

POSITION PAPER

**UNSCR 1325 and Prevention:
A Hybrid for Utilising Human Rights and
Early Warning Frameworks in the Campaign to
End Violence against Women**

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ACRONYMS

FAS	Femmes Africa Solidarité
WIPSEN Africa	Women Peace and Security Network Africa
WANEP	West Africa Network for Peacebuilding
EAC	East African Community
ECOWAS	Economic States of West African States
ECOWARN	ECOWAS Early Warning System
ECOMOG	Economic Monitoring Group
ECPF	ECOWAS Conflict Prevention Framework
AU	African Union
CSAG	Civil Society Advisory Group
OAU	Organization of African Unity
AUWC	African Union Women’s Committee
PCRD	Post Conflict Reconstruction and Development
CEWS	Continental Early Warning Systems
CEN-SAD	Community of Sahel-Saharan States
IGAD	Intergovernmental Authority on Development
COMESA	Common Market for Eastern and Southern Africa
LWI	Liberian Women’s Initiative
MARWOPNET	Mano River Women’s Peace Network
UNSCR 1325	United Nations Security Council Resolution 1325
SRSg	Office of the Special Representative of the Secretary General
USG	Under Secretary General
REC	Regional Economic Communities
SDGEA	Solemn Declaration on Gender Equality in Africa
ACHPR	African Charter on Human and Peoples Rights

DDR	Demobilization, Disarmament and Reintegration
GIMAC	Gender is My Agenda Campaign
UNOSAA	United Nations Office of the Special Advisor for Africa
SSR	Security Sector Reform
UDHR	Universal Declaration of Human Rights
ICCPR	International Covenant of Civil and Political Rights
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
MDGs	Millennium Development Goals
UPR	Universal Periodic Review



After fifteen years of extensive work in the field of Gender, Peace and Security, Femmes Africa Solidarité (FAS) has witnessed firsthand how women become the worst-hit victims of war through the pervasive application of rape and other forms of sexual violence as weapons of war on one hand, and active stakeholders of peace on the other hand. This dual outcome of war on the roles and functions of women indicates that no single strategy is sufficient for addressing the peace and security needs of women. As such, FAS not only recognises the importance of the concept and principle of '*prevention*' of all forms of violence against women as enshrined in the United Nations Security Council Resolution 1325 on Women, Peace and Security; but also acknowledges that the underlying obligations embedded in prevention cannot be realised in isolation from the other two intertwining pillars, '*participation*' and '*protection*'.

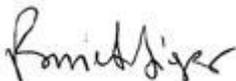
Over the last decade since the adoption of UNSCR 1325 in October 2000, a myriad of activities relating to the Resolution have been undertaken by different actors from intergovernmental, governmental and non-governmental institutions at international, continental, regional, national and community levels. Significant gains have been made and lessons have been learned from implementing these activities. The fast-approaching 10th anniversary of UNSCR 1325 provides the space for reflection and review of these initiatives by different actors including the Civil Society Advisory Group (CSAG) on Women, Peace and Security which was established solely to advise the UN system on how to enhance efforts to implement UNSCR 1325 and steer advocacy and initiatives in the lead-up to the 10th Anniversary in October 2010. As the co-chair of the CSAG, FAS has been receptive to reviews and recommendations from institutions and groups in Africa, and it is in this light that FAS publishes this position paper in collaboration with the Women Peace and Security Network Africa (WIPSEN-Africa) and West Africa Network for Peacebuilding (WANEP).

This paper, regarding “UNSCR 1325 and Prevention: A Hybrid for Utilising Human Rights and Early Warning Frameworks in the Campaign to End Violence against Women”, seeks to expand the rubrics of the on-going discourse on UNSCR 1325 to include a focus on human rights instruments and conflict early warning frameworks with the aim of examining how these can be jointly utilised in the prevention of violence against women in Africa. In this regard, the paper examines some existing 1) human rights instruments, in terms of both policies and operating structures; and 2) conflict early warning systems to show that in combination with UNSCR 1325 indicators, these instruments and structures have a greater propensity for the prevention of violence against women.

Given the dominance of men in human rights and conflict early warning structures and processes, the issues raised in this paper are quite timely and resonate with two recent initiatives of the UN Secretary-General: the launch of Network of Men Leaders in November 2009 and the global campaign on “UNiTE to End Violence against Women”. This campaign specifically “calls for all countries, organisations and individuals to put in place, by the year 2015, strong laws, multi-sectoral action plans, preventive measures, data collection, and systematic efforts to address sexual violence in conflict situations”. This position paper responds to this call, and its recommendation on incorporating UNSCR 1325 indicators in human rights and conflict early warning frameworks can contribute to realising the multi-sectoral preventative approach espoused by the UN Secretary-General.

