Student Reflections on the 20th Anniversary of the Women Peace and Security Agenda

Women, Peace and Security: Security Council Open Debate

United Nations, New York, 29 October 2019

Editor

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This Report is presented to Under Secretary General Phumzile Mlambo Ngcuka,
Executive Director of UN Women in recognition of her leadership in the adoption of
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Foreword

In the Fall of 2019, the University of Pennsylvania's Law School was fortunate to welcome the UN's Special Representative for Children and Armed Conflict, Radhika Coomaraswamy, to teach a course on the Women, Peace, and Security Agenda. As the author of the UN's 2015 *Global Study on the Implementation of United Nations Security Council Resolution 1325*, few, if any, are better placed to comment on the agenda. In conjunction with the University of Pennsylvania's own Associate Dean of International Affairs, Dr. Rangita de Silva de Alwis, a small group of law students met over the course of several weeks to discuss the agenda's four pillars: participation, protection, justice, prevention. The authors of the essays in this report all attended this reading and discussion group. We are exceptionally grateful to Ms Coomaraswamy and Dr. de Silva de Alwis for their guidance during our conversations as a group, for their encouragement, and for their invaluable contributions to the development of this field and the essays in this volume.

One need only turn to the nomenclature of the Women, Peace, and Security agenda to appreciate its unique place in the international legal order. No UN Security Council resolution other than 1325 is known by its number alone, no other collection of UN Security Council resolutions have formed the basis for an 'agenda', and no other international public policy movement can be conjured up with just three characters: 'WPS'. On the occasion of Resolution 1325's 20th anniversary, now is an opportune time to reflect on the WPS agenda's successes, shortcomings, and future direction.

With that goal in mind, each of the essays in this volume engages critically with the WPS agenda at a crucial time in its development. In the first essay, I assess the cogency of the postcolonial critique of the WPS agenda, whilst in the second, Cassandra Dula evaluates both the intersectional and postcolonial critiques. In the third essay, Kunal Kanodia provides an overview of the challenges facing the WPS agenda as a whole, suggesting how these might be overcome. In the fourth, Eduarda Lague assesses the arguments for and against expanding the focus of the WPS agenda. Aseem Chipalkatti then argues that the WPS agenda has failed to effectively prevent the continuum of violence, Fumnanya I. Ekhator suggests that the agenda must shift its perspective from examining statistics to women's own stories, whilst Betha Igbinosun examines how the WPS agenda has addressed sexual violence against women. This report concludes with two detailed case studies: Farah Chalisa analyses the success of the WPS agenda in Pakistan, and Bridget Golob focusses upon the agenda's application in Ethiopia.

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The Women, Peace, and Security Agenda: An Assessment of the Postcolonial Critique

Crawford Jamieson

I. Introduction

Depending on who one asks and where one looks, one can find remarkably diverging views regarding the conceptual basis and efficacy of the Women, Peace, and Security (WPS) agenda. For its advocates, the WPS agenda is 'one of the crowning achievements of the global women's movement',[1] which boasts 'significant potential to bring knowledge and social transformation to prevent conflicts, protect human rights, and promote recovery from conflict and insecurity.'[2] To some of its detractors, however, the agenda is nothing more than 'a political cover-up for interventionist policies which have nothing to do with women's wellbeing',[3] or 'a cog in the wheel of the larger protection/savior narrative that seems to have become part of the contemporary feminist vocabulary'.[4] This paper assesses which account of the WPS agenda is closest to the mark.

The WPS agenda has produced a significant body of academic discussion which includes several critical schools of thought.[5] This paper examines the contribution of only one of these bodies of criticism, namely, the postcolonial critique. I pay particular attention to the 2015 Global Study, as a comparatively recent (and UN sanctioned) re-statement of the WPS agenda. With regard to the postcolonial critics, I closely examine S.

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[1] P. Mlambo-Ngcuka, 'Foreword' in *A Global Study on the Implementation of United Nations Security Council Resolution 1325* (2015) p. 5 (available online at <https://wps.unwomen.org/resources/> last accessed on 17 November 2019). Hereafter, the work is referred to as 'the Global Study'.

[2] S. E. Davies and J. True, 'Women, Peace, and Security: A Transformative Agenda?' in *The Oxford Handbook of Women, Peace, and Security*, Eds S. E. Davis and J. True (Oxford: Oxford University Press, 2019) pp. 4-12, p. 4

[3] S. Aroussi, 'Women, Peace and Security: Addressing Accountability for Wartime Sexual Violence' in *International Feminist Journal of Politics*, (2011) Vol. 13, 4, pp. 576-593, p. 593

[4] S. Parashar, 'The WPS Agenda: A Postcolonial Critique' in *The Oxford Handbook of Women, Peace, and Security*, Eds S. E. Davis and J. True (Oxford: Oxford University Press, 2019) pp. 830-837, p. 837

[5] For a fulsome overview of these critiques see F. Ní Aoláin and N. Valji, 'Scholarly Debates and Contested Meanings of WPS' in *The Oxford Handbook of Women, Peace, and Security*, Eds S. E. Davis and J. True (Oxford: Oxford University Press, 2019) pp. 54-62.

Parashar's recent essay 'The WPS Agenda: A Postcolonial Critique',[6] although frequent reference is also made to other authors. This paper focusses on three criticisms which postcolonial thinkers have levelled against the WPS agenda, each of which are set out and critically examined. In Section II, I examine the argument that the WPS agenda was created by the Global North to suit its policy aims. I suggest that whilst individuals, organisations, and states from the Global South have made important contributions to the WPS agenda, certain Western nations have successfully co-opted the language of Resolution 1325 and its accompanying instruments to further their own foreign policy interests. The second criticism, set out under Section III, is that the WPS agenda compels individuals in the Global South to play the role of the victim. I suggest that, on examination, although this has formerly been a serious concern for the WPS agenda and valid criticism of its conceptual foundations, important improvements have been made in ensuring that the agenda supports the agency of actors in the Global South. The third and final argument I examine in Section IV is that the WPS agenda reinforces a liberal concept of women's agency which selectively empowers certain groups of women in favour of others. I contend that whilst there have been occasions where it is difficult for women who are critical of Western states' foreign policy to make themselves heard, it is important that the WPS agenda avoids taking a political stance regarding which formulation of women's empowerment is normatively preferable. Finally, in Section IV, I conclude with an assessment of the postcolonial critique as a whole. On balance, I argue that whilst the postcolonial critique has made important contributions to the development of the WPS agenda, and is likely to continue to do so, none of the criticisms it offers ought to be accepted without some caveat or another.

The 'WPS agenda', as it has come to be known, refers to the work of the UN as set out in a series of UN Security Council resolutions, beginning with Resolution 1325 (2000).[7] 'Postcolonial criticism' has a somewhat more contested meaning. Historically, 'colonialism' was when one state ruled directly over another state, usually for economic gain. That notion of 'colonialism', which today is thankfully more prevalent in the pages of dictionaries[8] than among present states, is only one facet of what is meant by the term.

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[6] S. Parashar (n 4)

[7] The other relevant resolutions are 1820 (June 2008), 1888 (Sept. 2009), 1889 (Oct. 2009), 1960 (Dec. 2010), 2106 (June 2013), 2122 (Oct. 2013) and 2242 (Oct. 2015).

[8] The Oxford American College Dictionary, for example, defines 'colonialism' as 'the policy or practice of acquiring full or partial political control over another country, occupying it with settlers, and exploiting it economically.'

J. Galtung discusses three phases of colonialism or (the term he prefers) 'imperialism'.[9] The first phase is the dictionary definition of colonialism – the practice of one state ruling over another. The second phase is when one state utilises their economic or political power in order to create power imbalances with another state or network of states, often in the context of an Empire.[10] The third, and (according to Galtung) present, phase is when international institutions and systems are used by states in the Global North to exploit the Global South.[11] Postcolonialist critics argue that international institutions are 'colonialist' in this final sense of the term. In a nutshell, therefore, the 'postcolonialist critique' of the 'WPS agenda' contends that Resolution 1325 and associated instruments have enabled the Global North's exploitation of the Global South. This paper assesses the cogency of that position.

II.   The WPS agenda was created by the Global North to further its policy aims

Few, if any, commentators argue that the WPS agenda was created solely by states in the Global North. Some academics, however, write euphemistically of the 'colonial origins'[12] of the 'Western'[13] WPS agenda. Whilst there are plausible arguments that the conceptual foundation of the WPS agenda is colonialist, it is disingenuous to imply that the agenda is predominately the work product of states in the Global North. Resolution 1325 was passed unanimously on 31 October 2000 – but it might not have ever been put to a vote if Namibia had not taken up the presidency of the UN Security Council that year. A few months prior to Resolution 1325's adoption, Namibia took a special interest in the relationship between gender and peacekeeping, enacting the Windhoek Declaration and the Namibia Plan of Action on Mainstreaming a Gender Perspective in Multidimensional Peace Support Operation on 29 and 31 May 2000 respectively. One of Namibia's first acts upon taking up the presidency was to agree to sponsor a session on Women, Peace, and Security. Following an Arria Formula meeting held in preparation for that session, Resolution 1325 was passed. Contemporary accounts are clear that, far from being a creation of Western states, the WPS agenda would never have been introduced without

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[9] J. Galtung, *Peace and world structures: Essays in peace research, Volume IV* (Copenhagen, Norway: Christian Ejlers, 1980)

[10] ibid p. 437

[11] See further discussion of Galtung's work in S. Byrne, M. A. Clarke, and A. Rahman, 'Colonialism and Peace and Conflict Studies' in *Peace and Conflict Studies*, Vol. 25, 1. Galtung himself does not use the comparatively recent terms 'Global North' and 'Global South' which I adopt in this paper.

[12] S. Parashar (n 4), p. 830

[13] ibid

the contributions of individuals, organisations, and countries from the Global South.[14] Although it is true that the WPS agenda has been spearheaded by 'non-governmental organisations… and other gender advocates… with offices in New York, London, and Geneva',[15] it does a disservice to the efforts of a multitude of actors to depict the WPS agenda as a child of the Global North. To their credit, many postcolonial critics of the WPS agenda recognise its non-Western origins, and the continuing influence the Global South has played in its development.[16]

Although the Global South has played a crucial role in the WPS agenda's construction and development, Western states have utilised the agenda to further their own policy aims in several important respects. For example, one manner in which the WPS agenda is implemented is by requiring states to publish National Action Plans summarising their efforts to comply with the agenda's stipulations. L. Shepherd has found that the National Actions Plans published by Western countries almost exclusively focus on foreign conflicts, rather than upon the domestic difficulties faced by women in the Global North.[17] The WPS agenda is therefore used in the West to distract from feminist causes which are closer to home. Moreover, Western countries' National Action Plans frequently emphasises the need to 'make war safe for women',[18] rather than preventing conflict in the first instance. The UN's 2015 Global Study is clear that the message of the WPS agenda must be 'no to militarisation: yes to prevention'.[19] But this rhetoric does not stop countries in the Global North from co-opting the language of WPS to bolster arguments in favour of their own interventionist foreign policy positions. There is good evidence, for example, that the United States has consciously and effectively used the WPS agenda in order to justify its military presence in several conflicts in the Global South.[20] Indeed, UN Security Council Resolution 1483 regarding Iraq and Kuwait referenced Resolution 1325, implicitly justifying Western intervention under the guise of furthering

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[14] See S. N. Anderlini, 'Civil Society's Leadership in Adopting 1325 Resolution' in *The Oxford Handbook of Women, Peace, and Security*, Eds S. E. Davis and J. True (Oxford: Oxford University Press, 2019) pp. 39-51

[15] S. Basu, 'The Global South Writes 1325 (Too)' in *International Political Science Review* (2016) Vol. 37, 3 pp. 362-374

[16] ibid

[17] L. Shepherd, 'Making War Safe for Women? National Action Plans and the Militarisation of the Women, Peace, and Security Agenda', in *International Political Science Review*, (2016) Vol. 37, 3 pp. 324-335

[18] ibid, p. 327

[19] p.394

[20] C. Harrington, 'Resolution 1325 and Post-Cold War Feminist Politics' in *International Feminist Journal of Politics*, (2011) Vol. 13, 4, pp. 557-575

gender equality by arguing that military action would help bring 'equal rights and justice to all Iraqi citizens'.[21] The Global Study's recognition of the need to de-militarise WPS is thus an important and necessary step in de-coupling the agenda from Western foreign policy interests. It remains to be seen, however, whether the agenda can be geared towards effective conflict prevention rather than simply 'feminising' war.

III.   The WPS agenda forces the Global South into the role of the victim

A pervasive criticism of the WPS agenda's conceptual foundations relates to the agenda's frequent use of detailed examples of conflicts in the Global South – a practice which is especially marked in the 2015 Global Study. According to critics such as S. Parashar, this means that 'the Global South must perform the site of innumerable "case studies," where people and societies are framed in a perpetual state of conflict'.[22] Parashar argues that by using case studies to formulate 'best practices', the WPS agenda homogenises the Global South and fails to 'capture the complexity of the situation on the ground'.[23] This denies agency to individuals in the Global South, allowing Western nations and organisations to paint themselves as 'saviours'.[24] It also depicts the Global South as comprised merely of 'sites of unmanageable conflict',[25] useful only as 'empirical testing ground[s] for Western approaches to peace-building'.[26]

On examination, Parashar's criticism on this point is an overly reductive description of how the WPS agenda is functioning today, although her argument was more salient several years ago. First, it is important not to neglect the relevance of the WPS agenda to conflicts in the Global North – and attempts by WPS advocates to apply the agenda to such conflicts. For example, in the Global Study, the UN is sharply critical of the lack of involvement by women in peace negotiations in Northern Ireland, but commends the prominent role women played in the peace talks in Colombia.[27] Moreover, Parashar's argument misunderstands the function and purpose of case studies. Rather than reducing examples of conflict to generalities, case studies are necessary to identify the myriad ways in which gender and conflict interrelate. Of course, there can be no 'agenda' without drawing out the common themes which underlie many conflicts; that

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[21] UN Security Council Resolution 1483 (2003)

[22] S. Parashar (n 4), p. 829

[23] ibid, p. 832

[24] ibid, p. 837

[25] ibid

[26] ibid

[27] R. Coomaraswamy, *The Global Study*, pp. 46, 50

women and girls are disproportionately affected by war,[28] for example, or that women are typically excluded from post-conflict peace negotiations.[29] There have been increasing efforts, however, within the UN to avoid generalities which deny agency to women in conflict situations and to individuals in the Global South more generally. The Global Study, for example, frequently discusses the roles which women have played as combatants in conflict situations, such as in Sierra Leone's civil war.[30]

Although Parashar's claim that the WPS agenda denies agency to women in conflict situations was once pertinent, it appears to be increasingly inaccurate. All of the WPS UN Security Council resolutions[31] have condemned sexual violence in armed conflict in some form (indeed, four have been solely dedicated to resolving the problem). Tackling sexual violence in war has historically been one of, if not the, central priority of the WPS agenda. Several critics, most notably D. Otto,[32] have argued persuasively that the single-minded focus of WPS advocates on the issue of sexual violence in conflict situations indicates that 'the Security Council is more at ease with casting women in a protective frame than treating them as equal participants in peacemaking and peacebuilding'.[33] However, there are signs that the paternalism which previously characterised the WPS agenda's policy aims is fading. The topic of sexual violence in war is only one issue among many addressed by the Global Study, and even then it does not receive sufficient prominence to earn its own chapter heading. Moreover, the Global Study frequently uses language which emphasises women's agency: one of its central recommendations is that '[w]omen peacebuilders in the field should be empowered to choose their priorities and determine their own strategies',[34] for instance.

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[28] R. Coomaraswamy, 'Ch. 3: Women's Participation and a Better Understanding of the Political' in *The Global Study*

[29] R. Coomaraswamy, 'Ch. 7: Building Inclusive and Peaceful Societies in the Aftermath of Conflict' in *The Global Study*

[30] R. Coomaraswamy, *The Global Study*, p. 303

[31] (n 7)

[32] See D. Otto 'Making Sense of Zero Tolerance Policies in Peacekeeping Sexual Economies' in Sexuality and the Law: Feminist Engagements, Eds V. Munro and C. F. Stychin (New York: Routledge, 2007) pp. 252-282.

[33] D. Otto, 'Women Peace and Security: A Critical Analysis of the Security Council's Vision' in *LSE Centre for Women Peace + Security* (2016) (available online at: < https://blogs.lse.ac.uk/wps/2017/01/09/women-peace-and-security-a-critical-analysis-of-the-security-councils-vision/> last accessed 17 November 2019).

[34] R. Coomaraswamy, *The Global Study*, p. 394

This shift in tone is also apparent in UN Security Council resolutions themselves. Although the language of Resolution 1325 described women as passive victims, later resolutions have spoken of women in more active terms, as autonomous agents, or even, as L. J. Shepherd argues, as 'heroines'.[35] It cannot be denied that Parashar's criticism once had some force, especially during the WPS agenda's first decade. However, it is a testament to the efforts of postcolonial critics that there appears to be an increasing awareness within the UN of the need to avoid depicting women merely as passive recipients of Western aid.[36] This development in the WPS agenda's conceptual foundations ought to be welcomed by postcolonial critics, and goes some way to mollifying the force of the criticism that the agenda denies agency to individuals in the Global South.

IV.   The WPS agenda reinforces a liberal concept of women's agency which selectively empowers certain groups of women over others

A related criticism of the WPS agenda is that, even when it recognises women's agency, it does so through the context of a liberal prism which selectively empowers certain groups over others. According to this critique, the WPS agenda seeks to impose a particular kind of peace on states in the Global South, namely one 'wherein democracy and economic liberalism are considered to be universal methods for post-conflict reconstruction'.[37] Where women do not agree with these policies, they may be shut out from post-conflict decision making. This is also mirrored in the WPS agenda's conception of what it means to be empowered as a women. Parashar argues that '[t]hrough [the WPS agenda's] focus on women's access to decision-making and support for gender equality, the WPS discourse endorses a particular liberal vision of equality and peace that does not appear to be inclusive of all interests and experiences.'[38]

S. Gibbings vividly records an example of how certain women may struggle to make themselves heard in the UN.[39] In 2003, two Iraqi women, who were advocating for women's involvement in peace talks in their home country, were invited to a discussion at the UN regarding the WPS agenda. Gibbings explains how their visit upset sensibilities:

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[35] L. J. Shepherd, 'Sex, Security and Superhero(in)es: From 1325 to 1820 and Beyond' in *International Feminist Journal of Politics*, (2011) Vol. 13, 4, pp. 504-552

[36] R. Coomaraswamy, *The Global Study*, p. 395

[37] S. Basu (n. 15) p. 364

[38] S. Parashar (n 4), p. 833

[39] S. Gibbings, 'No Angry Women at the United Nations: Political Dreams and the Cultural Politics of United Nations Security Council Resolution 1325', in *International Feminist Journal of Politics*, (2011) Vol. 13, 4, pp. 522-538

At the meeting the two Iraqi women voiced their opposition to the occupation. They spoke in nationalist terms, condemned the invasion by the USA and UK as imperialist and critiqued the UN for its lack of support. There were approximately thirty people at the event and many of the participants were disappointed and embarrassed by [the women's] Al-Khedairy and Al-Mufti's performance and labelled their comments as 'angry'… The meeting's organizers discussed the possible damage done… [and] concluded that next time more briefing and background research were needed before organizing a meeting with officials.[40]

Experiences like those of Al-Khedairy and Al-Mufti powerfully illustrate how anti-imperialist women may have their opinions stifled by the WPS agenda. Such difficulties are heightened when the WPS agenda is applied to conflicts (such as the Second Persian Gulf War) in which permanent members of the UN Security Council are involved. As N. Pratt and S. Richter-Devroe argue, 'the lack of recognition of structures of global capitalism, imperialism, and (neo) colonialism… by advocates of 1325 may contain women's agency with regards to ending war and conflict.'[41] In order to ensure that the conceptual footing of the agenda is not skewed by a Western bias, it is clear that WPS advocates must be cognisant of the fact that the agenda can be used to silence opinions which do not conform with the foreign policy interests of states in the Global North.

