

CHAPTER 02

THE NORMATIVE FRAMEWORK FOR WOMEN, PEACE AND SECURITY

✦ “I don’t want the global review [of 1325] to be turned into something nice that nobody has to care about. The global review will be effective if it makes people nervous. It will be effective if somebody’s job is assessed as having been done ineffectively, because 1325 is not being effectively implemented.”

Cynthia Enloe, Research Professor, Clark University,
UN Women Video Interview, 2015

On 31 October 2000, the Security Council unanimously adopted resolution 1325 on Women, Peace and Security. This resolution, with its four pillars of prevention, participation, protection, and peacebuilding and recovery, has become the focal point for galvanizing worldwide efforts to deal with the many challenges that women face in situations of conflict. Member States, UN entities and civil society at the international, regional and national levels have formed partnerships that have moved forward this agenda and created awareness of the normative framework that governs these issues. This in fact is its greatest success.

At the same time, over the last fifteen years, resolution 1325 has been interpreted differently around the world with different nuances and expectations. This was brought out very clearly in consultations for the Global Study. In the countries of the European Union and other western societies, women, peace and security has meant, primarily, the representation of women in the security sector, training of the security sector on women's issues and a strong emphasis on preventing sexual violence in conflict, primarily in Africa. There was a sense that although the women, peace and security (WPS) agenda was moving forward, there was a great deal left to be done.

In Africa and Asia, though many acknowledged the need to deal firmly with impunity and sexual violence, more often the conversation would turn to reparations, livelihoods, and economic empowerment. There was a belief that the normative framework had to be localized and there should be greater attention to mapping what local communities and women actually need. For many of these women, with these aspirations at the local level, nothing really has taken place. For them, resolution 1325 has been a failure.


MANDATE OF THE GLOBAL STUDY

Of the more than 2200 resolutions adopted by the Security Council in its seven decades of history, it is hard to think of one resolution that is better known for its name, number, and content than resolution 1325. It was born out of a truly global constituency of women's organizations and advocates, and became one of its most powerful organizing tools. Its adoption, an historic milestone, was a triumph of decades of activism that

culminated in one revolutionary idea—an idea that became a global norm and the official policy of the highest body tasked with the maintenance of international peace and security. **This simple, yet revolutionary idea was the recognition that peace is only sustainable if women are fully included, and that peace is inextricably linked with equality between women and men.**

In the years since the adoption of 1325, the international community has built up an impressive normative framework on women, peace and security, including six subsequent resolutions,¹ and lofty commitments on the part of Member States and the United Nations to advance gender equality. There is much to be applauded. And yet, despite this progress, it can often be challenging to see any improvement in the reality of life for women in conflict-affected settings. During consultations for the Global Study, women ex-combatants in Nepal spoke about not having had any voice in the country's peace negotiations in 2006. Women survivors of sexual violence in Bosnia-Herzegovina explained that they still have not seen justice, decades after the end of the conflict there. Around the world, women continue to bear the burden of conflict, and continue to be excluded from peacebuilding and peacemaking efforts.

On 18 October 2013, the Security Council adopted resolution 2122, requesting that the Secretary-General commission this report: a global study on the implementation of resolution 1325.² The Global


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Study will be used to inform a High-Level Review on the implementation of resolution 1325, to take place in 2015, and the Secretary-General will include the results of the Study in his annual report on women, peace and security to the Security Council in 2015.³ **However, it also aspires to a grander purpose: to provide the UN, Member States and civil society with an opportunity to commit to action and accountability to achieve lasting and meaningful peace and security for women. It is time for us all to ask: what must we do to turn rhetoric into reality for women around the globe?**

THE HISTORY OF WOMEN, PEACE AND SECURITY AT THE INTERNATIONAL LEVEL: CIVIL SOCIETY ORIGINS

The WPS agenda of today is the product of more than a century of international women's peace activism. A global women's civil society movement for peace first emerged in protest of the widespread devastation of World War I, and evolved out of several decades of smaller-scale organizing on local and national levels.⁴ For the first time, pacifist women from around the world gathered at the International Congress of Women in The Hague on 28 April 1915, determined 'to study, make known and eliminate the causes of war'.⁵ One outcome of the Congress was the founding of the Women's International League for Peace and Freedom (WILPF), which remains active as a leader in the movement for women, peace and security today.⁶ Throughout World War II, the international women's peace movement continued to advocate for an end to conflict and for international disarmament. Peace as an end in itself was the center of their agenda.

