

The nature of Women, Peace and Security: a Colombian perspective

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The rise of environmental peacebuilding as an emerging field of both practice and research has evolved in parallel with, but separately from, the Women, Peace and Security (WPS) agenda.¹ Environmental peacebuilding has developed in what Tobias Ide has described as five broad and growing fields of research, covering how the environment relates to conflict prevention, the management of natural resources, climate security, disaster risk reduction and post-disaster reduction, and peacebuilding efforts between communities.² WPS research and institutional practice have focused primarily on the second of these themes, emphasizing women's participation in natural resource management, while investigation of the relationship between climate security and WPS, and women's role and participation in environmental peacebuilding, remains in its infancy.³ Yet, as Fröhlich and Gioli have explained, 'gender is a relevant category both for the analysis of (de-)escalation processes in violent conflicts and for examinations of the different vulnerabilities and adaptive capacities of women and men to (global) environmental change'.⁴ They have argued that this understanding has yet to be translated into a comprehensive research framework that integrates gender as an analytical

* This article is part of the January 2021 special issue of *International Affairs* on 'Environmental peacebuilding', guest-edited by Tobias Ide, Carl Bruch, Alexander Carius, Geoffrey D. Dabelko and Erika Weinthal. The authors would like to thank Tobias Ide, Elena Stavrevska and Aiko Holvikivi for their comments and suggestions. A version of this article was delivered at a British Academy event on 10 March 2020 and at the Oxford Transitional Justice Centre in May 2020. The research underlying the article was made possible by a British Academy Small Grant and supported by the Department for Business, Energy and Industrial Strategy, and the Arts and Humanities Research Council. We would also like to thank all the workshop participants at the London and Bogotá workshops on 'Gender, nature and peace'.

¹ Jacqui True and Antje Wiener, 'Everyone wants (a) peace: the dynamics of rhetoric and practice on Women, Peace and Security', *International Affairs* 95: 3, May 2020, pp. 553–74.

² Tobias Ide, 'The dark side of environmental peacebuilding', *World Development* 127: 1, 2020, pp. 1–9.

³ This comment is made in relation to the WPS literature. There is a long history of activism and academic interest in gender and the environment, particularly from an ecofeminist and anti-militarism feminist perspective. See Vandana Shiva and Maria Mies, *Ecofeminism*, 2nd edn (London: Zed, 2014); Joni Seager, 'Patriarchal vandalism: militaries and the environment', in Jael M. Silliman and Ynestra King, eds, *Dangerous intersections: feminist perspectives on population, environment, and development* (Boston: South End, 1999), pp. 163–88 at p. 164. On gender and natural resource management, see Adrienne Stork, Cassidy Travis and Silja Halle, 'Gender-sensitivity in natural resource management in Côte d'Ivoire and Sudan', *Peace Review* 27: 2, 2015, pp. 147–55; United Nations Environment Programme (UNEP), *Women and natural resources: unlocking the peacebuilding potential* (New York and Nairobi, 2013), <https://www.unenvironment.org/resources/report/women-and-natural-resources-unlocking-peace-building-potential>. (Unless otherwise noted at point of citation, all URLs cited in this article were accessible on 8 Oct. 2020.)

⁴ Christiane Fröhlich and Giovanna Gioli, 'Gender, conflict, and global environmental change', *Peace Review* 27: 2, 2015, pp. 137–46 at p. 137; Nicole George, 'Liberal-local peacebuilding in Solomon Islands and Bougainville: advancing a gender-just peace?', *International Affairs* 94: 6, Nov. 2018, pp. 1329–48.

category into environmental and conflict research, and that there has been little attention to the role of gender in environmental peacebuilding literature.

This article takes seriously Fröhlich and Gioli's crucial question: 'What are we talking about when referring to gender in the context of conflict and global environmental change?'⁵ Through our research project on 'Gender, nature and peace', we have recently drawn attention to the failure of the WPS framework and the literature and practice of environmental peacebuilding to take adequate account of one another.⁶ Similarly, Myrntinen, Naujoks and Schilling have argued that the two research areas have 'largely remained separate from each other, and little progress has been made in comprehensively examining the interlinked issues of gendered identities and power dynamics'.⁷ This separation has led to a number of research gaps in the relevant fields which complicates the process, often mentioned as a desirable aim, of ensuring women's participation in environmental peacebuilding programmes.⁸ We consider that the WPS framework could and should go beyond this and do more to link together the environment and the gendered impact of conflict.

Furthermore, it is imperative when we are talking about gender that both environmental peacebuilding and the WPS framework should adopt an intersectional perspective in both scholarship and practice.⁹ This is because an 'add women and stir' approach in peacebuilding and an 'add environment and stir' approach to the WPS framework will not be sufficient in confronting the complex ways in which the environment intersects with conflict, gender and people's lived realities and ecologies.¹⁰ Men and women face different consequences of environmental

⁵ Fröhlich and Gioli, 'Gender, conflict, and global environmental change', p. 137.

⁶ Keina Yoshida, *The nature of Women, Peace and Security: where is the environment in WPS and where is WPS in environmental peacebuilding?* (London: LSE Centre for Women, Peace and Security, 2019); Annica Kronsell, 'WPS and climate change', in Sara E. Davies and Jacqui True, eds, *The Oxford handbook of women, peace, and security* (Oxford: Oxford University Press, 2018), pp. 726–37; Radhika Balakrishnan and Krishanti Dharmaraj, 'WPS and sustainable development goals', in Davies and True, eds, *The Oxford handbook of women, peace, and security*, pp. 704–14.

⁷ Henri Myrntinen, Jana Naujoks and Janpeter Schilling, 'Gender, natural resources, and peacebuilding in Kenya and Nepal', *Peace Review* 27: 2, 2015, pp. 181–7 at p. 181.

⁸ On environmental peacebuilding generally, see Carl Bruch, David Jensen and Mikiyasu Nakayama, 'Post-conflict peace building and natural resources', *Yearbook of International Environmental Law*, vol. 19, 2009, pp. 58–96; Carl Bruch, Marion Boulicault, Shuchi Talati and David Jensen, 'International law, natural resources and post-conflict peacebuilding: from Rio to Rio+20 and beyond', *Review of European Community and International Environmental Law* 21: 1, 2012, pp. 44–62.

⁹ Angela J. Lederach, 'Youth provoking peace: an intersectional approach to territorial peacebuilding in Colombia', *Peacebuilding* 8: 2, 2020, pp. 198–217. For definitions of intersectionality, particularly in relation to its legal sense, see Kimberle Crenshaw, 'Mapping the margins: intersectionality, identity politics, and violence against women of color', *Stanford Law Review* 43: 6, 1991, pp. 1241–99; Shreya Atrey, *Intersectional discrimination* (Oxford: Oxford University Press, 2019). One example of intersectionality as applying not only to identities and power structures, which affect different women differently, but also to the material conditions of people's lives (geographical location, work in global supply chains, etc.) is found in the work of the UN Committee on the Elimination of Discrimination Against Women (CEDAW): see General Recommendation no. 35 (updating General Recommendation no. 19) on violence against women, adopted on 14 July 2017, <https://www.ohchr.org/EN/HRBodies/CEDAW/Pages/GR35.aspx>.

