New Voices, Perspectives

A Sight for Sore Eyes:
Bringing Gender Vision to
the Responsibility to Protect Framework

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ABSTRACT

The international community is currently engaged in rigorous debate over the Responsibility to Protect (R2P) doctrine, a controversial framework that attempts to delineate state responsibilities in times of humanitarian crises. The R2P affirms that each state has the primary responsibility to protect its own people, but asserts that where the perpetration of genocide, ethnic cleansing or crimes against humanity is imminent or in process, and the state in question is unwilling or unable to halt or avert it, the responsibility to protect shifts to the international community. States and organizations external to the dispute can fulfill this responsibility by using diplomatic, humanitarian, and other methods, up to and including the use of force, to help protect the lives and human rights of civilian populations. The R2P emerges from the work of the International Commission on Intervention and State Sovereignty (ICISS), and comprises three distinct responsibilities for the international community of states: the responsibility to prevent; the responsibility to react; and the responsibility to rebuild. The R2P is rapidly gaining international acceptance and received endorsement at the 2005 United Nations Reform Summit.

Current formulations of the Responsibility to Protect doctrine are almost entirely gender-blind, despite the existence of multiple international mandates for integrating gender concerns into peace and security initiatives. Given recent high-level support for the R2P doctrine, and its growing salience internationally, it is imperative that this blindness be rectified. In this paper, the authors argue that existing experience and research on gender, peace and security issues can, and must, be directly incorporated into the R2P framework. Particular attention is paid to Security Council Resolution 1325, as it is the central legal obligation governing this area. The authors demonstrate how gender-sensitive perspectives can be incorporated into all three portions of the existing R2P framework and argue that their inclusion is not only required by international mandates in this area, but is essential to the successful implementation of the doctrine itself.

Jennifer Bond and Laurel Sherret

LIST OF ACRONYMS

BPfA	Beijing Platform for Action
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CIDA	Canadian International Development Agency
DAW	(UN) Division for the Advancement of Women
DDA	(UN) Department for Disarmament Affairs
DDR	Disarmament, Demobilization and Reintegration
DPKO	(UN) Department of Peacekeeping Operations
ECOSOC	(UN) Economic and Social Council
EU	European Union
GAD	Gender and Development
GBA	Gender-Based Analysis
GOC	Government of Canada
GTI	Gender Training Initiative
IASC	(UN) Inter-Agency Standing Committee
ICISS	International Commission on Intervention and State Sovereignty
ICC	International Criminal Court
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the former Yugoslavia
IDPs	Internally Displaced Persons
IHL	International Humanitarian Law
MDGs	Millennium Development Goals
MINUSTAH	United Nations Stabilization Mission in Haiti
MONUC	United Nations Mission in the Democratic Republic of Congo
MSF	Médecins Sans Frontières
NAM	Non-Aligned Movement
NATO	North Atlantic Treaty Organization
NGO	Non-Governmental Organization
NGOWG	NGO Working Group on Women, Peace and Security
OAU	Organization for African Unity
OCHA	(UN) Office for the Coordination of Humanitarian Affairs
OSAGI	(UN) Office of Special Adviser on Gender Issues and the Advancement of Women
OSCE	Organization for Security and Cooperation in Europe

PSOs	Peace Support Operations
R2P	Responsibility to Protect
SALW	Small Arms and Light Weapons
SCR 1325	UN Security Council Resolution 1325
SSR	Security Sector Reform
UN	United Nations
UNAMIR	United Nations Assistance Mission for Rwanda
UNDP	United Nations Development Fund
UNIFEM	United Nations Development Fund for Women
UNHCR	United Nations High Commissioner for Refugees
UNTAET	United Nations Transitional Administration in East Timor
VPU	Vulnerable Persons Unit
WFM	World Federalist Movement

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List of Acronyms

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Jennifer Bond and Laurel Sherret[*]

I.   Introduction

The successive humanitarian disasters in Somalia, Bosnia and Herzegovina, Rwanda, Kosovo and now Darfur, Sudan, have concentrated attention not on the immunities of sovereign Governments but their responsibilities, both to their own people and to the wider international community.
<div align="center">-UN Secretary-General's High-level Panel[1]</div>

Women in conflict zones throughout the world have mobilized within their communities and across borders to demand that the international community put an end to violence, urgently address the impact of war on women and their communities and protect the future of their societies, as well as women's role in shaping that future.
<div align="center">-Noeleen Heyzer, Executive Director, UNIFEM[2]</div>

In December 2004, the Secretary-General's High-level Panel made a number of recommendations for United Nations (UN)[3] reform and enhancement of collective security[4]. Included in this document, as well as in the Secretary-General's own 2005 progress report[5], was support for the emerging doctrine of the Responsibility to Protect (R2P)[6]. Due in large part to these two high-level endorsements, the R2P was among the values and principles agreed upon at the UN's Millennium Summit

1. *A more secure world: Our shared responsibility*, Report of the Secretary General's High-level Panel on Threats, Challenges and Change, A/58/565 (2 December 2004) [*A more secure world*], para 201.
2. Noeleen Heyzer in UNIFEM, *Women, Peace and Security: UNIFEM Supporting Implementation of Security Council Resolution 1325* (New York: UNIFEM, 2004),4.
3. Appendix C contains a list of all acronyms used in this paper.
4. The vision of "collective security" envisioned by the Panel was premised on a conception of security that addresses the major threats to international peace and security around the world and the indivisibility of security, economic development and human freedom. See: *A more secure world,* Foreword and Synopsis.
5. Kofi Annan, *In larger freedom: towards development, security and human rights for all, Report of the Secretary-General,* A/59/2005 (21 March 2005) [*In larger freedom*].
6. Support for R2P in *A more secure world* can be found at para 203 and *In larger freedom* at para 135

in September 2005[7] and the international community is now engaged in rigorous debate about how to implement a controversial framework meant to delineate its responsibilities in times of humanitarian crises. It is a framework that attempts to halt suffering on a grand scale and prevent a recurrence of atrocities, and it is a framework that offers both cause for hope and cause for concern.

The R2P asserts that state sovereignty implies responsibility, and affirms that each state has the primary responsibility for the protection of its own people. Where the perpetration of genocide, ethnic cleansing or crimes against humanity is imminent or in process, and the state in question is unwilling or unable to halt or avert it, the responsibility for protection shifts to the international community. Thus the Responsibility to Protect requires that states external to the dispute use diplomatic, humanitarian and other methods, up to and including the use of force, to help protect the human rights and lives of civilian populations. The R2P doctrine emerges from a framework laid out by the International Commission on Intervention and State Sovereignty (ICISS), and comprises three distinct responsibilities: the responsibility to prevent; the responsibility to react; and the responsibility to rebuild.[8]

Concern has been expressed that the articulation of the emerging R2P framework is deficient insofar as the doctrine and its accompanying Report are not gender responsive.[9] We share this concern and find this situation in need of immediate remedy. Given recent UN endorsements of the doctrine, and its growing salience internationally, it is imperative that the gender blindness[10] of the ICISS Report is rectified in order to reflect the increasing commitment of the UN and its member states to "address gender issues in humanitarian crises; women's access to decision-making, including in peace-making and peace-keeping; [and] violence against women, in particular the impact of armed conflict on women."[11] Integrating these perspectives into the ICISS framework is not only consistent with international mandates in this area, but is also essential to the successful implementation of R2P.

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7 . UNGA, *Follow-up to the outcome of the Millennium Summit, Draft Resolution referred to the High-level Plenary Meeting of the Genderal Assembly at its fifty-ninth session*, A/60/L.1 (20 September 2005), paras 138-140. [UNGA, *Outcome of the Millennium Summit*]

8. International Commission on Intervention and State Sovereignty. *The Responsibility to Protect* (Ottawa: International Development Research Centre, 2001), xi. [*R2P Report*]. The R2P Report is referred to interchangeably as the "ICISS Report" and "the Report" throughout this paper.

9. See for example: Vina Nadjibulla, "The Responsibility to Protect – Background Note" stating that "Some [women's rights groups] have expressed concern about lack of gender analysis in the ICISS report and in the current articulations of R2P," available online: World Federalist Movement, Responsibility to Protect – Engaging Civil Society, www.responsabilitytoprotect.org

10. "Gender-blind" policies "[r]ecognize no distinction between the sexes. Assumptions incorporate biases in favour of existing gender relations and so tend to exclude women." See: *Gender Approaches in Conflict and Post-Conflict Situations*, (New York: UNDP, 2001), 7. [UNDP, *Gender Approaches in Conflict*]

11. Kofi Annan, "Beyond Beijing: realizing gender equality in the twenty-first century," *Beijing Declaration and Platform for Action with the Beijing+5 Political Declaration and Outcome Document* (New York: United Nations, 2001), 182.

The purpose of our paper is to show how existing experience and research on gender, peace and security issues, including more general work on gender mainstreaming, can, and must, be directly incorporated into the ICISS Report and into discussions of the R2P doctrine. Particular attention is paid to United Nations Security Council Resolution 1325 "Women, Peace and Security"[12]. (SCR 1325), as it is the central legal obligation for member states and the UN itself on issues of women, peace and security. In the introductory section of this paper, key concepts for producing gender-integrated policies and processes relevant to strengthening the R2P doctrine are identified. Following this, Section II describes the origin and context of the R2P doctrine and Report, including developments since its release. Section III explores relevant progress in the realm of women, peace and security, and provides a brief discussion of SCR 1325. Finally, Section IV highlights the gender-blind nature of R2P and offers suggestions for integrating gender into the framework.[13]

Concepts and Framework

Consideration of the gender dimensions of any policy or process requires a shared understanding of certain terms and concepts, and a brief discussion of some essential terminology thus follows.

"Gender" refers to the socially constructed differences between men and women and boys and girls[14], and includes an "array of … constructed roles and relationships, personality traits, attitudes, behaviours, values, relative power and influence that society ascribes to the two sexes on a differential basis."[15] Despite the common error of using "gender" and "sex" interchangeably, the two terms are not equivalent. "Sex" refers to the biological characteristics (such as anatomy or physiology) that distinguish males and females from one another.[16] "Gender," on the other hand, is dynamic and is both shaped by, and shapes, the experiences of ethnicity, class, poverty level, age, and so forth.[17] "Gender relations" refers to those dimensions of social relations that create differences in the positioning of males and females in

13. For ease of reference, Appendix B provides a summary of these suggestions.
14. Dyan Mazurana, Angela Raven-Roberts, Jane Parpart, with Sue Lautze, "Introduction – Gender, Conflict and Peacekeeping" in Dyan Mazurana, Angela Raven-Roberts, Jane Parpart (eds), Gender, Conflict and Peacekeeping (Lanham: Rowman & Littlefield Publishers, Inc., 2005), 13. [Mazurana et al.]
15. Exploring Concepts of Gender and Health, Women's Health Bureau, Health Canada (June 2003), 8. [Health Canada, Exploring Concepts]
16. Ibid
17. Mazurana et al., 13.

social processes.[18] Gender roles and relations vary depending on the intersection of these factors and can either be dramatically affected by crises, such as war or famine, or can gradually change over time and from one group to another.[19] Undertaking a gender-based analysis (GBA) allows for the assessment of differential impacts of proposed and/or existing policies, programmes and legislation on girls, boys, men and women.[20] GBA challenges traditional assumptions that policies affect everyone equally, regardless of gender.[21]

Gender-blind policies do not recognize any distinction between the sexes and incorporate biases in favour of existing gender relations, resulting in a tendency to exclude women.[22] In contrast, gender-aware policies recognize that women and men are constrained in different and often unequal ways and therefore may have different needs, interests and priorities.[23] Using GBA to analyze policies and processes includes not only a consideration of the gender impacts of policies and programmes, but also an examination of the degree to which women and men participate in the decision-making process itself.[24]

GBA is an integral tool in the process of gender mainstreaming, which was adopted in 1995 as a major global strategy at the Fourth United Nations World Conference on Women.[25] The UN Economic and Social Council (ECOSOC) agreed conclusions, 1997/2, define gender mainstreaming as:

> *…the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal*

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18. UN/DESA/DAW, Assessment of Gender Mainstreaming in Sub-Saharan Africa: A Review of UNDP Supported Activities, (New York: United Nations, 2000), 18. [UN/DESA/DAW, Assessment of Gender Mainstreaming]
19. UNDP, *Gender Approaches in Conflict,* 4.
20. Health Canada, *Exploring Concepts*, 9. See for more information: CIDA, *CIDA's policy on gender equality*, (Ottawa: Minister of Public Works and Government Services Canada, 1999), 26 [CIDA, *CIDA's policy*]; OSAGI, *Gender Mainstreaming: An Overview*, (New York: UN Office of the Special Adviser on Gender Issues and Advancement of Women, 2002), 3-5 [OSAGI, *Gender Mainstreaming*].
21. Status of Women Canada, *Gender-based Analysis: A Guide for Policy-Making* (Ottawa: Status of Women Canada, 1998), 4. Available online: [SWC, *Gender-based Analysis*]
22. UNDP, *Gender Approaches in Conflict,* 7.
23. Ibid.
24. Mazurana et al., 13.
25. *Report of the Fourth World Conference on Women*, A/CONF.177/20 (17 October 1995) and BPfA.

spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality.[26]

In its resolution 2004/4, the ECOSOC requested that the Secretary-General ensure that all UN entities develop action plans and timelines for meeting these commitments. Furthermore, it was stipulated that the Secretary-General should review implementation of the 1997/2 conclusions with a particular focus on the gap between the policies and their actual impacts.[27]

Gender mainstreaming is recognized as one of the primary tools necessary for the achievement of gender equality.[28] "Gender equality" refers to the equal rights, responsibilities and opportunities of women and men and girls and boys, and implies that an individual's rights, responsibilities, and opportunities will not depend on whether he or she is born male or female.[29] It is a goal that has been accepted by governments and international organizations, and is enshrined in, and mandated by, various international agreements and commitments.[30]

Much of the work on gender equality that has taken place in the realm of peace and security has focused primarily on women. This approach is not meant to exclude men, but rather is an attempt to correct a massive deficit in this area—the marginalization of women is so extensive in the field of peace and security that making policies more inclusive has resulted in a primary focus on *women*, peace, and security, although there is an understanding that this work takes place under the overall rubric of *gender*, peace and security. Our paper is consistent with this approach, and the majority of our analysis aims to address existing gender blindness in the R2P doctrine by rectifying the exclusion of women.

By demonstrating the ways in which the perspectives, experiences and actions of men and women can be integrated into R2P, we do not mean to make a normative statement that the doctrine and Report merit whole-hearted acceptance.[31] Rather,

26. "ECOSOC Agreed Conclusions of 1997/2" issued in, *Official Records of the General Assembly*, Fifty-second Session, Supplement No. 3, A/52/3/Rev.1, (1997). [*ECOSOC Agreed Conclusions of 1997/2*]

27. *Report of the Secretary-General on follow-up to and progress in the implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly*, E/2005/54 (29 April 2005), para 1. Detailed baseline information on gender mainstreaming in entities of the United Nations systems is available online:

28. *ECOSOC Agreed Conclusions of 1997/2*.

29. "Concepts and Definitions," available online: OSAGI,

30. United Nations Office of the Special Adviser on Gender Issues and Advancement of Women, *Gender Mainstreaming: An Overview* (New York: UN, 2000), 1.

31. Among recent works on critiques of "humanitarian intervention", see: Anne Orford, *Reading Humanitarian Intervention: Human Rights and the Use of Force in International Law* (Cambridge: Cambridge University Press, 2003). Orford's approach to the issue adopts significant elements of critical feminist thought.

we recognize that *if* they are accepted, they must at the very least reflect gender perspectives and be implemented in a way that is consistent with UN policies and international law on gender equality, rather than in a way that detracts from them. Our focus on the ICISS report as a site for this analysis reflects a recognition that if acceptance with the R2P doctrine continues, it is likely that the accompanying R2P Report will be heavily relied upon as a basis for the framework.[32] One exception to this overall approach appears within our discussion of the just cause threshold, where we reject the ICISS's standard for intervention in favour of an alternative threshold that affords greater recognition of the ways rape is being used in many conflict situations.

An important point of distinction to be made at the outset is that unlike much of the literature reviewed, this paper does not use the terms "humanitarian" and "military" interchangeably to qualify interventions for the purpose of protecting people. This reflects an appreciation for arguments made by non-governmental organizations (NGOs) such as Oxfam and Médecins Sans Frontières, advocating the importance of visible separation between military and humanitarian interventions.[33] The principle of humanitarian neutrality is chief among the concerns expressed by these and other organizations. Awareness of this concern is also evidenced in the ICISS Report itself, which employs the term "military intervention for human protection purposes" in place of the term "humanitarian intervention."[34]

Methodology

The objective of this paper is to draw attention to gender-blindness in the ICISS-produced *Responsibility to Protect* Report, to explore the importance of including gender considerations in the Report's key areas, and to provide some initial recommendations for integrating gender concerns into the R2P framework. As the ICISS Report forms the blueprint for operationalizing the R2P doctrine, the Report is the primary text in our analysis and provides the underlying structure for the paper. Various materials were utilized to provide a basis for our gender analysis including: UN Resolutions (primarily SCR 1325), Conventions, Declarations, and Statements; UN, NGO, government, and academic case studies and policy papers;

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32. Discussed more thoroughly below under Introduction to R2P.
33. For example, Rieky Stuart, Executive Director of Oxfam Canada takes the position that, "professional soldiers are trained to fight, not to provide assistance. … International law prohibits using assistance as a weapon to win civilian support. … With a rifle in one hand and food in the other, soldiers can't be seen as either neutral or impartial…" See also: "Iraq: Humanitarian-Military Relations" (March 27, 2003) available online: Oxfam,
34. *R2P Report,* 1.39-1.41.

academic journal articles; and books. These resources were gathered through a desk review of literature on gender, peace and security issues; gender mainstreaming; the *Responsibility to Protect* framework and the related topic of "humanitarian intervention." In addition, internet-based research was used to gather specific information on UN and NGO initiatives and working papers.

In selecting the gender resources, we chose widely-used and credible reports and studies produced either by the UN or other reputable and well-recognized organizations with experience in programming and advocacy in these areas. Peer-reviewed scholarly articles were used to assist in providing the theoretical understandings that informed our analysis. Government and UN Resolutions, Conventions, Declarations, and Statements were consulted to determine what international commitments have been made and to which mandates governments and the UN are now accountable.

We did not undertake new case studies, interviews or other methods of gathering primary research as part of this project. Rather, our goal was to show how the existing body of work on gender, peace and security issues (including more general work on gender mainstreaming) can, and must, be directly incorporated into the ICISS Report and into discussions of the R2P doctrine. If the ICISS Report is to be relied upon as an operational approach to conflict situations, it is vital that precious time and resources are not wasted on redundancies—instead, existing gender research, programmes, and policies can brought directly into the R2P structure.

II. Background and Context of the ICISS and r2p Doctrine

Call for Action

> *… if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica — to gross and systematic violations of human rights that offend every precept of our common humanity?*[35]

In posing this question, UN Secretary-General Kofi Annan drew attention to one of the most contentious issues in international relations and law. What he highlighted was the seemingly indelible tension between the protection of individuals from systematic violations of human rights and the protection of state sovereignty from external interference. This tension arises from differing views about the role of the state, the UN, and the broader international community in addressing issues of security, both human and collective.

Creation of the ICISS & Context for R2P

Secretary-General Kofi Annan's challenge to the world in his Millennium Report was symptomatic of a tumultuous decade in the UN's history. The 1990s witnessed an emboldened Security Council, largely free of the Cold War politics that had handicapped it for much of its history. This occurred in an era of rising expectations, marked by intrastate conflicts and humanitarian crises, all made increasingly visible through the international media. While there were a number of critical events during the decade that prompted concern over collective responses—or non-responses—to massive human rights violations, the 1994 genocide in Rwanda was perhaps the most haunting. The violent deaths of approximately 800,000 men, women and children in just over three months were anticipated and witnessed, but not stopped, by the international community.[36] The United Nations Assistance Mission for Rwanda (UNAMIR)[37], originally established to help implement the Arusha Peace Agreement of August 1993, actually saw its troop size *reduced* in the midst of the ongoing genocide.[38]

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35. Kofi Annan, *'We the Peoples' The Role of the United Nations in the 21st Century*, Millennium Report of the Secretary-General of the United Nations, A/54/2000, (New York: United Nations, 2000), para 217. [Annan, *We the Peoples*]

36. *Report of the Independent Inquiry into the Actions of the United Nations during the 1994 Genocide in Rwanda* (15 December 1999), Part 1a, available online: University of West England, http://www.ess.uwe.ac.uk/documents/rwandareport1a.htm [*Report of the Independent Inquiry*]

37. Established by UN Security Council Resolution 872 (1993), S/RES/872 (5 October 1993).

38. *Report of the Independent Inquiry,* Part II.

Other similarly shocking events included the Bosnian Serb takeover of the UN "safe" area in Srebrenica, which led to the slaughter of some 7,000 Muslim men and boys; and a failed UN intervention, led by the United States, in Somalia. The issue of military intervention was raised again in the 1999 NATO campaign in Kosovo.[39] In particular, the NATO effort precipitated intense debate around distinction between the "legitimacy" and "legality" of such interventions.[40] Still today, we are struggling with similar concerns, notably in Darfur and Uganda.

Volumes have been written about these events and canvassing them is far beyond the scope of this paper. They are mentioned in brief because they draw attention to the changing ideas about when, where, how and whether the international community, through the UN or otherwise, should intervene in response to situations of massive human rights violations.

In September 2000, shortly after the Kosovo campaign, the Government of Canada (GOC) created the International Commission on Intervention and State Sovereignty (ICISS)[41]. The Commission began its work with an immediate background animated by inconsistency: failed interventions, failures to intervene, and an instance of intervention outside of UN authority. In the face of these challenges, the three goals set for the ICISS were: (1) to promote a comprehensive debate about humanitarian intervention; (2) to foster a new political consensus on how to reconcile the principles of intervention and state sovereignty; and (3) to translate that consensus into action.[42] The ICISS held eleven regional roundtables and national consultations with the objective of ensuring the Commission heard "the broadest possible range of

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39. Israel W. Charny (ed.), *Encyclopedia of Genocide, Vol II* (Jerusalem: Institute on the Holocaust and Genocide, 1999), 645.