There are instances when the WPS agenda has selectively empowered certain groups of women over others, but it is important not to overstate the extent to which the WPS agenda is wedded to an exclusively liberal conception of women's empowerment. Some postcolonial critics have argued that the WPS agenda needs to radically re-think the way it understands women's economic empowerment. Parashar, for example, suggests that the agenda must move beyond 'liberal'[42] notions of empowerment. Most notably, M. Martin de Almagro and C. Ryan argue that 'understandings of material economic conditions should not be divorced from meaning-making and discourse'.[43] They suggest that '[i]t is insufficient to call for economic recovery without accounting for the gendered and racialized power of neoliberal economic reforms because these relations of power determine who participates in economic recovery, how they participate and what

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[40] ibid. pp.524-525

[41] N. Pratt and S. Richter-Devroe, 'Critically Examining UNSCR 1325 on Women, Peace and Security' in *International Feminist Journal of Politics*, (2011) Vol. 13, 4, pp. 489-502 p. 495

[42] (n 38)

[43] M. Martin de Almagro and C. Ryan, 'Subverting economic empowerment: Towards a postcolonial-feminist framework on gender (in) securities in post-war setting' in *European Journal of International Relations* (2019P Vol. 25(4) pp. 1059-1079, p. 1067.

relations of power are (re) produced through economic recovery.'[44] Insofar as Martin de Almagro and Ryan contend that economic recovery in post-conflict situations is a gendered issue (in that it cannot only be economic recovery for the male half of a population) they are surely correct – but this is already universally recognised by WPS advocates. However, Martin de Almagro and Ryan's argument goes beyond this point, by contending that the WPS agenda ought to subscribe to a particular notion of women's empowerment, whilst rejecting others. Whatever the academic arguments in favour of such a position, to follow Martin de Almagro and Ryan's recommendation would likely be counterproductive for the success of the agenda as a whole. As an agenda of the UN Security Council, WPS is of relevance for all states – not merely those with a particular set of economic policies. What it means for women to be empowered is also clearly a divisive issue, and whichever conception of empowerment WPS advocates prefer is likely to alienate certain groups in both the Global South and the Global North. The WPS agenda must be as appealing for as broad a spectrum of individuals, organisations, and countries as is possible, without compromising the success of its central mission. The pragmatic approach is thus to avoid preferring one conception of women's economic or political empowerment over another. The Global Study successfully achieves this by emphasising the need for women to determine for themselves what kind of economic policies and political representation are best suited to their own situation. In the sense that it emphasises women's freedom to choose, the WPS agenda has adopted a 'liberal' policy. However, it is submitted that this approach, frustrating as it may be for postcolonial critics, avoids alienating important actors whilst best supporting women's agency.

V. Conclusion

The postcolonial critique has clearly made a number of important contributions to the development of the WPS agenda. However, none of the conclusions of the three arguments examined in this paper ought to be unquestioningly accepted. With respect to the first criticism, it is true that Western states have co-opted the language of the WPS agenda to support their foreign policy goals, but disingenuous to describe the agenda as a product of the Global North. The second criticism correctly observes that WPS advocates have historically adopted a paternalistic tone which tended to describe women in the Global South as passive beneficiaries of Western intervention. However, this tendency has begun to fade. The 2015 Global Study is indicative of a welcome realignment of the WPS agenda's conceptual foundation, placing the agenda on a footing which is more conscious of the need to respect the agency of individuals in the Global South. The efficacy of the third and final criticism is similarly nuanced. There have certainly been occasions

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[44] ibid

when the WPS agenda has been thrown off course by the realpolitik of the UN security council – and there have also been instances where women who were critical of colonialist viewpoints were unable to make themselves heard. However, care must be taken to avoid unduly politicising the agenda as a whole. The need to remain impartial cannot become a smokescreen for deference to Western states' interests, but the postcolonial critique's recommendation that the agenda ascribe to specific notions of women's empowerment risks imperilling its success and undermining its broad appeal.

A Postcolonial and Intersectional Critique of the WPS Agenda: Examples in Feminist Foreign and Security Policy

Cassandra Dula

I.   Introduction

With the creation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), UN Security Council Resolution 1325, and subsequent Security Council resolutions, the Women, Peace, and Security (WPS) agenda has taken a place at the forefront of international discourse. This agenda was created in order to address the specific concerns of women in conflict zones around the world, and, in turn, create a space and initiative for women to become involved in the formal peacemaking processes in post-conflict regions (Parashar 2018).

However, the development of the WPS agenda has drawn criticism. In particular, the WPS agenda's relationship with the Global South (as well as its applicability and usefulness to the women there) has been called into question (Parashar 2018). It should be noted that Western human rights scholars and their thinking have, for a long time, dominated the formal agenda-setting space. As such, many have criticized whether or not the Global South is fully represented—if at all—in the WPS agenda items. Not only is the dynamic between the Global North and South relevant in this critique, but the dynamic between the different populations of women in those regions must be included as well. It would be ignorant to explore the inequity between the Global North and South without also recognizing the inequities and disparities in formal political power that are present even within individual countries, cities, and communities.

This paper will aim to explore these continuing challenges and questions through both post-colonial and intersectional feminist lenses. Looking not just at how the colonial history of the West has influenced how the WPS agenda has taken shape, but also looking at how the this colonialism and existing inequities between different communities in the Global South have influenced who in the Global South gets to participate in the peacemaking process and the setting of the WPS agenda. In order to explore these critiques, this paper will use the example of feminist foreign and security policy (FFSP), and the tensions between the WPS agenda, the people it purports to represent, and the results of integrating it into policy.

II.   Colonial Origins of the WPS Agenda

While the postcolonial critique of the WPS Agenda can certainly approach the topic from various angles, this analysis will focus specifically on the setting of the agenda, and who has been sitting at, or brought to, the proverbial table by calls to action in the WPS Agenda. This Western-centric thinking is present in a myriad of international institutions, but because the WPS agenda as it currently stands is primarily a product of UN and, more specifically, Security Council, actions, this portion of the critique will focus on how those specific institutions have both centered the values and interests of the Global North while also discounting the role that the Global South plays in agenda setting in both formal and informal settings.

When looking purely at where the power in the Security Council lies, three of the main actors (France, the United Kingdom, and the United States) are nations from the Global North, and these permanent members of the Security Council have been in charge of passing the resolutions that put the WPS on the international policy map, so to speak. As such, it feels hard to believe that much of the WPS agenda would not have been set in order to maintain the pro-Western status quo that can be seen in the UN and other international institutions. Even if one points to the inclusion of women from nations in the Global South in this institution, there is still the question of which women, and why are nations in the West the ones to pick them?

This has resulted in, among other things, two major flaws. First, the WPS agenda has taken on a distinctive "damsel in distress" flavor that perpetuates the concept of nations from the Global North performing military interventions in order to "save" citizens of the Global South (Parashar 2018). This is perhaps a pessimistic view of Security Council Resolution 1325 but given the history of military intervention in the Global South, it cannot be seen as some distant impossibility. Characterizing nations in the Global South—and more importantly, individual women in the Global South—as a monolithic group that requires the military assistance of Western nations leaves out any women who are involved in a conflict in roles other than as peacemaker or victim, and discounts the work that local women's groups are already doing.

Second, and perhaps as a result of the approach outlined above, the WPS agenda has failed to distinguish nations and communities in the Global South (where it is most often applied) from one another. Instead, the WPS agenda has set a series of best practices by which they expect conflict regions and peacebuilding processes to follow. While the creation of best practices may be an important starting point in the development of an agenda like this one, it should certainly come with the qualification that conflict region situations are complex, and that no one-size-fits-all best practices guide will meet the

needs of every women in every community. An important next step in the development of this agenda will almost certainly be to further explore the nuance between not only different nations but also different individual women who identify or do not identify as members of the formal communities recognized by the West.

In summary, it is important for the WPS agenda to remain acutely aware of the broader postcolonial context in which it sits. Colonialism and the West have left behind a legacy of interventionist and narrow approaches to international security concerns, and the WPS agenda is no exception to that legacy. The WPS agenda must continue to include more people at the table when constructing its agenda items, namely women from the Global South who have already been working on these issues within their communities for decades. The WPS agenda must also focus less on creating catch-all solutions to "conflicts," and rather, acknowledge the existing differences between conflicts that occur in different nations, and even differences between how those conflicts affect different communities and individuals in those nations.

III.   Intersectionality and Agenda Setting

Closely tied to the postcolonial critique of the WPS agenda is the intersectional critique. While pro-Western institutions like the UN have moved towards more inclusion of women from nations in the Global South, there is still a question of *which* women from the Global South are being included. Certainly, women who are already involved in the formal political processes of their nation are easier for the UN and Western nations to let into their circle than women who participate in violent extremist organizations or who are engaged in direct conflict with their nation's institution.

We can see these issues present in a variety of settings where the WPS agenda has been consulted and used. In transformative justice and reparations, for example, the WPS agenda has been called forward to address staffing in formal judicial institutions (on both the international and domestic levels), as well as the formal judicial processes that are used when examining large-scale gender violence in larger conflicts. However, what has not been addressed as thoroughly is the fact that many women—as many as 80%—live in rural areas whose justice systems run parallel to the formal legal structures put in the place by the nation (A Global Study, Ch. 5, 2015). The role that women already play in these systems, the efficacy of the systems in seeking justice for gender-based violence, and the challenges of reforming these parallel legal systems are all areas in which the WPS agenda and scholars working in this field must turn their attention to.

Similarly, the role of women in both countering violent extremism and participating in violent extremism is something that has only recently been discussed in more detail. The WPS agenda places the bulk of its focus on women who are victims of gender-based violence during conflicts, as well as the role that women can play in

negotiating peace in post-conflict nations. However, there are also groups of women in every conflict region that have participated in the conflict and violence and need to be integrated back into the society (A Global Study, Ch. 9, 2015). Even within these groups there are differences between the individual women and their reasons for participating. Some women may have been coerced into joining by family members or partners, but other women may have joined because they believe in the mission of the organization (Marks, 2019). There also exists an important middle ground between these two reasons, where perhaps the woman does not feel coerced, but feels as if she is left with no other way to obtain justice, or is attracted to the adventure because inequality that she has faced in her life up to that point (A Global Study, Ch. 9, 2015).

Both of these institutional differences in women—their access to formal judicial systems and their involvement in violent extremism—also occur in the broader context of demographic differences between women in conflict regions. Nations have different histories of ethnic inequality, oftentimes at the detriment of indigenous populations and oftentimes enhanced by colonial institutions and legacies. An intersectional WPS agenda must address these overlapping forms of inequality and oppression alongside the ongoing conflict, remaining aware of how national inequalities, international colonial legacies, and structural differences between groups of women interact with the WPS agenda.

This story plays itself out similarly in other applications of the WPS agenda as well. An agenda created by an organization as large and far-reaching as the UN and created by individuals and nations who have a very specific situation and woman in mind, cannot possibly deal with every potential conflict and woman that it will touch. Despite this challenge, it is critical not to settle for a WPS agenda that works only in broad strokes and thinks only of women as victims. Rather, the WPS agenda must be continually expanded upon and modified by women who experience conflict in different ways. The women brought to the table to negotiate peace agreements and institutional reform must be representative of the women involved in the conflict on all sides, and importantly, this representation should and will look different in different conflicts.

IV.   Postcolonial and Intersectional Problems in the WPS Agenda as Seen in Feminist Foreign and Security Policy

We can see these issues in the WPS agenda come to a head through the implementation of Feminist Foreign and Security Policy (FFSP) in certain nations. In determining what FFSP looks like in practice and how it is operationalized in different nations has raised the reoccurring questions of whether women's role in conflict is inherently pacifist—or should be—and whether or how Western nations should be

intervening, militarily or politically, in nations in the Global South where women's rights may be in jeopardy (Hudson & Eason, 2019).

On a high level, there is a tension between the WPS agenda as a law and order agenda, and the WPS agenda as a human rights agenda. As such, when this agenda is absorbed into the foreign and security policy of nations, the tension is exacerbated. The human rights aspect of the WPS agenda may require that the foreign policy of a nation provide aid to communities who are in conflict regions and to local organizations that are devoted to increasing inclusion of women in peace negotiations. These policy objectives are inherently pacifist, and work towards stabilizing nations and rectifying the harm done to women in conflict regions.

However, these policies can also be problematic. Related to the role of women in violent extremist groups, these policies tend to clash with these parallel understandings of the roles that women play in conflicts. They assume that women are victims, and that the only WPS agenda items related to conflict are protecting women from gender-based violence and getting them a seat at the table for peace negotiations. As illustrated earlier, this is not the desired outcome for all women, and does not meet the needs of women who have participated in the violence and now need to be reintegrated into society.

These human rights components of foreign policy may also clash with security policy that is put into place to address international women's issues as peace and security issues. This is made abundantly clear in the Responsibility to Protect (R2P) doctrine. Emerging as a result of the Bosnian crisis, the R2P doctrine demands that states, and the international community, protect their populations from four international crimes (genocide, war crimes, ethnic cleansing, and crimes against humanity) (Bellamy & Davies, 2018). Looking even briefly at the actions that the United States has taken in the Middle East (Syria, for example) have made it abundantly clear that the R2P doctrine does not mandate that the actions being taken to "protect" do not also require parallel action to ensure the preservation of women's rights in the countries where we are intervening (Hudson & Eason, 2019).

This gender blindness in the R2P doctrine, which is a major component of any foreign and security policy, has been widely criticized, though many have attempted to reconcile the WPS agenda with the R2P doctrine in order to create a more gender inclusive approach to international crises. This approach too, however, has drawn critiques similar to the postcolonial and intersectional critiques above. Within this doctrine in particular, we see inherent colonial overtones, especially given the ways in which the R2P doctrine typically plays out (Western nations sweeping through conflict zones in order to perform "humanitarian military interventions"). With this comes the fact that these military interventions, humanitarian or not, often have disastrous effects on women in the nation,

both directly as a result of the nation's government restricting freedoms more, and indirectly as a result of reduced or complete lack of access to pre-existing legal structures for women.

Inherent in these effects are also the differences in how they play out for women in different social, economic, and ethnic communities in the nation. For example, R2P effects on women participating in the violence that the R2P is meant to stop are going to be very different than the effects on victims of the violence.

V. Conclusion

The development of the WPS agenda can hardly be called detrimental to international women's rights. That being said, there are certain critiques that can be made of the agenda, as it does have its gaps. From a postcolonial perspective, the WPS agenda should be careful not to perpetuate the pro-Western, overgeneralizing structures that have traditionally dominated the international legal space. Relatedly, in order to address the needs of all the women that it effects, the WPS agenda should be wary of creating or promoting catch-all "best practices" to apply to every international conflict. Nations in the Global South are all different, and communities within those nations are different, so it is impossible for any single policy structure to address the needs of every individual involved in the conflicts that the WPS agenda confronts.

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What are the challenges to the WPS agenda, and how do we overcome them?

Kunal Kanodia

The Women, Peace and Security (WPS) Agenda is intrinsic to combating violence and armed conflict globally. As we learned in class, this is because the targeting of women is an early warning sign of conflict. The various international instruments that we discussed lay bare the variety of assessments that currently exist with regard to the WPS agenda. This is the first challenge to the WPS agenda: international law has only recently elevated violence against women within the international human rights framework, which has resulted in patchwork agreements that are either not far-reaching enough, or are advisory. Agenda Resolution 1325 built on the Beijing Platform of Action by following the lead of elevating violence against women as a human rights issue in the 1990s, and in fact particularly asks for actors involved to adopt a "gender perspective"[1] to armed conflict.

Another core issue that is challenging for the WPS agenda is core disagreement on what should constitute part of the definition of the agenda itself. For instance, Aolain and Valji argue that "there is an ongoing lack of engagement in addressing the consequences of distinguishing between "exceptional" and "ordinary" violence against women, and an institutional distancing from exploring relationships of the continuity between the two."[2] Their argument contends that violence against women must include more forms of violence than the more limited conflict-prone understanding to truly bring about a change in peace and security for women. This argument holds weight: after all, when societies have higher gender inequality generally, there is more likely to be worse violence against women in conflict periods. However, this argument does not address the lack of international will to address conflict situations which are unfortunately more commonplace.

Prof. Coomaraswamy provides an explanation of this as "transnational judicial dialogue is increasing awareness and changing the way judges think, especially in the area of human rights"[3] and reframing the global WPS agenda into domestic jurisprudence on violence against women in times of relative peace might be the most pragmatic

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[1] Clause 8, Resolution 1325.

[2] "Scholarly Debates and Contested Meanings of WPS" Fionnuala Ní Aoláin and Nahla Valji, p. 55-56.

[3] Women and Children: The Cutting Edge of International Law. *Radhika Coomaraswamy*, p. 14.

approach. This is not of course, because violence against women in times of war and peace is not connected. It is because international institutions are unlikely to have the will or legitimacy to pierce the veil of state sovereignty in non-conflict situations. In these instances, it is easier to legitimize domestic judicial adoption of international norms of the WPS agenda.

There was of course, no mention of the term "violence" in the early stages; CEDAW itself does not mention violence against women. General Recommendation 30 of 2013 effectively aims to fill in this gap, but it is largely a guiding mechanism for states to inform their domestic policies and legislation rather than an implementable tool for global change. The Charter of the United Nations, for instance, mentions "We the People" but the decision making is almost exclusively by the nation state. Much like climate change, violence against women was the first time that the public, rather than the state, was brought to the forefront.

These changes began with atrocities in Bosnia and Rwanda, where the United Nations Security Council adopted a resolution explicitly bringing sexual violence within the ambit of violations of international peace and security that would constitute a human rights violation. The extent to which this recognition of sexual violence as a violation of human rights has been reflected in National Action Plan has not been very widespread. For instance, Prof. Coomaraswamy mentioned that the Swedish NAP has not looked at the continuum of violence which has been a consistent criticism of the plan. Naturally, it must be acknowledged that for women's livelihood, economic and political participation is essential. We learnt that the Security Council is much more likely to lend support for victim-oriented issues and in the absence of compelling evidence the Security Council is highly unlikely to act.

For instance, is it appropriate for the Security Council to intervene to stop child marriage in Nigeria? Does this mean an expansion of the ambit of the Security Council, where the WPS agenda is exclusively understood as a violation of international peace and security rather than a social issue? The chances of long-term positive changes due to a Security Council intervention are slim, and this is unlikely to prevent violence against women from occurring. The other major concern is that major powers can use the WPS agenda as an excuse to intervene. However, in the limited scope of sexual violence in armed conflict, humanitarian intervention by the Security Council is necessary.

This would empower the WPS agenda and ensure that deterrence exists as well. This poses the challenge of the perpetuation of the instrumentalization of women's bodies as an act of war, and as a weapon of war. The securitization of women's rights raises particular concerns since it creates more high profile accountability unlike non-binding treaty. 1325 in fact called for women's representation in peacekeeping, as an intrinsic part

of the Security Council's agenda. This led to lively debates in our class, with students expressing conflicting concerns about the representation of women in peacekeeping in general, and in national military forces in particular. Some students stated that if the military were to continue to exist regardless of women's participation in it, they would rather have women involved in those decisions rather than not. Other students maintained that from a feminist perspective violence and the existence of militaries inherently is detrimental to women's rights as part of a larger global peace and security agenda. I think that there is a distinction between women's rights as they exist in the context of social, economic and cultural phenomenon globally, and militarization - both internationally and nationally. Militaries often perpetuate gender-based violence and expose women to particularly high levels of danger. Given the current global context of an overwhelming number of nations choosing to retain their armies and strengthen their capabilities, it should follow that the presence of women on these decision-making tables would possibly reduce the chances of such violence occuring, albeit empirical evidence of this was not discussed in class. Violence against women is an early warning sign of impending conflict, however there is a strong argument to be made that gender inequality itself should not be enough reason to get rid of the entire international human rights legal framework. This follows that cultural and sovereign independence and adherence to international human rights standards must co-exist. States and societies that experience (and perpetuate) high levels of gender inequality are hardly likely to change their attitudes due to a military intervention by the Security Council - it is actually more possible to generate resistance and animius against international institutions.

The WPS Agenda arises out of this larger framework, and should in principle be able to include these issues. An interesting discussion we had in class centered around whether the WPS agenda should be broadened to include issues of general gender inequality that are more removed from international peace and security - such as child marriage, inequality in access to education, discrimination in employment or maternity laws? This raised the important question of where the line should be drawn for the WPS agenda.

Other UN organizations such as UNICEF, UN Women, Economic and Social Council, and the Human Rights Council are better suited to ensuring longer-term change. The catch with these organizations, of course, is that while they can name and shame countries that are not taking steps to address gender inequality, they are unable to directly pierce the veil of state sovereignty and interfere with the existence of such gender inequality. Including such issues within the Security Council's ambit is thus tempting because large-scale action can be possible relatively quickly. However, even assuming that this was accepted by UN member states (which is nearly impossible on a practical

level), theoretically this would endanger the fundamentals of international law where the right of all people to govern themselves must be accepted.

