The Inclusion of Women in Post-Conflict Societies: Pathways to Peace-Building

by

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Introduction

“I want to get a group of women together and write a book about the women. Not just the women in the Ra [IRA], but all the women. These men think they are so important because they have done their whack. Well I did my whack…”¹

- Maureen, IRA member -

It is a common phenomenon for history to be written from the male perspective, even in countries that have undergone trauma so significant that few lives emerge unaffected. Most of these countries will aim to move forward with a mission to rebuild and repair, but this rarely involves the inclusion of women. Despite what could be years of violence, death, and acrimony, countries fail women, and in turn the prospect of an inclusive peace process. Women are often on the frontlines of armed groups in roles spanning from militant combatants to more clandestine actors like spies, couriers, and bombers. Either way, they actively participate in both the public and private spheres of conflict zones. Unfortunately, this kind of presence is often overlooked in commemorative culture. Instead, commemorative practices, a broad visual and material culture that memorializes eras of conflict, prioritizes a masculinist and male-centric narrative. Scholars have argued that peace processes must include women to be successful, but are there indicators within the events surrounding the peace process itself that can indicate an inclusion of women? Why are there gender gaps in post-conflict countries? This study will trace several factors

¹ Lorraine Dowler, “‘And They Think I'm Just a Nice Old Lady' Women and War in Belfast, Northern Ireland,” Gender, Place & Culture 5, no. 2 (1998): pp. 159-176, 169.
in four case study countries in order to understand the relationship between the nature of peace processes and the countries’ prioritization of the representation of women in post-conflict societies.

Even in the process of commemorating and remembering the wars fought, the violence waged, and the lives lost, governments often do little to provide holistic accounts of periods of conflict that are gender sensitive. In cases like these, are there reliable factors that signal a potential inclusion of women in a country’s post-conflict narrative? Several possibilities arise that could be indicative of the inclusion of women, including the form of cessation of violence, the culture of commemoration, restorative justice measures, and gender quotas. For states that have undergone enduring periods of unrest such as sectarian warfare, separatist movements, anticolonial struggles and even genocide, perhaps there are specific conditions under which women are included in the process of post-conflict commemoration and peace building. While many are androcentric, some nations do, in fact, make sure to repair their country in an inclusive manner – what makes them different and why do they include more women? It is possible that these success stories stem from choices made during the peace-making process that signaled the inclusion of women. Because of this, a comparative analysis is necessary to determine the conditions most favorable for the inclusion of women in post-conflict commemoration and peace building.

In the existing literature, historians and political scientists have called attention to the lack of women in commemorative practices, but little has been done to negotiate actual factors that may affect inclusion in a comparative sense, using post-conflict countries as case studies. Based on the existing scholarly work, there are
questions to be answered regarding best practices for a successful and inclusive peace process that does not neglect representations of women. I hope to contribute to current scholarly work by weaving together the phenomenon of gender gaps in post-conflict societies as well as the gendered study of peace-building.

This study will demonstrate the incredibly complex process of peace-building, commemoration, and inclusion for post-conflict countries through a process-tracing methodology. There may not be a singular path to the inclusion of women in conflict memorialization, but this project will attempt to identify clear indicators in the peace process that signal an inclusion of women by conducting a comprehensive analysis of each case study country through the lens of the four factors. In working through this research, I hope to contribute to the ongoing effort of discovering why women are incorporated in post-conflict peace processes by highlighting the choices countries make that will affect their inclusion.

The neglect of women’s stories and representation pervades beyond scholarship. Popular forms of commemoration in this piece’s case studies include murals, plaques, memorials, and statues. This visual culture impacts countries’ notions of history and society, and it is notably male. The burgeoning commemorative landscapes continue to “project a hyper-masculine interpretation of the past (and present).”² Gender gaps in post-conflict societies have also become ingrained in institutional bodies, like civic infrastructure. With such a heightened sense of cultural memory in the public sphere, discovering the reasons for the inclusion of women benefits not only women and girls in the country, but also the

culture of peace and inclusivity. As McDowell argues: “the continuing absence of gender parity in peacetime is a major contributing factor in hindering the development of a peaceful and shared future.”

Rolston echoes: “Coupled with the reality of inequality throughout society, the public landscape plays a key role in establishing and maintaining patriarchal hegemony. Public representation becomes part of the propaganda for patriarchy.” A comparative analysis of post-conflict countries will attempt to single out societies that have equity in mind.

**Factors**

*Introduction*

There are four distinct factors highlighted below that could be potential indicators of a commemorative and peace building process that includes women: the form of cessation of violence, the choice to commemorate militant or civilian populations, restorative justice measures, and gender quotas in rebuilt governments. The discussion of each factor includes its definition, usefulness in relation to peace building, and level of inclusivity. After an explanation of each possible factor, I will present the four country case studies that exemplify either one or some of these factors: Northern Ireland, the Basque Country, Rwanda, and South Africa, and demonstrate their usefulness and significance for this project.

*Factor Selection*

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Each factor was chosen in consultation with the existing literature, which includes the critical stages in peace processes. Together, the four factors allow for the research to holistically analyze different parts of the peace process, from the more formal and state-sanctioned ceasefires and implementation of gender quotas, to the more grassroots commemoration and restorative justice practices. The cessation of violence is a key step in the early stages of a peace process, demonstrating the belligerents’ willingness to work together to end the conflict. Recently, scholars have noted a distinct change in the first steps toward a cessation of violence. Militant versus civic commemoration highlights the willingness of a society to put the conflict behind them, or continue with animosity and, potentially, violence. The form of commemoration, highlighted by McDowell and Braniff, demonstrates the level of inclusivity in the peace process, which is essential in this project’s aim to discover the reason for the inclusion of women. Restorative justice has been central to post-conflict scholars in recent years, and helps the researcher evaluate a country’s desire to repair and reconcile. Finally, gender quotas are a phenomenon in post-conflict countries, especially in Africa. In order to fully evaluate the inclusion of women, analyzing the presence of quotas will help determine how countries choose to go about their inclusivity. Each factor comes together in this project to paint a holistic picture of post-conflict cases from the first cessation of violence to new governments, attempts at gender equity and reconciliation, and beyond.

_Cessation of Violence_

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5 McDowell and Braniff, Ibid.
The type of cessation of violence is a crucial part of the early stages of a peace-making process. Negotiators have several options when it comes to putting an end to violence and forging ahead with talks of peace. Often times, countries will choose to agree to a ceasefire in order to put an immediate stop to violence and affirm that a common understanding of moving towards an agreement will be the next step. However, the ceasefire is a contentious choice as it can confuse civilians and requires several other steps before and after its implementation, like pre-negotiation talks, de-escalation, and the implementation of a comprehensive peace process soon after.\textsuperscript{7} Other options for the opposing sides may also include victory for one side through fighting, a comprehensive peace agreement, and a power-sharing deal for the government, among others. In a study from 1990-2005, scholars find 20\% of a 147 post-conflict country study ended in ceasefires without peace agreements, 18\% in peace agreements, 14\% in military victory, and 48\% in other outcomes.\textsuperscript{8} In contrast, the same study of conflicts from 1946-1989 resulted in only 1\% of post-conflict countries using a ceasefire without a peace agreement. Therefore, ceasefires are on the rise in modern conflicts and demonstrate the importance of including the cessation of violence in this study. It is a crucial decision-making moment for the society and could inform the holistic and inclusive format of peace-building.

The ceasefire is a temporary and limited process of reconciliation that leaves states with a respite from violence. Unfortunately, it focuses solely on the cessation of violence and lacks a solidified plan for peace building. Because of the nature of such agreements, ceasefires focus on an immediate stoppage of violence, which saves

\textsuperscript{7} Ibid.
\textsuperscript{8} Ramsbotham et al., 172.
lives, but does not address other aspects of conflict that have lasting sociopolitical effects. Thus, for states that include a ceasefire or peace agreement as the main facet of their process of reconciliation “the likelihood of actually achieving any binding form of resolution is fairly poor.”\(^9\) Without answering the crucial questions that arise during violent conflict, civilians and fighters alike are left without clarity or understanding of any ongoing resolutions, which can lead to a more insidious continuation of the conflict: “Despite an enormous amount of effort and investment, many ceasefires and peace agreements in civil wars are initially unsuccessful or give way to renewed, and often escalated, violence.”\(^10\) It is crucial for the success of ceasefires and their accompanying peace agreements that they are inclusive, holistic, and quickly implemented: “the first twelve weeks following a peace agreement or cease-fire are of enormous importance… slow deployment of a peacekeeping operation may mean the momentum for peace can be lost.”\(^11\) Ceasefires are often the first step towards reconciliation for conflict-ridden countries, therefore their content and implementation are worthy of analysis in order to assess factors that can contribute to the inclusion of women in conflict commemoration.

*Militant and Civic Commemoration*

Following the initial peace talks, the reconstruction and reconciliation process comes with the beginnings of a commemorative practice, which will fall into one of two categories: either civic or militant commemoration. Commemoration in post-

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\(^9\) McDowell and Braniff, 33.  
conflict countries focuses on ceremonial remembrance, through physical actions like parades & services and the creation of visual culture like street art & statues. Civic commemoration focuses on a remembrance of the dead and memorialization of lives lost, providing a unifying message and a desire to move forward after reckoning with the past. Militant commemoration, on the other hand, commemorates soldiers, martyrs, and uses political imagery to continue the legacy of the conflict. Naturally, militant forms of commemoration also prioritize the narratives of male combatants due to the masculinized nature of most conflicts. The process is also inherently political and can reinforce animosity between the opposing sides. Both forms of commemoration exist in material and visual culture such as murals, graffiti, statues, and plaques, which allows for the presence of male figures in militant commemoration but limits the representation of women. On the other hand, civic commemoration will dedicate its visual culture to the unification of the country as a whole in addition to memorializing civilian casualties. Civic commemoration will not take sides, but instead reflect and reconcile with the violence and loss of life. In contrast, militant commemoration limits prospects of peace by reinforcing opposing sides of the conflict and fails to come to terms with the past. The choice of post-conflict actors in reconstructing nations to allow militant or civic commemoration has the potential to determine the degree to which women are included in the peace building process.

Restorative Justice

An important process of commemoration and reconciliation is the installation of a restorative justice model that prioritizes inclusivity and truth-finding. McDowell
and Braniff articulate this form of peace building as the means “by which societies
emerging from armed conflict or oppressive rule deal with the legacy of mass atrocity
and past human rights abuse.”¹² As such, transitional or restorative justice practices
encompass a grassroots system, though it could be state-organized, where
participants, in their communities, come together and move forward as a unified
citizenry.¹³ A restorative justice process could include institutions like truth
commissions and community-based courts that follow tenets of accountability,
acceptance, and reconciliation. The goal of a restorative justice project is not only to
seek redress for crimes, but “also as a way of coming to terms with the past and
building a new future.”¹⁴ Because of their inclusive nature, many restorative justice
models have beneficial options for women as they “may be the most productive
vehicles for the reconstruction of social capital and social efficacy in the hope of
rebuilding social cohesion and, perhaps, particularly for women.¹⁵ Transitional justice
practices also have a direct connection to commemoration in post-conflict societies as
the restorative justice bodies can also have a hand in ensuring the symbolic
representation of all members of society in material and visual commemorative
culture. Thus, a transitional justice model could significantly aid in the inclusion of
women.

Without a restorative justice model, post-conflict countries often suffer lasting
violence and animosity. Though a conflict may be officially over, divides within

¹² McDowell and Braniff, 36.
¹³ Ibid, 58.
¹⁵ Bruce Baker and Eric Scheye, “Multi-Layered Justice and Security Delivery in Post-Conflict and
communities, policing, punishment, and small-scale violence can still occur. In these cases, there is no option for restorative measures that are community-based and focus on inclusivity, peacefulness, and the repairing of the harm inflicted. A post-conflict nation without restorative justice may have a cessation of violence and even a peace agreement, but there will not be a de-escalation of violence and reconciliation with the past toward a more unified future. Much like militant commemoration, in the absence of restorative measures conflicts can live on long after their official end date.

**Gender Quotas**

The final potential factor for the inclusion of women in commemorative practices and peace building is gender quotas in government. Gender quotas can take on several forms, but mostly consist of a critical value required by law in the nation’s legislative body. Implementing such measures has been an increasingly common choice for post-conflict countries: “While quotas exist in other contexts, the relationship between the end of war and women’s increased access to political office has been documented by a growing body of case studies.”

Scholars consider electoral quotas and “other forms of formal inclusion” to be the first and most important step “in a broader process to dismantle” gender inequality for post-conflict states. Research suggests that the lack of formal measures for the inclusion of women in formal institutions, like gender quotas in parliament, are more likely to lead to the under-representation of women in other post-conflict bodies. Despite these

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19 Ibid.
important conclusions, it is necessary to analyze gender quotas as a potential factor in
commemorative practices for women in post-conflict countries.

Countries that do not implement gender quotas post-conflict naturally do not see as many women in government. Alternatively, many of these post-conflict states instead focus on power-sharing governments for the once opposing sides.20 They might also create an autonomous community for one of the opposing sides, where they can have some political power and a legislative body. These options may focus on equity between the two sides, but do not consider gender and therefore see less of a critical mass of women in government.

Summary

This section has enumerated the four factors to be analyzed as potential indicators of the inclusion of women in post-conflict commemoration. I have flagged ceasefires as a form of cessation of violence and militant commemoration as potential negative factors that will hinder women’s representation in peace processes. At the same time, I have highlighted civic commemoration, restorative justice, and gender quotas as factors with the most potential to have a positive influence on an inclusive peace process. However, it will take a comparative and comprehensive process-tracing analysis of the four case study countries in order to assess their viability as positive indicators of the inclusion of women. The following section will introduce the four case study countries, the factors at play in their peace processes, and their significance for the purpose of this study.

Case Studies

20 Ibid.
Case Study Selection

There are countless post-conflict countries to choose from. Each of the four case studies for this project have been carefully chosen for a comparative process-tracing analysis with an international lens: Northern Ireland, the Basque Country, Rwanda, and South Africa. Both Northern Ireland and the Basque Country have recently experienced militant conflict with a high level of commemorative visual culture, inspiring the beginnings of this project. Despite this burgeoning landscape, both societies deal with complex notions of nationalism, independence, and ethnicity. The two represent the Western European grouping for this study. For such a comparative study, it was important that the other case studies were international, hence the choice of Rwanda and South Africa. Each with their own conflict of genocide and apartheid, respectively, the African grouping presents other factors like restorative justice and the gender quota phenomenon. Together, the four case studies demonstrate different levels of interactions with the four factors, different types of conflict, and varying levels of inclusion of women. Each deserves a nuanced process-tracing analysis through the lens of the four factors as well as its decision to include or disregard women.

Northern Ireland

Northern Ireland, as a more modern post-conflict society in Western Europe, has been singled out by scholars as an important site of peace process research. A commemorative culture has been an essential aspect of Northern Irish politics and society ever since the signing of the ceasefire Good Friday Agreement in 1998. The streets of major cities like Belfast and Derry are literally covered in murals, plaques,
and monuments, reminding republicans and loyalists alike of the violent, sectarian conflict that once plagued the island. Two factors come into play in the Northern Irish case, the first being a ceasefire agreement and the second being militant commemoration.

The British and Irish negotiators of the Northern Irish peace process put forward the goal of a ceasefire in order to pacify the militant loyalists and republicans with the help of foreign funding, without any clauses in the Good Friday Agreement to reckon with the past. Because of the British, Irish, and American preoccupation with ending the violence, the earliest forms of memory work went to former republican prisoners and paramilitary groups. Without such a practice of addressing the past or negotiating the consequences of The Troubles written into the peace accords, paramilitary organizations took control of the streetscape and have commanded the space ever since. Thus, the peace building project, dominated by the British and Irish government, focused too much on the cessation of violence, which allowed its commandeering by republican paramilitaries and political parties for the purposes of maintaining the conflict.

Soon after, the republican movement capitalized on this lack of adequate peace-building by continuing the proliferation of politically-minded murals in order to ensure strong support for the Sinn Féin party, the political wing of the IRA with a clear stake in the continuation of the conflict. This combatant commemoration, as McDowell and Braniff argue, prioritizes the militancy of the conflict rather than

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21 McDowell and Braniff, 42.
22 Ibid, 43.
23 Ibid, 42.
remembering the fatalities, which consisted mainly of civilians.\textsuperscript{24} According to McDowell and Braniff, the murals of Northern Ireland cityscapes were not solely intended to remember and pay tribute to the dead, but instead “were intended to galvanise support and remind onlookers of the continued importance of a political objective that was not concurrent with a shared future but of a united Ireland.”\textsuperscript{25} Thus, Northern Ireland illustrates an important case study for gender gaps in post-conflict societies as it features two of the factors studied in this project, a ceasefire and a practice of militant commemoration.

\textit{The Basque Country}

The Basque Country, within the borders of Spain and France, has been the site of a contentious separatist movement, led in part by the militant group Euskadi Ta Askatasuna (ETA). Similar to the Northern Irish case, this Western European conflict area has experience with both ceasefires and militant commemoration. The Basque separatist movement is an offshoot of Basque nationalism, which united around the Basque indigenous ethnic identity. The separatist movement involved both the paramilitary group ETA as well as several pro-separatist political parties. ETA has been responsible for numerous bombings, kidnappings, and assassinations in Spain and abroad. Thus, stopping the bloodshed has been paramount to the Spanish goal, but has had limited effects in practice. In the drawn out peace process, the two sides have participated in numerous ceasefires, each with little negotiations or agreements before the fact.\textsuperscript{26} With each ceasefire comes more uncertainty regarding its reality and

\textsuperscript{24} Ibid, 57.
\textsuperscript{25} Ibid, 49.
seriousness: “ceasefires can be like antibiotics, losing their power every time they are repeated.” ETA has also taken after the Irish Republican Army (IRA) in its use of graffiti and street art to commemorate political actors. Thus, their style of memorialization through visual culture has been militant. Similar to Northern Ireland, the Basque case demonstrates another Western European example of a post-conflict society in which the ceasefire and militant commemoration factors are at play.