40.For additional commentary, especially on the debate over legitimacy and legality see: Tania Voon, "Closing the Gap Between Legitimacy and Legality of Humanitarian Intervention: Lessons from East Timor and Kosovo," *UCLA Journal of International Law & Foreign Affairs,* 7 (2002): 31; Andrew Field, "The Legality of Humanitarian Intervention and the Use of Force in the Absence of United Nations Authority," *Monash University Law Review* 26 (2000): 339; Aaron Schwabach, "Yugoslavia v. NATO, Security Council Resolution 1244, and the Law of Humanitarian Intervention" Syracuse Journal of International & Comparative Law, 27 (2000): 77; Thomas M. Franck, "When, If Ever, May States Deploy Military Force Without Prior Security Council Authorisation?" Singapore Journal of International & Comparative Law, 4 (2000): 362; Louis Henkin, et al. "Editorial Comments: NATO's Kosovo Intervention" *American Journal of International Law,* 93 (1999): 824; United Kingdom, "Kosovo: House of Commons Foreign Affairs Committee 4th Report," *International & Comparative Law Quarterly*, 49 (2000): 876.

41. International Commission on Intervention and State Sovereignty (ICISS). "Background Research" available online: ICISS, http://www.iciss.ca/05_Background-en.asp#commission [ICISS, Background Research]. The two Co-Chairs were Honourable Gareth Evans, AO, QC, President of the International Crisis Group and former Australian Foreign Minister, and His Excellency Mohamed Sahnoun of Algeria, Special Adviser to the UN Secretary-General and formerly his Special Representative for Somalia and the Great Lakes Region of Africa. Ten other commissioners were appointed through consultations between the Co-Chairs and the Canadian Government

42. Jennifer Welsh, Carolin Thielking and S. Neil MacFarlane. "The responsibility to protect: Assessing the report of the International Commission on Intervention and State Sovereignty" *International Journal,* 57 (2001-2002): 490-491.

views during the course of its mandate."[43] An international research team also supported the Commission's work and a bibliography on intervention issues was compiled.[44] The GOC released the Commission's final report, entitled *The Responsibility to Protect (R2P Report)*, on the 18th of December 2001.[45]

The R2P framework rests on two basic premises: first, that state sovereignty implies responsibility, and that every state has the primary responsibility for the protection of its own people; and second, that where a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the home state is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect.[46], the three responsibilities embraced by the R2P are:

> **The responsibility to prevent**—to address both the root and direct causes of internal conflict and other man-made crises before they escalate.

> **The responsibility to react**—to respond to situations of compelling human need with appropriate measures, including coercive measures like sanctions and international prosecutions, and, in extreme cases, military intervention.

> **The responsibility to rebuild**—to provide, particularly after a military intervention, full assistance with recovery, reconstruction and reconciliation.[47]

The R2P Report prioritizes prevention and emphasizes the need to use less intrusive measures to deal with conflict situations before more coercive ones are employed. Considerable attention is given to fleshing out operational principles for each of the three specific responsibilities, although the focus is on identifying areas of concern rather than providing programming details. The ICISS endorses the possibility of using military intervention for human protection purposes and parts of the Report focus on describing a rules-based framework for such actions.[48] This portion of the analysis includes the establishment of an intervention threshold and precautionary

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43. ICISS, Background Research, Part III.

44. The bibliography is available online: ICISS, http://www.iciss.ca/pdf/Supplementary%20Volume,%20Bibliography.pdf

45. "Canada launches report of the international commission on intervention and state sovereignty" (18 December 2002), available online: ICISS, http://www.iciss.ca/press2-en.asp

46. *R2P Report,* 2.29-2.31. Briefly

47. *R2P Report,* XI. Much more detail on each of these responsibilities is given under the subsequent section entitled "Gender and R2P."

48. This is discussed in detail under the "Responsibility to React" section of this paper.

principles, and the identification of an appropriate authority for making intervention decisions.[49]

Following the release of the Report, the GOC took a lead role in promoting both the document and the R2P principle in inter-governmental processes.[50] Officials from the GOC explained that they were focused on increasing international acceptance of the principle that sovereign nations have responsibilities as well as rights, and on having the Security Council refer to key aspects of the Report in its ongoing work on peace and security.[51]

The most significant challenge to the acceptance of the R2P doctrine is the fundamental principle of state sovereignty, which has been traditionally understood as including an assumptive guarantee of non-intervention.[52] Recent discourse on national security and the related "Bush doctrine" of pre-emptive military action have also created challenges for the promotion of R2P. Attempts to link the R2P principles to more aggressive conceptions of intervention, including the "Bush doctrine," occurred quickly in some academic literature.[53] Members of ICISS have vocally resisted these efforts and attempted to maintain R2P's clear framework regarding when and where military interventions can and should take place in a humanitarian context.[54]

Despite these challenges, it appears that R2P remains a viable international framework, as evidenced by its inclusion in the September UN Reform Summit and by two recent UN endorsements, each of which have prompted renewed R2P-focused discussions.[55] The first high level endorsement came in the Secretary-General's High-level Panel report, *A more secure world: Our shared responsibility*, which explicitly supported the R2P principle:

There is a growing recognition that the issue is not the "right to intervene" of any State, but the "responsibility to protect" of every State when it comes to

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49. "Synopsis", *R2P Report,* XI-XIII.

50. World Federalist Movement-Institute for Global Policy, *Civil Society Perspectives on the Responsibility to Protect – Final Report*, (New York: WFM, 2003), 8, available online: WFM, http://www.responsibilitytoprotect, [WFM, *Civil Society Perspectives*]

51. Ibid.

52. This is discussed in more detail in the "Responsibility to React" section of this paper.

53. See for example: Lee Feinstein and Anne-Marie Slaughter, "A Duty to Prevent," *Foreign Affairs*, 83(2004): 136, where the authors attempted to discern a corollary to the "Responsibility to Protect" doctrine as a "collective duty to prevent" seeking to control weapons of mass destruction and the people who possess them; William C. Bradford, "The Duty to Defend Them: A Natural Law Justification for the Bush Doctrine of Preventive War," *Notre Dame Law Review*, 79 (2003-2004): 1365; John Yoo, "Using Force," *University of Chicago Law Review*, 71 (2004): 730.

54. See for example: Gareth Evans, "Uneasy Bedfellows: "The Responsibility to Protect" and Feinstein-Slaughter's "Duty to Prevent"", available online: International Crisis Group, www.icq.org

55. The 2005 World Summit is to be held 14-16 September 2005 at United Nations Headquarters in New York.

people suffering from avoidable catastrophe - mass murder and rape, ethnic cleansing by forcible expulsion and terror, and deliberate starvation and exposure to disease.[56]

We endorse the emerging norm that there is a collective international responsibility to protect, exercisable by the Security Council authorizing military intervention as a last resort, in the event of genocide and other large-scale killing, ethnic cleansing or serious violations of international humanitarian law which sovereign Governments have proved powerless or unwilling to prevent.[57]

Kofi Annan's own five-year progress report released in March 2005, *In larger freedom: Towards Development, Security and Human Rights for All*, offered additional endorsement:

*The ICISS in 2001 and the High-level Panel on Threats, Challenges and Change in 2004, (with 16 members from all around the world), endorsed what the Secretary-General described as an 'emerging norm that there is a collective responsibility to protect'(see A/59/565, para. 203). While I am well aware of the sensitivities involved in this issue, I strongly agree with this approach. **I believe that we must embrace the responsibility to protect, and, when necessary, we must act on it.** This responsibility lies, first and foremost, with each individual State, whose primary raison d'être and duty is to protect its population. But if national authorities are unable or unwilling to protect their citizens, then the responsibility shifts to the international community to use diplomatic, humanitarian and other methods to help protect the human rights and well-being of civilian populations. When such methods appear insufficient, the Security Council may out of necessity decide to take action under the Charter of the United Nations, including enforcement action, if so required [emphasis in original].*[58]

This support for R2P has been further strengthened by endorsements from various member states and regional organizations. The European Union (EU) and its 25 member states, for example, stated in response to *In larger freedom* that "[t]he

56. *A more secure world,* para 201.
57. Ibid., para 203.
58. *In larger freedom,* para 135.

European Union has endorsed the Secretary-General's important proposal concerning the responsibility to protect."[59] The Common African position on UN Reform also endorsed the R2P, stating "[a]uthorization for the use of force by the Security Council should be in line with the conditions and criteria proposed by the [High-level] Panel, but this condition should not undermine the responsibility of the international community to protect …"[60] Lastly, and most significantly, support for the R2P emerged from the UN General Assembly in the September Summit, where the final outcomes document contains the following statement:

Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability.[61]

Opposition to R2P has been most vocally expressed by some members of the Non-Aligned Movement (NAM), who have stated publicly that they have

observed similarities between the new expression "responsibility to protect" and "humanitarian intervention" and requested the Co-ordinating Bureau to carefully study and consider the expression "the responsibility to protect" and its implications on the basis of the principles of non-interference and non-intervention as well as the respect for territorial integrity and national sovereignty of States.[62]

Despite this caution, however, there has not been outright rejection of the principle by NAM, and some members, notably Tanzania, Benin, the Philippines, Chile,

59. Statement by Mr. Hoscheit (Luxembourg) on behalf of the EU in S/PV.5209, Security Council, 5209th meeting, (21 June 2005).
60. THE COMMON AFRICAN POSITION ON THE PROPOSED REFORM OF THE UNITED NATIONS: *"THE EZULWINI CONSENSUS"*, 7th Extraordinary Session, 7- 8 March 2005, Addis Ababa, Ethiopia, Ext/EX.CL/2 (VII).
61. UNGA, *Outcome of the Millennium Summit*, para 138.
62. The "Final Document of the XIII Conference of Heads of State of Government of the Non-Aligned Movement, Kuala Lumpur, 24-25 February 2003, para 16. " A similar statement can be found in the "Final Document of the XIV Ministerial conference of the Non-Aligned Movement (Midterm Review) Durban, South Africa, 17-19 August 2004," para 8, available online: http://www.nam.gov.za

Colombia, and Peru, have expressed strong support for R2P.[63]

Lastly, some NGOs have become vocal in promoting R2P as a framework for approaching conflict. The World Federalist Movement (WFM) has been amongst the leaders in this area,[64] and in 2002-2003 WFM's Institute for Global Policy undertook a five-month consultation process with civil society representatives on R2P and the ICISS Report.[65] In these consultations, there was strong support for the general principles and framework of the ICISS, although concerns were expressed about some key components.

These concerns include:

▪ The report takes a very "top down" approach, for example by focusing on the United Nations, while much of the important work is going on nationally and regionally and needs to be recognized and supported;

▪ There is a clear "protection hierarchy" which is not addressed completely in the report; even if there is a general responsibility to protect the question is 'who is protected first?' and the answer is often westerners and peacekeepers, with women and children at the bottom of the list;

▪ The emphasis on the responsibilities of sovereign states raises the question of what responsibilities a failed or collapsed state or rebel authorities would have and how they would be held accountable;

▪ The question of whether states, regional bodies or others would be responsible for rebuilding is not addressed, and the dilemma of the essential need to have the involvement and endorsement of a national government to undertake any meaningful reform is ignored;

▪ Women are "not in the report except as rape victims"; their contributions are not recognized and their perspectives not included; and

▪ Just War theory, upon which the Principles for Military Intervention are based, is a "last resort emphasis" and there may in fact be situations in which intervention would be justified but which do not meet the "last resort" requirement; the example given was the possibility of release of a biological agent.[66]

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63. See S/PV.5209, Security Council, 5209th meeting(21 June 2005). See also: World Federalist Movement, "Government Positions on R2P from June General Assembly Hearings," (13 July 2005), available online: WFM,http://www.responsibilitytoprotect.org/

64. The "Responsibility to Protect – Engaging Civil Society" is the lead WFM project and full information is available online:http://www.responsibilitytoprotect.org/

65. WFM, *Civil Society Perspectives.*

66. The concerns here are reproduced verbatim from WFM, *Civil Society Perspectives,* 13.

The concerns expressed by civil society representatives, many of whom were from humanitarian and human-rights organizations, were largely focused on the practical implications of operationalizing R2P. Despite these critiques, many NGOs from both the global North and South have welcomed R2P's emphasis on human protection, and actively advocated for government support and endorsement of the principle in the September Reform Summit.[67]

Overall, the progression of R2P from its inception as a GOC-sponsored initiative to a much more broadly discussed and supported principle has been relatively rapid, although not without disagreement.

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[67]. Some of the NGOs are: ACCORD (South Africa), Canadem (Canada), International Crisis Group (USA), Network of Asia Pacific Youth (India), International Alert (United Kingdom), United Nations Association – DRC (Democratic Republic of Congo), Refugees International (USA), Fundacion Andres Chinchasuyo (Ecuador). A full list of the organizations supporting the WFM campaign can be found on under "R2PCS NGO Members" available online: WFM, .

III. Gender, Peace and Security

Concerns about ensuring the equal rights of men and women, the protection of women in armed conflict, and the need to strengthen women's participation in the creation of more peaceful and secure societies are not newly articulated, either within the UN and its member states or within NGOs.[68] The UN Decade for Women (1976-1985) succeeded in drawing attention to many issues related to women and gender equality and resulted in a number of relevant resolutions, commitments, and international conventions.[69] The most significant of these was the CEDAW, as it binds ratifying member states to a series of commitments on ending discrimination against women and taking positive steps in furtherance of gender equality.[70]

Building on this success, work in women's rights and gender equality continued over the next two decades, with some specific attention being paid to the issues of women and armed conflict. Amongst the more significant achievements in this area was the identification in the Beijing Platform for Action (BPfA) of "Women and Armed Conflict" as one of twelve critical areas of concern.[71] Commitments in the field of peace and security, however, still remained at the level of policy goals and non-legally binding Specific reference is made here to "non-legally" binding resolutions because General Assembly Resolutions, while an important source for normative development, are not generally considered to be legally binding[72] resolutions.[73]

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68. Examples of early attention include: The UN Charter's reference to the equal rights of men and women, the need to unite to maintain international peace and security, amongst other items; the 1949 Geneva Conventions contain specific references to the special protection needs of women as well; and the founding of the Women's International League for Peace and Freedom in 1915.

69. For example: CEDAW; UN World Conference on Women: *Declaration of Mexico on the Equality of Women and Their Contribution to Development and Peace,* 1975; Report of the World Conference of the United Nations Decade for Women: Equality, Development and Peace, held in Copenhagen from 14 to 30 July 1980, (A/CONF.94/35); *General Assembly Declaration A/RES/37/63 on the Participation of Women in Promoting International Peace and Cooperation* (3 December 1982); and *The Nairobi Forward-looking Strategies for the Advancement of Women from the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace* held in Nairobi from 15 to 26 July 1985, A/Conf.116/28/Rev.1,1986.

70. CEDAW does not contain deal explicitly with women and conflict however it covers an extensive array of civil, political, economic and social aspects of life that bear relevance to the effects of conflict.

71. "Women and Armed Conflict" is Critical Area of Concern E of the *Beijing Declaration and Platform for Action*, adopted at the Fourth World Conference on Women, (15 September 1995). [BPfA]

72. If they are declaratory of customary international law it is the customary international law that is binding and not the resolution itself which exists as evidence of the custom only. See: International Court of Justice, *Legality of the Threat of Use of Nuclear Weapons*, Advisory Opinion of 8 July 1996, General List No. 95, para 70.

73. For example: *Declaration on the Elimination of Violence against Women*, United Nations General Assembly Resolution 48/104 (20 December 1993); *Programme of Action of the United Nations International Conference on Population and Development,* Chapter IV: Gender Equality, Equity and Empowerment of Women, A/CONF.171/13 (18 October 1994); BPfA; and The Commission on the Status of Women, Agreed Outcomes on Women and Armed Conflict*: Report on the forty-second session* (2-13 March 1998), Economic and Social Council Official Records, 1998, Supplement No. 7.

While there was an ongoing lack of consistency and political will within the UN to make binding commitments in the area of gender, peace and security, many women's and other NGOs, had spent decades working at the grassroots on peace and security issues and their gendered nature. In the 1990s, dramatic changes in the nature of armed conflict, combined with a failure of UN member states to actually implement their various resolutions, galvanized this NGO community into concerted political action. As conflicts were increasingly brought to bear on the bodies and communities of women, men and children in ways that were exceptional in their brutality, the lacunae between the commitments made in the past two decades to gender equality and the inequalities actually being realized during conflict and post-conflict processes became increasingly evident.

A network of various NGOs working on gender, peace and security issues began to emerge at the 1998 meeting of the UN Commission on the Status of Women, which examined the implementation of the BPfA as it related to Women and Armed Conflict.[74] The NGO Working Group on Women, Peace and Security (NGOWG) was officially formed in May 2000 with the goal of securing a Security Council resolution on gender, peace and security.[75] The focus of NGOWG's campaign was to address the failures of member states to either consider the gendered effects of armed conflict or to promote the full and equal participation of women in peace and security issues. NGOWG drew attention to the fact that as a direct result of these failures there was a lack of gendered policies in: conflict prevention; demobilization, disarmament, and reintegration; displacement; economic and social rights; HIV/AIDS; health; human security; justice and reconciliation; good governance and the rule of law; peacekeeping; peace negotiations; small arms and light weapons; security sector reform; and violence against women and trafficking. NGOWG and numerous other regional and thematically-based NGOs, thus became public figures in their efforts to integrate gender-sensitive considerations into these and other key areas as part of their evolving work on gender, peace and security.[76]

74. Carol Cohn, Helen Kinsella, and Sheri Gibbings, "Women, Peace and Security," *International Feminist Journal of Politics,* 6, no.1 (2004): 131.

75. "NGO Working Group on Women, Peace and Security" from Peacewomen, online at . Current members of the NGOWG include: Hague Appeal for Peace, International Alert, International Women's Tribune Center (IWTC), Women's Action for New Directions (WAND), Women's Commission for Refugee Women and Children (WCRWC), Women's Division of the United Methodist Church, Women's Environment and Development Organization (WEDO), and Women's International League for Peace and Freedom (WILPF). Amnesty International is an affiliate member of the NGOWG and participates in the initiatives of the NGOWG on a case-by-case basis.

76. Some of these include: Femmes Africa Solidarité; Gender and Security International Network; Women Waging Peace; Human Rights Watch; African Centre for the Constructive Resolution of Disputes; Kvinna till Kvinna; Center for Women's Global Leadership; MADRE; Women in Peacebuilding Network; Women Living Under Muslim Laws; and Mano River Women's Peace Network.

UN Security Council Resolution 1325

The broad mobilization of NGOs on the issue of gender, peace and security, combined with an increased openness in the Security Council to NGO input,[77] contributed to the passage of UN Security Council Resolution 1325 (SCR 1325). The involvement of women's NGOs was integral both in generating the impetus for the drafting and the adoption of the resolution.[78] SCR 1325 was the first Security Council resolution to deal explicitly with gender equality in the context of conflict prevention and resolution, and post-conflict reconstruction and rehabilitation. This resolution was significant in that, unlike previous commitments made in declarations and conferences, it was a high-level affirmation of the important connections between women, peace and security. As a Security Council resolution, SCR 1325 is legally binding and thus represents a significant achievement in requiring state and institutional actions to fulfill its mandate.[79]

SCR 1325's overarching theme of women, peace and security, has four main areas. The first of these is the participation of women in all peace and security initiatives and within peace processes, from prevention to resolution to peace-building, especially the inclusion of women in decision-making with regard to these processes. The second of SCR 1325's focus areas is gender training in peace support operations, including ensuring all field operations include a gender component. The third area of concern is the protection of women and girls during and after armed conflict and the promotion of respect for their rights. Of specific focus in this area is the widespread prevalence of gender-based violence, particularly rape and other forms of sexual abuse, in situations of armed conflict. The last action area in SCR 1325 is a call for gender mainstreaming throughout all UN programmes and processes related to conflict, peace and security.

SCR 1325 should not be seen as the achievement of an end goal. Rather, it represents an affirmation of the work that preceded it and articulates a platform upon which members of the international community are obligated to act. At its

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[77]. Felicity Hill, "NGO perspectives: NGOs and the Security Council," *Disarmament Forum* (October 2002): 27.
[78]. The UN Security Council held an Open Session on 24 and 25 October 2000 in which 40 Member States made supporting statements for the mainstreaming of gender perspectives into peace support operations and for the participation of women in all aspects of peace processes. The Open Session followed an Arria Formula meeting that took place on 23 October 2000 where women representatives from NGOs presented information on the role of grass-roots women's movements in preventing and resolving conflicts.
[79]. For a recent discussion of Security Council resolutions as international law see: Sean Talmon, "The Security Council as World Legislature," *American Journal of International Law*, 99, no.1 (2005): 175-195.

core, gender awareness in this context is about recognizing that women, men, boys and girls, are affected by, and respond to, conflicts differently and that they must all be protected. In addition, these differences necessitate that equitable participation in decision-making is strongly promoted.

Challenges to the Gender, Peace and Security Agenda

The emergence of organizations and individuals focused on gender, peace and security issues is the result of long-standing institutional neglect. Historically, work on peace and security has largely been gender-blind, and has not considered either the differential impacts of conflict on boys, girls, men and women, or the exclusion of women from relevant decision-making processes. Even today, there remains some resistance to the mainstreaming of gender in the realm of peace and security, especially in situations where military intervention is involved. Opponents argue that in these emergency and violent situations there is neither the time nor the resources to include gender issues or to ensure the full and equal participation of women. Critics of this stance, however, point out that the "urgency to save lives" is often used as an alibi to justify the neglect of critical concerns, including the question of women's protection and participation.[80]

Initial theoretical opposition to undertaking gender mainstreaming in peace and security initiatives has been largely trumped by the extensive commitments to mainstreaming in the UN, especially since the passing of SCR 1325. Several UN departments have adopted various mainstreaming initiatives, many of which include gender-based analysis (GBA) as a primary tool. Departments that have specifically addressed gender mainstreaming related to peace and security concerns include the Department of Peacekeeping Operations[81] (DPKO), the Department for Disarmament Affairs[82] (DDA), the UN High Commissioner for Refugees[83] (UNHCR), and the UN

80. "Summary of the Online Discussions Held in Preparation for the 10 Year Review and Appraisal of the Implementation of the Platform for Action in the 49th Session of the Commission on the Status of Women," UN Inter-Agency Network on Women and Gender Equality, (11 April 2005) 44, available online: http://www.un.org/womenwatch/ianwge/docs/online-discussions-rpt-10-yr-review.pdf

81. Examples include: *Departmental Policy Statement on Gender Mainstreaming in Peacekeeping Operations*; *Plan of Action to implement Security Council resolution 1325 (2000) on women, peace and security*; and the *Windhoek Declaration and Namibia Plan of Action on Mainstreaming a Gender Perspective in Multidimensional Peace Operations*.