¹⁰ This idea builds on feminist scholarship, which has criticized a formulaic rather than substantive 'add-women-and-stir' approach to operational measures and equality. See Gina Heathcote, 'Participation, gender and security', in Gina Heathcote and Dianne Otto, eds, *Rethinking peacekeeping, gender equality and collective security* (Basingstoke: Palgrave Macmillan, 2014), pp. 48–69 at p. 64. On the urge to 'try and slot women in', see Fionnuala Ní Aoláin, Francesca Haynes Dina and Naomi Cahn, *On the frontlines: gender, war and the post-conflict process* (Oxford: Oxford University Press, 2011), p. 232.

degradation, and men and women within different social groups and geographical locations will be affected in different ways, and to different extents, by conflict and environmental stress. The fluid approach to analysis of intersectional theory is important as it 'brings women into view' along with other forms of social category or status to consider their lived experiences.¹¹

This article focuses on the situation in Colombia as an illustrative case-study to argue that the WPS framework must take into account the lessons presented in the environmental peacebuilding literature and include the environment as part of the WPS agenda.¹² We are particularly concerned at the narrow focus on sexual violence in conflict, which eclipses broader consideration of the ecological and environmental violence that affects women's livelihoods.¹³ Through the Colombian example we address and challenge the predominance of a traditional legal approach to harms in which individuals and the damages they suffer are considered in isolation from the individual's wider environment. Through a gendered analysis of the peace agreement with the guerrilla Revolutionary Armed Forces of Colombia (FARC) and a recent decision issued by the court that was established in that accord, we illustrate how these intersecting issues can be considered together.

Women, Peace and Security: current limitations

By way of introduction for those unfamiliar with the WPS agenda, it was launched in October 2000 with the adoption by the UN Security Council of Resolution 1325.¹⁴ This became the first of a series of resolutions focusing on women's rights and gender equality in the context of the Security Council's peace and security agenda.¹⁵ The ten resolutions which now make up the framework are sometimes conceptualized as coalescing into four pillars: conflict prevention, women's participation, protection, and relief and recovery in the conflict and post-

¹¹ Fionnuala Ní Aoláin and Eilish Rooney, 'Underenforcement and intersectionality: gendered aspects of transition for women', *International Journal of Transitional Justice* 1: 3, 2007, pp. 338–54.

¹² For the methodology and value of a single case-study, see Bent Flyvbjerg, 'Five misunderstandings about case-study research', *Qualitative Inquiry* 12: 2, 2006, pp. 219–45. The WPS framework is a policy framework composed of Security Council resolutions but also encompassing the monitoring and evaluation of the agenda in, among other things, national action plans. It is a normative framework. The term 'WPS agenda' is also frequently used in the literature. Here we refer to both the framework and the agenda. The term 'framework' tends to refer to the normative element of the agenda, while the latter term emphasizes civil society activism.

¹³ Angela Santamaria, Dunen Muelas, Paula Caceres, Wendi Kuetguaje and Julián Villegas, 'Decolonial sketches and intercultural approaches to truth: corporeal experiences and testimonies of indigenous women in Colombia', *International Journal of Transitional Justice* 17: 1, 2020, pp. 56–79. The term ecological violence can refer to the destruction of ecologies and erosion of livelihood strategies, and how indigenous and rural peoples understand this environmental harm as a form of violence. See also J. M. Bacon, 'Settler colonialism as eco-social structure and the production of colonial ecological violence', *Environmental Sociology* 5: 1, 2019, pp. 59–69; Chris Dolan, Maria Eriksson Baaz and Maria Stern, 'What is sexual about conflict-related sexual violence? Stories from men and women survivors', *International Affairs* 96: 5, Sept. 2020, pp. 1169–87.

¹⁴ For background and critiques, see the special edition of this journal on 'The futures of Women, Peace and Security', *International Affairs* 92: 2, March 2016.

¹⁵ Funmi Olonisakin and Karen Barnes, 'Introduction', in Funmi Olonisakin, Karen Barnes and Eka Ikpe, eds, *Women, Peace and Security: translating policy into practice* (New York: Routledge, 2011), pp. 3–14 at p. 3. The WPS framework comprises the following core Security Council resolutions: 1325 (2000); 1820 (2009); 1888 (2009); 1889 (2010); 1960 (2011); 2106 (2013); 2122 (2013); 2242 (2015); 2467 (2019); and 2493 (2019). See UN Women, *Preventing conflict, transforming justice, securing peace: a global study on the implementation of United Nations Security Council Resolution 1325* (New York, 2015), <https://wps.unwomen.org/>.

conflict context.¹⁶ While the agenda is the result of sustained advocacy by civil society organizations, it has since been criticized for its myopic focus on conflict-related sexual violence.¹⁷ Some scholars have argued that this focus allows for a continued militarized and securitized response to conflict and post-conflict situations, making women visible only in so far as they are a vulnerable category in need of protection.¹⁸

Significantly, as we discuss further below, the ‘relief and recovery’ pillar and its relationship with the concept of reparations in international law has also been limited in scope.¹⁹ It is under this pillar that transitional justice mechanisms, including reparations, need to be developed in a gender-responsive manner. True and Hewitt argue that the ‘relief and recovery’ pillar ‘is the most underdeveloped, under-researched and misinterpreted of the four WPS pillars’, often reduced to the recovery of sexual violence survivors, and that instead it should connect the WPS agenda to women’s social and economic rights, and to ‘transformative reparations that redress gender injustices after conflict, disaster or humanitarian crisis’.²⁰ Yet while scholars and practitioners of WPS have pressed for a wider understanding of structural causes and inequalities in relation to socio-economic rights, the environment has not featured prominently in this work. This omission ignores the reality that the environment is vital for many women’s livelihoods, that it forms an important part of the spiritual relationships of some of them, and that lack of access to land or territories is linked to gendered discrimination and violence. The omission is surprising, given the rich literature on gender and the environment and particularly on the environmental impacts of militarism and how this issue intersects with gender.²¹ Further, there is a failure to incorporate indigenous scholars’ work on the significance of ecological violence and its impact on communities.²²

¹⁶ Paul Kirby and Laura J. Shepherd, ‘Reintroducing Women, Peace and Security’, *International Affairs* 92: 2, March 2016, pp. 249–54 at p. 249.

¹⁷ Maria Eriksson Baaz and Maria Stern, *Sexual violence as a weapon of war: perspectives, prescriptions, problems in the Congo and beyond* (London: Zed, 2013); Sara Meger, ‘The fetishization of sexual violence in international security’, *International Studies Quarterly* 60: 1, 2016, pp. 149–59; Anne-Kathrin Krefit, ‘Civil society perspectives on sexual violence in conflict: patriarchy and war strategy in Colombia’, *International Affairs* 96: 2, March 2020, pp. 457–78.

¹⁸ Heathcote and Otto, eds, *Rethinking peacekeeping*; Louise Riis Andersen, ‘The HIPPO in the room: the pragmatic push-back from the UN peace bureaucracy against the militarization of UN peacekeeping’, *International Affairs* 94: 2, March 2018, pp. 343–62; Paul D. Williams, ‘The Security Council’s peacekeeping trilemma’, *International Affairs* 96: 2, March 2020, pp. 479–500.

¹⁹ The UN global study on the implementation of Resolution 1325 has referred to this pillar as the ‘peacebuilding and recovery’ pillar: UN Women, *Preventing conflict*, p. 20.

²⁰ True and Hewitt state that ‘relief and recovery’ is defined interchangeably with a multiplicity of concepts using the terms relief, recovery, peacebuilding, empowerment, rehabilitation and reconstruction, leading to ambiguity in the concept’s interpretation and implementation. See Jacqui True and Sarah Hewitt, ‘What works in relief and recovery’, in Davies and True, eds, *The Oxford handbook of Women, Peace, and Security*, pp. 178–92 at p. 178. See also Madeleine Rees and Christine Chinkin, ‘Exposing the gendered myth of post conflict transition: the transformative power of economic and social rights’, *New York University Journal of International Law and Politics* 48: 4, 2016, pp. 1211–26 at p. 1225; Aisling Swaine, *Conflict-related violence against women: transforming transition* (Cambridge: Cambridge University Press, 2018).