Shortly after the founding of the United Nations in 1945, the Commission on the Status of Women (CSW) was created in 1946 as the UN body dedicated to gender equality and the advancement of women. The Commission continues to meet annually, bringing together Member States and representatives of civil society, to discuss pressing issues facing the world's women, evaluate progress and make recommendations, and formulate policies for gender equality. The Commission's annual meetings frequently focus on a topics of relevance to the WPS agenda—including in

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1969, when the Commission discussed whether women and children should be afforded special protection during conflict;⁷ and in 2004, when the Commission considered women's equal participation in conflict prevention, management and conflict resolution and in post-conflict peace-building.⁸ Women's civil society plays an active role in moving the WPS agenda forward before the Commission, and in recent years more than 6,000 civil society representatives have registered to participate in the Commission's annual meeting in New York.⁹

During the Cold War period, civil society turned its attention toward the advancement of international human rights standards, and the adoption of treaties and conventions which enshrined the right to gender equality. Among these conventions was the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted in 1979. Although the Convention does not directly address the nexus between women's rights and conflict, it underscores the importance of women's participation and leadership in all contexts, which is a foundational concept for the WPS agenda. Thanks in large part to civil society activism and consultation, the CEDAW Committee issued General Recommendation 19 in 1992, explaining the relevance of the Convention on obligations to prevent, investigate and punish violence against women. Recently, after reviewing experiences from around the world, the Committee adopted General Recommendation 30 on women in conflict prevention, conflict and post-conflict

situations, which outlines specific obligations to eliminate discrimination against women in conflict-affected settings (described in detail in Chapter 12: *Human Rights Mechanisms*).

The Fourth World Conference on Women, which took place in Beijing in 1995, marked another turning point for civil society organizing around women, peace and security. In Beijing, the UN assembled the representatives of 189 countries, as well as 4,000 representatives from non-governmental organizations (NGOs), to discuss commitments for the promotion of women's equality.¹⁰ At an NGO forum held in parallel to the official governmental meeting, 40,000 members of women's civil society also gathered.¹¹ Through their activism in these venues, women's civil society played a leading role in shaping the Beijing Platform for Action, which States unanimously accepted at the conclusion of the conference. Among the twelve areas considered in the Platform for Action is "Women in Armed Conflict," which calls for an increase in the participation of women in conflict resolution, and in the protection of women living in situations of armed conflict, among other strategic objectives.¹²

In the wake of their success in Beijing, women's civil society organizers set their sights on the Security Council, believing that Member States there could also be swayed to recognize women's contributions to peace and security.¹³ At the March 2000 meeting of the CSW, the President of the Security Council gave a speech, which inspired civil society to continue with this ambitious plan.

"As the first International Women's Day of the new millennium is observed throughout the world, members of the Security Council recognize that peace is inextricably linked with equality between women and men. They affirm that the equal access and full participation of women in power structures and their full involvement in all efforts for the prevention and resolution of conflicts are essential for the maintenance and promotion of peace and security."

Ambassador **Anwarul Chowdhury** (Bangladesh)¹⁴

NGOs formally coalesced as a network, determined to achieve a Security Council resolution on women, peace and security,¹⁵ and several intense months of work followed, culminating in the adoption of resolution 1325—the only Security Council resolution "for which the groundwork, the diplomacy and lobbying, the drafting and redrafting was almost entirely the work of civil society."¹⁶ However, many recognized that in engaging with the Council in this specific and intense way, they had to give up a direct call for global peace and demilitarization and settle for the regulation of war before, during and after conflict. It was a realistic appraisal of what was needed at that time. Both academics and women's rights activists are now revisiting this policy shift in women's civil society that changed the nature of civil society activism.