As we advocate for the adoption of this new ‘hybrid’ approach, we also take the opportunity provided by the 10th Anniversary of UNSCR 1325 to i) denounce the continued perpetuation of violence against women, ii) reaffirm our commitment to women’s human rights, and iii) urge the international community to invest more resources in support of indigenous initiatives that seek to end violence against women.

Yours in solidarity,



Bineta Diop
Executive Director of Femmes Africa Solidarité

In the aftermath of the adoption of the landmark United Nations Security Council Resolution 1325 on Women, Peace and Security in October 2000ⁱ, there have emerged a plethora of complementary policy and legal instruments relating to women's rights, peace and security at international, continental and regional levels. At the global level, the United Nations Security Council has, among others, adopted additional resolutions on Women, Peace and Security, namely 1820 (2008)ⁱⁱ, 1888 and 1889 (2009), and have operationalised this by instituting key structural mechanisms such as the Office of the Special Representative of the Secretary-General (SRSG) on Sexual Violence in Conflictⁱⁱⁱ and the UN Women to be headed by an under-secretary-general (USG)^{iv}.

Similarly, in Africa, the Assembly of Heads of State and Government of the African Union has adopted a number of generic policy instruments specific to women's rights and other broader peace and security-related frameworks that incorporate references to women's rights and gender issues. In the first instance, this includes the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (2003), the Solemn Declaration on Gender Equality in Africa (2004) and the African Union Gender Policy (2009) in addition to other relevant gender instruments of Regional Economic Communities (RECs). In the second instance, this includes the Protocol Relating to the Establishment of the Peace and Security Council of the African Union (2002), the Solemn Declaration on a Common African Defence and Security Policy (2004), the Post-Conflict Reconstruction and Development Policy (2006), and other peace and security-related policies developed by its RECs. Yet in spite of these numerous instruments, violence against women, especially in situations of conflict, remains a growing phenomenon, posing fundamental questions about the efficacy of these instruments.

The question, however, should not be whether or not these instruments are effective. Instead, what needs to be examined is the extent to which these instruments are being operationalised and applied using available structures and systems with the capacity to 'make good' for the women of the continent the principles enshrined therein. With specific regards to the pillar on 'prevention', which is the focus of this paper, the question is how existing human rights structures and conflict prevention systems can integrate and operationalise the core principles and indicators

enshrined in UNSCR 1325 in a manner that will ensure the prevention of violence against, and maximise the protection of, women while including them as active participants and stakeholders in the process. This is the central question upon which this position paper is based, and it is in this regard that the paper provides an overview of some of the existing human rights and generic peace and security instruments within the African continent to show that it is not for a lack of instruments that violence against women remains pervasive. Rather, the problem is with the approach to implementation which is often linear, reactionary, and seemingly exclusive of mainstream structures responsible for the mitigation and/or prevention of violence. It is in this regard that this paper calls for more proactive and multi-sectoral approaches that not only engage women as champions of their own change, but also actively involve existing structures with the mandate to prevent the (re)occurrence of violence such as the conflict prevention and human rights structures.

The paper is structured into five main sections. The first discusses the phenomenology of the problem of violence against women, especially in Africa. The intent, however, is not to portray women as mere victims, but to illustrate the intensity of the problem and to show that given its depth, preventive measures that address the root causes of violence against women are crucial for the on-going global campaign to end violence against women. In order to avoid depicting women solely as victims, the section also highlights some examples of initiatives that have been undertaken by women's groups to respond to the situation.

In section two, the paper presents an overview of existing human rights and generic peace and security frameworks applicable to the African context. In doing so, it further recognises and highlights the role that different women's groups like FAS have played in the processes leading to the development and/or adoption of some of these instruments.

In section three, a snapshot of conflict prevention mechanisms in Africa is provided. Emphasis here is placed on the conflict prevention systems of both the AU and the West African REC – the Economic Community of West African States (ECOWAS) – which are the two most advanced systems on the continent^V.

Furthermore, the question of accessibility to and usage of these systems by women is discussed. In section four, the proposed hybrid model is presented.