²¹ Claire Duncanson, ‘Anti-militarist feminist approaches to researching gender and the military’, in Rachel Woodward and Claire Duncanson, eds, *The Palgrave international handbook of gender and the military* (London: Palgrave Macmillan, 2017), p. 43.

²² Alexandra Mora Rodríguez, Edgar Naranjo Peña, Gloria Amparo Rodríguez and Ángela Santamaría Chavarro,

Lessons from the environmental peacebuilding literature

The term ‘environmental peacebuilding’ refers broadly to the focus on the relationships between the environment, peace and cooperation. The literature has investigated, among other things, how natural resources can be managed in a sustainable way in order to contribute to conflict prevention and ensure the protection of ecosystems.²³ However, the recent reviews of the literature by Dresse and colleagues, and by Ide, demonstrate that gender is a marginal concern within the field of environmental peacebuilding. In fact the terms ‘gender’, ‘woman’ and ‘women’ do not appear at all in their reviews.²⁴ This omission is echoed in the policy sphere, with the recent UN joint report finding that ‘gender dynamics are still relatively poorly understood at the international level—and they are generally lacking in climate-security policymaking and practice to date’.²⁵

In ignoring gender, the environmental peacebuilding literature fails to consider adequately the ways in which environment, gender, peace and security are ‘inextricably linked’.²⁶ This means that environmental governance in post-conflict settings can have the unintended effect of reinforcing gender inequality, rather than being understood as an opportunity to empower women. This has been flagged as a serious problem in relation to climate change mitigation, for example, with the UN human rights committees reminding states that environmental and climate mitigation measures must not breach the fundamental right to non-discrimination.²⁷ It also means that there is inadequate funding for the gender programmes within environmental peacebuilding programmes. As Felipe Jaramillo Ruiz and Juan Pablo Vallejo have explained, even when the word ‘gender’ is included in climate change programmes, it is often—at least in the Colombian context—present without any substantive meaning attached. He finds that ‘a void of content follows the persistence of the inclusion of the term “gender”’, and that the term gender ‘is included at the end of a sentence without any concrete explanation of what this insertion implies’.²⁸

Conflictos y judicialización de la política en la Sierra Nevada de Santa Marta (Bogotá: Editorial Universidad del Rosario, 2010).

²³ Elinor Ostrom, *Governing the commons: the evolution of institutions for collective action* (Cambridge: Cambridge University Press, 1990); Carl Bruch, Carroll Muffett and Sandra S. Nichols, eds, *Governance, natural resources and post-conflict peacebuilding* (New York: Routledge, 2016); Erika Weinthal, Jessica J. Troell and Mikiyasu Nakayama, eds, *Water and post-conflict peacebuilding* (London: Earthscan, 2013); Jon Unruh and Rhodri Williams, eds, *Land and post-conflict peacebuilding* (London: Earthscan, 2013); Helen Young and Lisa Goldman, eds, *Livelihoods, natural resources, and post-conflict peacebuilding* (Boca Raton, FL: CRC, 2015); Ken Conca and Geoffrey D. Dabelko, eds, *Environmental peacemaking* (Washington DC: Woodrow Wilson Center Press, 2002).

²⁴ Anaïs Dresse, Itay Fischhendler, Jonas Østergaard Nielsen and Dimitrios Zikos, ‘Environmental peacebuilding: towards a theoretical framework’, *Cooperation and Conflict* 54: 1, 2019, pp. 99–119; Tobias Ide, ‘The impact of environmental cooperation on peacemaking: definitions, mechanisms, and empirical evidence’, *International Studies Review* 21: 3, 2018, pp. 327–46.

²⁵ UNEP, UN Women, UN Department of Political and Peacebuilding Affairs and UN Development Programme, *Gender, climate and security: sustaining inclusive peace on the frontlines of climate change* (New York, June 2020), p. 10.

²⁶ UNEP et al., *Gender, climate and security*.

²⁷ See e.g. UN CEDAW, General Recommendation no. 37 on gender-related dimensions of disaster risk reduction in the context of climate change (New York, 2018), https://tbinternet.ohchr.org/_layouts/15/treatybody-external/Download.aspx?symbolno=CEDAW/C/GC/37&Lang=en, para. 14.

²⁸ Felipe Jaramillo Ruiz and Juan Pablo Vallejo, ‘The post-political link between gender and climate change: the case of the nationally determined contributions support programme’, *Contexto Internacional* 41: 2, 2019, p. 336.

Yet environmental peacebuilding holds important lessons for the WPS agenda. Its recognition of the ways in which severe droughts and other extreme weather conditions lead to food insecurity and loss of livelihoods is directly relevant to women's peace and security. The complex emergencies that are now occurring as a result of climate change make this literature even more important, especially given the recognition that the risks disproportionately affect women and girls.²⁹

It is important to note that the environment is not entirely absent from the WPS agenda. The preamble to Resolution 2242 (2015), one of the follow-ups to Resolution 1325, includes a brief mention of the impacts of climate change as a threat to international peace and security,³⁰ while the most recent in the series, Resolution 2467, addresses the illicit trade in natural resources.³¹ Within the WPS literature, some attention has been paid to the differential and disproportionate impacts of environmental degradation on women's lives, particularly within the context of the 'slow violence' of climate change.³² As Maria Tanyag and Jacqui True have found through their research in Kenya, the impacts of climate change and of endemic land- and resource-based conflicts create or exacerbate insecurities that are shaped by gender and other markers of social status including geographic location and livelihood practices. They conclude that: 'This means that women's experiences, especially in remote or rural communities, are part of, rather than separate from, the environmental crisis that drives conflicts, political disenfranchisement, and unequal distribution of natural resources.'³³

WPS and the environment: the need for protection to move beyond sexual violence

There are multiple ways in which the WPS agenda could integrate the lessons from environmental peacebuilding. While there has been some recognition of the importance of women's participation in the field of natural resource management and environmental governance to ensure a more inclusive peace, the WPS literature fails adequately to address how the continuum of violence against women and against the natural environment operates via gendered power structures which result in violence against women and defenders of environmental rights.³⁴

²⁹ UNEP et al., *Gender, climate and security*, p. 7; UN Security Council, *Women and peace and security: report of the Secretary-General, S/2019/800* (New York, 2019).

³⁰ UN CEDAW, General Recommendation no. 37.

³¹ See also Penelope Simons, 'Unsustainable international law: transnational resource extraction and violence against women', *Transnational Law and Contemporary Problems* 26: 2, 2017, pp. 415–34; UN General Assembly, *Report of the special rapporteur on trafficking in persons, especially women and children, A/73/171* (New York, 2018), para. 22.

³² Nicole George, 'Promoting Women, Peace and Security in the Pacific islands: hot conflict/slow violence', *Australian Journal of International Affairs* 68: 3, pp. 314–32 at p. 316.

³³ Maria Tanyag and Jacqui True, *Gender responsive alternatives to climate change: a country report on Kenya*, Report Monash Gender Peace and Security, p. 8, available at <https://actionaid.org.au/wp-content/uploads/2019/11/Monash-GRACC-Report-Kenya.pdf> (accessed 9 Oct. 2020).

³⁴ UN CEDAW, General Recommendation no. 30 on women in conflict prevention, conflict and post-conflict situations (New York, 2013), https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/30&Lang=en, para. 35; UNEP et al., *Gender, climate and security*, p. 16. The report notes that roughly 10% of environmental defenders killed in 2017 were women, but that women face specific and unique risks, even though the majority of those recorded as killed are men.