In this vein, an important question to raise in the realm of WPS is the existence of sexual violence in armed conflict, which goes hand in hand with the recruitment of child soldiers. It is tragic that in order to entice action on violence against women, a legal and an economic cost has to be explicitly shown. But since this is the reality that we are dealing with, the extent to which peacekeeping forces incorporate women as both target populations to assist as well as part of their own ranks is key. As we read in class, Donges and Kullenberg argue that:

> "On the operational side, we find that the development of gender-specific methods to protect women and girls is moving forward. Yet, particularly during times of decreasing peacekeeping budgets, much work is required to avoid the potential "siloing" effect of compartmentalizing protection into ever more specific mandates. There also remains the risk that despite the increased attention to gender-based vulnerabilities, UN peacekeeping still implements protection with the same tools—predominantly male soldiers. This entails the risk of lacking gender sensitivity and subsuming women under the general group of civilians in their daily protection tasks." [4]

This "compartmentalizing protection" naturally gives rise to the lack of gender-based protections and sensitivities to the specific needs of women that these institutions are meant to serve. In Colombia, the negotiations with the FARC in 2012 in Havana discussed various issues like rural development, illicit drugs, and even victim compensation but there were no women represented in the first round of negotiations.

This gave rise to the first National Summit of Women for Peace in Colombia that made a large difference by providing women with a seat at the table. The presence of women changes the dynamics, according to Prof. Coomaraswamy and Prof. de Silva de Alwis since the lack of transparency is done away with and the peace process becomes more inclusive and equitable.

This focus on increasing transparency and coming up with a diverse set of solutions is part of what inspired the Yemini Parliament to include 30% of its members as women. They essentially transferred a large portion of the CEDAW directly into their legislation. Does such internalization of international human rights norms in the domestic sphere create a sense of greater domestic legitimacy? Does the Yemini Parliament's move to include so many women Parliament represent a commitment to gender-based equality

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[4] What Works (and Fails) in Protection, *Hannah Elena Dönges and Janosch Kullenberg*,p. 163

over the longer term or an attempt to act as a stop-gap against international condemnation of inequalities during the conflict?

These are larger questions that must inform any analysis of the WPS agenda in the Yemeni context. More than the legislative-level changes that occurred in Yemen, there has been a shift where we have seen a growth of transnational judicial networks. Chief justices of Supreme Courts from Commonwealth countries from around the world meet quite regularly, and we have seen that women's rights and LGBTQ rights are areas in which judicial activism is quite active. This often draws direct inspiration from international human rights treaties, which are conceived of and funded by the United Nations. Judicial benches are often careful to avoid overly emphasizing international human rights treaties in their judgments, as happened in the *Vishaka* judgment by the Indian Supreme Court, but it is apparent that much of their jurisprudence directly draws from international commitments.

Another area in which we will likely see further development and direct interaction with the WPS agenda is with the responsibility to protect (R2P). The three pillars of the R2P include the duty of the nation state to protect its own citizens, leading to preventive diplomacy is the state is not able to protect these citizens and finally, the measured use of force in the situation that the first two pillars have fallen. R2P is on precarious ground since in our recent experience Libya was a disaster, and Russia and China regularly veto resolutions calling for action. This has led to a complicated international situation wherein we find that the lack of intervention in gender-based violence is informed by larger geo-political considerations involved when considering intervention in general.

How should victims be compensated? In many war-torn societies, women previously occupied an exacerbated unequal social and legal status. When systems of reparations are configured after the dust has settled, and peace negotiations are through, the most effective mechanisms to ensure gender-equitable compensation pose a particular challenge.

This stems from the fact that while there is plenty of conversation around the need to protect women and ensure that they are not particularly harmed by rising conflict wherever they live in international organizations, there is much less discussion about how these atrocities are to be remedied. Further, once atrocities have ceased, how are women to be compensated? Should this fall under a larger scheme of reparations or be unique to women for the particular gender-based violence they may have experienced? Scholars have argued that reparations should be looked as at a tool to move a society beyond what were previous inequalities in a given society, rather than merely moving it back to pre-

conflict conditions. This, they argue, is necessary to achieve the goals of human rights reform:

> "Comprehensively integrating these layered vulnerabilities women experience into our understanding of the form and shape of remedies for CRSV is an essential foundation for advancing transformative reparations. It would be naïve to expect that this move could be undertaken without tackling entrenched patriarchies and privileges that advantage men to the detriment of women. Thus, if legally grounded reparations proceed from a principle of an idealized return to the status quo ante, the resulting policy would be insufficient to address gender-based harms. Specifically, if the return to the status quo ante means returning women to their prior unequal status, reparations programs that seek merely to reinstate the status quo ante would be contrary to the broader objectives of human rights treaties with regard to remedy and reparation"[5]

In this vein, our class discussed the issue of whether reparations should be used to remedy a *society* or make a victim whole. My personal view is that the object of reparations is to give back to those who have been wronged in an attempt to make them whole, not to economically invest in a society. When building a school or a road for a community, individual victims do obtain an intangible benefit but this does not in any way bring them a specific amount of money that could help them be whole. Reparations, of course, can never truly make someone who has suffered immense atrocities completely whole; they do recognize their pain and suffering and are an important step toward healing.

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[5] "Transforming Reparations for Conflict Related Sexual Violence: Principles and Practice," (Ni Aolain, O'Rourke & Swaine; *Harvard Human Rights Journal*, 2015), p. 6

The Continuum of Violence Against Women: Expanding the Role of the Security Council in the Women, Peace, and Security Agenda

Eduarda Lague

I.   Introduction

The Women, Peace, and Security (WPS) agenda originated in October 2000 with the United Nations Security Council adopting, unanimously, Resolution 1325. Resolution 1325 established the four pillars of the WPS agenda of prevention, participation, protection, and peacebuilding and recovery as a worldwide effort to confront the challenges that woman in conflict face.[1] The 1325 Resolution stressed the important role of women, especially in perpetuating equal participation and full involvement, in promoting peace and security while also increasing women's role in decision-making for conflict prevention resolution.[2] For the first time, the Security Council recognized that peace is only sustainable with the inclusion and equality of women.

Over the next 15 years, the Security Council adopted resolutions to continue to address the issues of Women, Peace, and Security, including resolutions 1820 (2009), 1888 (2009), 1960 (2010), 2106 (2013), 2122 (2013). These resolutions build on Resolution 1325 by focusing on preventing and eliminating sexual violence, sanctioning those who commit sexual violence in conflict situations, and additionally, establishing the position of Special Representative of the Secretary General on Sexual Violence in Conflict.[3] Although much of expansion refers to protection and prevention of sexual violence in conflict, the resolutions also draw to women's active participation and representation in conflict prevention and response.[4]

While many applaud the revolutionary Resolution 1325 and the implementation of a gender perspective for conflict situations by the Security Council, there are differing views on the role that the Security Council should play within the WPS agenda. Many

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[1] U.N. Women, *Chapter 2: The Normative Framework for Women, Peace and security*, A Global study on the Implementation of the United Nations Security Council Resolution 1325, 28 (2015).

[2] S.C. Res. 1325, ¶ 1-15 (Oct. 31, 2000).

[3] U.N. Women, *Chapter 2: The Normative Framework for Women, Peace and security*, *supra* note 1, at 30; S.C. Res. 1820, ¶ 5-6 (June 19, 2008); S.C. Res. 1888, ¶ 4 (Sept. 30, 2009).

[4] U.N. Women, *Chapter 2: The Normative Framework for Women, Peace and security*, *supra* note 1, at 30; *See also* S.C. Res. 1889 (Oct. 5, 2009); S.C. Res. 2106 (Oct. 5, 2009); S.C. Res. 2122 (Oct. 5, 2009).

scholars believe that the Security Council has not done enough within the agenda, and its role should be expanded. These scholars argue that, while the Security Council addresses issues of women and sexual violence in conflict zones, that the Security Council should go further in recognizing the continuum of interrelated political and economic insecurity that women and girls face beyond times of conflict. However, other scholars believe that this is not the role of the Security Council. Rather, the broader international community and other organs of the United Nations are best equipped to address this continuum of challenges women face broadly.

The decision on whether to expand the Women, Peace, and Security agenda turns on the role of the Security Council. All scholars agree for the need of women's participation and decision-making. However, there is disagreement on whether it is the role of the Security Council to be the force to expand the agenda. This analysis examines the limits the Security Council endures and presents both sides of critiques of expanding the agenda. Even with its limitations, the Women, Peace, and Security agenda is best kept alive and impactful by having the Security Council use its power to expand the continuum of challenges women face in society.

II.   Arguments Against Expanding the Continuum of the WPS Agenda

The United Nations Security Council incorporated the situation of women in conflict under its responsibility of maintaining international peace and security through the Women, Peace, and Security agenda. However, there is debate that the Security Council may not be the right organ of the United Nations to lead on expanding the agenda beyond violence and into political and economic insecurity. The Security Council is a very masculinized and militarized organ of the United Nations.[5] With more involvement of the Security Council, the more politized the agenda becomes and turns way from its central mission. This can be seen by the high militarization, appointments of U.N. ambassadors, such as Angelina Jolie, and by the abstentions from the Council's own permanent members.[6] Therefore, the perception is that the WPS agenda is best addressed by the Security Council only through securitization and conflict rather than the expanded economic, political, and social implications of the continuum.

With this highly politicized process, there is discomfort in having the Security Council involved in the broader issues such as child marriage, inheritance, etc. Rather,

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[5] Fionnuala Ní Aoláin & Nahla Valji, *Scholarly Debates and Contested Meanings of WPS, in* The Oxford Handbook of Women, Peace, and Security, 57 (2019).

[6] This was discussed in class on September 15, 2009 in relation to the Security Council's runaway agenda described by Radhika Coomaraswamy; *See also* Christine Hauser, Angelina Jolie Will Be Visiting Professor at London School of Economics, N.Y. Times (May 23, 2016).

United Nations Committees, such as the Convention of the Elimination of all Forms of Discrimination Against Women (CEDAW), are less politicized and better equipped to monitor these issues. CEDAW is described as an "international bill of rights for women" with over 180 States being party to the treaty.[7] General Recommendation 30 addresses women before, during, and after conflict situations making CEDAW one of the most important accountability instruments for the WPS agenda.[8] By linking CEDAW with the Security Council's WPS agenda, it can add not only substantive rights but also guidelines and periodic reporting and review of member-states.[9] These dialogues and observations by CEDAW bring attention to the critical issues of the continuum. This is seen by the conflict situations in the Democratic Republic of Congo and Syria where CEDAW expressed concern of the lack of prioritization of the protection of civilians as well as the limited regulation of weapons which all impact the security of women.[10] Additionally, there are nine other treaty bodies that can monitor implementation of human rights treaties, regional and sub-regional human rights mechanisms that implement and address the WPS agenda, and national institutions that work with governments to ensure cooperation and respect of human rights domestically.[11] U.N Committees, domestic mechanisms, and grassroot organizations are better equipped to tackle, locally from the field, the issues of women's social, economic, and political security. Comparatively, the Security Council would broaden the scope of the agenda too far to truly be effective on a local level.

Additionally, the United Nations already has a collective action issues with member-states filing reservations and preoccupied with their own soveriegnty and customs.[12] There is a fear of the agenda being applied selectivity to different nations. Permanent Security Council members, such as Russia and China, may be reluctant of the

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[7] U.N. Women, *Chapter 12: Linkages Between Human Rights Mechanisms and The Security Council Resolutions on Women, Pease and Security: Opportunities for Enhanced Accountability for Implementation*, A Global study on the Implementation of the United Nations Security Council Resolution 1325, 350 (2015).

[8] *Id.*; *See also* U.N. Docs CEDAW (Committee on the Elimination of Discrimination against Women), General Recommendation No. 30 on Women in Conflict Prevention, Conflict and Post-Conflict Situations, (Oct. 18, 2013).

[9] U.N. Women, *Chapter 12: Linkages Between Human Rights Mechanisms and The Security Council Resolutions on Women, Pease and Security: Opportunities for Enhanced Accountability for Implementation*, *supra* note 7, at 351.

[10] *Id.* at 356.

[11] *Id.* at 356, 361, 363.

[12] *See generally* PRIO Centre on Gender, Peace and Security. *The United Nations Security Council Unanimously Adopts New Resolution on Women, Peace and Security*, Oct. 30, 2019. (discussing abstentions and vetoes that could further weaken the WPS agenda).

breadth of issues that fall under this continuum. Outside of the permanent members, member-states may see implementing issues of child marriage, women's health, and more into Security Council Resolutions as imposing more Western and Northern values on the Global South and other countries that may have a harder time in adapting to these customary changes. The Global North, outside of China and Russia, constitutes the three main actors in the Security Council and are entrusted with forming the core of the WPS agenda.[13] For example, the Global War on Terror is seen as Western efforts of "rescue narratives."[14] The expansion can be seen as the Global North imposing a moral compass to influence and mainstream values.[15] Issues, such as child marriage, that would suddenly come under this scope, then negatively affect the Global South by becoming Anti-Muslim and pinning the causes on certain groups. The Global North tends to focus on representation and soveriegnty without addressing political and economic security concerns from an intersectional approach.

Involving the Security Council brings skepticism into issues on the continuum as it triggers donors, international NGOs, and more. The Security Council process makes the agenda more politicized with increased resistance from governments. The WPS agenda should not be dissolved but rather the U.N. should thread lightly within enforcing and promoting the agenda.

III.   The Reasons to Broaden the Continuum under the Scope of the Security Council

By expanding the Women, Peace, and Security agenda, the United Nations Security Council brings larger awareness, accountability, and funding in promoting gender equality and women's empowerment on all levels. The Security Council's power to enforce resolutions comes from Article 25 of the U.N. Charter.[16] As seen by the resolutions after Resolution 1325, the Security Council has expanded the scope of issues but could go even further in broadening the overall agenda. For example, Resolution 1820, the first after 1325, shows that the Security Council can take a human rights approach, even if this resolution was restrictive. In Resolution 1820, the preamble offers elimination and protections against "all forms of violence against women and girls."[17] However, rather than addressing "all forms" of gender-based violence, the Resolution narrows into

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[13] Swati Parashar, *The WPS Agenda: A Postcolonial Critique, in* The Oxford Handbook of Women, Peace, and Security, 832 (2019).

[14] *Id.*

[15] *Id.*

[16] U.N. Charter art. 25.

[17] S.C. Res. 1820, preamble (June 19, 2008).

sexual violence in conflict.[18] This view would be less limited if the Security Council addressed the continuum of gendered violence that arise pre-conflict, which expands further than merely sexual violence. When seeing the effects of sexual exploitation and the issues of women in conflict zones, these gender links to violence start from the personal, domestic sphere and increase all the way up to the international level. Issues and laws surrounding marital rape, inheritance, child marriage, and other laws and challenges women face are not just during the times of conflict but rather, also, in daily life.[19] The Security Council must affirmatively address these broader issues in order to fight *all* forms of violence.

When making a gender analysis, there should not be sharp distinctions between peace and conflict, pre-conflict, and post-conflict. Gender is interrelated to all stages and focusing on conflict or pre-conflict separately does not give an accurate account of gender-based violence and women's inequality.[20] A gendered-lens continuum shows us that when there are increases of insecurity in society broadly that women will be the first to be affected.[21] Ethnic violence, uprisings and political instability, terrorism, and organized crimes are just a few examples of situations that result in increased violations of human rights that affect women.[22] To fully encompass the violence women face in terms of peace and security, the agenda must expand.

The Security Council's lack of broadening the scope during beyond the period of conflict, perpetuates gender stereotypes rather than addressing root causes of the issue. The agenda categorizes women by their sexual identities and as victims at the hands of men.[23] As seen in Resolution 1820, focusing on the militarization of the Security Council prevents the Council from engaging in the theoretical concepts of women and gender

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[18] *Id.*

[19] Cynthia Cockburn, *The Continuum of Violence: A Gender Perspective on War and Peace*, in Sites of Violence: Gender and Conflict Zones, ed. Wenona Giles and Jennifer Hyndman, 43 (University of California Press, 2004).

[20] *Id.*

[21] U.N. Women, *Chapter 8: Preventing Conflict: The Origins of the Women, Peace and Security Agenda*, A Global study on the Implementation of the United Nations Security Council Resolution 1325, 198 (2015).

[22] Christine Chinkin, *International Human Rights, Criminal Law and the Women, Peace and Security Agenda*, LSE Centre for Women, Peace Security, 7 (Dec. 2018). *See also* U.N. Docs CEDAW (Committee on the Elimination of Discrimination against Women), General Recommendation No. 30 on Women in Conflict Prevention, Conflict and Post-Conflict Situations, (Oct. 18, 2013).

[23] Fionnuala Ní Aoláin & Nahla Valji, *Scholarly Debates and Contested Meanings of WPS*, *supra* note 5, at 56; Christine Chinkin, *International Human Rights, Criminal Law and the Women, Peace and Security Agenda*, *supra* note 22, at 7-8 (Dec. 2018).

equality.[24] This shows the need of the Security Council to address the agenda in a fuller scope in order to recognize the human rights violations and empower women's agency and leadership.[25] Even when analyzing the pillar of participation, it leads to gender stereotypes of women as peacekeepers and categorizing them under a monolith that does not include women in all aspects of peace and conflict.[26] To achieve not only gender balance but also gender mainstreaming, the WPS agenda must expand, rather than dilute itself, to a substantive and wide-range of issues that more accurately capture the role of women in society as well as in conflict situations.

This lack of grasping the multifaceted challenges and roles of women in conflict shows why U.N. Committees, rather than the Security Council, have traditionally addressed the continuum. CEDAW General Recommendation No. 30 and UNSC Resolution 2122, both adopted in 2013, show how General Recommendation No. 30 better captures the complexity of women by focusing on broader issues of justice, marriage and family, economic, and political hardships. CEDAW General Recommendation No. 30 addresses the fact that conflict cannot be observed at one moment in time because women are particularly at risk in pre- and post-conflict settings.[27] The General Recommendation gets to the root cause of conflict through a gender perspective that notes all power imbalances in society that affect women disproportionately in ways that the Security Council has previously punted to other U.N. committees. This does not mean that the Security Council and CEDAW should be addressing the issues separately. There is no gap between the goals of CEDAW and the Security Council, but rather, CEDAW does not have the same authority to place obligations on State and Non-State actors.[28] The women's continuum in pre- and post-conflict settings would have more force and accountability if addressed by the Security Council, in continuity with CEDAW.

The Security Council did emphasize women's empowerment, in alignment with Article 3 of CEDAW, and addressed counterterrorism and counter-extremism policy in the context of women in Resolution 2242.[29] Furthermore, the Security Council expanded

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[24] Christine Chinkin, *International Human Rights, Criminal Law and the Women, Peace and Security Agenda*, *supra* note 22, at 7-8 (Dec. 2018).

[25] *Id.* at 8.

[26] *Id.* at 7.

[27] U.N. Docs CEDAW (Committee on the Elimination of Discrimination against Women), General Recommendation No. 30 on Women in Conflict Prevention, Conflict and Post-Conflict Situations, ¶ 4-8, (Oct. 18, 2013).

[28] U.N. Women, *Chapter 12: Linkages Between Human Rights Mechanisms and The Security Council Resolutions on Women, Pease and Security: Opportunities for Enhanced Accountability for Implementation*, A Global study on the Implementation of the United Nations Security Council Resolution 1325, 351 (2015).

[29] S.C. Res. 2242; S.C. Res. 2331.

to issues of women's trafficking and prostitution in Resolution 2331.[30] However, the Security Council should not stop there but rather use the momentum to continue broadening the agenda. Many critique that, by focusing on sexual violence and violent extremism, the issue tends to focus on certain ethnic and religious groups.[31] The way to address the critique is to not punt the issues to fall only under the scope of CEDAW and other human rights organs. Rather, the Security Council has the power to shape the agenda to take a more intersectional approach, with more funding and more voices. Violent misogyny cannot be addressed if the fears of expanding the continuum are prioritized over the issues. The compartmentalizing of women's insecurities in society hampers progress and the agenda to be fully effective and accountable.

The Security Council is in the best position to address these issues at the top to help reach the bottom, even if it has not traditionally been the Council's role. Many scholars fear the slow, politicization of the progress in the agenda as well as any pushback to the momentum. By bringing issues under the scope of the Security Council, many of these fears are mitigated by allowing for higher awareness and education, more funding, and that all States will feel more accountable. While there are criticisms of the top down approach, having the continuum institutionalized through the Security Council can help empower community-based organizations at the grassroot level in developing peacekeeping and conflict prevention strategies as recognized in previous Security Council resolutions, such as Resolution 2171.[32] The push from the top allows for the mobilization at the bottom. With the Security Council promoting the agenda, there is more force behind the urgency to address political and economic insecurities as well as a broader adaptation of the agenda into international, regional, and national levels of government and monitoring. By institutionalizing this from the Security Council's role, there will be more domestic relevance for States.[33] While States may be unwilling to apply it in certain contexts, this is an issue that plagues international tribunals as a whole and it does not mean that the whole agenda is flawed. The issues that the Security Council can address in the continuum of the WPS agenda is more important than soveriegnty concerns that nations may claim.