82. Examples include: DDA's vision statement affirms "commitment to promote equal opportunities for men and women, while promoting gender perspectives on disarmament" from *DDA Vision Statement*, available online: http://disarmament.un.org:8080/dda-vision.htm ; *DDA Gender Mainstreaming Action Plan* (GMAP), available online: http://disarmament.un.org:8080/gender/gmap.pdf

83. Examples include: *UNHCR Policy on Refugee Women* (1990); *High Commissioner's Five Commitments to Refugee Women* (2001); *Practical Guide to Empowerment* (2001); *Agenda for Protection* (2002); *Guidelines on the Prevention and Response to Sexual and Gender Based Violence* (2003). All available online: http://www.unhcr.ch/cgi-bin/texis/vtx/protect

Office for the Coordination of Humanitarian Affairs[84] (OCHA).

Amongst supporters of gender equality in peace and security, however, various critiques have emerged on the process of *how* gender mainstreaming is occurring at the UN. Some argue it has been uneven, burdened by institutional constraints, a lack of political will, and inadequate resource commitments.[85] Others contend that institutional adoption of the discourse of gender mainstreaming has emptied "gender" of its radical political potential, thus instrumentalizing it as a concept for achieving a pre-determined set of bureaucratic initiatives.[86]

Some of these critiques are worthy of attention, and a complete overhaul of the UN system may yield more radical results than current mainstreaming initiatives. Nonetheless, it is fundamentally more challenging to receive support for, and implement, such extreme structural changes than to utilize the more incremental approach of integrating gender considerations into existing institutional structures. The reality is that there are significant critiques of both approaches, and neither is perfect. Given that the purpose of this paper is to integrate gender considerations into an existing framework, we will focus our discussion here on the main challenges facing the *implementation* of this approach.

While attention to women and gender issues has been evident since the inception of the United Nations, these concerns have not been viewed as central to the UN's work.[87] The lead up to, passage of, and subsequent work around SCR 1325 reveals what Whitworth calls "the inconsistent ways in which the UN bureaucracy treats gender – attentive when lobbied by women and women's organizations and often entirely silent when dealing with its 'bread and butter' issues of war, peace and security."[88] True and Mintrom reach a similar conclusion and argue that women's NGOs have become "the primary mechanism transmitting emerging global gender norms to states."[89] The unifying challenge evident in these statements is that states and the UN have not taken primary responsibility for addressing gender issues in this realm, but rather have relied upon civil society to take leadership on these issues. This lack of responsibility may be indicative of an absence of true commitment

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84. Examples include: *OCHA's Policy on gender equality* (2004); creation of the post of OCHA Gender Adviser (first hired March 2005); *OCHA Plan of Action – Gender Equality* (June 2005); and *OCHA Tool Kit – Gender Equality*, available online: http://ochaonline.un.org/webpage.asp?Page=1951#policy
85. See for example Raven-Roberts, in Mazurana et al., 43-64.
86. Sandra Whitworth, *Men, Militarism and UN Peacekeeping* (London: Lynne Reiner Publishers, Inc., 2004), 121. [Whitworth]
87. Ibid., 123.
88. Ibid.
89. Jacqui True and Michael Mintrom, "Transnational Networks and Policy Diffusion: The Case of Gender Mainstreaming", *International Studies Quarterly* 45 (2001): 38.

and political will, and is a major challenge facing the integration of gender perspectives into peace and security work.

Within the UN, commitments to gender mainstreaming in the peace and security area abound, but achieving results has been a challenge.[90] The United Nations Development Fund for Women (UNIFEM), which has been an integral agency in advancing issues related to women, peace and security, notes that "[t]he absence of formal approaches to collecting and analyzing information on women in conflict in response to resolution 1325 means that gender issues are not systematically addressed in political and preventive actions and post-conflict peace building."[91] The reality of this situation was starkly revealed in 2003 when the Office of Special Adviser on Gender Issues and the Advancement of Women (OSAGI) surveyed the Secretary-General's reports to the Security Council for the presence of gender perspectives. The results revealed that "only 17.8 per cent of the reports made multiple references to gender concerns, while 15.2 per cent made minimal reference and 67 per cent of the reports made no or only one mention of women or gender issues."[92] A similar analysis was conducted on Security Council resolutions adopted during January 2000 to March 2004. These results were equally troubling and showed that only 33 out of 253 resolutions, or 14.2 per cent, included attention to women or gender issues.[93], para 9. Clearly, ensuring that commitments to gender mainstreaming are actually implemented remains one of the most significant challenges in this area.

Additionally, there still exist problems with respect to developing accurate indicators for gauging the success of gender mainstreaming initiatives. As Hafner-Burton and Pollack discuss, both scholars and international organizations who engage with gender mainstreaming need to develop more precise measures for the procedures used in their work—tools are needed to assess the operational outputs of policies, programmes, and projects in an effort to establish the impacts and effectiveness of policy "on the ground."[94] This lack of appropriate indicators creates a major practical barrier to learning from gender, peace, and security initiatives, and is a significant challenge in this field.

90. Commitments to gender mainstreaming have been discussed in other sections of this paper
91. UNIFEM, "Information Sources" , available online: Women, War & Peace Portal,http://www.womenwarpeace.org/info.htm
92. ECOSOC, *Gender mainstreaming in the work of the United Nations on peace and security*, E/2004/CRP.3 (19 May 2004), para 8. [ECOSOC, *Gender mainstreaming*]
93. Ibid.
94. Emilie Hafner-Burton and Mark A. Pollack , "Mainstreaming Gender in Global Governance," *European Journal of International Relations*, 8, no.3 (2002): 364.

IV. Gender-Blindness in R2P

According to the ICISS, attempts were made to make the Commission "as broadly inclusive and consultative as possible,"[95] as evidenced by concerted efforts to ensure that a diversity of geographic regions, areas of expertise, and perspectives were considered during the creation of the R2P framework.[96] Despite these laudable goals, however, the expertise and perspectives brought to bear on the work of the Commission did not adequately reflect gender considerations or women's perspectives. This deficiency is evidenced in the final R2P Report which, as will be discussed below, is largely gender-blind.

Composition & Expertise of the ICISS

Although the ICISS itself was deliberately composed of individuals with a variety of backgrounds, there was a notable lack of gender expertise or experience amongst its members, as well as a very small representation of women in decision-making roles. A review of the commissioners' biographical information provided by the ICISS indicates that only two of twelve commissioners had notable expertise in human rights,[97] and that commissioner Côté-Harper, who has experience as a member of the official Canadian delegation to the Fourth World Conference on Women, Beijing (1995), was the only individual with experience in gender issues.[98] This lack of gender expertise in the biographical information of the commissioners is indicative of one of two situations. First, that eleven of the commissioners do not have any experience or expertise in gender issues, let alone as they relate to issues of peace and security; or second, that although some commissioners do hold this expertise, it was not considered relevant enough to include in their biographical sketches. Both of these situations produce an unsatisfactory result as they highlight the lack of attention paid to gender expertise in the overall selection of ICISS members.

The ICISS was equally deficient in promoting women in decision-making, as only one of twelve commissioners was a woman[99], and only four women held seats on

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95. "About the Commission: Frequently Asked Questions," available online: ICISS, http://www.iciss.ca/faq-en.asp.
96. Ibid.
97. *R2P Report*, Appendix A, 77. Explicit reference in this regard is made in the biographical information of Michael Ignatieff and Gisèle Côté-Harper.
98. Ibid.
99. Gisèle Côté-Harper was the only woman on the ICISS. "About the Commission: Members of the Commission," available online: http://www.iciss.ca/members-en.asp ICISS, .

the fifteen member advisory board.[100] While attention was paid to geographical diversity in selecting the ICISS members, the fact that women make up half of the world's population was evidently not factored into decisions on representation.

ICISS Consultations

Members of the ICISS hosted eleven regional roundtable consultations with over 200 individuals representing governments, academic institutions, and NGOs.[101] The names of participants and main discussion themes of each roundtable were recorded and included in the Supplementary Volume to the Report.[102]

Based on the information provided in these records, we have ascertained that direct discussion of the gendered impacts of military intervention occurred at only one of the eleven roundtables. This was in Maputo, where discussions in relation to the costs of interventions included awareness of: "an increase in prostitution and HIV–AIDS, a negative impact on the socioeconomic status of women and children, and a destruction of the family structure."[103] Additional reference was made to the need to identify and punish misconduct by peacekeepers.[104]

It is remarkable that this brief reference in one of eleven consultations was the only time throughout the extensive ICISS process that there was an explicit, recorded, reference of the potentially gendered aspects of the intervention debate. It is significant to note that the Maputo consultation was also exceptional in that it was the only one to include organizations whose work focuses specifically on women.[105]

ICISS Materials

In addition to the regional roundtables, the Commission drew on a substantial amount of research to assist in the preparation of its final report. This extensive

100. The women on the ICISS advisory board were: Her Excellency María Soledad Alvear Valenzuela, Dr. Hanan Ashrawi, Her Excellency Rosario Green Macías, Dr. Mamphela Ramphele; "About the Commission: Advisory Board," available online: ICISS, http://www.iciss.ca/advisory_board-en.asp.
101. Consultations were held in: Ottawa, Geneva, London, Maputo, Washington, Santiago (Chile), Cairo, Paris, New Delhi, Beijing, and St. Petersburg.
102. The Supplementary Volume is available online: ICISS, http://www.iciss.ca/consult-en.asp.
103. The Supplementary Volume, 365. This roundtable was held in Maputo, Mozambique, on March 10, 2001.
104. The Supplementary Volume, 365.
105. These were the Sudanese Women's Association, Kenya, Reseaux des femmes pour la defense des droits et la paix, Democratic Republic of Congoe, Collectif des associations et ONG feminines du Burundi.

bibliography includes the over 2,000 references used by ICISS in preparation of the report[106] Using the searchable online tool to assess the content of over 2000 bibliographical references in the ICISS source material, we found a disappointing amount of information on gender issues. A search of "gender" produces seven results, but only one of the cited references was published before 2001, meaning it was the only one under this subject heading that could have been used by the ICISS. A search of "women" yields eleven references, but only four novel references when compared with the search under "gender." Of these four, three were published before 2001. A search of "children" produces eight results; six were published before 2001 and one overlaps with the search under "women." "Girls," "boys," and "men" are not listed as search terms.

Gender in the R2P Report

The commissioners, consultations, and materials used to prepare the R2P Report show a distinct lack of gender awareness, and the ICISS itself did not provide for equal participation of women. Given these factors, it is not surprising that the Report produced through this process is itself almost entirely gender-blind. The 108-page R2P Report mentions women only three times, and none of these references are in relation to the importance of including women in the process or of recognizing their unique needs and contributions in conflict and post-conflict environments.

It is important to mention the inclusion of rape in the ICISS formulation of the just cause threshold, as this demonstrates recognition of the increased use of sexual violence against women as a weapon of war. The term "rape" occurs eight times in the R2P document, and two of the three references to women also occur in the context of this discussion. Despite this commendable attempt to address the realities of rape, however, there is a serious flaw in the way the threshold is formulated: under the existing R2P framework, rape is a cause for intervention only *if it occurs as a means of ethnic cleansing.*[107] This is a significant deficit in the R2P framework and a detailed discussion on both the implications of this shortcoming and suggestions for a new formulation are included in the Responsibility to React section of this paper.

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106. As well as an additional set of references compiled between the middle of 2001 and early 2005 that generally treats the issue of humanitarian intervention. The bibliography is available online:
http://web.gc.cuny.edu/ralphbuncheinstitute/iciss/iciss%20database/English/Biblio2.html
107. *R2P Report,* 4.19

The third reference to women occurs in a section highlighting the ongoing importance of the United Nations: "the [UN] is also the repository of international idealism, and that sense is fundamental to its identity. It is still the main focus of the hopes and aspirations for a future where men and women live at peace with each other and in harmony with nature."[108] Although this statement implicitly recognizes gender differences, it is clearly not an attempt to integrate a gender-perspective into the R2P framework. The term "gender" itself does not appear anywhere in the R2P Report.

The ICISS makes reference to a number of provisions of the UN Charter as providing support for various portions of the R2P framework. Two of these Charter sections, Article 55, used to support prevention[109], and Article 76, used to support rebuilding[110], contain explicit recognition of the importance of implementing these provisions without discrimination on the basis of sex.[111] Although mention of these sections lends implicit support to the inclusion of gender-sensitive considerations under the R2P framework, the notable lack of reference to these gender elements in the R2P Report itself is further evidence of the gender-blindness that is prevalent throughout the document.

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108. *R2P Report,* 6.25.
109. ICISS concludes that this article provides the "foundation for a comprehensive and long-term approach to conflict prevention" and highlights the article's respect for human rights. *R2P Report,* 3.18.
110. The report draws particular guidance from Article 76 about the behaviour of intervening authorities, noting, *inter alia,* that this section places emphasis on promoting the political, economic, social and educational advancement of citizens, protecting human rights, and ensuring equal treatment in the administration of justice. *R2P Report,* 5.22.
111. Part (c) of Article 76 refers specifically to the importance of addressing these issues without distinction as to sex, and part (c) of Article 55 refers to the importance of respecting human rights without discrimination on the basis of sex.

V.   Gender & R2P

This section uses a gender perspective to analyze the R2P doctrine as it has emerged from the deliberations of the ICISS. The aim is to provide a comprehensive understanding of why and how gender issues should be incorporated into the R2P framework and to show how the doctrine can be used to advocate for the protection and participation of women. Such gender-based analysis is offered to fulfill two main objectives: first to demonstrate how the Report and the R2P doctrine can better meet international mandates for gender mainstreaming and the promotion and participation of women; and second to ensure that if R2P is operationalized, it is made more effective by integrating gender issues into its framework.

The following section is structured around each of the three areas of responsibility identified in the R2P Report: prevent, react, and rebuild. Adapted largely from existing work on gender, peace, and security, specific recommendations are linked to each of these responsibilities in order to demonstrate practical means for rectifying the gender blindness in the current framework. Appendix C "Recommendations for Gendering the R2P Framework" consolidates the suggestions for action that are included in this paper. The years of work that went into developing SCR 1325 and ongoing efforts subsequent to its adoption, have resulted in models and guidelines that facilitate gender analysis in the area of peace and security. We draw from this work as a means of exemplifying some of the many ways the R2P framework can benefit from this extensive and growing base of knowledge. In short, this section demonstrates that the R2P should be recast as if women mattered, and that gender considerations are critical to the successful implementation of the R2P doctrine, yielding fairer, more constructive results for men, women, boys and girls at risk.

The Responsibility to Prevent

The R2P Report identifies prevention as the single most important dimension of the R2P doctrine and states that prevention options should always be exhausted before forceful military action is contemplated.[112] The ICISS observes that there is a "gap between rhetoric and financial and political support" for prevention activities and

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112. R2P Report, XI.
113. Ibid., 3.8.

calls for prevention strategies to be "integrated into policies, planning and programmes at the national, regional and international levels."[114] In support of this statement, the Report endorses the "vital role of all parts of the United Nations system" in conflict prevention,[115] and also notes helpful initiatives undertaken by the NGO community and by specific regional institutions, including the Organization for African Unity[116] (OAU) and the Organization for Security and Cooperation in Europe (OSCE).[117]

The R2P framework also emphasizes that a focus on prevention will not only help minimize human misery and human rights abuses, but will also yield tangible financial benefits. Citing the Carnegie Commission on Preventing Deadly Conflict, the Report notes that the international community spent $200B in seven major interventions in the 1990s and that US$130B of this could have been saved through a more effective preventive approach.[118]

Although the R2P Report does not purport to offer an extensive analysis of conflict prevention strategies,[119] the ICISS identifies the need to address equality, political deficiencies, economic deprivation, legal protections, and military reforms as part of both root cause and direct prevention efforts,[120] and emphasizes the importance of improved early warning systems.[121] The Report also highlights the need to support grassroots prevention efforts.[122] In the following section, we will explore the importance of ensuring that gender-aware perspectives are incorporated into each of these areas.

A. Equality

The R2P Report notes that "fair treatment and fair opportunities for all citizens provide a solid basis for conflict prevention" and emphasizes the need to protect human rights and ensure a fair distribution of resources.[123] As will be shown, the focus on equality must include deliberate efforts to address often overlooked gender-based inequalities, and ensure that boys, girls, men, and women are treated fairly and given equal opportunities.

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114. Ibid., 3.39.
115. Ibid., 3.4.
116. In July 2002 the OAU became the African Union.
117. Ibid., 3.6.
118. Ibid., 3.7.
119. Ibid., 3.9.
120. Ibid., 3.21-3.24 and 3.26-3.32.
121. Ibid., 3.10-3.17.
122. Ibid., 3.17.
123. Ibid., 3.2.

A recent empirical study highlights conclusively the importance of targeting gender inequality as part of conflict prevention strategies, as the presence of gender inequality increases the likelihood that a state will experience internal conflict. In her 2005 study, Caprioli determines that there is a strong relationship between these two elements: states with high fertility rates are nearly twice as likely to experience internal conflict than those with low fertility rates; states with 10 percent women in the labour force are nearly 30 times more likely to experience internal conflict than states with 40 percent women in the labour force.[124] Caprioli explains that fertility and employment rates are accurate indicators of gender inequality, and summarizes her data by claiming that "states characterized by gender discrimination and structural hierarchy are permeated with norms of violence that make internal conflict more likely."[125]

This effort to view the promotion of women's equality as an essential part of the preventive process is consistent with the statements of UN member states at the forty-eighth session of the Commission on the Status of Women (CSW) in 2004. The CSW called on governments and others involved in prevention processes to "ensure better collaboration and coordination between efforts to promote gender equality and efforts aimed at conflict prevention."[126] The Secretary-General, in his 2004 report on women and peace and security, further emphasized the value of this recommendation.[127]

The R2P Report explicitly recognizes the need to address both root and direct causes of conflict, and the ICISS suggests that there are four elements that need to be considered: political needs, economic deprivation, legal protections, and military reforms.[128] As will be demonstrated in the discussion that follows, gender analysis must be included in each of these four elements in order to ensure that the necessary focus on gender equality is maintained.

A1. Political Deficiencies

The link between women's political participation and conflict prevention has been explicitly recognized, and in his 2004 report on women and peace and security, the

124. Mary Caprioli, "Primed for Violence: The Role of Gender Inequality in Predicting Internal Conflict," *International Studies Quarterly,* 49 (2005): 172 [Caprioli, "Primed for Violence"].
125. Caprioli, "Primed for Violence," 161.
126. Commission on the Status of Women (CSW), *Agreed conclusions - Women's equal participation in conflict prevention, management and conflict resolution and in post-conflict peacebuilding,* adopted at the Forty-Eighth session, (March 2004), 3, available online: CSW, http://www.un.org/womenwatch/daw/csw/csw48/ac-wp-auv.pdf. [CSW, *Agreed Conclusions*]
127. Kofi Annan, *Report of the Secretary-General to the Security Council on Women and Peace and Security*, S/2004/814 (13 October 2004), 4. [Annan, *Women and Peace and Security*].
128. *R2P Report,* 3.21-3.24.

Secretary-General cites with approval a finding of the Ministers of the Council of Europe's Steering Committee for Equality between Women and Men that "if women [are] not fully involved in rebuilding democracy, efforts to create a stable society [are] likely to fail."[129]

The importance of remedying gender inequality in the political realm, and the right of women to positions of political decision-making, has also been addressed in a number of UN instruments. Notable amongst these is the CEDAW,[130] the Universal Declaration of Human Rights[131], BPfA[132], and SCR 1325, which urges both "increased representation of women at all decision-making levels in national regional and international institutions" and the appointment of more women to political decision-making roles within the UN.[133]

Caprioli's 2000 work provides empirical support for this conclusion, as she finds that a 5% decrease in the proportion of women in parliament renders a state 4.91 times as likely to resolve disputes using military violence[134]. Her study also finds that the rate of female suffrage in a given state is directly correlated to that state's use of violence: "given two states, for example, the state having twice the number of years of female suffrage will be nearly five (4.94) times as likely to resolve international disputes without military violence."[135]

In light of this evidence, it is essential that efforts under the R2P framework to address "political needs and deficiencies"[136] include targeted efforts to improve access and participation by women. There are a number of ways that this can be accomplished, including encouraging ratification and implementation of CEDAW; offering direct support to women's political organizations; raising awareness of women's rights; supporting appropriate policy reforms including quotas to promote equal participation of men and women; and increasing international lobbying efforts.[137]

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129. Annan, *Women and Peace and Security,* 12.
130. CEDAW, Art. 7.
131. Universal Declaration on Human Rights, UNGA/217A(III) (10 December 1948), Art. 21.
132. BPfA, Critical Area of Concern G "Women in power and decision-making."
133. SCR 1325, paras 1-3.
134. Mary Caprioli, "Gendered Conflict", *Journal of Peace Research,* 37, no.1 (2000): 61. [Caprioli, "Gendered Conflict"]
135. Caprioli, "Gendered Conflict," 61.
136. *R2P Report,* 3.21
137. Susanne Schmeidl with Eugenia Piza-Lopez, *Gender and Conflict Early Warning: A framework for Action*, (London: International Alert and Swiss Peace Foundation, 2002), Appendix III. [Schmeidl and Piza-Lopez, *Gender and Conflict*]

A2. Economic Deprivation

In the economic sphere, the R2P Report calls for, *inter alia*, "development assistance and cooperation to address inequities in the distribution of resources or opportunities."[138] As will be discussed below, it is critical that this component includes gender-sensitive perspectives, as there is a demonstrable link between gender equality and the success of development initiatives.

