

Implementing UN Security Council Resolution 1325: Putting the Responsibility to Protect into Practice

Sahana Dharmapuri

Fellow, Carr Center for Human Rights Policy
sahana_dharmapuri@hks.harvard.edu

Abstract

Although the principle of the Responsibility to Protect has a number of supporters, there is still little agreement on institutional procedures to execute Responsibility to Protect (RtoP) systematically. This is due to a lack of consensus on how exactly to operationalize specific RtoP practices with regard to genocide, crimes against humanity, ethnic cleansing, and war crimes. The acceptance of this line of thinking is peculiar in its ignorance of the implementation of UN Security Council Resolution 1325 (UN 1325) on Women, Peace and Security, by militaries, both national and multinational, over the last five to ten years. Misunderstanding, underutilization, and neglect of the UN 1325 mandate within the RtoP community has caused many important developments in the field to be overlooked. This article attempts to begin filling that gap. It presents an overview of what UN 1325 is about and compares UN 1325 to the Responsibility to Protect agenda. It also examines how implementing UN 1325 in UN and NATO peace and security operations is pushing the RtoP agenda forward in practical, not theoretical, terms in three key areas of military peace and security operations – the transformation of doctrine, command structure, and capabilities.

Keywords

UN Security Council Resolution 1325, UN Security Council Resolution 1820, Women, Peace and Security, Peace and Security Operations, Gender Mainstreaming, Gender Training

Introduction

The evolution of the principle of the Responsibility to Protect has all the hallmarks of a great story: the inner conflict of a moral conscience to prevent human suffering, the dilemma of what action to take, and a hero that is faced with the consequences of inaction. In the case of the Responsibility to Protect (RtoP), the main dilemma is not so much “to be or not to be” but, “to do or not do”. Over the last several decades, the world witnessed human depravity on a scale that has been impossible to accept. The Holocaust in

World War II, the Rwandan genocide and ethnic cleansing in Bosnia in the 1990s, all shook the moral conscience of States awake. States began to reflect on their own lack of ability and political will to prevent mass violations of human rights.

To address the dilemmas of State failure to respond to these types of mass atrocities, the Canadian government, under the leadership of Foreign Minister Lloyd Axworthy, appointed an international commission, the International Commission on Intervention and State Sovereignty (ICISS) in September 2000.¹ In December 2001, the ICISS published its report, *The Responsibility to Protect*. The report argued that in cases of severe humanitarian emergency, territorial sovereignty would “yield to an international responsibility to protect,” including but not limited to, the use of military force to enforce the RtoP.² In 2005, the World Outcome Summit Document advanced the normative framework on the protection of civilians by gaining the agreement of UN member states to address four mass atrocity crimes: genocide, war crimes, ethnic cleansing, and crimes against humanity.³ In 2009, under United Nations Secretary General Ban Ki Moon, the Responsibility Protect was refined to focus on three pillars for implementation: the responsibilities of the state, international assistance and capacity building, and timely and decisive response.⁴

However, the debate about how States can and should exercise this responsibility has remained just that – a political debate with inconsistent action behind it. Even among RtoP advocates, there still is no consensus on

¹ Gareth Evans, *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and For All* (Brookings Institute: Washington, DC, 2008) 38.

² Gareth Evans, *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and For All* (Brookings Institute: Washington, DC, 2008) 40–41.

³ See “Policy Brief: The Relationship between Responsibility to Protect and the Protection of Civilians in Armed Conflict,” Global Centre for the Responsibility to Protect, January 2009.

⁴ From 2001 to 2009, several developments took place that pushed forward the idea of Responsibility to Protect (RtoP). The 2001 ICISS report, proposed that state sovereignty be redefined to imply responsibility for the protection of the state’s population. Most significantly sovereignty could no longer constitute a guarantee against the interference of state affairs. In 2005, a consensus was reached at the World Summit discussions, where world leaders unanimously declared in the World Summit Outcome document (WSOD, paragraphs 138, 139) that all states have a responsibility to protect their citizen from genocide, war crimes, ethnic cleansing and crimes against humanity, and that the international community has a duty to assist states and take timely and decisive action to protect populations when states manifestly fail to so. The principle in WSOD 138, 139 was reaffirmed by the UN Security Council in Resolution 1674 (2006). In 2009, the report *Implementing the Responsibility to Protect* produced under UN Secretary General Ban Ki-Moon, emphasized the operationalization of RtoP as a key priority.

how exactly to operationalize specific RtoP practices to prevent, react, and rebuild, with regard to genocide, crimes against humanity, ethnic cleansing, and war crimes.⁵ While there has been some movement on the RtoP front with the passage of several UN Security Council Resolutions that contain explicit reference to the RtoP principle, such as in the case of Darfur, Libya, and Cote d'Ivoire,⁶ there still remains a lack of developed institutional procedures to execute RtoP systematically.⁷

This lack of consensus among RtoP supporters is peculiar in its ignorance of the implementation of landmark UN Security Council Resolution 1325 (UN 1325) on Women, Peace and Security by militaries, both national and multinational, over the last five to ten years. UN 1325 is not only being implemented by major security actors, but is also operationalizing RtoP specifically with regard to building the capacity of militaries to respond to the crime of widespread and systematic use of sexual violence in armed conflict without force.

This is a new and evolving process, and implementation has been uneven. Nevertheless, security actors are moving forward with establishing

⁵ See for example "The Responsibility to Protect: Preventing and Halting Crimes Against Humanity," Don Hubert in *Mass Atrocity Crimes: Preventing Future Outrages*, ed. Robert I. Rotberg: "The existence and precise nature of the obligations of the UN and its member states remain unclear. The thresholds for action are somewhat ambiguous: ethnic cleansing has no legal definition, while isolated war crimes, perpetrated by individual combatants, would not seem to warrant robust international action. No guidelines are set out to govern potential use of force that meet the stated thresholds ... Key Council members ... have been unwilling to agree on explicit guidelines for authorizing the use of force, to restrict the use of the veto when addressing humanitarian crises or to accept any formal obligation to respond." 95-96. See also in the same volume, "Acting against Atrocities: A Strategy for Supporters of R2P," by Claire Applegarth and Andrew Block, and "From Prevention to Response: Using Military Force to Oppose Mass Atrocities," by Sarah Sewall.

⁶ See UN Security Council Resolutions on Cote d'Ivoire (UNSCR 1975) <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N11/284/76/PDF/N1128476.pdf?OpenElement>; on Libya (UN SCR 1970) <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N11/268/39/PDF/N1126839.pdf?OpenElement>; and on Darfur (UN SCR 1706) <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/No6/484/64/PDF/No648464.pdf?OpenElement>

⁷ For example, although supporters of RtoP have consistently endorsed the principle, significant conceptual differences remain a barrier to gaining agreement on implementation. In 2008, France's Foreign Minister Kouchner suggested that the UN Security Council respond to Cyclone Nargis in Burma as an RtoP situation. Most states rejected this statement because they view RtoP as applicable only to mass atrocity crimes. Other strong supporters, such as Bangladesh and South Korea, emphasize the importance of capacity-building versus prevention. See Ramesh Thakur, *The Responsibility to Protect: Norms, Laws and the Use of Force in International Politics* (Routledge Press: NY, 2011) 140; "Acting against Atrocities: A Strategy for Supporters of R2P," by Claire Applegarth and Andrew Block in *Mass Atrocity Crimes: Preventing Future Outrages* (Brookings and the World Peace Foundation: Cambridge, MA and Washington, DC, 2010) 140.

institutional procedures to address the problem of widespread and systematic rape and sexual violence in armed conflict. It should be said that the term “security actors” does not refer to an abstract entity – instead it specifically means regional bodies such as the Economic Community of West African States (ECOWAS) and the Organization for Security Cooperation in Europe (OSCE), the United Nations Department of Peacekeeping Operations (UNDPKO), Northern Atlantic Treaty Organization (NATO), and thirty-plus Member States.⁸ All these security actors have time-bound action plans that set out the “who, what, when, and how” to implement UN 1325, and include goals and planned action on the protection of civilians, specifically women and children.⁹

Misunderstanding, underutilization, and neglect of the UN 1325 mandate within the RtoP community have caused many important developments in the field to be overlooked. Thus, these innovations have failed to reach the discussion table and inform the public debate on when and how to implement RtoP in the daily tasks of peace and security operations.

This article, therefore, attempts to begin filling that gap. It presents an overview of what UN 1325 is about and compares UN 1325 to the Responsibility to Protect agenda. It also examines how, in fact, implementing UN 1325 in UN and NATO peace and security operations is pushing the RtoP agenda forward in practical, not theoretical, terms in three key areas of military peace and security operations – the transformation of doctrine, command structure, and capabilities.

What is UN 1325?

Through the unanimous passage of UN Security Council Resolution 1325 in 2000, the international community formally recognized the unique security threats that women and girls face in armed conflict and humanitarian

⁸ Countries that currently have National Action Plans to implement UN 1325 are: Austria (2007); Belgium (2009); Bosnia and Herzegovina (2010); Canada (2010); Chile (2009); Cote D’Ivoire (2007); Croatia (2011); Denmark (2005; 2008–2013); DRC (2010); Dutch (2000); Estonia (2010); Finland (2008); France (2010); Iceland (2008); Italy (2010–2013); Liberia (2009); Nepal (2010); Norway (2006); Philippines (2010); Portugal (2009); Rwanda (2010); Serbia; Senegal; Sierra Leone (2010); Spain (2007); Sweden (2006; 2009); Switzerland (2007; 2010); Uganda (2008); and the United Kingdom (2010). See the PeaceWomen website for the National Action Plans currently available <http://www.peacewomen.org/pages/about-1325/national-action-plans-naps> accessed 11/30/11.