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[30] S.C. Res. 2242; S.C. Res. 2331.

[31] Christine Chinkin, *International Human Rights, Criminal Law and the Women, Peace and Security Agenda*, LSE Centre for Women, Peace Security, 7 (Dec. 2018).

[32] U.N. Women, *Chapter 8: Preventing Conflict: The Origins of the Women, Peace and Security Agenda*, A Global study on the Implementation of the United Nations Security Council Resolution 1325, 204 (2015).

[33] Fionnuala Ní Aoláin & Nahla Valji, *Scholarly Debates and Contested Meanings of WPS*, *in* The Oxford Handbook of Women, Peace, and Security, 58 (2019).

By expanding the continuum of issues, the United Nations can address head on the WPS agenda with a cultural and geopolitical analysis. This expands the WPS agenda from a selective list of issues with selective applicability to bring further attention to a wider range of inequality and insecurity to all nations.[34] One example is in the context of violent extremism and engaging religious leaders to condemn sexual violence but not a broader spectrum of issues that affect women.[35] With the continuum encompassing a wider umbrella, communities are empowered to address the institutionalized power imbalance of gender relations. By having the Security Council's force to address women's economic, social, and political insecurity, more action can be brought to demand full, meaningful participation and empowerment of women in society.

IV.   Conclusion

The Women, Peace, and Security agenda is revolutionary and perpetuating the interests and needs of women globally. Since 2015, the number of countries that have adopted National Action Plans on WPS increased by 50%.[36] This shows the influence that the Security Council, from the top, can have on mobilizing countries and national agendas. Women's economic, political, and social empowerment is key to sustaining peace. Without stability in areas such as education and health for women and girls, women will increasingly be at risk in the continuum of violence in times of conflict. Women's rights are human rights. The shift to including sexual violence in conflict in Security Council Resolutions came from feminists and the international gender justice community.[37] This momentum and expanding should not stop. While the WPS agenda overlaps with different organs of the United Nations system, it should be perpetuated by the Security Council, which has the breadth and power of the core of the U.N. system.

As seen by the increase of National Action Plans, States have independently adopted the WPS agenda into their foreign policy. However, there is a clear tension between policymaking and enforcement under the current agenda. Institutional dynamics internationally among the U.N., regional human rights tribunals, and more have begun shaping the agenda. There needs to be a central leader to enforce and hold member-states accountable. The agenda can no longer be confined to solely sexual violence or checking a box on the number of women present in peace negotiations. Rather, the WPS agenda

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[34] *Id.*

[35] *Id.*

[36] Remarks by UN Under-Secretary-General and Executive Director of UN Women, Phumzile Mlambo-Ngcuka, at the UN Security Council Open Debate on Women, Peace and Security in New York (Oct. 29, 2019).

[37] Fionnuala Ní Aoláin & Nahla Valji, *Scholarly Debates and Contested Meanings of WPS, in* The Oxford Handbook of Women, Peace, and Security, 62 (2019).

needs to address the range of political, social, and economic issues women confront in society. While committees, such as CEDAW, have the capabilities for research, fact-finding, and data, the Security Council has power to implement the agenda within a broader scope. By approaching the agenda broadly, it opens space for the ability to approach peace and security with the intersectionality of many women's voices. While the overall share of aid for gender equality increased 42.6%, less than 5% of these funds were used for improving general equality and women's empowerment.[38] The most important role of the Security Council is to address the pressing issues. The U.N. Security Council needs to use its momentum and power to continue prioritizing women's peace and security. As the security organ of the United Nations, the Council should not shy away from resolutions that push for women's empowerment, participation, and equality in both times of conflict and society at large.

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[38] Remarks by UN Under-Secretary-General and Executive Director of UN Women, Phumzile Mlambo-Ngcuka, at the UN Security Council Open Debate on Women, Peace and Security in New York (Oct. 29, 2019).

Failure to Engage:

Understanding the U.N. Security Council's Failure to Engage the Continuum of Violence through the Lens of Its Historical Purpose and Current Representation

Aseem Chipalkatti

The United Nation's Women, Peace, and Security (WPS) agenda was first officially adopted by the Security Council's Resolution 1325.[1] The agenda, which hoped to "mainstream[] gender in all aspects of conflict prevention, management, and resolution"[2] is operationalized in S/C 1325 with four major pillars: (1) prevention, (2) participation, (3) protection, and (4) peacebuilding and recovery.[3] Though S/C 1325 enshrines a laudable and necessary goal, its implementation falls short due to the fact that the Security Council only focuses on two of these pillars, namely, prevention and peacebuilding and recovery. As much as WPS may be predicated on the basic existence of a continuum of forms of violence, its implementation through the *Security Council* makes a holistic execution nigh impossible, vis-à-vis the Security Council's purpose, historical work, and representative membership. This means that only certain pillars are pursued, which negates much of the potential value of WPS. Thus, an effective implementation of WPS would bring and focus the work of CEDAW into the Security Council's operations, paired with other structural changes.

I.   The Security Council's Purpose and Historical Work

First, the purpose of the Security Council naturally limits the fully efficacious implementation of the WPS Agenda. The United Nations Charter states specifically that the mission of the Security Council is the "maintenance of international peace and security."[4] In a modern context, especially through the lens of the WPS Agenda, this may seem to present no problems. However, it is necessary to consider organizations through the circumstances of their creation. Specifically, the Security Council's foundation, and initial organizational charter reflected the global post-World War II paradigm, in which

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[1] S.C.Res.1325, U.N.Doc.S/RES/1325 (Oct. 31, 2000)

[2] Fionnuala Ní Aoláin and Nahla Valji, *Scholarly Debates and Contested Meanings of WPS*, *in* The Oxford Handbook of Women, Peace, and Security, 1 (Sara E. Davies & Jacqui True eds., 2018)

[3] *See, e.g.,* Radhika Coomaraswamy, *The Normative Framework for Women, Peace and Security*, *in* 2 A Global Study on the Implementation of United Nations Security Council Resolution 1325 28 (2015)

[4] U.N. Charter, art. 24, ¶ 1

conflicts where necessary manifestation of the competing ambitions of sovereign nations.[5] Indeed, the "Four Policemen" concept was envisioned as a way to balance the competing ambitions of global great powers against themselves, and failed to contemplate other potential forms of global conflict.[6]

It is difficult to reconcile this historical grant of power with the four pillars of the WPS agenda. While this certainly implicates prevention, peacekeeping, and potentially even protection, the focus on traditional interstate conflict prevents a necessary focus on women's security in the process. Consider, for instance, the centering of women in various conflicts' peace processes. Before S/C 1325, only 11% of peace agreements referenced women. Since its passage in 2000, 27% of agreements do so.[7] Though this is laudable it still falls short of the ideal, which is, of course, 100%.

Moreover, the Security Council has historically been focused on "traditional" markers of war. Indeed, in the first 30 years of its existence, the Security Council was largely preoccupied with the internal machinations of its membership with relation to the Cold War, though the Council did have some limited success in effectuating a decolonization agenda in its adolescence.[8]

This focus is evident from the areas of focus seen in Security Council Resolutions as well – nearly 50% of resolutions in the Cold War period concerned political questions in Israel or South Africa, or related to new member admissions[9], and the first Security Council resolution concerned specifically with women's issues was narrowly focused on the prevention of the "systemic detention and rape of women" in Bosnia and Herzegovina during the Bosnian War.[10] Since then, a scant few Security Council Resolutions have considered women's issues, with the few that have being directly related to the implementation of the WPS agenda (i.e. the WPS Resolutions).

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[5] *See, e.g.*, Brian Urquhart, *Looking for the Sheriff*, The New York Review of Books, July 16, 1998 (reviewing Townsend Hoopes & Douglas Brinkley, FDR and the Creation of the UN (1997)) (discussing the role of the United States, United Kingdom, the Union of Soviet Socialist Republics, and the Republic of China as the "Four Policemen" of the world).

[6] *Id.* (discussing the Security Council's original formulation as "an organization theoretically based on a concert of great powers whose own mutual hostility, as it turned out, was itself the greatest potential threat to world peace.")

[7] Radhika Coomaraswamy, *Executive Summary*, *in* A Global Study, 14 (2015)

[8] Robert S. Snyder, *Reforming the Security Council for the Post-Cold War World*, 14 Int'l. J. World Peace 3, 11 (1997)

[9] Justin S. Gruenberg, *An Analysis of United Nations Security Council Resolutions: Are All Countries Treated Equally?*, 41 Case W. J. Int'l. L., 469, 494 (2009).

[10] S.C.Res. 798, cl. 2, U.N.Doc.S/RES/798 (Dec. 18, 1992)

This lack of awareness becomes more apparent when the Security Council's resolutions are considered within the context of its own operative frameworks, namely that of the Responsibility to Protect (R2P).[11] The doctrine, which has been reaffirmed by the Security Council over 80 times in the past decade,[12] can be said to define the central ethos of the Security Council's general peacekeeping goals and missions.[13] Yet, while scholars have observed that R2P and WPS "share[] some common goals . . . R2P has developed largely in isolation of other efforts to protect and empower women as agents of peace and security, including conflict prevention."[14]

As an example, R2P policies and implementations have been shown as being blind to the full continuum of gender-based violence (especially as envisioned by the WPS agenda), and focus largely on elements more germane to the "peacebuilding and recovery" pillar of WPS generally.[15] This is natural, given the Security Council's historic focus on traditional elements of peacebuilding and interstate conflict prevention. To some minor extent, the Security Council's work has begun to incorporate elements of the continuum by advancing conflict prevention at grassroot levels.[16]

However, this incorporation is cursory at best, and does not fully address the scope and scale of issues that are necessary for a full embrace of the WPS agenda as a continuum, leaving crucial elements unfilled and unmet.[17] This gap is especially visible when viewed in contrast to the work of the CEDAW Committee. As an example, while the Security Council has only just recently recognized the "nexus between trafficking and sexual

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[11] While a lengthy analysis of R2P is not germane to this paper, it is important to restate that its 3 central pillars (i.e. (1) "the primary responsibility of the state to protect its own population from genocide, war crimes, ethnic cleansing, and crimes against humanity", (2) "the international community's duty to assist", (3) "the international responsibility to take timely and decisive action to protect populations from these crimes when the state fails to do so") drive the analysis contained herein. Alex J. Bellamy and Sara E. Davies, *WPS and Responsibility to Protect*, *in* The Oxford Handbook of Women, Peace, and Security, 2 (Sara E. Davies & Jacqui True eds., 2018) (citing U.N. Secretary-General, *Implementing the Responsibility to Protect*, U.N. Doc. A/63/677 (Jan. 12, 2009)).

[12] *UN Security Council Resolutions and Presidential Statements Referencing R2P*, Global Centre for the Responsibility to Protect (Oct. 8, 2019) (*available at* http://www.globalr2p.org/resources/335).

[13] *See, e.g.*, Jared Genser, *The United Nations Security Council's Implementation of the Responsibility to Protect: A Review of Past Interventions and Recommendations for Improvement*, 18 Chi. J. Int'l. L. 420, 247 (2018)

[14] *Bellamy & Davies* at 6.

[15] *Id*. at 5-8. (noting that R2P implementations seem to focus almost exclusively on questions of rape and sexual assault in post-conflict environments, especially at the expense of prevention strategies.)

[16] Radhika Coomaraswamy, *Preventing Conflict*, *in* A Global Study, 204 (2015) (citing S.C.Res. 2171, U.N.Doc.S/RES/2171 (Aug. 31, 2015)

[17] Class discussion, October 15, 2019.

violence" as a key part of the continuum that leads to greater violence, CEDAW has done so for two decades prior.[18] This is more than just a chronological gap – it instead implicates the fact that the Security Council leads this work has resulted in a significant delay in addressing the WPS continuum.

II.   Historical Composition of the Security Council

How can the Security Council be so "behind", as it were, then in addressing the continuum of violence if it is concurrently leading the charge in passing Resolutions related to the WPS Agenda? Similar to the prior examination of an organization's stated purpose to understand its current work, so to must an examination be conducted of its membership and representation.

Any analysis of the Security Council's work must come hand-in-hand with a hard look at its traditional membership, specifically with regard to gender parity.[19] On the Security Council, for instance, there is a woeful lack of representation by women, especially when viewed through the metric of Permanent Representatives to the United Nations (PRUNs). To the extent that PRUNs may be seen as the actual "members" of the Security Council, it suffices to say that only a dismal 7% of Permanent Members of the Security Council have been women (*see chart at right*), with the majority of that representation coming in the past decade.[20] This gender disparity is reflected in some of the more sinister issues of sexism, misogyny, and workplace harassment and assault that continue to plague the United

Permanent Representatives To The U.N. Security Council By Gender

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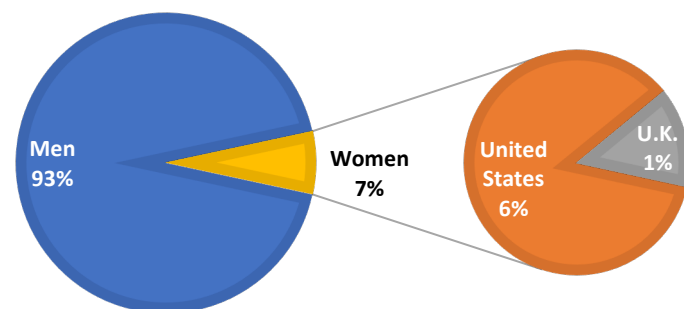
[18] Elizabeth Rose Donnelly & Viknes Muthiah, *Protecting Women and Girls in Refugee Camps*, 32, Ctr. for Women Peace & Security at the London Sch. of Econ. (Feb. 2019)

[19] As discussed in note 12, a lengthy analysis of gender parity, including the diplomatic corps, would not be germane to the focus of this paper. Instead, this paper uses Permanent Representatives to the United Nations (PRUNs) as a proxy for gender equity in representation at the United Nations.

[20] The United States has had 6 women serve as PRUNs (Jeane Kilpatrick, Madeline Albright, Susan Rice, Samantha Power, Nikki Haley, and Kelli Craft), and the United Kingdom has only had 1 (Dame Karen Pierce). Of these, all except for Jeane Kilpatrick and Madeline Albright have served in the past 10 years.

Nations', and especially the Security Council's work.[21]

While this speaks to a general failing of member nations to incorporate gender diversity into their U.N. delegations, there is an obvious barrier to implementation to the WPS Agenda in the Security Council if its male domination continues. Of course, there are caveats. Permanent Representatives may appoint staffs and deputies who reflect great gender diversity, and non-Permanent Members of the Security Council can, and have appointed women to represent them during their term on the councils.[22] Similarly, this is not to say that men in the Security Council cannot, and have not conceptualized and worked on issues related to WPS.[23]

These caveats, however, prove the point that WPS has only been partially implemented with regard to the continuum. While a male-dominated body has partially considered the issue, perhaps a more fulsome outcome would be achieved if the Security Council had greater gender parity. It is axiomatic that more diverse organizations achieve more diverse outcomes. For example, after Jordanian legislature introduced gender quotas in national and municipal legislative bodies, traditional civil rights and humanitarian metrics for Jordanian women improved drastically, with credit given to the fact that increased representation on these bodies gave a "foot in the door" not only to women, but greater visibility of women's issues as well.[24]

In the case of the Security Council's work, nowhere is this more evident than the work that it most actively seizes upon, i.e. traditional prevention and peacekeeping measures.[25] If anything, the Security Council seems to have a kneejerk reaction to conflict that involves deploying peacekeepers to a region – an approach that by default ignores

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[21] *See, e.g.*, Maya Oppenheim, *The Dangers Of Turning The World Leaders' Summit Into A Boys' Club*, The Independent (Sept. 27, 2019), Rebecca Ratcliffe, *'A boys' club': UN agency accused over sexual harassment claims*, The Guardian (Feb. 25, 2018),

[22] *See, e.g.*, Thalif Deen. *UN Women Ambassadors Rise to New Heights But Fall Short of Gender Parity*, Inter Press Serv. (Oct. 8, 2019) (noting that six of the fifteen members of the Security Council during its September 2014 meeting were represented by women).

[23] Much of the agenda itself, including S/C 1325, was passed when the Permanent Members were not represented by women PRUNs.

[24] *See, e.g.*, Organisation for Economic Co-Operation and Development, Women's Political Participation in Jordan, 62-72 (2018) (*available at* https://www.oecd.org/mena/governance/womens-political-participation-in-jordan.pdf), Aseem Chipalkatti, Political Opinions of the Monarchy as Correlated to the Women's Electoral Quota, (Dec. 10, 2013) (unpublished major thesis, Claremont McKenna College) (on file with the author)

[25] *See* discussion *supra* pages 2-3

the WPS continuum entirely.[26] It is likely that the PRUNs on the Security Council would be at least a little more willing to consider the Agenda if their ranks were gender-diversified.

III.   Coda: Proposed Solutions

It is clear, then, that the Security Council's current composition and historical purpose and work renders it incapable of fully grasping the continuum of violence that defines the scope of the WPS Agenda. A new path forward is necessary for a more fulsome application of the agenda. Specifically, regarding the two points identified in this paper, the Security Council must:

- Make more of an effort to actively consider the WPS Agenda in its regular work, including and especially through its resolutions,

- Call upon member states to appoint more gender diverse PRUNs, or at least commit to delegations with gender parity,

- Adopt the recommendations posed to it in the Global Study of the WPS Agenda's implementation.[27]

This is not to say of course, that there has not been success with implementing the Agenda in certain regards[28] – more that more work can be done on ensuring that the Security Council effectively implements the Agenda with full cognizance of the continuum.[29] These recommendations, for instance, do not explicitly call for CEDAW to be disbanded, or for other treaties and U.N. organizations to not remain actively seized on the WPS Agenda. Instead, they call on the Security Council to more aggressively

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[26] *See, e.g.*, Sanam Naraghi Anderlini, *UN Peacekeepers' Sexual Assault Problem*, Foreign Affairs (June 9, 2017), https://www.foreignaffairs.com/articles/world/2017-06-09/un-peacekeepers-sexual-assault-problem

[27] *See* Radhika Coomaraswamy, *Women, Peace, and Security and the UN Security Council*, *in* A Global Study, 322-43 (2015)

[28] The agenda has been implemented to some success in certain fields and conflicts, especially in the Security Council. *See generally Id.*

[29] It would also be a specially ironic brand of male hubris for the author to suggest qualitative improvements to UN processes without having either (1) worked at the UN or (2) studied it as extensively as other authors who have proposed substantive improvements. *See, e.g.*, *Id.*, Bellamy & Davies, London School of Economics Pro Bono Matters, Making The Normative Case: Implementing Security Council Resolution 1325 As Part Of A Legal Framework On Women, Peace And Security (April 2015) (*available at* http://www.lse.ac.uk/women-peace-security/assets/documents/2016/SC1325ProBono.pdf)

consider the issues of WPS, and to elevate those causes and concern to a place of primary importance in the Security Council's body and work.

This, of course, could take many forms, i.e.:

- A permanent subcommittee on the Security Council,

- Altering Article V of the U.N. Charter to reflect the WPS Agenda in the Council's purpose

- Lobbying PRUNs sitting on the Council to consider these issues on a continuum, rather than just through the lens of prevention or peacekeeping.

What is critical, however, is that these solutions do the work of bringing the work already achieved by CEDAW or other similar entities (e.g. UNWomen) into the Security Council's focus so that it fully approaches WPS issues on the continuum upon which they exist.

IV.   Conclusion

If anything, the continuum of solutions proposed here is an appropriately glib response to the concept of the continuum itself, and the failure of the Security Council specifically to embrace it. A continuum is just that – there is no one target or objective for an organization to seize upon, rather, it involves the multi-faceted consideration of a broader framework. The Security Council, by very focus of its work, only focuses on two of the four pillars implicated by the WPS Agenda, thus meaning that it does not fully implement it in its work. For it to fully do so, and to recognize and address the violence that exists on the continuum requires incorporating prior work into its own, restructuring its body, and embracing the entirety of the question.