Rwanda

Over 5,000 miles away, in Eastern Africa, Rwanda recovers from a devastating and violent genocide. The Rwandan genocide was a mass slaughter of the Tutsi ethnic group by their counterparts, the Hutus. The country engages in a differing cessation of violence from its counterparts, as the armed wing of the Hutu political party, the Rwandan Patriotic Front (RPF), defeated the Tutsi aggressor in battle. Because of this, Rwanda moved more swiftly into new political rule by the genocide’s victors. Despite this atrocity, Rwanda has engaged with three important factors post-conflict that will be analyzed in this study. First, the country engaged in a large-scale form of civic commemoration, with attention focused solely on the victims of the massacre and the memorialization of their deaths: “The landscape is marked with burial and memorial sites, and April has become a month of mourning with national genocide commemorations held annually.” Moreover, scholars have yet to find any kind of resurgence of politics in the discourse around the genocide. Memory of its occurrence takes the form of the “preservation and restoration of

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human and structural remains… memorialization and commemoration of the
victims… and documentation and research on the events.”
Thus, Rwanda presents
an important case of civic commemoration that is entirely victim and survivor-based,
as opposed to militant or political. Second, Rwanda has gone through great lengths to
implement restorative justice through their Gacaca Courts. As Lin writes, truth
commissions like these “may be the Cinderella of international law’s transitional
justice models” with a focus on restorative, community-based justice where
combatants can atone for their crimes and be reintegrated into the community.
Third and finally, Rwanda has implemented gender quotas in their post-conflict
government. Many scholars consider the “renaissance” in Rwandan society after the
Rwandan Patriotic Front ended the genocide and took over governing to be a role
model for the international community, especially due to their notable inclusion of
women.
With the high levels of civic commemoration and the use of restorative
justice and gender quotas, Rwanda and the following case are essential case studies
for this project.

South Africa

The final case study is the state of post-apartheid South Africa. After years of
racially-based segregation and inequality, the country has tried to come to terms with
the past. The violence of apartheid ended throughout multi-year negotiations and
complex agreements between opposing sides to end the culture of violence and begin
negotiations for equality.\textsuperscript{32} The commemorative culture is broad and diverse, covering both militant and civic practices, which is one of the many reasons the country is so essential to this study. At the same time, South Africa has perhaps one of the most well-known Truth and Reconciliation Commissions, a restorative justice model that has been the inspiration for several other post-conflict countries, including Rwanda. The TRC sought the truth, reconciliation, and a positive unifying tone for the country to move forward. At the same time, South Africa has involved women in the peace building and governing process through gender quotas: “women were among prominent anti-apartheid leaders and have helped to lead the new government-sponsored effort to develop a women's charter for the post-apartheid period.”\textsuperscript{33} South Africa brings together, like Rwanda, three important factors to be studied in this project and introduces nuance to the practice of commemorative culture and the inclusion of women.

\textit{Summary}

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This section has introduced the four case study countries for this project, each with the factors most relevant to the post-conflict societies. Both Northern Ireland and the Basque Country engage with ceasefires and militant commemoration, while Rwanda and South Africa introduce concepts of restorative justice, civic commemoration, and gender quotas for post-conflict women. Each case brings with it distinction, nuance, and important points of analysis in the investigation of this project.
Chapter 1: Northern Ireland

“For all of us, peace is the bottom line. For 25 years politicians have said that it’s been women who have held Northern Ireland together through all the violence. What’s always happened before is that we’ve been pushed back into the margins. This must not happen again.”

- May Blood, addressing the attendees of the Northern Ireland Women’s Coalition, 1996

Introduction to the Conflict

The Troubles of Northern Ireland spanned from the late 1960s and officially ended in 1998, though the conflict has still not been fully resolved. Scholars consider it a low-level war between republicans, supporters of a unified Northern and Southern Ireland, and loyalists, supporters of Northern Ireland as part of the United Kingdom. The most active parties were the Irish Republican Army (IRA), a militant republican terrorist organization, the Royal Ulster Constabulary (RUC), the Northern Irish police force representing the UK, and the British Army. There were also several loyalist paramilitary groups that engaged with the IRA.

The IRA fought for the belief that the united country of Ireland should rule itself and the UK ought to remove itself from the island. The IRA, RUC, and British Army all engaged in violent campaigns, resulting in the deaths of many Northern Irish citizens. Together with its political wing, Sinn Féin, the Irish republican movement targeted British occupation through bombings, assassinations, and kidnappings. The conflict finally began to settle down with the signing of the 1998

Belfast Agreement, which instituted the first ceasefire. In the years since, the country has struggled with a segregated population of republicans and loyalists as well as a poorly functioning parliament that remains gridlocked.

Introduction to the Chapter

This chapter will track the inclusion of women in the Northern Irish case through the four factors chosen for this project: the cessation of violence, the type of commemoration, the use of restorative justice, and the implementation of gender quotas. Essential to the evaluation of each factor is its implications for a peace-building process and the inclusion of women. For the cessation of violence, it is important to note the presence, or lack thereof, of a comprehensive plan for the de-escalation of violence and maintaining peace. With regards to the type of commemoration, militant commemoration will memorialize a masculinized and militarized image of the soldier while civic commemoration will honor innocent deaths and illustrate a form of unity and peace-building moving forward. For this factor, countries may engage with only one form, or a combination of both.

Restorative justice is also a nuanced factor. Countries may engage with it in some form, but it is important to note its scope, implementation, and the involvement of the state. Finally, the presence of gender quotas will either be nonexistent or implemented in the rebuilding process post-conflict.

The framework for this chapter will be as follows: first, beginning with the cessation of violence, an investigation of the ceasefire agreed upon in the Belfast Agreement will demonstrate the hyper-focus on ending bloodshed, but little consideration for true peace-building and the inclusion of civilians. Next, I will show
how the burgeoning culture of militant commemoration proliferated the masculinized and male-centric idea of the conflict. Following the discussion of militant commemoration and its prevalence in the post-Troubles period, analysis will show that the small-scale restorative justice program was limited in size and, as a result, Northern Ireland could not benefit from a comprehensive, national restorative justice program. Following this, I will call attention to the lack of gender quotas in Northern Irish parliament. Finally, I will provide some conclusions on the implications of Northern Ireland’s interaction with each of the four factors. In summary, this chapter will highlight Northern Ireland’s lack of inclusionary practices, which resulted in a peace process dominated by elites and outside actors. Without the implementation of comprehensive restorative justice or gender quotas, the civilian public, especially women, did not have a voice.

_Cessation of Violence_

The ceasefire, also known as the Belfast Agreement, is the cessation of violence factor for the Northern Ireland case. As stated earlier, the form of cessation of violence is a crucial choice in the beginning of the peace-building process. A well-planned, comprehensive, and inclusive plan may indicate a successful peace process, while a minimalist and elite-dominated alternative may demonstrate a lack of willingness to build peace. The events surrounding the negotiations that led to the signing of the Belfast Agreement in April 1998 indicate a lack of proper collaboration, reconciliation, and clarity. The discussion below will illuminate the fact that the negotiation of the ceasefire was dominated by political elites, used ambiguous language, and as a result did not include specific measures for
reconciliation. Because of this, many Northerners and paramilitary groups did not support or abide by the Agreement, leading to more violence and sectarian animosity. Women, especially, were not included and left to implement their own post-Agreement projects. The research below will, with a focus on inclusion, outline the strategy surrounding the implementation of the ceasefire, the ambiguity of the Agreement itself, and the persistence of violence and acrimony.

At the time of the ceasefire in the late 1990s, with violence plaguing Northern Ireland for decades, the desire to put an end to the killings was strong among political elites both on the island and in Great Britain. In 1997, the recently appointed Prime Minister Tony Blair moved swiftly to negotiate with Sinn Féin, the IRA’s political wing, under the sole condition that they would promptly sign onto a ceasefire. At the same time, Sinn Féin attempted to push the positive narrative among republicans that the ceasefire was the best course of action and would eventually lead to comprehensive negotiations: “a lie to secure the IRA ceasefire, it was necessary to construct the appearance of an alliance that does not really exist.” This campaign for safe passage of the ceasefire even included spreading “rumours about secret deals between the British government and republicans over British withdrawal and declarations of the inevitability of Irish unity.” Thus, the urgent need for a cessation of violence prompted deceptive rhetoric in order to gain public support for the plans of political elite – an early sign of the lack of inclusion of the citizenry.

37 Ibid.
The pressure for a swift cessation of violence also came from international actors. Gerry Adams, long-serving head of Sinn Féin and alleged former IRA militant, worked closely with American president Bill Clinton to ensure support from the Irish diaspora in the United States. Like Blair, Clinton “had a great interest and [was] keen to help quietly.” Adams made several trips to the White House, which was an entirely strategic move for both sides – Clinton had Adams’s ear, and Adams could broaden his coalition of support overseas. However, he did so “at the price of increased pressure for a cease-fire.” With pressure from politicians in Ireland, the United Kingdom, and even special Clinton appointees from the United States, Northern Irish negotiators worked quickly to follow through on the expectation that the violence would be put to an end as soon as possible. Unfortunately, the politics of it all superseded the actual de-escalation of the conflict.

It was important for republicans and loyalist elites alike to maintain the narrative that peace was on the horizon. As stated earlier, strategic rhetoric was employed in order to convince civilians and lower-level militants that a resolution was close in sight. At the same time, however, the beginnings of talks to agree to a ceasefire existed amidst serious violence: “Guns were being shot, explosions were being set off, and hundreds of people were dying. One must peer through the haze and smoke of war to notice most of the events in this hopeful sequence.” It is important to note that though the two sides appeared to be in conversation, this

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39 Pruitt, 1528.
40 Pruitt, 1524.
rhetoric was misleading as it misrepresented the current levels of violence and allowed a ceasefire to appear much more realistic.

Once the time came for actual negotiations and agreement-signing, most of the dealings were clandestine and exclusive to political actors, not civilians. Such a limited group of participants has important implications for inclusivity and peace-building: “the peace process was conducted largely in secret and… certain political leaders were crucial in bringing about a ceasefire and an Agreement… civil society was not crucial in bringing about political change.” 41 Without input from the public, the Belfast Agreement ultimately focused exclusively on issues of sectarian violence and devolved government. As Acheson and Milofsky argue, this is a one-dimensional approach to a multi-dimensional problem. Essential issues like “unemployment and job creation, dealing with violence… women’s rights” did not receive attention in the Agreement. 42 Moreover, the British government made several secret concessions with the IRA and Sinn Féin, including the fact that they would welcome them to the bargaining table as long as the ceasefire was agreed to immediately: “these concessions increased the IRA and Sinn Fein’s optimism to the point where a cease-fire was indeed declared.” 43 The back-channel negotiations and secret operations contribute to a less than inclusive Agreement that focuses almost exclusively on the cessation of violence. The pressure for peace from political elites and international

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43 Pruitt, 1530.
supporters along with deceptive rhetoric and secret negotiations are all factors that contribute to the lack of inclusivity of the Belfast Agreement.

Upon signing and publicizing the Belfast Agreement, it quickly becomes clear that many of the Northern Irish were unclear on its resolution due to its ambiguous nature, especially regarding the decommissioning of weapons. First, nationalist and loyalist civilians expressed different interpretations of the document, which had violent results: “there were recriminations over its implementation.”44 Without the clear sense of a solution for the republican and loyalist conflict, the Northern Ireland population remained acrimonious. The Agreement failed to address the future of Northern Irish identity. At the same time, young people demonstrated confusion about the overlap of republican and loyalist identities, emphasizing the conflation of religion and nationality in the conflict and the complexity of the Northern Irish problem.45 Most importantly for the cessation of violence, the Agreement is inconclusive on the decommissioning issue: “it commits the signatories ‘to use any influence they may have, to achieve the decommissioning of all paramilitary arms within two years following endorsement in referendums North and South of the Agreement and in the context of the implementation of the overall settlement.’”46 Without a clear sense of the process of decommissioning weapons, paramilitaries remained confused and contemplated strategic plans for keeping some weapons. This

would result in the continuation of a conflict that was supposedly on its way to being settled.

Because of the lack of clarity regarding the cessation of violence for paramilitaries, some continued on with violent tactics while others refused to comply. Clearly, the Agreement did not engage significantly enough with paramilitaries in order to adequately convey the terms of the ceasefire, as “The principal paramilitary organizations have maintained what has been considered publicly as ‘an acceptable level’ of ceasefires for much of the time since 1994. However, none of the groups have been completely inactive through this period.”\(^{47}\) Without a comprehensive decommissioning plan for the multiple paramilitary groups and their offshoots, the Agreement did not fully address the massive level of violence that had, at this point, plagued the nation for decades and killed thousands. Moreover, certain groups were not convinced that the ceasefire was necessary, and did not accept that the conflict would be resolved by peaceful means.\(^{48}\) The persistence of violence hurt the efficacy of the ceasefire.

The widespread exposure to political violence also lead to lessening support for the decommissioning of weapons. The unreconciled normalcy of violence, killings, and bombings had a large effect on the civilian population’s relationship with violence. The nationalist and loyalist struggles both had supporters that eventually became comfortable with the violent realities of sectarian conflict. In fact, the exposure to violence enhanced public support for paramilitary groups and


\(^{48}\) Ibid.
“[reduced] support for the decommissioning of paramilitary weapons.”\textsuperscript{49} Again, the Agreement did not attempt to appease violent sectarian sentiment nor did it provide alternatives for hardliners to voice their support for the republican or loyalist cause. Because of this, many noncombatants found the continuation of violence to be essential to their struggle and, as a result, public support for the Agreement was limited. It becomes clear, once again, that civilian concerns were not adequately addressed in the ceasefire.

The lack of reconciliation between opposing sides can undoubtedly be seen through the abrasive relationship between republicans and loyalists following the ceasefire. With both sides failing to disarm completely, and no real communication between them, tension levels rose between polarized paramilitaries and civilians alike. With the daunting project to rebuild ahead of them, the obstacles were large and complex. Mac Ginty finds the “persistence of chronic mistrust between unionists and nationalists” to be a debilitating force in any plans toward reconciliation.\textsuperscript{50} Even in post-Agreement voting, there is evidence of large political and religious divisions.\textsuperscript{51} Instead of bridging the gap between sides in the Agreement, the focus on ending the violence took precedent over sectarian issues. Without resolution for the root of the conflict, the Agreement did not comprehensively address the issues of The Troubles.

The division was not just political. Countless cultural issues continued long after the signing of the ceasefire. Neighborhoods and schools remained segregated, with “over 90% of people living in an area where their group comprises the

\textsuperscript{49} Hayes and McAllister, 901.
\textsuperscript{50} Mac Ginty et al., Ibid.
\textsuperscript{51} Ibid, 8.
majority… one consequence is the abject failure of both groups to understand or empathize with the position of the other.”

Despite a cessation of most violence, cultural divides remained strongly intact. The reach of the Belfast Agreement did not affect cultural identity or reconcile sectarian conflict. With communities still exclusive to republican or loyalist identity, the Agreement did not have an effect on civilian and paramilitary relations.

Considering the exclusivity and secrecy of the negotiations preceding and during the Belfast Agreement and ceasefire, it becomes clear that a great deal of the Northern Irish population did not have any say in the political future of their country. Women, especially, do not appear in a great deal of the scholarly research on the topic. One possible reason for the lack of inclusion of women could be their representation in the violence. Among civilian casualties in The Troubles, “males constitute 85 per cent of the deaths; the comparatively small number of women killed were mainly caught in explosions or crossfire.” It is possible that this disproportionately small number of female deaths affirmed the male-centric vision of The Troubles and the peace building that would follow. However, this did not stop women from forming their own organizations that worked to build peace and integrated communities. One women’s organization in Derry “created a cross-community initiative to reduce riots.” Women as a group are mentioned only twice in the 35-page Agreement, the first instance as people with the right to “full and equal political participation” and the second as a part of “community development and the

52 Ibid, 7.
53 Hayes and McAllister, 905.
54 Acheson and Milofsky, 67.
advancement of women in public life.” Considering the ambiguity of the Agreement as a whole, the pressure to focus on the cessation of violence, and the lack of inclusion of the citizenry in the writing and negotiation of the text, it is not a surprise that women’s incorporation appears limited and vague.

This section has analyzed the events surrounding the ceasefire, or Belfast Agreement, in Northern Ireland to be detrimental to peace-building in the state. Because of the urgent need to end the mass-violence from political actors both at home and abroad, the elite negotiators produced an ambiguous document that left civilians and paramilitaries unsure about the nation’s future, and violence persisted. Without an inclusion of ordinary Northern Irish citizens, it becomes clear that the early stages of the peace process were not rooted in the participation of the public, and certainly not women.

Having laid out the events leading up to and including the ceasefire through the lens of inclusion, the next section of this chapter will analyze the type of commemoration for the Northern Ireland case.

Type of Commemoration

The type of commemoration is an important factor in an investigation of the inclusion of women in post-conflict countries. Commemoration in the years following conflict becomes a key part of culture and social memory that may help or hinder the process of peace-building. Countries may engage in militant commemoration, which prioritizes a militarized and masculinized narrative of the fighting soldier or civic commemoration, which memorializes civilian deaths and has a peace-building tone.

Countries may also engage with both. In the Northern Irish case, there appears to be only militant commemoration. The establishment of a commemorative culture in post-conflict Northern Ireland illustrates the significance of militant memorialization as a process that confirms the unresolved nature of the conflict and maintains animosity between opposing sides. In addition, this masculinized and militarized form of commemoration contributes to the lack of women represented in memorial culture. This section will focus on establishing the militant nature of Northern Ireland’s commemoration practices and its negative effects for both civilians and women.

