.

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**Ravinder Pal Singh** was formerly a Senior Fellow at the Institute for Defence Studies and Analyses, New Delhi, and later, a Ford Fellow at the University of Maryland, USA.

**Rashmi Singh** is the Founder-Director of Mission Convergence and Samajik Suvidha Sangam in Delhi.

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**Vandana Kohli** is a Delhi-based filmmaker, photographer, pianist and columnist. She is currently an independent Director, Producer and Editor for television and film productions.

**Vani Tripathi** is the former National Secretary of the Bharatiya Janata Party, New Delhi. An actor and activist by profession, she has led several campaign and outreach programmes that have focused on youth leadership and encouraging women's participation in politics.

**Vrinda Grover** is a lawyer, human rights and women's rights activist based in New Delhi. She has contributed to the drafting of laws including the 2013 Criminal Law Amendment to the law against sexual assault and The Protection of Children from Sexual Offences Act, 2012, among others.

**Lt. General V.G. Patankar (Retd.)**, a former General-Officer commanding, 14 corps has served in the Indian Army for 40 years. Currently, he is Member of

the Executive Council of the Vivekananda International Foundation, New Delhi, and Distinguished Fellow at the Institute of Peace and Conflict Studies, New Delhi.

Lt. General V.G. Patankar (Retd.) After a distinguished career in the Indian Army spanning 40 years, where he was decorated on three occasions, Gen. Patankar retired as Quartermaster General.

**Veena Sikri**, a former Ambassador, is Convener of the South Asia Women's Network (SWAN) and Vice Chairperson of the South Asia Foundation, New Delhi.

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## About the Author



**Nidhi Bhatnagar** is a Fellow with WISCOMP. Prior to joining WISCOMP in 2015, she worked with the Vivekananda International Foundation (VIF) as Senior Research Associate and Special Assistant to Director. Her primary areas of research and study were on national security, internal security and international terrorism. As Senior Research Fellow and Projects Manager, Delhi Policy Group (DPG), she worked on a range of issues including the trends and practices on India's nuclear policy, arms control, disarmament and foreign policy. She was Assistant Director, International Centre for Peace Initiatives (ICPI), New Delhi and Assistant Editor of the Journal, *Peace Initiatives*, between 2000 and 2003.



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