Women Peace, Security and the Need for Stories Over Statistics

Fumnanya I. Ekhator

The Women, Peace and Security framework (WPS) is intended to achieve ongoing equality between women and men in order to sustain peace. It comes out of the acknowledgement of the fact that peace is inextricably linked to gender equality between men and women—both before conflict, and in its aftermath. When it began, the women's movement was focused on equality. There was no mention of the word violence, and its immediate threat was not at all acknowledged. The worldwide broadcast of conflict in Bosnia and Rwanda ignited a new phase of the women's movement: for the first time, the UN adopted a resolution stating that violence against women is a threat to national security. WPS, with a focus on sexual violence, became one of three thematic initiatives set up by the Security Council in the 1990s—where women's representation, participation, prevention, protection and peacebuilding became the pillars of the Security Council's agenda.[1] Although the evolution of the women's international movement has led to great strides and progress, the United Nation's Women, Peace and Security agenda is not without significant faults.

Akayes was the first time that an international tribunal ruled that rape and other forms of sexual violence could constitute genocide.[2] The decision was monumental in that it was the first significant attempt to capture the horror of rape without undue restriction and limitations. "Rape is a form of aggression and…cannot be captured in a mechanical description of objects and body parts…like torture, rape is used for such purposes as intimidation, degradation, humiliation, discrimination, punishment, control or destruction of a person…rape is a violation of human dignity."[3] The opinion goes on to state that rape will be considered torture "when inflicted by or at the instigation of…or acquiescence of a public official or other person acting in an official capacity."[4] Although Akayesu moves closer to acknowledging the totality of violence against women, like the WPS agenda, the opinion fails to see beyond the horror of violence to the less physically tangible yet similarly insidious threats women face.

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[1] *See generally*, "WPS and the Special Representative of the Secretary-General for Sexual Violence in Conflict," Eleanor O'Gorman, The Oxford Handbook of Women, Peace, and Security, 1.

[2] *See generally*, Prosecutor v. Akayesu.

[3] Akayesu, https://unictr.irmct.org/sites/unictr.org/files/case-documents/ictr-96-4/trial-judgements/en/980902.pdf.

[4] Supra note 2, at 149.

In order to study the institutionalization of the WPS agenda, Eleanor O'Gorfman reviewed the case study of the Special Representative of the Secretary-General on Sexual Violence in Conflict (SRSG-SVC).[5] Focusing on the policy and developments, the challenges and opportunities, and the lessons and insights to be gleaned from the institutionalization of the WPS agenda, the chapter concludes with suggested steps to "renew and refocus" the mandate.[6] One of the unforeseen difficulties arising from the appointment of the SRSG-SVC was its positioning: how best would the new role fit into the wider context of the UN structure, which had evolved to include the gender-focused UN Women? The issues that followed reflects the reigning logic of expansion in the United Nation—add more space to a house in order to accommodate new residents, without due consideration of how a complete structural redesign might prove more beneficial.[7]

The SRSG office collaborated with the UN in efforts to respond to and prevent violence against women. Two important initiatives were the Team of Experts (TOE) on the Rule of Law recommended in UNSCR 1888, and the Monitoring and Reporting Arrangements (MARA) recommended in Resolution 1960.[8] TOE works to investigate and bring cases involving violence in an effort to address the pathological impunity of SVC.[9] MARA is an accountability and reporting mechanism that includes the listing of alleged perpetrators, in order to assist and support sanctions regimes. While it is possible that both TOE and MARA could work to indirectly prevent new SVC occurrences, both are clearly designed to work in retrospect. A crime must first occur, and a woman's body must first be violated, before the bulk of the objectives for both initiatives can commence.

The UN still lacks a cohesive WPS operating system. This is due, at least in part, to the culture of silos and lack of cooperation between different initiatives. It can also be attributed to a split in rhetoric between 1325 and 1820—reflected in the split between both agendas in the Security Council.[10] Gender focused agencies and roles across the UN will be necessary to bridge the gap. It is important that the efforts be informed by interdisciplinary and grassroots efforts in order to achieve a more systemic approach to developing solutions.[11] As it stands the WPS agendas are far too focused on violence in conflict, with a relatively myopic range of solutions. Support from feminist and other

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[5] Supra note 1, at 1

[6] Id at 2.

[7] See generally, id.

[8] Id at 6.

[9] Id.

[10] Id at 12.

[11] Id at 13.

sociopolitical experts would go a long way to addressing some of the major issues of the WPS agenda today.

The WPS agenda, though an ambitious and significant step in the right direction, fails to achieve what is truly needed in the international women's rights movement: a shift from prevention-by-sanction to substantive and proactive grassroots initiatives in order to address the cultures and ideologies that lead to violence in the first place. One major failing of the WPS agenda is its hindsight approach—its effort to prevent violence are focused on adequately responding to violence only after it has already occurred. TOE and MARA exemplify this ideology. While it is useful to respond to violence with measures to offer justice and encourage accountability, it is more important to prioritize prevention and reform. This can best be achieved by seeking the change the normative premises that foster violence against women, while encouraging and protecting the perpetrators. Understandings and assumptions about the role of women in conflict is a crucial area that often lacks complex and nuanced analysis. Better understand could pay immeasurable dividends in changing the language of WPS and it supporting efforts.

In studying Sierra Leone, Zoe Marks focuses the varied role of female combatants in rebel groups in order to understand the acquisition and distribution of power both between and within relevant groups. Marks uses the Revolutionary United Front (RUF) of Sierra Leone as a case study. RUF was notorious for heinous acts of violence: deploying child soldiers, amputating the limbs of civilians, and using rape and other forms of sexual violence against women and girls of all age groups.[12] In nearly every village they entered, RUF employed a raid-rally-recruit approach. They would fire warning shots, cage people into the local court where the chief lived, and announce the revolution.[13] When mobilization patterns shifted from towns to guerrilla camps, male rebels were encouraged to take "bush wives."[14] One of the roles of the bush wives was to maintain logistic controls while the male combatants were away.

In addition to bush wives, RUF also recruited and deployed female combatants.[15] The comparison between both groups of women helps to illuminate the complexity of power, victimhood, and mobilization within the context of conflict. Bush wives, and other women taken against their will, had far less autonomy and bargaining power than female combatants—both before and after mobilization. Often times, bush wives were women and girls from poor and rural areas who had little to no bargaining power to begin

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[12] Women in Rebellion: The Case of Sierra Leone, Zoe Marks, The Oxford Handbook of Women, Peace, and Security, 1.

[13] Id at 3.

[14] Id at 4.

[15] Id at 6.

with. Fighting for female combatants was optional due to the heightened suffering women endured in battle. However, many female combatants were particularly fearsome and enjoyed the opportunity to build a reputation that only fighting could provide. Participation in conflict also allowed these women fighters to collect loot—another means of acquiring bargaining power and accumulating capital. Some women were trained, and others were given authority over child troops. As combatants, women could amass militarized, traditionally masculine power as long as she was able to successfully distance herself from the feminine bush wife role. Violence was often the most accessible and tangible way to do so, and its use curried "respect."[16]

While the women and girls who occupied the bush wife role enjoyed less relative privilege than their combatant counterparts, they were considerably less vulnerable than unmarried women and girls.[17] The social capital enjoyed by the wives was contingent on that held by their respective husbands. For this reason, unmarried women and girls were more vulnerable to abuse from men or other women. Participation in violence was the only way that such women could exercise autonomy, as well as acquire and accumulate capital, without assistance from men. Reference to political and military credentials allowed women combatants to assert greater power and legitimacy than their non-combatant women counterparts.[18]

While many women leaders in RUF were involved in expanding education and healthcare, others were complicit in war crimes and other abuses. In order to fully understand and consider women's agency, in all of its complexity, the desire of women to join extremist groups cannot be overlooked. Too often, women are casts as victims—inducted by force or manipulated by romantic love—but never acting in an expression of unabated autonomy. However, reality tells a different story. Many women are drawn to extremist groups for the same or similar reasons as men are: ambition, alienation by mainstream society, and even dedication and attraction to the cause.[19] An understanding of the diversity of women, as well as their motivations and their priorities, is key to developing solutions that go beyond retrospective measures. This is because it is an important first step to understanding the interplay of power and social capital with the extremism that puts women most at risk.

The role of women in extremist and rebel conflict works to illuminate the need to move away from a reliance on numbers in the place of nuanced qualitative evaluations.

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[16] Id at 7.

[17] Id at 8.

[18] Id at 8.

[19] "Countering Violent Extremism While Respecting the Rights and Autonomy of Women and Their Communities," 21.

Numbers can never paint a complete picture—a decrease in the number of SGBV instances could speak to an effect WPS push, or increased militarization of women. Without the narratives of these women it is impossible to tell. Further, real accounts from women help to shine a light on the often complex and highly intricate cultural and sociopolitical norms that inform and motivate violence. WPS needs to focus less on tracking percentages and statistics in order to measure growth and efficacy: in order to adopt a proactive approach to address SGBV, it is not enough to simply measure the problem. Instead of simply measuring its frequency and magnitude, international actors must seek to understand the priorities and beliefs that motivate the violence.

A more nuanced understanding of the role of women in conflict is important not only to help women victims, but also to empower women actors. Power is operative in all acts of violence, particularly those committed against women. In conflict, women are seen as score keeping objects—the more terror exacted on their bodies, the higher the score against the opponent. This understanding is not novel or lacking in support. However, international actors sometimes forget to humanize the women whom they intend to protect. Like the perpetrators, they too can see women as score keeping devices: stories of horrific acts of violence are reduced to statistics and percentages for the purposes of research, analysis, and progress tracking. The experiences of women who have been victimized takes a backseat to the more attention-grabbing narrative of the perpetrators, who dominate news cycles and make international headlines. As a result, what should be a qualitative and highly personalized approach has become largely quantitative and mechanical.

The WPS agenda falls short, not for its intentions but for its focus. Simply put, the WPS agenda needs a perspective shift—from instances of violence, to the stories of the women themselves. The mechanical approach of the WPS agenda has led to a nearly automatic use of women's peace and security as a bludgeoning tool for nation building and development because sex and gender-based violence (SGBV) is a common tactic employed by extremist groups of every kind and creed. WPS and the United Nations must make a concerted effort to see women as autonomous actors who respond to their environment in unique and individualized ways. Without room for autonomy there is no space for resistance: a major failing of the WPS agenda is its failure to acknowledge or properly respond to women's resistance movements on the ground. War and conflict have been accepted as an inevitability in the international community, and feminist forms of leadership and conflict resolution have been largely overlooked. However admirable, as it presently stands, WPS' efforts to help women is incomplete—both in cause and in its effect. In its efforts to help women, the United Nations and its WPS agenda ought to devote more resources towards empowering women to help themselves.

Sexual Violence in Conflict as a Continuum of Other Forms of Violence: Unpacking UNSCR 2467

Betha Igbinosun

"The experiences of men and women in war are different. In these differences, women offer a vital perspective in the analysis of conflict as well as providing strategies toward peacebuilding that focus on creating ties across opposing factions and increasing the inclusiveness, transparency, and sustainability of peace processes. Too often, women's roles are marginalized because they are not seen in terms of their leadership. We must see women as leaders, not victims. We must also view their participation not as a favor to women, but as essential to peace and security." [1]

Beginning in 1975, the United Nations (UN) convened conferences aimed at promoting gender equality, but there remained a general lack of recognition of gender issues in commissioned reports by the UN, especially touching on peacekeeping.[2] Eventually, due to efforts by the Coalition on Women and International Peace and Security, the United Nations Security Council (UNSC) acknowledged the changing nature of warfare and the continued exclusion of women from participation in peace processes.[3] Consequently, in 2000, the UNSC adopted Resolution 1325 on Women, Peace and Security (WPS).[4]

This was the first Security Council Resolution that recognized the importance of a gender perspective to issues of peace and security and sought to link women to the peace and security agenda, in recognition of the peculiar impact of violent conflict on women and girls, and the role that women ought to play in conflict prevention and resolution.[5] UNSCR 1325 urged all actors to increase women participation and incorporate gender

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[1] United States Institute of Peace, *What is UNSCR 1325? An Explanation of the Landmark Resolution on Women, Peace and Security*, https://www.usip.org/gender_peacebuilding/about_UNSCR_1325 (last visited Nov. 16, 2019).

[2] United States Institute of Peace, *How did UNSCR 1325 come about?* https://www.usip.org/gender_peacebuilding/about_UNSCR_1325 (last visited Nov. 17, 2019).

[3] *Id.*

[4] S.C Res. 1325 (Oct. 31, 2000).

[5] *Id.*

perspectives into all UN peace and security efforts,[6] further affirming that "peace and security efforts are more sustainable when women are equal partners in the prevention of violent conflict, the delivery of relief and recovery efforts and in the forging of lasting peace."[7]

Grounded in the legal framework of Human Rights and International Humanitarian Law, UNSCR 1325 and related resolutions have served as important advocacy tools for advancing the WPS agenda.[8]

I.   The Four Pillars of The WPS Agenda

The WPS agenda is often described in terms of four major pillars: participation, prevention, protection, and relief and recovery.[9]

- **Participation –** this expresses the need for the participation of women at all levels of decision-making including in – (i) national, regional and international institutions; (ii) mechanisms for the prevention, management and resolution of conflict; (iii) peace negotiations and peace operations – as soldiers, police and civilians; and as (v) Special Representatives of the UN Secretary-General.[10]

- **Protection –** this advocates the protection of women and girls from sexual and gender-based violence including in conflict-related, emergency and humanitarian situations, such as in refugee camps.[11]

- **Prevention -** this espouses the prevention of violence against women through the promotion of women's rights, increased accountability and law enforcement. This is done by – (i) prosecuting those responsible for war crimes, genocide, crimes against humanity and other violations of international law; (ii) excluding sexual violence crimes from amnesty agreements; (iii) strengthening women's rights under national law, and (iv) supporting local peace initiatives and conflict resolution processes.[12]

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[6] *Id.*

[7] United States Institute of Peace, *supra* note 1.

[8] Sida Brief, *Women, Peace and Security*, 1 (2015) https://www.sida.se/contentassets/3a820dbd152f4fca98bacde8a8101e15/women-peace-and-security.pdf

[9] *Supra* note 1.

[10] S.C Res. 1325 ¶ 1, 2 & 3 (Oct. 31, 2000).

[11] *Id.* ¶ 10 & 12.

[12] *Id.* ¶ 11, 12, & 8.

- **Relief and Recovery -** this covers the advancement of relief and recovery measures to address international crisis through a gendered lens, including by ensuring that the specific relief needs of women and girls are met. For example (i) in repatriation and resettlement, disarmament, demobilization and reintegration programs; and (ii) by respecting the civilian and humanitarian nature of refugee camps and considering the needs of women and girls in the design of refugee camps and settlements.[13]

II. Subsequent WPS Related Resolutions

Other relevant resolutions that were adopted to strengthen UNSCR 1325 include UNSCR 1820, which was adopted in June 2008, and essentially recognized sexual violence as a weapon and tactic of war, whilst noting that rape and other forms of sexual violence can constitute a war crime, crime against humanity, or a constitutive act with respect to genocide. It further called for the training of troops on preventing and responding to sexual violence, and for more deployment of women in peace operations.[14] Thereafter, UNSCR 1888 was adopted in September 2009, and reiterated that sexual violence exacerbated armed conflict, impeded international peace and security and required leaders to address conflict-related sexual violence. It also called for the appointment of a Special Representative to advance the role of the UN in combating sexual violence in conflict and the provision of Women Protection Advisors (WPAs) within peacekeeping missions.[15]

UNSCR 1889 followed closely in October 2009 and focused on post-conflict peacebuilding and women's participation. It urged member states to take further measures to improve the participation of women in all stages of the peace process and called for the use of indicators to track the implementation of UNSCR 1325.[16] In December 2010, UNSCR 1960 was adopted, and reiterated the call for an end to sexual violence in armed conflict. It further established a "naming and shaming" listing mechanism which encouraged the Secretary-General to include in his annual reports, detailed information on parties to armed conflict credibly suspected of being involved in acts of sexual violence and referring such parties to the sanctions committee.[17]

To proffer operationalized guidance on sexual violence in conflict, UNSCR 210 was adopted in June 2013, and further emphasized the importance of a comprehensive

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[13] *Id.* ¶ 8, 12, & 13.

[14] S.C Res. 1820 (June 19, 2008).

[15] S.C Res. 1888 (Sept. 30, 2009).

[16] S.C Res. 1889 (Oct. 5, 2009).

[17] S.C Res. 1960 (Dec. 16, 2010).

approach to transitional justice in armed conflict and post-conflict situations. It also recognized the distinct role of gender advisors in ensuring that gender perspectives are mainstreamed in policies and recommended their deployment in peacekeeping missions.[18] Subsequently, in recognition of the need for enhanced information and analysis on the impact of armed conflict on women and girls, as well as the gender dimensions of peace processes, UNSCR 2122 was adopted in October 2013. It requested for more frequent briefings from various entities on issues of relevance to the WPS agenda, and further urged relevant parties to support the development and strengthening of the capacities of national institutions and local networks in order to provide sustainable assistance to women and girls affected by armed conflict and post-conflict situations.[19]

In October 2015, UNSCR 2242 was adopted and encouraged the assessment of strategies and resources relating to the implementation of the WPS agenda. It highlighted the importance of collaboration with civil societies and called for increased funding by member states for programs in furtherance of gender equality and women's empowerment, whilst also recognizing the importance of integrating WPS concerns across all country-specific situations on the Security Council's agenda.[20]

III.   The Continuum Spectrum in Conflict Settings

A common feature of the foregoing resolutions is the narrow focus on sexual violence in the conflict context without recourse to other forms of non-conflict related forms of violence which facilitate the violence that occurs during conflict.[21] In evaluating the causes of conflict-related sexual violence, it is important to consider the social, legal and economic context in which the armed actors live, as sexual violence in armed conflict does not occur in a vacuum but is rooted in pre-existing gender inequalities and violence. These include economic insecurity and other forms of physical insecurity, such as domestic abuse, marital rape and forced/early marriage.[22]

In South Sudan, for example, it is indicated that conflict-related sexual violence in the context of the ongoing civil war is rooted in the local political economy of "bride

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[18] S.C Res. 2106 (June 24, 2013).

[19] S.C Res. 2122 (Oct. 18, 2013).

[20] S.C Res. 2242 (Oct. 13, 2015).

[21] Pearl Karuhanga et al., *The Elusive Peace: Ending Sexual Violence during and after Conflict*, United States Institute of Peace Special Report, 437 (2018), at 3, https://www.usip.org/sites/default/files/2018-12/sr_437_atuhaire_the_elusive_peace.pdf.

[22] Alicia Luedke et al., *Sexual Violence, Exploitation, and Abuse: Improving Prevention Across Conflicts and Crises*, United Nations Institute of Peace, 415(2017), https://www.usip.org/sites/default/files/2017-11/sr415-sexual-violence-exploitation-and-abuse-improving-prevention-across-conflicts-and-crises.pdf.

wealth" which commodifies women and girls and treats them as property.[23] Research has further revealed that even before displacement, women in Rakhine had limited access to public space and insignificant meaningful involvement in decision-making, and as a result of deep-rooted social and cultural norms, the mobility of women and girls' mobility was already severely restricted through the practice of purdah and the burden of care work. [24] Similarly, material inequality, which is a function of gender inequality, also contributes to conflict related sexual violence in making women more vulnerable to attacks by armed groups in seeking to meet their basic food and shelter needs.[25]

In essence, although wartime violence has distinct features, such violence, like domestic sexual violence and harassment, is a reflection of other underlying social inequalities between men and women, and this is also reflected in post-conflict settings.[26] From the violent extremists in Syria, to conflicts in the Democratic Republic of Congo and Guatemala, state and non-state armed actors have used sexual violence against women and girls to intimidate and terrorize populations, and as a means of displacing people from territories, destroying communities, and silencing victims. However, even after these wars ended, the root causes of these sexual and gender-based violence often goes unaddressed — which, as a result, causes them to continue to be perpetrated, and undermines reconstruction efforts and the transition to more stable and peaceful societies.[27]

In this light, the World Health Organization recognizes that "situations of conflict, post conflict and displacement may exacerbate existing violence, such as by intimate partners, as well as and non-partner sexual violence, and may also lead to new forms of violence against women."[28] For example, Dr. Denis Mukwege of the Democratic Republic of Congo, a recipient of the 2018 Nobel Peace Prize, and a gynecological surgeon who

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[23] This is a type of marriage where a man pays bride-wealth to a woman's family in return for her hand in marriage, ordinarily in the form of cattle and livestock. This also contributes to a view where men feel entitled to the sexual and reproductive services of women on account of the fact that they had "paid" for them. *Id.*

[24] Dorothy Sang, *One Year On: Time to Put Women And Girls At The Heart Of The Rohingya Response*, 9 (2018). https://www.oxfamamerica.org/static/media/files/bp-one-year-on-rohingya-refugee-women-girls-110918-en.pdf.