At first glance, it is not abundantly clear that the murals riddling the streets of Northern Ireland’s major cities like Belfast and Derry are politically charged. In fact, many pacifist-oriented Northern Irish, still reeling from a period of major violence and countless deaths, thought of the burgeoning commemorative culture as “intracommunal memorials dedicated to remembrance.” However, it would soon become clear to republicans and loyalists alike that in divided societies, “memorials could be interpreted as a political statement and part of an ongoing political project. As demonstrated in the previous section, the post-ceasefire state lacked reconciliation, and as a result moved toward a divisive and militant culture of commemoration.

The Northern Ireland case illustrates a strong example of militant commemoration and exemplifies its negative effects. Without a process of reconciliation, there was a desire for memorialization, but a major divergence on its nature: should a memorial “be for everyone killed in the troubles, inclusive of police,

57 Ibid.
civilians, and paramilitaries, or only for some groups?58 The public deviated on these kinds of questions, even though “there was significant cross-community Agreement on the need for a memorial,” republicans and loyalists immediately disagreed on the subjects of the commemoration.59 In the Brown and Mac Ginty survey of public opinion during the post-Troubles period, the majority of Northerners wanted memorials to be exclusive to certain groups, not just civilians.60 Moreover, those who favored exclusive memorials wanted the inclusion of police and soldiers.61 Thus, in both republican and loyalist populations, the communities favored memorials specific to paramilitary actors as well as police. Instead of dedicating public space to civilian commemoration, the majority of the Northern public desired a political, militant, memorialization of The Troubles.

The subjects of the Irish republican commemoration, most notably in the form of murals, erred on the side of politics and militancy. The artistic depictions solely speak the language of guerilla warfare, insurgency, and anti-occupation. This affirms the militant commemoration style of the IRA. Rather than focusing on innocent civilians and the lives lost through violence, memorial walls were dedicated to paramilitary figures: “The deceased are presented as fallen soldiers, martyrs, heroes — but not as family members, as sons, daughters, fathers, mothers. These walls represent the political and military struggle, but not the domestic suffering that such deaths cause.”62 The paramilitaries focused on male soldiers and the republican

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58 Ibid, 102.
59 Ibid.
60 Brown and Mac Ginty.
61 Ibid.
struggle in their commemorative practices, with little consideration for the women, children, and civilians affected by The Troubles.

Memorials across Northern Ireland became emblematic of the ability of commemoration culture to take over public space by becoming a central part of cultural life. In the streets of major cities and small towns alike, the power of militant monuments, plaques, and murals becomes clear: “The political uses of memory, then, are readily apparent in the streetscape of post-conflict Northern Ireland… [the republican movement’s] growing influence throughout the peace process has been marked in an increasingly sophisticated memorial landscape, illustrating the potency of the past to shape the future. Convincing its supporters that the sacrifices of those who died for the struggle have not been in vain.”

Mural artists worked to maintain the republican message of The Troubles back to life, continuing the unresolved conflict in the process.

The militancy of IRA commemoration in the post-conflict era maintained the antagonism of The Troubles. Mural artists worked to maintain the republican message

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and artwork “must meet with the approval of the IRA high command.” As a result, murals were not just street art, but instead pieces of political propaganda serving a militant purpose. As Santino writes, “art and politics are one: The artist is the warrior... because the murals are far more than just pretty pictures.” Murals feature easily recognizable militant messaging, symbolism, and political figures. Incendiary phrases like “unfinished revolution, unfinished business” and the IRA motto “our day will come” are staples in the political murals of Belfast and Derry. Few murals focus on peace, rebuilding, or the mourning of civilian deaths. Some even feature the phrase “Smash Stormont,” the site of Northern Ireland’s government buildings and “Break Thatcher’s Back” in reference to the former United Kingdom Prime Minister.

Northern Ireland’s culture of militant commemoration allows for the continuation of a conflict in a new way. With an ambiguous ceasefire providing few measures for reconciliation, there was no need for paramilitaries like the IRA to lessen their polarizing message. Instead, republicans could experiment with new forms of spreading the militant agenda. As Brown and MacGinty argue, former combatants “continue to occupy the same territory” in the post-conflict era, “but engage with each other in a way designed to lessen the costs of the conflict.”

Political murals had within them the ability to carry on a message of resistance without overt guerilla warfare. While the costs may have lessened slightly due to the

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65 Santino, 44.
66 Ibid.
68 Brown and Mac Ginty, 99.
decrease in violence, there were still negative effects as a result of the practice of militant commemoration.

Militant commemorations in Northern Ireland, especially in the form of material culture like murals, brought about the risk of a resurgence of violence and told a republican version of history that affected the next generation. As mentioned earlier, militant commemoration maintained, in a new way, the animosity between insurgents during The Troubles. Without explicitly inciting violence, the murals tapped into “the underlying causes of the conflict” like the long history of British occupation and police violence against Catholics. Such strategic engagement with the past in an effort to shape the political future “risk[s] a violent resurgence or perpetuation of intercommunal tension.” As an everyday reminder of the conflict, militant commemoration has the potential to polarize parties who may not even have experienced The Troubles firsthand: “the children of Ulster are socialized through these activities into the ‘us versus them’ mentality that is prevalent.” Thus, militant commemoration politicizes The Troubles conflict for the Northern Irish by tapping into thinly-veiled animosity and becoming a part of everyday visual culture.

The presence of militancy in commemoration indicates evidence of an unresolved conflict. It has been demonstrated that the Belfast Agreement seriously lacked parameters for reconciliation. Notions of “mutual tolerance” between opposing sides that “underpin” the agreement cannot be seen in the culture of commemoration. Instead, there is a “reality of persistent and partisan attitudes”

69 Ibid.
70 Ibid.
71 Santino, 44.
72 Brown and Mac Ginty, 104.
manifested through political artwork.\textsuperscript{73} The presence of militant murals aids in the reindoctrination of a population left confused and unsettled by the dubious Belfast Agreement. In the Agreement “unionism and nationalism are accepted, yet the logical extension of their persistence, eternal competition, is unaddressed” and thus takes the form of visual culture through militant commemoration.\textsuperscript{74} Each side, in its own distinct and militant project, “may wish to prioritize the commemoration of their own dead at the expense of others.”\textsuperscript{75} In other words, the polarized community of Northern Ireland, without the benefit of comprehensive reconciliation, reverts to its old ways when it comes to commemoration. The thousands of innocent civilian deaths go unrecognized, and the conflict remains.

Through its militancy, IRA commemoration is masculinized. Depictions of soldiers and military heroes are limited to men only and are depicted in hyper-masculine, military scenarios: “dressed in their military fatigues, brandishing automatic weapons.”\textsuperscript{76} Moreover, the murals present history as masculine in addition to militant through a celebration of “aggressive… male authors of Unionists/Loyalist history.”\textsuperscript{77} Even the unveilings of memorial sites are “often highly gendered and spatial displays.”\textsuperscript{78} As a result, militant commemoration in Northern Ireland excludes women and rewrites history from an androcentric perspective. Without representation in murals and the ever-present commemorative culture, women fall to the background

\textsuperscript{73} Ibid.
\textsuperscript{74} Ibid.
\textsuperscript{75} Ibid, 99.
\textsuperscript{76} Santino, 43.
\textsuperscript{77} McDowell, 341.
\textsuperscript{78} Ibid.
as non-combatants and potentially second-class actors in any process of reconciliation.

Blatant acts of sexism have been fought back against by republican feminists. For example, one mural in particular portrays an inaccurate and gendered picture of an IRA operation during The Troubles: “heavily armed IRA men being served breakfast by a number of grey-haired women in a ‘safe house.’”79 Notable Irish feminist Nell McCafferty argued that “women in the city had played important roles throughout the Troubles and were being sidelined in the (male) presentation of the city’s history.”80 Clearly, the militant commemoration practices left women and perhaps other civilians with a sense of apathy, marginalized by a political project that intended to continue the spark of the conflict regardless of its negative effects.

In this analysis of the commemoration in Northern Ireland, it becomes clear that the politically charged murals of city walls portray a clear sense of militant commemoration. As a result, the country has felt the negative effects, including the preservation and continuation of the antagonism of the conflict. Irish feminists have noted the sexism in the masculinized, militarized depictions in the commemorative culture. Once again, women have been excluded from a key aspect of the Northern Irish peace process.

After establishing the militant nature of Northern Irish commemorative practices, we will now turn to the country’s engagement with restorative justice practices post-conflict.

*Restorative Justice*

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79 Rolston, 6.
80 McDowell, 346.
In post-conflict societies, restorative justice focuses on a peace-building framework that will focus on addressing harm, truth-finding, and fostering a sense of coexistence for opposing sides. Scholars find this practice can be incredibly successful in building and maintaining peace, but it must be comprehensive, inclusive, and large-scale. The Northern Ireland case has minimal interaction with a restorative justice program, but small-scale forms did exist in communities. The analysis below will evaluate the success of these programs. In general, the minimal scope of the Northern Irish programs resulted in an unsuccessful engagement with restorative justice as a whole.

Northern Ireland lacked a form of restorative justice that allowed for proper truth-finding and reconciliation due, once again, to the lack of clarity and constructive programming within the Belfast Agreement and the small amount of decentralized, community-based justice projects. Because of this, the country could not sufficiently benefit from a restorative justice model. Moreover, gendered identities and marginalized communities were not given specific attention, perhaps further hindering the inclusion of women in the commemoration process. The following section will investigate the shortcomings of any restorative justice plans for Northern Ireland as well as its implications for the involvement of women.

Beginning with the text of the Belfast Agreement: the document includes broad claims of servicing the needs of victims, but little clarity on the plans for actual programming. Though the Agreement highlights “The provision of services that are supportive and sensitive to the needs of victims” and “the allocation of sufficient resources,” most of the language calls upon outside actors like community-based
volunteers and non-governmental organizations to perform the bulk of the work.\textsuperscript{81} Reconciliation clearly takes a back seat in the Agreement. Out of a 35-page document, only 3 short paragraphs appear under the “Reconciliation and Victims of Violence” heading. Rather than outlining a plan for truth-finding commissions or tribunals, the Belfast Agreement merely makes a statement for the need of some sort of care for victims. The specifics of a well-formed restorative justice program do not appear, and evidence of the unresolved conflict remains due to the lack of reconciliation.

More than a decade after the signing of the Belfast Agreement, Northern Ireland continues to demonstrate clear characteristics of a state in conflict. Though the Agreement may have put an end to some violence, its scope as a document proposing the future of a post-conflict nation is limited. As Aiken finds, “Northern Ireland remains a deeply divided society marked by a polarized political system, high levels of communal segregation and the continued presence of intercommunal mistrust and resentment.”\textsuperscript{82} Each of these political, social, and cultural issues are target points for restorative justice projects that could be alleviated with the proper program and resources. Instead, these cultural divides remain disregarded or at least minimally cared for. Thus, it becomes clear that Northern Ireland has been failed by any kind of restorative program. Instead, the polarized past remains without reconciliation.

\textsuperscript{81} Belfast Agreement, 22.
Some scholars argue that the language included in the Agreement actually perpetuates a polarized sense of the past. As Bell writes, “the past has been inserted in multiple ways into the Agreement itself, making the analysis of confronting the past a multi-faceted and complex exercise.”83 The neglect to include holistic proposals for restorative justice affirms the notion that Northern Ireland will always exist with binary, opposing identities and that, even with a decrease in violence, the conflict will forever be ongoing. The state’s failure to address reconciliation through restorative or transitional justice maintains the narrative that Northern Ireland’s distinct cultural and political clash is unfixable, despite the massive and transformational possibilities that lie in a restorative justice practice.

The limited implementation of community-based justice projects existed separate from the Northern Irish state and, as a result, did not provide a comprehensive, restorative program. As discussed earlier, the Belfast Agreement focused mainly on the plans surrounding the ceasefire with little attention paid to other aspects of peacebuilding. Thus, Agreement negotiations did not reach a consensus on the recognition of “the use of violence during the Troubles or to who the ‘real’ victims and perpetrators of past violence are.”84 In the interest of stability, the Agreement remained as neutral as possible, “a decision that effectively ruled out the inclusion of a formal transitional justice institution such as a tribunal or truth commission to address the past.”85 Instead, the decentralized approach combines “a range of government initiatives with the efforts of nongovernmental organizations.

84 Aiken, 175.
85 Ibid.
(NGOs) and the community/voluntary sector." The choice to exclude a state-administered restorative justice system would prove to be incredibly harmful to a nation with active and politically radicalized paramilitaries in serious need of a reconciliation program.

The localized and decentralized restorative justice initiatives lacked sufficient state support and did not operate successfully on a national, more beneficial, level. Without the appointment of state leaders to serve in restorative programs, a great deal of the work fell upon community activists and volunteers. Unfortunately, this localized approach may have empowered some communities, but did not unite the population on a larger scale. Additionally, the small-scale operation level could not address more abstract problems plaguing post-conflict Northern Ireland: "located in politically organized and dynamic communities; well managed and staffed by committed volunteers… restorative justice will not address problems… in Northern Ireland." Though these programs were well-intentioned, they could not perform at the level necessary to serve as a comprehensive restorative justice plan for Northern Ireland.

One example of a state-funded program is a project undertaken by the police service – The Historical Enquiries Team (HET). As a unit within the Police Service of Northern Ireland (PSNI), the small department provided limited support to victims

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86 Ibid.
and aimed to encourage trust in law enforcement. Years later, the UK’s Her Majesty’s Inspectorate of Constabulary (HMIC) found the HET to have failed to review cases in a consistent manner and avoided looking into cases of police misconduct against republicans. Thus, such a program took a “minimalist approach to the recovery of ‘truth’ post-conflict” and, as a result, important questions regarding the history of violence in Northern Ireland that are essential to republican and loyalist restorative practices remain unanswered.90 As Lundy finds, “A key lesson from the HET is that these deeper questions cannot be buried and an individualised process would work best in parallel with a more holistic and far-reaching mechanism that addresses ‘macro-truths.’”91 This limited example of a small-scale truth-finding program illustrates the lack of state-wide planning for a comprehensive and holistic restorative justice plan.

When it comes to gender and restorative justice in Northern Ireland, the examples are limited. Per the United Nations 2003 report on gender, equity, and peace, a participatory approach is favored in order to benefit marginalized identities during restorative or transitional justice periods.92 Few records exist of any of the small-scale Northern Irish programs making efforts to include women and minorities. In fact, localized programs are less likely to overcome hierarchical differences, like gender.93 In contrast, a well-run statewide restorative justice program could recognize and give agency to the most marginalized through careful and structured

91 Ibid.
93 Ibid.
programming.\footnote{Ibid, 283.} There is little expectation that a small, community-based group run by volunteer activists would have the resources or the information to create and run an inclusive project.

To summarize, the scope of restorative justice in Northern Ireland has been extremely limited. The Belfast Agreement lacks any commitment to a comprehensive program. As a result, the political system is polarized, communities are segregated, and the public does not trust the state. Even with the small amount of restorative justice programs that do exist, they are decentralized from government, minimalistic, and lack a truth finding component. Moreover, special attention was not paid to marginalized identities, like women. Thus, Northern Ireland missed the opportunity for a state-wide comprehensive restorative justice process that was inclusive, holistic, and attempted to repair decades of animosity in the hopes of peace-building.

After shedding light on Northern Ireland’s interaction with restorative justice, it is important to also evaluate their use, or lack thereof, of gender quotas.

\textit{Gender Quotas}

Gender quotas are also known to be important fixtures in the rebuilding of post-conflict societies. In legislative bodies, gender quotas are rules set in place to require or encourage the inclusion of women in political parties and parliament. Northern Ireland has yet to implement such a quota, which is discussed below.

The lack of women’s representation in Northern Ireland Parliament is noticeable. Women are an abysmal statistic in the political system. Despite the Belfast Agreement’s declaration of a power-sharing government to address historic
inequality, there are no provisions for women’s inclusion and no political parties feel it necessary to welcome women. For a nation with large women’s participation in the decades-long conflict, women in government has been a neglected topic.

The Belfast Agreement of Northern Ireland did not include provisions for gender quotas in the newly-formed Parliament. Instead, the redesigned system established in the Agreement focused on addressing ethnonational interests through a power-sharing government. 95 Despite the highly complex state of inequality in the country, the Agreement prioritized republican/loyalist identity clashing as the most pressing. Gender and other, more nuanced, forms of identity hierarchies took a back seat. In keeping with the generally agreed-upon notion that peace deals are likely to exclude women, the Agreement “framed gender equality and other civic and social rights as a subsidiary to national identity.” 96 Even though a program for including women in government, like gender quotas, would be fitting with the power-sharing ideology behind the new Parliament, the Agreement clearly prioritized national identity. Unfortunately, the heavily-negotiated political system for a peaceful Northern Irish future also perpetuated gender inequality.

The exclusion of women is not just limited to the political system. Parties in Northern Ireland have also neglected any programs for welcoming women to join their ranks. The realm of political culture, despite the active role of women in the Troubles, is off limits to women, unlike other fields like the economy and professional life. 97 This phenomenon illustrates a bias towards men’s issues, and

96 Ibid.
97 Galligan, 430.
perhaps a classification of the post-conflict society as male-centric. Without gender quotas there is little indication that women and women’s issues will be adequately represented in Parliament.

Given the significant role women played in the Troubles, it is disappointing to see such little representation in government, or even consideration for women’s inclusion. Statistically, the numbers do not show any great strides in recent years. In 2003, women made up roughly 16% of Parliament. In 2011, there was a 2% increase, leaving Northern Ireland trailing behind other devolved Parliaments like those in Scotland and Wales, with 34% and 38% women, respectively.98 Galligan connects the lack of women with the “armed patriarchy” of the Troubles and admits that the transition takes time, “but in the 15 years since the Agreement, there is scarce evidence that such a politics offers recognition to women and women’s political interest.”99 A system of gender quotas would prove to be an important choice to overcome the historical gender inequality, but Northern Ireland has missed the mark on this step towards inclusion. There are few women in other post-conflict positions as well, representing a trend in the disregard for women and women’s voices in the peace-building process. Important institutions like the Policing Board includes only 4 women out of 19 members.100 Per the UN’s recommendation in Resolution 1325, all institutions set up during peace processes must include women’s representation.101

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99 Galligan, 430.
100 Byrne and McCulloch, 572.
101 Ibid.
Increasing women’s representation in Northern Ireland’s Parliament would be a logical continuation of the power-sharing government. Male political elites ought to consider pushing notions of equality past national identity: “Structures to encourage inclusionary politics must create spaces for political women to be transformative agents.”\textsuperscript{102} According to Byrne and McCulloch, there is no reason for the representation of women and ethnic groups to be in separate categories.\textsuperscript{103} Noting the lack of women’s inclusion, it appears that political elites in the post-Agreement period favor other forms of equality than one that deals with gender.