In the Colombian context these violations are especially targeted at indigenous people, peasants, Afro-Colombian and rural local communities who attempt to defend their territories, as many local communities oppose the exploration and exploitation entailed in non-renewable and mega-projects. Here, despite the peace process and landmark court judgments on environmental and nature rights, socio-environmental conflicts remain a daily reality, with a particular impact on local communities.³⁵ In fact, since the peace agreement was signed the targeting of human rights defenders, including environmental defenders, has become even more pronounced, making Colombia currently the country with the highest number of murdered human rights defenders in Latin America.³⁶

These factors require an expansion of the WPS protection pillar to ensure that environmental rights defenders and the concerns of rural stakeholders are included within its ambit.³⁷ Further, within the concept of the rights of nature, and in the jurisprudence of the Colombian courts, there is recognition of the importance of nature's protection for its own sake and for the sake of other living organisms, not simply for human exploitation and exploration.³⁸ In other words, the WPS agenda must move beyond the participation of women in natural resource management and embrace the wider normative developments and literature on environmental protection as a condition for sustainable peace.

Relief, recovery and reparations

As explained above, the relief and recovery pillar of the WPS agenda recognizes that the immediate aftermath of conflict can provide a strategic opportunity to adopt legislative and policy measures to eliminate discrimination against women and to create equal opportunities for participation in the new, post-conflict structures of governance. This understanding mirrors the literature of environmental peacebuilding, where the formal end of conflict is seen as an opportunity with respect to environmental management and protection. However, as explained above, the WPS agenda currently conceives of relief, recovery and reparation in relation mainly to sexual violence. This is due to the influence of 'dominance feminism' in international human rights and criminal law over the past 30 years.³⁹ The centrality in this type of feminism of essentialized readings of men and women, and of sexual domination in explaining violence and discrimination against women, has shaped the understanding and responses of international law

³⁵ See Mora Rodríguez et al., *Conflictos y judicialización de la política en la Sierra Nevada de Santa Marta*, p. xiii; Malayna Raftopoulos, 'Contemporary debates on social-environmental conflicts, extractivism and human rights in Latin America', *International Journal of Human Rights* 21: 4, 2017, pp. 387-404.

³⁶ UN Human Rights, Office of the High Commissioner, *Report of the special rapporteur on the situation of human rights defenders in Colombia*, A/HRC/43/51/ADD.1 (New York, 26 Dec. 2019).

³⁷ Currently, the WPS framework includes the protection of women peacebuilders.

³⁸ For example the 'Harmony with Nature' framework before the UN General Assembly. There have been 11 resolutions, the most recent is A/RES/74/224 (2019). See also David R. Boyd, *The rights of nature: a legal revolution that could save the world* (Toronto: ECW Press, 2017).

³⁹ Janet Halley, 'Which forms of feminism have gained inclusion?', in Janet Halley, Prabha Kotiswaran, Rachel Rebouché and Hila Shamir, *Governance feminism: an introduction* (Minneapolis: University of Minnesota Press, 2018), pp. 31-44.

to armed conflict and peacebuilding. This thinking contributed to the development of jurisprudence on gender crimes in conflict during those three decades through the prosecution of sexual violence in the ad hoc international tribunals for the former Yugoslavia and Rwanda, the adoption of the Security Council resolutions that mandated accountability for these crimes, the drafting of the Rome Statute of the International Criminal Court, and the reception of international law in domestic jurisdictions.⁴⁰ For instance, in Colombia the incorporation and translation of this body of knowledge on international law was crucial to the introduction of a gendered dimension into consideration of the internal armed conflict.⁴¹

The insights of dominance feminism helped to shape in international and domestic law a dislocated and individuated notion of woman in conflict, decontextualized and separated from other features that are just as important as her vulnerability to sexual violence, such as her place in and relation to the ecosystems she inhabits. This characterization disconnects women from their surroundings and means of living. This dislocation is similarly present in the WPS agenda presented above, where the focus has remained on conflict-related sexual violence to the neglect of other forms of violence faced by women and girls in conflict and post-conflict situations.⁴²

Considering women and men as connected to and living actively in their ecosystems helps to enrich understanding of the implications of armed conflict for their lives and for their communities, and to highlight the key role of those implications on environmental sustainability, preservation, enrichment and transmission of knowledge in these areas. Also, drawing these connections together contributes to an understanding of armed conflict as one factor to take into account in considering ‘people’s experiences of “nature”’ and to challenging essentialized versions of womanhood and manhood in conflict.⁴³ As Julie Sze points out, human beings’ relationship with and experience of the environment are mediated ‘by their experiences of social, economic, and political inequalities’.⁴⁴ As armed conflict is likely to accentuate these inequalities for certain populations and groups that have historically experienced discrimination, the interconnections between them and the environment must be established if we are fully to grasp the consequences of warfare and properly to design and implement the necessary measures to guarantee a successful transition to peacebuilding.

⁴⁰ See Janet Halley, ‘Rape at Rome: feminist interventions in the criminalization of sex-related violence in positive international criminal law’, *Michigan Journal of International Law* 30: 1, 2008, pp. 1–123.

⁴¹ Lina M. Céspedes-Báez, ‘En los confines de lo posible: inclusión del enfoque de género en el acuerdo de la Habana’, in Lina M. Céspedes-Báez and Enrique Prieto-Ríos, eds, *Utopía u oportunidad fallida: análisis crítico del acuerdo de paz* (Bogotá: Editorial Universidad de Rosario, 2017), pp. 295–326; Lina Céspedes-Báez, ‘Más allá de lo que es medible’, *Revista Colombiana de Derecho Internacional* 12: 25, 2014, pp. 375–444.

⁴² Paula Drumond, Elizabeth Mesok and Marysia Zalewski, ‘Sexual violence in the wrong(ed) bodies: moving beyond the gender binary in International Relations’, *International Affairs* 96: 5, Nov. 2020, pp. 1145–9; Camile Oliveira and Erin Baines, ‘Children “born of war”: a role for fathers?’, *International Affairs* 96: 2, March 2020, pp. 439–56; Philipp Schulz, ‘Displacement from gendered personhood: sexual violence and masculinities in northern Uganda’, *International Affairs* 94: 5, Nov. 2018, pp. 1101–20.

⁴³ Julie Sze, ‘Gender and environmental justice’, in Sherilyn Macgregor, ed., *Routledge handbook of gender and environment* (Abingdon: Routledge, 2019), p. 159.

⁴⁴ Macgregor, ed., *Routledge handbook of gender and environment*, p. 159.

In order to develop this argument, we turn now to the case-study of the peace process in Colombia to illustrate the importance of further integrating environmental peacebuilding into the WPS agenda, particularly in areas such as land reform and justice. In the absence of such integration, a gender approach to peace is often narrowly focused upon sexual violence in conflict, continuing to place women exclusively in the vulnerable category of requiring protection rather than as agents of transformation in the peace process.⁴⁵

The place of women and the environment in the Colombian peace process

In one sense, it is perhaps strange to consider Colombia as a case-study, given that this is a context in which there is no WPS national action plan. Yet it has been suggested that since the adoption of Security Council Resolution 1325 no peace agreement has gone ‘so far in the inclusion of a gender perspective’ as the Colombian peace agreement.⁴⁶ Camille Boutron has argued that the WPS resolutions enabled the construction of a roadmap guiding the inclusion of women in international peace politics, and that Colombia is ‘an emblematic case’ when it comes to analysing the various forms of implementation of the WPS agenda.⁴⁷ As Lina Céspedes and Felipe Jaramillo Ruiz have explained, women’s rights NGOs, movements and advocacy groups played a significant role in finding spaces for participation and influencing the peace agreement.⁴⁸ Their experience, however, also demonstrates the difficulties faced by women in challenging and transforming the male-dominated field of peacebuilding.⁴⁹

Colombia is also an important case-study by virtue of the significant attention paid to the place of the environment within discussions and understandings of constructing and creating peace.⁵⁰ The environmental costs of the conflict have included deforestation (through coca cultivation, illegal mining and other illicit economic activity) and pollution from toxic spills (including through attacks on pipelines and other infrastructure).⁵¹ The Colombian conflict also resulted in the displacement of more than 6 million people,⁵² which in turn exposed biodiversity to degradation and fragmentation as those people relocated and Andean landscapes

⁴⁵ Sarah Smith, *Gendering peace: UN peacebuilding in Timor-Leste* (Abingdon: Routledge, 2019), p. 88.