GROWTH OF THE INTERNATIONAL NORMATIVE FRAMEWORK, INCLUDING AN OVERVIEW OF WHERE THE FRAMEWORK STANDS AT PRESENT AND WHAT IT ENCOMPASSES

Since resolution 1325 was adopted, the normative framework for the protection and promotion of women's rights in conflict and post-conflict settings has expanded dramatically. This expansion has taken place both in terms of the rights and obligations understood to be contained within the agenda, as well as the institutions—global, national and local—which seek to implement the agenda and hold others accountable for its implementation.

Much of the growth of the normative framework for women, peace and security has focused on obligations to protect women in conflict settings, including from sexual violence. The Security Council has adopted four resolutions addressing the topic: 1820 (2009), 1888 (2009), 1960 (2010), and 2106 (2013). Among their achievements, these resolutions have required that UN peacekeepers receive training on how to prevent, recognize and respond to sexual violence;¹⁷ instructed that the UN sanctions regime should include those who commit sexual violence in conflict;¹⁸ and established the position of Special Representative of the Secretary-General on Sexual Violence in Conflict.¹⁹

In addition to advances within the UN system on the prevention and punishment of sexual violence in conflict, international criminal law has continued to play an important role in advancing norms regarding the prosecution of sexual and gender-based violence. The Rome Statute for the International Criminal Court (ICC), which entered into force in 2002, codified and expanded previous understandings of crimes such as rape, sexual slavery, forced pregnancy and gender-based persecution; advancements which are discussed in detail in Chapter 5: *Transformative Justice*. Efforts to prevent sexual and gender-based violence have also been extended into other international treaties and treaty bodies. The Arms Trade Treaty, which entered into force in December 2014, includes a provision requiring States to consider the risk of conventional arms being used to commit acts of gender-based violence.²⁰ In 2014, the African Commission on Human and People's Rights adopted a resolution on the situation of women and children in armed conflict, which calls upon States parties to the African Convention on Human and People's Rights (ACHPR) to prevent violence against women and children in conflict, and to guarantee reparations to victims to address the consequences of violence against women and children.²¹ Making an important normative advance, the Commission also called upon States parties to ensure that survivors of rape, incest and sexual assault have access to safe abortions.²²

Although much of the expansion of the WPS agenda has focused on the protection of women and the prevention of sexual violence, there has also been increased attention on obligations to ensure women's participation in conflict prevention and response. With resolutions 1889 (2009) and 2122 (2013), the Security Council turned its focus to women's active roles as leaders in peacemaking and conflict prevention. Resolution 1889 addresses women's exclusion from peacebuilding and the lack of attention to women's needs in post-conflict recovery. Among its provisions, the resolution calls upon the Secretary-General to include gender advisors and women's protection advisors in peacekeeping missions, and asks States, UN bodies, donors and civil society to ensure that women's empowerment is taken into account in post-conflict planning.²³ Resolution 2122 further requires, among other commitments, that UN missions

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facilitate women's full participation in post conflict reconstruction, including elections; demobilization, disarmament and reintegration programmes; and security sector and judicial reforms.²⁴

The institutional capacity within the UN to implement resolution 1325 and the six subsequent resolutions on women, peace and security has also rapidly expanded in recent years. In 2007, the Secretary-General formed UN Action against Sexual Violence in Conflict, a coordinating body which unites the work of 13 UN entities working to end sexual violence in conflict,²⁵ and in 2009 the Security Council requested the appointment of the aforementioned Special Representative on Sexual Violence in Conflict.²⁶ In 2010, the General Assembly created UN Women, the United Nations Entity for Gender Equality and Empowerment of Women, which seeks to promote women's rights worldwide. In conflict and post-conflict settings, UN Women works to ensure that the WPS agenda is a focus of the United Nations' work.