⁹ The United Nations Educational Scientific and Cultural Organization (UNESCO), “Strategic Planning: Three Stages,” August 20, 2005. http://portal.unesco.org/education/en/ev.php-URL_ID=11367&URL_DO=DO_TOPIC&URL_SECTION=201.html accessed 8/31/11.

crisis, and recognized the “inextricable link between peace and equality between men and women”.¹⁰ With the passage of this resolution, the Security Council underscored, for the first time in its history, that threats to individuals, specifically women and girls, constitute a threat to international peace and security. Since then, non-traditional security threats such as sexual violence in armed conflict, human trafficking, and the disproportionate vulnerability of women and children to humanitarian crisis, are increasingly recognized as highly relevant to international security and rule of law, as demonstrated by the passing of subsequent UN Resolutions 1820(2008) and 1888(2009), 1889(2009) and 1960(2010)). These resolutions are all inter-related, with UN 1325 being the umbrella under which the rest fall. Taken together, these five resolutions are considered “the Women, Peace and Security agenda” and will be referred to as such in this paper. UN 1820, UN 1888, and UN 1960 are particularly significant to the Responsibility to Protect principle, because they identify the systematic and widespread use of sexual violence in armed conflict as a crime against humanity, a war crime, and constitutive act of genocide.¹¹

UN 1325 provides an internationally recognized legal framework for promoting gender equality and addressing issues affecting women’s security at the local, regional, and international levels in armed conflict. The Resolution has four main pillars, participation, prevention, protection, and gender mainstreaming. Within these pillars, the resolution encompasses a range of complex issues such as judicial and legal reform, security sector reform, women’s participation in peace negotiations and peacekeeping, and protection from and response to sexual violence in armed conflict. In comparison, as mentioned earlier, RtoP rests on three pillars: 1) the responsibility of the state to protect its civilian population, 2) the responsibility of the international community to assist a State in meeting its protection responsibilities, and 3) the responsibility of the international community to respond to the failure of a state to meet its protection responsibilities. Activities to implement UN 1325 in peace and security operations focus on strengthening pillars one and two. Of special relevance to RtoP, the eighteen point resolution calls for attention to gender with implications for peacekeeping operations. For example, the Resolution calls for:

¹⁰ Ambassador Anrawul K. Chowdhury, “Doable Fast-track Indicators for Turning UN 1325 Promise into Reality,” July 27, 2010. <http://www.gnwp.org/doable-fast-track-indicators-for-turning-the-1325-promise-into-reality> accessed 11/21/11.

¹¹ UN 1820, para 4. See also Gary Solis, *The Law of Armed Conflict*, “8.4 Rape and Other Gender Crimes,” Cambridge University Press, 2010, 310–313, for details on international humanitarian law on rape and sexual violence in armed conflict.

- attention to the impact of armed conflict on women and girls, making provisions for the promotion and protection of human rights of women and girls in armed conflict;
- the inclusion of gender perspectives in peacekeeping and post-conflict reconstruction processes;
- the increase of women's participation at decision-making levels in conflict resolution and peace processes;
- gender-sensitive training of military and civilian personnel, and peacekeeping forces specifically on gender issues in conflict; and
- requests the Secretary General to report to the Security Council on gender mainstreaming¹² throughout peacekeeping missions.

The resolutions on Women, Peace and Security did not appear out of a vacuum. They resulted instead from a number of advocacy efforts and international agreements including the Convention on the Elimination of All Forms of Discrimination Against Women (1979),¹³ the Beijing Declaration and Platform for Action (1995), the Windhoek Declaration and the Namibia Plan of Action on Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations (2000). Far from being a western agenda, the Security Council adopted UN 1325 following decades of pressure by civil society groups, especially those working in “non-western” conflict zones.¹⁴

UN 1325 brings together economic, political, and security interests and resources to address the link between gender inequality and conflict.¹⁵

¹² On July 18, 1997, the United Nations Economic and Social Council (ECOSOC) adopted the following definition on mainstreaming a gender perspective into all policies and programs in the United Nations system: “Gender mainstreaming is the process of assessing the implications for women and men of any planned action, including legislation, policies and programs, in all areas and at all levels, and as 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 programs in all political, economic, and social spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality.”

¹³ So far 186 countries, out of 193 countries, that have ratified the treaty: the United States, Sudan, Somalia, Iran, and three small Pacific Island nations have not as of September 2011. See www.cedaw.org accessed 9/14/11.

¹⁴ Felicity Hill, “NGO Perspectives: NGOs and the Security Council,” in *NGOs as Partners: Assessing the Impact, Recognizing the Potential*, 2002, 28. See <http://www.unidir.org/pdf/articles/pdf-art9.pdf> accessed 11/9/11.

¹⁵ A gender perspective looks at the impact of gender on people’s opportunities, social roles and interactions. Successful implementation of the policy, program and project goals of international and national organizations is directly affected by the impact of gender and, in turn, influences the process of social development. Gender is an integral component of every aspect of the economic, social, daily and private lives of individuals and societies, and

There are now more than 30 countries¹⁶ that have developed national action plans or other national level strategies to initiate strategic policy and action at a national level to implement the Women, Peace and Security agenda in their countries. Other Member States are currently in the drafting phase. The process of developing a national action plan is meant to be participatory, multi-disciplinary, and include stakeholders from a broad section of security actors and civil society. These processes are currently being documented by UN Women.¹⁷

National planning on UN 1325 by a number of regional and multilateral organizations, and in a growing number of countries, is evidence of the widespread acceptance of joint frameworks of regulation on global standards for women's rights. Examples include the obligations of State Parties to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and international humanitarian law, which affords general protection to women and children during armed conflicts. Treaty law and State practice indicate a general agreement that gender-issues in armed conflict and women's human rights are a matter of international security. In effect, with UN 1325, the Security Council recognized the need to understand the complexity of security threats, not only as they relate to national borders, but also as they affect individual men, women, boys, and girls.

In contrast, Member States do not have, nor have attempted to create, National Action Plans to implement the Responsibility to Protect. Member States have also not committed to identifying institutional practices already in place and readily available to them that can address some of the aims of RtoP. Another weakness of the RtoP debate in comparison to action already

of the different roles ascribed by society to men and women. See for further discussion of gender <http://www.fao.org/DOCREP/003/X2919E/x2919e04.htm> accessed 9/14/11.

¹⁶ Countries that currently have National Action Plans for UN SCR 1325 are: Austria (2007); Belgium (2009); Bosnia and Herzegovina (2010); Canada (2010); Chile (2009); Cote D'Ivoire (2007); Denmark (2005; 2008-2013); DRC (2010); Dutch (2000); Estonia (2010); Finland (2008); France (2010); Iceland (2008); Italy (2010-2013); Liberia (2009); Nepal (2010); Norway (2006); Philippines (2010); Portugal (2009); Rwanda (2010); Sierra Leone (2010); Spain (2007); Sweden (2006; 2009); Switzerland (2007;2010); Uganda (2008); and the United Kingdom (2010). See the PeaceWomen website for the National Action Plans currently available <http://www.peacewomen.org/pages/about-1325/national-action-plans-naps> accessed 8/17/11.

¹⁷ See UN Women website <http://www.un-instraw.org/support-implementation-processes-of-scr-1325/landing-page/> accessed 8/19/11. UN-INSTRAW, Kristin Valasek, Kaitlin Nelson, edited by Hilary Anderson. *Security Equality, Engendering Peace: A guide to policy and planning on women, peace and security (UN SCR 1325)*, Santo Domingo, 2006, 23. <http://www.un-instraw.org/support-implementation-processes-of-scr-1325/landing-page/> accessed 8/30/11.

taken on UN 1325, is that RtoP does not utilize a participatory model to advance its cause. Instead, the main reference point for the Responsibility to Protect is the sovereignty of the State, whereas, the main referent point for UN 1325 is individual security. It is of the utmost significance that it was women's organizations from conflict zones, which used UN 1325 to press the international community for relief from suffering because their individual governments were unable or unwilling to protect them adequately.¹⁸ This concept of protection, as advanced by UN 1325, requires continuous adherence to international humanitarian and human rights laws, and should be viewed as an ally of sovereignty. Through UN 1325, women in particular can demand that the state fulfill its obligation to protect its civilian population. Both individual women, and organizations committed to promoting gender equality and ending gender-based violence, can play a role in informing how these obligations will be fulfilled.

UN 1325, Gender, and the Responsibility to Protect

Although the concept of Responsibility to Protect developed at the same time as the Women, Peace, and Security agenda, and although the Security Council passed significantly inter-related landmark resolutions on both issues (notably UN 1325 (2000) and UN 1674 (2006)) during 2000 to 2010, the issue of gender has remained largely unexamined in mainstream RtoP policy formulations.¹⁹

Yet, it is clear from the language of Security Council resolutions UN 1325, UN 1820 and UN 1888, that the Women, Peace and Security agenda is keenly aware of the Responsibility to Protect principle. Close examination of the text of UN 1325, and its related resolutions, reveals the use of very specific language to identify a particular group of civilians that requires protection (women and girls); specific violations to be protected from (rape and other forms of sexual violence); and several protection mechanisms, such as gender mainstreaming and the use of a gender perspective, to be implemented in the daily tasks of peacekeeping operations. The Security Council even

¹⁸ Felicity Hill, "NGO Perspectives: NGOs and the Security Council," in *NGOs as Partners: Assessing the Impact, Recognizing the Potential*, 2002, 28. See <http://www.unidir.org/pdf/articles/pdf-art9.pdf> accessed 11/9/11. See also Carolyn M. Stephenson, "Non-State Actors in the Global Security World," Ashgate Research Companion, 2011.

