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Towards an inclusive peace: women and the gender approach in the Colombian peace process

The peace process between the Colombian government and the FARC-EP guerrilla has provided a unique opportunity not only to reunite a society torn apart by conflict, but also to build a more just peace that responds to the needs and rights of both men and women. The establishment of the Sub-commission on Gender as part of the formal peace architecture has turned out to be an effective instrument for gender inclusion in the peace process. The peace agreement signed in September 2016 was by far the most inclusive peace agreement in history. When a narrow majority rejected it in a plebiscite the following October many feared that gender would be sacrificed to accommodate those who voted no. However, in the renegotiated peace agreement that was ratified by Congress and entered into force in December the gender focus is not weakened. Rather, the language is clarified and has become more precise. Experiences from Colombia offer valuable insights for other peace processes on opportunities for and challenges affecting inclusion.

Introduction

The United Nations Security Council has adopted seven resolutions on the issue of Women, Peace and Security since the historic Security Council Resolution (SCR) 1325 was passed in 2000 (PeaceWomen, n.d.). These resolutions aim at ensuring women's equal participation and full involvement in all efforts to maintain and promote peace and security, and to fight against conflict-related sexual violence. The resolutions attempt to ensure that women's leadership and the protection of women's rights are promoted in all peace processes and peacebuilding efforts. For successive Norwegian governments, the Women, Peace and Security agenda has been high on their list of priorities, underpinning the formulation of both domestic gender policy and foreign policy. Norway adopted its third National Action Plan on Women, Peace and Security in 2015.

Since the adoption of SCR 1325, global support for and understanding of the need to focus on women's participation and gender equality in peace processes have increased significantly. At the same time, however, parties to conflict, facilitators, and mediators have often failed to translate intentions into action and to secure the fulfilment of women's participation and rights in negotiation agendas and peace processes.

The armed conflict in Colombia has lasted for more than 50 years. It has had serious humanitarian consequences and caused much suffering among the civilian population. The conflict has affected men and women differently, however. Whereas men are over-represented in the statistics of homicides, forced disappearances and kidnappings, women are over-represented as victims of sexual and gender-based violence and displacement (see Victims' Unit, 2017). In this regard it is important to note at the outset that women and men have different roles

both between and among themselves and are part of a broader conflict picture. Women are not only victims: they are also peacebuilders and peacemakers. Women are also combatants and perpetrators of violent crimes, spoilers, engaged actors, and indifferent citizens. The gender approach – i.e. including women’s perspectives in attempts to resolve the conflict – is hence in no way a soft issue.

The Colombian peace process: an opportunity to reaffirm the global Women, Peace and Security agenda

The peace process between the Colombian government and the Fuerzas Armadas Revolucionarias de Colombia – Ejército del Pueblo (FARC-EP) provided a unique opportunity not only to reunite a society torn apart by conflict, but also to transform Colombian society and move it towards a greater affirmation of justice and equality. It was also an opportunity for Colombians and the international community concerned with the SCR 1325 agenda to implement longstanding recommendations and best practices in a comprehensive peace process.

Together with Cuba, Norway served as a facilitator (“guarantor country”) during the exploratory talks with the FARC-EP that were initiated shortly after President Juan Manuel Santos was elected president of Colombia in 2010. Norway’s and Cuba’s role as facilitators continued when the formal peace negotiations were launched in Oslo in October 2012 and then transferred to Havana, resulting in a peace agreement in 2016. Early in the process gender was identified as one of three priority areas in Norway’s facilitation efforts.¹

During the negotiations the Norwegian team of facilitators worked towards assisting the parties to live up to the promises made in the Women, Peace and Security framework and the expectations of large parts of Colombian society. From the outset, these expectations were effectively articulated by a vocal, experienced and knowledgeable civil society, and in particular by the many active women’s organisations in Colombia. It is mainly thanks to them, and to the negotiators in the delegations of both parties involved in the peace process, that gender became an important issue in the talks.