States are also increasingly being held to account for their obligations contained within the WPS agenda. In 2013, the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW Committee) adopted General Recommendation 30 on women in conflict prevention, conflict and post-conflict situations. This recommendation provides States Parties to CEDAW with guidance on how to ensure compliance with the Convention's obligations before, during and after conflict.²⁷ It also addresses the obligations of non-State actors, including corporations and organized criminal

groups.²⁸ The recommendation, as discussed in detail in Chapter 12: *Human Rights Mechanisms*, requests that States parties report to the CEDAW Committee on the implementation of the Security Council resolutions on women, peace and security.²⁹ Many States have also volunteered to hold themselves to account for obligations contained in the WPS agenda. To date, 54 countries have adopted National Action Plans (NAPs) for the implementation of resolution 1325—policy documents to domesticate its obligations on women’s engagement in peace and security and the protection of women in conflict, also discussed in detail in Chapter 10: *Key Actors - Member States*.³⁰ Regional and multi-lateral organizations, including NATO and the European Union, have also adopted versions of these plans.

Most importantly, the original champions of women’s rights in conflict—women’s civil society organizations—continue to mobilize around women’s peace and security issues, driving the agenda forward in local, national and international settings. The normative advances in the framework for women, peace and security described above are owed chiefly to their diligent, creative and strategic advocacy and activism. The responsibility of both States and regional organizations as well as the role of civil society are addressed in detail in Chapter 10: *Key Actors*.

THE GLOBAL STUDY IN CONTEXT

The Global Study takes place at a time of momentous self-reflection and change within the UN. The High-Level Review of the implementation of resolution 1325, which this Study seeks to inform, occurs in the same year as two other high-level reviews: the High-Level Independent Panel on Peace Operations, and the Advisory Group of Experts for the 2015 Review of the United Nations Peacebuilding Architecture. Together, these three reviews provide an opportunity for the UN to strengthen its responses to conflict, and to ensure that these responses reflect women’s perspectives and engage women’s leadership.

This study also comes at the same time as the 20-year anniversary of the Fourth World Conference on Women, where the Beijing Platform for Action was adopted.

The anniversary—Beijing+20—was marked with an international review of progress towards implementation of the Platform. In preparation its 59th session, the Commission on the Status of Women requested States to undertake consultative national-level reviews of achievements, trends, gaps and challenges to implementation, to feed into regional reports prepared by UN regional commissions.³¹ These national and regional reports, in addition to the outcomes of the March 2015 CSW meeting, provided an opportunity for governments and civil society to reflect on strategic objectives relating to women in armed conflict. Finally, in 2015, Member States adopted new Sustainable Development Goals (SDGs) for the next 15 years.³² These new objectives will continue to advance gender equality, including the goal on peaceful societies. This framework for sustainable development provides a guidepost for advancing gender equality, and shows clearly the nexus between gender equality, conflict and development.

PREVIOUS STUDIES COMMISSIONED ON WOMEN, PEACE AND SECURITY

The Global Study is not the first attempt by the United Nations to gauge the effect of armed conflict on women, track progress on the implementation of resolution 1325, or make recommendations for the future of the WPS agenda. Two landmark reports, both published in 2002, have also explored these themes. The occasion of the Global Study, alongside the fifteenth anniversary of the adoption of resolution 1325, warrants a moment of reflection, to consider these prior reports, and to track how the terrain of conflict and priorities for the WPS agenda have shifted over time. In some respects, the Global Study serves to update these previous reports. However, it will also add its unique perspective—including a focus on issues which have emerged since the adoption of resolution 1325—to the analysis of accomplishments and gaps in achievement for the implementation of the WPS agenda.

Resolution 1325 itself requested that the Secretary-General carry out a report on “the impact of armed

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The adoption of resolution 1325 marked the beginning of the women, peace and security agenda in the Security Council, but the normative framework for the protection and promotion of women's rights in conflict and post-conflict settings has expanded dramatically in the years since.

conflict on women and girls, the role of women in peace-building and the gender dimensions of peace processes and conflict resolution.”³³ The Secretary-General submitted his report, “Women, Peace and Security,” to the Security Council in 2002.³⁴ Written by the United Nations Inter-Agency Task Force on Women, Peace and Security, and drawing on existing research, the study focused largely on the UN system and its responses to armed conflict. In addition to responding to the Security Council’s request for information on the gendered dimensions of armed conflict and peacebuilding, each of the seven chapters concludes with a set of thematic recommendations—19 or fewer, per chapter—aimed at improving implementation of resolution 1325 within the UN system.