¹⁹ See Eli Starnes, *The Responsibility to Protect: Integrating Gender Perspectives into Policies and Practices*, Norwegian Institute of International Affairs, 2010. <http://www.isn.ethz.ch/isn/Digital-Library/Publications/Detail/?ots591=0c54e3b3-1e9c-be1e-2c24-a6a8c7060233&lng=en&id=127633> accessed 9/14/11.

attempts to link the widespread and systematic use of rape and other forms of sexual violence to the use of sanctions. To be exact, the relevant “protection” language of UN 1325, UN 1820 and UN 1888 is as follows:

- UN 1325 recognizes that threats to people, particularly women and girls in armed conflict, can constitute a threat to international peace and security;
- UN 1820 specifically recalls the World Summit Outcome document from 2005 which established international agreement on the principle of the Responsibility to Protect, and makes reference to the fact that civilians include women and girls;
- Paragraph 4 of UN 1820 specifically states that “... rape and other forms of sexual violence can constitute a war crime, a crime against humanity, or a constitutive act with respect to genocide...”;
- UN 1888 states in paragraph 10, “when adopting or renewing targeted sanctions in situations of armed conflict, to consider including, where appropriate, designation criteria pertaining to acts of rape and other forms of sexual violence; and calls upon all peacekeeping and other relevant United Nation missions and United Nations bodies, in particular the Working Group on Children of Armed Conflict, to share with relevant United Nations Security Council Sanctions Committees, including through relevant United Nations Security Council Sanctions’ Committees’ monitoring groups and groups of experts, all pertinent information about sexual violence”; and
- UN 1888 also states in paragraph 10, that it “decides to include specific provisions, as appropriate, for the protection of women and children from rape and other sexual violence in the mandates of United Nations peacekeeping operations”

Given the clarity of this language, it is surprising that the RtoP policy debate is largely gender-blind and ignorant of the Security Council’s own pronouncements on the gendered dimensions of conflict.²⁰ This gap has significant policy implications. The lack of a gender perspective in RtoP policy debates is a critical weakness in a world where women and children are not only 70 percent of refugees and internally displaced people, but where women perform 66 percent of the world’s work, produce 50 percent of the food, but earn only 10 percent of the income and own only one

²⁰ See Eli Stamnes, *The Responsibility to Protect: Integrating Gender Perspectives into Policies and Practices*, Norwegian Institute of International Affairs, 2010. <http://www.isn.ethz.ch/isn/Digital-Library/Publications/Detail/?ots591=0c54e3b3-1e9c-be1e-2c24-a6a8c7060233&lng=en&id=127633> accessed 9/14/11.

percent of the property.²¹ In addition, it is now widely accepted that men, women, boys, and girls experience security threats and crises differently.²² For example, civilian men and boys who are seen as potential fighters are most likely to be targeted for recruitment or mass execution²³ during armed conflict, whereas women and girls are more susceptible to sexual violence, such as rape during armed conflict.²⁴ Sexual violence directed at men and boys is typically underreported, or reported as torture instead of gender-based violence.²⁵ Due to their universally low-status, women and girls are often economically disadvantaged, have no or few property and inheritance rights. This compounds the devastation of conflict when they suddenly become “female-heads of household,” because their male relatives die in the fighting. Women and girls also experience extreme limitations in mobility during armed conflict and instability caused by humanitarian crisis, barring them from participating in public life and generally restricting their movement due to the threat of sexual violence and rape. In addition, economic and political instability rarely affect men and women in the same

²¹ See UNIFEM Website http://www.unifem.org/gender_issues/women_poverty_economics/facts_figures.php accessed 8/19/11.

²² Ann J. Tickner, *Gender and International Relations* (Columbia University Press: NY, 1992), 66. Tickner points out that women define security differently than men: it is the absence of violence whether it be military, economic or sexual.

²³ See http://gendercide.org/case_bosnia.html: “... the overwhelming weight of testimony and recorded evidence suggests a heavy preponderance of “battle-age” males among the dead -- probably over 80 percent. One clue can be gleaned from the lists of missing persons from the Bosnian conflict. The International Committee of the Red Cross has noted that “the majority of missing persons [in Bosnia-Herzegovina] are men ... Of the approximately 18,000 persons registered by the ICRC in Bosnia-Herzegovina as still missing in connection with the armed conflict that ended there in 1995, 92% are men and 8% are women.” (International Committee of the Red Cross, “The Impact of Armed Conflict on Women”, March 6 2001.)”

²⁴ 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: UNIFEM, 2002), 10. “Men and boys as well as women and girls are the victims of this targeting, but women, much more than men, suffer gender-based violence. Their bodies become a battleground over which opposing forces struggle. Women are raped as a way to humiliate the men they are related to, who are often forced to watch the assault. In societies where ethnicity is inherited through the male line, ‘enemy’ women are raped and forced to bear children. Women who are already pregnant are forced to miscarry through violent attacks. Women are kidnapped and used as sexual slaves to service troops, as well as to cook for them and carry their loads from camp to camp. They are purposely infected with HIV/AIDS, a slow, painful murder.” http://www.unifem.org/attachments/products/213_chapter01.pdf accessed 8/17/11.

²⁵ Sandesh Sivakumaran, “Lost in Translation: UN Responses to Sexual Violence Against Men and Boys in Situations of Armed Conflict,” *International Review of the Red Cross*, Volume 92 Number 877, March 2010.

way. For example, men are more likely to migrate for economic reasons, and are at a high risk of interpersonal or state violence.

Detractors may argue that focusing on protection from sexual violence asserts that women and girls are victims of conflict, not agents of change, and that the Security Council resolutions under the Women, Peace and Security agenda which emphasize sexual violence in armed conflict, overshadow the ability of women to engage fully at all levels of decision-making in peace and security operations. This argument has merit, and may even be true to a certain extent.²⁶ Others may say that linking sexual violence to RtoP will automatically trigger the use of coercive military force as a response.

The flipside of these arguments, however, is that the resolutions are ultimately concerned with the reduction of human suffering and the prevention of mass violations of human rights. Sexual violence, when used as a war tactic, is an asymmetric security threat that challenges conventional notions.²⁷ Sexual violence encompasses sexual slavery, forced prostitution, forced pregnancy, forced sterilization, or any other form of sexual violence of comparable gravity which may include indecent assault, trafficking, inappropriate medical examinations, and strip searches.²⁸ It is used to terrorize populations into submission, prevent refugees from returning to their land and homes, and destabilize reintegration programs.²⁹ Widespread and

²⁶ Many scholars and practitioners have written on this subject. See for example, Caroline O.N. Moser and Fiona C. Clark, eds, *Victims, Perpetrators, or Actors?: Gender, Armed Conflict and Political Violence*, London, Zed Books, 2001.

²⁷ UNIFEM and the United Nations Department of Peacekeeping Operations, *Addressing Conflict-Related Sexual Violence: An Analytic Inventory of Peacekeeping Practice*, June 2010, 12. See also Elisabeth Jean Wood, "Rape is Not Inevitable in War," Chapter 3 of *Women and War, Power and Protection in the 21st Century*, Kathleen Kuehnast, Chantal de Jonge Oudraat, and Helga Hernes, eds. (Washington, DC: United States Institute for Peace, 2011), 39. Sexual violence in armed conflict is an asymmetric threat when "one armed group engages in significant sexual violence against members of another group, but the later does not respond in kind."

²⁸ The "Elements of Crimes" of the ICC defines sexual violence as follows: "The perpetrator committed an act of a sexual nature against one or more persons or cause such person or person to engage in an act of a sexual nature by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or persons or another person, or by taking advantage of a coercive environment or such person's or person's incapacity to give genuine consent." See 1998 Rome Statute of the International Criminal Court http://untreaty.un.org/cod/icc/statute/99_corr/cstatute.htm

²⁹ See for example, Janie L. Leatherman, *Sexual Violence in Armed Conflict*, Malden, Polity Press, 2011, 43: "the Rwandan genocide also stands out for the organized nature of the sexual violence. It was very public with rapes committed in view of others at schools,

systematic sexual violence even impacts future generations by destabilizing communities due to: the high stigma attached to women and girls who are victims of sexual violence; the stigma attached to male family members who either could not protect their female relatives from sexual violence, or who are rape victims themselves; and due to the stigma attached to the children born of rape. In weak states and conflict ridden areas, both male and female human rights defenders can be targeted for sexual violence as a means to stop their social justice activities, which may range from challenging corrupt regimes to promoting equal rights.³⁰ Sexual violence produces wide-scale instability and is infinitely cheaper than using conventional weapons.³¹ More focus on how to prevent sexual violence in armed conflict, and how to respond to it more adequately when it does happen, will further develop the Responsibility to Protect in practice, not theory.