⁴⁶ Camille Boutron, ‘Engendering peacebuilding: the international gender nomenclature of peace politics and women’s participation in the Colombian peace process’, *Journal of Peacebuilding and Development* 13: 2, 2018, pp. 116–21 at p. 116; see also Jamie J. Hagen, ‘Queering women, peace and security in Colombia’, *Critical Studies on Security* 5: 1, 2017, pp. 125–9.

⁴⁷ Boutron, ‘Engendering peacebuilding’, p. 116.

⁴⁸ Lina M. Céspedes-Báez and Felipe Jaramillo Ruiz, “‘Peace without women does not go!’ Women’s struggle for inclusion in Colombia’s peace process with the FARC”, *Colombia Internacional*, no. 94, 2018, pp. 83–109; Céspedes-Báez, ‘En los confines de lo posible’; Céspedes-Báez, ‘Más allá de lo que es medible’.

⁴⁹ Sara Meger and Julia Sachseder, ‘Militarized peace: understanding post-conflict violence in the wake of the peace deal in Colombia’, *Globalizations* 17: 6, 2020, pp. 1–21.

⁵⁰ Julio Carrizosa Umana, *El ambiente en la discusión de la paz: una decada de reflexiones y propuestas* (Bogotá: Siglo del Hombre Editores, 2019).

⁵¹ Lorenzo Morales, *Peace and environmental protection in Colombia: proposals for sustainable rural development* (Washington DC: Inter-American Dialogue, 2017), https://www.thedialogue.org/wp-content/uploads/2017/01/Envnt-Colombia-Eng_Web-Res_Final-for-web.pdf.

⁵² Céspedes-Báez and Ruiz, “‘Peace without women does not go!’”.

were converted to agriculture and pasture.⁵³ However, Baptiste and colleagues have highlighted how the abandonment of lands also led to forest regrowth.⁵⁴ It is important to underline the regional disparities, since conflict has been both a friend and a foe to biodiversity across the different areas of Colombia. While much of the mainstream literature underlines the environmental harms caused by weaponry and warfare, much less attention has been paid to how conflict can have the unintended effect of preserving biodiversity by halting certain infrastructure projects or causing the abandonment of land and the displacement of people.⁵⁵ Colombia, then, presents a pertinent case-study as it includes both the environment and women in the peace settlement.⁵⁶ However, as we explain below, these aspects have been considered largely in isolation rather than as intersecting considerations.

As noted above, environmental degradation is correlated with specific gender-based harms. As it fuels forced displacement, so it exposes households to scarcity and imperils the legal relationship people have established with the land. Women in these circumstances become more vulnerable to gender-based violence, labour exploitation and impoverishment.⁵⁷ As the Colombian constitutional court emphasized in 2008, in the context of the country's armed conflict internally displaced women face such risks before, during and after forced displacement.⁵⁸ This disproportionate exposure to risk originates in the historical discrimination against women in Colombian society, the precarious situation in which they have lived amid conflict in isolated parts of the country, and the inability of the state to respond adequately in a gender-sensitive manner to guarantee their rights during and post-conflict. The resettlement of women in cities and towns to escape the violence of the conflict entraps them in a complex cycle of poverty with impacts on more than one generation in their families. Women, their land, their environment and the discrimination they endure thus all form part of the conflict experience.

The peace agreement: focusing on sexual violence in the conflict

To summarize the background briefly, in November 2016 the Colombian government and the guerrilla Revolutionary Armed Forces of Colombia (known by its Spanish acronym, FARC) signed a peace agreement to put an end to five decades

⁵³ Brigitte Baptiste, Miguel Pinedo Vasquez, Victor Gutierrez and German Ignacio Andrade, 'Greening peace in Colombia', *Nature Ecology and Evolution* 1: 4, 2017, pp. 1–3.

⁵⁴ Baptiste et al., 'Greening peace in Colombia'; Pablo Jose Negret and Cristina Gómez Garcia-Reyes, *Development, conservation and peace in post-conflict Colombia* (Oxford: Oxford Research Group, 31 Oct. 2017), <https://www.oxfordresearchgroup.org.uk/blog/development-conservation-and-peace-in-post-conflict-colombia>.

⁵⁵ Diana Rocio Bernal-Camargo, Leonardo Güiza-Suárez, Paola Moreno Latorre and Enrique Prieto-Ríos, 'Bioprospección y el acuerdo de paz', in Céspedes-Báez and Prieto-Ríos, eds, *Utopía u oportunidad fallida*, pp. 273–94; Thor Hanson, 'Biodiversity conservation and armed conflict: a warfare ecology perspective', *Annals of the New York Academy of Sciences* 1429: 1, 2018, pp. 50–65.

⁵⁶ Serena Simoni, 'Queens of narco-trafficking: breaking gender hierarchy in Colombia', *International Affairs* 96: 5, Sept. 2018, pp. 1257–68; Céspedes-Báez and Ruiz, "'Peace without women does not go!'"

⁵⁷ Donny Meertens, *Forced displacement and gender justice in Colombia: between disproportional effects of violence and historical injustice* (New York: International Center for Transitional Justice, July 2012), <https://www.ictj.org/sites/default/files/ICTJ-Brookings-Displacement-Gender-Colombia-CaseStudy-2012-English.pdf>.

⁵⁸ Corte Constitucional de Colombia, Auto 092/08. Decision available in Spanish at <https://www.corteconstitucional.gov.co/relatoria/autos/2008/a092-08.htm>.

of armed conflict in the country. Although FARC was not the only armed actor involved in the conflict, its demobilization and reincorporation into civilian life were of crucial importance, since it was the largest and longest-standing illegal group in the continent, and the origins of the conflict are deeply tied to its creation back in the 1960s.⁵⁹ The negotiation and signature of the peace agreement were of historic significance for several reasons, one being the explicit introduction of a gender perspective into the discussions and into the final document the parties signed at the end of 2016. The Colombian women's rights movement and the international community played an essential role in putting pressure on the negotiators to this end, after the representatives of both the government and the guerrilla forces started their talks without including women in strategic positions and drafted an agenda that paid no heed to the gender-based impacts of decades of armed violence in the country. To address this situation, the Sub-Commission on Gender was created in 2014, almost two years after the peace dialogues officially started. Its main role was to mainstream gender into the entire negotiation process.⁶⁰

Mainstreaming gender involved appointing experts and opening up space for the knowledge the Colombian women's rights movement had accrued in more than two decades of research and advocacy. In this sense, the peace agreement would reflect how the Colombian armed conflict was *gendered*, and would foreshadow other issues that were going to need attention in the near future, such as the impact of the reincorporation of women who had borne arms in the discussion about the experience of women in conflict.⁶¹

From the beginning of the 2000s, Colombian women's rights NGOs at the national level began to investigate and report about the experience of women in the context of armed conflict.⁶² At the outset, they focused on the humanitarian dimension of forced displacement and their advocacy aimed at pressuring the government to design and implement specific measures for women. Early on, sexual violence became central to their documenting work, linked to forced displacement as cause and/or consequence. These NGOs maintained that this crime was part of the continuum of violence faced by women during times of both peace and war. The deployment of the transitional justice scheme in Colombia in 2005 to facilitate the demobilization of paramilitary groups complemented the humanitarian approach with one of criminal law. The investigation and prosecution of sexual violence became the most pressing issue for these organizations in the context of the trials against paramilitaries, reflecting the contemporary position in international law and the WPS agenda.⁶³ Notwithstanding the inclusion of women from FARC and the coverage of other topics in the peace talks

⁵⁹ International Crisis Group, *Colombia's armed groups battle for the spoils of peace* (Brussels, 2017), https://d2071andvipowj.cloudfront.net/063-colombias-armed-groups-battle-for-the-spoils-of-peace_o.pdf.