Alongside the Secretary-General’s 2002 report, the United Nations Development Fund for Women (UNIFEM, the predecessor to UN Women) published an independent expert assessment on women, peace and security, by Elisabeth Rehn and Ellen Johnson-Sirleaf. That report, “Women, War, Peace,” set out the landscape for resolution 1325, two years after its adoption, chronicling “not only what women have suffered, but what they have contributed.”³⁵ The report was informed by a series of field visits the authors

made to 14 areas affected by conflict, where they met with women victims and survivors of conflict, activists, women leaders, and representatives of women’s civil society, among others. In all of these areas, they chronicled how the militarization of society breeds new levels of violence and how impunity for these crimes becomes endemic. The report highlighted the continuum of violence that shatters women’s lives before, during and after conflict. The authors, at the end of the process reflected on just how little prepared they had been for the enormity of it all: the staggering numbers of women in war who survived the brutality of rape, sexual exploitation, mutilation, torture and displacement; the unconscionable acts of depravity; and the wholesale exclusion of women from peace processes.³⁶

In addition to its comprehensive findings and analysis, the 2002 independent expert report set out 22 key recommendations for the full implementation of resolution 1325.³⁷ These recommendations were aimed largely at the UN system and Member States—and in particular, donor Member States—and ranged from accountability measures (an international truth commission on violence against women in armed conflict), to normative advances (the recognition of gender equality in all peace processes), to shifts in financing (a budget analysis of humanitarian assistance and post-conflict reconstruction).

In addition to these two landmark studies, since 2004 the Secretary-General has submitted an annual report on women, peace and security to the Security Council. These reports have focused on assessing key issue areas, which have become known as the ‘pillars’ of the WPS agenda: prevention, participation, protection, and peacebuilding and recovery. In addition to providing the Security Council with a comprehensive overview of achievements, gaps, and challenges to implementing the WPS agenda, each report includes a number of recommendations, aimed at the Council, other UN agencies, and Member States. Over the past fifteen years, the Secretary-General and independent UN experts have made countless recommendations on women, peace and security.

Far too many of the recommendations set out in these predecessor studies remain aspirational. With the understanding that the environment for improving women's participation and protection in conflict remains challenging but not impossible, this report seeks to add its voice and unique perspective to the UN's previous studies and their recommendations.


DEFINING 'WOMEN' – HETEROGENEITY AND INTERSECTION

The Global Study is premised upon an understanding that women are not a homogenous group. Although much of the framework of the WPS agenda focuses on women as victims—most frequently, as victims of sexual violence—resolution 1325, alongside resolutions 1889 and 2122, reminds us that women can and do serve as powerful actors. Women are political and religious leaders, public servants, peace negotiators, and community organizers. Although women are often a powerful force for peace, women also participate in armed groups and terrorist groups. The Global Study aims to recognize the diversity of women's experiences and perspectives in conflict and post-conflict societies, and to integrate these perspectives throughout the report.

Furthermore, this Study recognizes that gender is simply one axis of difference, which intersects with many other forms of identity and experience. Nationality, ethnicity, political and religious affiliation, caste, indigeneity, marital status, disability, age, sexual preference; all of these, and others, are important factors in determining women's lived experiences of conflict and recovery. It is well understood that these identities can intersect to amplify vulnerability; this Study also seeks to explore how intersectional identities can be tapped as a resource, to provide unique perspectives for the establishment and maintenance of peace and security in a world that is full of diversity.

WITHIN THE OVERALL FRAMEWORK OF HUMAN RIGHTS

In recent times a great deal of research and report writing has been done in the field of women, peace and security. Writers from the sector of security studies have also taken a great deal of interest in this field. However, it must not be forgotten that the initial Security Council resolution was fully conceived as being part of the international tradition of human rights and that any interpretation of its provisions and any strategies for implementation must be done with that origin in mind. The CEDAW Committee, in General Recommendation 30 highlights this intersection and its importance in the understanding of the scope and relevance of resolution 1325 and subsequent Security Council resolutions.

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