[25] Luedke et al, *supra* at 7.

[26] *Id.*

[27] United States Institute of Peace Report, *Preventing Conflict-Related Sexual Violence* https://www.usip.org/programs/preventing-conflict-related-sexual-violence (last visited Nov. 16, 2019).

[28] World Health Organization, *Violence against Women*, (November 29, 2017) https://www.who.int/news-room/fact-sheets/detail/violence-against-women.

treats rape victims, indicated that many of his patients were not assaulted during active conflict but by ex-combatants living among civilians.[29] Also, Nadia Murad, another recipient of the prize, highlighted her trauma as a member of the Yazidi ethnic group in Iraq and her being forced into sexual slavery by the Islamic state.[30] These experiences portray the intersecting forms of sexual violence that are not accorded recognition during the peace-building process.[31]

IV.   The Intersection Between Gender Inequality and Conflict

The UNSC had previously argued that it only considered conflict-related sexual violence and that other forms of violence was the responsibility of the member states, since they did not fall within the UNSCR 1820 confines.[32] However, most states lack the political will and funding to address these forms of violence, and in any event, sexual violence neither begins with nor ends with war, but occurs on a continuum of other forms of violence, and it is imperative to accord these forms of violence similar security priority.[33]

There is also an increasing recognition of the intersection between gender inequality, violence against women, and a heightened propensity for conflict.[34] Several studies have identified gender inequality as an important predictor of conflict and instability, and countries with weak human rights standards "are more likely to have militarized and violent interstate disputes."[35] Scholars have also found a connection between the status of women within a state and the state's propensity for violent conflict,

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[29] Agence France-Press, *Brave Healer of DR Congo's Most Horrific Wounds*, (October 5, 2018), available at https://www.france24.com/en/20181005-brave-healer-dr-congos-most-horrific-wounds.

[30] Karuhanga, *supra* at 2.

[31] *Id.*

[32] *Id.* at 7.

[33] *Id.*

[34] Cynthia Cockburn, *The Space between Us: Negotiating Gender and National Identities in Conflict* (New York: Zed Books, 1998)

[35] Working Group on Women, Peace and Security, *Mapping Women, Peace and Security in the UN Security Council: 2018*, at 22, https://www.womenpeacesecurity.org/files/NGOWG-Mapping-WPS-in-UNSC-2018.pdf. See also, Report of the Secretary-General on WPS (S/2019/800) Report of the Secretary-General on sustaining peace (S/2018/43, para. 27) Report of the Secretary-General on conflict prevention in Africa (S/2018/566, paras. 14-15) .

and it is indicated that states with high gender inequities engage in violence more often than gender equitable states.[36]

More so, gender inequalities and violence facilitate the occurrence of acts of sexual and other forms of violence, even outside wartime settings/conflict situations.[37] There are reports that even in severely conflict-affected areas, civilians may be the most prevalent perpetrators of human rights abuses, including sexual violence. These include teachers, employers, motorbike drivers etc., who engage in abusive behavior during and outside conflict. For example, in eastern DRC, women reported that the most common perpetrators of rape and forced marriage were civilians, including family members, and armed actors were the least cited perpetrators of sexual violence in these areas.[38]

It is clear that the pre-existing vulnerability of women and girls is only heightened during conflict, and there is need to address the root causes. For example, during the Lord's Resistance Army insurgency in northern Uganda, girls as young as seven were forced into prostitution by family members or engaged in sex work as an economic necessity to survive. Although it is unlikely that the girls would have been forced into prostitution in the absence of the conflict, because forced prostitution was considered as a domestic issue, interventions largely ignored forced prostitution as a form of sexual gender-based violence.[39]

V.   Human Rights and The Security Council – The Need for A Convergence

Human rights were consistently considered as outside the scope of the Security Council initiatives as Governments were hesitant about including issues perceived as matters of state sovereignty in deliberations about peace and security. However, due to the changing nature of conflict and the idea of human rights violations being among the first warning signs of looming conflicts and in some cases, direct root causes, the Security Council has largely changed its attitude to human rights issues. [40] Accordingly, the

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[36] Kerry Crawford, *Conflict and Extremist-Related Sexual Violence: an International Security Threat*, United Nations Institute of Peace, Peace brief, 7(2015), https://www.usip.org/sites/default/files/PB187-Conflict-and-Extremist-Related-Sexual-Violence.pdf.

[37] Karuhanga, *supra*, at 3.

[38] *Id.* at 3.

[39] Amanda Blair et al., *Ending Sexual and Gender-Based Violence in War and Peace: Recommendations for the next U.S Administration*, United States Institute of Peace brief, 9 (2016) https://www.usip.org/sites/default/files/PB215-Ending-Sexual-and-Gender-Based-Violence-in-War-and-Peace.pdf.

[40] Security Council Research Report "Human Rights and the Security Role – An Evolving Role" 2016 No. 1 – 25 January 2016 https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-

Council has developed a range of tools such as commissions of enquiry, judicial mechanisms and visiting missions/sanctions to deal with human rights issues in various parts of the world.[41]

In relation to the WPS agenda, although the UNSC has made progress, it has adopted a narrow focus on Sexual and Gender-Based Violence (SGBV) in the conflict contest and ignored other broader issues relating to gender equality and women empowerment. [42] For example, in 2018, 90% of the references to women's rights in reports of peace operations were focused on SGBV specifically and accounted for 45% of all references to WPS. In Security Council meetings, the same ratio was repeated, with references to SGBV made more than 2,000 times, and references to women's rights more broadly less than 300 times.[43] Also, sexual violence was rarely linked to gender inequality and discrimination in country-specific or regional contexts[44] and overall, less than 10% of references in the reports of the Secretary-General to violations of women's rights included information on violations of women's rights outside of SGBV. As a result, instead of addressing the root-causes which results in these acts of violence, it reproduced gendered stereotypes of women as victims in conflict and ignored the power dynamics that underpin gender inequality.[45]

Laudably, UNSCR 2467 was adopted in April 2019, and recognized, for the first time, that "sexual violence in conflict occurs on a continuum of interrelated and recurring forms of violence against women and girls."[46] It further identified the need for national ownership and responsibility in addressing structural gender inequality and discrimination, which it identified as the root causes of sexual violence.[47] Furthermore, and presumably building on UNSCR 2467, in October 2019, UNSCR 2493 was passed, and it called on member states to promote the rights of women, including civil, political and economic rights and also increase funding for programs that further women's economic

8CD3-CF6E4FF96FF9%7D/research_report_human_rights_january_2016.pdf accessed 21 November 2019, page 2.

[41] *Id.*

[42] Megan Daigle & Henri Myrttinen, *Bringing Diverse Sexual Orientation And Gender Identity Into Peacebuilding Policy and Practice,* Journal of Gender & Development, 26 (1), (2018) 103, 120.

[43] *Id.* at 25.

[44] Report of the Secretary-General on WPS (S/2018/900, paras. 14, 18, 30, 55, 59, 83); Report of the Secretary-General on conflict-related sexual violence (S/2018/250, paras. 13, 17, 22, 45, 58, 61).

[45] UN CEDAW, General Recommendation No. 30 On Women in Conflict Prevention, Conflict And Post-Conflict Situations, 18 October 2013. https://www.ohchr.org/documents/hrbodies/cedaw/gcomments/cedaw.c.cg.30.pdf.

[46] S.C Res. 2467 ¶ 13 (April 23, 2019).

[47] *Id.* ¶ 14.

empowerment and security.[48] This is a step in the right direction as it affirms the points discussed above, on the need to look beyond acts of sexual violence perpetrated during conflict and consider the prevailing social norms that makes women and girls susceptible to such violence in the first place and ensure the adequate protection of their rights. [49]

Accordingly, addressing gender inequality is essential to conflict prevention, and it imperative to formally incorporate these issues as part of the security agenda.[50] This requires concerted efforts to address discriminatory structures and institutions, as well as underlying political, social and economic inequalities with a view to transforming corrupt and unjust systems.[51]

In this light, "development, peace and security and human rights are interlinked and mutually reinforcing"[52] and there is increasing recognition of the fact that human rights issues cannot be effectively addressed in isolation from other key issues such as peace and security.[53] As such, it is important to have in place, strengthened collaboration between the UNSC and Human Rights Council (HRC) in developing policies which explore the security implications of non-conflict related forms of violence and human rights violations with attendant security implications.[54]

It is also important to address these root causes of conflict from a holistic perspective. For example, in the DRC, Synergie des Associations Feminines du Congo (SAFECO) and Women's Earth and Climate Action Network (WECAN), two partners of NGOWG member Global Network of Women Peacebuilders (GNWP), implemented a reforestation project in the d'Itombwe forest in an effort to try to improve the quality of

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[48] S.C Res. 2493 ¶ 5 (Oct. 29, 2019).

[49] Prevention of armed conflict (S/2001/574); Security and development (S/PRST/2015/3); Sustaining peace (S/2018/43) The challenge of sustaining peace: Report of the advisory group of experts for the 2015 review of the United Nations peacebuilding architecture (S/2015/490) UN Women, Chapter 8: Preventing conflict: the origins of the women, peace and security agenda, Preventing Conflict, Transforming Justice, Securing The Peace: A Global Study on the Implementation of United Nations Security Council resolution 1325, 2015. https://wps.unwomen.org/pdf/CH08.pdf. Brethfeld & Wright, *Conflict prevention is vital for women, peace and security*, Saferworld, 2015, https://www.saferworld.org.uk/resources/news-and-analysis/post/151-conflict-prevention-is-vital-for-women-peace-and-security.

[50] *Id.*

[51] *Id.*

[52] Security Council Research Report, *Human Rights and the Security Role – An Evolving Role*, 1(2016) at 4, https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/research_report_human_rights_january_2016.pdf.

[53] *Id.* at 3.

[54] *Id.*

life in rural areas that had been affected and destroyed by the mining industry. As a result, 110,000 trees were planted by local tribes and in addition to mitigating the negative effects of climate change, it also reduced women's risk of being targeted for SGBV by diminishing their travel distance to collect firewood.[55]

Also, in Nigeria, efforts by West Africa Network for Peacebuilding (WANEP) and GNWP in Bauchi and Gombe have facilitated conversations between the local authorities to discuss the root causes of conflict with local women, traditional and religious leaders, and civil society. Through these conversations, they were able to identify priorities and concrete actions to address the root causes of conflict such as harmful cultural norms, drug abuse, and political violence, which disproportionately affect women and girls and discourage them from participating in politics.[56]

Furthermore, it is imperative for the UNSC to secure accountability for human rights violations and refer to CEDAW reports and observations in order to effectively understand the status of the protection of women's rights in various contexts.[57] It should also call on Member States to address these root causes as part of their conflict prevention strategies and ensure protection from gender-based violence.[58]

VI.   Conclusion

The conceptualization of perpetrators as only armed actors has resulted in the focus on prosecuting sexual violence as war crimes or crimes against humanity. However, conflict-related sexual violence neither occurs in isolation nor does it begin or end with the conflict. Rather, such violence is facilitated by a spectrum of other forms of violence against women and is traceable to gender inequality and discrimination, and such discrimination, as discussed, can be a catalyst for other widespread forms of violence.

Resolution 2467 has now recognized the continuum issue in the context of sexual violence in conflict and identified gender inequality and discrimination as the root causes of sexual violence. Resolution 2493 has further recognized the need for the promotion of the civil, political and economic rights of women and their economic empowerment and security. It is therefore imperative for the UNSC to consider these root causes as security concerns, and in fulfilling its mandate to promote international peace and security,

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[55] Information and analysis from NGOWG member the Global Network of Women Peacebuilders (https://gnwp.org/)

[56] Working Group on Women, Peace and Security *supra* at 23.

[57] Working Group on Women, Peace and Security, *Mapping Women, Peace and Security in the UN Security Council: 2017*, at 37, https://www.womenpeacesecurity.org/files/NGOWG-Mapping-WPS-in-UNSC-2017.pdf.

[58] Working Group on Women, Peace and Security 2018 *supra* at 54 & 55.

collaborate with the HRC and related bodies in adopting holistic measures in adopting gender-responsive strategies and addressing gender-based discriminatory norms that enable violence against women and girls.

Breaking the Barriers of Social Construction: An Analysis of the Implementation of the Women, Peace and Security Agenda in Pakistan

Farah Chalisa

I.   Introduction

In Pakistan, women struggle towards achieving the privilege of shattering glass ceilings. They are often hemmed-in by walls and barriers of every social construction. Women in Pakistan are struggling on cultural, educational, and economic spectrums.[1] Yet, despite this, significant gains have been made in the fight for gender equality in Pakistan. In part, these gains have been made in response to the Women, Peace, and Security Agenda (WPS) proposed by United Nations Security Council Resolution 1325 (UNSCR 1325).[2]

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[1] David Browne, Pakistan makes uneven progress in the fight for gender equality Equal Times (2019), https://www.equaltimes.org/pakistan-makes-uneven-progress-in#.Xdq895JKhbU (last visited Dec 6, 2019).

[2] Security Council Resolution 1325, PeaceWomen (2019).

The Women, Peace and Security agenda recognizes that when conflict strikes, women and girls are the most vulnerable population – and the first to be stripped of their rights by society.[3] The WPS agenda addresses the need for increased protection of women and girls before, during, and after conflict, while continuing to recognize the role that women can play in peacebuilding and post-conflict reconstruction.[4] According to the WPS agenda, women must be included in the peace process, and gender equality concerns must be integrated in post-conflict rehabilitation and reconstruction.[5]

However, such an agenda becomes difficult in a society where patriarchal norms and structural inequalities have restricted women's meaningful participation in the public and political sphere. Existing inequalities in Pakistan exacerbate sociocultural differences and disparities in access to rights and services, magnifying the gender divide in conflict and crisis scenarios.[6] This paper will analyze the implementation of the WPS agenda in Pakistan. Section II will reflect on the current status of women in Pakistan, Section III will reflect on the challenges Pakistan faces in its application, Section IV will delve into the significant gains Pakistan has made in support of Women, Peace and Security, and Section V will conclude by providing recommendations for how Pakistan can continue to apply the WPS agenda.

II.   The Status of Women in Pakistan

Pakistani women have struggled immensely in procuring the rights advocated for through the Women, Peace and Security Agenda. In a patriarchal society such as Pakistan, familial 'honor' is closely linked to women's sexuality and behavior, placing heavy restrictions on women's mobility and decision-making power.[7]

To ensure that women are part of the political process, in 2002, Pakistan's parliament introduced a 17% gender quota in all legislative houses.[8] However, despite 33% representation of women in parliament 27, and Pakistan being the recipient of billions

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[3] *Id*.

[4] *Id*.

[5] Report of the Secretary-General on Women and Peace and Security, 2018 (S/2018/900), PeaceWomen (2019), https://www.peacewomen.org/node/103271 (last visited Dec 6, 2019).

[6] Zeenia Faraz, Women, Peace, and Security in Pakistan Usip.org (2017), https://www.usip.org/sites/default/files/PB218-Women-Peace-and-Security-in-Pakistan.pdf (last visited Dec 6, 2019).

[7] From the ground up Women Roles in Local Peace-building in Afghanistan, Liberia, Nepal, Pakistan and Sierra Leone, TAW Design and Print, 27

[8] Marc-André Franche, Women's Parliamentary Caucuses as Agents of Change UNDP in Pakistan, https://www.pk.undp.org/content/pakistan/en/home/presscenter/our-perspective/women_s-parliamentary-caucuses-as-agents-of-change-.html (last visited Nov 29, 2019).

of dollars in development projects on gender equality, women in Pakistan still face an uphill battle when it comes to inclusion of women in decision making at all levels.[9] This effect is most clear in the peace and security sector. Even when women are incorporated into the armed forces, judiciary, police and foreign services, they rarely rise to positions of power.[10] The status of women is the result of systematic subordination. Although there are legal quotas, women are systematically excluded from various levels of decision-making.[11]

Women are also pushed to deflect their career advancement due to increased demands from their families. A key challenge for professional women, who desire to progress relates to their social role. Employers are hesitant to advance women to higher positions for the fear they will abandon their job in the future to become mothers or housewives.[12] Women and men in Pakistan are socialized in ways that create psychological barriers for women in pursuing leadership and decision-making roles.[13] Women develop an inherent sense of insecurity, weakness and subordination which they must overcome before they can occupy 'traditionally male' roles.[14] Similarly, men are socialized to consider themselves to be in power, and feel threatened by female career advancement, creating a mindset where women are considered secondary for jobs, and at times, not a consideration at all.[15]

These factors are made worse by women's lack of access to equal education and other training and skill-building resources that might prepare them for an unconventional role. Because women are so conditioned by society to select a particular career path, they have to struggle to receive admission or notoriety in fields considered as suitable for men such as technology-related businesses, knowledge and skills.[16] Additionally, political parties rely on the votes of men to win elections, and so rarely are issues related to women's status and rights a large part of any election's political agenda.[17]

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[9] Leah Horowitz, "Getting Good Government for Women: A Literature Review, Agriculture and Rural Development" Discussion Paper 43, The World Bank, http://siteresources.worldbank.org/EXTARD/Resources/3366811220903855412/GenderandGovernance LitReview.pdf

[10] *Id.*

[11] *Id.*

[12] *Id.*

[13] Ali, Tazeen S et al. "Gender roles and their influence on life prospects for women in urban Karachi, Pakistan: a qualitative study." *Global health action* vol. 4 (2011): 7448. doi:10.3402/gha.v4i0.7448

[14] *Id.*

[15] *Id.*

[16] *Ali, et. al supra* note 13.

[17] *Id.*

Undoubtedly, women face many barriers in Pakistan. However, these barriers have not stopped women from stepping into the very roles they are taught belong to men. Women currently hold 21% of seats in the Lower House (National Assembly), and 16.3% of seats in the Upper House (Senate), placing Pakistan within the top third in the world rankings of women's political participation.[18] By 2009, more than 80% of private bills were put forward by women parliamentarians.[19] However, getting their bills on the agenda is not enough. Female parliamentarians do not receive adequate attention. A number of organizations have been formed to raise awareness of women's peace-building efforts, their integration and leadership in policy discourses and processes, and against discrimination and exclusion of women.[20]

III.   Challenges to Implementing the WPS Agenda in Pakistan

While continually voicing its support for the Women, Peace and Security Agenda, Pakistan has failed to take meaningful action towards its implementation. In 2015, Pakistan participated in the Open Debate on Women, Peace, and Security but failed to follow up on its commitment to make sure they respond to the needs of women and girls, as well as to plan for further streamline training for gender sensitization.[21] Pakistan also participated in the 2017 Open Debate, where they affirmed their support for WPS but failed to make any commitments.[22] Pakistan does not currently have a National Action Plan and thus, no budget is allocated to the implementation of UNSCR 1325.[23] There are a few strong civil society organizations dedicated to curtailing extremism and promoting social cohesion, however the government of Pakistan has not taken significant action in support of the WPS Agenda.

The Constitution of Pakistan upholds the principles of equal rights and equal treatment of all persons, but in practice, women have limited access to education, employment, and health services.[24] Nationalism, regional separatism, religious doctrine and political ideology have created instability within the country, leading to massive

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[18] Women in Parliaments: World Classification, Archive.ipu.org (2019), http://archive.ipu.org/wmn-e/classif.htm (last visited Dec 1, 2019).

[19] Asma Shakir Khawaja, Women in Security Policy-making: A Case Study of Pakistan Issi.org.pk (2017), http://issi.org.pk/wp-content/uploads/2017/04/5-Asma_SS_Vol_37_No.1_2017.pdf (last visited Nov 25, 2019).

[20] *Id*.

[21] Country / Region profile of: Pakistan, PeaceWomen (2019), https://www.peacewomen.org/profile/country-region-profile-pakistan (last visited Dec 1, 2019).

[22] *Id*.

[23] *Id*.