The relationship between development and gender equality has been formally recognized by international development agencies, including the Asian Development Bank, Asian Development Bank,[139] the World Bank,[140] World Bank and the United Nations Development Programme (UNDP)[140]. These agencies have recently modified programming in this area away from an exclusive focus on women to a more inclusive approach factoring in men's roles and the broader socio-political environment. As a result, the movement itself has undergone a corresponding shift from "Women in Development"[142] to "Gender and Development" (GAD).[143]

Recognizing the importance of GAD initiatives in its development programme, the Canadian International Development Agency (CIDA) states that:

> *Attention to gender equality is essential to sound development practice and at the heart of economic and social progress. Development results cannot be maximized and sustained without explicit attention to the different needs and interests of women and men. If the realities and voices of half of the population are not fully recognized, CIDA's objectives to reduce poverty and to contribute to a more secure, equitable and prosperous world will not be met.*

> *For poverty reduction to be achieved, the constraints that women and girls face must be eliminated. These constraints include lack of mobility, low self esteem, lack of access to and control over resources, lack of access to basic social services, to training and capacity development opportunities, to information and technology, as well as to decision-making in the state, the judiciary, development and private sector organizations, and in communities and households.*[144]

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138. *R2P Report*, 3.22.
139. (ADB), *Policy on Gender and Development* (n.p., Asian Development Bank, 2003), available online: ADB, [ADB, *Policy on Gender and Development*]
140. (WB), "Gender and Development," available online: WB, [WB, "Gender and Development"]
141. UNDP, "Gender," available online: UNDP, [UNDP, "Gender"]
142. UNDP, *Gender Approaches in Conflict,* 7-8.
143. See generally: Ibid.
144. CIDA, *CIDA's policy on gender equality,* 5-6.

This objective is also reflected in the United Nations Millennium Development Goals (MDGs), which constitute a commitment by the UN's 191 member states to address key development issues by the year 2015.[145] Goal 3 is to Promote Gender Equality and Empower Women. Although the specific target committed to under the MDGs focuses narrowly on eliminating gender disparity in primary and secondary education, parity in education is seen is a direct means of addressing the broader objective of women's equality.[146] In fact, the Secretary-General's 2005 report on the progress of the MDGs explicitly recognizes that:

> [g]ender equality is a human right and at the heart of achieving the Millennium Development Goals. It is a prerequisite to overcoming hunger, poverty and disease. This means equality at all levels of education and in all areas of work, equal control over resources and equal representation in public and political life.[147]

It is clear that if development initiatives initiated under the R2P framework are to succeed they will need to incorporate gender issues. Some examples of ways to promote gender equality through development initiatives include:

- Increasing women's access to and control over basic services, including primary and reproductive health and child care;
- Increasing skills training and capacity development opportunities for women;
- Increasing decision-making power for women regarding expenditures in the household;
- Increasing options for child care;
- Increasing understanding of gender differences in determinants and consequences of diseases, including malaria and HIV/AIDS;
- Eliminating gender stereotypes in school curricula;
- Improving access for women to safe and affordable public transport services and infrastructure;
- Increasing employment of women in infrastructure services at all levels;

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145. UN, "UN Millennium Goals (MDG)," available online: UN,

146. Some women's rights activists have criticized the MDG's as being overly minimalist and for failing to integrate gender into each of the 8 goals. For a detailed account of this critique and a summary of recommendations for incorporating a more complete gender-perspective into the MDGs see: Carol Barton, "Women's Movements and Gender Perspectives on the Millennium Development Goals," in *Civil Society Perspectives on the Millennium Development Goals* (New York: UNDP, 2004). For the purposes of this analysis, the MDGs are being used strictly to demonstrate that there is a clear and recognized link between development and ensuring women's equality, and the authors do not express an opinion on the adequacy of the MDGs themselves at achieving this objective.

147. UN, *The Millennium Development Goals Report 2005*, (New York: United Nations Department of Public Information, 2005), 14 .

- Supporting organizations that are advocating for women's and girl's rights;
- Creating awareness of women's economic, social, civil, political and cultural rights;
- Creating programmes to offer greater access to and control over credit, training and services for women entrepreneurs;
- Eliminating taxation provisions that discriminate against women;
- Recognizing women's knowledge of the natural environment and increasing decision-making roles for them in natural resource management; and
- Increasing the involvement of women and women's groups in the design and management of viable recycling activities.[148]

A3. Legal Protections

The R2P report suggests that enhanced legal protections for "vulnerable groups" may be a necessary part of addressing root and direct causes of internal conflict.[149] This is consistent with the Secretary-General's emphasis on the importance of integrating a legal system that protects women's rights into prevention strategies. In his 2001 report to the Security Council on conflict prevention, Kofi Annan stated explicitly that "an essential aspect of conflict prevention is the strengthening of the rule of law, and within that the protection of women's human rights achieved through a focus on gender equality in constitutional, legislative, judicial and electoral reform."[150]

He reiterated this position in 2004, and urged member states and civil society to develop approaches and guidelines to ensure gender equality and women's human rights are promoted in all policies in support of the rule of law.[151]

As the Secretary-General's comments suggest, there is an established link between laws (or restrictive interpretation of laws) that disadvantage women and a state's tendency towards violent conflict. Schmeidl and Piza-Lopez note two recent situations exemplifying this dynamic: rigid interpretation of Sharia law under the Taliban in Afghanistan; and increasing restraints on women's roles and political participation in Kyrgyzstan prior to a general tightening of the political system.[152]

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148. Adapted from CIDA, *CIDA's policy on gender equality*, 11-15.
149. *R2P Report, 3.23*
150. Kofi Annan, *Report of the Secretary-General to the Security Council on Conflict prevention*, A/55/895-S/2001/574 (7 July 2001).
151. Annan, *Women and Peace and Security,* 14.
152. Schmeidl and Piza-Lopez, *Gender and Conflict,* 14.

Suggested approaches for creating legal protections for women include monitoring state policies and legislation; encouraging ratification of CEDAW and other human rights instruments and facilitating their implementation; ensuring women are involved in all aspects of the legal reform process; encouraging equal representation and political opportunities for women; and supporting local women's organizations.[153]

A4. Military Reforms

The R2P Report acknowledges the relationship between intrastate conflict and the stability and effectiveness of a state's military and security services, and identifies "sectoral reforms" as a key preventive strategy.[154] This is consistent with recognition by the international community that "[a] failure to engage in reform of the justice and security sector…can aggravate social and political tensions, jeopardize chances for sustainable development, and increase the risk for a reoccurrence of violent conflict."[155] The priority being placed on security sector reform is evidenced by the creation of a special United Nations "Justice and Security Sector Reform" team specifically to address these issues.

The R2P Report recommends the following specific reform initiatives:
- Enhanced education and training for military forces;
- Reintegration of ex-combatants;
- Strengthening civilian control mechanisms, including budget control;
- Encouraging efforts to ensure that security services are accountable for their actions and operate within the law;
- Promoting adherence to arms control and disarmament and non-proliferation regimes, including the transfer of light weapons and small arms; and
- The prohibition of landmines.[156]

Given that the objective of security sector reform[157] (SSR) is to ensure both the security and the empowerment of girls, boys, men and women, it is essential that the specific security needs of *all* of these individuals are considered as part of the SSR process. This "involves implementing gendered initiatives at the structural,

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153. UNIFEM, "Achieving Gender Equality in Democratic Governance," available online: UNIFEM, http://www.unifem.org/gender_issues/governance_peace_security/at_a_glance.php
154*. R2P Report*, 3.24.
UNDP, *Conference on Justice and Security Sector Reform: Coherence, Cooperation and Competence - Report* (n.p, UNDP, 2003), available online: UNDP, http://www.undp.org/bcpr/jssr/4_resources/documents/UNDP_2003_JSSR%20Conference%20Report.pdf
156. *R2P Report,* 3.24.
157. Further attention is given to SSR in post-conflict processes under the 'Responsibility to Rebuild' section of this paper.

policy and personnel level, including reforms in order to halt internal violence, human rights abuses and discrimination,"[158] and an essential first step is gathering accurate information about the specific experiences of all members of the population.[159] The inclusion of gender perspectives in SSR initiatives is supported by numerous international agreements[160] including SCR 1325 which mandates the inclusion of women in all parts of SSR processes.

The importance of gender-sensitivity training; addressing the specific needs of female ex-combatants; ensuring appropriate legal accountability, particularly for acts of violence against women; adopting a gender-sensitive approach to all disarmament, demobilization, & reintegration (DDR) initiatives; and recognizing the particular challenges women face with regards to land mines cannot be understated, and each of these topics is discussed in detail in subsequent sections of this paper. What is important to emphasize here, however, is that a failure to address these issues from a gender-sensitive perspective *before* conflict escalates will result in an incomplete approach to one of the primary "root causes" of intrastate conflict and will jeopardize efforts to prevent violence.

B. Early Warning Systems

The R2P Report recognizes that the first essential pre-condition for the successful prevention of intrastate conflict is knowledge of both the volatility of the situation and the risks associated with it. The Report refers to this knowledge as "early warning." The ICISS also explains that the implementation of an early warning system must be accompanied by both an appreciation of the policy measures that are necessary to make a difference when the system anticipates an impending conflict, and the political will to actually apply those measures when needed.[161]

Schmeidl and Piza-Lopez conducted three international expert consultations with women's organizations, gender experts, early warning practitioners, UN organizations,

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158. UN-INSTRAW, "Gender and SSR – Framework," available online: UN-INSTRAW, [UN-INSTRAW, "Gender and SSR – Framework"]

159. Vanessa A. Farr, "Voices from the Margins: A response to 'Security sector reform in developing and transitional countries,'" *Berghof Handbook for Conflict Transformation,* (Berlin: Berghof Research Center for Constructive Conflict Management, 2004), 5, available online: Berghof, http://www.berghof-handbook.net/articles/ssr_farr.pdf [Farr, "Voice from the margins."]

160. These agreements include: CEDAW; the *Declaration on the Elimination of Violence against Women*; BPfA; the *Windhoek Declaration and the Namibia Plan of Action on Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations*; *UN General Assembly Resolution of the twenty-third special session "Further actions and initiatives to implement the Beijing Declaration and Platform for Action";* and CSW, *Agreed Conclusions.*

161. *R2P Report,* 3.9.

government officials and others, in an attempt to develop a strategy for incorporating gender analysis into early warning systems. The result of their work is a report that both demonstrates the importance of including women and gender-sensitive perspectives in early warning systems, and provides a basic framework for doing so.[162] This framework is structured around the four central elements of any early warning system: collection of information using specific indicators; analyzing information—attaching meaning to indicators, setting it into context, and recognizing crisis development; formulation of best and worst case scenarios and response options; and communication to decision-makers.[163] We have provided Schmeidl and Piza-Lopez's recommended framework in italics below, with additional commentary under some sections:

Step 1: Gender sensitive collection of information

i) Developing gender-sensitive indicators to allow for 'earlier' early warning.

The following are some examples of key gender-sensitive early warning indicators:
- Propaganda emphasizing hyper-masculinity;[164]
- Media scapegoating of women accusing them of political or cultural betrayal;
- Sex-specific refugee migrations and forced displacement;
- Growth of fundamentalism;
- Increase in single female-headed households;
- Low percentage of women in parliament;[165]
- Low percentage of female suffrage;[166]
- Low percentage of women in labour force;[167]
- Decline in women's access to health and education;[168]
- Increased barriers to women accessing land or credit;[169]
- Low female literacy rates (as compared to male);[170]
- Violation of women's human rights (including violence against women and rape);
- Trafficking of women (as well as increase in the sex trade, prostitution).

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162. Schmeidl and Piza-Lopez, *Gender and Conflict*.
163. Ibid., 4.
164. The first five of these indicators are taken from: Elisabeth Rehn and Ellen Johnson-Sirleaf, *Women, War and Peace: The Independent Experts' Assessment on the Impact of Armed Conflict on Women and Women's Role in Peacebuilding,* (New York: United Nations Development Fund for Women, 2002), 112 [Rehn and Sirleaf-Johnson, *Women, War and Peace*].
165. See: Caprioli, "Gendered Conflict."
166. Ibid.
167. See: Caprioli, "Primed for Violence."
168. See: Felicity Hill, *The Illusive Role of Women in Early Warning and Conflict Prevention*, (n.p., UNIFEM, 2004).
169. Ibid.
170. All of the remaining indicators are derived from Schmeidl and Piza-Lopez, *Gender and Conflict.*

ii) Collecting gender-sensitive information through incorporating and consulting women and women's organizations.

Step 2:   Gender analysis and risk assessments

i) Introducing gender analysis focuses on the micro-level and exposes realities on the ground, improving the anticipation of violent conflict escalation.

A UNIFEM-supported Independent Experts' Assessment on Women, War and Peace, noted several situations where micro-level changes to women's daily existence offered significant and reliable warnings of an impending conflict. Examples of these micro-level considerations include the following:

A story from Sierra Leone:
"'As the war was brewing, women were up and about very early in the morning, getting all of their business done as quickly as possible. The markets were only open for a few hours because people were afraid. When the market was open for longer, it was a sign that things were getting back to normal.'"[171]
A story from Burundi:
"'In the morning, if we see women coming down from the mountain, then we know it is safe to send our children to school. If we don't see women, we know that something may happen. They have been sent back by the men for a reason, and it is very possible that it is not safe.'"[172]

ii) Introducing gender analysis integrates micro- with meso- and macro-level considerations in producing risk assessments, case scenarios and response options.

iii) Including women in the analytical process adds new perspectives and avoids mind blindness

The R2P Report recommends that the UN creates a special unit to receive and analyze sensitive information about conflict prone areas. This unit would be responsible for analyzing indicators and recognizing crises development, and would report directly

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[171]. As cited in Rehn and Sirleaf-Johnson, *Women, War and Peace,* 113.
[172]. Ibid.

to the Secretary-General. The ICISS recommends that this unit be staffed with a small number of specialized personnel trained in conflict prevention.[173]

It is imperative that such a unit includes an equal representation of women. Indeed the Secretary-General has identified the suitability of including women in this role when he stated that "women can call attention to tensions before they erupt in open hostilities by collecting and analysing early warning information on potential armed conflict."[174] Such inclusion is also consistent with SCR 1325, which urges increased representation of women at all decision-making levels for the prevention of conflict.[175]

Step 3: Formulation of best and worse case scenarios and response options

i) Integrating gender-sensitive response options addresses macro-, meso-, and micro-level concerns, as appropriate.

ii) Integrating the long-term efforts for peace and conflict resolution at micro-, meso-, and/or macro-levels as constitutive components of response options.

Step 4: Communication to decision-makers

i) Reaching a range of actors in institutions, including both those directly responsible for decision-making and those responsible for gender mainstreaming.

ii) Fine-tuning early warning response options and analysis to include women's groups and organizations.

In order to ensure that early warning systems provide as much useful information as possible about impending conflict, it is essential that they draw on the knowledge, perspectives, and experiences of all segments of a population. It is thus critical that gender-perspectives be brought to bear on this analysis and that women are included in the process. The Schmeidl and Piza-Lopez framework on gender and early-warning exemplifies some of the many ways early warning systems can be enhanced through the participation of women and inclusion of gender-perspectives. This framework can, and should, be directly incorporated into early warning initiatives under the R2P.

173. *R2P Report,* 3.16.
174. Annan, *Women and Peace and Security,* para 4.
175. SCR 1325, para 1.

C. Grassroots Organizations

The R2P Report mandates that increased resources should be made available to support regional and grassroots conflict prevention initiatives.[176] Once again, it is critical that such efforts include support targeted directly towards women's organizations. Doing so will not only aid in prevention by supporting the goals discussed above, but, as confirmed by the UN Secretary-General, it will also recognize the critical role women play in "building the capacity of communities to prevent new or recurrent violence."[177]

In July 2005, UNIFEM highlighted the importance of supporting these organizations when working towards prevention of violent conflict:

Women's networks, with their extensive local, and increasingly, regional reach, are key allies in building and sustaining vital public support for ongoing peace processes. Advocacy efforts by women's civil society groups can be instrumental to initiating formal peace negotiations, maintaining public support for their continuation until a peace accord is signed, and then assisting in its implementation.[178]

The provision of targeted support to women's organizations is consistent with paragraph 8 of SCR 1325, which calls for measures that "support local women's peace initiatives."[179] This assistance can come in many forms, and should not be limited to financial contributions. Women's organizations can also be supported, for example, through the provision of education and technical resources; with capacity building initiatives; and by helping to create mechanisms to ensure their voices are heard in local governments.

The Responsibility to React

Where prevention efforts are unsuccessful and a state's own government is unable or unwilling to redress a situation of compelling human need, the R2P Report stipulates that the broader international community bears a responsibility to react.[180]

176. *R2P Report,* 3.17.
177. Annan, *Women and Peace and Security,* para 12.
178. UNIFEM Press Release, "UNIFEM Calls for Stronger International Support for Women's Participation in Peace Processes", 18 July 2005, available online: UNIFEM,
179. SCR 1325, paras 1 and 8.
180. *R2P Report,* 4.1.

The ICISS emphasizes the potential to fulfill this responsibility not only through force, but also with the use of non-military action in the form of sanctions. The Report specifies that sanctions should be aimed at persuading authorities to take (or not take) particular actions,[181] and can occur in three main spheres: military, economic, and political/diplomatic.[182] The ICISS is cautious with this recommendation noting that "these non-military measures can be blunt and often indiscriminate weapons and must be used with extreme care to avoid doing more harm than good – especially to civilian populations."[183]

The most controversial and oft-discussed portion of the R2P Report is its recommendation that in exceptional circumstances, when non-military interventions are unsuccessful, the international norm of non-intervention should yield to military action. Specifically, the ICISS advocates that military intervention be permitted when "civilians are threatened with massacre, genocide or ethnic cleansing on a large scale" and these circumstances are cases of violence which genuinely "shock the conscience of mankind," or which present a clear and present danger to international security.[184]

The controversy surrounding the ICISS recommendation for intervention (military or not) is not surprising given traditional views that the near-sacred principle of state sovereignty includes an unequivocal right to non-intervention. This pillar of international law is demonstrated by the UN General Assembly's repeated support for non-intervention, as evidenced in the *Declaration on the inadmissibility of intervention in the domestic affairs of states and the protection of their independence and sovereignty,*[185] *Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,*[186] and the *Definition of Aggression.*[187] The importance of this principle was also emphasized by the International Court of Justice in the *Nicaragua* case.[188]

Contemporary criticisms of intervention (under the R2P framework or otherwise) reflect not only concern about the destructive effect such actions would have on an

181. Ibid., 4.4.
182. Ibid., 4.7-4.9.
183. Ibid., 4.5.
184. Ibid., 4.13.
185. UNGA/2131(XX), 21 December 1965.
186. UNGA/2625 (XXV), 24 October 1970.
187. UNGA/3314(XXIX), 14 December 1974.
188. *Case Concerning Military and Paramilitary Activities In and Against Nicaragua* (Nicaragua v. United States of America), Merits, 1986 I.C.J. 14 (Judgment of June 27) [*Nicaragua*], para 205.

international order based on the principles of sovereignty and equality of states,[189] but also about the motivations of intervening states, who, observers have noted, tend to be the same powers responsible for our brutal colonial history.[190]

The ICISS demonstrates an awareness of these persuasive critiques, and the R2P Report recognizes that the international community has a strong interest in maintaining the principles of sovereignty and non-intervention. Indeed the Report claims that "non-interference rule[s] not only protect states and government: [they] also protect peoples and cultures, enabling societies to maintain the religious, ethnic, and civilization differences that they cherish,"[191] and goes on to acknowledge that intervention is often "very harmful."[192] Despite these concerns, however, the ICISS is unequivocal that certain exceptional circumstances require military intervention, and that states have a responsibility to react to these extreme situations.

The R2P Report stipulates that there are two broad sets of circumstances in which intervention can be justified:

(1) in order to halt or avert large scale loss of life, actual or apprehended, with genocidal intent or not, which is the product either of deliberate state action, or state neglect or inability to act, or a failed state situation; and

(2) in order to halt or avert large scale "ethnic cleansing," actual or apprehended, whether carried out by killing, forced expulsion, acts of terror or rape.[193]

The ICISS is explicit that although other types of behaviour, including systematic racial discrimination or imprisonment[194] and military coups,[195] may warrant sanctions, military interventions on the basis of human protection must be limited to "those situations where large scale loss of civilian life or ethnic cleansing is threatened or taking place."[196]

189. Simon Chesterman, Just *War or Just Peace? Humanitarian Intervention and International Law* (Oxford: Oxford University Press, 2001), 226 and Ian Brownlie, *Principles of Public International Law*, 5th ed. (Oxford: Oxford University Press, 1998), 289.
190. Mohammed Ayoob, "Humanitarian Intervention and International Society," *Global Governance* 7 (2001): 225.
191. *R2P Report,* 4.11.
192. Ibid*.,* 4.12.
193. Ibid*.,* 4.19.
194. Ibid*.,* 4.25.
195. Ibid*.,* 4.26.
196. Ibid*.,* 4.26.

With respect to determining whether actual events meet this threshold, the R2P Report stipulates that there is an essential need for fair and accurate information. The ICISS notes that reports prepared in the normal course of operations by, or for, UN organs or agencies and assessments made by credible international NGOs could make up a part of this evidence.[197] Similarly, the Commission suggests that where time permits, an independent fact-finding mission could be created by the Security Council or the Secretary-General.[198]

In addition to establishing the threshold for determining if there is a "just cause" for intervention, the ICISS states that the UN Security Council should be the primary authority for determining when military intervention should occur,[199] and outlines four additional precautionary principles which should be observed in every situation:

1.   Right intention—the primary purpose of the intervention must be to halt or avert human suffering;[200]

2.   Last resort—prior to intervention every non-military action for peaceful resolution must have been explored;[201]

3.   Proportional means—the scale, duration and intensity of the intervention should be the minimum necessary to secure the humanitarian objective;[202] and

4.   Reasonable prospects—any intervention pursued must have a reasonable chance of halting or averting the suffering that triggered such a response.[203]

Given the severe and often irreparable effects of military interventions on all members of society, it is imperative that actions taken under R2P's Responsibility to React framework take into account the implications for, and the needs of, boys, girls, men and women. The discussion that follows offers a gendered-critique of the existing just cause criteria, and suggests that this threshold needs to be modified to include 'Crimes against Humanity', a standard which incorporates systematic rape and violence against women. Suggestions for incorporating gender-sensitive perspectives into other portions of the react framework are also identified. This includes ensuring sanctions are designed with regard to gender inequalities, that women participate in decision-making processes, that the issue of militarization and violence against women is openly addressed by intervening authorities, and that operational principles

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197. Ibid., 4.28.
198. Ibid., 4.30.
199. Ibid., 6.7.
200. Ibid., 4.33.
201. Ibid., 4.37.
202. Ibid., 4.39.
203. Ibid., 4.41.

are designed to promote the participation and protection of all members of the population.