The section also discusses the correlation between early warning and UNSCR 1325 indicators to show that these can be jointly utilised for human rights protection and conflict prevention. Lastly in section five, generic recommendations are presented and conclusions made.

The Phenomenology of Violence against Women and Women's Counter-Response

The issue of violence against women is a universal problem of immense proportions. Violence against women transcends cultures, race/ethnicity, disabilities, continents, age groupings and all other social, economic and political divides. It can no longer be called simply a 'women's issue' or a 'private issue', as it is perhaps the most pervasive human rights violation of contemporary times. It occurs in both private and public spaces, in peacetime or times of conflict and post-conflict. It is perpetrated by family members or strangers; devastates lives and livelihoods; fractures communities and curtails real progress and development. Therefore an understanding of the intensity and depth of the problem of violence against women is an important first step for identifying the various entry points for its elimination.

In Africa, women experience violence in everyday life and not only in situations of armed conflict. In this section we examine the different types of violence which women experience in different contexts.

a) Violence Experienced by Women in Everyday Life:

Violence against women is pervasive in everyday life, particularly in private spheres, and is condoned primarily because of the prevalence of discriminatory cultural norms. Thus from infancy to adulthood women become the victims, as well as the perpetrators, of violence; in the latter case often without any recognition that it contravenes their human rights. The forms of violence experienced by women in everyday life include domestic violence (which could be physical, psychological or sexual); other forms of violence strongly linked to cultural norms such as female genital mutilation; structural discrimination and inequalities which lead to exploitation of female labour power and violation of women's rights in the socio-economic field (e.g. denial of access to education, decision-making, inheritance, land, trafficking, among others).

b) Violence Experienced by Women During Armed Conflict and Wars:

In situations of armed conflict and wars, violence against women reaches an alarming proportion. Not only do women continue to experience domestic, cultural and structural violence; they are also the specific targets of rape and other forms of sexual violence, acts which are increasingly being used as weapons of war. Additionally, women and girls are abducted to and forced to join the fighting forces and are often disfigured as shown in the recent experiences in Uganda and the Democratic Republic of Congo where women's body parts were mutilated. Furthermore, given the growing use of rape and other forms of sexual violence as weapons of war, women are more susceptible to contracting HIV as illustrated in the table below.

Country (*Post-conflict)^{vi}	People Living with HIV/AIDs	Women with HIV/AIDs
Angola	190,000	110,000
Botswana	300,000	170,000
Burundi	110,000	53,000
Cote d'Ivoire	480,000	250,000
DRC	400,000- 500,000	210,000- 270,000
Eritrea	38,000	21,000
Guinea Bissau	16,000	8,700
Liberia	35,000	19,000
Mali	100,000	56,000
Mozambique	1,500,000	810,000
Namibia	200,000	110,000
Rwanda	150,000	78,000
Sierra Leone	55,000	30,000
Somalia	24,000	6,700
South Africa	5,700,000	3,200,000
Uganda	1,000,000	520,000

c) Violence Experienced by Women in Post-conflict Situations:

For many women, violence does not end with the cessation of hostilities or the signing of a peace agreement. Rather, these new sets of activities that are intended to end the conflict could,

if undertaken without due recognition of women's issues, aggravate the consequences of violence and in themselves produce new forms of risk. For instance, women who have been raped and/or engaged in rebel movements stand the chance of being ostracised by their families and/or communities as a way of protecting the integrity of the family or community. At the formal level, women are often excluded from peace processes and post-conflict recovery processes including peace talks; demobilisation, disarmament and reintegration (DDR) programmes; transitional justice and security sector reform (SSR) processes^{vii}.

Women's Counter-Response to the Quagmire of Violence against Women

Women have played crucial roles in ensuring that their concerns and voices are heard by various stakeholders at national, regional and international levels in order to bring an end to the quagmire of violence. Across Africa, the examples abound as published by FAS in a ten-year study that reflects the uniqueness of women's participation in political processes and the potential of such participation, when occurring on a large scale, to advance efforts aimed at preventing violence against women.

At both national and regional levels, women's groups have devised various strategies that all aim to eliminate violence against women in its physical and structural forms. Case studies from the 6th Clan in Somalia, the preventive diplomacy Mass Action of Peace Campaign of the Women of Liberia under the auspices of WIPNET and the Liberian Women's Initiative (LWI), as well as high-level shuttle mediation of MARWOPNET have been conducted. In Burundi, the DRC and Rwanda, women have actively lobbied for their inclusion in peace talks and in the political decision-making process, resulting in the 49 percent representation of women in the Rwandan Parliament. At the continental level, FAS continues to engage the African Union on these issues through the 'Gender Is My Agenda' campaign.

