



Complex realities and astute actors: Sudanese women's activism and UN Security Council Resolution 1325

By Liv Tønnessen

■ Executive summary

Sudanese women activists do not use United Nations (UN) Security Council Resolution 1325 to claim rights. During my eight years of engagement with women's activist from diverse backgrounds in the country I have hardly heard the resolution mentioned, except in the context of the Darfur conflict. It is understood narrowly by local actors to pertain to protection against gender-based violence, specifically sexual violence. In a Sudanese context, where the sitting president is facing an arrest order from the International Criminal Court for the systematic use of sexual violence in the Darfur conflict, needless to say the resolution is politicised and considered too "sensitive" to be dealt with. Nine years after the signing of the Comprehensive Peace Agreement that ended Africa's longest running civil war, no national strategy exists in Sudan to implement Resolution 1325, because "there is no political will" to do so.¹

Sudanese women as guests at the peace negotiation table

Although in the minds of Sudanese women activists Resolution 1325 primarily refers to the protection of women from sexual violence, the text covers a much wider range of areas dealing with women and peacebuilding, among which is the principle that a gender perspective should be adopted in the planning and implementation of peace operations and peace negotiations (Tryggestad, 2009: 540-41).

The negotiations leading up to the Comprehensive Peace Agreement (CPA) between the National Congress Party (NCP) and the Sudan People's Liberation Movement largely excluded women's perspectives,² and during the negotiations women were merely "guests at the table". According to Anne Itto, who served as one of the few female ministers in the Sudanese Government of National Unity until July 2011, "The role permitted to women during negotiations was based on a perception of them as passive victims of war, not active players in politics and society". She bluntly calls the CPA "a gender-blind agreement" (Itto, 2006).

In April 2005 Norway hosted a donor conference for Sudan in Oslo. Women were initially completely excluded, but a symposium on women's rights and leadership in post-conflict Sudan was organised as a parallel event. At the conference a group of 50 Sudanese women presented a common women's agenda for post-war reconstruction. The symposium brought together Sudanese women from across political, regional, ethnic and ideological divides. The recommendations dealt with issues ranging from women's political representation to law reform, gender-based violence, health, education and poverty reduction. Although the women used Resolution 1325 as one of their guides in the formulation of the recommendations presented in Oslo, it has remained almost invisible in the advocacy of Sudanese women activists. The Convention for the Elimination of Discrimination against Women (CEDAW) is more frequently debated, even though Sudan is among the few countries that have not ratified it (Tønnessen, 2011). The women's movement remains factionalised and deeply divided on important issues like the ratification of CEDAW, which, according to many Islamists within the current government, opposes Islamic law.

¹ Author interview with Amna Rahma, 2013. Dr Amna was one of few activists who had actually worked within the framework of Resolution 1325. I interviewed her a few days before her sudden death. She was a renowned activist who for decades worked at the Babiker Badri Scientific Association for Women's Studies at Ahfad University for Women. I dedicate this expert analysis to her memory.

² Darfur women were kept away from the first six rounds of negotiations at Abuja held under African Union auspices. For the seventh and decisive round they formed a Gender Expert Support Team to represent them, led by Safaa Elagib Adam, the secretary-general of the Community Development Association (author interview with Safaa Elagib Adam, 2012).

Mobilisation for a gender quota: an achievement of Resolution 1325?

Another important dimension of Resolution 1325 relates to women's representation. The resolution urges member states to increase the active participation of women in decision-making (Tryggestad, 2009: 540-41). In this area Sudan, together with many other post-conflict countries in Africa, has introduced a gender quota in legislative bodies.

Sudanese women successfully mobilised for a gender quota in the National Election Act of 2008, which ensured 25% women's representation in all Sudanese legislative assemblies.³ The initial draft of the Act presented in 2006 did not include a gender perspective. Despite the fact that the Sudanese women's movement is factionalised, they managed to advocate for the quota together. The continuous low representation that Sudanese women experienced in the country's elected and appointed parliaments throughout the post-independence period made them see the need for such a quota. Their demand for a quota dates back to preparations for the Fourth International Conference held in Beijing in 1994, and the signing of the CPA and the promised return to a multiparty system reignited discussions about the need to increase women's political representation (Badri & al-Nagar, 2013). In the words of a woman activist, the quota "breaks the silence in decision-making of a patriarchal political system".⁴

Although women's representation in decision-making is an important part of Resolution 1325, the resolution did not figure anywhere in the campaign for the quota. In their advocacy women activists referred in particular to the articles on affirmative action in the 2005 National Interim Constitution. The arguments they used for increasing women's political representation were not framed within a peace and security framework, however, as stipulated in resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009) and 1960 (2010). The arguments were presented from a human rights perspective that referred to international conventions and regional agreements and experiences that pointed to the cultural and patriarchal barriers standing in the way of women's political representation. Islamists emphasised complementarity, saying women and men are biologically different and thus represent different perspectives in politics. While men represent the "hard" elements of politics, women represent its "soft" elements, but both perspectives are important and necessary. Islamists also pointed to the time of the Prophet, when women participated in politics (Badri & al-Nagar, 2013). According to an Islamist,