A. Use of Sanctions

Although the R2P Report identifies a desire to see more targeted sanctions in order to decrease negative effects on civilian populations (especially the more vulnerable sectors), these policies need to be pursued with caution, as many have not yet been considered from a gendered perspective.[204] A recent review of UN policy options regarding targeted sanctions, for example, discusses only generally their effects on the "civilian" population, and fails to consider any differential effects upon men, women, boys and girls within this population.[205]

SCR 1325 specifically recognizes the lack of sex-disaggregated data in pre- and post-conflict states,[206] and the BpfA demonstrates specific concerns, urging governments and international and regional organizations to "[t]ake measures in accordance with international law with a view to alleviating the negative impact of economic sanctions on women and children."[207]

The importance of taking steps to address the disproportionate effects of sanctions on the basis of gender is highlighted by reports from Iraq, a country which until very recently faced such measures. Although data is limited, existing information indicates that the impact of these policies has been borne disproportionately by women, as it is they who are the primary victims of the resulting social and economic displacements and upheaval.[208]

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204. See for example: Manuel Bessler, Richard Garfield and Gerald McHugh, *Field Guidelines for Assessing the Humanitarian Implications of Sanctions* (New York: OCHA Policy Development and Studies Branch, 2004), 10, where a discussion on the effects of sanctions on the civilian population did not consider differential impacts on girls, boys, women and men.
205. Peter Wallensteen, Carina Staibano, and Mikael Eriksson, *Making Targeted Sanctions Effective: Guidelines for the Implementation of UN Policy Options* (Uppsala: Uppsala University, Department of Peace and Conflict Research, 2003).
206. SCR 1325, para 15.
207. BPfA, 145 (i).
208. See for example: *The Adverse Consequences of Economic Sanctions on the Enjoyment of Human Rights Review of Further Developments in Fields with Which the Subcommission Has Been or May Be Concerned - The Bossuyt Report, Economic and Social Council*, E/CN.4/Sub.2/2000/33 (21 June 2000); R. Garfield, "The Impact of Economic Embargoes on the Health of Women and Children," *Journal of the American Women's Medical Association* 52 no.4 (1997): 181-184. On sanctions more generally: Koenraad Van Brabant, *Sanctions: The Current Debate – A Summary of Selected Readings* (London: The Humanitarian Policy Group and the Relief and Rehabilitation Network at the Overseas Development Institute, 1999). Garfield also notes that there is a comparative lack of data on the effects of sanctions on women.

Given the indications that sanctions have a disproportionate impact on various segments of the population, it is imperative that prior to applying these measures the international community identifies these differences through the collection and analysis of sex-disaggregated data. This will facilitate the next critical step: implementing strategies to mitigate these harmful and unfair impacts.

B. The Just Cause Threshold

The explicit inclusion of rape amongst the components of 'ethnic cleansing'[209] is a commendable aspect of the ICISS formulation of the just cause threshold. Rape and sexual violence are common methods of ethnic cleansing and women are often targets of gender-based violence as socially designated bearers of culture and representatives of their families and ethnic communities.[210] The ICISS recognition of this form of violence is integral to accurately analyzing situations that may call for military intervention.

Despite this recognition of rape as part of ethnic cleansing, we believe there is an egregious fault with the current formulation of the just cause threshold. While it is true that rape and sexual violence are common methods of ethnic cleansing, there must be recognition that these same acts, committed without the nexus to ethnicity, are no less violations of humanity demanding protection. The ICISS formulation of the intervention threshold is problematic because by implication it deems women's (and men's) sexual and physical autonomy and integrity worthy of protection only in their capacity as members of an identifiable group subject to persecution on some other non-gendered ground of discrimination. Gender-based violence that is not conducted as an identifiable part of such an agenda is therefore left unaddressed.

This fundamental flaw can be addressed by modifying the threshold to include 'Crimes against Humanity,' a legal concept which includes "rape, sexual slavery,

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209. "Ethnic Cleansing" does not have a legal definition but is typically employed in reference to the forced removal, either by deportation of or terrorizing the civilian population to flee, from specific territorial areas. See as an example: UN Security Council Resolution 827 (1993), S/RES/827 (1993).
210. This applies equally to genocide, where gender-based violence is perpetrated in connection within an overall genocidal framework. Cite especially to policies carried out in former Yugoslavia (for ethnic cleansing) and Rwanda (for genocide) including: Lynda E. Boose, "Crossing the River Drina: Bosnian Rape Camps, Turkish Impalement, and Serb Cultural Memory," *Signs: Journal of Women in Culture and Society*, 28 no.1 (2002): 71-96; Jonathan M.H. Short, "Sexual Violence as Genocide: The Developing Law of the International Criminal Tribunals and the International Criminal Court," *Michigan Journal of Race & Law* 8 (2003): 502-527; Alexandra Stiglmayer, *Mass Rape: The War Against Women in Bosnia-Herzegovina* (Lincoln: University of Nebraska Press, 1994).

enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity"[211] and persecution on the grounds of gender.[212] The expansion of the threshold to include Crimes against Humanity would thus allow for widespread and systematic gender-based violations to be independent considerations when assessing the justifiability of intervention.

Understanding acts of gender-based violence as worthy of protection through the inclusion of Crimes against Humanity is consistent with the jurisprudence of the International Criminal Tribunal for the Former Yugoslavia[213] and the International Criminal Tribunal for Rwanda[214] as well as the statute of the International Criminal Court. The jurisprudence of these international tribunals and the evolving body of international humanitarian law (IHL) on this matter are indicative of the increased importance being placed on recognizing and addressing gender-based violence in times of conflict.[215] In addition, treating acts of gender-based violence as worthy of protection is consistent with the specific recognition these violations receive in SCR 1325 which "calls on all parties to armed conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse…"[216]

Additionally, inclusion of Crimes against Humanity as a justification for military intervention has also been specifically endorsed by the UN Secretary-General's High-level Panel, which has formulated the threshold for intervention as including not only genocide, other large-scale killing, and ethnic cleansing, but also "serious violations of international humanitarian law which sovereign Governments have proved powerless or unwilling to prevent."[217] More explicit support for the inclusion of Crimes against Humanity in the context of R2P came from the Secretary-General himself when he urged states to "[e]mbrace the "responsibility to protect" [R2P] as a basis for collective action against genocide, ethnic cleansing ***and crimes against humanity*** …[emphasis added]."[218]

211. Article 7(1)(g) of the Rome Statute of the International Criminal Court includes all of these elements as Crimes against humanity. *Rome Statute of the International Criminal Court*, 1 July 2002, available online: ICC, http://www.icc-cpi.int/ [*Rome Statute*]

212. Article 7(1)(h) of the *Rome Statute* includes persecution on the grounds of gender.

213. The International Criminal Tribunal for the former Yugoslavia was established by UN Security Council Resolution 827 (1993), S/RES/827 (25 May 1993). See: ICTY, http://www.un.org/icty/

214. The International Criminal Tribunal for Rwanda was established by UN Security Council Resolution 955 (1995), S/RES/955 (8 November 1995). See: ICTR, http://www.ictr.org/.

215. The *Rome Statute* is the most recent and comprehensive articulation of how gender-based violence is conceived of under IHL. See also: Kelly D. Askin, "Sexual Violence in Decisions and Indictments of the Yugoslav and Rwandan Tribunals: Current Status," *The American Journal of International Law,* 93 no.1 (1999): 97-123.

216. SCR 1325, para 10.

217. *A more secure world,* para 203.

218. *In Larger Freedom*, para 7(b) of the Annex.

It is important to note that expansion of the R2P threshold to include Crimes against Humanity would not justify intervention in all cases where there is widespread violence against women. It is a sad reality that these types of violent crimes are globally endemic, causing Amnesty International to note that "around the world, a least one out of every three women reports being beaten, coerced into sex, or otherwise abused in her lifetime,[219] and that the way to deal with this complex issue is not through military intervention. In order to qualify as Crimes against Humanity, however, acts of gender-based violence must be "committed as part of a widespread or systematic attack,"[220]

Applying this modified standard to the situation in Sierra Leone evidences the benefit of including Crimes against Humanity in the R2P threshold. The conflict in Sierra Leone was characterized by widespread and systematic attacks directed against the civilian population and gender-based violence in the form of rape and sexual mutilation was rampant.[221] The conflict, however, lacked the predominantly ethnic overtones necessary to allow for intervention under the current responsibility to protect threshold. The modified threshold proposed here, on the other hand, would have allowed for a more inclusive consideration of whether intervention into this horrific conflict was warranted.

C. Evidentiary Support for the Threshold

Determining when the just cause threshold is actually being met is clearly critical to the effectiveness of the R2P framework, and it is important that any organization involved in the collection of relevant data be encouraged, and in some cases required, to have an integrated gender approach to their gathering of evidence. This must include ensuring that research teams have the appropriate training, include both men and women, and have adequate access to all affected segments of the population.[222] One way of ensuring data collection is inclusive is to consult with women and women's organizations, a process which is in accordance with the call for such consultations in paragraph 15 of SCR 1325.

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219. " Amnesty International, "Primer on the Violence Against Women Issue - Campaign to Stop Violence Against Women", available online: Amnesty International (Canada)

220. *Rome Statute,* Art. 7. a feature which distinguishes those acts of violence which justify intervention from those which must be addressed through other means.

221. See for example: *Sierra Leone: Getting Away with Murder, Mutilation, Rape*, (New York: Human Rights Watch, 1999); *Sierra Leone: Sowing Terror – Atrocities against Civilians in Sierra Leone* (New York: Human Rights Watch, 1998); *Sierra Leone: Rape and other forms of sexual violence against girls and women* (New York: Amnesty International, 2000); *War-Related Sexual Violence in Sierra Leone – A Population-Based Assessment*, (Boston: Physicians for Human Rights, 2002); *We'll Kill You If You Cry – Sexual Violence in the Sierra Leone Conflict* (New York: Human Rights Watch, 2003).

222. This is especially the case the stronger the divisions are between the sexes in a given society and where there are cases of gender-based violence, as these incidents of abuse are likely to go unreported unless the victim of the abuse is assured of safety and discretion.

There must also be recognition that gathering this type of sensitive information can present incredible dangers for the researchers, especially those working with victims of highly stigmatized abuses, namely violence of a sexual nature. If the international community is seeking this type of sensitive information, it must also make a commitment to protect those who gather it.

A recent example of the dangers involved with sensitive data collection was the arrest and detention of two aid workers from the Dutch branch of the humanitarian aid agency Médecins Sans Frontières (MSF).[223] The arrest followed the release of the report entitled "The Crushing Burden of Rape: Sexual Violence in Darfur." Ultimately the charges were dropped and the workers released, but this situation demonstrates that the international community must advocate not only for affected populations, but also on behalf of those who seek to bring their plights to the world.

D. Precautionary Principles

We caution that to accurately gauge the appropriateness of interventions and to determine whether they are taken with the "right intention," those consulted must be truly representative. Given the typically gendered division of societies, whereby women figure prominently in the "private" spheres of life and are excluded from public decision-making processes, an assessment of whether intervention is appropriate for humanitarian purposes must include targeted efforts to seek the opinions of women.

Any consideration of reasonable prospects must also make a deliberate effort to take into account the long-term effects of intervention or non-intervention, and part of this analysis must consider the specific impacts on boys, girls, men and women. If the proposed intervention has the prospect of increasing (or perhaps even facilitating) the displacement of populations, for example, the specific effects on women, girls, boys and men must be considered when deciding whether to intervene. The fact that women and children make up the vast majority of displaced populations globally, and will thus be the most affected by such an outcome, must be considered.[224]

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223. Opheera McDoom, "Sudan arrests aid agency head after rapes report," *Reuters Foundation*, 30 May 2005, available online at: . Both the head of mission in Sudan and its regional co-coordinator in Darfur were arrested and charged with "false information, undermining the Sudanese society."

224. Anastasia Bermudez Torres, *FMO Thematic Guide: Gender and Forced Migration*, (Oxford: Oxford Centre for Refugee Studies, 2002), available online: Oxford Centre for Refugee Studies,

E. Right Authority

The ICISS endorses the UN Security Council as the primary body responsible for decisions regarding military intervention, owing to its position as the arbiter of international peace and security matters set out under the UN Charter.[225] Given the significant impact that intervention decisions have on women, it is important that both the Security Council and UN member states implement the numerous existing mandates requiring an increase in the number of women in decision-making positions, including membership on the Council itself.

The effects of including women in decision-making roles have been proven at the national level, where studies indicate that the higher the number of women elected, the more so-called "women-friendly" policies are introduced.[226] Although less formal analysis on the effects of including women has been conducted at the international level, the active role women foreign ministers and dignitaries have taken to specifically address such gender-relevant themes as trafficking, sexual exploitation, HIV/AIDS, and violence against women indicates the positive effect including women in decision-making roles can have on evaluating international priorities.[227]

While there is limited information available on the differences produced when women are specifically included in decisions relating to interventions (simply because there have been so few women on the Security Council when these decisions have been made[228]), there are indicators that the presence of women in international organizations positively affects policy. This has led the UNDP and others to recommend that specific measures be taken to ensure that 30% of decision-making positions be filled by women, a figure which is considered sufficient to establish the 'critical mass' necessary to create more inclusive perspectives.[229] UNDP, *Human Development Report 1995 – Gender and human development*, (Oxford: Oxford University Press, 1995), 6.

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225. *R2P Report,* 6.7.
226. Edith Klein, "The Gendered Impact of Multilateralism in the Post-Yugoslav States: Intervention, Reconstruction, and Globalization" in Wenona Giles and Jennifer Hyndmand (eds), *Sites of Violence – Gender and Conflict Zones* (Berkeley: University of California Press, 2004), 281. [Giles and Hyndman, *Sites of Violence*]
227. For example, on 15 March 2004 there was such a meeting held on the margins of the 60th Human Rights Commission dealing with "violence against women" and in 1999 a group of ten female foreign ministers drafted a letter to the UN Secretary-General regarding trafficking in human beings, a crime that disproportionately affects women and girls.
228. Since 1992, only two women have served on the UN Security Council out of a total of 88 ambassadors serving in that capacity. Noeleen Heyzer, "Gender, peace and disarmament," *Disarmament Forum - Women, Men, Peace and Security* (2003), available online: UNIDIR, http://www.forcedmigration.org/

The need to include more women in UN processes in general is explicitly recognized in SCR 1325 which "urges the Secretary-General to appoint more women as special representatives and envoys to pursue good offices on his behalf, and in this regard calls on member states to provide candidates to the Secretary-General…" Extension of this mandate to include more female members on the Security Council will aid in ensuring that there is equal representation of men and women in the bodies making decisions on issues of peace and security.

F. Operational Principles

The ICISS states that military interventions for human protection purposes are unique, and the R2P Report attempts to identify some of the operational features of these military exercises that distinguish them from traditional war fighting or peacekeeping.[230] Key aspects of pre-intervention planning for military operations under R2P include: building a political coalition, identifying common objectives, ensuring there is a clear and unambiguous mandate, devising a common plan of action, and ensuring necessary resources are marshalled.[231] The ICISS's discussion of Rules of Engagement (ROEs) also notes the need for ensuring compliance with international law, especially international humanitarian law, and the need to ensure codes of conduct are designed with high standards.[232]

In the event that a decision is made under the R2P framework to commence military action, the operational dimensions of the intervention must be planned and executed with regard to the potential effects on *all* members of the civilian population. Violence against women in militarized environments and the need to ensure equitable participation in all efforts are key concerns in this area, and are discussed below.

F1. Violence against Women

Given the possibility of military intervention under the R2P framework, the fact that such operations are frequently accompanied by increases in commercial sex industries, trafficking rings and sexual slavery[233] must be addressed. Indeed peace

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230. *R2P Report*, 7.1-7.2.
231. Ibid., 7.8.
232. Ibid., 7.26-7.28.
233. Paul Higate & Marsha Henry, "Engendering (In)security in Peace Support Operations," *Security Dialogue* 35(4) (2004): 481. See generally: Whitworth, *Men, Militarism & UN Peacekeeping;* Rehn and Sirleaf-Johnson, *Women, War and Peace*.

support operations (PSOs) have been described as vectors for the spread of HIV/AIDS[234] and some members have themselves been implicated in trafficking.[235] This reality necessitates that specific actions be taken to avoid these extremely harmful outcomes.

Sexual exploitation and abuse are forms of gender-based violence that can occur at any time, but are particularly prevalent where there are differentials in power. The convergence of factors at play in conflict situations have been described as follows:

> [T]he state has collapsed, the justice system is not operational, crime is rampant, and women are impoverished and vulnerable to abuse. These societies develop into prime routes for trafficking in both drugs and persons. Meanwhile, foreign troops stationed as part of a peacekeeping mission feed a demand for prostitution. As a result, rape, trafficking in women and children, sexual enslavement, and child abuse often co-exist alongside peacekeeping missions.[236]

In addition, there have been several situations where members of PSOs themselves have been accused of sexual exploitation and abuse. The UN was initially slow to react to these reports, but eventually undertook a series of initiatives to address this serious issue. In response to a set of allegations of widespread sexual exploitation and abuse of refugee and internally displaced women and children by humanitarian workers and peacekeepers in West Africa in 2002,[237] the Inter-Agency Standing Committee created the Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises (IASC).[238] This body operated for two years to implement a variety of initiatives,[239] and worked closely with DPKO on the development of a *Gender Resource Package for Peacekeeping Operations*.[240] With respect to the issue of sexual exploitation and abuse, the Resource Package contains chapters on "Gender

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234. Ancil Adrian-Paul, "Section 5: Protecting Vulnerable Groups" in *Inclusive Security, Sustainable Peace: A Toolkit for Advocacy and Action* (Hunt Alternatives Fund and International Alert, November 2004), 36-37, available online: http://www.womenwagingpeace.net/toolkit.asp
235. Ibid, 41.
236. Barbara Bedont, quoted in Rehn and Sirleaf-Johnson, *Women, War and Peace,* 70.
237. Kofi Annan, *Report of the Secretary-General on the activities of the Office of Internal Oversight - Investigation into sexual exploitation of refugees by aid workers in West Africa,* A/57/465, (11 October 2002).
238. The Task Force was co-chaired by OCHA and UNICEF and its members were SOAGI, DPKO, WFP, UNHCR, UNOPS, UNDP, OHCHR, OSRSG/CAAC, IFRC, Interaction and Save the Children (UK) and Oxfam.
239. Projects included clarifying minimum standards of behaviour for personnel in the area of sexual exploitation and abuse; increasing detail in the UN Staff Regulations and Rules as per the Secretary-General's Bulletin; elaborating on a system-wide plan of implementation for the Secretary-General's Bulletin; and producing a set of six documents, applicable to all UN civilian personnel.
240. Released July 2004, Department of Peacekeeping Operations' Peacekeeping Best Practices Unit.

and Codes of Conduct" and "Gender and HIV/AIDS."

It has not only been UN personnel who have committed acts of sexual exploitation and abuse. The North Atlantic Treaty Organization (NATO)-led troops, police, and civilian personnel in the Balkans were also found to be involved in abuses ranging from the rape and murder of a young Albanian girl in January 2000 to involvement in prostitution rings and allegations of inappropriate pat downs of Kosovar Albanian women.[241] In 2004, the NATO Summit approved a new Policy on Combating Trafficking in Human Beings and initiated curriculum development for training peacekeepers.

In addition, various troop-contributing member states have created, and now require attendance in, gender awareness training courses. Amongst these is the joint Canada-UK Gender Training Initiative (GTI) that provides material for a three-day course on gender sensitization, including information on violence against women and international humanitarian law.[242]

While such initiatives are laudable, the abuses they seek to address have not yet been eliminated. Allegations of similar abuses have arisen in 2005, both in the Democratic Republic of Congo (United Nations Mission in the Democratic Republic of Congo – MONUC)[243] and Haiti (United Nations Stabilization Mission in Haiti – MINUSTAH).[244] While reactions to allegations from each of these missions were swifter and more comprehensive than in the past, the fact that they arose indicates a need to have a consistent and explicit mandate for peace support operations to integrate gender issues into all activities.[245]

The following recommendations provide a basis for intervening authorities to begin addressing this issue:

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[241]. Martina Vendenberg, "Peacekeeping, Alphabet Soup, and Violence against Women in the Balkans," in Mazurana et al., 150.

[242]. See: Gender & Peacekeeping Training Course, available online at: http://www.genderandpeacekeeping.org

[243]. Out of 72 allegations, OIOS compiled twenty case reports, 19 of which implicated peacekeepers from three contingents. All of the victims were Congolese girls under the age of 18. Five out of six were under age 14. Male minors and male youth were also often involved in bringing the girls to the peacekeepers in exchange for one US dollar and / or food.

[244]. In February 2005, allegations of three UN Peacekeepers raping a young Haitian woman arose. Days after the allegations surfaced, MINUSTAH investigated and released the findings publicly. See: Refugees International "Haiti: Sexual Exploitation by Peacekeepers Likely to be a Problem" (7 March 2005), available online: Refugees International, http://www.refugeesinternational.org

[245]. The new allegations also prompted the Secretary-General to request a *Comprehensive review of the whole question of peacekeeping operations in all their aspects,* A/59/710, which was released 24 March 2005.

- Ensuring all intervening force personnel receive gender training, including HIV/AIDS awareness;[246]
- Developing codes of conduct for all staff;
- Promoting compliance with international law and strengthening efforts to address impunity;
- Improving reporting and data collection, including consulting in regular meetings with affected populations;
- Providing care and follow-up to victims/survivors of gender-based violence, including healthcare, counselling, and reintegration assistance;
- Addressing continuing problems of sexual abuse and exploitation by personnel responsible for providing assistance and protection to affected populations; and
- Speaking out against gender-based violence and support those who advocate on behalf of victims/survivors.[247]

F2. Participation of Women

Promoting the participation of women in all parts of the intervention process will lead to a more successful mission and is in accordance with SCR 1325, which calls for more women as military observers, civilian police, and human rights and humanitarian personnel.[248]

Intervening forces, ranging from UN peacekeeping forces to NATO-led intervention forces, have always been male-dominated. Between 1957 and 1989, only 0.1 per cent of the field-based military personnel in UN peacekeeping missions were female and by 2000, women made up only 4 per cent of police and 3 per cent of military in UN operations.[249] Identified barriers to higher participation by women in the security sector include misconceptions about what is required in leadership of these operations, largely based on gender stereotypes and sexist beliefs; a lack of

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246. The inclusion of HIV/AIDS training is in line with UN Security Council Resolution 1308 (adopted in 2000) as well as SCR 1325 which states invites "Member States to incorporate … HIV/AIDS awareness training into their national training programmes for military and civilian police personnel in preparation for deployment, and *further requests* the Secretary-General to ensure that civilian personnel of peacekeeping operations receive similar training…"

247. Adapted from: IASC, *Action to address gender based violence in emergencies: IASC Statement of Commitment*, (n.p., IASC, 22 December 2004); *Checklist for Action: Prevention & Response to Gender-Based Violence in Displaced Settings,* (n.p., Gender-Based Violence Global technical Support Project, RHRC Consortium, June 2004); *Matrix for gender-based violence interventions in humanitarian settings* (n.p. United Nations Population Fund, 2005).