The reality is that peacekeeping operations confront human rights abuses on a daily basis and need to enhance their ability to deal adequately with this unconventional threat. The extraordinary UN report, *Addressing Conflict-Related Sexual Violence, An Analytical Inventory of Peacekeeping Practice*, reflects this reality. It presents over 100 tactics that UN peacekeeping operations have developed to address or deter sexual violence on a case-by-case basis within the constraints of their mandates, and with the absence of gender mainstreaming practices. For example, “visible presence” is one deterrent task that peacekeepers can use that does not include force but is not a standard procedure. One example of the use of “visible presence” included in the report is particularly chilling because it illustrates the helplessness of both the peacekeepers and the women and girls affected

churches, roadblocks, or government buildings...Rape victims' corpses “were left spread eagled in public view, as a reminder of the brutality and power of the genocide's perpetrators ... The UN Special Rapporteur on Rwanda Rene Degni-Segui estimated in a 1996 report that between 250,000 and 500,00 Rwandese women and girls were raped ... 15 years after the genocide an estimated 70 percent of rape survivors are HIV-positive.”

³⁰ Jane Barry with Vahida Nainar, *Insiste, Resiste, Persiste, Existe: Women Human Rights Defenders Security Strategies Urgent Action for Women's Human Rights Frontlines*, the International Foundation for the Protection of Human Rights Defenders, and Kvinna Till Kvinna Foundation, 2008, 11, 14, 15.

³¹ UNIFEM and the United Nations Department of Peacekeeping Operations, *Addressing Conflict-Related Sexual Violence: An Analytical Inventory of Peacekeeping Practice*, June 2010, 13. “Conflict-related sexual violence is comparable in its intent, extent, and impact to any classical method of warfare. It often has an aggravated character, such as gang rapes, rapes accompanied with torture, mutilation or branding; rapes with objects; rapes in the presence of family members; or rapes of particularly taboo categories of victim, such as me, boys and the elderly.”

by armed conflict: “truckloads of MONUC peace keepers drove into the bush [in the eastern Democratic Republic of Congo] and kept their headlights on all night to signal presence in the area. In the morning, numerous women and girls were found sleeping in the safe area beneath the headlights.”³² While this may be a commendable action, it is also a reminder that military capability to counter mass violations of human rights is still painfully inadequate and could benefit from systematic and routine procedures to reduce violence.³³

UN 1325 Operationalizes the Responsibility to Protect

The lack of consensus on how to operationalize RtoP in practice is today, at the very least, being addressed by the implementation of UN 1325 in peace and security. First, implementing UN 1325 in peace and security operations has developed guidance and doctrine on the protection of civilians for both UN peacekeeping and NATO operations. Second, the implementation of UN 1325 in peace and security operations has transformed command structure by the addition of military Gender Advisors at the strategic, operational, and tactical levels of military operations. Third, the implementation of UN 1325 has operationalized specific RtoP protection activities by creating institutional capacity to systematically apply a gender perspective to the daily tasks of a peace and security operation. This institutionalizes a process and a capability, not a “one-size-fits-all template” to respond to mass atrocity events.

The operationalizing of RtoP activities related to the crimes of sexual violence and rape is rooted in the language of one principle source: UN 1325. This source refers back to the RtoP pillars of a state’s responsibility to protect its population. UN 1325 and UN 1820 explicitly recognize that “States bear primary responsibility to respect and ensure the human rights of their citizens, as well as individuals within their territory as provided for by

³² UNIFEM and the United Nations Department of Peacekeeping Operations, *Addressing Conflict-Related Sexual Violence: An Analytic Inventory of Peacekeeping Practice*, June 2010, 26.

³³ Charles T. Call and William Stanley, “Civilian Security,” *Ending Civil Wars: The Implementation of Peace Agreements*, eds Stephen John Stedman, Donald Rothchild, and Elizabeth M. Cousens (Boulder, Colorado: Lynne Reiner, 2002) 303–325. “The degree of public security provided by military forces during initial phases of a peace operation depends heavily on the rules of engagement (ROE) for the military forces. If they are empowered to act to protect the public, they can be quite effective. If their ROE only allows for self-defense, they may not act to protect civilians.”

international law.” UN 1325 also calls for gender mainstreaming, gender training, and using a gender perspective in operations. This underscores RtoP’s second pillar of assisting States to fulfill their obligations to protect their population. A gender mainstreaming approach requires the consideration of any planned action on both men and women, including legislation, policies or programs.³⁴ Applying a gender-perspective simply means to consider the different experiences of men, women, boys, and girls based on their roles, status, needs and priorities in society. It especially requires attention to inequalities that arise between men and women because of their gendered roles, and a consideration of how to reduce the inequities between men and women. However, these initiatives are new, and the full implementation of UN 1325 faces many challenges including, the lack of resources, and a lack of understanding of the resolution.

Doctrine

In any political or military endeavor, doctrine and guidance are necessary to clarify priorities and objectives, but this is especially true in the context of Responsibility to Protect and UN 1325. Doctrine can be understood to be a statement about how to employ power and resources, and as being practical, not theoretical, in application. While the Responsibility to Protect principle has remained largely a political debate, multinational forces already have defined policy mandates and guidance on how to implement UN 1325 in peace and security operations. And because one of the main pillars of UN 1325 is the protection of women and children, the doctrine and guidance to implement UN 1325 in peace operations is directly relevant to the question of how to implement RtoP.

³⁴ The importance of gender mainstreaming was first recognized through the Beijing Declaration which emerged from the Fourth World Conference on women in Beijing in 1995: “Governments and other actors should promote an active and visible policy of mainstreaming a gender perspective in all policies and programs so that, before decisions are taken, an analysis is made of the effects on women and men, respectively.” The United Nations Economic and Social Council (ECOSOC) adopted (July 18, 1997) the following definition on mainstreaming a gender perspective into all policies and programs in the United Nations system: “Gender mainstreaming is the process of assessing the implications for women and in any planned action, including legislation, policies and programs, in all areas and at all levels, and as 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 programs in all political, economic, and social spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality.” Goal 3 of the Millennium Development Goals is “Promote gender equality and empower women.”

Since 2000, the number of approaches to gender mainstreaming in peace and security operations has multiplied.³⁵ However, in the last several years multilateral organizations like UNDPKO and NATO, which carry out the majority of these operations have acted to standardize gender mainstreaming with policy directives and mandates. While implementation is new, gender equality approaches have been identified and are being implemented. However, gender equality in peacekeeping operations does not only mean the increase in the number of women serving, it also means applying a gender perspective to operations.

This is no small matter, as it has been repeatedly noted that inter-operability among multinational forces in implementing the responsibility to protect is an enormous challenge.³⁶ According to the *SIPRI Yearbook 2011 on Armaments, Disarmament and International Security*, there has been an upward trend in the number of personnel deployed to peace operations from 2009 to 2010, with the UN and NATO being the main conductors of peace operations. In 2010, the UN operated 20 missions and deployed 103,404 personnel, and NATO operated 3 missions and deployed 140,354 personnel.³⁷ Of these, 91 percent were military personnel, 6 percent were civilian police, and 3 percent were civilian staff.³⁸ Clearly, the military track supersedes the political track in peace and security operations at least in sheer numbers of people deployed. This has implications for the way a mission is planned and carried out on the ground.

³⁵ See for example, *Gender and Peace Support Operations: Opportunities and Challenges to Improve Practice*, International Alert, 2001; *United Nations Gender Mainstreaming in Peacekeeping Operations Progress Report*, 2006; Fapohunda Tinuke, M., "Integrating women and gender issues in peace development," *International Journal of Peace and Development Studies*, Vol. 2(6), January 24, 2011; Heidi Hudson, "Mainstreaming Gender in Peacekeeping Operations: Can Africa Learn from International Experience?" *African Security Review*, Vol 9, No. 4, 2000; Angela Ndinga-Muvumba, "Who Said It Was Simple? Implementing 1325," ACCORD Policy Brief, Issue 002, October 2010; United Nations Mission in Liberia (UNMIL) *Gender Mainstreaming in Peacekeeping Operations Liberia 2003-2009 Best Practice Report*.

³⁶ Victoria K. Holt, *The Responsibility to Protect: Considering the Operational Capacity for Civilian Protection*, Henry L. Stimson Center, Working Paper 2005, 34-39; Graham Day and Christopher Freeman, "Operationalizing the Responsibility to Protect – the Policekeeping Approach," *Global Governance* 11(2005), 139-146.

³⁷ Stockholm International Peace Research Institute (SIPRI), *SIPRI Yearbook 2011 Summary, Armaments, Disarmament and International Security*, 6; "The upward trend in the total number of personnel deployed to peace operations continued to gather pace, with totals increasing by 20 percent between 2009 and 2010, to reach 262,842."

³⁸ Stockholm International Peace Research Institute (SIPRI), *SIPRI Yearbook 2011 Summary, Armaments, Disarmament and International Security*, 6-7.

UNDPKO, NATO, and UN 1325

Though the UN Department of Peacekeeping Operations (UNDPKO) and NATO were slow to take action on implementing UN 1325, they have made some progress in the last several years.

Six years after UN 1325 was passed, the United Nations Department of Peacekeeping Operations (UNDPKO) issued its policy directive “Gender Equality in Peacekeeping Operations.”³⁹ *Gender Mainstreaming in UN Peacekeeping Operations*, the last progress report on UN 1325, was issued in 2006. In addition, UNDPKO has made three specific efforts to implement UN 1325: 1) specialist gender advisors have been appointed to several missions, 2) efforts to increase the number of women leading or serving in peace operations have been made, and 3) gender awareness training has been provided to peacekeepers on an *ad hoc* basis.