This section has described the lack of women’s inclusion in Northern Ireland Parliament. Without gender quotas, the post-conflict society has low numbers of women in government and other important peace-building institutions.

\textit{Conclusion}

Several conclusions can be drawn from the Northern Ireland case. First, ambiguity and a lack of citizen participation in decision-making limits the success of a peace-building scheme. Without the voices of militants and civilians alike included in the negotiations that led to the signing of the Belfast Agreement, its writers failed to address the key issues facing the nation, like de-escalation and reconciliation. As a result, the Agreement was limited in scope and did not include proper parameters for peace-building.

Next, a practice of militant commemoration further masculinized a conflict and prioritized men’s issues, thereby excluding women’s interests. Northern Ireland’s

\textsuperscript{103} Byrne and McCulloch, 565.
culture of militant commemoration contributed to the continuation of violence and animosity as it portrayed a battle still ongoing, rather than a conflict of the past that ought to be resolved. Rather than engage with a civic commemoration practice that acknowledges civilian deaths and noncombatant citizens, Northern Ireland’s militant commemoration kept the conflict alive through murals.

Finally, a comprehensive restorative justice program, along with gender quotas can help repair divisions in post-conflict societies and address the concerns of marginalized identities, like women. Northern Ireland’s engagement with a small-scale restorative justice program did not provide holistic reconciliation for all citizens. Instead, the community-based practices lacked resources that could have been more accessible through a large-scale, state-run program. The lack of gender quotas in Northern Irish parliament also prevents an inclusive peace process, as women do not make of a substantial number of representatives. The Northern Ireland case is an abysmal one for women, as political elites, disregarding input from the public and women, have dominated a peace-building process with little success.
Chapter 2: The Basque Country

“At first they talked about presos [male prisoners]. And when we arrived [we said] ‘What do you mean, presos? Presos y presas [Male and female prisoners]’… A the end of the day it wasn’t just changing vocabulary. It was trying to make them recognise that we women were there, in different spaces, in the struggle.”

- Anonymous ETA member -

Introduction to the Conflict

The Basque nationalist and separatist movement has been active since the late 1950s, with Euskadi Ta Askatasuna (ETA), the militant organization, disbanding in 2018. The opponents in the conflict are ETA, which fights for Basque separatism from Spain and France, and the Spanish and French government, though the majority of the Basque zone fits within Northeastern Spain. Historically, the Basques are an indigenous ethnic group that share a common language, Euskara, as well as a vibrant culture of customs, cuisine, and music. ETA has been the main force behind the Basque nationalist and separatist movement. During its active years, the group has been responsible for the deaths of almost 1,000 people, including politicians, police officers, and civilians. Throughout the conflict, the Spanish government has refused to negotiate with what is widely deemed to be a terrorist group. Though the support for a strong Basque identity is significant, not all Basques support ETA’s violence and instead turn to the Abertzale, the catchall term for moderate to leftist Basque

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nationalist political parties. In recent years, ETA has declared a longstanding ceasefire and finally disbanded.

*Introduction to the Chapter*

This chapter will evaluate the Basque Country case and its interaction with the four factors: the cessation of violence, the type of commemoration, the use of restorative justice, and the implementation of gender quotas. Each section will provide analysis and detail regarding the country’s interaction with each factor. Again, we will begin with cessation of violence, also known as the ceasefire. Here, we will look for indicators of a comprehensive plan to de-escalate, or a more limited agreement that focuses on the stopping of violence. The following section will look at the type of commemoration, whether it be militant or civic, or a combination of both, keeping in mind that militant commemoration can indicate a social continuation of the conflict while civic will promote a sense of unity and moving forward. Finally, we will evaluate the country’s use of restorative justice or gender quotas, remembering that each can provide reconciliation and inclusion of women.

First, I will describe the process of cessation of violence for the Basque case, which includes a series of broken ceasefires declared by the radical militant group Euskadi Ta Askatasuna (ETA). The lack of seriousness and effort put into these ceasefires will demonstrate the lack of dedication to peace on the part of ETA as well as the lack of collaboration from the Spanish government. I will also touch on the disjointed nature of the Basque nationalist movement, which results in a disorganized and often contradictory campaign. Next, I will move to the type of commemoration where we will discuss the militant commemoration culture in the Basque country,
including masculinized and militarized street art like murals and graffiti, which not only continues the animosity of the conflict but serves as a political strategy in order to engage with Basques at home and abroad. Finally, I will move to the limited restorative justice and gender quota programs. I will illustrate how the small-scale restorative justice program of mediation was not comprehensive nor substantial enough to address the harm of the conflict for all citizens, Basque and Spanish alike. Finally, I will show how the implementation of gender quotas has been significant for Basque parliament, but does not elevate women to adequate representation in that they are not occupying positions of power, especially when it comes to anti-terrorism work. I will conclude with some major takeaways from the Basque case.

Cessation of Violence

For the Basque case, ceasefires have functioned as the form of cessation of violence. Ceasefires are an important first step in the process of peace-building, and can provide insight into the potential success of the post-conflict state. A detailed, comprehensive ceasefire can indicate a successful beginning to peace-building, while a limited document can show that the resources for success are lacking. There have been several ceasefires declared by the radical separatist group, Euskadi Ta Askatasuna (ETA), the main aggressor in the violent campaign for Basque independence. In most cases, the agreements with the Spanish government were broken by ETA, demonstrating the lack of seriousness and collaboration put into these agreements. In fact, the ceasefires themselves were often not agreements, merely statements released by ETA that were not in collaboration with the government. In addition, the Spanish government was not willing to negotiate with
terrorists in the first place. At the same time, the broad support for Basque nationalism diverged on the issue of terrorism, resulting in limited support for ETA as it continued its violent campaign during ceasefire periods. Finally, the radicalized and masculinized youth culture of ETA also perpetuated the continuation of violence during peacetime. The analysis below will investigate these three facets of the Basque ceasefires. It will become clear that the cessation of violence in the Basque case has been extremely limited, with little collaboration between opposing sides and a lack of public support for a radicalized and violent campaign.

With a history of breaking ceasefires, ETA’s interaction with cessations of violence indicates a lack of seriousness and commitment to peace. With approximately five ceasefires declared by the group in twenty years spanning 1990-2010, ETA has not launched any serious campaigns toward peace-building. From the beginning, there was a perverse relationship with declaring a stoppage of violence: “ETA had intentionally contradictory approach to the pillars upon which ETA’s ceasefire would rest.”\textsuperscript{105} The use of the ceasefire became a strategic approach. Declarations were often ambiguous and vague, with no reference to the duration of the peacetime period.\textsuperscript{106} Instead, ETA would use the agreement as a reason to initiate talks with the Spanish government, though this was usually rejected by Spain.\textsuperscript{107} The government classified ETA ceasefire statements as “insufficient”\textsuperscript{108} and a “tactical

\textsuperscript{106} Ibid, 2.
\textsuperscript{107} Ibid.
\textsuperscript{108} Ibid.
manoeuvre.”¹⁰⁹ Without a serious commitment to lasting peace, ETA could not properly put a stop to violence in collaboration with the Spanish government.

At the same time, supporters of the Basque nationalist cause were beginning to divide into two groups of moderate and radical followers. Moderates were committed to the nationalist cause, like supporting the political wing of ETA – Batasuna, but could not continue to support the violent campaign. More radical Basques were comfortable with the possibility of terrorist activity. Because of this break between moderates and radicals, some of the Basque moderate public advocated for a renouncement of violence by Batasuna, which they followed. As a result, the support for a comprehensive ceasefire was further limited without a political party to legitimate the cause and negotiate with the Spanish government. The 1998 ceasefire fell apart for this very reason: “ETA’s justifications for resuming its attacks were the unchanging hard-line stance of the Spanish Government against the separatists and the weak response of the moderate nationalists to the latter.”¹¹⁰

There was also a Spanish civilian opposition to any kind of agreement between the government and ETA. After an armed campaign spanning several decades, ETA had amassed almost 1,000 victims. Friends and families of victims were not supportive of any kind of negotiation with what they deemed to be a terrorist group. Thus, during moments where a successful ceasefire may have been possible, “victims’ organisations began to mobilise against a peace process.”¹¹¹ Overall, the

¹⁰⁹ Ibid, 91.
¹¹¹ Whitfield, 156.
Basque nationalist movement was disjointed, with radical ETA members, the Batasuna political wing, and nationalist civilians diverging on the movement toward a ceasefire, its seriousness, and the future of a peaceful Basque Country. The opposition from victims and the Spanish government did not help.

The Spanish government’s refusal to negotiate and collaborate with ETA to form a ceasefire agreement prevented necessary dialogue between the opposing sides. With a hardline stance from both groups, any kind of negotiation would prove to be difficult: “The government did not want to engage seriously in political negotiations and the terrorists did not accept less than full satisfaction of the KAS Alternative: “basically, self-determination.” With the lack of discussion between the opposing sides, the cycle of ETA-declared ceasefires being broken by a resurgence of violence continued. It became a “never-ending game, unless political activity is implemented to curb it.” Again, the lack of adequate collaboration between the Spanish government and ETA hindered the peace-building process.

Additionally, the government did not even engage with a program to disarm ETA. “The unwillingness of the Spanish government in assisting ETA to disarm and bring it to an orderly end, combined with its exceptional anti-terrorist penitentiary policy” led to a sense, pushed by ETA, that the government was not considering the best interest of its people. Instead, the government “refused to engage in direct negotiations with ETA on the grounds that talking to terrorists would confer

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113 Gil-Alana and Barros, 42.
legitimacy upon their cause.”¹¹⁵ Because the Spanish government expressed no interest in working with ETA, the group attempted to prove to its supporters that “terrorism… is preferable to a peaceful campaign for Basque independence.”¹¹⁶ The failure of the government to negotiate with ETA contributed to the narrative that ETA must continue its radical and violent struggle alone. Both actors further drove the wedge in the conflict and did not show signs of any sort of shared future.

Without a comprehensive plan for de-escalation and negotiations, the periods of ceasefires in the Basque conflict were not peaceful. The streets of Basque-dominated areas like Bilbao continued to be violent. A practice of street violence known as kale borroka (translation: street fighting) continued during periods of so-called ceasefire and maintained a level of high violence. For ETA and other radical nationalists, the ceasefire did not hold enough weight as a form of cessation of violence and instead served a strategic purpose as a means to enter negotiations: “In their view, the ceasefire did not mean that the ‘Basque conflict’ had been solved; thus, the ongoing kale borroka drew attention to the different manifestations of the conflict.”¹¹⁷ The popularity of kale borroka maintained a sense of violence in relation to ETA’s cause: “the ceasefire period was not a period of stable peace, but should rather be seen as another stage in the process of ‘liberation’ and ‘national construction.’”¹¹⁸ Despite numerous ceasefires, the violence of the Basque area never stopped, and contributed to the continuation of the conflict.

¹¹⁵ Ibid.
¹¹⁶ Ibid.
¹¹⁸ Ibid, 728.
ETA’s radical youth culture, and the street violence they were responsible for, further illustrates the disjointed nature of the Basque nationalist movement, especially during ceasefires. Even during times of potential negotiation, where ETA may have come to the table with the Spanish government, ETA youth groups like those who engaged in kale borroka “claimed that [violence] should be extrapolated to the ceasefire period.”\(^{119}\) Clearly, there was a lack of communication between pro-ceasefire ETA leaders and youth participants: “although ETA kept a long-term ceasefire period from September 1998 onward, so as to facilitate negotiations between the MLNV and the Spanish Government, radical Basque youth continued to commit acts of street violence against Spanish interests.”\(^{120}\) The many ceasefires ETA declared did not come from a unified movement and were not comprehensive in deescalating and de-radicalizing its combatants and supporters.

This section has illustrated the lack of seriousness of ETA ceasefires and their use as a political strategy. At the same time, I have noted the divergence of Basque nationalists into two groups: moderates and radicals. As radical ETA supporters believed in the ceasefire, kale borroka youth perpetuated violence in the streets.

Without a unified base and a comprehensive plan for de-escalation and deradicalization, ETA and the Spanish government could not come together to begin the plan towards peace-building. Because the ETA ceasefires were merely public statements by the group, it is unlikely there was consideration for women’s representation in the process.

\(^{119}\) Ibid, 731.
\(^{120}\) Ibid, 715.
Having analyzed the cessation of violence factor for the Basque case, it is now essential to examine the type of commemoration.

**Type of Commemoration**

The type of commemoration a post-conflict country engages in is an essential factor in the investigation of the inclusion of women. The commemorative culture often becomes a key part of the social fabric of a post-conflict state, and can reflect a sense of animosity or unity. The type of commemoration a country interacts with can be divided into two categories: militant and civic. Militant commemoration prioritizes the narrative of the soldier and freedom fighter, usually a masculinized image of a male guerilla dominates the commemorative practice. This type of commemoration often strives to keep the conflict alive and does not reflect a sense of peace-building. It also usually excludes women because it is hyper-masculine in nature. On the other hand, there is the second category of civic commemoration. This practice focuses on civilian deaths and pacifism rather than a continuation of the conflict. Countries that focus on civic commemoration often envision a more unified future. This section will focus on the investigation of the Basque country’s interaction with each form of commemoration.

For the Basque case, it quickly becomes clear that the country engages in a practice of militant commemoration. First, I will focus on establishing the militancy of the Basque commemorative practice through an analysis of murals, graffiti, and other street art. Then, I will illustrate how the militant nationalist group ETA uses militant commemoration to reinforce their strength and importance in the conflict, as well as their message of separatism. Next, I will underscore how the practice of
militant commemoration in the Basque case reinforces the conflict for Basques and Spaniards alike, and how the support of the Basque diaspora contributes to the need for militant commemoration. Finally, I will conclude with the propensity for militant commemoration to exclude women in its male-dominated practice.

The majority of visual representation in support of ETA occurs through street art: murals and graffiti in the Basque area (also known as the Euskadi). As a means of commemoration, cities like Bilbao’s vibrant visual culture often goes unregulated, resulting in “sporadic commemorative visual practices such as murals or graffiti that adorn buildings across the breadth of the Basque territory.”¹²¹ Much like Northern Ireland, the Basque case includes a strong sense of art in the everyday life of a post-conflict society. The support for and influence of ETA remains a powerful visual force in the Euskadi.

The murals and graffiti in Basque public space depict highly militant imagery. As a group, ETA has important symbols that are quickly recognizable as associated with the violent, radical nationalist coalition, known as the abertzale (translation: patriot). For example, “the symbol of a two-sided axe entwined by a snake. The axe represents strength and the snake cunning. One finds this representation on murals, as graffiti, or in the artwork displayed in abertzale establishments.”¹²² This symbol can be seen in countless pieces of street art, and clearly represents ETA. At the same time, political rallies can include even more radical actions, like “masked representatives of ETA [leading] the protest by burning the Spanish flag and adorning a podium or stage

with ETA’s banner [with] the words “Always continue the fight.”\textsuperscript{123} Memorials of the dead almost exclusively focus on ETA militants, “portraits of political prisoners… depicted as collages in poster form.”\textsuperscript{124} Thus, it becomes clear that commemorative culture in the Basque area is militant, as it includes soldiers and messages from ETA: “an examination of commemoration in the Basque country posits a memorial machinery that engineers militancy, and deeply ‘uncivil’ forms of radicalization.”\textsuperscript{125} The militancy of radical Basque nationalist visual culture is a key part of ETA identity.

ETA has capitalized on the use of murals as a form of reinforcing their strength and importance to the Basque public, as well as the separatist cause. As McDowell writes, “Murals were an important method of communicating ETA’s ambitions and reminding the Basque residents as well as external spectators that they remained an important force.”\textsuperscript{126} Because of this, street art was an essential part of ETA communication and propaganda. Also, commemoration helped shape Basque separatist identity to “mark the separateness of the Basque people.”\textsuperscript{127} Murals appear in the Basque language, Euskara, and include the easily identifiable symbols mentioned earlier like the axe and snake. The mural landscape is inherently Basque, and aids in maintaining the Basque identity as well as communicating the goals of the abertzale.

\textsuperscript{123} Ibid.
\textsuperscript{124} Ibid.
\textsuperscript{126} McDowell, Ibid.
\textsuperscript{127} Ibid, 62.
Like the Northern Ireland case, ETA murals reinforce the animosity between opposing sides of the conflict and provoke a response from their pacifist opposition. Because of the celebration of many fallen ETA soldiers, also known as etarra, in the culture of commemoration, there are “large incentives to continue with the armed struggle and glorify the sacrifice of ETA members.”

In order to further promote the legacy and culture of the group, it is in the best interest of ETA members to proliferate the militant commemoration that has already become so commonplace. Meanwhile, the sprawl of militant graffiti and murals do not go without a response: “Anti-ETA graffiti was also commonplace, making the battle for space and political imagery sharply contested between pro and anti-ETA supporters.”

In this way, even during times of supposed peace, the clash between sides and grabs at power continued, even if through a different medium.

The Basque population also has a sizable diaspora, which contributes to the need for a strong nationalist identity in the Euskadi. Support from overseas aids significantly in the visibility of ETA and the radical Basque nationalist movement. Similar to Northern Ireland, the diaspora population is filled with active supporters as it relates strongly to a sense of identity and connection to home: “the issue of Basque nationalism remains salient and a defining feature of their perceptions of statehood and identity.”