248. SCR 1325, para 4

249. Rehn and Sirleaf-Johnson, *Women, War and Peace,* 64.

transparency and accountability in hiring; and a failure to have targeted recruitment strategies that address women directly.[250]

Increasing the presence of women in PSOs (which would include an intervention force) accomplishes two goals. First, it is a step towards achieving gender equity, and a way for member states and multilateral organizations to meet their commitments to gender equality. These commitments are enunciated in a variety of international documents, including CEDAW, BPfA, and SCR 1325.

Second, the presence of women has operational implications and can enhance the provision of protection to an increased proportion of the population.[251] It is important to note that while some literature has described the presence of women in such roles in terms of their innate differences from men (i.e. relying on an essentialist argument for introducing more "peaceful" women as a counterweight to more "aggressive" men) this should not be the basis for their inclusion.[252] Rather, women should be included because of the positive benefits their presence has on PSOs and the populations they are trying to assist. These include: enhancing access to services for women in the civilian population who are either unable or uncomfortable in approaching male members for assistance; recognizing that civilian populations generally tend to view forces with more women as more trustworthy; and respecting that it has been reported that incidents of sexual misconduct by members of forces are lowered when there are more women among them.[253] The recommendations for increasing the representation of women in the security sector can be found below under our discussion of Security Sector Reform.

Even if an equal representation of men and women is achieved in PSOs, there is still a need for gender awareness training. This should not be limited to the issues of sexual exploitation and abuse discussed above, but rather must also be an effort to promote awareness of the gendered aspects of conflict and intervention and the role that PSOs can play in mitigating negative effects for civilian populations.

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250. Ibid.

251. For more detailed analyses of this issue see: Lousie Olsson, *Gendering UN Peacekeeping: Mainstreaming a Gender Perspective in Multidimensional Peacekeeping Operations*, Report 53 (Uppsala: Uppsala University, Department of Peace and Conflict Research, 1999); Heidi Hudson, "Mainstreaming Gender in Peacekeeping Operations: Can Africa Learn from International Experience?" *African Security Review* 9 (2000): 18-33; Kemi Ogunsanye and Kwezi Mngqibisa, "A Gender Perspective for Conflict Management," *ACCORD Occasional Paper 4* (2000).

252. Heidi Hudson, "Peacekeeping Trends and Their Gender Implications," in Mazurana et al., 112.

253. Nicola Johnson, *Gender and Peace Support Operations: Opportunities & Challenges to Improve Practice* (London: International Alert, 2001*)*, 9-10. See also generally notes above as well as Dyan E. Mazurana and Susan R. McKay, *Women & Peacebuilding* (Montreal: International Centre for Human Rights and Democratic Development, 1999), 22.

The Responsibility to Rebuild

The ICISS is explicit that the responsibility to protect includes a responsibility to create lasting peace, and build good governance and sustainable development.[254] To this end, the Report mandates that military action must be accompanied by efforts to help rebuild and ensure that the conditions that led to conflict do not "repeat themselves or simply resurface."[255] As will be seen in the discussion that follows, there is considerable overlap between the priority areas the ICISS identifies under the responsibility to rebuild and those highlighted under the responsibility to prevent. This repetition is not surprising given the cyclical nature of many conflicts, and the reality that effective peace-building will provide the basis for preventing both new conflicts and future recurrence of old conflicts.

The ICISS adopts the definition of peace-building used by Kofi Annan in his 1998 report *The Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa*: "[Peace-building encompasses] actions undertaken **at the end of a conflict to consolidate peace** and prevent a recurrence of armed confrontation [emphasis added]."[256] It is significant to note that this conception of peace-building relates specifically to actions which occur *after* the conflict itself has subsided. As such, the R2P framework does not directly address the peace negotiations that actually lead to the cessation of immediate conflict, despite its emphasis on an ongoing peace-building process.

The R2P Report recognizes that the most important peace initiatives are those initiated by local individuals and organizations, and are "best generated…when former armed adversaries join hands in rebuilding their community or creating reasonable living and job conditions at new settlements." The ICISS applauds these local efforts and encourages external support for grassroots reconciliation initiatives.[257]

The Report identifies three broad issues that need to be addressed during post-intervention efforts to rebuild—security, justice, and economic development—and states that although other elements may also require attention, these are the "most immediately crucial" areas.[258] The Report also identifies five "protection tasks" which

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254. *R2P Report,* 5.1.
255. Ibid., 5.3
256. Kofi Annan, *Report of the Secretary-General to the Security Council on "The Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa,* (16 April 1998), para. 63.
257. Ibid., 5.4.
258. Ibid., 5.7.

need to be addressed by the international community in post-conflict environments. These tasks are:

- The protection of minorities;[259]
- Security sector reform, with a focus on assisting local authorities in their own process of reform;[260]
- The disarmament, demobilization, and reintegration of former combatants;[261]
- Land mine action, ranging from the effective marking of known or suspected anti-personnel minefields, to humanitarian mine clearance and victim assistance;[262] and
- The pursuit of war criminals.[263]

The analysis that follows begins with a discussion about the importance of incorporating women's participation into peace-building processes, and then provides a gendered analysis of the three critical rebuild areas: security, justice and development. Each of the five protection tasks have been incorporated into our discussion under one of these key areas. It is important to note that this approach has been used for ease of reference only, and we recognize that the allocation of tasks between these areas is artificial—in reality, each of the five tasks touch on elements of security, justice *and* development.

A. Peace-building

As a result of the narrow definition of peace-building adopted by the ICISS, the R2P framework does not include an analysis of the processes that lead to the end of conflict—the peace negotiations themselves. It is worth noting, however, that there is an obvious link between the negotiation process, which results in the cessation of immediate conflict, and the fragile environment in which peace-building occurs. Also noteworthy is the troubling absence of women from these negotiations, despite their recognized role as leaders in many grassroots peace-building initiatives.[264]

The need to address the lack of women in peace negotiation processes was made explicit in a 2000 UNIFEM report:

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259. Ibid., 7.42.
260. Ibid., 7.43.
261. Ibid., 7.45.
262. Ibid., 7.48.
263. Ibid., 7.49
264. Vanessa Farr (citing others), "Gendering Demilitarization as a Peacebuilding Tool," (Bonn: Bonn International Center for Conversion, 2002), 19. [Farr, "Gendering Demilitarization"]

Even as women around the world are finding many new platforms to express their ideas and concerns, women's priorities in countries suffering armed violence continue to be largely marginalized. This occurs in large part because women's voices are rarely heard at the peace table. To change this situation and to curtail the cycle of poverty and violence that results, we must continue to support women's leadership in times of peace, but we must also make greater efforts to assist their attempts to participate as decision-makers in times of war.[265]

The importance of including women in this process is also recognized in a number of international instruments. Most notable amongst these are the BPfA and SCR 1325, both of which specifically call for increased representation of women in conflict resolution,[266] and CEDAW, which encourages the temporary use of quotas to ensure equality in decision-making.[267]

The inclusion of women and women's organizations in the peace process will not only lead to the establishment of a more equitable process that includes a focus on gender issues, but will also allow them to "inject the negotiation with a practical understanding of the various challenges faced by the civilian population and the most concrete and effective mechanisms for addressing them."[268] As has been recognized by UN member states, this unique understanding will help in the creation of a plan for more sustainable and long-term peace.

It is also well established that grassroots women's organizations can play a central role in the establishment of local peace projects, and their initiatives are frequently recognized as being resilient and remarkably adaptive to post-conflict situations.[269] Examples of innovative peace-building programmes created by women's organizations include the introduction of house rebuilding programmes in Kosovo, the establishment of mobile health centers in Bosnia, the creation of widows' support programmes in Rwanda, and women in black activist organizations in Serbia, Israel, and elsewhere.[270] As has been noted, the need to both support and listen to women's organizations is consistent with SCR 1325 and is a critical component of ensuring lasting peace.

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265. Sanam Naraghi Anderlini, *Women at the Peace Table: Making a Difference*, (New York: UNIFEM, 2000), 1. [Naraghi Anderlini, *Women at the Peace Table*]
266. BPfA, Women and Armed Conflict Strategic Objective E.1; SCR 1325, para 1.
267. CEDAW, Art. 4.
268. Naraghi Anderlini, *Women at the Peace Table,* 7.
269. Farr, "Gendering Demilitarization," 19.
270. Rehn and Sirleaf-Johnson, *Women, War and Peace,* 76-77.

It is therefore essential that these organizations be specifically targeted by the support called for under R2P's rebuild framework.

B. Security

Although the R2P Report offers specific recognition of the particular post-conflict vulnerability of ethnic minorities, it does not mention the unique challenges facing women in these situations. Nonetheless, the framework requires that "*all* members of a population"[271] are provided with basic security and protection, a mandate which necessitates that the needs of women, who constitute at least half of this population, are given equal consideration.

It is well established that during conflict situations women face an escalated risk of extreme physical violence. The horror of this violence is vividly described below:

Violence against women in conflict is one of history's great silences. We were completely unprepared for the searing magnitude of what we saw and heard in the conflict and post-conflict areas we visited. We knew the data. We knew that 94 percent of displaced households surveyed in Sierra Leone had experienced sexual assaults, including rape, torture and sexual slavery. That at least 250,000 – perhaps as many as 500,000 – women were raped during the 1994 genocide in Rwanda. We read reports of sexual violence in the ongoing hostilities in Algeria, Myanmar, Southern Sudan and Uganda. We learned of the dramatic increase in domestic violence in war zones, and of the growing numbers of women trafficked out of war zones to become forced labourers and forced sex workers.

But knowing all this did not prepare us for the horrors women described. Wombs punctured with guns. Women raped and tortured in front of their husbands and children. Rifles forced into vaginas. Pregnant women beaten to induce miscarriages. Foetuses ripped from wombs. Women kidnapped, blindfolded and beaten on their way to work or school. We saw the scars, the pain and the humiliation. We heard accounts of gang rapes, rape camps and mutilation.

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271. *R2P Report,* 5.8. [Emphasis Added]

Of murder and sexual slavery. We saw the scars of brutality so extreme that survival seemed for some a worse fate than death.[272]

In addition to overt violent attacks such as the ones described above, women in conflict situations are frequently left with no shelter and no means of subsistence, and are often forced into the sex trade.[273] In addition, the risk of domestic violence, a crime of which women are the primary victims, increases dramatically during conflict situations.[274]

The reality is that these dangers are not alleviated when conflict ceases. Indeed, the UNIFEM Independent Experts' report reveals that once escalating violence has become "the norm" it is often very difficult for combatants to make the transition to peacetime non-violent behaviour.[275] Evidence of the ongoing risk to women's security is found in the murders of four combatant wives in the United States;[276] in a study showing that as many as 75 per cent of Cambodian women were subject to domestic violence at the hands of ex-combatants;[277] and in the mass rape of women by pro-Indonesian militia in 1999 after the independence vote had occurred.[278]

A factor aggravating post-conflict risks to women is a fear of reporting. This may stem from a variety of issues including a justified distrust of authority and a cultural linking of virtue to virginity. The latter of these is of particular concern, as survivors of rape and other forms of sexual violence frequently put themselves at increased risk by remaining with the perpetrators of their attacks in order to avoid shame or become a burden on their family.[279] Given these troubling realities, it is essential that efforts to protect the vulnerable address the specific risks facing women in post-conflict situations, and ensure adequate security is provided through specific and targeted initiatives.

In addition to the protection of minorities, the R2P Report identifies security sector reform; disarmament, demobilization, and reintegration initiatives; and land mine programmes as key elements of the rebuild strategy. The importance of considering gender-sensitive perspectives and involving women in each of these security-related processes is discussed in the sections that follow.

272. Rehn and Sirleaf-Johnson, *Women, War and Peace,* 9.
273. Ibid., 12.
274. Ibid., 14.
275. Ibid., 15.
276. Ibid.
277. Ibid.
278. Ibid., 11.
279. Ibid., 17.

B1. The Protection of Minorities, Including Internally Displaced Persons

Women of ethnic minority are particularly vulnerable in both conflict and post-conflict situations, as these individuals face unique security risks as a result of the nexus between gender and ethnic identity.[280] The most well-recognized of these dangers is an increased risk of sexual violence, especially rape, which is frequently used not only to humiliate and intimidate, but also to eradicate the ethnic group through forced impregnation.[281] Given the severity of the security threats they are facing, it is essential that the needs and vulnerabilities of these women are identified and addressed as part of the R2P rebuild framework.

The R2P Report recognizes that post-conflict initiatives to protect minorities must include specific efforts to address the needs of internally displaced persons (IDPs).[282] The ICISS identifies the need to implement non-discriminatory property laws, and ensure access to health, education and basic services, as critical steps for overcoming the many barriers to sustainable IDP return.[283] SCR 1325 notes that women and children "account for the vast majority of those adversely affected by armed conflict, including as refugees and internally displaced persons"[284] and recognizes explicitly that this has a consequential impact on "durable peace and reconciliation."[285] These provisions underline the critical importance of ensuring that gender perspectives be included in efforts to address returnees under the R2P framework.

In facilitating return, one of the core problems facing female returnees is that they may not be recognized as legal persons, and thus will not possess official documents such as identification cards.[286] This undercuts a number of post-conflict initiatives and must be borne in mind when designing appropriate return policies and programmes. In addition, discriminatory attitudes and practices towards female

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280. *The European Community Investigative Mission into the Treatment of Muslim Women in the Former Yugoslavia - Submission to the United Nations Security Council*, U.N. Doc. S/25240, Annex I (3 February 1993).
281. Ibid.
282. *R2P Report*, 7.42. It is significant to note that although the ICISS report refers to IDPs specifically in the context of "ethnic or other minorities" (*R2P Report*, 7.42 and 5.15) not all IDPs are from minority groups. The discussion that follows regarding the barriers facing IDPs is equally applicable to ethnic and non-ethnic returnees, although it is important to recognize that those from minority groups may face additional stigmatization and barriers to reintegration.
283. *R2P Report* 5.16-5.18.
284. SCR 1325, *Preamble.*
285. Ibid.
286. Kari Karame and Gudrun Bertinussen, *Gendering Human Security: From Marginalisation to the Integration of Women in Peacebuilding*, (Norway: Fafo Institute for Applied Social Science, 2001), 41. [Karame and Bertinussen, *Gendering Human Security*]

returnees are a major barrier to reintegration and must be specifically dealt with by intervening authorities. This can either be done through direct initiatives or by supporting local projects aimed at ameliorating the discrimination.

Access to property is key in setting the foundation for growth after the cessation of hostilities. Very often, women's rights to own property are not recognized at all, particularly in legally pluralistic societies.[287] In addition, many female IDPs who were previously married are single when they return, as they have been widowed or separated from their partners. They thus face the dual disadvantage of the barriers that returnees generally face, and of their lower legal status as single or widowed women. Efforts to remove legal barriers to property must thus consider all the disadvantages faced by women. Ongoing obstruction by local authorities can also be an issue even if *de jure* equality is achieved, and thus action must be taken to ensure that true access to legal rights, or *de facto* equality, is a primary objective. This may necessitate the introduction of legal literacy and training so that returnees, including women, learn of changes that will allow for access and become educated about how to seek redress if they are obstructed from doing so.

Return sustainability, which the ICISS cites as "pivotal to ensuring the long-term success of repatriation" includes social and economic development, access to health, improved education, and access to basic services.[288] Also related to return stability is addressing and capitalizing on the newly-acquired skills and assets that returnees may bring back to their community. This latter point is especially true for female returnees as many of them gain new opportunities in times of conflict owing to the disruption of typical gender roles.[289]

The health needs of returnees will vary from basic health services to those needs that are specifically associated with armed conflict and displacement, including the spread of infectious diseases, injuries and wounds sustained from fighting, environmental harm, mental health and stress-related diseases.[290] Typically, male returnees will suffer a higher number of injuries and wounds, as well as combat-related stress, owing to their higher representation in fighting forces. Females, on the other hand, will frequently experience malnutrition, reproductive health difficulties,

287. Elaine Zuckerman and Marcia Greenberg, "The gender dimensions of post-conflict reconstruction: an analytical framework for policymakers," *Gender and Development,* 12 no.3, (2004), 72. [Zuckerman and Greenberg, "The gender dimensions"]
288. *R2P Report*, 5.18.
289. Maja Kroac, "War, Flight and Exile – Gendered Violence among Refugee Women from Post-Yugoslav States" in Giles and Hyndman, *Sites of Violence*, 267.
290. Rehn and Sirleaf-Johnson, *Women, War and Peace,* 31-36.

harms related to sexual violence, and the effects of caring for others.[291] In designing programmes to meet the health needs of returnees, intervening authorities must take these differences into account.

Return stability will also be strengthened when all members of returnee communities are able to contribute, and it is essential that deliberate efforts are made to ensure women's ongoing participation in the process. An illustrative example of the losses that can occur when gender differences are not considered in the return process is found in the experience of Guatemalan women in refugee communities in Mexico.[292] As refugees, many of these women became organized, and initiated a number of programmes, including training in literacy, human rights, reproductive health, and leadership skills. Additionally, they became involved in repatriation efforts and negotiations with government officials to secure women's property rights for returning families, including female-headed ones. Once these women returned to Guatemala, however, there was little opportunity to organize socially or politically. Rather, they were isolated, more impoverished, lacked the support of NGOs and their own organizations, and encountered increased hostility from male community members who desired a return to "normal" or pre-conflict gender relations.

The loss of empowerment facing Guatemalan refugees highlights both the necessity of ensuring that return policies promote any gains made during displacement, and the importance of promoting changes in gender relations between women and men, so that all community members recognize the benefits that can be brought from more equitable participation. Strategies to assist in making sure that these losses are not experienced and that gains are appropriately capitalized on include:

- Ensuring women returnees are involved in the development and implementation of repatriation and resettlement programming initiatives;[293]
- Offering training to all community members for employment, legal literacy, and civil and political rights;
- Changing discriminatory legislation to improve equal access to property and resettlement benefits for women, with particular regard to widowed or separated women; and
- Provision of health services that includes specific attention to injuries and harms suffered due to conflict, including reproductive health services.

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291. Ibid., 36-42.

292. This example is adapted from Tsjeard Bouta, Georg Frerks, and Ian Bannon, *Gender, Conflict and Development,* (Washington, D.C.: The World Bank, 2005), 70. [Bouta et al, *Gender, Conflict and Development*]

293. Rehn and Sirleaf-Johnson, *Women, War and Peace,* 30.

B2. Security Sector Reform

The ICISS identifies security sector reform (SSR) as one of the major post-conflict protection tasks.[294] In particular, the Report points to the importance of recruiting and training local police and reforming the penal and judicial systems.[295] The Report also acknowledges the interim challenges of policing in immediate post-conflict environments, and notes the need for both adequate numbers of international civilian police and reforming and restructuring local police forces to assist in war-torn societies.[296]

The security sector is made up of organizations and entities that have the authority, capacity, or orders to use force, or the threat of force, to protect the state and civilians.[297] The sector includes a broad spectrum of actors, ranging from police, to the military, judiciary and other government agencies, to civil society organizations. The overall aim of SSR is to transform security institutions so that they play an effective, legitimate and democratically accountable role in providing external and internal security.[298]

Given the importance of SSR in any post-conflict state, it is imperative that it reflect gender considerations, something that has not been the norm thus far.[299] The security issues that face women and men, girls and boys are different, both between and within these groups, and these differences affect their needs and interactions with members of the security sector. Any reform process thus must take these differences into account.

There are a number of international agreements, policies, and resolutions which support the inclusion of gender and women's issues in any SSR process. Notable amongst these are CEDAW, the Windhoek Declaration and the Namibia Plan of Action

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294. Our decision to discuss only the policing and military components of SSR here better reflects the structure of the R2P Report. Reform of the judiciary is discussed under the 'Justice and Reconciliation' sector. Furthermore, we recognize that DDR is often considered under SSR, but our choice in discussing DDR separately reflects the separate identification of DDR as one of the five protection tasks.

295. *R2P Report*, 7.43

296. Ibid., 7.44

297. Sanam Naraghi Anderlini and Camille Pampell Conaway, "Section 4: Security Sector Reform," in *Inclusive Security, Sustainable Peace: A Toolkit for Advocacy and Action*" (n.p., Hunt Alternatives Fund and International Alert, November 2004), 33, available online: Women Waging Peace, . [Naraghi Anderlini and Pampell Conaway, Security Sector Reform]

298. "Towards a better practice framework in security sector reform: Broadening the debate", *Occasional SSR Paper No. 1* (n.p., Clingendael/ International Alert/Saferworld: 2002), 1.