We try to find a link between the time of Prophet Muhammad and the role given to women then and in today's society. We work hard to make the decision-

makers realise that it is important for women to participate in politics. It is part of the religion.⁵

But Resolution 1325 has featured extensively on the agenda of the international community. The resolution's coming into being in 2000 has resulted in a steady influx of donor interest and funding to support women's activism in post-conflict Sudan, including in the mobilisation for the gender quota. For example, the UN Development Programme's capacity-building project for women in political parties resulted in the Women in Political Parties Forum, which played a noticeable role in the mobilisation for the quota (Tønnessen & al-Nagar, 2013). Many donors have supported activities under the auspices of Resolution 1325. There has been a dramatic increase in the number of women's non-governmental organisations (NGOs), and awareness and consciousness of women's rights and gender-based violence is high, not only in the capital, Khartoum, but in the regions in Darfur and eastern Sudan targeted by the international community. According to Balghis Badri, a professor at the Ahfad University for Women, "there have never been so many women's NGOs and so much awareness. There is more engagement. We have had more exposure to the international community; we have started to learn and see".⁶

Protection of women against sexual violence in Darfur

Resolution 1325 emphasises the need for increased attention to protection against gender-based violence in situations of armed conflict (Tryggestad, 2009: 540-41).

According to activists, the resolution has had little impact in Sudan, simply because there is no political will from the government to implement it – at present there is no action plan to do so. One of the reasons given for this is because gender-based violence – and sexual violence in particular – are considered "sensitive" areas of intervention. After the issuing by the International Criminal Court (ICC) of the arrest order against President Omar al-Bashir in 2009 accusing him of being responsible for the use of systematic rape in Darfur, the government continues to deny that sexual violence takes place in the region. It is thus difficult to tackle the issue in a political context where "the government does not want to admit that rape is taking place in Darfur".⁷ Consequently, the resolution and work related to sexual violence in Darfur have become politicised, and activism in this field is increasingly difficult to carry out.

Immediately after the arrest order against President Bashir was issued, international and Sudanese organisations were expelled from Darfur. According to activists and humanitarian actors, these expulsions have had a profound impact on the aid provided to victims of rape in terms of, for example,

³ Southern Sudanese women were given a 25% women's quota in 2005, stipulated in the South Sudan Interim Constitution.

⁴ Author interview with Niemat Kuku, woman activist at the Gender Centre for Research and Training in Khartoum, 2012.

⁵ Author interview with Suad Abu Qashawa, Islamist activist and member of the NCP, 2008.

⁶ Author interview with Balghis Badri, professor at Ahfad University for Women, 2012.

⁷ Focus group discussion with Darfuri activists, 2013.

medical treatment, psychosocial support and legal aid. But it also had an effect on the space for women activists to work within the framework of Resolution 1325. If they initiate projects on sexual violence, they run the risk of being associated with the ICC, and thus by default of being accused of conspiring against the regime. In the words of a Darfuri activist, “the word ‘protection’ is sensitive. If we use that term, then the government thinks that we are collecting rape cases for the ICC”.⁸

The regime has continuously blocked the space for both international and national intervention employing the Resolution 1325 framework, particularly after the ICC arrest order. In 2000 the government established the Humanitarian Aid Commission to control both NGO registration and activities, and to monitor all national and international NGOs. It is therefore difficult for organisations to initiate activities employing the Resolution 1325 framework, because they need government approval to do so.

In the wake of the sexual violence in Darfur, a reoccurring concern of women activists is the Criminal Act of 1991, which defines rape as *zina* without consent. *Zina*, which is part of the Islamic Hudud penalties, is unlawful sexual intercourse, i.e. intercourse between individuals who are not married to each other. The reference to *zina* in the definition of rape means that the strict rules of evidence used to establish *zina* are also applied to rape.⁹ The consequence of this is not only impunity for perpetrators, but that rape victims risk criminalisation.¹⁰

Despite work within a Resolution 1325 framework being blocked, however, women activists have put sexual violence on the national political agenda. But they have positioned it as a women’s rights issue concerning all Sudanese, not limiting the discourse only to the protection of women against sexual violence in armed conflicts. As a result they are starting to debate the even more sensitive area of marital rape, to which both Sudan’s 1991 Criminal Act and Resolution 1325 turn a blind eye (Tønnessen, forthcoming 2014).

Conclusion

Although Resolution 1325 has not figured extensively in the advocacy and activism of Sudanese women, it has meant a new international awareness of gendering peacebuilding and thus a steady influx of donor money to Sudanese women activists and NGOs working on a range of related issues. This was important in the mobilisation for a gender quota for legislative bodies in Sudan. The fact that the government has blocked work in the framework of Resolution 1325 might be a blessing in disguise in the sense that women activists have had to tackle the issue of violence against women beyond the area of armed conflict. This has opened up a more comprehensive debate on gender-based violence that deals with it not primarily as a security issue, but as a women’s human rights issue.

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⁸ Author interview with Darfuri activist who asked to remain anonymous, 2012.

⁹ These are: (a) confession before the court, unless retracted prior to execution of the sentence; (b) the testimony of four adult men; and (c) pregnancy of the woman if she is unmarried.

¹⁰ *Zina* is a punishable offence incurring death by stoning if you are married and 100 lashes if you are not.

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