In 2010, the UN Department of Peacekeeping Operations issued gender guidelines on *Integrating a Gender Perspective into the Work of the United Nations Military in Peacekeeping Operations*, building on the work of the Office of Military Affairs (OMA), and the Gender Unit of the Policy, Evaluation and Training Division (DPET) of the Department of Peacekeeping Operations.⁴⁰ The guidelines are intended for use by all military personnel in UN peacekeeping missions. The guidelines define the roles of new Military Gender Advisors, Gender Field Advisors and Gender Focal points.

In 2007, NATO adopted a Euro-Atlantic Partnership Counsel (EAPC) policy, tasking Member States to develop practical proposals for the implementation of UN 1325. In September 2009, NATO approved the *Bi-Strategic Command Directive 40-1 Integrating UNSCR 1325 and Gender Perspectives in the NATO Command Structures Including Measures for Protection During Armed Conflict*. The directive is applicable to all international military headquarters or any other organizations operating with NATO chains of command.⁴¹ Today the implementation of UN 1325 is being pushed forward by both civilian and military elements within NATO.

³⁹ United Nations Department of Peacekeeping Operations (DPKO), *Gender Equality in UN Peacekeeping Operations*, 2006. For full text of the DPKO policy on gender, see <http://www.un.org/womenwatch/feature/wps/Policy%20directive%20gender%20equality%20FINAL%202006.pdf>

⁴⁰ United Nations Department of Peacekeeping Operations, *DPKO/DFS Guidelines: Integrating A Gender Perspective into the Work of the United Nations Military in Peacekeeping Operations*, March 2010.

⁴¹ United Nations Department of Peacekeeping Operations (DPKO). *Gender Equality in UN Peacekeeping Operations*, 2006. For full text of the DPKO policy on gender, see <http://www.un.org/womenwatch/feature/wps/Policy%20directive%20gender%20equality%20FINAL%202006.pdf>

A comprehensive report on UN 1325 and its corresponding implementation plan was endorsed in Lisbon in 2010.⁴²

Member States' Obligations: "But Do We Have To Do It?"

Critics have remarked that the Resolution's Chapter VI 'status' makes UN 1325 ineffective since it is not "legally" binding.⁴³ However, UN 1325 is not meant to respond to a specific threat to international peace and security. Instead, UN 1325 under Chapter VI sets a normative standard for the international community on a thematic issue. It recognizes that gender inequality contributes to instability, and is relevant to every crisis. UN 1325 is therefore applicable to all present and future international security challenges. By November 2009, approximately 40% of country-specific Security Council resolutions contained specific language on women or gender and referenced UN 1325.⁴⁴ It can influence not only regional and national level security policies through the development of regional and national action plans, but it can also influence and inform UN Security Council actions on any specific threat, such as the issues of the protection of civilian populations and the prevention of violence, including sexual violence. Examples of this wide-ranging applicability can be found in the Security Council's situational resolutions that respond to conflicts in the Democratic Republic of the Congo, and Darfur, among other countries.

⁴² "Update on NATO's Implementation of UNSCR 1325," August 17, 2011, paragraph 3.

⁴³ Torunn Tryggestad, "Trick or Treat? The UN and the Implementation of Security Council Resolution 1325 on women, peace and security" *Global Governance* 15(4)2009: 539-557 <http://www.thefreelibrary.com/Trick+or+treat%3F+The+UN+and+implementation+of+security+Council...-a0215069791> accessed 8/17/11 : "Generally, a distinction is made between Council resolutions adopted under Chapter VI (non-coercive measures) and resolutions adopted under Chapter VII (coercive measures) of the UN Charter. Resolutions under Chapter VII are invoked when a breach of the peace is believed to have occurred or a threat to international peace and security is thought to exist. Such resolutions are regarded as binding on member states. Resolutions adopted under Chapter VI, including thematic resolutions such as Resolution 1325, are of a non-coercive nature. Rather, they carry a normative imperative that is intended to influence behavior (in the short or long term) at both the international and national levels." See also Sanam Anderlini, *Women Building Peace: What They Do, Why It Matters* (Boulder, Colorado: Lynne Rienner, 2007) 197.

⁴⁴ See *Resolution Watch* http://www.peacewomen.org/security_council_monitor/resolution-watch for a country list and a thematic index tracking Security Council Resolutions that refer to UN SCR 1325, women or gender, and related Women, Peace and Security Resolutions. The country or crisis-specific areas include: Afghanistan, Burundi, Chad and the Central African Republic, Cote D'Ivoire, Cyprus, Darfur, Democratic Republic of Congo, Ethiopia and Eritrea, Georgia, Golan Heights, Haiti, Iraq, Lebanon, Liberia, Nepal, Sierra Leone, Somalia, S. Sudan, Timor-Leste and the Western Sahara.

Accessed 8/30/11.

For example, in the Democratic Republic of Congo, UN peacekeepers have been mandated to specifically address the issues of sexual violence via UN Security Council Resolution 1856. In 2008, the United Nations Observer Mission in the Democratic Republic of the Congo (MONUC) was required to “strengthen efforts to prevent and respond to sexual violence, including through training for the Congolese security forces ... and to report regularly on actions taken in this regard, including data on instances of sexual violence and trend analyses of the problem.”⁴⁵ The Security Council also specifically recalled its commitments to UN 1325 and UN 1820 in the preamble.

Another example of the Women, Peace and Security agenda’s impact on protection issues under Chapter VII resolutions can be found in the Security Council’s actions on Darfur. In July 2007, the Security Council passed Resolution 1769 under Chapter VII of the Charter (see operative paragraph 15), which reaffirms UN 1325 and UN 1674, on civilian protection.⁴⁶ The resolution on Darfur provides a clear mandate to address the issues raised in UN 1325: gender mainstreaming in peacekeeping operations, the protection of civilians from sexual violence in armed conflict, and the inclusion of women in peace-building efforts. The mandate helped to establish a gender unit for the Darfur mission. The UNAMID Gender Advisory Unit (GAU) is mandated to work on the issues related to women, peace and security guided by United Nations Security Council Resolutions 1325, 1820, 1888, 1889, and UNAMID mandate UN 1769 and 1935. The GAU advocates actions and policies within the mission on key gender issues, and monitors and reports on gender-related issues. Its primary focus is on increasing women’s participation in peace processes and governance, and protection

⁴⁵ UN Security Council Resolution 1856 http://www.adh-geneva.ch/RULAC/pdf_state/UN-Security-Council-Security-Council-resolution-1856-2008-on-extension-of-the-mandate-of-the-UN-Organization-Mission-in-the-Democratic-Republic-of-the-Congo-MONUC-.pdf accessed 8/17/11.

⁴⁶ United Nations Security Council Resolution 1769: “... recalling that co-operation between the UN and the regional arrangements in matters relating to the maintenance of peace and security is an integral part of collective security as provided for in the Charter of the United Nations, Re-affirming also its previous resolutions 1325 (2000) on women, peace and security, 1502 (2003) on the protection of humanitarian and United Nations personnel, 1612 (2005) on children and armed conflict and the subsequent conclusions of the Security Council Working Group on Children in Armed Conflict pertaining to parties to the armed conflict in Sudan (S/2006/971), and 1674 (2006) on the protection of civilians in armed conflict, as well as recalling the report of its Mission to Addis Ababa and Khartoum from 16 to 17 June 2007...” http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1769 (2007) accessed 9/14/11.

of women and girls from sexual and gender-based violence, and women's empowerment.⁴⁷

A growing number of Chapter VII Security Council resolutions include references to UN 1325 and UN 1820 specifically. This is highly relevant to any current or future Security Council actions regarding protection issues and humanitarian interventions. It means that aside from being a normative standard, the Women, Peace and Security agenda is also becoming a normative action on the ground.

Challenges to implementation exist, however. Even though a Security Council mandate includes language on implementing aspects of UN 1325, it does not necessarily mean that missions are able to carry out implementation successfully. The lack of capacity and lack of funding are two main obstacles. A third challenge is the fact that many military and civilian officers do not fully understand how to implement the Women, Peace and Security agenda.

The international response to the January 2010 massive earthquake in Haiti is a good example of how these obstacles play out. In 2010, the Security Council extended the mandate of the United Nations Stabilization Mission in Haiti (MINUSTAH) by adopting Resolution 1944, acting under Chapter VII of the Charter of the United Nations. In paragraph 14 it, "*Strongly condemns* the grave violations against children affected by armed violence, as well as widespread rape and other sexual abuse of women and girls, and calls upon the Government of Haiti, with the support of MINUSTAH and the United Nations country team, to continue to promote and protect the rights of women and children as set out in Security Council resolutions 1325 (2000), 1612 (2005), 1820 (2008), 1882 (2009), 1888 (2009), and 1889 (2009)." A security assessment report of internally displaced people (IDP) was produced in March 2010 which identified sexual and gender-based violence (GBV) as a source of insecurity in IDP camps, and proposed recommendations for MINUSTAH.⁴⁸

In spite of this, more than a year after the earthquake the problem of sexual and gender-based violence is unrelenting. According to a report by Refugees International (RI), GBV programming in Haiti lacks resources,

⁴⁷ African Union and United Nations Mission in Darfur (UNAMID), Gender Advisory Unit webpage, <http://unamid.unmissions.org/Default.aspx?tabid=4527> accessed 8/30/11.