[24] *Id*.

internal displacement and destruction of infrastructure.[25] These situations and the lack of government resources and high poverty level all contribute to women's lack of rights and education.[26]

Laws, many remnants of General Zia-ul-Haq's Islamisation in the 1970s and 1980s, continue to deny women their constitutional and international right to gender equality and fuel religious intolerance and violence against them.[27] Their access to justice and security will remain elusive so long as these legal and administrative barriers to political and economic empowerment remain. One of the most prominent barriers in question, nationalist sentiment, attacks women's rights even more violently during times of conflict.[28] In a fragile state, women and girls represent a source of tradition, and stereotypical gender identities create a false sense of security in nation-building.[29] Attention to the everyday questions that impact particularly on the lives of women and that require attention to the domestic spheres and to sustainable livelihoods are often overlooked in the rush to prosecutorial and formal judicial responses to conflict and human-rights violations.[30]

Another equally prominent barrier is that of religion. The Hudood Ordinances, enacted during Zia-ul-Haq's leadership, were intended to implement Shari'a Law in Pakistan. The Zina provision, rewriting the criminal offenses of adultery and fornication, was particularly controversial.[31] The provision had a disproportional effect on women, who found themselves increasingly imprisoned as a result of accusations of adultery, frequently made by their husbands. While it was easy to file a case against a woman accusing her of adultery, the Zina Ordinance made it very difficult for a woman to obtain bail pending trial. By creating the new offenses of adultery and fornication, the Zina Ordinance caught women who had suffered rape in an insidious legal trap. A rape victim

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[25] *Id*.

[26] *Id*.

[27] Amy Woodyatt & Sophia Saifi, Pakistan to open more than 1,000 new courts to fight violence against women CNN (2019), https://www.cnn.com/2019/06/20/asia/pakistan-court-violence-women-intl-scli/index.html (last visited Nov 23, 2019).

[28] Mullally, Siobhán. (2011). Women, Peace and Security in Contemporary Pakistan: Meeting the Challenge of Security Council Resolution 1325?. Irish Studies in International Affairs. 22. 54. 10.2307/41413193.

[29] *Id*.

[30] *Id*.

[31] See Julie Dror Chadbourne, Never Wear Your Shoes After Midnight: Legal Trends Under the Pakistan Zina Ordinance, 17 WIS.INT'L L.J. 179, 185 (1999) (discussing the "revolt" against the Zina Ordinance sparked by human rights organizations, activists, and women's groups)

who pressed charges risked prosecution for extra-marital sex.[32] The criminalization of any sexual intercourse outside a valid marriage, irrespective of consent, turned the offense of rape on its head by exposing the victim to the risk of punishment for adultery.[33]

As many Muslim feminists have highlighted, there are many and varied interpretations of the Sharia (the law of Islam).[34] However, the state uses Islamisation as an excuse to further a traditional agenda.[35] Both the right to freedom of religion and the right to non-discrimination on the basis of sex are fundamental rights in Pakistan's constitution.[36] Article 25 guarantees equality before the law and prohibits discrimination on the basis of sex.[37] Article 20 protects the right of every citizen to profess, practice and propagate their religion, subject to 'law, public order and morality'.[38] In addition, the preamble provides that Muslims shall be enabled to order their lives in the individual and collective spheres in accordance with the teachings and requirements of Islam.[39]

In 1997, a Commission of Inquiry for Women identified customary practices and cultural traditions as amongst the 'most lethal forces' impacting on women's dignity and security in Pakistan.[40] The commission made a series of recommendations for legal reform and concluded by urging decision-makers to prioritize the issue of women's rights, 'not as a favor or protective gesture but as a fundamental inalienable right'.[41]

IV.   Significant Gains in Women's Rights in Pakistan

Despite the many barriers holding women back in Pakistan, significant gains have been recently made in the fight for gender equality and security in this nation. According to World Bank data, the literacy rate of adult females (aged 15 and above) increased year-on-year between 2005 and 2014, growing from 35.368%in 2005 to 44.283% in 2015.[42] There has also been a large improvement in maternal care. According to UNICEF statistics,

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[32] *Id*.

[33] *Id*. at 1297

[34] *Mullally supra* note 28 at 65.

[35] *Id*.

[36] Constitution of Pakistan

[37] CONST. art.11, sec. 25

[38] CONST. art. II, sec. 20

[39] Preamble, Const. of Pakistan

[40] *Mullally supra* note 28 at 67.

[41] *Id*.

[42] Literacy rate, adult female (% of females ages 15 and above) - Pakistan | Data, Data.worldbank.org, https://data.worldbank.org/indicator/SE.ADT.LITR.FE.ZS?end=2014&locations=PK&most_recent_year_desc=false&start=1981&type=points&view=charthttps%3A%2F%2Fwww.hrw.org%2Fworld-report%2F2019%2Fcountry-chapters%2Fpakistan (last visited Dec 1, 2019).

maternal mortality (per 100,000 live births) has fallen from 431 in the year 1990 to 178 in 2015.[43] In education, too, there have been some impressive advances. For example, in the Punjab, Pakistan's richest province, young women now make up 50% of students in higher education colleges.[44]

A woman named Amna Waheed has seen this change firsthand, as the only woman facilitator of a civil society delegation traveling from Pakistan to Afghanistan.[45] This role taught her that "there is a huge space for women to be more involved in non-traditional fields."[46] Today, Amna works as the Coordinator of the Provincial Commission on the Status of Women, focusing her work on women in conflict and crisis. Amna and her fellow peace and development activists created Gender Integrated Peacebuilding Foundation (GRIP), an initiative which works through capacity building with youth to encourage women's leadership at the community level.[47] GRIP has also been working towards forming a coalition to advocate for the development of a National Action Plan on UNSCR 1325 for Pakistan.[48]

While much of the ownness for change has fallen on women in civil society, the judicial and legislative systems in Pakistan are also beginning to show increased commitment to advancing women's rights. Recently, Pakistan's Chief Justice, Asif Saeed Khosa, announced that 1,016 courts for gender-based violence shall be established across Pakistan. Each district shall have one special court.[49] The judge said that these new courts would have a "different atmosphere" where victims could speak out "without fear."[50] The new courts will operate in existing courthouses, but domestic violence cases will be heard separately so that victims can testify in confidence.[51] "At the moment, it is very strenuous for women to access justice because we don't have an appropriate judiciary system for them," Shaista Bukhari, executive director of Pakistan's Women's Rights Association told

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[43] *Id*.

[44] *Browne supra* note 1.

[45] Nicole Hutchison, Women and Peacebuilding in Pakistan Isiswomen.org (2014), http://www.isiswomen.org/index.php?option=com_content&view=article&id=1717:women-and-peacebuilding-in-pakistan&catid=196&Itemid=449 (last visited Dec 1, 2019).

[46] *Id*.

[47] *Id*.

[48] Pakistan to create 1,000 courts to tackle violence against women, the Guardian (2019), https://www.theguardian.com/world/2019/jun/20/pakistan-to-create-1000-courts-to-tackle-violence-against-women (last visited Nov 28, 2019).

[49] *Id*.

[50] *Id*.

[51] *Id*.

media.[52] "It would be exceptional if we initiate 1,000 courts to address and handle the affairs specifically related to violence on women. By doing so, women will get the confidence and strength to speak up against exploitation and they will also be able to stand against it."[53]

There is progress even in Pakistan's ultra-conservative north-western province of Khyber Pakhtunkhwa (KPK), where in January 2019, the local government hired its very first female ombudsperson with the aim of reducing harassment of women in the workplace.[54] This appointment came six months before the International Labour Organization (ILO) adopted a new global labour standard on violence and harassment in the world of work.[55] According to the KPK Government Ombudsperson, a notification was sent to every government department, asking them to follow and display anti-harassment guidelines, to promptly report cases and warned them that failure to comply can result in fines of up to Rs 100,000 (around US $670).[56]

There are many factors behind this pronounced change in the status of women in Pakistan. According to Fauzia Viqar, former head of the Punjabi Commission on the Status of Women, two things serve as the accelerators of change. One is the economy: because of the increased cost of living, most families need two earners.[57] Women going out to work has become an economic necessity. Once a woman starts to work, she will likely have an increase in her autonomy and her agency.[58] Second, there's the internet and social media. The access to information has led to greater empowerment, knowledge and opportunity. Even women in remote areas can now also access information and learn more about their rights.[59]

Hadia Nusrat, a top Pakistani academic and gender expert working in Pakistan and Afghanistan, also believes that though advances in the area of gender equality have

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[52] *Woodyatt & Saifi* supra note 27.

[53] *Id*.

[54] UN Women, Ombudsperson Khyber Pakhtunkhwa ink accord to fight sexual harassment at workplaces, UN Women | Asia and the Pacific (2019), https://asiapacific.unwomen.org/en/news-and-events/stories/2019/07/ombudsperson-khyber-pakhtunkhwa-ink-accord-to-fight-sexual-harassment (last visited Dec 1, 2019).

[55] Chidi King, We made history with the Violence and Harassment Convention – now comes the work of bringing the law to life Equal Times (2019), https://www.equaltimes.org/we-made-history-with-the-violence?lang=en#.XeoOlZNKiu5 (last visited Nov 26, 2019).

[56] *Id*.

[57] *Browne supra* note 1.

[58] *Id*.

[59] *Id*.

been "very slow from many perspectives, in terms of legislation, [Pakistan] has done extraordinarily well. The political commitment is there."[60]

In 2004, The Criminal Law Act amended the Pakistan Penal Code and the Code of Criminal Procedure, and introduced, for the first time, specific penalties for honor crimes.[61] In December 2006, Pakistan's National Assembly passed the Protection of Women Act significantly reforming the Hudood Ordinances, though not providing for the comprehensive repeal that had been advocated by human-rights activists.[62] The key contribution of the 2006 reforms is to return the offence of rape (zina-bil-jabr) to the realm of the criminal law, and to truncate the powers of prosecution for zina, remedying the egregious abuse of power that had resulted in the imprisonment of several thousand women.[63]

Further legislative steps have been taken to address the problem of impunity for harms occurring particularly in the domestic sphere and in the context of intimate relationships. Criminal legislation specifically targeting forced marriage was introduced in 2007, and 2010 saw the introduction of a series of measures addressing sexual harassment in the workplace, including the Protection Against Harassment in the Workplace Act.[64]

In 2018, Pakistan's National Assembly passed The Acid and Burn Crime Bill 2017, which offers free medical treatment and rehabilitation for acid burn victims, who often face lifelong physical and psychological disabilities.[65] The bill was moved in the lower house of Parliament by then Federal Minister Marvi Memon, a vocal supporter of women's rights.[66] The bill aimed at making provisions to specifically criminalize acid and burn-related violence by providing a fair and speedy trial in such offences.[67] According to the Acid Survivors Foundation Pakistan (ASFP), reported cases of acid attacks on

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[60] *Id.*

[61] *Mullally supra* note 28 at 63.

[62] *Id.* at 64.

[63] *Id.*

[64] *Id.*

[65] Pakistan: Cases of acid attacks on women drop by half, Gulfnews.com (2019), https://gulfnews.com/world/asia/pakistan/pakistan-cases-of-acid-attacks-on-women-drop-by-half-1.65626299 (last visited Nov 26, 2019).

[66] *Id.*

[67] Acid and Burn Crime (Amendment) Bill, 2017 (Act No. XXV of 2011).

women have dropped by around 50% compared to the last five years.[68] The conviction rate has also significantly increased.[69]

Most recently, in April of 2019, the government introduced the Enforcement of Property Rights Bill, which seeks to enforce women's rights to property.[70] The bill is based off the Prime Minister's belief that one of the biggest problems faced by women is getting their due inheritance.[71] Amendments in the code of civil procedure will help decide the civil cases swiftly, and a woman ombudsperson will be assigned to facilitate these cases. Similarly, the succession certificates will now be issued by the National Database and Registration Authority (Nadra) and heirs will be able to procure them within two weeks, instead of going through courts for years.[72] The government is also planning to introduce a Zainab Alert Bill, legislation meant to curb the abuse of female children. It is named after Zainab Ansari, who was raped and murdered.[73]

Behind many of the bills passed is the Women Parliamentary Caucus (WPC), a group formed in 2008 under the guidance of the first female speaker of the National Assembly of Pakistan, Dr. Fehmida Mirza.[74] The main objectives of the Caucus are (1) to take up gender concerns through the institutional structures of the parliament ensuring that the norms promoting women's rights and empowerment were translated into national legislations, (2) to coordinate and communicate with major women's organizations for implementation of gender sensitive policies and programmes, (3) to connect with women parliamentarians across the globe by forming and strengthening alliances with other parliaments.[75]

The WPC achieved seven landmark legislations on women's rights.[76] These included the Amendment to Women in Distress and Detention Fund Act[77] that provided

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[68] 'Incidents of acid throwing on women dropped to 50 percent', Thenews.com.pk (2019), https://www.thenews.com.pk/print/508431-incidents-of-acid-throwing-on-women-dropped-to-50-percent (last visited Dec 1, 2019).

[69] *Id.*

[70] Enforcement of Women's Property Rights Act, 2019.

[71] Bill to be introduced for ensuring women's right to inherit property: SAPM Awan | Dawn (2019), https://www.dawn.com/news/1479412 (last visited Dec 1, 2019).

[72] Samaa Digital, Succession certificates to be issued by NADRA: Chief justice | Samaa Digital Samaa TV (2019), https://www.samaa.tv/news/2019/04/succession-certificates-to-be-issued-by-nadra-chief-justice/ (last visited Dec 1, 2019).

[73] *Id.*

[74] Formation of WPC ─ The Initial Efforts, Women's Parliamentarian Caucus.

[75] Pakistan Women's Parliamentary Caucus, 2019

[76] *Franche, supra* note 35

[77] Women in Distress and Detention Fund (Amendment) Act, 1996

for mandatory financial and legal assistance to women in prisons; the Domestic Violence (Prevention and Protection) Act[78]; the Protection Against Harassment of Women at the Workplace Act[79]; the Establishment of Benazir Income Support Programme Act[80], which proved to be a useful income support initiative; the Criminal Law (Second Amendment) Act for Acid Crimes[81]; the Prevention of Anti-Women Practices (Criminal Law Amendment) Act[82] and the National Commission on the Status of Women Act[83].

In addition to legislation, they also highlighted a wide range of women's issues on the floors of the Houses. For example, without their advocacy for women IDPs after military operations in Swat, gender responsive relief efforts, treatment and rehabilitation of burn victims and meaningful debate on budgetary allocations in health and education, most of the debate about governance in these fields would have been incomplete.[84]

Pakistan now has four Provincial WPCs in addition to a federal one, the first initiative of its kind in South Asia. Today, 85 women Parliamentarians and around 130 women MPAs from more than 20 political parties are working together to advocate for legislation that takes gender into consideration and effective implementation of laws and policies that affect the lives of women and families.[85]

In accompaniment to the legislation being passed, more and more women are deciding to raise their own voice in the political sphere, through casting votes and running as candidates. In Pakistan's July 2018 general elections, 3.8 million more women were eligible to vote July 25.[86] And early counting suggests more women voted than ever before.[87] The cultural shift was most prominent in traditional areas. Tens of thousands of women cast ballots for the first time, ignoring calls from village elders and religious leaders to stay away from polling stations out of a patriarchal notion of honor.[88] This rapid upswing in women voters was due in part to a 2017 law that states that a district's vote

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[78] Domestic Violence (Prevention and Protection) Act, 2012

[79] Establishment of Benazir Income Support Programme Act, 2010 (Act. No. XVIII of 2010).

[80] The Protection Against Harassment of Women At The Workplace Act, 2010 (Act. No. IV of 2010).

[81] Criminal Law (Second Amendment) Act for Acid Crimes, 2011 (Act. No. XXV of 2011).

[82] Prevention of Anti-Women Practices (Criminal Law Amendment) Act, 2011.

[83] National Commission on the Status of Women Act, 2012 (Act No. VIII of 2012).

[84] *Id*.

[85] *Id*.

[86] Pakistan's election: a victory for women, The Christian Science Monitor (2018), https://www.csmonitor.com/Commentary/the-monitors-view/2018/0725/Pakistan-s-election-a-victory-for-women (last visited Dec 1, 2019).

[87] *Id*.

[88] *Id*.

count will be nullified if the female voter turnout does not reach 10%.[89] The government also launched a campaign to register women to vote in areas with a history of low female turnout. In the District of Dir, the success of both the campaign and new law were clear. Pakistan's Election Commission refused to accept council election results in Dir as no woman had voted, and it therefore did not meet the 10% requirement.[90] Hameeda Shahid, a woman living in the district, contested the election.[91] This moment served as the first time a woman was contesting an election in Dir. In the same district, an extra three million women were registered to vote due to a massive campaign by the government to encourage more women to register. [92]

The July 2018 elections also saw more female candidates than in any previous election.[93] For the first time, five transgender candidates contested the polls.[94] Krishna Kumari Kohli became Pakistan's first female senator from the Hindu Dalit community, while Tanzeela Qambrani became the first Pakistani of African descent elected to the Sindh Assembly[95]. In fact, more than any of the country's other provincial lawmakers, the Sindh government produced a record number of progressive labour-related legislation, including the first-ever law in Pakistan to protect the rights of home-based workers (the Sindh Home-Based Workers Act, 2018).

V.   Recommendations for Continued Implementation of the WPS Agenda in Pakistan

Although Pakistan has made meaningful progress towards building a society that takes Women, Peace, and Security to provide women with opportunities and seats at the table, there is much work left to be done. Below are some concluding recommendations, but the list is not inclusive – most of these recommendations support the increase of female representation in conversations during times of conflict, crisis, and peace, because the best recommendations will come from the voices of Pakistan women aching to take

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[89] *Id*.

[90] Shumaila Jaffery, Women in Pakistan seize right to vote BBC News (2018), https://www.bbc.com/news/world-asia-44901521 (last visited Nov 27, 2019).

[91] *Id*

[92] *Id*

[93] *Id*.

[94] Five transgender women are running in Pakistan's general election, PinkNews (2018), https://www.pinknews.co.uk/2018/07/23/pakistan-general-election-transgender-candidates/ (last visited Dec 1, 2019).

[95] *Id*.

their seat at the table, and use their own knowledge and experience to carve a path for all women of the nation.

1. Create a National Action Plan for the Implementation of the WPS Agenda.

2. Commit to enhancing women's political participation by holding districts accountable for meeting required quotas, number of votes, and registering voters.

3. Build greater support systems for minority women in Pakistan.

4. Use a gendered perspective when responding to crisis.

5. Engage youth and eliminate gender stereotypes.

6. Support women's networks and civil society organizations, locally and regionally.

7. Continue to implement new legislation that override ancient and patriarchal norms.

8. Harness the power of media and technology to increase women's access to information.

Applying the Women, Peace & Security Agenda to Ethiopia: A Model for Progress

Bridget Golob

Nearly twenty years ago, the Women, Peace and Security (WPS) Agenda boldly announced a commitment to efforts focused specifically on women and girls in armed conflict and refugee contexts, including an "urgent need to mainstream a gender perspective into peacekeeping operations."[1] After almost two decades of advancement—facilitated by successive United Nations Security Council Resolutions (UNSCRs),[2] support for National Action Plans (NAPs) at the state level and civil society involvement at the local level[3]—the time is ripe for an analysis of what the WPS Agenda should strive to accomplish next.[4] On the Horn of Africa, Ethiopia is a unique case with which carry

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[1] S.C. Res. 1325, 1–2, ¶12, U.N. Doc. S/RES/1325 (Oct. 31, 2000).

[2] *See, e.g.*, S.C. Res. 1889, U.N. Doc. S/RES/1889 (Oct. 5, 2009); S.C. Res. 2493, U.N. Doc. S/RES/2493 (Oct. 29, 2019).

[3] Chair's Summary, UN Peacekeeping Ministerial: The Addis Ababa Preparatory Meeting on Women, Peace and Security, co-hosted by Canada and Ethiopia 5–6 (2019).

[4] *See, e.g.*, *The Road Towards 20 Years of Women, Peace and Security – Strategies for Action*, Women's International League for Peace and Freedom (Oct. 26, 2018), https://www.peacewomen.org/node/103247.

out this review since it represents an unusual dichotomy between a proven leadership presence on the world stage, including as headquarters of the African Union (AU),[5] but also a backdrop comprising decades of conflict.[6]

This Essay contends that the application of the WPS Agenda in Ethiopia presents a novel example for redefining success in situations where conflict and post-conflict progress is not linear but rather is intertwined. First, this Essay explores how elements of the WPS Agenda have become organically engrained in Ethiopia without, until recently, being explicitly pursued. Second, this Essay reframes implementation shortcomings in Ethiopia based on a critical review of the underlying goals of the WPS Agenda. Third, this Essay asserts that the holistic experience of Ethiopia can shift the perspective on the WPS Agenda moving forward, and concludes with recommendations on the potential pivot the UN system can take to more efficiently support the WPS Agenda in member states with differing needs and approaches.