A militant practice of commemoration that demonstrates a commitment to the struggle is an essential part of keeping the diaspora community in contact with ETA: “This exemplifies how commemorative practices are affected

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129 McDowell, 67.
130 Ibid, 77.
beyond the immediate boundaries of a region or territory.”\textsuperscript{131} For a successful continuation of ETA’s mission at home and abroad, militant commemoration is necessary.

McDowell points to a strong sense of masculinization in commemoration of the Basque conflict. Women are rarely visible in murals and graffiti, and do not appear as soldiers. Instead, the militant commemoration of ETA etarra focuses on masked male soldiers and memorials to fallen men. Even in the Alarde festival, an authentic celebration of Basque culture featuring parades and music, only recently featured women. Clearly, there is a history of the exclusion of women in Basque culture, where “memory and its recuperation is often dominated by men and the male experiences and interpretations of war, violence and history.”\textsuperscript{132} As we have seen in the Northern Ireland case, militant commemoration tends to exclude women.

The analysis above has outlined the ways in which the culture of commemoration in the Basque country falls in line with that of militant commemoration. Street art like murals and graffiti illustrate a message of violence, militancy, and continuation of the conflict. The culture of street art helps reinforce ETA’s importance and strength to the Basque and Spanish community as well as their separatist identity. In doing so, Basque militant commemoration reinforces the conflict. The desire to retain support from the diaspora community also proliferates the use of militant commemoration in order to keep the struggle alive for foreign supporters. Finally, as was clear in the Northern Ireland case, militant

\textsuperscript{131} Ibid.
\textsuperscript{132} Ibid, 69.
commemoration is a male-dominated practice that excludes representations of women.

Upon establishing the militant nature of Basque commemoration, we will now turn to the country’s restorative justice practices.

*Restorative Justice*

Restorative justice in the post-conflict setting focuses on truth-finding and peace-building in order to address harm and foster a sense of unity. While scholars have found restorative justice to be a practical and useful program for post-conflict states, there must be a comprehensive plan for its execution and it must be inclusive and large-scale. The Basque country, like Northern Ireland, has had little interaction with restorative justice, but there has been a victim/offender mediation program that includes conversations between the loved ones of ETA’s victims speaking with ETA soldiers. Below, I will outline the Basque country’s engagement with restorative justice and highlight the issues that came about as a result of this small-scale program. It will become clear that militants and the Spanish government did not work together to provide a comprehensive restorative justice program for the Basque and Spanish peoples.

First, I will emphasize the decentralization of restorative justice programs that has occurred in Northern Ireland and the Basque country. Next, I will demonstrate the lack of state support for the program, which resulted in a lack of truth-finding regarding state-imposed violence. After, I will describe the ways in which the program was not comprehensive and did not include proper truth-finding mechanisms.
Berastegi argues that a decentralized restorative justice program is common in democratic post-conflict states, especially those with conflict between a smaller region and the larger state. For the Basque case, this theory applies directly. The Basque autonomous zone, the Euskadi, exists within and among the larger states of Spain and France. In fact, the very nature of the conflict involves the separation and self-determination of the Euskadi. As Berastegi writes, “the decentralisation process… is more common in democratic states and is more likely to encounter divergences between state and the regional institutions of settled democracies.” In the conflict of Basque separatism, the regional Basque community did not come together with the Spanish government to create a proper restorative justice system.

With a lack of state support, it was unlikely that a solely Basque-organized program would be successful for restorative justice. Compared to the Northern Ireland case, there were several international actors that wanted to collaborate for the future of the state, like the United Kingdom, the Republic of Ireland, and the United States. In contrast, in the Basque case “neither Spain nor France recognise there is any conflict to begin with.” This is a key difference between the two cases and further illustrates the lack of a proper restorative justice program for Basques and Spaniards. As the Basque conflict begins to unwind and ETA disarms, “the Spanish state has not engaged in the peace and transitional processes.” The lack of

135 Berastegi, Ibid.
collaboration between the Spanish government and ETA negotiators has resulted in a limited restorative justice project.

As a result of limited state support, restorative justice programs cannot properly address state violence, which is an important issue for many Basques regardless of their support for ETA. To return to Berastegi, she highlights the negative impact of the Spanish government’s lack of participation as a detriment to Basques: “As a consequence of this contradiction, the establishment of mechanisms aimed at uncovering state violence has proven a particularly challenging goal.”

Again, like the Northern Ireland case, state police and antiterrorism forces inflicted a great deal of harm and trauma on civilian Basque communities. The effect on Basque noncombatants has resulted in a desire for reconciliation and acknowledgement of harm, both are concepts that can be addressed through restorative justice. Unfortunately, the Spanish government has pushed back against these attempts. Instead of initiating a truth-finding commission to uncover the role of the Spanish police in harassing innocent Basques, “Spanish authorities have, in fact, legally challenged legislature aimed at expanding the definition of victims passed in the Basque Autonomous Community and Navarre.”

Without a program to adequately address state violence, a Basque restorative justice program is limited and exclusive.

As stated earlier, the small-scale restorative justice program in the Basque country and Spain consisted of a mediation program between ETA victims and soldiers. Such a program cannot be considered comprehensive in that it did not include truth-finding mechanisms and was not inclusive and well-informed.

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136 Ibid.
137 Ibid.
Considering what we learned earlier regarding the disjointed nature of the Basque nationalist movement, the abertzale left did not come to agreement regarding a restorative justice program, instead they viewed the concept as “naïve, individual and too demanding in terms of accountability.”¹³⁸ As a result, the mediation program was not well-informed with regards to restorative justice ideology. The project was individualized, and apolitical. Instead, they focused on the rule of law and criminality of ETA members rather than address the underlying emotion and trauma surrounding the conflict: “By treating specific instances of violence as isolated and disconnected events and positioning them firmly within the framework of criminal law, the victim-offender mediation model hid their political dimensions and complexity and diverted attention from unresolved political issues to individual healing and closure.”¹³⁹ The mediation program was not trauma-informed and did not address the wider problem among Basques and Spaniards.

One of the most important aspects of restorative justice, truth-finding, was excluded from the program. Many Basques called for the creation of a truth commission, as has been implemented in other post-conflict societies, but the Spanish government did not comply.¹⁴⁰ Scholars writing at the time of the final ceasefire and disarmament of ETA in the late 2000s recommended several restorative justice programs: including “truth-seeking, access to justice outside the formal institutional criminal law, and forms of reparation.”¹⁴¹ None of these ideas have been

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¹³⁹ Zernova, 383.
¹⁴⁰ Ibid.
¹⁴¹ Bengoetxea, 53.
implemented, and the country remains heavily affected by decades of bombings, kidnapping, assassinations, and state violence.

This section has outlined the limited restorative justice program implemented in the Basque country. Because of the nature of the conflict, there have been barriers to collaboration between the separatist group ETA and the Spanish government. With a lack of state support, there has been no collaborative effort to address state violence in addition to the crimes of ETA. The small-scale restorative justice program only involves mediations with a small population of ETA victims and soldiers. With no truth-finding or other programs to address harm and repair relationships, the scope of the restorative justice project in the Basque country has been extremely limited and inconclusive.

With the lacking restorative justice program in mind, we will now turn to the implementation of gender quotas in the post-conflict Basque country.

**Gender Quotas**

Gender quotas are programs in which political parties or legislative bodies take on rules that require a certain number or percentage of women included in politics. For post-conflict societies, I have chosen gender quotas as an important factor that could indicate a broader inclusion of women in the peace-building process. Below, I will outline the Basque country’s interaction with gender quotas.

I will begin with describing the adaptation of gender quotas in the Basque parliament, followed by the issue with descriptive and substantive representation. Then, I will highlight the problem with women failing to be represented in positions of power, especially anti-terrorism policy-making.
In the early 2000s, the Basque Parliament, along with several other autonomous communities in Spain, adopted significant gender quotas. Political parties were not fully compliant at first, but eventually 50 percent of each party’s electoral list was comprised of women. At the same time, the Basque country passed a 2005 Equality Law which “obliges the government to incorporate a 40 per cent quota for either sex in the composition of the cabinet.”

As a result, 2005 Basque elections resulted in thirty-eight female and thirty-seven male representatives, an impressive step forward in gender equity. However, the Parliament has seen little developments for women in the years since the quota implementation.

The Basque country has an issue with the descriptive and substantive representation of women. Despite the high levels of women in Parliament, there has been limited advocacy on behalf of women or in women’s interest. Montoya et al. point to a series of country’s who have successfully implemented gender quotas, but the numbers have not translated to adequate representation of women: “Even as descriptive representation has increased, increased substantive representation and women’s leadership in legislatures has not transpired, as cited in the Basque region of Spain.” It becomes clear that gender quotas alone cannot ensure successful inclusion of women in the political process.

In addition, though Basque women comprise a sizable portion of the legislative body, they do not occupy positions of power. As Montoya et al. find,
“women in the Basque parliament do not equally occupy positions of power in the legislature, like president or commission heads” indicating that the presence of women “does not necessarily imply the representation of their interests… [and] equality policies.”¹⁴⁵ More specifically, women are not substantively represented in the field of anti-terrorism and policy-making. In Ortbals and Poloni-Staudinger’s study of women in the Basque parliament and their relationship to terrorism, they find that “women are not equally represented, and they do not participate at the highest levels of terrorism policymaking.”¹⁴⁶ Here, we can see that though women are represented in the parliament, they are not involved in the upper-level processes of resolving the Basque nationalist conflict.

In this section, I have demonstrated how the Basque parliament has implemented substantial gender quotas. However, I have also noted how the sheer number of women in parliament does not necessarily indicate women’s representation and inclusion. Most significantly for this project, women are not involved in high-level anti-terrorism work, which makes them limited actors in the peace-building process.

Conclusion

Several important conclusions can be drawn from the Basque case. First, like the Northern Ireland case, a comprehensive ceasefire that features facets like de-escalation and reconciliation are essential to an inclusive and successful peace process. In the Basque and Northern Irish cases alike, the ceasefires were extremely

¹⁴⁵ Ibid, 93.
limited, especially the Basque. ETA’s many declarations of ceasefires without collaboration from the Spanish government illustrates how the conflict was not truly on its way to being resolved.

Next, a culture of militant commemoration is not conducive to peace-building. Masculinized and militarized imagery of ETA fighters, just like the murals in Northern Ireland, maintains the animosity of the conflict and does not include dead civilians and noncombatant citizens. In the Basque case, there was no sense of civic commemoration and instead radical street youth perpetuated militant murals and graffiti.

Also, similar to Northern Ireland, a comprehensive restorative justice program requires collaboration between the state and militants. In the Basque case, like Northern Ireland, aggressors like the IRA and ETA did not collaborate with Northern Irish and Spanish governments in order to create a restorative justice program that was large-scale and inclusive. Instead, small-scale programs attempted to repair relationships, but did not address the conflict on a wider scale and work towards holistic reconciliation.

Finally, the Basque case gives us an important takeaway regarding the power of gender quotas. Clearly, the parliament worked to be inclusive of women, but the numbers did not translate to adequate representation. Especially when it came to peace-building and anti-terrorism, women were not involved. Thus, it becomes clear that a proper program of gender inclusion in politics must not just be limited to quotas.
Chapter 3: Rwanda

“We had women in our armed struggle to liberate our country so we couldn’t keep them out after.”

- Paul Kagame, Rwandan President -

Introduction to the Conflict

The Rwandan genocide was a mass killing perpetrated against the Tutsi people of Rwanda by the other major identity group, the Hutus. In a span of several months in 1994, approximately 70% of the Tutsi population was annihilated. The conflict took place amidst the Rwandan Civil War, in which the long-running clash between Tutsis and Hutus was a major element and among the Hutu Power movement, which supported Hutu supremacy. Political, military elites, and civilians alike took part in the mass murder, ending with the military victory of the Tutsi Rwandan Patriotic Front (RPF). In the years since, militants have been tried in the International Criminal Court and the Rwandan country as a whole mourns the genocide through a process of national commemoration.

Introduction to the Chapter

This chapter will examine the Rwandan case and its interaction with the four factors: the cessation of violence, the type of commemoration, the use of restorative justice, and the implementation of gender quotas. In each section, I will provide analysis and detail on how the Rwandan case engages with each factor. First, we will discuss the cessation of violence, looking for a comprehensive plan to put a stop to

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fighting and de-escalate the conflict or a limited agreement to just put weapons down. The next section will examine the type of commemoration present in the Rwandan case, whether it be militant or civic, or a combination of both, remembering that militant commemoration can demonstrate a lack of reconciliation in the conflict while civic can promote a sense of civilian remembrance and unity. Finally, we will evaluate the country’s use of restorative justice or gender quotas, remembering that each can provide reconciliation and inclusion of women.

This chapter will begin with a discussion of the cessation of violence. I will outline the process of the military defeat of Hutu paramilitaries by the Tutsi Rwandan Patriotic Front (RPF), and how the RPF swiftly took complete control of the end of the conflict. Though the RPF worked to establish a steady government for the Rwandan people, the cessation of violence ultimately was lacking due to an inability to collaborate with Hutus. Next, I will outline the culture of civic commemoration in Rwandan society, demonstrating the benefits of such a practice and the government’s efforts to bolster its success. After, I will examine the restorative justice practices in Rwanda, mainly in the form of the Gacaca Courts where I will highlight their success and note their downfall when it comes to the inclusion of women. Finally, we will discuss the implementation of gender quotas in Rwanda and their apparent success and draw conclusions on the analysis of the chapter.

*Cessation of Violence*

For the Rwandan case, the cessation of violence after months of genocide took the form of a military defeat by the Rwandan Patriotic Front (RPF), a Tutsi army. Rwanda proves to be an interesting case as the violence did not stop via a ceasefire or
peace agreement. In this case, the RPF regained control of the city of Kigali and drove out Hutu génocidaires (the French word for those guilty of the mass killings). Despite Rwanda’s unique case, this section will aim to evaluate the success of the military defeat and the events following, keeping in mind that a comprehensive plan for the cessation of violence can indicate a successful path to peace-building. At the same time, a limited stoppage to violence without adequate planning and inclusion can demonstrate a lacking plan for peace.

This section will begin with an explanation of the military defeat that ended the genocide in Rwanda. Though the RPF successfully defeated their enemy and the aggressor in this conflict, there was no peace agreement or treaty signed that solidified a desire to make peace on both sides. I will then outline how the RPF moved swiftly to establish a new and well-functioning state, while also focusing on demobilization. I will show how these efforts were not comprehensive as they did not include members of the Hutu population that did not participate in the violence. At the same time, the RPF began to legally codify their power and appoint RPF fighters to important leadership positions. I will show how the RPF, without an agreement to collaborate with Hutus, could not create a plan for the cessation of violence that was inclusive. Instead, the group took complete control. Finally, I will address how the RPF was inclusive of women throughout this process. While the Rwandan Patriotic Front made strides toward inclusivity and reconciliation, it was a difficult task to execute without collaboration, which resulted in a total control of power by the RPF.

The military defeat of Hutu génocidaires allowed for an immediate cessation of violence, but still resulted in an ambiguous situation. As McDonough writes, the
RPF was victorious in trouncing the paramilitary groups composed of Hutu attackers, but even with “total victory… their Hutu opponents – rather than signing a peace agreement or a negotiated surrender – had fled alongside 1.5 million refugees into what was then Zaire.”\textsuperscript{148} Without a peace agreement or negotiated cessation, the country and its victors were left without proper infrastructure to address the massive impact the genocide would have. It is important keep in mind that although a military defeat effectively squashed the murders, it also left the RPF with the task of rebuilding, and little foundation to do so.

Still, after a swift military defeat, the RPF moved quickly to re-establish a functioning state. Despite the tense and traumatic aftermath of genocide, the RPF mobilized to assume control at the helm of Rwandan government. The new state “involved moderate Hutu representatives and was based on the power-sharing arrangements of the Arusha Accords,” a peace agreement from 1993 that attempted to resolve the Rwandan Civil War.\textsuperscript{149} With the help of the pre-negotiated Arusha Accords, the RPF attempted to expeditiously construct a new government that was inclusive and conducive to regaining a sense of peace in the country. However, without a new agreement post-genocide, it was unclear whether or not this institution would be successful.

At the same time, the RPF worked to demobilize aggressors of the conflict. These exercises took place in the form of camps, known as ingando, in which civic reeducation was central. However, the RPF, functioning alone in this process, also

\textsuperscript{149} Ibid, 368.
pushed for indoctrination into pro-RPF ideology. Attendees wore military uniforms, lived together in barracks, and attended activities as a group. Hutus and Tutsis were not equally represented in these demobilization efforts: “officers and key units such as intelligence and presidential guards remained firmly in the hands of the ruling party.” Here, we see the domination of the de-escalation efforts by the Tutsi RPF, without any collaboration with moderate Hutus.

The RPF control of the cessation of violence continued with the passage of ambiguous legislation that increased their power in government. Following their military victory, the RPF “always claimed it would continue adhering to the spirit, if not the letter… as agreed in the Arusha Accord… however, when looking at the practice after the RPF’s assumption of power, the departures are striking.” As stated previously, the RPF moved swiftly after their military defeat of the Hutu paramilitaries on July 17, 1994. New institutions came into play on July 19. The RPF put into operation a restructuring of the constitutional order, that was not legally consecrated until a year later: “on 5 May, 1995, the National Assembly voted a bizarre new ‘Fundamental Law’… which entered into force retroactively on 17 July, 1994…This brief text of only three articles contains no provision of substantive law and limits itself to the enumeration of the documents enjoying constitutional status and the determination of their hierarchy.” The RPF did not hesitate to institutionalize their domination following the military defeat.