299. UN-INSTRAW, "Background – Security Sector Reform," available online: UN-INSTRAW, http://www.womenwagingpeace.net/toolkit.asp

on Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations (2000).[300] Although these documents do not specifically employ the terms "security sector" or "security sector reform" they nonetheless call for gender mainstreaming in the security sector; increasing the representation of women in the sector generally (with a specific emphasises on the need to include women in decision-making positions); and accounting for the different vulnerabilities and capacities of various segments of the population.[301] All of these considerations are essential elements of a successfully gendered SSR process. In addition, SCR 1325 calls upon the Secretary-General to expand the role of women in UN operations, especially among military observers and civilian police.[302] The resolution also calls on member states to include training on the protection, rights and particular needs of women, as well as on the importance of involving women in all peacekeeping and peace-building measures, and to incorporate HIV/AIDS awareness training into national training programmes for military and civilian personnel.[303] These SCR 1325 provisions apply equally to international and domestic military and police personnel in conflict and post-conflict phases.[304]

There are numerous ways police and military sectors in post-conflict states can ensure gender-considerations are part of their reform process. Recommendations include:

- Promoting women's participation at every level, including the use of programmes such as quotas or specialized training;
- Offering gender-awareness training for both male and female personnel including training on sexual discrimination and harassment;
- Instituting new recruitment and training policies to "professionalize" and "modernize" the new military and police forces (focusing on building their capacity, reorienting their focus and teaching new skills such as respect for human rights);
- Creating workplace policies that take into account women's often disproportionate

300. Others include but are not limited to: BPfA, the (1994); *UN General Assembly Resolution of the twenty-third special session ""* (2000); and the CSW, *Agreed Conclusions.*
301. UN-INSTRAW, "Gender and SSR – Framework."
302. SCR 1325, para 4.
303. SCR 1325, para 6.
304. The concerns raised under the 'Responsibility to React' section of this paper with respect to military reforms necessary for intervening forces, especially around sexual exploitation and violence, are relevant to reform of local armed forces here and will not be restated.

share of family responsibilities (i.e. maternity leave);

- Creating "Gender Focal Points" or similar positions that liaise with all relevant offices within the sector and which provide expertise and training; and
- Increasing linkages between civil society organizations (especially women's organizations) and formal state institutions to improve access, transparency and accountability.[305]

The value of effectively gendering SSR is illustrated by the following example from East Timor. In that country's "post-conflict" phase more than one-third of *all* criminal complaints received by the UN mission were related to domestic violence.[306] In response, the UN Transitional Administration in East Timor (UNTAET) assisted the civilian police in setting up a Vulnerable Persons Unit (VPU) that could address this widespread problem. A shortage of women officers created some initial difficulties for the project, however, as the female victims of this abuse displayed a strong preference to report to female officers. UN involvement in the training and recruitment of the police helped address this challenge, and increased the female representation in this group to an admirable 22 per cent.[307] Reported cases of domestic violence in East Timor increased threefold in the year after the creation of the VPU, providing strong indication that women were more willing to seek protection from the newly reformed security sector.[308] This example provides clear evidence that gendered reform of the security sector can enhance the security of women as well as provide avenues for their advancement, and illustrates that gendered reform must become a critical part of efforts to rebuild under the R2P framework.

B3. Disarmament, Demobilization, & Reintegration

The ICISS identifies disarmament, demobilization and reintegration (DDR) of local forces as "[o]ne of the most difficult and important issues to be regularly confronted in the post intervention phase" and notes that "[s]uccessful disarmament of personnel from military and security forces, and other efforts to collect small arms and curb the entry of new ones, will be an important element of this effort."[309] Integral to

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305. Recommendations are adapted from: Sanam Naraghi Anderlini and Camille Pampell Conaway, *Negotiating the Transition to Democracy and Reforming the Security Sector: The Vital Contributions of South African Women,* (n.p., Women Waging Peace Policy Commission, 2004), 25-27; Naraghi Anderlini and Pampell Conaway, "Security Sector Reform," 32-38; Rehn and Sirleaf-Johnson, *Women, War and Peace,* 68-70.

306. Rehn and Sirleaf-Johnson, *Women, War and Peace,* 69.

307. *FACES: Women as Partners in Peace and Security* (New York: Office of the Special Adviser on Gender Issues and Advancement of Women, Department of Economic and Social Affairs, and Department of Public Information, 2005), 20. For a more recent review of relations between civil society organizations and VPU see: Judicial System Monitoring Programme, *Police Treatment of Women in Timor Leste* (Dili: JSMP, 2005), available online: UN-INSTRAW, http://www.un-instraw.org/en/index.php?option=content&task=blogcategory&id=158&Itemid=216

308. Sherrill Whittington, "Gender and Peacekeeping: The United Nations Transitional Administration in East Timor," *Signs: Journal of Women in Culture and Society,* 28 no.4(2003): 1286. [Whittington, "Gender and Peacekeeping"]

the task of appropriately implementing DDR initiatives is recognizing that many fighting forces include both female combatants and individuals who provide support for soldiers. It must also be recalled that affected parties include the communities to which ex-combatants are returning. SCR 1325 recognizes the required scope of DDR programmes and notes the need to "consider the different needs of female and male ex-combatants and to take into account the needs of their dependants."[310]

Historically, DDR programmes have operated on a "one man, one gun" policy, which has excluded those who occupy alternative, but no less integral, roles in fighting forces, and who are typically female.[311] In reality, many fighting forces are diverse and a failure to address all of their members means that many ex-combatants are left with no means to support themselves. Very often females face even greater barriers to reintegration as societal conceptions of women and girls who have been involved with fighting forces can lead to heightened stigmatization.[312]

Although it is of critical importance that DDR processes recognize the role of some females as ex-combatants, the reality remains that the majority of members are male, which means that men and boys also form the majority of combatants being reintegrated into their communities post-conflict. Male demobilized soldiers tend to be accustomed to the use of force, empowered by the possession of small arms and light weapons (SALW), and prone to alcohol and drug abuse. The combination of these factors frequently results in heightened gender-based violence in post-conflict situations.[313]

In response to these realities, it is essential that DDR programmes begin with the gathering of information regarding the composition of the fighting force. This should include information about both male and female combatants, as well as their dependents and non-combatant force supporters. Once this information is gathered, DDR programmes need to be designed to afford reintegration assistance to all combatants, and to those who may have accompanied fighting forces but not occupied a traditional 'combatant' position. It is also important to ensure that these

309. *R2P Report,* 5.9.
310. SCR 1325, para 13.
311. Rehn and Sirleaf-Johnson, *Women, War and Peace,* 116 and UNIFEM, *Getting It Right, Doing It Right: Gender and Disarmament, Demobilization, and Reintegration* (New York: United Nations Development Fund for Women, 2004), 4. [UNIFEM, *Getting It Right*]
312. UNIFEM "Fact sheet – Women, War, Peace and Disarmament, Demobilization and Reintegration," available online: Women, War & Peace Portal,
313. Zuckerman and Greenberg, "The gender dimensions," 72.

individuals receive appropriate counselling and health services.

Even if DDR programmes themselves contain appropriate content and determine eligibility for participation in an inclusive way, there must also be provisions in place so that females can actually participate. Access to healthcare (especially reproductive care), childcare, and separate sleeping quarters are examples of needs that must be addressed in order to make female participation in these programmes possible.[314]

Finally, DDR efforts will only be successful if reintegration is a community-driven process.[315] Families and communities must be supported in reintegrating combatants and thus an essential part of the process is ensuring that all community members have adequate access to gender-focused trauma support.[316] In addition, the effects of SALW on heightening violence within the community (typically against women) must be considered as part of these initiatives and deliberate steps need to be taken to reduce their availability.[317]

B4. Landmines

Between 15,000 and 20,000 individuals become landmine victims each year, and the majority of incidents occur in developing countries that are now at peace.[318] These realities make dealing with landmines one of the most urgent security issues in any post-conflict state, and the R2P Report recognizes that mine action is an "essential element" of effective and sustainable rehabilitation efforts.[319] This position is consistent with the *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction*[320] (Ottawa Convention) which not only requires member parties to avoid the use of personnel landmines, but also requires, *inter alia,* that they support efforts to clear mines, conduct mine awareness programmes in effected countries, and aid victims with care, rehabilitation, and reintegration into their communities.

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314. UNIFEM, *Getting It Right*, 7.
315. Ibid., 5.
316. Zuckerman and Greenberg, "The gender dimensions," 79.
317. See generally: Susan McKay and Dyan Mazurana, *Where are the Girls? Girls in Fighting Forces in Northern Uganda, Sierra Leone and Mozambique: Their Lives During and After War*, (Montreal: International Centre for Human Rights and Democratic Development, 2004); UNIFEM, *Getting It Right*; and Judith Gardam and Michelle Jarvis, *Women, Armed Conflict and International Law*, (The Hague: Kluwer Law International, 2001).
318. International Campaign to Ban Land mines, *Land mine Monitor Report 2003: Toward a Mine-Free World* (n.p. I.C.B.L. and Human Rights Watch, 2003), available online: ICBL, http://www.icbl.org/lm/2003/intro/survivor.html
319. *R2P Report,* 7.48.
320. *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction,* opened for signature 8 September 1997, 26 I.L.M. 1507.

The international community has also recognized that landmines affect men, women, girls, and boys differently, and that these differences must be taken into account when planning and implementing landmine programmes. The need for a gender-sensitive approach to mine action is explicitly articulated in SCR 1325, which emphasizes the "need for all parties to ensure that mine clearance and mine awareness programmes take into account the special needs of women and girls."[321] This call is also found in the BPfA[322] and in the Secretary-General's 2003 report on the UN's mine action strategy which states that:

Just as women, men, girls and boys tend to do different work, have differing mobility patterns and contribute to family and community life in diverse ways, their possible exposure to land mines and unexploded ordnance and the impact upon them will vary considerably. The quality and quantity of information available to women, men, girls and boys about the threats and effects of land mines and unexploded ordnance is likely to vary, as will their perspectives on priorities for mine action. Therefore, the unique needs and distinct perspectives of women and men, girls and boys must be taken into consideration in the design, implementation and evaluation of mine-action programmes. All aspects of mine-action programming must include gender considerations.[323]

These international statements are in response to a growing realization that the traditional roles of women and girls in many communities—in agriculture, food gathering, firewood collection, etc.—puts them at an increased risk of becoming a landmine casualty.[324] In addition, women are frequently ostracized from society after becoming injured from such an explosion (often losing their husbands, for example),[325] have less access to health care including prostheses,[326] and face almost a 0% chance of employment.[327] Other concerns include the role of women as the primary care-givers for the injured, the increased effects of mines on women as a result of their disproportionate representation as IDPs, and the exclusion of

321. SCR 1325, Preamble.
322. BPfA, Strategic Objective E.2(e).
323. Kofi Annan, *Report of the Secretary-General on United Nations Mine Action: Strategy for 2001-2005,* A/58/260/Add. 1, (8 August 2003), para 15.
324. Rehn and Sirleaf-Johnson, *Women, War and Peace,* 35.
325. Simona Beltrami, "Women's Own Struggle Against Land Mines," available online: ICBL, [Beltrami, "Women's Own Struggle"]; "Gender Perspective on Land Mines," *UN Briefing Note 5*, (New York: The Department for Disarmament Affairs and the Department of Peacekeeping Operations-Mine Action Service, 2001), available online: Mine Action, http://www.icbl.org/news/8_march_women_and_landmines
326. Rehn and Sirleaf-Johnson, *Women, War and Peace,* 35.

women from mine removal and awareness programmes.[328]

In February 2005, the UN Mine Action Service released a report entitled "Gender Guidelines for Mine Action Programmes." This work is designed to support UN mine action personnel both at Headquarters and in the field in their efforts to address some of the issues identified above and achieve "gender balance in the planning and implementation of United Nations mine action programmes."[329] The report contains 15 primary recommendations and 46 suggested strategies for achieving these goals, all of which need to be considered as part of the R2P rebuild framework. Examples of some of these strategies include:

- Arranging information gathering times and locations to encourage the participation of individuals of both sexes;
- Collecting the distinct assessment of men, women, boys and girls when considering what areas should be priorities for clearance;
- Ensuring that men and women have equal access to employment opportunities linked to surveying and clearing;
- Analysing casualty data to determine which population groups are most at risk;
- Enhancing the participation of male and female community members in mine risk education planning and monitoring;
- Providing appropriate accommodations and childcare for mixed-sex work teams;
- Engaging same-sex staff in prosthetic workshops to assist mine survivors;
- Implementing affirmative action employment and training strategies for women with disabilities;
- Ensuring that victim assistance service providers furnish sex-segregated accommodations; and
- Employing appropriate means of communication to ensure that awareness-raising messages reach men, women, boys and girls.

327. Beltrami, "Women's Own Struggle."
328. UNIFEM, "Gender and Land mines," available online: Women, War & Peace portal, http://www.womenwarpeace.org/issues/landmines/landmines.htm
329. UNMAS, *Gender Guidelines for Mine Action Programmes*, (New York: United Nations Mine Action Service, 2005), 1.

C. Justice

The rebuilding of domestic systems of justice and governance is undoubtedly a herculean task. The ICISS notes that the intervening forces' main objective in this regard should be to provide the safe environment necessary for these reforms, and to support local initiatives towards their achievement.[330] SCR 1325 provides instruction on how to more equitably promote these local initiatives, and calls for "[m]easures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary".[331] It is also important to recognize that the restoration of safety and good governance will not occur simply by providing protection for women, but rather these processes must include equitable representation in the decision-making structures that will govern the peace itself.[332]

The ICISS recognizes that interim measures in post-conflict states are likely to include the use of "justice packages."[333] In selecting an appropriate package for implementation, intervening authorities should ensure, at a minimum, that: its adaptation to local context is undertaken with the assistance of gender experts and in consultation with local women's groups; interim codes reflect international standards relating to violence against women (examples include the Rome Statute and the CEDAW); and local police forces and judicial officers are trained in gender-sensitive methods of investigation, prosecution and trying gender-based crimes.[334] These measures would go a long way to addressing the fact that, while both women and men suffer horrendously during conflict, women may suffer *as* much in the "post-conflict" period owing to deep patterns of gender inequality.[335] The risk of (forced) prostitution, trafficking, domestic violence, rape and other gender-based crimes are all prevalent in post-conflict settings at elevated rates.[336] One important method of addressing these issues is to ensure an equitable justice system is put into place.

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330. *R2P Report*, 7.38.
331. SCR 1325, para 8(c).
332. Amani El Jack, *Gender and Armed Conflict – Overview Report* (Brighton: BRIDGE, Institute of Development Studies, University of Sussex Brighton, 2003), 37, available online: IDS, http://www.ids.ac.uk/bridge.
333. *R2P Report*, 5.14.
334. Pam Spees, *Gender Justice and Accountability in Peace Support Operations – Closing the Gaps* (London: International Alert, 2004), 18-19. [Spees, *Gender Justice*]
335. Lori Handrahan, "Conflict, Gender, Ethnicity and Post-Conflict Reconstruction" *Security Dialogue*, 35 no.4 (2004): 434.
336. Ibid.

Legislative reforms undertaken in a post-conflict setting are opportunities to enshrine gender equality, such as women's and men's equal access to land, property, education and other basic services. This includes extending the interim measures suggested above, as well as reforming domestic legislation and constitution-building, and enhancing women's and men's democratic representation and participation in decision-making structures.[337] Priorities in these areas include: participatory constitutional processes and support for targeted initiatives for education, consultation and participation in constitution drafting; separation of powers among branches of governments; incorporation of international law; limitations on customary or religious law to the extent it is inconsistent with international human rights law; and review of legislation that tends to particularly affect women (including citizenship laws, family and property law, and criminal law as it relates to violence against women).[338]

Women's advocacy and political participation in East Timor's constitutional process provides an excellent example of the importance of including women's rights in the post-conflict agenda. There, the involvement of women has been cited as a key reason that that country's new constitution includes non-discrimination on the basis of gender as a governing principle.[339] The constitution further stipulates that a fundamental objective of the state is to "promote and guarantee the effective equality of opportunities between women and men,"[340] and elaborates that "women and men shall have the same rights and duties in all areas of family and political, economic, social, cultural life."[341] The support provided by the Gender Affairs Unit of the UNTAET to the women's organizations involved in East Timor's rebuilding process assisted in their being able to contribute to the development of the new constitution. The extent of their influence is astounding: The Charter of Women's Rights was prepared by an umbrella group of women's organizations and ultimately nine of its ten provisions found their way into East Timor's constitution.[342] Support was also given to both political skills training for women as candidates and educational programmes for female voters. As a result of these joint efforts, 27 percent of those elected to the Constituent Assembly were women.[343]

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337. Bouta et al, *Gender, Conflict and Development,* 77.
338. Jolynn Shoemaker, "Section 4: Justice, Governance and Civil Society," in *Inclusive Security, Sustainable Peace: A Toolkit for Advocacy and Action*" (n.p., Hunt Alternatives Fund and International Alert, November 2004), 26-31.
339. Spees, *Gender Justice,* 15.
340. *Constitution of East Timor*, Part I, Sec. 6(j).
341. Ibid., Part II, Title I, Sec. 17.
342. Rehn and Sirleaf-Johnson, *Women, War and Peace,* 83.
343. Whittington, "Gender and Peacekeeping," 1287.

C1. War Criminals

The ICISS notes that an intervening force's mandate and credibility will be at risk if they are unable to bring perpetrators of war crimes to justice.[344] Pursuing this task is in accordance with SCR 1325's emphasis on the prosecution of those responsible for genocide, crimes against humanity and war crimes. SCR 1325 goes further, however, in explicitly specifying that these prosecutions must include "those relating to sexual and other violence against women and girls, and in this regard *stresses* the need to exclude these crimes, where feasible, from amnesty provisions."[345]

Gender-based crimes in times of conflict are not new, nor are their prohibition.[346] However, the recognition of rape and other forms of gender-based violence as crimes against humanity, components of genocide, and crimes of war, has only recently been legitimized through the jurisprudence of various international tribunals and the establishment of the ICC. It is thus essential that the international community is consistent in its articulation of their significance in the overall context of post-conflict justice processes.[347]

Failing to pursue perpetrators of gender-based crimes perpetuates impunity that legitimizes violence and inequality.[348] Instability and injustice will persist, especially for women who, as discussed in other sections of this paper, already face marginalization and increased vulnerabilities in post-conflict situations. If perpetrators of gender-based crimes are not brought to justice with the same rigour as perpetrators of other crimes, the symbolic message is that their victims somehow matter less and abuses against them are permissible.

There are a number of reasons for the historic silence around crimes of sexual violence committed during conflict, including the preference to see it as a personal, not a political crime; a lack of reporting due to the shame, dishonour, embarrassment and stigma that survivors may face, particularly in sexist societies; survivors' fears of facing further violence if they report; and a tendency to view sexual violence as relatively less serious than other crimes committed during conflict, and therefore

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344. *R2P Report*, 5.13.
345. SCR 1325, para 11.
346. Valerie Oosterveld, "Prosecution of Gender-based Crimes in International Law," in *Gender, Conflict and Peacekeeping,* 67.
347. Karame and Bertinussen, *Gendering Human Security*, 40-41.
348. Rehn and Sirleaf-Johnson, *Women, War and Peace,* 89.

less important to prosecute.[349]

To strengthen the nascent recognition of gender-based violence as the crime that it is, and address some of the concerns expressed above, the following considerations must be taken into account when contemplating the transnational arrangements for justice referred to in the R2P Report:

- Ensuring amnesty provisions do not exclude sexual and other gender-based forms of violence;[350]
- Ensuring investigators staffed to international tribunals or reconciliation commissions have adequate gender training and resources to gather the evidence needed to prosecute these crimes;[351]
- Ensuring survivors receive protection and counselling before, during and after testifying or participating in any type of proceedings;[352] Ensuring women are involved as decision-makers in judicial processes; and
- Ensuring those charged with these crimes are pursued with the same rigour as all other alleged war criminals and violators of human rights.

D. Development

The importance of creating development opportunities in post-conflict states cannot be overstated, as there is a clear and direct link between a lack of development and ongoing conflict:[353] of the world's least developed countries, 16 of 20 have been engaged in a violent conflict over the past 15 years.[354] This link has caused the World Bank to note that "many of the world's poorest countries are locked in a tragic

349. Katrina Lee Koo, "Confronting a Disciplinary Blindness: Women, War and Rape in the International Politics of Security," *Australian Journal of Political Science,* 37 no.3 (2002): 531-532.

350. For instance, article IX of the Lome Peace Agreement in Sierra Leone initially granted a general amnesty for all crimes committed during the war. Intervention by the UN Special Representative amended this so it did not apply to international crimes of genocide, crimes against humanity, war crimes and other serious violations of international humanitarian law. See: *Peace Agreement Between the Government of Sierra Leone and the Revolutionary United Front of Sierra Leone* (RUF/SL), U.N. Doc. S/1999/777 (7 July 1999), available online: Sierra Leone Web,http://www.sierra-leone.org/lomeaccord.html

351. For example: the original indictment of Jean-Paul Akayesu at the ICTR did not include sexual violence crimes, despite overwhelming evidence. (See: "Rwanda Tribunal to Rule on Akayesu Case", 1 September 1998, Human Rights Watch). It was not until questioning by Judge Navantham Pillay who elicited, at trial, evidence of sexual violence and the involvement of various human rights organizations, that the indictment was amended to include sexual violence. After this egregious omission, gender-related crimes began appearing in subsequent indictments. See: Richard J. Goldstone, "Prosecuting Rape as a War Crime," *Case Western Reserve Journal of International Law* 34, no.2 (2002): 282.

352. The lack of a witness protection programme in Bosnia and Herzegovina has meant that most women will not testify because of fear of reprisals, especially upon return to their communities. Rehn and Sirleaf-Johnson, *Women, War and Peace,* 13-14.

353. See for example: J David Whaley and Barbara Piazza-Georgi, *Conflict Management, Peacekeeping and Peacebuilding* (South Africa: UNDP, 1997).

354. World Bank (WB), "Conflict, Prevention, and Reconstruction," available online: WB,

vicious circle where poverty causes conflict and conflict causes poverty."[355] Post-conflict states often face the biggest development challenges, and there is a 44 per cent chance of a relapse into war within the first five years of peace.[356]

Recognizing this danger, the ICISS calls for efforts to "encourage economic growth, the recreation of markets and sustainable development"[357] in post-conflict states and notes that these steps are "extremely important, as economic growth not only has law and order implications but is vital to the overall recovery of the country concerned."[358] Although the R2P framework for rebuilding does not contain any specific guidelines for promoting development efforts, the Report does emphasize the need to focus on local contributions, stating that "intervening authorities have a particular responsibility to manage…the transfer of development responsibility and project implementation to local leadership, and local actors working with the assistance of national international development agencies."[359]

As has been discussed under the heading of Economic Deprivation in the Responsibility to Prevent portion of this paper, there is a direct and well-recognized link between gender equality and development success. Given this link and the importance of achieving successful development programmes as part of efforts to rebuild in post-conflict states, it is critical that such initiatives be considered from a gender aware perspective. Determining how to most effectively incorporate gender issues into development programmes is complex, and has become a central issue for many international development agencies.[360] Examples of how to incorporate gender into development initiatives are provided under the discussion of development as a prevention strategy, and are equally applicable to initiatives commenced in post-conflict environments. Indeed, given the importance of successful development strategies in preventing a recurrence of violence and the demonstrable link between the success of these programmes and the inclusion of gender perspectives, it is absolutely essential that strategies such as these are implemented. The consequences of not doing so are simply too costly.