The women’s movement in Colombia is strong and vocal and women also lead many Colombian NGOs. But there is no unified women’s movement bridging political divides, and several issues separate women’s organisations rather than unite them. In terms of the peace process, there were differing views on several issues, but women’s groups and the lesbian, gay, bisexual, transsexual,

1 The other two focus areas have been transitional justice and combating land mines. To ensure a gender perspective, one person in the Norwegian facilitation team had a special responsibility for this and was later included as a gender expert in the Sub-commission on Gender.

and intersex (LGBTI) movement managed to unite across ideological and political divides on some fundamental issues.

There is no doubt that the normative framework for gender equality in Colombia is solid. However, this has not yet transformed into real conditions of equality and guarantees for women’s rights, and Colombia still lags behind in terms of the political empowerment of women.² In President Santos’s cabinets in both his terms in office, however, female participation has been significant, responding to the mandatory 30% equality provisions in Colombian law.

Within the FARC-EP, women comprise approximately 40% of the guerrilla force. At the regional and local levels the organisation has had many female commanders and in the field the guerrillas have practised relative equality in their daily lives. The top leadership has, however, been made up exclusively of men and the organisation has not been immune to patriarchal tendencies.

The peace process – and the incremental inclusion of gender

Both the government and the FARC-EP made a promising start by including women in their small delegations at the very beginning of the confidential phase of the talks.³ However, in the 2012 framework agreement that constituted the agenda for the formal talks, there was no mention of the gender approach or women’s participation. The parties wanted the agenda to be as short as possible and to avoid references to international documents. The perception was that it would be difficult to mention some groups or interests and exclude others; in other words, it would be difficult to limit inclusion.

At the public launch of the peace process in Oslo in October 2012 it was evident that neither of the two delegations had made room for any women at the main negotiating table. Over time, however, the parties increasingly recognised the need to include a gender approach to strengthen the legitimacy of the peace process both at the national and international levels. This is not to say that women were not part of both sides’ efforts from the beginning of the negotiations, but their role undoubtedly became more pronounced and visible over time. One such example is the establishment of an internal

2 In the Global Gender Gap report by the World Economic Forum, Colombia is 66th of 144 countries in terms of the political empowerment of women (see WEF, 2016). UN Women notes that despite the considerable improvement over the last 20 years, Colombia remains one of the Latin American countries with the least number of women in political life. The number of women in elected positions increased from 6% to 11%, and women representatives in Congress increased from 7% to 21% (ONU Mujeres, n.d.).

3 Albeit only two of seven and one of six, respectively: Elena Ambrosi and Lucía Jaramillo Ayarme for the government, and Sandra Ramírez for the FARC-EP.

group within the FARC-EP focusing on women, Mujeres Farianas. Another example is the decision by the parties to give the gender issue a prominent place in the web page for the peace process.

In Colombia, women's groups were pushing for their inclusion from the inception of the peace talks. Because of these articulated advocacy efforts, a summit on women and peace was organised in late 2013. Five hundred women from all over Colombia gathered to promote the participation of women in peacebuilding efforts and provide input to the peace negotiations. These women agreed on three points:

- To support the peace process;
- to insist on the participation of women at all stages of the process; and
- to advocate strongly for the inclusion of concerns relating to how the conflict has affected women.

The Sub-commission on Gender: an important instrument to include women

The continued pressure from civil society, international bodies such as UN Women and women in the peace delegations was crucial in advocating the importance of the gender issue in and of itself.⁴ A concrete example of this was the launch in September 2014 of the Sub-commission on Gender in the talks (hereafter the gender commission).⁵ Its main purpose was to include the voices of women and review the peace agreement from a gender perspective. The commission consisted of representatives from the parties themselves. Establishing such a formalised mechanism to include the gender perspective in peace negotiations was unprecedented.⁶ Cuba and Norway each selected a gender expert and Norway supplied an international gender expert⁷ to provide technical advice to the gender commission when requested to do so. The commission could also draw on Colombian and other international experts. From the beginning the gender commission consisted of between five and six delegates from each party, including one man, despite the aim to include more. The composition varied over time, depending on the issue being dealt with and the presence of delegates at the negotiating table.