151 Ibid.
153 Ibid.
154 Ibid.
There were some constructive aspects of the early RPF-led government, but their outcomes had significant problems. The transitional “Government of National Unity” focused on the RPF’s commitment to the Arusha Accords: “As part of its reconstruction efforts, this government undertook an ideological programme called ‘national unity and reconciliation’ to build a ‘New Rwanda’, a nation of one people who refused the ‘genocidal ideology’ of the past.”\(^{155}\) With a powerful and important message, it would seem as though this transitional government was headed in the right direction. However, the Government of National Unity did not keep many of their promises. In the years following, the government was responsible for many extrajudicial killings, resulting in the fleeing of many Hutu politicians. It becomes clear that the Tutsi-dominated government was not including important Hutu voices and adequately collaborating for a power-sharing program.

Ultimately, the RPF was able to solidify their hold on political power. As Marysse argues, amendments made to the law and constitution “profoundly modified the political regime… They introduced a strong executive presidency, imposed the dominance of the RPF in the government, and redrew the composition of parliament.”\(^{156}\) With the abrupt takeover by the RPF in Summer of 1994, the military turned political parties changed the role of the executive and vice-president to be much more powerful, and appointed the RPF’s military leader, General Paul Kagame, to the VP position. At this point, the executive branch was entirely occupied by


former RPF fighters.\textsuperscript{157} (The strengthened position of the executive as well as the assignment of exclusively RPFs to positions of power contributed to the institutionalization and proliferation of Tutsi RPF dominance.

The RPF’s shortcomings with regards to the inclusion of moderate Hutus in the cessation of violence was significant, but the party did pay attention to gender. Following the military victory, women were appointed to “high-profile positions in the new government, as ministers, secretaries of state, Supreme Court justices, and parliamentarians.”\textsuperscript{158} In addition, as part of the changes made to the executive branch mentioned before, the RPF “created the Ministry of Gender, Family, and Social Affairs (MIGEFASO). For the first time, Rwanda had a ministry dedicated not just to women, but also to gender.”\textsuperscript{159}

This section has outlined the process of cessation of violence for the Rwandan case. Without a peace agreement or treaty, it was difficult for the process to be an inclusive one. Instead, the RPF took complete control of rebuilding the state, demobilization, and ultimately passed legislation to institutionalize their power. Still, their government was inclusive of women, including gender quotas, which will be discussed in a later section.

After becoming acquainted with the nature of cessation of violence in the Rwanda case, we will now turn to the type of commemoration.

\textit{Type of Commemoration}

\textsuperscript{157} Reyntjens, 237.
\textsuperscript{158} Burnet, 367.
\textsuperscript{159} Ibid.
The type of commemoration in a post-conflict country is an important factor in the study of the inclusion of women. The way in which a population engages with commemorative culture can often become an essential part of national identity and reflect a sense of animosity or unity. There are two types of commemoration: militant and civic. The first focuses on the narrative of the militant, highlighting the accomplishments of fighters and prioritizing a masculinized image of the conflict. This type of commemoration often fuels the continuation of acrimony and does not allow for a sense of unity and peace-building. It also often excludes women with its heavily masculinized and militant imagery. On the other hand, civic commemoration, which focuses on mourning civilian deaths and moving towards a more peaceful future. Countries with civic commemoration often have a greater sense of peace-building culture. This section will investigate the type of commemoration in Rwanda.

First, I will discuss the Rwandan government’s choice to limit controversial speech about the genocide. Next, I will emphasize the importance of preserving historic genocide sites and their openness to the people. At the same time, I will show how the commemorative culture is survivor-centered and holistic. Finally, I will describe the national holidays that mourn and remember the genocide and the country’s effort to make commemorative culture accessible to all.

The Rwandan government has made strides toward a national process of civic commemoration by regulating the nature of discussion about the genocide. Somewhat like the German laws against Holocaust denial, the Rwandan government has limited dissenting opinions on the genocide: “Talk about the genocide is constrained by
legislation to outlaw the expression of ‘divisionism’ and ‘genocide ideology.’”

Though a controversial limit of free speech, the government has demonstrated its interest in maintaining decorum and unity on the topic of the genocide. In this case, civic commemoration processes begin at the highest levels of government, and result in a national program and culture that remembers the genocide.

A unique facet of the Rwandan commemoration project is the preservation of genocide sites. Actual locations of mass slaughter have been transformed into cemeteries, memorial sites, and places of reflection for Rwandans. For example, the Gizosi memorial site “a place for remembrance and learning” is a burial site for victims of both tribes – Tutsi and Hutu – that perished in the genocide. Visitors can view parts of burial locations, learn about the genocide, as well as receive a guided tour by a survivor. The preservation of genocide sites contributes to the state-run civic commemoration program, that prioritizes remembrance, unity, and the deaths of the innocent.

The Rwandan commemorative practice is also survivor-centered. The most active and largest group of contributors to the manufacture of genocide memorials are genocide survivors. A civic commemoration program that prioritizes the narratives of survivors emphasizes the notion of reconciliation and the innocent lives affected by atrocity. In addition, official records of the genocide, a process that the government has made a priority, uses “survivors’ accounts as the primary source of data.”

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161 Ibid.
survivors play a major role in multiple aspects of the commemorative process. For the Rwandan population, survivors represent not only those who had experienced extreme pain and trauma, but also are central figures in public remembrance: “In particular, survivor testimony is seen to constitute a protest against sovereign power, exposing its inherent violence and implicitly demanding change.” Survivors contribute to both social and political culture in post-conflict Rwanda.

With the survivor experience in mind, the civic commemoration process in Rwanda is holistic in that it attempts to represent as many Rwandans as possible. The Kigali Genocide Centre, for example, is home to the graves of over 250,000 victims, and also features a visitor center. The site prioritizes the memories of survivors of all genres, emphasizing the notion that “resistance took many forms. The RPF led the political and armed resistance to genocide. Members of moderate wings of different political parties made passionate calls for resistance. Some of the victims organized resistance to the killings. A number of Hutus and others hid targeted victims sometimes at the risk of their own lives.” The Kigali Centre provides many survivor perspectives in order to educate its visitors about the countless lives affected by the genocide.

Another major part of the national commemoration program in Rwanda is the annual commemoration timeline, a 100-day period of mourning that begins on April 7 every year, the day the killing began. Rwanda has officially two public holidays

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163 Ibreck, 332.
that function to mourn the genocide. Kwibuka (Kinyarwanda for remember) begins the 100-day period and Liberation Day ends the holiday. Icyunamo is another week-long time of mourning. These kinds of official, national holidays that focus on remembrance and mourning solidify the civic commemoration of Rwanda post-genocide. Each year, the programming takes on a new theme and is constantly evolving.

The Rwandan government also facilitates the inclusion of all citizens in viewing important memorial sites. As mentioned earlier, the Kigali Centre is one of the pillars of Rwandan civic commemoration, “serving as the main national memorial.” The government is planning for the site itself to travel around the country, “with the aim that 90% of the Rwandan population is exposed to its messages.”166 In doing this, the government ensures that not only the culture of commemoration is accessible to everyone, but also that the nation can feel united by a shared experience of viewing its content and remembering together.

This section has demonstrated how post-genocide Rwanda engages in a practice of civic commemoration. The government has created a national program that emphasizes mourning and remembrance. It is illegal for citizens to speak controversially about the genocide, and instead the narrative is survivor-centered, holistic, and accessible to all Rwandans.

After examining the type of commemoration, we will now dive into the Rwandan practice of restorative justice.

*Restorative Justice*

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166 King, 295.
Restorative justice in post-conflict countries is an important resource that focuses on truth-finding and peace-building in order to address the harm inflicted on the victims and bring in the support of the community. Despite its importance to the peace-building process, some post-conflict countries do not provide a comprehensive and national plan, which ultimately can lead to an unsuccessful program. In this section, we will evaluate Rwanda’s use of restorative justice post-genocide. The country is known for its pioneering Gacaca Courts, a system of community justice that was eventually used to adjudicate genocide-related cases.

First, I will introduce the Gacaca Courts as an historic system in Rwanda, focusing on community justice. Then, I will note how the Courts hit a perfect balance for restorative justice systems, providing a community-based, but nationally regulated way to adjudicate cases. I will discuss how effective the Courts were, as well as their emphasis on community participation. Finally, I will note how gender-based violence was not included in the criterion of the Courts.

Rwanda’s Gacaca Courts served as the main form of restorative justice in the post-conflict state. Traditionally, a Gacaca Court is used within communities for settling minor disputes of petty crime, “the gacaca process, which places heavy emphasis on truth-telling, operates at the grassroots level, with local communities resolving their differences in the pursuit of communal justice.”167 Operating alongside the UN-led International Criminal Tribunal for Rwanda (ICTR), some 11,000 Gacaca Courts were set up to mediate with the less serious crimes committed during the genocide.168 With this dual, large-scale, justice system (the ICTR and Gacaca Courts),

167 Clark, 340.
168 Ibid.
Rwanda could adjudicate cases as quickly as possible, a process that in any other system such as a legal trial, could take decades. Thus, the Gacaca Courts served a useful and expedient purpose in the Rwandan restorative justice program.

The Gacaca Courts struck the right balance for restorative justice. As mentioned in earlier chapters, restorative justice often needs to be administered on a national level, so adequate resources and guidance can be provided. The Gacaca Courts were a national system, but operated in rural communities: “It is at once formal and informal, community-based and state-driven, traditional and contemporary, and punitive and restorative.” The Courts allowed for a well-organized, but localized system that revitalized an old tradition of gacaca practices. They also used a varied array of sanctions. This system allowed for a restorative justice practice that was harmonious with the Rwandan population.

Working within the parameters of a post-genocide country, Gacaca Courts were successful in their work and efficiency. While the system was not perfect, the Courts moved swiftly in a time of social and political upheaval, not to mention the damage and trauma of Tutsi communities: “it is important to reiterate that the gacaca courts did their difficult work in the wake of a mass tragedy that shattered Rwanda’s legal infrastructure and left the country reeling.” Compared to the ICTR, which has completed 75 cases since 1997 with a budget of over $200 million, the Gacaca Courts have handled almost 2 million cases, costing approximately $40-$65 million.

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170 Ibid.
171 Ibid.
Despite their informal nature, the Gacaca Courts are a serious portion of restorative justice in Rwanda.

The Courts system also encourage participation from all Rwandans. In order to level the playing field for victims, offenders, and judges, “Lawyers are excluded from the gacaca tribunals.” Additionally, Courts operate openly in community spaces, emphasizing the participatory nature of the process. The judges themselves are also not lawyers, but regular civilians with some legal training in order to perform their role. The Gacacas embody many important aspects of restorative justice, especially community participation.

With regards to gender, the Gacaca Courts did not handle sexual violence in the same way. As Hudson argues, a major part of justice in the restorative process involves dealing with “war crimes perpetrated on women and other violations of women’s rights.” The Gacaca Courts did not adjudicate cases of sexual violence. The importance of gender in these systems is often overlooked, and Gacaca Courts are no exception. Instead, crimes such as rape or sexual torture, which were prevalent in the genocide, are “transferred for prosecution through Rwanda's criminal courts” and carry heavily punitive sanctions, such as the death penalty. The exclusion of crimes against women from the Gacaca Courts presents a challenge to women who have been affected in this very particular way. In the interest of being

175 Nessel, 121.
176 Hudson, 302.
inclusive, it is important for restorative justice systems to allocate space for women and gendered issues.

This chapter has introduced the Gacaca Courts as the main restorative justice project in Rwanda. The Courts rely on community participation as well as national guidance in order to swiftly and efficiently handle cases at the same time as the ICTR. I have shown how the system of Gacaca Courts has helped to heal communities. At the same time, I have noted the lack of inclusion of gender-based issues, like sexual violence, in the Courts.

After learning about the restorative justice program in Rwanda following the genocide, we will now turn to gender quotas in the Rwandan political system.

*Gender Quotas*

Gender quotas are measures taken by a nation, legislative body, or political party in order to ensure the inclusion of a certain portion of women in politics. For post-conflict societies, the incorporation of gender quotas in the rebuilding of government can be indicative of a desire to be more inclusive of women. The section below will examine Rwanda’s use of gender quotas following the genocide.

First, I will emphasize the significance of the Rwandan women-dominated parliament. Next, I will provide detail for the reasoning behind including women so significantly: first, the use of quotas by the majority RPF party in order to keep their power and second, the possibility that gender equity is actually an important tenet for the party. Finally, I will note the major cultural benefits for Rwandan women.

Gender inclusivity was a measure taken seriously by the RPF in their repairing of the Rwandan government. Often times, in the implementation of gender quotas,
political bodies will take on either a constitutional amendment, reserved seats, or voluntary party quotas. In the Rwandan case, the government took on all three, making the Parliament of Rwanda “the only such parliament in the world.”

In 2008, Rwanda elected the first women-majority national legislative chamber, “when females secured 56.25 percent of the seats in the Chamber of Deputies,” the lower house of Parliament. On the global stage, Rwanda made its mark as the first country to achieve such a feat.

Despite the astounding numbers, the women of Rwandan Parliament do not always provide substantive representation. Many scholars find the heavy-handed inclusion of gender quotas to be a project orchestrated by the RPF in order to ensure their domination. The legislative body and other branches of government, as stated earlier, are almost entirely populated by RPF members. Thus, the elected women must align themselves with the RPF in order to gain their support, which limits their ability to advocate on behalf of women. Thus, it is important to view the Rwandan case with the realities of the undemocratic state in mind. Hogg also posits the Rwandan case as a possible outcome for post-conflict countries specifically: “women political representatives’ identities can be dangerously frozen and ‘subjectified’ in post-conflict contexts; particularly those intent on building ‘national unity’ by way of

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quieting dissent.”

The phenomenon of women’s representation in Rwanda is difficult to fully explain due to the undemocratic nature of the state.

At the same time, however, it appears as though many RPF leaders do care about gender equity in Parliament. Franceschet et al. point to leaders like Rose Kabuye and John Muamba, to illustrate that “the RPF embraced notions of gender equality in the hopes of improving society.”

Also, scholars highlight the exile of some Tutsi elites as a factor in returning to Rwanda with a sense of urgency for legislation to ensure inclusivity. In Uganda, for example, some were exposed to successful gender quotas while in exile. Also, following a massive genocide that targeted the Tutsi population, some see “the RPF’s approach to gender as a result of Tutsi exiles’ experiences of discrimination.”

Evidently, arguments exist on both sides for the nature of the inclusion of women in Rwandan Parliament.

Still, the positive results of a gender quota system for Rwanda are strong. Most generally, the sharp increase of women “in the public sphere raised awareness of what women can achieve and legitimated women as political actors… symbolic representation… gender quotas and the high profile of women in the political system have encouraged women to take leading roles in other areas of Rwanda society.”

It is hard to ignore the success of such a public display of equality in representation.

Moreover, the strides of Rwandan women politicians have affected civilian Rwandan

180 Franceschet et al., Ibid.
182 Franceschet et al., Ibid.
183 Franceschet et al., 194.
women: “including increased respect from family and community members, enhanced capacity to speak and be heard in public forums, greater autonomy in decision making in the family, and increased access to education.”

Undoubtedly, the presence of gender quotas in Rwandan Parliament has transformed notions of gender and society in the post-conflict country.

This section has outlined gender quotas in Rwanda. We have discussed the phenomenon of the women-dominated parliament as well as the undemocratic system that has perhaps allowed for it. However, we have also recognized the desire for gender equity among RPF leaders. Finally, we noted the cultural benefits of women in politics for Rwandans.

Following this discussion of gender quotas and the conclusion of this chapter, we will discuss some major takeaways.

Conclusion

The Rwandan case brings many important conclusions to the surface. First, though the cessation of violence was a successful one, the military victory by the RPF over the Hutu génocidaires caused some limitations for peace building. Due to the fact that the Tutsis and Hutus did not sign a peace agreement or truce, and many Hutus fled the country immediately, it was difficult for Tutsis to collaborate with the Hutu population. Thus, the early stages of peace-building, and the governing that followed, was dominated by the Tutsis and RPF.

On the other hand, Rwanda illustrates an important case in which civic commemoration and restorative justice worked fairly well for the inclusion of

\[184\] Burnet, 303.
women. A culture of mourning and remembrance, reinforced by national historic sites and public holidays, maintains a sense of unity and harmony for the future of the country. At the same time, the restorative justice-focused Gacaca Courts emphasize the role of the community and prioritize survivors, despite the lack of inclusion of sexual violence.

Finally, the Rwandan case illustrates an important instance of gender quotas. With a female-majority Parliament, Rwanda has made the inclusion of women in politics a priority. However, in an undemocratic state, it is unclear whether gender quotas truly serve their desired purpose. All in all, Rwanda is an important case to consider as it has actively included women in several of its peace-building projects.
Chapter 4: South Africa

“Peace is not just the absence of conflict; peace is the creation of an environment where all can flourish, regardless of race, colour, creed, religion, gender, class, caste, or any other social markers of
difference.”

- Nelson Mandela, South African President -

Introduction to the Conflict

South African apartheid was a period of institutionalized racial segregation from 1948 until the early 1990s. All aspects of public life as well as housing and employment favored the white population and subjugated non-white people of color. Beginning in the 1970s, resistance to the apartheid became more militant, sparking the popularity of paramilitary groups like Umkhonto we Sizwe (MK), the armed wing of the African National Congress (ANC), a longstanding African nationalist political party. These groups fought in opposition to the ruling and white supremacist National Party, leading to countless deaths and imprisonments. Finally, in the late 1980s, the two opposing sides entered bilateral negotiations and the government released prominent political prisoner Nelson Mandela. In 1991, apartheid was officially repealed and South Africa held its first democratic elections in 1994. In the years since, the country has worked to reckon with its segregated past and repair the lasting social and economic legacy of apartheid.