Although incorporating gender in development initiatives is an ongoing and complex discipline, perhaps the most important step is ensuring that women themselves

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355. Ibid.
356. Ibid.
357. *R2P Report,* 5.19.
358. Ibid.
359. Ibid., 5.21
360. ADB, *Policy on Gender and Development*; UNDP, "Gender"; WB, "Gender and Development."

are included in development programmes. The R2P Report emphasizes the importance of "transferring" initiatives to local leadership and it is critical that women and women's organizations be included in the rebuilding process both before and after this "transfer" occurs. This will ensure that women have an equal role in developing the future of their communities, and will greatly increase the chances of success for development efforts.

VI. CONCLUSION

But without implementation, our declarations ring hollow. Without action, our promises are meaningless. Villagers huddling in fear at the sound of Government bombing raids or the appearance of murderous militias on the horizon find no solace in the unimplemented words of the Geneva Conventions, to say nothing of the international community's solemn promises of "never again" when reflecting on the horrors of Rwanda a decade ago.

<div align="center">-Kofi Annan, UN Secretary-General[361]</div>

Millions of human beings remain at the mercy of civil wars, insurgencies, state repression and state collapse. This is a stark and undeniable reality, and it is at the heart of all the issues with which this Commission has been wrestling. What is at stake here is not making the world safe for big powers, or trampling over the sovereign rights of small ones, but delivering practical protection for ordinary people, at risk of their lives, because their states are unwilling or unable to protect them."

<div align="center">-The ICISS[362]</div>

The entire Responsibility to Protect framework is predicated on recognition that human beings are all equally entitled to protection and that the horrors of the past must not be repeated. In this paper, we have argued that bringing a gender perspective to bear on the operationalizing of this framework is a critical step towards ensuring that efforts to protect "ordinary people" actually achieve these objectives.

The primary implication of the gender blindness in the R2P Report is that the differing needs and capacities of women and men have largely been neglected. Thus the reality that women are disproportionately represented amongst the poor and socially marginalized in most weak and unstable states is not acknowledged. Exclusion is a dangerous position to be in when violence erupts, and yet that is where the majority of women find themselves. Deeply entrenched values and attitudes reinforce systemic barriers for women such as low social status, lesser

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361. Annan, *In larger freedom*, para 130.
362. R2P Report, 2.1.

endowments of land and productive assets, and lack of access to basic services in reproductive health and education. Actions taken under R2P in destabilized states which do not account for these gender-based discriminatory practices will not only be limited in their short and long-term impact, they may also contribute to reinforcing gender-based human rights violations that make the difference between life and death. To have an optimal prospect of promoting human protection and security, R2P must thus be re-conceptualized to include a recognition that social constructions of gender play a significant role in determining who achieves security and how it is experienced.

True security demands both protection and participation and will only be realized by engaging people as active agents in their own lives. The R2P has the potential to aid in achieving this standard by providing an effective framework for viewing people in conflict states as more than merely victims. The long-standing exclusion of women from decision-making, especially within peace and security institutions, must end as part of this re-focusing. Existing mandates demanding equal participation can and must be incorporated into the R2P framework, both for reasons of justice and for increasing the chances of real and lasting peace.

Given the hope in the international community that the Responsibility to Protect doctrine will help move rhetoric into action, and offer protection to millions of people, it is an understatement to say that it is an important framework. In this paper, we have demonstrated both *how* gender considerations can be incorporated into R2P as well as *why* this is crucial. Our work also illustrates that there is no shortage of resources from which to begin this analysis. Rather, what appears to be lacking is an awareness that these resources hold promise not only for individuals directly affected by intra state conflict, but also for the success of the framework itself. With millions of lives and livelihoods at stake, we cannot afford to maintain this lack of vision.

APPENDIX A:

SECURITY COUNCIL RESOLUTION 1325

Security Council Resolution 1325 was passed unanimously on 31 October 2000. Resolution (S/RES/1325) is the first resolution ever passed by the Security Council that specifically addresses the impact of war on women, and women's contributions to conflict resolution and sustainable peace.[363]

The Security Council,

Recalling its resolutions 1261 (1999) of 25 August 1999, 1265 (1999) of 17 September 1999, 1296 (2000) of 19 April 2000 and 1314 (2000) of 11 August 2000, as well as relevant statements of its President and recalling also the statement of its President, to the press on the occasion of the United Nations Day for Women's Rights and International Peace of 8 March 2000 (SC/6816),

Recalling also the commitments of the Beijing Declaration and Platform for Action (A/52/231) as well as those contained in the outcome document of the twenty-third Special Session of the United Nations General Assembly entitled "Women 2000: Gender Equality, Development and Peace for the twenty-first century" (A/S-23/10/Rev.1), in particular those concerning women and armed conflict,

Bearing in mind the purposes and principles of the Charter of the United Nations and the primary responsibility of the Security Council under the Charter for the maintenance of international peace and security,

Expressing concern that civilians, particularly women and children, account for the vast majority of those adversely affected by armed conflict, including as refugees and internally displaced persons, and increasingly are targeted by combatants and armed elements, and recognizing the consequent impact this has on durable peace and reconciliation,

Reaffirming the important role of women in the prevention and resolution of conflicts and in peace-building, and stressing the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, and the need to increase their role in decision- making with regard to conflict prevention and resolution,

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363. http://www.peacewomen.org/un/sc/1325.html

Reaffirming also the need to implement fully international humanitarian and human rights law that protects the rights of women and girls during and after conflicts,

Emphasizing the need for all parties to ensure that mine clearance and mine awareness programmes take into account the special needs of women and girls,

Recognizing the urgent need to mainstream a gender perspective into peacekeeping operations, and in this regard noting the Windhoek Declaration and the Namibia Plan of Action on Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations (S/2000/693),

Recognizing also the importance of the recommendation contained in the statement of its President to the press of 8 March 2000 for specialized training for all peacekeeping personnel on the protection, special needs and human rights of women and children in conflict situations,

Recognizing that an understanding of the impact of armed conflict on women and girls, effective institutional arrangements to guarantee their protection and full participation in the peace process can significantly contribute to the maintenance and promotion of international peace and security,

Noting the need to consolidate data on the impact of armed conflict on women and girls,

1. *Urges* Member States to ensure increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict;

2. *Encourages* the Secretary-General to implement his strategic plan of action (A/49/587) calling for an increase in the participation of women at decision-making levels in conflict resolution and peace processes;

3. *Urges* the Secretary-General to appoint more women as special representatives and envoys to pursue good offices on his behalf, and in this regard calls on Member States to provide candidates to the Secretary-General, for inclusion in a regularly updated centralized roster;

4. *Further* urges the Secretary-General to seek to expand the role and contribution of women in United Nations field-based operations, and especially among military observers, civilian police, human rights and humanitarian personnel;

5. *Expresses* its willingness to incorporate a gender perspective into peacekeeping operations and urges the Secretary-General to ensure that, where appropriate, field operations include a gender component;

6. *Requests* the Secretary-General to provide to Member States training guidelines and materials on the protection, rights and the particular needs of women, as well as on the importance of involving women in all peacekeeping and peace-building measures, invites Member States to incorporate these elements as well as HIV/AIDS awareness training into their national training programmes for military and civilian police personnel in preparation for deployment and further requests the Secretary-General to ensure that civilian personnel of peacekeeping operations receive similar training;

7. *Urges* Member States to increase their voluntary financial, technical and logistical support for gender-sensitive training efforts, including those undertaken by relevant funds and programmes, inter alia, the United Nations Fund for Women and United Nations Children's Fund, and by the United Nations High Commissioner for Refugees and other relevant bodies;

8. *Calls* on all actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective, including, inter alia: (a) The special needs of women and girls during repatriation and resettlement and for rehabilitation, reintegration and post-conflict reconstruction; (b) Measures that support local women's peace initiatives and indigenous processes for conflict resolution, and that involve women in all of the implementation mechanisms of the peace agreements; (c) Measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary;

9. *Calls* upon all parties to armed conflict to respect fully international law applicable to the rights and protection of women and girls as civilians, in particular the obligations applicable to them under the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977, the Refugee Convention of 1951 and the Protocol thereto of 1967, the Convention Security Council - 5 - Press Release SC/6942 4213th Meeting (PM) 31 October 2000 on the Elimination of All Forms of Discrimination against Women of 1979 and the Optional Protocol thereto of 1999 and the United Nations Convention on the Rights of the Child of 1989 and the two Optional Protocols thereto of 25 May 2000, and to bear in mind the relevant provisions of the Rome Statute of the International Criminal Court;

10. *Calls* on all parties to armed conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence in situations of armed conflict;

11. ***Emphasizes*** the responsibility of all States to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity, war crimes including those relating to sexual violence against women and girls, and in this regard, stresses the need to exclude these crimes, where feasible from amnesty provisions;

12. ***Calls*** upon all parties to armed conflict to respect the civilian and humanitarian character of refugee camps and settlements, and to take into account the particular needs of women and girls, including in their design, and recalls its resolution 1208 (1998) of 19 November 1998;

13. ***Encourages*** all those involved in the planning for disarmament, demobilization and reintegration to consider the different needs of female and male ex-combatants and to take into account the needs of their dependants;

14. ***Reaffirms*** its readiness, whenever measures are adopted under Article 41 of the Charter of the United Nations, to give consideration to their potential impact on the civilian population, bearing in mind the special needs of women and girls, in order to consider appropriate humanitarian exemptions;

15. ***Expresses*** its willingness to ensure that Security Council missions take into account gender considerations and the rights of women, including through consultation with local and international women's groups;

16. ***Invites*** the Secretary-General to carry out a study on the impact of armed conflict on women and girls, the role of women in peace-building and the gender dimensions of peace processes and conflict resolution, and further invites him to submit a report to the Security Council on the results of this study and to make this available to all Member States of the United Nations;

17. ***Requests*** the Secretary-General, where appropriate, to include in his reporting to the Security Council, progress on gender mainstreaming throughout peacekeeping missions and all other aspects relating to women and girls;

18. ***Decides*** to remain actively seized of the matter."

Appendix B:

Recommendations for Gendering the R2P Framework[364]

The Responsibility to Prevent

Promotion of Gender Equality

Political
· Encouraging ratification and implementation of CEDAW
· Offering direct support to women's political organizations
· Introducing equality programmes
· Raising awareness of women's rights
· Supporting appropriate policy reforms
· Increasing international lobbying efforts[365]

Economic
· Increasing women's access to and control over basic services, including primary and reproductive health and child care
· Increasing skills training and capacity development opportunities for women
· Increasing decision-making power for women regarding expenditures in the household
· Increasing options for child care
· Increasing understanding of gender differences in determinants and consequences of diseases, including malaria and HIV/AIDS
· Eliminating gender stereotypes in school curricula
· Improving access for women to safe and affordable public transport services and infrastructure
· Increasing employment of women in infrastructure services at all levels
· Supporting women's and girl's organizations that are advocating for their rights
· Creating awareness of women's economic, social, civil, political and cultural rights
· Creating programs to offer greater access to and control over credit, training and services for women entrepreneurs
· Eliminating taxation provisions that discriminate against women
· Recognizing women's knowledge of the natural environment and increasing decision-making roles for them in natural resource management
· Increasing the involvement of women and women's groups in the design and management of viable recycling activities[366]

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364. The following table contains examples of possible strategies for engendering R2P and is in no way meant to represent a comprehensive list.
365. Schmeidl and Piza-Lopez, *Gender and Conflict,* Appendix III.
366. Adopted CIDA, *CIDA's policy on gender equality,* 11-15.

Legal

·   Monitoring state policies and legislation
·   Encouraging ratification of CEDAW and other human rights instruments and facilitating their implementation
·   Ensuring women are involved in all aspects of the legal reform process
·   Encouraging equal representation and political opportunities for women, and supporting local women's organizations.[367]

Military

·   Including gender-sensitivity training
·   Addressing the specific needs of female ex-combatants
·   Ensuring appropriate legal accountability, particularly for acts of violence against women
·   Adopting a gender-sensitive approach to all disarmament, demobilization, & reintegration (DDR) initiatives
·   Recognizing the particular challenges women face with regards to landmines[368]

Gendering Early Warning Systems

Collection of Information

·   Developing gender-sensitive indicators to allow for 'earlier' early warning
·   Collecting gender-sensitive information through incorporating and consulting women and women's organizations

Analysis and risk assessments

·   Introducing gender analysis focuses on the micro-level and exposes realities on the ground, improving the anticipation of violent conflict escalation
·   Introducing gender analysis integrates micro- with meso- and macro- level considerations in producing risk assessments, case scenarios and response options
·   Including women in the analytical process adds new perspectives and avoids mind blindness

Formulation of best and worse case scenarios and response options

·   Integrating gender-sensitive response options addresses macro-, meso-, and micro-level concerns, as appropriate.
·   Integrating the long-term efforts for peace and conflict resolution at micro-, meso, and/or macro-levels as constitutive components of response options.

Communication to decision-makers

·   Reaching a range of actors in institutions, including both those directly

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367. UNIFEM, "Achieving Gender Equality in Democratic Governance."
368. Detailed recommendations under each of these headings is provided underdiscrete topic headings

responsible for decision-making and those responsible for gender mainstreaming.

· Fine-tuning early warning response options and analysis to include women's groups and organizations.

Involvement of Women & Women's Organizations

· Targeting prevention support to encourage initiatives by women and women's organizations

The Responsibility to React

Minimization of Disproportionate Effects of Sanctions

· Identifying and mitigating differential impact of sanctions prior to implementation

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Recognizing Gender Based Violence

· Including of "Crimes Against Humanity" as part of the just cause threshold for interventions

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Inclusion of gender consideration in precautionary principles

Right Intention

· Including targeted efforts to seek the opinions of men and women when assessing whether an intervention is being pursued for appropriate humanitarian purposes

Reasonable Prospects

· Considering the short and long term effects of intervention on boys, girls, men and women

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Gender equality in the "Right Authority"

· Increasing the number of women in decision-making positions, including membership on the Security Council itself

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Intervention force personnel and gender-based violence

· Ensuring all intervening force personnel receive gender training, including HIV/AIDS awareness The inclusion of HIV/AIDS training is in line with UN Security Council Resolution 1308 (adopted in 2000) as well as SCR 1325 which states invites "Member States to incorporate … HIV/AIDS awareness training into their national training programmes for military and civilian police personnel in preparation for deployment, and *further requests* the Secretary-General to ensure that civilian personnel of peacekeeping operations receive similar training…"

· Developing codes of conduct for all staff

· Promoting compliance with international law and strengthening efforts to address impunity

· Improving reporting and data collection, including consulting in regular meetings with affected populations

· Providing care and follow-up to victims/survivors of gender-based violence, including healthcare, counselling, and reintegration assistance

· Addressing continuing problems of sexual abuse and exploitation by personnel responsible for providing assistance and protection to affected populations

- Speaking out against gender-based violence and support those who advocate on behalf of victims/survivors Adapted from: IASC, *Action to address gender based violence in emergencies: IASC Statement of Commitment*, (n.p., IASC, 22 December 2004); *Checklist for Action: Prevention & Response to Gender-Based Violence in Displaced Settings,* (n.p., Gender-Based Violence Global technical Support Project, RHRC Consortium, June 2004); *Matrix for gender-based violence interventions in humanitarian settings* (n.p. United Nations Population Fund, 2005).

Gender Equity in Peace Support Operations

- Including gender awareness training for peace and security officers
- Increasing the presence of women officers in peace operations

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Involvement of Women

- Targeting support to encourage initiatives by women and women's organizations
- Including women in all aspects of the peace-building and rebuilding process

The Responsibility to Rebuild

Security Initiatives

Gender Based Violence
· Recognizing the unique security risks facing women and girls in post conflict situations
· Ensuring that security initiatives target gender-based violence

Refugees & Internally Displaced Peoples
· Designing resettlement programs that take into account the fact that many women do not have identification cards and/or may not be recognized as legal persons Karame and Bertinussen, *Gendering Human Security,* 41.
· Ensuring that any progress women have achieved during the conflict period is not lost during the resettlement phase, particularly with regards to education and decision making
· Providing health services that include care targeted to women's needs including reproductive health, malnutrition, effects of sexual violence, and the effects of the burden of care of others, owing to their roles as family supporters Rehn and Sirleaf-Johnson, *Women, War and Peace,* 36-42.

Disarmament, Demobilization, & Reintegration
· Recognizing that affected parties include both ex-combatants themselves as well as the communities to which they are returning
· Ensuring that both male and female ex-combatants are eligible for participation in any DDR program
· Encouraging female participation in DDR programmes by offering childcare and separate sleeping quarters UNIFEM, *Getting It Right,* 7.
· Offering support to those who may have accompanied fighting forces but not occupied a traditional "combatant" position are nonetheless afforded reintegration assistance
· Ensuring that these same individuals receive appropriate counselling and health services
· Providing communities that are accepting ex-combatants with security
· Taking deliberate steps to mitigate the effects of small arms and light weapons on heightening violence (typically against women)
· Reducing the availability of small arms and light weapons See generally: Susan McKay and Dyan Mazurana, *Where are the Girls? Girls in Fighting Forces in Northern Uganda, Sierra Leone and Mozambique: Their Lives During and After War*, (Montreal: International Centre for Human Rights and Democratic Development, 2004); UNIFEM, *Getting It Right*; and Judith Gardam and Michelle Jarvis, *Women, Armed Conflict and International Law*, (The Hague: Kluwer Law International, 2001).

Security Sector Reform

· Identifying and addressing the unique security needs facing boys, girls, men, and women

· Promoting women's participation at every level, including the use of affirmative action programs such as quotas or specialized training

· Offering gender-awareness training for both male and female personnel including training on sexual discrimination and harassment

· Instituting new recruitment and training policies to "professionalize" and "modernize" the new military and police forces (focusing on building their capacity, reorienting their focus and teaching new skills such as respect for human rights)

· Creating workplace policies that take into account women's often disproportionate share of family responsibilities (i.e. maternity leave)

· Creating "Gender Focal Points" or similar positions that liaise with all relevant offices within the sector and which provide expertise and training

· Increasing linkages between civil society organizations (especially women's organizations) and formal state institutions to improve access, transparency and accountability Recommendations are adapted from: Sanam Naraghi Anderlini and Camille Pampell Conaway, *Negotiating the Transition to Democracy and Reforming the Security Sector: The Vital Contributions of South African Women,* (n.p., Women Waging Peace Policy Commission, 2004), 25-27; Naraghi Anderlini and Pampell Conaway, "Security Sector Reform," 32-38; Rehn and Sirleaf-Johnson, *Women, War and Peace,* 68-70.

Landmines

· Arranging information gathering times and locations to encourage the participation of individuals of both sexes;

· Collecting the distinct assessment of men, women, boys and girls when considering what areas should be priorities for clearance

· Ensuring that men and women have equal access to employment opportunities linked to surveying and clearing mines

· Analyzing casualty data to determine which population groups are most at risk

· Enhancing the participation of male and female community member in mine risk education planning and monitoring

· Providing appropriate accommodations and childcare for mixed-sex work teams

· Engaging same-sex staff in prosthetic workshops to assist mine survivors

· Implementing affirmative action employment and training strategies for women with disabilities

· Ensuring that victim assistance service providers furnish sex-segregated accommodations

· Employing appropriate means of communication to ensure that awareness-raising messages reach men, women, boys and girls UNMAS, *Gender Guidelines for Mine Action Programmes*, (New York: United Nations Mine Action Service, 2005).

Good Governance & the Rule of Law

· Inclusion of measures that ensure the protection of and respect for human ights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary SCR 1325, para 8 (c)
· Including equitable gender representation in the decision-making structures that will govern

Gendering Justice and Reconciliation

- Selecting a justice package that provides for the following: its adaptation to local context should be undertaken with the assistance of gender experts in consultation with local women's groups from the initial stages; interim codes should reflect the international standards relating to violence against women (examples include the Rome Statute and the CEDAW); and local police forces and judicial officers should, if not already, be trained in gender-sensitive methods of investigation, prosecution and trying gender-based crimes. Spees, *Gender Justice,* 18-19.
- Ensuring that the new regime includes participatory constitutional processes and support for targeted initiatives for education, consultation and participation in constitution drafting
- Ensuring that the new regime includes separation of powers among branches of governments
- Encouraging the incorporation of international law into the new regime
- Modifying limitations on customary or religious law to the extent it is inconsistent with international human rights law
- Reviewing legislation that tends to particularly affect women (including citizenship laws, family and property law, and criminal law as it relates to violence against women). Shoemaker, "Section 4: Justice, Governance and Civil Society," 26-31.

Gender based War crimes and human rights violations

- Ensuring amnesty provisions do not exclude sexual and other gender-based forms of violence
- Ensuring investigators staffed to international tribunals or reconciliation commissions have adequate gender training and resources to gather the evidence needed to prosecute these crimes
- Ensuring survivors receive protection and counselling before, during and after testifying or participating in any type of proceedings
- Ensuring those charged with these crimes are pursued with the same rigour as all other alleged war criminals and violators of human rights.

Gender & Development

- Increasing women's access to and control over basic services, including primary and reproductive health and child care
- Increasing skills training and capacity development opportunities for women
- Increasing decision-making power for women regarding expenditures in the household
- Increasing options for child care
- Increasing understanding of gender differences in determinants and consequences

of diseases, including malaria and HIV/AIDS

· Eliminating gender stereotypes in school curricula

· Improving access for women to safe and affordable public transport services and infrastructure

· Increasing decision-making power for women regarding expenditures in the household

· Increasing options for child care

· Increasing understanding of gender differences in determinants and consequences of diseases, including malaria and HIV/AIDS

· Eliminating gender stereotypes in school curricula

· Improving access for women to safe and affordable public transport services and infrastructure

· Increasing employment of women in infrastructure services at all levels

· Supporting women's and girl's organizations that are advocating for their rights

· Creating awareness of women's economic, social, civil, political and cultural rights

· Creating programs to offer greater access to and control over credit, training and services for women entrepreneurs

· Eliminating taxation provisions that discriminate against women

· Recognizing women's knowledge of the natural environment and increasing decision-making roles for them in natural resource management

· Increasing the involvement of women and women's groups in the design and management of viable recycling activities

· Ensuring women and women's organizations are involved in all portions of the development programme

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