⁶⁰ Céspedes-Báez and Ruiz, "Peace without women does not go!"

⁶¹ Lina M. Céspedes-Báez, 'A (feminist) farewell to arms: the impact of the peace process with the FARC-EP on Colombian feminism', *Cornell International Law Journal*, vol. 52, 2019, pp. 39–63.

⁶² Céspedes-Báez, 'En los confines de lo posible'; Céspedes-Báez, 'Más allá de lo que es medible'.

⁶³ Swaine, *Conflict-related violence against women*.

agenda, the emphasis on sexual violence remained central to the gender-based reading of the impact of conflict on women's lives.⁶⁴

The first serious effort to design reparations in the country to redress the impact the conflict had had on the civilian population was designed along these lines. Law 1448 of 2011, 'by which attention, assistance and comprehensive reparation measures for the victims of the internal armed conflict and other measures are established', included a gender perspective that was largely centred on sexual violence.⁶⁵ Even though it included some affirmative actions for women in the land restitution process, such as priority in the processing of their claims and joint titling, the connection between land, gender and the environment was missing. The land restitution aim of Law 1448 failed to acknowledge the impacts of the conflict on the environment and the fact that gender had probably played an important role not only in curtailing women's ownership of, access to and control of land, but also perhaps in granting them these possibilities only in plots that were badly located or in poor environmental and socio-economic conditions.⁶⁶ In this way, Law 1448 was a lost opportunity to explore these interconnections in such a way as to promote gender-based justice.

Gender, the environment and the peace agreement: comprehensive agrarian reform

Although the peace agreement embodies a protective approach to the environment, including a pledge to pursue sustainable environmental development, and acknowledges the need to redress environmental damage caused by conflict, it did not make explicit the linkages between conflict, gender and environmental degradation.⁶⁷ Nevertheless, the agreement includes plenty of language designed to ensure gender mainstreaming in its implementation and women's inclusion as active participants in its translation into specific public policies and regulations. This mandate to include and empower women's voices in the design, application and functioning of any measure, plan, programme or body originating from the agreement is an opportunity to draw the links between gender, war and the environment that were not developed during the negotiations and in its provisions. Point one of the agreement, on the comprehensive rural reform, is particularly relevant to this end.⁶⁸ In this section of the agreement, the negotia-

⁶⁴ Céspedes-Báez, 'A (feminist) farewell to arms'.

⁶⁵ Government of Colombia, Law no. 1448/11, 10 June 2011, *Diario Oficial* 48096.

⁶⁶ There is evidence that women usually have access to and control over land of poorer quality than men. See Miriam Nobre and Soledad Parada, *Atlas de las mujeres rurales de América Latina y el Caribe: 'al tiempo de la vida y los hechos'* (Rome: UN Food and Agriculture Organization, 2017), <http://www.fao.org/3/a-i7916s.pdf>; Coordinadora de la Red Centroamericana de Mujeres Rurales e Indígenas y Campesinas (RECMURIC), *Tierra para nosotras: propuestas políticas de las mujeres rurales Centroamericanas para el acceso a la tierra* (Oxfam, 2015), https://www.oxfamintermon.org/es/publicacion/Tierra_para_nosotras; Evelyn Namubiru-Mwaura, *Land tenure and gender: approaches and challenges for strengthening rural women's land rights* (Washington DC: World Bank, 2014), <https://openknowledge.worldbank.org/bitstream/handle/10986/21033/927600NWPOWomeoBox385358BooPUBLICo.pdf?sequence=1&isAllowed=y>.

⁶⁷ Bernal-Camargo et al., 'Bioprospección y el acuerdo de paz'.

⁶⁸ The peace agreement with the FARC guerrillas covered six points. The first five pertain to the conditions the parties to the agreement identified as essential to achieve peace in the country; the sixth develops measures

tors intended to tackle land distribution and agrarian conditions in the country. In doing so, they wanted to address one of the main causes of armed conflict in Colombia, and one of the most complicated consequences of the internal warfare.

Land seizure and abandonment have been an integral part of the Colombian armed conflict, with problems about concentration of land tenure and obstacles to peasants' access to and control of land having been identified as prominent among the causes of conflict.⁶⁹ It has been estimated that more than 6 million hectares of land have been seized over the course of the conflict, and a 2012 Gini coefficient for land concentration in Colombia of 0.874 points out the stark inequality in the distribution of land in the country.⁷⁰ Warfare and the presence of armed groups have reduced the presence of the state in several regions of Colombia, which has meant not only that state institutions are absent, or co-opted by armed actors, but also that the basic infrastructure and conditions required to make a living in those territories are deficient or non-existent. The environment has, moreover, itself been a target in the strategies of illegal armed actors, with some Colombian guerrillas resorting to attacks designed to damage the ecosystems in which people live.⁷¹

Point one of the peace agreement declared the intention to adopt a comprehensive approach to land and rural development to address the structural causes of land seizure and displacement. In some sense, it wanted to go beyond a reparation scheme based exclusively on the legal protection of ownership and possession to embrace an all-inclusive legal and public policy that would consider all the necessary conditions to promote rural development. Hence this part of the agreement took into consideration, among other factors, the environment, public utilities, education and health, with the objective of addressing all the structural causes that had in the past facilitated land seizure and abandonment, the pauperization of agrarian communities and armed conflict.

Yet, as noted above, Law 1448 failed to take adequate account of the multiple obstacles faced by Colombian women, particularly those living in agrarian communities, to owning, accessing, controlling and recovering land.⁷² Even though the

and mechanisms to monitor its implementation. Point one established the roadmap for a comprehensive rural reform; point two outlined the strategy to guarantee political participation; point three addressed the procedures for halting the armed confrontation between the FARC and the government and for the laying down of arms; point four tackled the issue of illicit drugs; and point five referred to victims and their redress. See Government of Colombia and FARC-EP, *Acuerdo final para la terminación del conflicto y la construcción de una paz estable y duradera* (Bogotá, 2016).

⁶⁹ Donny Meertens, *Elusive justice: women, land rights, and Colombia's transition to peace* (Madison: University of Wisconsin Press, 2019).

⁷⁰ Organización de las Naciones Unidas para la Alimentación y la Agricultura, *Concentración y extranjerización de tierras productivas en Colombia. Marco conceptual, legal e institucional, contribución a la aplicación de las DIRECTRICES VOLUNTARIAS SOBRE LA GOBERNANZA RESPONSABLE DE LA TENENCIA DE LA TIERRA* (Bogotá: FAO, 2017), pp. 99, <http://www.fao.org/documents/card/en/c/f7029c7f-3b8b-4c38-87b4-f3ff8c03d895/>; Forjando Futuros, *Poca tierra, muchos muertos*, March 2018, https://www.forjandofuturos.org/wp-content/uploads/2020/07/642-2018-03_asi-va-la-restitucion_poca-tierra-muchos-muertos_comprimido.pdf, accessed 3 April 2020.

