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IRAQ: A SITUATIONAL ANALYSIS OF WOMEN'S PARTICIPATION IN PEACE PROCESSES

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SUMMARY

While there are no formal peace agreements that have followed the 2003 conflict in Iraq, power sharing agreements, United Nations Security Council (UNSC) resolutions and the 2005 Constitution provide insight into the process of statebuilding post-2003 and the role that women played (in formal discussions as well as outside them) in ensuring that gender provisions were included in new structures. However the statebuilding process, and women's engagement with this process, has played out in a context of ongoing insecurity and conflict. Consequently, while parliamentary quotas (a strong gender provision included in the 2005 Constitution) provided opportunities for women to engage in formal political spaces, the ongoing insecurity has created an environment that makes participation (in this and other spaces) difficult. A number of factors contribute to this, including widespread corruption that has undermined infrastructure and services, Islamification (or an increase in conservative voices) of Iraqi social and political spaces, terrorism, widespread displacement due to ongoing conflict, and sexual and gender-based violence (SGBV).



STRENGTH OF GENDER PROVISIONS

United Nations Security Council Resolution 1546 (2004)

	0 None	1 Weakest	2	3	4	5 Strongest
Human Rights	✓					
Development	✓					
Post-Conflict Issues	✓					
Violence Against Women	✓					
Participation	✓					
General	✓					

Iraqi Constitution 2005

	0 None	1 Weakest	2	3	4	5 Strongest
Human Rights		✓				
Development			✓			
Post-Conflict Issues	✓					
Violence Against Women		✓				
Participation				✓		
General	✓					

Erbil Agreement 2010

	0 None	1 Weakest	2	3	4	5 Strongest
Human Rights	✓					
Development	✓					
Post-Conflict Issues	✓					
Violence Against Women	✓					
Participation	✓					
General	✓					

WOMEN'S PARTICIPATION: KEY CONSTRAINTS AND ENABLERS

CONSTRAINTS

1. Heightened insecurity and increased risk of gender-based violence
2. Economic insecurity and lack of access to vital services
3. Ongoing security concerns, resulting in displacement
4. Growing divisions and inequalities between communities (sectarian and ethnic, but also along class lines)
5. Growing 'Islamification' of Iraqi political and cultural space

ENABLERS

1. Women's organising during the statebuilding phase
2. Women's quota in parliament
3. Active and well-networked civil society
4. Women's organisations' responsiveness to security concerns and service gaps

BACKGROUND TO THE CONFLICT

The 2003 conflict in Iraq (also known as the Second Gulf War or the 'Invasion of Iraq') involved an intervention led by Coalition Forces – the US with support from the UK, Australia, Poland as well as opposition forces in Iraq – into Iraq that resulted in the end of the Saddam Hussein regime. This particular conflict (between Saddam Hussein's Iraqi forces and Coalition Forces) officially lasted about six weeks (from 20 March to 1 May 2003) although the Coalition presence in Iraq continued in various forms until 2011. Phase two of the conflict (from May 2003 onwards) saw conflict between the post-2003 Iraqi government (supported by the Coalition) against a variety of militias and other armed groups.

Most recently, the fight against Islamic State (IS) has become the 'third phase' of the conflict. The current, active conflict in parts of Iraq, often characterised as the 'Iraqi Civil War,' is between IS and a loose coalition comprised of the Iraqi military and its international allies, Kurdish Peshmerga forces, Shia Popular Mobilization Forces (PMF) militia, and other tribally or ethnically based non-state armed groups (Bamber 2017). In October 2017, following an independence vote in the Kurdistan region of Iraq, there was also some military escalation in the town of Kirkuk, which is currently disputed territory.

Through powers given by UNSCR1483 (2003), the Coalition Provisional Agency (CPA) became the transitional government of Iraq from 19 May 2003 until 28 June 2004. The Office for Reconstruction and Humanitarian Assistance (ORHA) was established in early 2003 (prior to the invasion) to act as a caretaker for Iraq's governance through the planned transition period. This body would later be dissolved and the CPA would be created, first headed by Jay Garner (who opposed the de-Ba'athification process desired by the US) and then, by Paul Bremer. The CPA was problematic for a number of reasons. Most significantly, it went about a process of privatising and liberalising the Iraqi economy. Coalition Provisional Agency Order 17 granted foreign contractors immunity from Iraqi law and has been widely criticised.

The CPA also appointed the Iraqi Governing Council, which acted as the provisional government of Iraq (from July 2003 until June 2004). The Council was fairly

diverse in terms of ethnic makeup, and included three women. The Council drafted a temporary constitution (the Transitional Administrative Law) to govern the transition to what the current day constitution and governance structure look like.