4 UN Women played a coordination role on behalf of the international community throughout the process, including in the women's visit to the peace talks in Havana and in synthesising their proposals.

5 See <<https://www.mesadeconversaciones.com.co/subcomision-genero/comunicados>>.

6 In the peace process in Sri Lanka a Subcommittee for Gender Issues (SGI) was established in 2002, facilitated by the Norwegian politician Astrid Nøklebye Heiberg. In this case the committee consisted of women outside the peace delegations who reported directly to the peace table. When the peace talks collapsed in 2003 the SGI also stopped working (Samuel, 2010).

7 Mireia Cano Vinas, currently based in Oslo with her consultancy firm Cano Gender Solutions.

To include the voices of the women, the gender commission invited several delegations of women to the negotiations in Havana. Three delegations of representatives of women's organisations and the LGBTI community were invited during the autumn of 2014 and spring 2015. The gender commission aimed at inviting a broad spectre of organisations representing various views, political affiliations and ethnic compositions, not only from Bogotá and provincial capitals, but also from rural areas. The format was inspired by the victims' delegations that were invited to Havana to comment and present proposals on agenda item 5, which dealt with victims' rights.

The direct participation of both women and victims at the negotiating table had an important impact.⁸ Firstly, testimonies and shared experiences of how the armed conflict had affected them brought the harsh realities from conflict-ridden communities in Colombia to the negotiating table in Havana. Secondly, the women brought concrete proposals to the negotiating table regarding various agenda items. Everyone agreed on the general recommendations that:

- women must be part of decisions that affect their future ("*pactantes y no pactadas*");
- women should be included in all aspects of the peace process; and
- an inclusive language should be used in the peace agreement.

Thirdly, the representatives met not only the gender commission, but were also welcomed by the leaders and large parts of the negotiating parties' delegations. This was important, because the heads of delegations made a commitment to integrate the gender approach into the peace talks, for which they could be held accountable.

The presence of and recommendations from the LGBTI community in Colombia also contributed to the inclusion of specific provisions on their concerns in the peace agreement.

In addition, there were visits to Havana by female leaders, parliamentarians, and experts in various fields, including sexual violence and gender equality. UN Special Representative on Sexual Violence in Conflict Zainab Bangura and UN Women Executive Director Phumzile Mlambo-Ngcuka were among those who met the delegations.

To include the gender approach in the ongoing discussions, the gender commission also decided that it should be represented in other mechanisms established at the negotiating table. For instance, representatives of the commission participated in the Technical Sub-Commission on the End of the Conflict, where armed forces representatives and FARC-EP commanders were discussing a bilateral ceasefire, the end of hostilities and the laying down of arms.

8 The victims' delegations comprised 62% women.

As the peace process approached its end, in May 2016 a group of former female combatants from other peace processes were invited to Havana to share their experiences of reintegration into civilian life. Female former combatants from Aceh (Indonesia), Colombia, El Salvador, Guatemala, Northern Ireland, South Africa and Uruguay participated. Many of the women emphasised the opportunities a peace agreement represents, as well as the fact that the fight for women's rights continues at full strength in male-dominated societies, as well as internally in their own organisations. The gender commission received valuable recommendations on how reintegration programmes should be designed to best respond to the needs of demobilised women. Education opportunities, job opportunities and psychosocial support were the central elements mentioned. It was vital for the gender commission, especially for the FARC-EP women, to be aware of these experiences to feed into their own imminent process of reintegration.