⁷¹ Leonardo Güiza Suárez, 'Las víctimas de los daños ambientales del conflicto después del acuerdo con las FARC', in Beatriz Londoño Toro and Laly Catalina Peralta González, eds, *La voz de las víctimas: reto para la academia en el posconflicto* (Bogotá: Editorial Universidad del Rosario, 2018), pp. 97–116.

⁷² Donny Meertens, 'Discursive frictions: the transitional justice paradigm, land restitution and gender in Colombia', *Papel Político* 20: 2, 2015, pp. 1–30; Carmen Diana Deere and Magdalena León, *Empowering women: land and property rights in Latin America* (Pittsburgh: University of Pittsburgh Press, 2001).

country has guaranteed full legal capacity to women to manage their estates since the 1930s, social attitudes and practices have inhibited the realization of equal standing between men and women in this matter. The difficulties in accessing land and acquiring titles to land seem to push women and other historically disadvantaged groups to marginal territories in which political, economic and environmental insecurity is often more intense. Linking gender, armed conflict and the environment is key to evaluating and understanding these hypotheses. This is why it is of pressing importance to integrate this perspective in the implementation of the peace agreement in Colombia and in the design of public policies and legal regulations on this subject.

The agreement contemplated the creation of a high-level body to develop guidelines for land use according to which women and men should have parity in participation, and which would include provisions covering environmental and social sustainability, the preservation of biodiversity, the protection of water sources and the prioritization of food production, among other things. However, it is unclear whether this has taken place.⁷³ This is particularly disappointing, since the peace agreement envisaged this body as playing a crucial role in the provision of guidance on the most pressing matters relating to land and the environment.⁷⁴ Incorporating a gender approach in the work of such a body would certainly provide an opportunity for the systematic analysis, which has so far been lacking, of the differentiated gendered impacts of environmental degradation during war and its aftermath.

However, this situation is no surprise. The implementation of the peace agreement has not been easy, and many of its most decisive measures imply structural changes that will take more than a few years to be realized.⁷⁵ In terms of gender, the signature of the peace agreement confirmed that sexual violence still dominates the gender-based narrative of the conflict, even as other related topics, such as access to land, the situation of the LGBT population, food security and the protection of the environment, are slowly gaining more space in the public and judicial debate. Regarding compliance, most progress in relation to gender has been made around the investigation, prosecution, redress and guarantee of non-repetition of crimes related to the armed conflict. The creation of the special group to investigate sexual violence within the Special Jurisdiction for Peace is one of the most significant advances in this area.

⁷³ In June 2020, the think-tank Centro de Pensamiento y Diálogo Político and the Commission for Follow-Up, Impulse and Verification on the Implementation of the Farc Agreement (CSIVI-FARC, after its name in Spanish) indicated that the body had met only three times between 2016 and 2019 and only to analyse issues pertaining to the cadastre. CSIVI-FARC and Centro de Pensamiento y Diálogo Político, *Claves analíticas sobre el estado actual de la implementación*, June 2020, <https://cepdipo.org/portfolio/claves-analiticas-sobre-el-estado-actual-de-la-implementacion-covid-19/>.

⁷⁴ Leonardo Güiza Suárez, 'Las víctimas de los daños ambientales del conflicto después del acuerdo con las FARC', in Toro and González, eds, *La voz de las víctimas*, pp. 97–116.

⁷⁵ Kroc Institute for International Peace Studies, *Tres años después de la firma del acuerdo final de Colombia: hacia la transformación territorial. Diciembre 2019 a noviembre de 2019* (Bogotá, 2020), <http://peaceaccords.nd.edu/wp-content/uploads/2020/06/Cuarto-Informe-Final-with-Annex-Link-1.pdf>.

Meanwhile, measures aimed at implementing a gender-sensitive comprehensive rural reform, substitution of legal for illegal crops, and the provision of protection for women leaders lag behind.⁷⁶ The prioritization of and continuing focus on sexual violence thus fails to capture the range of harms done during the conflict to a range of different groups of women, particularly agrarian communities and indigenous peoples. The experiences of sexual violence currently being considered are divorced from other forms of violence, such as spiritual and ecological violence carried out on land, and their significant impacts on livelihoods, on ways of being and living, which have yet to be fully considered in reparation programmes. This argument is explored further below.

The court case of Katsa Su

Despite the attention that feminist scholars have paid to accountability, including prosecutions and reparations for gendered harms, there has been little consideration of the importance of broader reparations, and in particular of how gendered harms intersect with women's lives, livelihoods and relationships with the natural environment. Yet, in some cases, women's experiences of sexual violence in conflict and post-conflict settings relate directly to natural resources and their relationship with natural entities. As Dunn and Matthew have argued, the intersection of the natural environment and gender 'demarcates a crucial area for further consideration of the ways in which violent conflict begins and endures, and of the prospects for a transformative approach to peacebuilding and justice in transition'.⁷⁷

In this final section of the article we turn to the courts and an important part of the peace process: justice and accountability. We introduce the judgment of the Special Jurisdiction for Peace (JEP) on Katsa Su to argue that this case provides a possible opening for further consideration of how environmental and gender justice could intersect beyond the understanding of the latter in terms exclusively of reparations for sexual violence. In Colombia there has been recognition of the right of victims to comprehensive reparations in relation to gender-based violence inflicted during the conflict. By way of example, in December 2019 the Colombian constitutional court ruled that the law on the reparations scheme included female former combatants who had suffered from sexual and reproductive violence.⁷⁸ In this section, we argue that the Katsa Su case provides a new judicial stepping-stone towards a more integrated approach.

⁷⁶ Iniciativa Barómetro, Matriz de Acuerdos de Paz, Instituto Kroc de Estudios Internacionales de Paz, UN Women, Federación Democrática Internacional de Mujeres (FDIM) and Suecia, *Hacia la paz sostenible por el camino de la igualdad de género. II informe de seguimiento al enfoque de género en la implementación del acuerdo de paz en Colombia* (Bogotá, 2020), <http://peaceaccords.nd.edu/wp-content/uploads/2020/04/112719-Informe-g%C3%A9nero-versi%C3%B3n-digital.pdf>.

⁷⁷ Holly Dunn and Richard Matthew, 'Natural resources and gender in conflict settings', *Peace Review* 27: 2, 2015, pp. 156–64 at p. 161.

⁷⁸ Sentencia SU-599/19, 11 Dec. 2019, available in Spanish at <https://www.womenslinkworldwide.org/files/3105/decision-corte-constitucional-caso-helena.pdf>.