It is important to note the economic ideology of the CPA, as this shaped the focus of peacebuilding and statebuilding efforts in Iraq that followed 2003. Eric Herring (2008: 50) details journalist reports that highlighted the influence the US had in ensuring that economic liberalism was enshrined in the 2005 Constitution, steering drafts away from state ownership of industry and natural resources, towards an elimination of subsidies, regulation, social justice commitments and restriction on the movement of capital. All of which has gendered implications for the participation of women politically and economically, particularly as women have historically (and appear to continue to be) engaged in the government sector more than in the private sector.

On a micro level, a political economy analysis of women's lives in Iraq requires a longer-term approach, which reveals material insecurities that date back to the 1990s and the effects that economic sanctions had on the civilian population. Rising costs of food, the availability of different types of food families received through government rations, as well as damage to infrastructure (electricity and health facilities) made reproductive and care work for women more difficult and more taxing (Al-Ali 2005). This, coupled with the deterioration of employment and education opportunities, began to undermine some of the gains women had made in previous decades (Al-Ali 2005).

Other scholars also highlight the role of women in the informal economic sector in the post-conflict phase in Iraq in particular (Banwell 2015). Banwell highlights key issues relating to gender and insecurity which include:

1. Widowhood and gendered coping strategies relating to heightened insecurity as a result of being a widow (or a young woman in a family headed by a widow)
2. Trafficking and exploitative sex trade

Women's economic insecurity and their physical insecurity is closely tied together in the conflict in Iraq, and understanding their economic insecurity was exacerbated by the conflict provides important insights to the gendered impacts of the conflict. Banwell (2015: 714) argues that this process is not a necessary or natural part of war, but one that is linked to macro and structurally exploitative economic systems that place women in insecure positions. This provides an important framework for understanding the opportunities available for women to participate meaningfully (and in an empowered way) in the post-2003 context, and the multiple types of insecurity they face.

Mainstream scholarship on Iraq does not pay much attention to the role local women played... or attributes success to elite, English-speaking, Western women.

In the post-2003 context, reporting shows that women were routinely excluded from meaningful participation.

WOMEN'S PARTICIPATION IN THE PEACE PROCESS

There are competing narratives on the extent of women's participation in Iraq's post-conflict phase (directly after 2003), including the role women played in formal and informal political spaces. Mainstream scholarship on Iraq does not pay much attention to the role women played in this period, instead it writes off what gains are made as 'Western' women's rights interventions, supported only by 'elite English speaking women.' Feminist scholarship does attempt to highlight the role women have played however, by pointing out particular gender provisions within the 2005 Constitution that are favourable to women (most significantly the electoral quota, and the citizenship law) and by highlighting the organising that occurred to ensure that these gender provisions were included.

During the transitional period, three female delegates were appointed to the 25-member transitional body, the Iraqi Governing Council (IGC) (Krook, O'Brien, & Swip 2010). The three women in the IGC were Aqila al-Hashimi, Raja Habib al-Khuzai and Sondul Chapouk. Salama al-Khufaji later replaced al-Hashimi after her assassination. No women were included in the nine member presidential council, or the committee working on the new constitution. Reports published in Arabic also mention a 'Constitutional Review Body' made up of 71 people who are representatives of Iraq's different ethnic groups, which included ten women.

Outside of formal politics, feminist scholarship on Iraq discusses a 'mushrooming' of women's organisations and initiatives (Al-Ali 2005: 754). According to Al-Ali (2005), the work of these organisations centred on gender issues like humanitarian projects, income generation, legal advice, health services as well as advocacy. Outside of service delivery, Al-Ali also highlights two key issues that have mobilised women in the post-2003 context: the numerous attempts to replace the personal status laws (PSL), and organising around the women's quota (initially women campaigned for 40 per cent but ended up with a 25 per cent quota enshrined in the Constitution).

Iraq had an active women's state machinery during the early period of this transition process in the State

Ministry of Women's Affairs, headed most recently by the Minister of State for Women's Affairs, Bayan Nouri. Nouri's predecessor, Nawal al-Samarai, resigned in protest in 2009, citing an inability to do her work as Minister due to a lack of resources and commitment by the Iraqi government. The Ministry was shut down in 2015 as part of a reform campaign by the Iraqi Prime Minister to reduce corruption, or the spectre of it, in government. While the role that the Ministry played was to be absorbed by another government body, it is unclear if that has been the case. Kurdistan also has the High Council of Women's Affairs which was established in 2009. The Council seems better situated for working on gender issues and has engaged with key international frameworks like the Women, Peace and Security agenda and Iraq's National Action Plan (NAP).