⁴⁸ United Nations Stabilization Mission in Haiti (MINUSTAH) Human Rights Section, *IDP Camp Joint Security Assessment Report*, March 2010. <https://www.cimicweb.org/cmo/haiti/Crisis%20Documents/Protection%20Cluster/Joint%20Security%20Assessment%20report%20-%20Final.pdf> accessed 8/30/11.

particularly for building the capacity of local camp-based women's groups working on GBV. The report states that,

This work has made some of these women a target for death threats. RI was told that local agencies working on GBV in the camps had received three times the number of reports of sexual violence than pre-quake, but there has not in fact been a methodical tracking by any agency of incidents pre-or-post quake. UNFPA leads the GBV sub-cluster with only one staff member. Increased staffing for the GBV sub-cluster would enable cooperation with Haitian women's organizations.⁴⁹

In addition, though the UN Stabilization Force in Haiti trained qualified female Haitian police officers to investigate crimes of gender-based violence, these police officers were subsequently given only administrative tasks and could not put their training into practice.⁵⁰

Changing Command Structure

Gender mainstreaming into military operations as implemented by UN Department of Peacekeeping Operations⁵¹ and by NATO's Bi-SC 40-1 Directive,⁵² establishes Gender Advisors, Gender Field Advisors, and Gender Focal Points in the chain of command. Each position has a responsibility to integrate a gender perspective into the life-span of an operation. Although these positions are new and resources have been few, Sweden, the Netherlands, EUFOR, UNDPKO and NATO all have military Gender Advisors, Gender Field Advisors, and Gender Focal Points deployed in various missions globally.

The role of the military Gender Advisor and Gender Field Advisor is meant to promote the implementation of UN 1325 and related resolutions, throughout different levels of command, both top down and bottom up.

⁴⁹ Refugees International, "Haiti: Refugees Still Trapped in Emergency Phase" October 6, 2010. <http://www.refugeesinternational.org/policy/field-report/haiti-still-trapped-emergency-phase> accessed 8/30/11.

⁵⁰ Pearson Peacekeeping Centre, *UNSCR 1820: A Roundtable Discussion with Female UN Police Officers Deployed in Peacekeeping Operations*, New York, USA, August 6, 2009, 4; Presentation by Ann Menard, Former UN Police in MINUSTAH (Haiti).

⁵¹ United Nations Department of Peacekeeping Operations, *DPKO/DFS Guidelines: Integrating a Gender Perspective into the Work of the United Nations Military Peacekeeping Operations*, March 2010.

⁵² "Including the gender dimension in all stages of the operational process – in the design, planning, implementation, monitoring and evaluation of policies and programs – is beneficial to achieving NATO's mission." *NATO Committee on Gender Perspectives (NCGP) Recommendations on Implementation of UN SCR 1325, 2010.*

Military Gender Adviser/Focal Point: Generic Structure

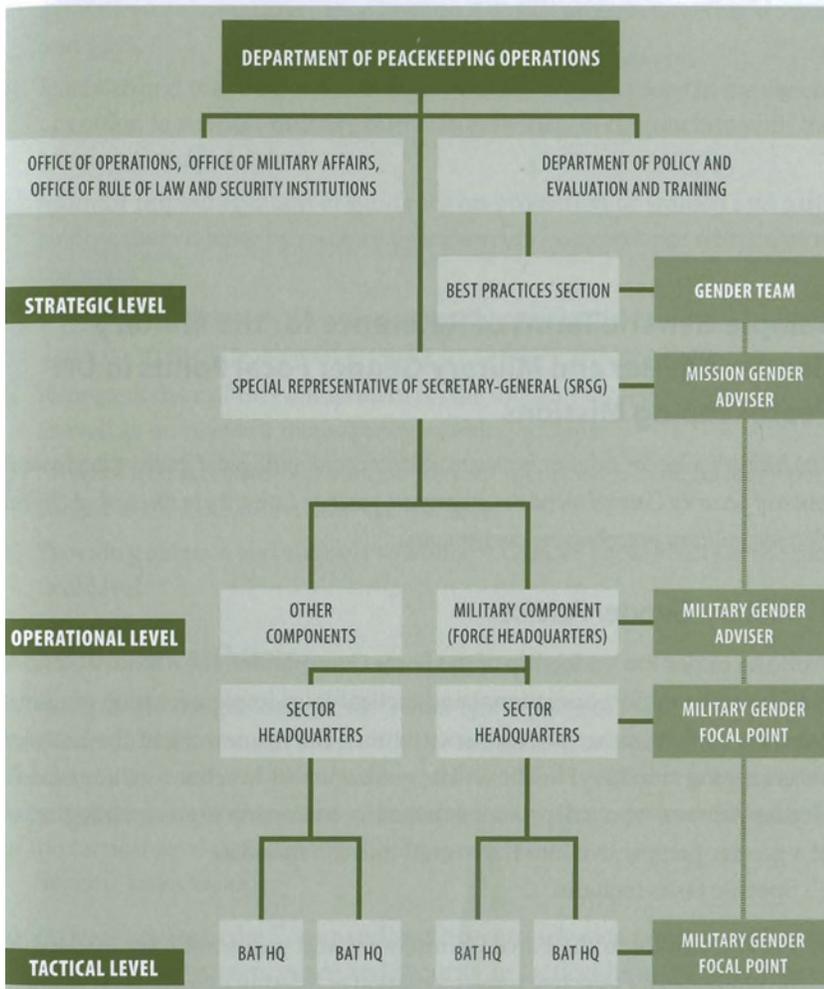


Figure 1: Organizational Chart excerpted from the United Nations Department of Peacekeeping Operations, *DPKO/DFS Guidelines: Integrating a Gender Perspective into the Work of the United Nations Military Peacekeeping Operations*, 2010. Used with permission from the UN publication office.

These positions must address the key issues raised by the Women, Peace and Security agenda of increasing women’s participation in missions, paying attention to the gendered dimensions of their area of operation, and keeping tabs on asymmetric threats that cause instability such as

sexual violence, human trafficking, and displacement caused by natural disasters and humanitarian crisis through consultations with women's organizations.

In both NATO and UNDPKO missions, Gender Advisors are integrated within the hierarchy of the chain of command. The Gender Advisor provides guidance to the Gender Field Advisor. Gender Field Advisors train and provide guidance to Gender Focal Points. At the strategic level, Gender Advisors and Gender Field Advisors are expected to inform fact-finding missions and operational planning, both long and short-term, with gender perspectives.

At the operational level, the military Gender Advisor must cooperate with other branches and departments within the mission in order to integrate gender perspectives successfully into all aspects of the operation. The advisor needs to ensure that the military operation considers its impact on the whole population by applying a gender perspective to their work. This means that cooperation between branches on gender issues in daily tasks is paramount. It also means that the content of their work takes on a human-rights based approach to security issues. In order to ensure that operational planning integrates a gender perspective, NATO intends to have dual-hatted Gender Focal Points in every branch office staff and in every subordinate unit. Applying a gender perspective to patrols and information gathering, consultations with local humanitarian and human rights organizations and host national security forces (including police), and underscoring global human rights standards in reporting and in planned actions, are all a part of this daily work of gender advisor positions.

In sum, gender mainstreaming in military operations requires that long-term planning, tactical operations, personnel, civil-military liaison, training and education, logistics, intelligence, medical, and legal branches all be informed with gender perspectives. Training men and women to serve as Gender Advisors, Gender Field Advisors, and Gender Focal Points in military operations is key. Both men and women serving in peace operations have a responsibility to fulfill mission mandates. It is vital to recognize the unique added value of female capability in missions, but applying a gender perspective to operations is not the domain of only one group of people. Overall, gender mainstreaming and applying a gender perspective to operations is an effective way to avoid doing harm, ensure cultural and contextual sensitivity that promotes human rights, and helps to improve operational effectiveness of the mission in the long-term.⁵³

⁵³ Though the impact of gender specific activities on a mission's operations has only recently been considered, the initial studies show some promising results. In the last

According to one report on the Swedish Armed Forces' implementation of UN 1325,

... despite initial concerns there is now a wide understanding of the benefits of this position [of gender advisor] ... For example, when a gender advisor participates in peace operations, important functions such as gathering of information from the civilian population are enhanced. The ability to establish good relations with the local women will in fact function as a force multiplier, and in the longer perspective, work as a force protection measure ... The success of these measures is dependent on the understanding of those who perform the duties of the operation.⁵⁴

Enhanced Capabilities: Applying a Gender Perspective

The most striking contribution of UN 1325 and gender mainstreaming to military peace and security operations is the systematic and deliberate application of a gender perspective in daily tasks that unifies protection activities.⁵⁵ The systematic application of a gender perspective in every

several years, a handful of studies have focused on the direct use of the resolution in military and peacekeeping missions. A review of the existing publically available literature on the implementation of UN 1325 in peacekeeping operations reveals that preliminary studies have been done or are being done in security and peacekeeping operations in Cambodia, Kosovo, Timor Leste, Afghanistan, Liberia, and the Democratic Republic of Congo. In each case, gender equality was recognized as a force multiplier in the operational planning and execution strategies by political leadership and applied. UN Missions which have been or which are being examined for their implementation of UN 1325 are UNTAC, Cambodia 2005-2006; UNMIK, Kosovo 2006-2007; UNMIT, Timor Leste 2006-2007 UNAMA, Afghanistan 2007-2008, UNMIL, Liberia, study incomplete, presently being researched by the UN; MONUC, Democratic Republic of Congo, presently being researched by the UN; EUFOR RD Congo, 2008; EUPOL RD Congo, 2008; and EUSEC RD Congo, 2008. See for example *Gender Equality and the United Nations Peace Operation in Timor Leste* by Louise Olsson, 2009; Judy Batt and Johanna Valenius, *Gender Mainstreaming: Implementing UNSCR 1325 in ESDP Missions* 2006; Cheryl Bernard, et al., *Women and Nation Building*, 2008, and *Gender Dynamics and Peace Operations*, study of Security Sector Reform in the DRC currently being researched by Randi Sohljel, Norwegian Institute of International Affairs. <http://english.nupi.no/Activities/Programmes2/Training-for-Peace/Projekter/Gender-Dynamics-in-Peace-Operations-MONUC>. accessed 9/8/11.