Reviewing previous agreements

Three partial agreements had been reached before the establishment of the gender commission in September 2014 (on rural development, political participation and resolving the drugs problem). The gender commission therefore had the daunting task of both ensuring that a gender approach was included in the ongoing discussions and remaining agenda items (the rights of victims, ending the conflict and implementation) and reviewing the texts of the three agreements reached prior to the commission's establishment. Although the guiding principle for the whole peace process was "nothing is agreed until everything is agreed", a gender review could risk reopening discussions on substantive issues that were considered closed. Another challenge was to find time for such a gender review in the heat of negotiations on other topics, and to eventually persuade both delegations to agree on the proposed changes. The review of the previous agreements was finally concluded in July 2016 and was celebrated by a high-level event in Havana.⁹

Results of the gender commission's work

One result of the gender review can be seen, for instance, in the agreement on rural development. The agreement now explicitly refers to ensuring women's right to the ownership of land. It also states that women should have preference in the distribution of land through the land fund, and should be given priority access to subsidies and credits.

The mandate of the Truth Commission is an example of the results of the gender commission's work on the

agreements that followed its establishment. The mandate states that a gender approach should be fully integrated into the work of the Truth Commission and that a special working group will be established within the commission with a view to achieving this. The working group will assist in various tasks to this end; for example, by organising special hearings for women.

When the establishment of the Special Jurisdiction for Peace was announced, it was made clear that there would be no amnesty for sexual violence. Under the Special Jurisdiction and the Peace Tribunal, which the parties agreed to set up to deal with past atrocities, sanctions imposed on those responsible for crimes would depend on the gravity of the crimes committed and the degree to which the truth is told. Colombians are clearly well on their way to establishing their own mechanism for transitional justice. This mechanism will not only deal with the past, but also focus on transforming society for the future. In this way, Colombians are seeking to prevent history from repeating itself and to put an end to mass violations of human rights, including sexual crimes.

An inclusive peace agreement rejected by the Colombian electorate

The peace agreement between the Colombian government and the FARC-EP signed in September 2016 was by far the most inclusive peace agreement in history. Not only did it give deserved attention to the rights of women and the SCR 1325 agenda, but it also included the rights of members of the LGBTI community. Partly because of this progressive language, a narrow majority rejected the agreement in a plebiscite held on the following October 2nd. Voices from the former Colombian ombudsman, charismatic evangelical churches and parts of the Catholic Church had criticised the peace agreement for promoting a "gender ideology", which was wrongly portrayed as threatening traditional family values.

However, the provisions in the peace agreement were fully in line with existing Colombian legislation; in other words, the agreement would not have gone further than the progressive normative framework on women's rights and non-discrimination that already exists in Colombia. The negative campaign against the gender approach was partly due to a successful misrepresentation of the gender provisions of the agreement to mobilise conservative sectors of society against the peace agreement.

The final agreement: more stringent language on gender

After the referendum, President Santos called for a national dialogue, in particular with those political leaders that had campaigned against the peace agreement, in order to save the peace process. Following the national dialogue, the Government and the FARC-EP met during intense sessions in Havana to renegotiate the agreement. Many feared that the gender perspective was something

⁹ See <<https://www.mesadeconversaciones.com.co/comunicados/comunicado-conjunto-82-la-habana-cuba-24-de-julio-de-2016>>.

that the parties would easily sacrifice to accommodate the sceptics. A few dedicated people worked night and day to review and refine the texts on gender.

The language is changed to some extent in the renegotiated peace agreement.¹⁰ It avoids the term “gender perspective” and rather includes a definition of a “gender approach”, emphasising the impact of the armed conflict on women. The number of references to “gender” is reduced, but its content is more clearly specified. For instance, regarding political participation, instead of “gender equity”, the agreement now refers to “the equitable participation of men and women”. In another example dealing with rural development, the agreement previously stated that “measures to overcome poverty should have a gender focus”. The new agreement specifies that “to overcome poverty, specific and differential measures should be implemented ... to achieve the effective equality of opportunities between men and women”. To conclude, the gender focus is not weakened in the new agreement, but rather strengthened: the language is clarified and has been made more precise.¹¹

The special concerns of the LGBTI community are also maintained in the new text, especially under the principle of non-discrimination. The LGBTI community is also mentioned in the reference to “other vulnerable groups”.