In the post-2003 context, and indeed during the transition period, accounts of how the conflict impacted different women highlights the barriers they faced which contributed to their exclusion and meaningful participation. As Zeynep Kaya outlines in her report on the implementation of UNSCR1325 in Iraq, the violence and social divisions that occurred following 2003 have become barriers for women's participation (Kaya 2016). An intersectional approach to understanding how women participate in different contexts in Iraq uncovers some important factors here also - NGO reports also highlight that displacement has affected women's capacity to participate in public/social/political life (IOM 2016). Nadje Al-Ali (2007: 244) describes an 'Islamification' that occurred in Iraq immediately after 2003, which most visibly took the form of restrictions in women's mobility, access to public spaces and dress codes. As she writes, this fulfilled two objectives, 'a break with the previous, largely secular, regime of Saddam Hussein' and secondly, 'resistance to the occupying forces.'

With the discussions of rebuilding cities and towns recently liberated from IS, there is a new space in which women's voices can be heard. While it is difficult to accurately capture the role of women in this phase of Iraq's peacebuilding, interviews and narratives from women give an insight into spaces and discussions that fall outside of the mainstream. Accounts of Kurdish women involved as troops deployed to fight IS captured international attention, and this makes up an important aspect of women's participation post-2003. Our own interview with Dr Farah Al-Sarraj, a female parliamentarian from the city of Mosul, sheds light on the discussions women are having in their various capacities about what an inclusive and effective peace process and transition to peace might look like. Dr Al-Sarraj set up a version of a women's situation room for a group of female parliamentarians from the Nineweh region, and together they created a list of recommendations for the government that details plans of community peacebuilding and a transitional justice process.

The work done on an Emergency UNSCR1325 NAP shows that women's civil society are also actively engaging in this space and rethinking their strategies to fit into the discussion in post-IS Iraq. Other spaces (like the negotiations with Kurdistan) are harder to access but are other sites that need to be examined, and where the participation of women can be advocated for.

It should be noted that instances of women carrying out extremist violence has been flagged by the Iraqi State as an area of concern (for example, in the State's most recent Convention on the Elimination of Discrimination Against Women (CEDAW) reporting). Women have carried out suicide bombing attacks across Iraq, with as many as 29 attacks in the 2007-2008 period (CEDAW 2013).

The peace process in Iraq did not include a large number of strong gender provisions. The 2005 Constitution provides the best provisions that relate to gender, women's rights and participation. Within it, women are granted equality before the law and given protection from discrimination. Women can also pass on their citizenship to their children. It is unclear if this was an issue of contestation for women's groups or more conservative bodies in Iraq, but it is an issue of discrimination in neighbouring Middle East and North Africa (MENA) states (Jordanian women, for example, do not have that right). The Constitution also stipulates social service delivery, with special mentions of women and children, relating to social and health security. Trafficking and sex work are prohibited. The most significant gender provision is a 25 per cent quota for the Council of Representatives (the Parliament). All other documents related to the peace processes reviewed for our project have either a periphery reference to gender or make no reference to it at all. Krook, O'Brien and Swip (2010: 66) make the argument that in Iraq, electoral quotas for women were adopted due to 'bottom-up mobilisations of women's groups' – as opposed to in Afghanistan, where a reportedly top-down approach to instilling gender representation in the electoral system took place.

WOMEN'S POLITICAL PARTICIPATION BEFORE, DURING AND AFTER CONFLICT

Among Iraqis, there is nostalgic discussion of how relatively well women in Iraq were situated historically, and indeed particular laws and policies created a more open and accessible public space for women. The 1959 PSL for example is often touted as one of the best for women in the MENA region, but education and employment policies that followed supported an opening in social relations (Banwell 2015: 706). This discussion requires nuance, however, as the role of

women (while improving under Ba'athist rule in the 1960s and 1970s), was important politically for a number of reasons, which some of the literature discusses. The Ba'athist party supported the role of women, in part, to centralise their own power through a rewriting of social connections – emphasising the nuclear family as opposed to clan control and thus diminishing the power of the patriarchal family by building loyalty to the state instead (Omar 1994). In this way, women became an important symbol for the movement away from traditional kin based society in a modern state system. The framing of women as primary sites of modernisation (or safe keepers of tradition), statebuilding and identity making for the Arab state in the twentieth century is a common story, and research on Egypt, Tunisia, Yemen, and Algeria mirrors this approach (Badran 1995; Baron 2005; Joseph 1991; Moghadam 2013).

Iraqi Kurdistan is in many ways a separate entity and has specific frameworks on women's rights that are understood to be more favourable for women (such as the VAW law mentioned above), as well as specific concerns that relate to gender. The political separation between Iraqi Kurdistan and Iraq began in 1991, and continues in today's political context. Consequently women's activists operate in a different context. However, cities in Iraqi Kurdistan are also sites of organising for a number of nationwide initiatives and projects, as this area is safer than the rest of Iraq, which enables international organisations to visit, have offices and arrange network meetings and training there. This region is also a site for a number of internally displaced persons (IDP) camps and other displaced people, particularly from Mosul.