Introduction to the Chapter

This chapter will analyze the South African case as it engages with the four factors in this project: the cessation of violence, the type of commemoration, the use of restorative justice, and the implementation of gender quotas. In each section, I will provide detail and commentary on how this country interacts with each factor. First, I will investigate the cessation of violence, keeping in mind that a comprehensive plan to de-escalate the conflict is more favorable than a simplistic ceasefire. Next, we will look at the type of commemoration in South Africa, whether it be militant or civic, or a combination of both, noting the benefits of civic commemoration as a means to unify the post-conflict population, while militant commemoration can often keep the acrimony of the conflict alive. Finally, I will examine the country’s use of restorative justice or gender quotas, each with the ability to provide reconciliation and the inclusion of women.

First, I will address the cessation of violence in South Africa. Though there was substantial military fighting between opposing sides on the issue of apartheid, political groups were able to come together and institute a stoppage before things became too violent. As a result, those collaborating in the South African peace process set the stage for a collective movement that prioritized the livelihood of South African soldiers and civilians. Second, I will turn to the process of civic commemoration in South Africa, where we will see that the country has devoted time and resources into crafting a memorialization culture that prioritizes civilian deaths and the triumphs of anti-apartheid leaders. Third, I will investigate the famous Truth and Reconciliation Commission, South Africa’s restorative justice program, and its success in reconciling the long and turbulent history of segregation and violence.
Finally, I will highlight South Africa’s use of gender quotas in elevating women in government and draw some conclusions about the case as a whole.

_Cessation of Violence_

In the South African case, the cessation of violence after decades of paramilitary and state violence took the form of negotiations and later an agreement between the National Party and the ANC. Thankfully for civilians, the two sides came together amicably without the need for military defeat. This section will aim to evaluate the success of these talks and the years following, keeping in mind that a comprehensive plan for the cessation of violence can indicate a successful path to peace-building.

First, I will note the importance of the Groote Schuur and Pretoria Minutes, establishing the shared interest in a post-apartheid South Africa by both the National Party and the opposition ANC. Next, I will highlight the success of the National Peace Accord and Interim Constitution, two documents that affirmed the government’s commitment to peace. Finally, I will show how the demilitarization and demobilization program worked to recuperate and reintegrate paramilitary soldiers and government fighters back into a prosperous civilian life.

The South African peace process began with the collaborative Groote Schuur and Pretoria Minutes. In the Groote Schuur Minute of 1990, members of the government and the ANC “agree on a common commitment towards the resolution of the existing climate of violence and intimidation from whatever quarter as well as a commitment to stability and to a peaceful process of negotiations.”

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sides demonstrated an invested interest in putting an end to the violence. A few months later, the group reconvened and produced the Pretoria Minutes, establishing working groups in order to properly begin a comprehensive peace process as well as affirming that “We are convinced that what we have agreed upon today can become a milestone on the road to true peace and prosperity for our country… Against this background, the way is now open to proceed towards negotiations on a new constitution. Exploratory talks in this regard will be held before the next meeting which will be held soon.”187 Both the National Party government and the ANC demonstrated their sustained commitment to ending violence and moving toward peace for South Africa.

Following the minutes, the collaborative group created an extensive peace agreement known as the National Peace Accord (NPA). As Bell argues, the NPA fits the mold of a substantial and successful peace agreement: “they provide a framework for governance designed to address the root causes of the conflict and thus to halt the violence more permanently… They are usually public and formally recorded in written, signed form and include international participants.”188 Moreover, she credits previous talks with the essential role of working toward resolving the conflict. Most generally, the National Party and the ANC were on the same page as far as stopping the violence and moving towards a prosperous South Africa for all.189 With the signing of the National Peace Accord, the peace-building coalition had a

189 Ibid, 378.
comprehensive, public document to vouch for their commitment to negotiation and reconciliation.

Even after the National Peace Accord, the South African government instituted an Interim Constitution, focusing on civil rights and the new democratic process. As Bell writes, the Interim Constitution “set up a transitional arrangement designed to lead to elections and a constitutional assembly that would produce a final constitution.”\(^{190}\) The Interim Constitution was a major part of peace-building, and allowed for further collaboration between sides. There is no doubt that the document is comprehensive, it is 227 pages long “with copious detail.”\(^{191}\) The early talks leading to the Groote Schuur and Pretoria Minutes, as well as the National Peace Accord and Interim Constitution of South Africa, demonstrate a strong commitment to a far-reaching and well-organized cessation of violence and initial peace process.

In addition to the talks and agreements between the government and anti-apartheid ANC, the South Africa peace process coalition moved swiftly to demilitarize the paramilitaries. As Schraeder states, “One of the most delicate tasks was the process of demilitarization to restore civilian control over a security apparatus that had become too powerful.”\(^{192}\) To conquer this task, the military leaders of the South African Defense Force (SADF) and Umkhonto we Sizwe (MK) outlined a plan to institute a “civilian-managed Ministry of Defense and civilian control over the military budget and approval of senior promotions and professional training.”\(^{193}\) In

\(^{190}\) Ibid, 391.
\(^{191}\) Ibid, 392.
\(^{193}\) Ibid.
this way, the South African government could start afresh without too much of an influence from the polarized past.

As a result of this collaboration, the South African government created the South African National Defense Force (SANDF), which would be comprised of former paramilitary members. By “integrating previously opposed military forces into the newly created” SANDF, the government promoted unity and reconciliation instead of furthering the tensions of apartheid. The creation of SANDF gave a new face to security forces in South Africa and demonstrated a transition into integration and an anti-racist future.

As far as deradicalization for former soldiers, the South African government also had a plan. The demobilization program focused on welcoming back fighters, provided them support, and helping them transition back into civilian life: “Those demobilised received a once-off cash payment, basic counseling, and the opportunity to join the Service Corps, which offered skills training.” This de-escalation process for soldiers was comprehensive and supportive, illustrating another well-organized program that the peace process brought about. It is not clear, however, that there was a program specifically for women or that the program itself was inclusive of all South Africans.

The section above has outlined the cessation of violence and early stages of a peace process for the South African case. The early talks, resulting in the Groote Schuur and Pretoria Minutes, demonstrate an early commitment to peace and a lack of need for the continuation of military violence. In addition, with the signing of the

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National Peace Accord and Interim Constitution, two important government documents, South Africa further displayed its engagement with a successful end to apartheid. Meanwhile, the country was engaging in a comprehensive demilitarization and demobilization program for former soldiers. All in all, the South African government collaborated successfully with the ANC in order to participate in an extensive peace process that prioritized a joint interest in the achievement of an integrated South Africa.

After establishing the cessation of violence for the South African case, we will now investigate the type of commemoration.

*Type of Commemoration*

The type of commemoration a post-conflict country engages in is an essential factor in the study of the inclusion of women. The culture of commemoration can become a key part of social and political life following a major conflict and peace-building. The two types of commemoration, militant and civic, each carry their own significance regarding the success of a post-conflict society in reconciling the past. Militant commemoration focuses on the prioritization of a masculinized and militarized narrative, which can continue the conflict culturally and lessen the desire for political harmony. On the other hand, civic commemoration focuses on the unifying message of remembrance and moving forward as a country. Civic commemoration is usually more inclusive and less politicized. This section will determine where South Africa stands with regards to these two forms of commemoration.
In this section, I will present the South African case as it relates to commemoration. The state has instituted the construction of several important sites of civic commemoration, like memorial sites, museums, and public holidays. I will explain how notions of unity, a shared past, and a new identity deeply shape the South African commemoration project and also how militant commemoration has been largely rejected. Still, I will highlight how women are not sufficiently represented, though there has been more of an effort in recent years.

Like Rwanda, the South African state has focused on the construction of public memorial sites that embody a sense of civic commemoration. Since 1994, a great deal of memory sites “memorials, commemorative monuments, museums and public statues” have been instituted by the state. The goal of these sites, according to the then newly-democratic and majority rule government, was to “preserve the memory of colonial and apartheid era repression and resistance; pay tribute to its victims; and foster individual and societal healing and reconciliation as a basis for building the new democratic nation.” These sites, along with this stated goal, affirm the South African government’s desire to create a commemorative culture that focuses on mourning the dead and moving forward in a unifying manner.

The first apartheid museum of South Africa embodies a sense of unity for the commemorative culture of the country. The history and legacy of apartheid can be difficult for all South Africans, especially the use of white supremacy by the White and Afrikaner population that subjugated black and colored South Africans. With

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196 Ibid.
such a difficult task, the first apartheid museum worked to display a history of South Africa that was not contested, and focused on the established history of the country: the apartheid museum “points to a commemorative type that aims at agreement, not through disagreement and debate but through overarching consensus.” Because of this, the site brings South Africans together and displays a unified message. The well-organized and extensive work put into this first museum set a strong tone for the future of civic commemoration in South Africa.

The museums and public sites of South African commemoration also prioritize the shared past of the community. One of the initial focuses of the museum was that visitors do not become “polarized around race as a result of the museum visit. You don’t want people to leave the place feeling angry or guilty.” Instead the museum is a site for remembrance and reflecting. It includes “themes of divorcing the past, legitimizing the present, forgetting through remembering, and experiencing the past, even a horrific past can be mostly left behind and its effects on the present can become less threatening.” With sensitivity to these issues in mind, these sites become important places of civic commemoration.

Commemorative culture in South Africa also highlights the new, unified South African identity that prioritizes democracy and majority rule by the black population. Political leader Mandela introduced the idea of the Rainbow Nation identity, which represented a bright and hopeful future as well as a coming together of a country that was once separated by black and white. The aim of commemorative

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198 Ibid, 73.
199 Ibid.
projects put together by the government was “consensus and by implication a somewhat universalistic, new South African, Rainbow Nation identity.”

In constructing this new identity, the South African experience and future becomes inherently shared and unifying as the country moves forward toward democracy and equality: “South Africa is caught in a delicate balancing act between continuity and discontinuity, an emphasis on a radical break with the past and simultaneous continuity in the interest of reconciliation and in line with the principles of the new constitution.”

The notion of unity, a shared past, and a new identity brings together the culture of civic commemoration that fuels memorialization in South Africa.

Another similarity with the Rwandan process is the establishment of public commemorative events and holidays by the government that allow for remembrance on a national scale. As Marschall writes, participation in these events is an important part of civilian life for South Africans: “Public holidays constitute the most pertinent occasion for official processes of remembrance linked to the narrative of the nation… in South Africa today attendance of commemorative functions on public holidays is increasingly portrayed as a civic duty.”

As we saw in Rwanda, official and national commemoration practices allow for large-scale unification and demonstrate the state’s seriousness and commitment to the cause: “Public commemorative functions, where the essentially private affair of mourning the dead and remembering the suffering is institutionalised and turned into a public

\[200\] Ibid, 74.


\[202\] Sabine Marschall, *Landscape of Memory Commemorative Monuments, Memorials and Public Statuary in Post-Apartheid South-Africa* (Leiden, the Netherlands: Brill, 2010), 102.
activity.”203 The public commemoration and remembrance fits strongly into the mold of civic commemoration.

The commemoration practice in South Africa has sometimes been contested, but the country has largely rejected militant commemoration. Despite a strong desire for a comprehensive commemorative program, the field has been mostly male-dominated. For example, in the 2000 process of building the Durban Heroes Monument, “the committee soon decided that the initially envisaged focus on ‘fallen heroes of the struggle’ would be too exclusive and male dominated… [and] would clash with the new image that the City of Durban… tried to project, marked by inclusive ‘rainbow nation’ values, broad recognition of everybody’s contribution, and an optimistic outlook on the future, rather than dwelling on the suffering of the past.”204 To combat this, the committee broadened the definition of hero to honor both men and women “in a wide variety of fields, and opened the door for a popular multitude, rather than a select few, to be commemorated and celebrated.”205 Here, we see how the government and civilian population worked together to maintain a culture of commemoration that remained civic and did not engage too much with the militancy of the past.

Still, there is a noticeable lack of women in South African commemoration. As Marschall writes, very few statues or memorials have been erected in honor of women.206 Perhaps the largest issue is the male-dominated monument committees

205 Ibid.
involved in the decision-making process. Still, there has been a private sector initiative to include women, demonstrating a strong civilian interest in inclusivity. As a result, this project has created “seven public memorials in honour of women, which was examined in terms of gender stereotypes and their positioning towards the conventionalism of the historically male-dominated public monument genre.”

Still, the government has not been involved in a program that prioritizes women in commemoration.

This section has outlined South Africa’s interaction with commemoration, demonstrating the civic nature of most of its memorialization processes. The notions of unity, a shared past, and a new identity are prioritized in the civic commemoration process through memorial sites, museums, and public holidays. Though women are not represented on an equitable level, there is still a consciousness among civilians that the process ought to be as inclusive as possible.

After discussing the process of civic commemoration in South Africa, we will now explore the country’s relationship to restorative justice post-apartheid.

**Restorative Justice**

Restorative justice in post-conflict countries is a crucial resource that focused on truth-finding and peace-building in order to reconcile with the past and move toward a unified future. Restorative justice focuses on administering justice for victims in a community-based setting. While many post-conflict countries have engaged with restorative justice in some way, South Africa is known for its historic Truth and Reconciliation Commission (TRC): a court-like body that worked to

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207 Ibid, 277.
208 Ibid, 260.
adjudicate human rights violations and crimes committed during the apartheid. In this section, we will investigate the TRC’s success as well as evaluate its inclusion of women.

This section will begin with a brief explanation of the Truth and Reconciliation Commissions and then turn to its comprehensive nature. At the same time, we will look into the way some communities were neglected as a result of the parameters of the TRC, especially women. Next, we will look at the pushback from women’s groups against a system that they felt excluded them. Finally, I will mention another restorative justice program that included women and does not receive nearly as much attention as the famed TRC.

The Truth and Reconciliation Commission was a comprehensive restorative justice program that sought to deal with South Africa’s past and hold communities accountable. It is important for restorative justice programs to be well thought out and organized, and the TRC set the standard for future programs. Central to the TRC was the mission of restorative justice: “The process of the TRC implicated a wide spectrum of society [and] was clearly committed to the restoration of victims.”

The TRC helped hold communities accountable by hearing cases of serious human rights abuses, but also included the institutions of South African apartheid government that maintained white supremacy: the commission held “special hearings to examine the role of South African institutions in supporting apartheid. These hearings focused on the political parties, business and labor, the faith community, the legal system, the

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health sector, prisons, and compulsory military service. These investigations did not focus on individual acts, but rather on how apartheid operated as a system.\textsuperscript{210} In its inclusion of both local communities as well as larger aspects of South African society, the TRC provided a comprehensive restorative justice program that could deal with the past in a holistic manner.

Despite these achievements, the program did often neglect some populations. Because of the nature of the TRC, the focus was on gross human rights abuses, like “killing, abduction, torture, or severe ill treatment.”\textsuperscript{211} Thus, communities that suffered the everyday realities of apartheid and political violence did not receive adequate attention: “Millions of ordinary people, especially women, who suffered from the structural violence of apartheid but who were not victims under this narrow definition will not receive any compensation.”\textsuperscript{212} Though the TRC program itself was comprehensive, the sole inclusion of serious crimes instead of a more wide array of offenses.

However, women-based organizations pushed back against their exclusion. Women who felt as though they were not receiving adequate attention in the process called on the TRC to be more inclusive. As a result, the TRC “held three all-women hearings in which women were encouraged to tell their own stories of human rights violations.”\textsuperscript{213} Similar to the issue of militant commemoration, the South African peace-building coalition was not always inherently inclusive, but responded well to


\textsuperscript{212} Ibid.

\textsuperscript{213} Graybill, 1.
appeals from communities that were marginalized. All-women hearings allowed for safe community spaces for women to discuss the lasting legacy of apartheid that was unique to them.

Though the historical TRC is often cited as the central restorative justice program in post-apartheid South Africa, there were other important programs that aided in the rebuilding of the country. Community Peace Programs (CPP), for example, were more localized practices of restorative justice in which communities demonstrated “their commitment to a consensus-based, reparative approach to dealing with crime, peace committees reflect restorative processes and values.”\textsuperscript{214} At the township level, CPPs played the missing role of addressing day-to-day problems in the post-apartheid era and are an important part of the South African restorative justice system in general.

CPPs also provide a more localized form of restorative justice that is attune to inclusivity. As Roche writes, CPPs contrasts strongly with the history of the TRC as being mainly run and executed by men: “peace committees have attracted membership from a wide cross-section of local communities… 58 per cent of the participants are women… and 65 per cent of the… members who facilitate gatherings are women.”\textsuperscript{215} Essential to the CPP code is the undertaking of domestic violence.\textsuperscript{216} In focusing on a specific gender-based issue like this, the CPPs demonstrate their commitment to breaking the cycle of the exclusion of women.

\textsuperscript{215} Ibid, 521.
\textsuperscript{216} Ibid, 526.
This section has highlighted South Africa’s famous Truth and Reconciliation Commission, where the restorative justice program helped move the country forward towards a full democracy with majority rule. The program was comprehensive in that it was well-organized, national, and holistic. However, due to the need for the crimes addressed to be serious human rights violations, other negative effects of apartheid were not discussed. This excluded many vulnerable communities and populations, especially women. However, with pushback from women’s organizations, the TRC allowed for space to address women’s issues. At the same time, other institutions like the Community Peace Programs operated at the local level to deal with everyday crime and effects of apartheid, with a special consideration for women.

After discussing the importance of the Truth and Reconciliation Commission in South Africa, we will now examine the inclusion of gender quotas.

*Gender Quotas*

Gender quotas are measures taken by a nation, legislative body, or political party in order to ensure the inclusion of a certain portion of women in politics. For post-conflict societies, the incorporation of gender quotas in the rebuilding of government can be indicative of a desire to be more inclusive of women. This section will consider South Africa’s use of gender quotas in the post-apartheid era.

First I will highlight the ANC’s status as a frontrunner in the implementation of gender quotas. Next, I will credit the feminist activist’s that were part of the rebuilding movement in pushing a pro-women legislative body. Finally, I will emphasize the success of the gender quotas in producing women-centered legislation.
The African National Congress was an early supporter of the inclusion of women in government. In 1990, the ANC National Executive Committee issued a statement acknowledging “that the experience of other societies has shown that the emancipation of women is not a by-product of national liberation or socialism. It needs to be addressed in its own right within our organisation, the mass democratic movement and in society as a whole.”\textsuperscript{217} Evidently, in the early years of peace process negotiations the ANC was already conceptualizing what a rebuilt, democratic, and inclusive South African government would look like.