I.   Progress in Ethiopia Outside the Label of the WPS Agenda

Ethiopia does not have a National Action Plan for UNSCR 1325, and only aims to have one in place by August 2020.[7] Moreover, despite having a NAP for Gender Equality, it fails to expressly mention UNSCR 1325.[8] Nevertheless, Ethiopia has achieved real progress toward the underlying goals of the WPS Agenda even without such explicit linkages or references.[9] It is a major participant in UN peacekeeping, sending nearly 6,800 peacekeepers—the most from any country—to four UN missions, most of whom are troops.[10] According to one French representative to the Security Council: "Ethiopia is an example to follow in terms of women's participation in peace and governmental processes."[11] As of February 2019, Ethiopia had sent over 600 women to UN missions—

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[5] African Union, https://au.int/ (last visited Nov. 30, 2019).

[6] *See Ethiopia profile - Timeline*, BBC News (June 24, 2019), https://www.bbc.com/news/world-africa-13351397.

[7] Women's Int'l League for Peace and Freedom, Commitments to Women, Peace and Security in advance of 20th Anniversary of 1325 8 (2019).

[8] *See* Ministry of Women's Affairs, National Action Plan for Gender Equality (NAP-GE) 2006-2010 (2006).

[9] *See* UN Women, Implementation of UNSCR 1325 in Humanitarian Settings in Ethiopia: Policy Brief 1 (2015).

[10] *UN News feature: Ethiopia: A leading contributor to UN peacekeeping efforts*, United Nations Peacekeeping, https://peacekeeping.un.org/en/ethiopia (*last visited* Nov. 28, 2019).

[11] Statement by Nicolas de Rivière, U.N. Security Council Meetings Coverage, Support for Women Peacekeepers, Civil Society Leaders Crucial in Horn of Africa Peace Efforts, Top Officials Tell Security Council, SC/14010 (Nov. 4, 2019), available at https://www.un.org/press/en/2019/sc14010.doc.htm.

answering the call to action voiced in UNSCRs 1820 and 1888.[12] Even without having concluded a formal NAP, Ethiopia has shown that the right metrics for success in the WPS Agenda should focus not simply on the superficial façade or external packaging but rather on the effectiveness of the actions that lie beneath.

Ethiopia's proven leadership in peacekeeping abroad mirrors, and is bolstered by, its leadership in female governmental representation at home. Current President Sahle-Work Zewde of Ethiopia—the first woman to hold the position[13]—is a vocal supporter of women in peace processes and the WPS Agenda.[14] She has endorsed "mainstreaming the agenda perspective,"[15] as reiterated in UNSCR 1889[16] and echoed at the 2019 UN Peacekeeping Ministerial.[17] Her leadership also aligns with UNSCR 1888's mandate "for civilian and military leaders . . . to demonstrate commitment and political will to prevent sexual violence."[18] Across the rest of the Ethiopian government, there is also strong female representation: Parliament is almost forty percent female[19] and the country now has its first female chief justice.[20]

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[12] S.C. Res. 1820, ¶8, U.N. Doc. S/RES/1820 (June 19, 2008) (calling for more female peacekeepers); S.C. Res. 1888, ¶19, U.N. Doc. S/RES/1888 (Sept. 30, 2009) (same); Press Release, Embassy of Ethiopia in Brussels, Ethiopia commits to enhancing women's participation in peacekeeping (Feb. 5, 2019), *available at* https://ethiopianembassy.be/2019/02/05/ethiopia-commits-to-enhancing-womens-participation-in-peacekeeping/.

[13] *Ethiopia profile - Timeline*, BBC News (June 24, 2019), https://www.bbc.com/news/world-africa-13351397.

[14] *See President Sahle-Work Says Ethiopia Committed To Women's Peace, Security Agendas*, Fana Broadcasting Corporate (Jan. 28, 2019), https://fanabc.com/english/2019/01/president-sahle-work-says-ethiopia-committed-to-womens-peace-security-agendas/; Press Release, Embassy of Ethiopia in Brussels, Ethiopia commits to enhancing women's participation in peacekeeping (Feb. 5, 2019), *available at* https://ethiopianembassy.be/2019/02/05/ethiopia -commits-to-enhancing-womens-participation-in-peacekeeping/.

[15] Statement by Sahle-Work Zewde, *in* APO Group, *Ethiopia vows to enhance women's participation in peacekeeping*, CNBC Africa (Feb. 4, 2019), https://www.cnbcafrica.com/apo/2019/02/04/ethiopia-vows-to-enhance-womens-participation-in-peacekeeping/.

[16] S.C. Res. 1889, *supra* note 2, ¶8.

[17] Chair's Summary, *supra* note 3, at 4.

[18] S.C. Res. 1888, *supra* note 11, at 2.

[19] Press Release, U.N. Deputy Secretary-General, Africa Should Emulate Ethiopia's Gender Equality Advances, Deputy Secretary-General Says at Launch of African Women Leaders Network's National Chapter, DSG/SM/1361-WOM/2197 (Oct. 21, 2019), *available at* https://www.un.org/press/en/2019/dsgsm1361.doc.htm.

[20] Dawit Endeshaw, *Framework to enhance women's role in peace, security in Africa*, The Reporter Ethiopia (Feb. 9, 2019), https://www.thereporterethiopia.com/article/framework-enhance-womens-role-peace-security-africa.

Beyond the mere number of female officials, there are also tangible manifestations of women's rights written directly into Ethiopia's national laws. Its 2004 Proclamation on the Criminal Code in Ethiopia announces the importance of such rights in its first paragraph.[21] More importantly, enshrined in Ethiopia's constitution is a guarantee that "[w]omen shall, in the enjoyment of rights and protections provided for by this Constitution, have equal right with men."[22] These provisions could help attain the benchmark set out by the UN for better "access to justice for victims of sexual violence."[23] Translating its domestic leadership to the broader region, Ethiopia was instrumental in the South Sudan Peace Negotiations[24] and recently instated its own national chapter of the African Women Leaders Network, which "aims to advance, train and support female leaders in Africa."[25] Although Ethiopia has foregone a NAP, its landmark progress and the range of its commitments on areas that are covered by the WPS Agenda show that the fundamental goals of the WPS Agenda can still be viable in alternative pathways.

II.   A Positive Take on the Failures of WPS Agenda Realization in Ethiopia

In spite of its exemplary progress, Ethiopia has nevertheless been ravaged by conflict both internally and among its neighbors. Of the countries that have been most affected by conflict over the period of 1989 to 2015, Ethiopia ranks eighth.[26] Earlier conflicts with Somalia and Eritrea in the 1980s and around the turn of the 21st century, respectively,[27] have foreshadowed current struggles affecting Ethiopia and its inhabitants. No stranger to international interventions, the UNSCR respecting the conflict between Ethiopia and Eritrea pointed out the "effect on the civilian populations" and also encouraged "the parties to cooperate fully with the [Organization of African Unity]."[28]

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[21] The Criminal Code of the Federal Democratic Republic of Ethiopia 2004, Procl. No. 414/2004 1.

[22] Ethiopia Const. art. 35(1).

[23] S.C. Res. 2467, ¶15, U.N. Doc. S/RES/2467 (Apr. 23, 2019).

[24] *See* UN Women, *supra* note 8, at 1.

[25] Press Release, U.N. Economic Commission for Africa, Ethiopia launches local chapter of the African Women Leaders Network (Oct. 21, 2019), *available at* https://www.uneca.org/stories/ethiopia-launches-local-chapter-african-women-leaders-network.

[26] Chapter 3: Why Security is Important, *in* Women, Peace, and Security Index 2017/18, Tracking Sustainable Peace Through Inclusion, Justice, and Security for Women 45 (2017), *available at* https://giwps.georgetown.edu/wp-content/uploads/2017/10/Chapter-3-Why-Security-Is-Important.pdf.

[27] *See id.* at 44–45; BBC News, *supra* note 5.

[28] S.C. Res. 1177, 1, ¶5, U.N. Doc. S/RES/1177 (June 26, 1998).

Only in July 2018 was a peace accord finally signed between the two parties,[29] despite the UN peacekeeping mission for the conflict having been concluded a decade earlier.[30]

Yet even these conflicts have given way to contemporary external and internal struggles that may be even more nuanced. Amid Ethiopia's recent drought,[31] a serious dispute with Egypt and Sudan over construction of a hydroelectric dam has emerged,[32] one of several water-related conflicts in the region that might be felt most by women.[33] Even so, internal challenges may now arguably be overshadowing any other conflict: "Last year more people fled their homes [in Ethiopia] than in any other nation on Earth."[34] This shift toward widespread internal displacement has followed the rise of "localized intercommunal conflicts"[35] and the onset of reforms by current Prime Minister Abiy Ahmed.[36] This migration within the country is further complicated by the influx of refugees from Eritrea, Sudan, South Sudan and Somalia.[37] Furthermore, women have also been involved as perpetrators of violence in Ethiopia.[38] Not surprisingly then, these trends have led to certain gaps in the comprehensive implementation of the WPS Agenda in Ethiopia.[39]

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[29] Press Release, U.N. Security Council, Press Statement on Signing of Joint Declaration of Peace and Friendship between Eritrea and Ethiopia on 9 July 2018, SC/13416 (July 10, 2018), *available at* https://www.un.org/press/en/2018/sc13416.doc.htm.

[30] BBC News, *supra* note 5.

[31] *See* Press Release, Oxfam International, More than 52 million people across Africa going hungry as weather extremes hit the continent (Nov. 7, 2019), *available at* https://www.oxfam.org/en/press-releases/more-52-million-people-across-africa-going-hungry-weather-extremes-hit-continent.

[32] Int'l Crisis Group, Bridging the Gap in the Nile Waters Dispute, Africa Report No. 271 (2019).

[33] Adela Suliman, *With water a weapon of Middle East war, women seen as worst hit*, Thomson Reuters Foundation News (Nov. 6, 2019), http://news.trust.org/item/20191106144343-j3l6s.

[34] Tom Wilson, *Ethnic violence in Ethiopia has forced nearly 3 million people from their homes*, Los Angeles Times (May 30, 2019), https://www.latimes.com/world/la-fg-ethiopia-ethnic-violence-millions-displaced-20190530-story.html; *see also* Fact Sheet, USAID, 3 Ethiopia - Complex Emergency 1 (Sept. 30, 2019), *available at* https://www.usaid.gov/ sites/default/files/documents/1866/09.30.19_-_USAID-DCHA_Ethiopia_Complex_ Emergency_Fact_Sheet_3.pdf (noting 1.6 million internally displaced persons).

[35] USAID, *supra* note 34, at 1.

[36] Tom Wilson, *supra* note 34.

[37] *See* UNHCR, Ethiopia Country Refugee response Plan 4 (2019–20).

[38] W. Africa Network for Peacebuilding, Development and Implementation of National Action Plans on UNSCR 1325 and Related Resolutions: A Guideline 3 (2012), *available at* https://www.wanep.org/wanep/files/pub/1325_guideline/1325_guideline_en.pdf.

[39] *See generally* Georgetown Inst. for Women, Peace & Security & Peace Research Inst. Oslo, Women, Peace and Security Index 2019/20 18, 37 (2019) (ranking Ethiopia 121 out of 167 countries and calling out a dearth of Sustainable Development Goals refugee reporting).

Some of these gaps may be particularly problematic. In 2018, UN Secretary-General António Guterres released a report on conflict-related sexual violence (CRSV) pursuant to reporting requirements that stem from UNSCRs 2106 and 1820, among others.[40] However, the report appears to exclude Ethiopia from its CRSV review due to a lack of "verifiable information."[41] Still, the report notes CRSV committed by the Ethiopian Liyu Police in neighboring Somalia and by traffickers against Ethiopian girls in Yemen.[42] Other accounts explain the challenges of domestic violence in Ethiopian refugee camps for those who may have already fled other crises abroad.[43] Since 2017, "[w]omen's perception of community safety" and organized violence have both slightly worsened.[44] Some have further noted that haphazard or incomplete WPS Agenda efforts in Ethiopia might stem from the lack of a NAP or "clear reinforcement mechanisms."[45] Due to such critical indications of persistent issues respecting gender-based violence in Ethiopia and effective ways to address it, there is a need for more data and better ways of getting it.[46]

In spite of these problems, the picture in Ethiopia might not be so bleak. Ethiopia has received substantial funding for gender equality.[47] In addition to this funding, the clear support of the country's leadership could feasibly help produce "specific proposals on ways to ensure monitoring and reporting."[48] Moreover, despite issues with domestic

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[40] Report of the Secretary-General on Conflict-Related Sexual Violence, U.N. Doc. S/2018/250 (Apr. 16, 2018), ¶1.

[41] *Id.* ¶3.

[42] *Id.* ¶¶62, 80.

[43] *Meet a humanitarian working to end violence against women in Ethiopia*, International Rescue Committee (Aug. 19, 2019), https://www.rescue.org/article/meet-humanitarian-working-end-violence-against-women-ethiopia; *see also* World Health Org., Summary report: WHO Multi-country Study on Women's Health and Domestic Violence against Women 7, 12 (2005) ("Nearly one third of Ethiopian women reported being physically forced by a partner to have sex against their will within the past 12 months.").

[44] *Country Profile: Ethiopia*, Georgetown Institute for Women, Peace and Security, https://giwps.georgetown.edu/country/ethiopia/ (*last visited* Nov. 28, 2019).

[45] Meseret Kassahun, UN Women, Assessment on the Implementation of UNSCR 1325 within the Humanitarian setting in Ethiopia v, 11 (2015); *see* UN Women, Implementation of UNSCR 1325 in Humanitarian Settings in Ethiopia: Policy Brief 1–2 (2015) (citing a narrow focus on sexual violence despite other gender equality needs and asserting prevention efforts in refugee camps "often fail to address root causes").

[46] Kassahun, *supra* note 45, at 17; *see also* Andrea L. Wirtz et al., *Development of a screening tool to identify female survivors of gender-based violence in a humanitarian setting: qualitative evidence from research among refugees in Ethiopia*, 7 Conflict & Health 1, 2, 12 (noting that "significant barriers exist to GBV reporting").

[47] Radhika Coomaraswamy, Preventing Conflict, Transforming Justice, Securing The Peace: A Global Study on the Implementation of United Nations Security Council resolution 1325 (2015), 374, n.17, *available at* https://wps.unwomen.org/pdf/en/GlobalStudy_EN_Web.pdf.

[48] S.C. Res. 1888, *supra* note 12, ¶26.

violence, Ethiopia has acted to curb child marriage, legally requiring both men and women to be at least eighteen in order to be married.[49] Although the UNHCR refugee response plan for Ethiopia does not mention either the WPS Agenda or UNSCR 1325 explicitly, it does reference a "National Action Plan (2019) to mainstream SGBV prevention, risk mitigation and response."[50] Likewise, although Ethiopia was also notably excluded from the substantive text of the AU Commission's 2016 report on WPS progress for lack of a NAP,[51] reporting could be enhanced by merely tweaking and broadening the inclusion criteria for such reports to also involve countries like Ethiopia that are in practice striving toward the same goals as those with NAPs without yet having the explicit title or plan in place. This adaptable approach would more accurately reflect the possibility that change could unfortunately take a long time to occur, especially for such a challenging set of issues and in the face of multiple, intersecting conflicts.

Relatedly, although women might not currently be well represented in Refugee Central Committees within Ethiopia,[52] the mere existence of these committees demonstrates an opportunity for the greater involvement of women in the future. This type of area—where progress is nascent but inadequate—is a key example of where future UN or regional efforts through the WPS Agenda could be better situated. Instead of focusing on the implementation of a NAP in form alone, on-the-ground efforts could instead be oriented toward helping local civil society groups and refugee camp personnel to "[e]mpower refugee women on leadership and decision making issues."[53] As Ethiopia shifts toward the creation of its own NAP, the international community should be considerate of the extant mechanisms being employed in the country that could be built upon for supporting the future of the WPS Agenda instead of potentially having to start from scratch.

III.   Learning from Ethiopia: Time for a Shift in Perspective on the WPS Agenda

The future success of the WPS agenda lies in getting states "to commit to action and accountability."[54] By this metric, the cross-cutting nature of improvements ongoing in Ethiopia represents true progress. The problem facing the WPS Agenda lies in the risk that institutional efforts fail to translate into lasting change: "The large implementation gap has led to . . . consensus at the AU level on the need to put a moratorium on policy

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[49] The Revised Family Code Procl. No. 213/2000 art. 7(1) (2000).

[50] UNHCR, *supra* note 37, at 21.

[51] African Union Comm., Implementation of the Women, Peace, and Security Agenda in Africa 6 (2016).

[52] UN Women, *supra* note 45, at 2.

[53] Kassahun, *supra* note 45, at vii (2015).

[54] Coomaraswamy, *supra* note 47, at, 29.

formulation and refocus . . . on policy implementation and monitoring."[55] Efforts like the AU's "commemorative book initiative" to highlight women in peace processes[56] might sound positive but could, in effect, have little transferrable value to post-conflict populations with more pressing concerns. In light of such a predicament, Ethiopia presents a unique solution to bridging the problems that might accompany top-down efforts. Specifically, progress cannot be measured by merely "checking boxes on the number of women in peace processes and truth commissions"[57] or the number of countries with NAPs that exist on paper.[58] Instead, Ethiopia can serve as an example of how a country can internalize WPS Agenda issues, build upon its principles and fluidly incorporate changes. As described above, its approach—from enhancing female representation in the national government and incorporating female peacekeepers in UN missions to creating more equal laws and fostering political will—could fulfill what commentators on the WPS Agenda's effectiveness to date call "a wholesale rethinking . . . supporting multiple pathways to real transformation."[59] At the 2019 Peacekeeping Ministerial co-hosted by Ethiopia, those are exactly the types of conversations that were being facilitated.[60]

Where the WPS Agenda can help in a setting like Ethiopia—with such strong organic development but yet with substantial remaining challenges on sexual violence in its camps—is to take on a more localized and focused approach. The WPS Agenda cannot and does not have to do everything; instead, UN-level advocacy can work on filling in the gaps in lieu of changing the country process overall. One of the benefits of the complicated, "overlapping architectures" of the WPS Agenda at the UN[61] could be its ability to flex to the targeted needs of a member state through any one of its associated

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[55] African Union Comm., Implementation of the Women, Peace, and Security Agenda in Africa 12 (2016); *see, e.g.*, *supra* note 4.

[56] Press Release, African Union, Call for nominations to recognize exceptional African women advancing peace and security in Africa (July 12, 2019), *available at* https://au.int/sw/node/36994; *see, e.g.*, *supra* note 4.

[57] Fionnuala D. Ní Aoláin & Nahla Valji, *Scholarly Debates and Contested Meanings of WPS*, *in* The Oxford Handbook of Women, Peace, and Security (Sara E. Davies & Jacqui True, eds., 2019), 53–66, 62; Coomaraswamy, *supra* note 47, at 45.

[58] *Cf.* S.C. Res. 1889, *supra* note 2, at 1 (encouraging NAPs); S.C. Res. 2493, *supra* note 2, at 2 (same).

[59] Ní Aoláin & Valji, *supra* note 57, at 53–66, 62.

[60] Chair's Summary, *supra* note 3, at 4 ("[A]s opposed to tracking solely the numbers of women peacekeepers deployed, there is also a need to understand . . . the day-to-day work they carry out at mission.").

[61] Ní Aoláin & Valji, *supra* note 57, at 53–66, 61.

agencies without entirely overwhelming the country.[62] For instance, by working closely with the AU on initiatives like the African Women Leaders Network, Ethiopia is helping to "embed[] its principles"[63] and meet the goals of UNSCRs 2467 and 2493.[64] There is no doubt that almost twenty years ago UNSCR 1325 created a "historic watershed political framework."[65] And yet, the continuing relevance of the WPS Agenda it has launched might depend upon its being better tailored to current identifiable gaps and contexts like that of Ethiopia that do not fit neatly into a post-conflict framework. Although Ethiopia still has a long way to go, its incremental progress provides insight into how combining and building upon that achievement with the future support of the WPS Agenda could lead to positive, sustainable peace with the fuller involvement of women in years to come.

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[62] *See generally* S.C. Res. 2493, *supra* note 2, ¶7 (stressing the "important role" of UN Women in the Agenda).

[63] African Union Comm., Implementation of the Women, Peace, and Security Agenda in Africa 15 (2016).

[64] *See* S.C. Res. 2467, *supra* note 23, ¶33; S.C. Res. 2493, *supra* note 2, ¶8.

[65] *The Resolutions*, Women's International League for Peace and Freedom, *available at* https://www.peacewomen.org/why-WPS/solutions/resolutions (*last visited* Nov. 28, 2019).