⁵⁴ "International Humanitarian Law and Gender, Report Summary: International Expert Meeting on Gender Perspectives on International Humanitarian Law," October 4-5, 2007, Stockholm, Sweden, 6-7. "Based on United Nations Security Council Resolution 1325 the Swedish Armed Forces have appointed gender advisers. One purpose is to ensure gender equality, both within Sweden and abroad."

⁵⁵ NATO Bi-SC Directive 40-1, Integrating UNSCR 1325 and Gender Perspectives in the NATO Command Structure Including Measures for Protection During Armed Conflict, September 2009. NATO defines a gender perspective as "examining each issue from the point of view of men and women to identify any differences in their needs and priorities, as

aspect of an operation guarantees deliberate consideration of what a mission is doing in a host country and how they are impacting the local population. This means that a gender perspective adds another critical analytic ability for military Gender Advisors to use as they continually assess the area of operation, and evaluate what actions need to be taken based on their gender analysis of the conflict.

Training and reporting are two capabilities where systematically applying a gender perspective can enhance institutional capacity of missions to adequately address the protection of civilians from imminent harm. These military capabilities are activities which rely on dialogue with the local population, a critical analysis of information collected in theater, and the development of responses to crisis that do not involve the use of force.

*Gender training*⁵⁶

According to the *Analytical Inventory of Peacekeeping Practices*, there is more the military component could do to contribute to the overall goal of protecting women civilians.⁵⁷ Today, the systematization of protection practices is occurring, albeit slowly, within UN and NATO operations, and within the Swedish Armed Forces. UN 1325 requests that all peacekeeping personnel – military, police and civilian – receive training on the protection and the rights of women, the gendered dimensions of conflict, as well as on the importance of involving women in peacekeeping.

However, training is not an end in itself: it should have some impact on the work and lives of those being trained. Gender training is intended for mission staff that are in a position to influence implementation of UN 1325

well as their abilities or potential to promote peace and reconstruction.” See also *Gender Mainstreaming, Extract from the Economic and Social Council for 1997, A/52/3*, September 18, 1997. <http://www.un.org/womenwatch/daw/csw/GMS.PDF> accessed 11/19/11.

⁵⁶ The Gender Training section of this article is based largely on the author’s work as a gender trainer for USAID and NATO, and her interviews with Swedish Armed Forces Gender Advisors Charlotte Isaakson, Lotta Ohman and Linda Johansson, Dutch Gender Advisor Ella LCDR Ella van den Heuvel, former Gender Advisor ISAF Joint Command Kabul, and NATO’s Deputy Gender Advisor and French Army Captain Liliana Bjelic, from December 2009 to the present, including her work as a trainer at the Gender Field Advisor Course held from June 2-10, 2011 at the Swedish Armed Forces International Training Center, Stockholm, Sweden.

⁵⁷ The report *Analytic Inventory of Peacekeeping Practices*, suggests, “Translating this task into the Concept of Operations (CONOPs) and subsequently into Mission Operational Orders that change approaches on the ground will require training, adequate resources and exemplary leadership ... Systematic capture and after-action assessment of good practice and the development of doctrine for staff colleges and peacekeeping training centers could help turn *best practice* into *standard practice*.” (*Analytic Inventory of Peacekeeping Practices*, UNIFEM and UN Department of Peacekeeping Operations, June 2010, 39).

in peace and security operations. It is vital that mission staff, whether civilian or military, have a common understanding of existing gender policy requirements, gender concepts, and tools to assist them in their application of gender perspectives in the area of operation.

In the context of operationalizing both UN 1325 and RtoP activities, gender training is a new intervention that aims to raise awareness, and build capacity and skills to perform protection tasks more effectively. Proper training on gender-related matters is elementary to ensure compliance with established guidance and doctrine, and is a central component of improving preparedness in operations. If peace and security operations fail to understand the gendered dimensions of the conflict they are squarely in the middle of, experience shows that they will, at best, develop responses on a case-by-case basis, and at worst, create a myriad of negative unintended consequences and face possible mission failure.⁵⁸

Although it is beyond the scope of this article, the content of gender training is important to briefly mention here. Obligations to train on the provisions in the Geneva Conventions, which include special protections for women and children, exist yet are not necessarily emphasized in trainings. According to the International Committee of the Red Cross, “If women have to bear so many of the tragic effects of conflict, it is not because of any shortcomings in the rules protecting them, but because they are not observed.”⁵⁹ On the other hand, some aspects of international humanitarian law have been critiqued as outdated. The UN Special Rapporteur on Violence Against Women recommended in her report on armed conflict, that the Geneva Conventions should be re-examined so as to “incorporate developing norms on violence against women in armed conflict.”⁶⁰

⁵⁸ Natalie De Watteville. “Addressing Gender Issues in Demobilization and Reintegration Programs,” Africa Region Working Paper Series, Washington, DC: World Bank, 2002. <http://reliefweb.int/sites/reliefweb.int/files/resources/3D4AA7CCABABDD08C1256D170044E4A2-wb-gender-may02.pdf> accessed 9/14/11; Megan Bastick. “Building Institutions to Protect: Security Sector Reform as necessary for Implementation of 1325,” Geneva Centre for the Democratic Control of Armed Forces, Background Papers, *Women, Peace and Security: From Resolution to Action*. (no date): UNIFEM, “Women Targeted or Affected by Armed Conflict: What Role for Military Peacekeepers?” *Wilton Park Conference Summary*, 2008: See for example, Sanam Naraghi Anderlini and Camille Pampell Conaway. “Disarmament, Demobilisation and Reintegration,” *Inclusive Security, Sustainable Peace: A Toolkit for Advocacy and Action*, International Alert, 2007.

⁵⁹ *Women Facing War*, International Committee of the Red Cross, August 26, 1995.

⁶⁰ “Existing humanitarian legal standards should be evaluated and practices revised to incorporate developing norms on violence against women during armed conflict.” UN Special Rapporteur on Violence Against Women, Further Promotion and Encouragement of

This tension between the law that we have, and the law we would like to have, is the subject of a number of legal and practitioner debates.⁶¹

However, a third option for the content of gender training is to focus on the implementation of UN 1325 which addresses both the fact that international legal instruments to protect women's human rights in conflict exist, and the fact that men and women experience armed conflict differently. Gender trainings that strengthen a military Gender Advisor's ability to apply a gender perspective in the daily tasks of operations, instead of providing one-size-fits-all templates, are the most effective.

Both NATO and UNDPKO gender mainstreaming policies state peacekeeping training is the responsibility of troop-contributing countries. This has accounted for the fairly uneven ability to face challenges in the field.⁶² The recent *DPKO/DFS Guidelines on Integrating a Gender Perspective in United Nations Military Operations*, issued in 2010, is meant to set a standard for pre-deployment and in-mission gender training.⁶³ It should be noted that currently gender trainings are neither harmonized, nor standardized, nor are they routinely integrated into other trainings and staff

Human Rights and Fundamental Freedoms, Including the Question of the Programme and Methods of Work of the Commission: Alternative Approaches and Ways and Means within the United Nations System for Improving the Effective Enjoyment of Human Rights and Fundamental Freedoms. Paragraph 95, UN E/CN.4/1998/54.

⁶¹ See for example, Judith Gardam and Hilary Charlesworth, "Protection of Women in Armed Conflict," article published in the *Gender and Peacekeeping Training Online Course*, 2001; Melissa Goldenberg Goldstoft, "Security Council Resolution 1820: An Imperfect But Necessary Resolution to Protect Civilians from Rape in War Zones," *Cardozo Journal of Law and Gender*, Volume 16:491, 2010; Karima Bennouna, "Do We Need New International Law to Protect Women in Armed Conflict?" *Case Western Journal of New International Law*, Volume 38:2, 2006-2007; Alain-Guy Tachou-Sipowo, "The Security Council on Women in War: Between Peacebuilding and Humanitarian Protection," *International Review of the Red Cross*, Volume 92, Number 877, March 2010; and "International Humanitarian Law and Gender, Report Summary of the International Expert Meeting: Gender Perspectives on International Humanitarian Law," October 4-5, 2007, Stockholm, Sweden.

⁶² A recent review of military operations by the NATO Committee on Gender Perspectives (NCGP) found that UN 1325 is implemented inconsistently across nations. Some nations do not yet comply with NATO policies and directives. Some have well developed plans and directives and are organizing training and education sessions prior to deployment as well as in theatre. The NCGP recommends that nations develop National Action Plans (NAP) and directives to promote gender mainstreaming in their operations. NATO Committee on Gender Perspectives (NCGP), *Recommendations on Implementation of UNSCR 1325*. http://www.nato.int/issues/women_nato/pdf/2010/BrochureGender.pdf accessed 11/29/11.