Soon after, in 1994, the ANC introduced quotas in the first post-apartheid democratic election, marking their status as frontrunners in the gender quota movement in Africa.\textsuperscript{218} The party adopted 30% quotas for women on their candidate lists on the National Assembly elections, which quickly lead South Africa to the number 10 spot on the United Nation’s list of women in national parliaments in 2018, though it has held even higher positions in the past.\textsuperscript{219}

The ANC and its dedication to democracy in the South African peace process allowed for the space for women activists and feminist organizations to have a say in the rebuilding of government. Many South African women were involved in the constitutional negotiations and “worked hard to secure a closed list PR system, recognizing that such a system had brought larger numbers of women to parliament in other countries, and they lobbied within their parties for the use of quotas, selective

recruitment and mentorship.”220 With this collaborative effort, the gender quotas were a great success.

Besides the descriptive representation of women in South Africa, Parliament also passed several pieces of women-centered legislation following the quota implementation. As MPs, women have provided leadership for several important legislative acts: “the 1996 Choice on the Termination of Pregnancy Act that extends the right to abortion on demand to all women, the 1996 Films and Publications Act that provides protections against the degradation of women and children and the 1998 Domestic Violence Act that increases the legal and institutional protection for victims of domestic violence, among many others.”221 Based on these accomplishments, it becomes clear that South African women MPs represented a feminist cause that worked hand in hand with the democratization of the state. As a result of feminist collaboration with the ANC, South Africa secured a successful gender quota system.

This section has highlighted the favorable outcomes of the South African gender quota system. I have noted the significance of ANC being one of the first political parties in Africa to include quotas and the space available for feminist activists to lobby for their inclusion. As a result, South Africa has a well-functioning gender quota system that allows for the passage of women-centered legislation, like abortion rights and gender-based violence.

Conclusion

This study of the South African case has several important takeaways for the purpose of this study: the first being that collaboration is essential to an inclusive

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220 Ibid.
221 Bauer, 357.
peace process. Due to the extensive negotiations between the National Party and the ANC, the ending of violence and transition into a peace-building anti-apartheid movement allowed for ample voices to be heard. The cooperation between the opposing sides led to the signing of several important agreements and pieces of legislation.

The South African case also underscores the importance of civic commemoration. The memorialization program in the country prioritized remembrance and history through a unifying array of historic sites, museums, and public holidays. The South African community, despite its segregated past, can come together to remember those who suffered during apartheid and build a new identity of integration together.

Finally, South Africa once again highlights the importance of restorative justice and gender quotas. Both the Truth and Reconciliation Commission and the gender quota program have allowed for the inclusion of community members and women in the rebuilding of South African government and society. With the help of these institutions, South Africa continues to reckon with the past as a unified state building its new future together.
Conclusion

“All too often the doors of tradition are slammed in women’s faces. Yet traditions are both the outcome and the record of past political contests, as well as the sites of present contest. In a nationalist revolution, both women and men should be empowered to decide which traditions are outmoded, which should be transformed and which should be preserved. If women have come to do men’s work, men have not come to share women’s work.”

Introduction

This project has interrogated four case study countries of Northern Ireland, the Basque Country, Rwanda, and South Africa via four factors of Cessation of Violence, Type of Commemoration, Restorative Justice, and Gender Quotas in order to assess how these factors have affected each country’s inclusion of women in the peace-building process. Each country represents a unique and distinctive narrative, while each factor provides key insight into different aspects of a post-conflict society, from the early stages of ceasefires to the re-writing of constitutions in order to institute gender quotas. For all four countries, I have conducted a process tracing-based analysis of the case study through the lens of each of the four factors, resulting in some conclusions regarding the country case as a whole. With the process tracing method, I have extracted important events and facets of each case study and analyzed their significance in a historical and detail-oriented approach. Such a use of process training can be extremely beneficial to this comparative study, as it provides insight

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into similar cases by emphasizing critical junctures and focal points, as well as contextualization. This section will review as well as summarize the project and finish with some larger conclusions.

There is often a gender bias in the study and interpretation of conflict. In fact, women are often disregarded as a key factor in scholarly work on the topic. As a result, narratives surrounding post-conflict countries are not holistic. At the same time, post-conflict countries themselves, in their processes of peace-building, disregard women. Despite the prevalence of women both on the frontlines and behind the scenes of major conflicts, they are neglected by the countries they fought for and ignored by scholars. Our perceptions of women and conflict are often heavily skewed by masculinized and patriarchal outlooks on history. There is the sense, in both academia and culture, that women do not and cannot participate actively in violent or serious conflict. On the contrary, women in post-conflict societies are more than just passive victims. Instead, they can be active agents of both violence and change, contributing in major ways to the future of the country and its peace-building. However, without adequate attention paid by the state and other peace-making actors, both their contributions and need for support are neglected. This study has focused on filling in these gender gaps in the study of post-conflict countries, demonstrating how the inclusion of gender as a part of conflict resolution is key to the prospect of enduring peace.

The lack of women’s stories and analysis of women’s representation permeates the field of post-conflict studies. Each of the four case study countries, in the process of peace-building, has contributed to the creation of social and cultural
memory. Without women in this process, the past, present, and future remains falsely masculinized. The gender gaps leave space for the continuation of violence, hatred, and patriarchal society. Thus, discovering factors that have the potential to indicate a more women-focused peace-building process and highlighting countries that have implemented a more feminist agenda contributes to the inclusivity of post-conflict studies. Each case study and factor was carefully selected after much research into crucial focal points in the peace-building process. Similarly, each country represents an important post-conflict society in which notions of identity, nationalism, and transformation are essential.

The structure of this thesis has, thus far, consisted of my use of the four factors as lenses by which to analyze each case study. In this concluding chapter, we will shift this perspective and look to each factor independently in order to discover what insights can be gleaned from a change in the positioning of this analysis.

Factors

Each case study’s analysis through the lens of the four factors of Cessation of Violence, Type of Commemoration, Restorative Justice, and Gender Quotas presented its own unique and relevant history for the analysis of the inclusion of women in post-conflict countries. Between this project’s study of Northern Ireland, the Basque Country, Rwanda, and South Africa, there are several important trends that emerge. A comprehensive plan for the Cessation of Violence, and Gender Quotas have both proven to be steps in the right direction for inclusive peace-building, while the Type of Commemoration and Restorative Justice measures do not appear to have as much significance when it comes to the inclusion of women.
Cessation of Violence

In comparing the four cases as they relate to the Cessation of Violence, it becomes clear that there is a distinction between the Northern Ireland and Basque cases on the one hand, and the Rwandan and South African cases on the other. In Western Europe, there is a lack of a comprehensive peace agreement or negotiations. In Northern Ireland, the Belfast Agreement did not contain a holistic plan for peace and was the result of pressured negotiations to end rampant violence in the country. As a result, the Agreement did not include women as a community that deserved attention. Meanwhile, in the Basque Country, there was a complete lack of coming together between ETA negotiators and the Spanish government, resulting in virtually no collaboration to put an end to violence and plan for peace. Both of these cases demonstrate a lack of cooperation between opposing sides and, as a result, produced limited documents of concurrence or peace-building plans.

On the other hand, the African cases illustrate a focus on comprehensive rebuilding of government and steps toward peace. For the Rwandan case, there was a concentration on establishing a transitional government on the part of the RPF, and a sense of national unity stemming from the leading party that propelled the country forward after catastrophic tragedy. In South Africa, the National Party and ANC came together to work on comprehensive negotiations, which resulted in several inclusive and sweeping peace agreements. Here, we see the contrast between the European cases, in which the Cessation of Violence was either rushed, limited, or nonexistent, whereas in Africa, violence was stopped and negotiations turned toward peace-building in an expedient and considerate way.
For the Cessation of Violence factor, it becomes clear that there was a national unity and commitment to peace present in the African cases, judging from the way the early stages of peace-building were handled by political elites and negotiations. Such collaboration and deliberate work was not present in the European cases.

Type of Commemoration

The Type of Commemoration factor provided some important context for the post-conflict culture and social memory in each country, but did not provide significant insight into peace-building. However, there was another divide between the European and African cases that should be noted. In Northern Ireland and the Basque Country, commemoration focused on militants and continued to fuel citizen beliefs in the validity and continuation of the conflict. Additionally, there was an absence of adequate representation of women. In contrast, Rwanda and South Africa both instituted a national project of commemoration, which resulted in a civic culture that focused on civilian deaths and memorialization. Still, it remains to be seen whether civic commemoration includes more women and/or speaks volumes with regards to peace-building.

Restorative Justice

The Restorative Justice factor is another in which there was a divide between Europe and Africa, but also does not provide significant insight into the inclusion of women. Northern Ireland and the Basque Country do not have large-scale restorative programs post-conflict. Because of this, there is still a great deal of acrimony between sides and a lack of reconciliation. In the African cases, however, both Rwanda and South Africa implemented national restorative justice projects, the Gacaca Courts and
the Truth and Reconciliation Commission, respectively. Each of these institutions became famous in its own right, leading the way toward a future of restorative justice implementation. Though they were not perfect, they demonstrated a sense of desire for reconciliation among the leadership and citizenry. This sentiment, as I have argued, may demonstrate a desire for comprehensive and inclusive peace-building, but for the purpose of this study did not provide as much insight as was initially thought.

Gender Quotas

Gender Quotas represents another important factor in which the actions taken by each country display a commitment to women and an inclusive & peaceful future. In Northern Ireland, the establishment of the devolved Parliament did not feature plans for inclusivity in the form of quotas. Women were overlooked in this crucial rebuilding moment. Alternatively, the Basque Country has implemented quotas, but they have not put women in leadership roles or positions in which they have been involved in peace-building. Though there is a distinction between these two cases, there is again a strong contrast between the European and African cases.

Rwanda was a leader for its time in the implementation of gender quotas at parity (50%). The government went through a true transformation that incorporated women into the re-building process. The RPF came out in support of women and made sure to instate a constitutional amendment in order to institutionalize the practice. Following this, Rwandan culture became more accepting of women in leadership and women of all walks of life were affected positively. In a similar fashion, the ANC’s introduction of gender quotas in South Africa allowed for a
massive jump in the number of women in Parliament. Soon after, this cohort passed essential pro-women legislation, including abortion rights and anti-domestic violence measures. Here, both the African case studies in this project establish themselves as leaders in the gender quota movement, and remain among the top rankings for women in Parliament worldwide.

For the Gender Quotas factor, it is evident that a sense of national unity and a desire to include women in politics was important for the African cases, noting the significance of established gender quotas as a form of re-building government and working towards peace & reconciliation.

Further Conclusions

The importance of the Cessation of Violence and Gender Quotas factors is noteworthy. Both are bookends in the larger process of peace-building: with initial stoppage of violence occurring early on and government reform like gender quotas coming much later. Also, both factors require large-scale government action, unlike restorative justice and commemoration, which can be community-led and small-scale. The nature of these two factors, and the Rwandan and South African cases’ success with them, indicates a larger judgement regarding the foundational support for peace-building in a country that has experienced conflict. Both factors required a sense of unified support in the form of an inclusive, nationalist message. The form of nationalism present in each case study ends up being an important piece of this story. We will now turn to the idea of gender and national unity in order to further investigate.

Gender and National Unity
The significance of comprehensive peace agreements and substantial gender quotas indicates the need for a sense of national unity for post-conflict countries that includes a gendered perspective. In differentiating between Northern Ireland, the Basque Country, Rwanda, and South Africa, it becomes clear that there is a division between cases regarding the relationship between gender and nationalism. For the Northern Ireland and Basque cases, there exists little connection between the women’s agenda and the nationalist cause. While, on the other hand, Rwanda and South Africa both demonstrate a commitment to the inclusion of women through their unifying sense of nationalism.

Feminist scholar Anne McClintock works toward a feminist theory of nationalism in “Gender, Nationalism and the Family.” Within this transformative piece on the importance of analyzing nationalism through a gendered lens, McClintock emphasizes nationalism as “constituted from the very beginning as a gendered discourse, and cannot be understood without a theory of gender power.” She notes the secondary status of feminist goals in national movements that claim to be inclusive: “To ask women to wait until after the revolution [for liberation], serves merely as a strategic tactic to defer women’s demand.” Thus, she recommends nationalist projects to be transformational in their “analysis of gender power,” so that the nation does not remain “a repository of male hopes, male aspirations and male privilege” following the revolution. In McClintock’s theorizing, nationalist movements must include men and women in order to have a comprehensive plan for

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224 Ibid, 77.
225 Ibid.
revolution and radical change. Below, I will emphasize the conclusion that the notion of an inclusive feminist nationalism, as outlined by McClintock, can become a reality for some of this project’s case study countries.

For both Northern Ireland and the Basque Country, there is a strong history of exclusion between women & feminism and nationalism. For the Northern Irish case, patriarchy has dominated rebellion against British colonialism – men have been the social and political leaders of the mainstream Irish republican movement. As a result, the Irish women’s movement and the Irish republican movement have not been unified struggles. As Aretxaga writes, “the problem of defining a Nationalist-feminist subject is fraught with difficulties… Nationalist-feminists have to contend in Northern Ireland with a permanent split between anti-imperialist positions and feminist positions that both exclude them.”

Especially during the peace-building process, the vibrant and highly-mobilized women’s groups did not receive any attention by ceasefire negotiators and political elites: “After the ceasefires there was a terrific lot of talking but this has been dissipated. The key issue is being defined by nationalists as all-party talks, and they are spending all their energy on attacking the intransigence of the British for not allowing the talks to go ahead. The women’s agenda is being left outside.” The history of discord between feminism and nationalism in Northern Ireland reinforces the lack of unity present in the peace process, such as the absence of a comprehensive ceasefire and gender quotas.

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The Basque Country has a similar history of a disparity among issues of gender and nationalism. As a movement, the gender politics of groups like ETA were not sensitive to feminist or women’s causes: “ETA’s gender politics were similar to those of many other 20th-century nationalist movements. Conservative nationalism, combined with the reactionary social and political environment of Franco Spain, including a marked gender hierarchy, helped ensure that the new radical nationalism would be a predominantly male movement.” Studies of Basque nationalist pedagogy confirm this history and demonstrate how the androcentric history is enacted in schools and modern society: “Textbooks present men as the exemplary Basque speakers and cultural agents by erasing women’s contributions to Basque language and culture.”

Much like the Northern Ireland case, Basque nationalism has a history of excluding women and has not collaborated with women’s groups or feminist causes. Both cases have not seen a radical change to this status quo in more recent years.

On the other hand, Rwanda and South Africa have made women a priority in their nationalist movements. For the Rwandan case, women’s inclusion dates back to before the genocide: “Intergenerational power relations were shifting prior to 1994, as were gender norms and cultural values.” Moreover, women’s representation has been integrated into the rebuilding of government via the Rwandan Patriotic Front: “the Rwandan government [has] taken many steps to increase the participation of

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women in politics, creating a Ministry of Gender, organizing women’s councils at the cell, sector, district, and provincial levels, and instituting an electoral system with gender quotas for the national parliament.” As Burnet argues, “Through its policies, the RPF has linked gender equality to nationalism.” While the country moves forward toward further peace-building and democracy, “Ethnicity has been banned, even gender divisions are said to be gradually disappearing, and Rwandan society is moving into a new era.” The linking of feminism and nationalism in by Rwandan government has propelled the country forward.

At the same time, South Africa has also pushed forward on issues of feminism and nationalism. On May 2, 1990, the National Executive of the ANC affirmed the party’s commitment to women’s rights: “the experience of other societies has shown that the emancipation of women is not a by-product of a struggle for democracy, national liberation or socialism. It has to be addressed within our own organization, the mass democratic movement and in the society as a whole.” As McClintock writes, such a statement “is unprecedented in placing South African women's resistance in an international context, in granting feminism independent historic agency.” The coalition of white South Africans and the ANC that worked to put an end to apartheid paid attention to women’s issues in their comprehensive negotiations, resulting in a holistic and inclusive peace agreement as well as gender quotas.

232 Ibid, 386.
234 McClintock, 76.
235 Ibid.
It appears as though a strong background of inclusive nationalism can propel a peace-building project forward. Paired with a proper Cessation of Violence and Gender Quotas, a sense of national unity through inclusive nationalism allows for the consideration of women during these two important junctures in the peace-making process. An attentiveness to women must exist in the national consciousness, but also must be affirmed by government and peace-building actors during the Cessation of Violence and through the implementation of Gender Quotas.

**Concluding Remarks**

This comparative study of four post-conflict countries through the lens of key factors in the peace-building process has demonstrated the ability of an inclusive and feminist nationalist project to aid in the success of conflict resolution. It is evident that the dual neglect of women, by both peace-makers and scholars in the field, has allowed for the disregard of women in the realities of peace-building and the study of post-conflict societies. The intertwining of a feminist and nationalist ideology can be a positive force for transformative change.

**Recommendations for Future Study**

The application of the framework of this project to other post-conflict countries has the potential to provide even more significant analysis. Some excellent cases could be Kurdistan as well as Sri Lanka, each with its own complexities related to ethnicity, independence, and national unity. The Zapatistas are another possible case study, known for their far-left nationalism and inclusion of indigenous feminism.

Another option would be to continue this work while also introducing new factors or countries with more similarities. Type of Commemoration and Restorative
Justice proved to be less significant, thus leaving space for the addition of alternative factors. The four countries for this study have varying levels of conflict, occur during different periods, and deal with different ethno and linguistic nationalisms. Case studies with more of a likeness have the possibility of providing more analytical data.

Finally, it would be fascinating to see a similar study focusing on different marginalized identity groups, like queer people or young people, for example. It is clearly established that most conflicts and resolutions are male-dominated, but the effect of this exclusivity can be varied and detrimental to different populations in distinct ways.
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