Lessons learned from the peace process in Colombia

As we have witnessed in the peace process in Colombia, the mere presence of women around the negotiating table will not necessarily make a difference: rather, women must be able to influence the decision-making process. Gender equality is not just a “women’s concern”: it is the responsibility of all individuals and of society as whole, and it requires the active involvement of both women and men. It is not sufficient to establish a gender commission where women meet to discuss issues of gender equality. The work of the commission must have the full support of the delegations of the parties to the conflict, including their leaders. This is what made the gender commission in the Colombian peace process so successful.

One challenge was that the make-up of the gender commission changed over time. One of the main representatives in the government delegation resigned to become a political candidate in a regional election. Some of the FARC-EP commission members had to return to the field and were replaced by others. When new people were brought in capacity-building had to start afresh, but the involvement of more people may have ultimately had a positive effect by broadening the commitment to the gender agenda.

10 The new peace agreement was signed on November 24th, ratified by the Colombian Congress and entered into force on December 1st 2016.

11 All translations of text from the agreements are the authors’ own.

Perhaps one of the main lessons learned from the plebiscite is that it matters *how* gender is included in a peace agreement. A too repetitive and imprecise form of language on gender may have contributed to fostering the fear of a “gender ideology” and eventually contributed to the rejection of the agreement. Clarifying what is meant by a “gender approach” and specifying what this implies for each agenda item was a wise approach.

Finally, there is a need for dedicated people within the negotiating delegations to move the agenda forward. It would have been highly problematic – if not counter-productive – had the pressure for gender inclusion only come from the international community. Mainly thanks to these dedicated people in both delegations, the gender approach was maintained and the language improved in the new agreement. Another key factor for the inclusion of women was the strategic alliance between Colombian women’s groups and the strong and unwavering support provided by the international community.

Present and future challenges

So, what are the main challenges moving forward? As the guerrilla members gather in zones for normalisation, one main challenge they face is how to prepare themselves for civilian life. In terms of *reintegration programmes*, female ex-combatants from previous peace processes in Colombia found that programmes were not available when they needed them.

Experience from other contexts, including El Salvador and Guatemala, shows that women in guerrilla groups experienced relative equality with men in the field, but were expected to return to traditional gender roles after the peace agreements came into force. Reintegration programmes should consider the expertise and experience that female guerrillas have acquired, and permit them to find a new way of life based on their experiences and preferences.

Ultimately, the main challenge is the *implementation* of the peace agreement. The agreement provides for the establishment of a special unit that will ensure the continued integration of the gender approach and women’s rights into the implementation of the peace agreement. The unit will consist of representatives of six national and regional women’s organisations and will be in constant communication with the main commission established to follow up the peace agreement (the Commission for the Follow-up, Promotion and Verification of the Implementation of the Final Peace Agreement). To date, the special unit has not yet been formally established, but preparations for doing so are under way (Granados, 2017). Political, technical and financial support for this effort is essential. The peace agreement also provides for international support in terms of the gender dimension from the UN Secretary-General’s Special Representative on Sexual Violence in Conflict, the Women’s International Democratic Federation, and Sweden.

Gender champions are essential in the time to come. More than ever, the women's movement must unite on fundamental issues related to the implementation of the peace agreement. Internal tensions risk undermining a more concerted and powerful common influence.

In addition, priority should be given to strengthening institutions with a gender focus. This should include gender budgeting and a commitment by national and local authorities to include it in development plans and all institutional policies.

In light of the many challenges confronting Colombia in the post-agreement phase, it is crucial to ensure that gender is not de-linked from the implementation process and pushed aside as a separate issue by "more pressing" issues. Rather, priority issues should always have a gender focus, in line with the spirit of the peace agreement. For instance, a gender focus should be included in the laws that are currently being discussed in Congress for the fast-track mechanism and those that will be discussed later, and in developing the framework plan for implementing the peace agreement. Once more, in this innovative peace process Colombia has the chance to lead by example. At stake is a better and more inclusive peace for all – and an example for the rest of the world to follow.

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