⁶³ *DPKO/DFS Guidelines on Integrating a Gender Perspective in United Nations Military Operations*, March 2010, 5. http://www.un.org/en/peacekeeping/documents/dpko_dfs_gender_military_perspective.pdf Accessed 11/19/11.

exercises. Currently, at least 13 international peacekeeping training institutes now offer gender training that underscores the implementation of UN 1325 and global standards on women's human rights. These centers include, the African Center for the Constructive Resolution of Disputes in South Africa, The Australian Defense Force Peacekeeping Center, the Bangladesh Institute of Peace Support Operations Training, the Canadian Forces Peace Support Operations Training, the German Center for International Peace Operations (ZIF), The Centro Argentino de Entranamiento Conjunto para Operaciones de Paz, the Centro Conjunto para Operaciones de Paz de Chile, the Civil-Military Co-Operation Center of Excellence, the Finnish Defense Forces International Center, the Folke Bernadotte Academy in Sweden, the Peace Support Operations Training Center in Bosnia Herzegovina, the Pearson Peacekeeping Institute in Canada, and the Swedish Armed Forces International Training Center.⁶⁴

In the context of NATO operations, a standard online pre-deployment gender training course and an online course for Gender Advisors, Gender Field Advisors, and Gender Focal Points have been developed. These online courses are available to all NATO member countries. In addition, a course conducted by the Swedish Armed Forces International Training Center (SWEDINT) for Military Gender Advisors and Gender Field Advisors was accredited by NATO in July 2011.⁶⁵ The Gender Field Advisor Course is a one-week course designed to train individuals for the position of a Gender Field Advisor on operational and tactical level duties in different military and security operations, as well as in staff exercises. The NATO and SWEDINT courses emphasize how to produce a gender analysis, how to integrate the mission's Operational Planning Process with a gender perspective, and how to prepare a gender annex to the mission's Operational Plan.

Pre-deployment gender training, in-mission gender training, and training for the specific positions of military Gender Advisor, Gender Field Advisor, and Gender Focal Point play a significant role in ensuring preparedness in addressing civilian protection. When institutions that are

⁶⁴ Minna Lyytikäinen, Annex I, *Gender Training for Peacekeepers: A Preliminary Overview of United Nations Peace Support Operations* Working Paper Draft, United Nations International Research and Training Institute for Women (UN-INSTRAW), no date.

⁶⁵ The author is an independent consultant to the Deputy Gender Advisor at NATO's Allied Command Transformation Head Quarters in Norfolk, VA. She developed the online Gender Advisor, Gender Field Advisor and Gender Focal Point course with a team Deputy Gender Advisor, and is an instructor at the Gender Field Advisor Course in Sweden.

fundamental to a society's stability and security, such as the national security forces, the police, and the judicial sector, are poorly developed or do not function to protect the security of the civilian population, peace operations may be called on to strengthen and enhance democratic principles and practice through training and mentoring.

Gender Advisors can enhance the training that peace and security operations offer to host nation security forces and relevant agencies. Their role is to point out that unaccountable rule of law and security institutions create a sense of insecurity, especially among vulnerable groups such as women and children who have less decision-making power, and unequal access to justice. The United Nations Missions in Sierra Leone, the Democratic Republic of the Congo and Haiti, and NATO missions in Afghanistan and Kosovo, have conducted such gender training for host nation police to promote greater democratic policing, increase a sense of security, and strengthen adherence to human rights standards, especially women's human rights.⁶⁶

Consultation and Reporting

Information about the differences in men and women's security needs is integral to creating a comprehensive understanding of an area of operation. If only men are consulted during routine patrols, half the population is left out of the picture. Therefore, it is important to engage the female half of the population in tactical procedures like patrols, information gathering, observation, and searches. Ongoing consultations and dialogue with men and women from local civil society organizations can help to identify a trend or pattern of violence and reveal whether or not there is escalating violence and whether it is related to a weakness in the rule of law or security sector.⁶⁷ Therefore, regular consultation with a civilian population is

⁶⁶ *Gender Mainstreaming in Peacekeeping Operations*, United Nations Progress Report, 2006, 26–31.

⁶⁷ International Civil Society Action Network and the MIT Center for International Studies. Sanam Anderlini and John Tirman, eds, *What the Women Say, Participation and UN SCR 1325, A Case Study Assessment October 2010*, 5. http://web.mit.edu/cis/pdf/Women_Report_10_2010.pdf accessed 9/14/11. "Key Finding #12: Women peace activists face profound security threats but receive no protection At the personal and community level ... women who dare to step out and reach across the lines of conflict can face pressure and be ostracized. A more insidious trend in recent years has been the discrediting of organizations and individuals. States or non-state actors can and do target individuals and organizations for daring to speak out."

highly relevant to internal weekly situational reports on the area of operation.

It should be remembered that reports produced from information gathering activities go up the chain of command and are presented to the UN Security Council – this is especially true if produced by a UN mandated mission. In UN 1325, the Security Council requested “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.”⁶⁸ It also notes the need to consolidate data on the impact of armed conflict on women and girls.⁶⁹ In addition, if UN 1888 is adhered to, this information can be vital to decision-making on adopting or renewing targeted sanctions in armed conflict.

Where national security actors appear weak or unaccountable, it is important to engage both men and women in understanding how the system is not functioning, and to identify measures that promote positive change for the whole population. For example, attention to the different security risks and threats for women, men, and children with regard to policing and cross-border issues can reveal the existence of trafficking of women and children. This can impact the operation’s strategic-level security agenda, and inform overall operational planning for the entire mission. After consulting with local women’s groups, a mission may find that it is necessary to include anti-trafficking messages and training in interactions with host nation security forces. In the United Nations Interim Administration Mission in Kosovo (UNMIK), quarterly meetings with women leaders brought issues of common concern to the table. The exchange of views included discussion of legislative and executive actions that could address the eradication of sexual violence and trafficking in women.⁷⁰

The *United Nations Gender and Peacekeeping Resource Package* describes the ultimate benefit of reporting on gender as assisting the Security Council with “a more accurate understanding of the situation in the country or subject concerned, and of any specific needs of the population. This will, in

⁶⁸ *United Nations Gender and Peacekeeping Resource Package*, produced by United Nations Department of Peacekeeping Operations Best Practices Unit, July 2004, 37.

⁶⁹ *United Nations Gender and Peacekeeping Resource Package*, produced by United Nations Department of Peacekeeping Operations Best Practices Unit, July 2004, 35.

⁷⁰ *Gender Mainstreaming in Peacekeeping Operations*, United Nations Progress Report, 2006, 29.

turn, allow ... the Security Council to take informed decisions and ultimately contributes towards an effective discharge of a mandate”⁷¹

Conclusion

In the last analysis, the habit of ignoring the contributions of UN 1325 to put the Responsibility to Protect into practice, is at best, uninformed. At worst, it reflects a determination to steadfastly ignore the reality that gender is central to questions of security, especially with regard to the protection of civilians from war crimes, genocide, ethnic cleansing, and crimes against humanity.

Contrary to the belief that there is no consensus on how to execute RtoP systematically, civilian and military activities to implement UN 1325 are advancing the Responsibility to Protect principle beyond individual Member States’ willingness to do so. Implementing UN 1325 in peace and security operations has helped define how military forces may be empowered to act to protect civilian populations in mass atrocity situations using non-violent strategies in three key ways:

- The Women, Peace and Security agenda has defined at least one crime against humanity in concrete terms – the widespread and systematic use of rape and other forms of sexual violence;
- The implementation of UN 1325 has opened the military establishment to using a human rights-based approach to security, which is transforming the way militaries evaluate security threats; and
- Activities undertaken for the implementation of UN 1325, and UN 1820 by both civilian and military actors emphasize a people-centric approach to security by insisting on the participation of women in decision-making in conflict prevention, in peacebuilding, and in informing the practical responses of security actors to mass atrocity events.

To be sure, the implementation of UN 1325 and its related resolutions is a relatively new and evolving process. While many States and regional bodies have adopted National Action Plans to implement UN 1325, few have dedicated adequate resources to put them into practice fully. Skeptics will argue that applying a gender perspective to operations is not relevant to all instances of mass atrocity events, nor does it guarantee the prevention of

⁷¹ *Gender Resource Package for Peacekeeping Operations*, produced by United Nations Department of Peacekeeping Operations Best Practices Unit, July 2004, 37-38.

mass atrocities. Nevertheless, military organizations are now pursuing this strategy. One example is the new Nordic Centre of Excellence on Gender (NORDEFECO) which was established in Sweden in early 2012. The Nordic Centre of Excellence on Gender is the result of the combined effort of Nordic states that have found the consistent implementation of UN 1325 to enhance operational effect.⁷²

During his tenure as UN Secretary General, Kofi Annan asked “If humanitarian intervention is indeed an unacceptable assault on sovereignty, how should we respond ... to gross and systematic violations of human rights that offend every precept of our common humanity?”⁷³ This question has been repeated ever since with few practical answers forthcoming. Yet, within this context, the Women, Peace and Security agenda has proven to be exceptional. With the increasing implementation of UN 1325, something that has been accepted as impossible by Responsibility to Protect policy debates is, through persistent effort and innovation, proving possible in practice.

⁷² NORDEFECO *Centre for Gender in Military Operations Report and Recommendations*, February 2010. 4. “A gender perspective is shown to enhance operations...for example EUFOR RD Congo 2006, EUFOR Chad/RCA 2008-2009, and ISAF Afghanistan 2008-2010.”

⁷³ Kofi Annan, *Millennium Report of the Secretary General of the United Nations*, 2000.