Today, in a political and legal sense, things are relatively better for women in Iraqi Kurdistan than they are in the rest of Iraq. The parliamentary quotas in Iraqi Kurdistan sit at 30 per cent as opposed to 25 per cent, and laws relating to gender issues are more in line with international gender norms (Kaya 2017: 8). The Iraqi Kurdistan government has also introduced more favourable amendments to the PSL, limiting polygamy and removing protections for perpetrators of honour crimes (Kaya 2017: 9). Kaya also makes a note that these gender rights are an important part of Kurdistan's aspiration for statehood and the nationalist movement here – the need for international support and for favourable standing internationally could have an influence over the way international gender norms are adopted and harmonised, setting itself up as a more natural ally to the international community.

Civil society organisations (CSOs) in Iraq currently focus some of their work on capacity building and training for women engaging in government infrastructure. One such project is the 'Political Empowerment for Women' project run by Iraqi

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Al-Amal, in partnership with Hivos International. Workshops held as part of this project focussed on training female officials working in Iraqi Ministries and focus on skills development. Al-Amal with Hivos also run 'Women Power in Politics', a political participation program which supports female electoral candidates in campaigning, political messaging and helps candidates to increase their visibility, enabling them to take advantage of the quota but also to participate fully in parliament if and once they are elected.

WOMEN'S ECONOMIC PARTICIPATION BEFORE, DURING AND AFTER CONFLICT

Historical reports discuss women's sizable contribution to Iraq's workforce in the 1960s and 1970s, and the growth of this participation during conflict years in the 1980s, as more women were engaged in formal work to fill gaps created by the Iran-Iraq War (1980-1988).

Iraq's economy today is largely oil dependent, which means that it has suffered shocks due to lower oil prices and insecurity undermining oil production (as some of that territory was under IS control). World Bank reporting stresses the need for economic diversification in Iraq. As a result of ongoing insecurity, employment rates overall in Iraq are low (42.7 per cent in 2017). Women's access to employment is even more hampered and this is evident in their even lower employment rate of 16.5 per cent (ILO 2017). When women do engage in the labour market, it usually occurs within government, health and education sectors. As such, efforts in the form of small business loans are designed to facilitate women's entry into the private sector (see Bajraktari 2006).

The 2005 Constitution does enshrine equality in law for men and women to access work, enter into a contract and be protected from discrimination. However, economic opportunity for women in Iraq is

shaped by social and cultural norms, which remain conservative and are limiting to women wishing to enter the labour market (IOM 2016). This barrier is compounded by displacement as women become removed from social protections and communities, and often live outside of urban contexts where more opportunities may be present.

The gendered division of labour and assumptions about reproductive work are also enshrined in Iraqi law. Tax laws and the Unified Labour Code rely on this division, providing particular tax deductions for married men (assuming they are head of household), and putting in place specific provisions for mothers. These can be valuable (benefits include maternity leave and the ability to breastfeed during work hours) but also limit work hours and the type of work pregnant women can engage in (UNDP 2012). The same report by UNDP discusses micro-lending and other economic empowerment initiatives in Iraq, supported by larger INGOs in partnership with local organisation that work within communities. These seem to provide a range of options for women depending on their needs and education level, but the report does outline that micro-lending is a fairly new offering in Iraq - likely attributed to the presence of international NGOs working on economic empowerment after 2003 (UNDP 2012: 18-21). Conflict in IS-held territory also has disrupted much of this type of work and micro-lending projects (World Bank, 2016).

Civil society organisations facilitate some of the micro-lending initiatives as well as other key methods of supporting Iraqi women economically. These can be broken down into approximately four categories: vocational training; awareness raising; income generation (and micro-lending); and the distribution of food and non-food goods (UNDP 2012). The latter shows the role that CSOs are playing in meeting the basic needs of women they come into contact with.

In Iraq's Development Plans for 2003-2005, one of eight key goals was explicitly to 'promote gender equality and empower women,' though other goals had gender-specific factors (universal literacy, reducing maternal mortality as well as increasing access to improved sanitation and shelter). Goal 3 on women's empowerment (p.14) does focus on literacy and improving women's access to education.

Today, female headed households seem especially vulnerable to being left out of the economy and at risk of poverty. Shadow reporting for CEDAW in 2014 states that female headed households make up ten per cent of households in Iraq today. Reporting by the International Organisation for Migration (IOM) shows that women in this situation are also often dealing with the experience of displacement, and consequently are in living in insecure housing (see IOM Brief 2016).

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Monash Gender, Peace & Security is a group of policy and community engaged scholars whose research is focused in the field of gender, peace and security. We seek to use our research to inform scholarly debate, policy development and implementation, public understanding about the gendered politics of armed conflict and the search for peace.

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