Establishing the JEP

Point five of the peace agreement established the comprehensive system of truth, justice, reparation and non-repetition.⁷⁹ The agreement created a judicial body—the Special Jurisdiction for Peace—to try political offences and grave human rights and humanitarian law violations, perpetrated by the FARC or the armed forces prior to 1 December 2016 and directly or indirectly related to the conflict. The establishment of this special judicial forum opened up an opportunity to adjudicate on the harms inflicted on the environment and their connection to the experiences of women and men in conflict. This process was facilitated when the Colombian legal system started to recognize rights and grant protection to natural entities.⁸⁰ The courts in Colombia have now established judicial protection of the rights to life, health, water, food security, a healthy environment, culture and territory, and have recognized the rights of rivers and ecosystems. In the post-conflict or post-peace agreement context, the investigative branch of the Special Jurisdiction for Peace has found that nature was a victim of the Colombian conflict.⁸¹

It is in this context that the JEP made its decision in the Katsa Su case presented by the Indigenous Awa (la Unidad Indígena del Pueblo Awá—Asociación de Autoridades Tradicionales Indígenas Awá—UNIPA).⁸² The term Katsa Su in the Awapit language means ‘large territory’. The territory is understood as inseparable from, and interconnected and interdependent with, the Awa people. The Awa Association, representing 32 associated councils corresponding to 27 reservations and five ancestral territories, sought recognition from the JEP that the territory and the Awa people were victims of the conflict, given the grave, systematic, disproportionate, differential and direct impact on their identity and dignity.⁸³ In its preliminary decision, the court acknowledged their status as collective victims, therefore legally establishing their right to participate actively and receive redress in JEP Case No. 02, which is determining the responsibility of FARC and the state’s armed forces for crimes perpetrated between 1990 and 2016 in three municipalities of Colombia. In doing so, the court recognized the vulnerability of indigenous groups as a result of discrimination, and found that many of the risks to indigenous people are associated with their defence of the life of their territory, including rivers, animals, the sea, mangroves, mountains, sacred sites and persons. The court noted how conflict interrupts and attacks their spiritual, cultural, social

⁷⁹ See n. 68 above.

⁸⁰ See e.g. the Atrato River case, T-622/16 Constitutional Court of Colombia, Nov. 2016; and the Amazonía case, Corte Suprema de Justicia, Sala de Casación Civil, STC4360-2018, April 2018.

⁸¹ JEP, ‘Boletín de prensa—Comunicado 009 Día Internacional del Medio Ambiente’, 5 June 2019, available at <https://www.jep.gov.co/SiteAssets/Paginas/UIA/sala-de-prensa/Comunicado%20UIA%20-%20009.pdf>, accessed 22 Oct. 2020

⁸² The case before the Recognition Chamber falls under the JEP’s casework in relation to crimes committed in the geographical areas of Tumaco, Ticuarte and Barbacoas (Nariño) between 1990 and 2016, commonly known as Case No. 002: Jurisdicción Especial para la Paz, Salas de Justicia, Sala de Reconocimiento de Verdad, de Responsabilidad y de Determinación de los Hechos y Conductas, Caso No. 02 de 2018, Auto SRVBIT-079, Bogotá, 12 de noviembre de 2019.

⁸³ Jurisdicción Especial para la Paz, Salas de Justicia, Sala de Reconocimiento de Verdad, de Responsabilidad y de Determinación de los Hechos y Conductas, Caso No. 02 de 2018, Auto SRVBIT-079, Bogotá, 12 de noviembre de 2019, Para. 10.

and independent harmony and their knowledge of their land. It thus recognized the Awa people and their territory as victims of the conflict.

Importantly, the judgment also emphasized the differential and disproportionate impact of the conflict on indigenous girls and women.⁸⁴ It notes that the armed conflict created a situation of permanent violation of their rights, putting both their survival and their knowledge at risk. It acknowledges the Awa's submissions on their beliefs and cosmology, in which women are considered carriers and custodians of ancestral knowledge, and have a leading cultural role in the harmony and union between the natural environment and the human world. The court specifically mentioned the 'relationship woman–territory' and used the term 'intersectionality' to explain how women are guardians and *portadores* of the special relationship with nature. In this way, the court accepted and respected the indigenous peoples' own conceptions of their relationships with the land and the harms that they have suffered. This stepping-stone will no doubt be an important aspect as the case develops. As we have argued above, recognition of the Awa as victims provides an opportunity to consider how women and men are connected to and live with ecosystems, and how these connections and relationships with nature were affected by the conflict.

The JEP's decision in the Awa case presents a significant precedent not only in Colombia but also, more broadly, with respect to international law and the WPS framework. It recognizes, as many feminist geographers and anthropologists have argued to be necessary in considering violations of women's rights, the importance of an intersectional consideration of other cosmologies and of relationships between gender and territory.⁸⁵ It also offers an opportunity, first, to expand the understanding of who is a victim and what kind of reparations transitional justice has to offer if it is effectively to redress gender-based harms in the context of conflict; and second, to delineate the judicial parameters required to fully grasp the meaning of the interplay between gender, spirituality and the environment in the context of transitional justice mechanisms.⁸⁶ While the JEP's Case No. 02 has not yet reached a final conclusion at the time of writing, the fact that this court is embracing a more complex notion of who is eventually entitled to reparations in post-conflict Colombia is challenging the hitherto dominant perspective in the truth, justice, reparation and non-repetition model, in which the individual

⁸⁴ Jurisdicción Especial para la Paz, Salas de Justicia, Sala de Reconocimiento de Verdad, de Responsabilidad y de Determinación de los Hechos y Conductas, Caso No. 02 de 2018, Auto SRVBIT-079, Bogotá, 12 de noviembre de 2019, Para. 57.

⁸⁵ See Donny Meertens, 'Justicia de género y tierras en Colombia: desafíos para la era del pos-acuerdo', *European Review of Latin American and Caribbean Studies*, no. 102, 2016, pp. 89–100; Astrid Ulloa, 'Perspectives of environmental justice from indigenous peoples of Latin America: a relational indigenous environmental justice', *Environmental Justice* 10: 6, 2017, pp. 175–80; Astrid Ulloa, ed., *Mujeres indígenas haciendo, investigando y reescribiendo lo político en América Latina* (Bogotá: Universidad Nacional de Colombia, 2020).

⁸⁶ This process has already begun in relation to spirituality and the environment in the context of human rights law. See *Indigenous Communities of the Lhaka Honhat Association (Our Land) v. Argentina*, merits, reparations and costs, Inter-American Court of Human Rights series C, 6 Feb. 2020; IACHR, 'Indigenous and tribal peoples' rights over their ancestral lands and natural resources—norms and jurisprudence of the inter-American human rights system', OEA/Ser.L/V/II. Doc. 56/09, 30 Dec. 2009; *Yakye Axa Indigenous Community v. Paraguay*, merits, reparations and costs, IACHR series C, no. 125, 17 June 2005, sec. 131; *Sawhoyamxa Indigenous Community v. Paraguay*, merits, reparations and costs, IACHR series C, no. 146, 29 March 2006, sec. 118.

is seen as detached from the environment. As the peace agreement was praised for its inclusion of the gender perspective, so the JEP should be acknowledged for its contribution to a redefinition of the interplay between the environment and armed conflict. The challenge that lies ahead is the further development and materialization of its gender-based dimension.

Conclusion

The WPS agenda can and must do more to integrate the lessons of environmental peacebuilding, including the protection of the environment and the embrace of ecosystems within the relief and recovery pillar. The Colombian case-study presented here illustrates the importance of including both gender and the environment within peace processes, and also of ensuring that these are considered as interlinked and intersecting factors. The focus on conflict-related sexual violence, the dominant framework of analysis in international law, which was adopted in Colombia, shaped the way in which gender was introduced into the peace agreement to determine the gender impacts of the country's internal conflict. The peace agreement reflected this particular notion of gender and therefore did not explicitly take into account the gender-based dimensions of environmental harms related to armed conflict.

These insights are key to designing reparations schemes in which the gender perspective is not based exclusively, or almost exclusively, on women as victims of sexual violence, but also acknowledges women's particular contribution to the defence, preservation and responsible economic exploitation of biodiversity. Understanding the interaction between individuals, communities, land and ecosystems helps to identify those who were exposed to heightened danger of experiencing human rights violations in the context of conflict, owing to environmental degradation caused by armed actors and violence fuelled by armed actors seeking control of territorial and/or natural resources. The *Katsa Su* judgment is a significant jurisprudential step in this regard, and shows that alternative conceptions of relief, recovery and reparations can be conceived.