SECTION II

Overview of Women's Human Rights and Peace and Security Instruments and Mechanisms

Both prior to and following the adoption of UNSCR 1325, a significant number of policy and legislative instruments were developed and adopted at international, continental, regional and national levels to prevent violations of women's rights in different spheres. In Africa, these instruments have evolved at two levels: within the framework of women's advocacy and in the context of the broader peace and security agendas of the African Union and its Regional Economic Communities (RECs). As a result, there exist stand-alone women's human rights instruments which establish links between women and their rights to health, agriculture, security, education, justice, human rights etc., on the one hand; and on the other hand, there are peace and security instruments that incorporate issues relating to gender and/or women's rights. This section outlines some of these instruments with the aim of highlighting how their respective enforcement mechanisms can be engaged in the campaign to end violence against women.

INTERNATIONAL

a) *Universal Declaration of Human Rights (1948):*

The Universal Declaration of Human Rights is a global expression of the rights to which all human beings are entitled. It recognises that the dignity of all people is the foundation of peace and justice; calls for the respect of human rights of all persons on the basis of the rule of law; and emphasises the entitlement of all individuals to the enjoyment of their rights and freedoms "without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status"^{viii}. Articles 3 and 7 call for the "security of all persons" and the "right to protection without discrimination" respectively. In Article 21, the Declaration stresses peoples' right to participate in the governance of their country and right of equal access to public service in their country.

b) International Covenant on Civil and Political Rights (1966):

Like the Universal Declaration of Human Rights in which it has its roots, the International Covenant on Civil and Political Rights emphasises the equality of all persons before the law and their entitlement to equal protection and to civil and political liberties. Article 2 specifically states that these rights are recognised "without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status".

c) Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1979):

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) defines discrimination against women as any "distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of marital status, on the basis of equality between men and women, of human rights or fundamental freedoms in the political, economic, social, cultural, civil, or any other field". Articles 7 and 8 specifically call on states to eliminate discrimination against women in all spheres of political and public life and to enable women to represent their governments on an equal basis with men.

d) Declaration on the Elimination of Violence against Women (1993):

The Declaration on the Elimination of Violence against Women is based on the premise that violence against women is an impediment to peace, equality and development. It condemns violence against women and calls on states to prevent, investigate and punish such acts. It further calls on states to provide female victims of violence with access to mechanisms of redress; include resources for combating violence against women in government budgets; promote education aimed at eliminating gender prejudices and any customs which stem from unequal power relations; and collaborate with women's groups. It also includes a specific focus on training and sensitisation of law enforcement officers and public officials aimed at preventing, investigating and punishing violence against women.

e) Beijing Declaration and Platform for Action (1995):

The Beijing Declaration and Platform for Action declares that “women’s rights are human rights”. It is structured along 12 critical areas of concern and calls for the advancement and empowerment of women in all spheres. Among other things it addresses issues relating to violence against women, women and conflict, and women’s access to power and decision-making. It examines the impact of armed conflict on women, as well as the roles (both positive and negative) which women play in situations of conflict. It advocates a cooperative approach to peace and security which emphasises the importance of empowering women both politically and economically; including in terms of their adequate representation decision making structures for conflict prevention, resolution and peacebuilding.

f) United Nations General Assembly Resolution 52/86 on Crime Prevention and Criminal Justice Measures to Eliminate Violence against Women (1998):

This resolution provides concrete recommendations for action which states can undertake to monitor and combat violence against women and prevent crimes. Apart from emphasising the protection of women, it further calls for the participation of women in peace and security structures, for instance the police, at the operational level. It calls on member states to develop crime surveys on the nature and extent of violence against women; to gather information on a gender-disaggregated basis for analysis and use in needs assessment, decision and policy-making and to monitor and issue annual reports on the incidence of violence against women.

g) Millennium Development Goals (MDGs) (2000):

The Millennium Development Goals (MDGs) adopt a human security approach to development. It contains eight development goals including the promotion of gender equality and empowerment of women.

The eight development goals



Goals 3 and 5 focus specifically on gender and women's issues, and these issues also cut across the other six goals. The other issues addressed by the MDGs, including poverty, hunger, disease, education, child mortality and environmental degradation, all have a specific feminine face because they exacerbate women's vulnerabilities to conflict, violence and insecurities.

h) United Nations Security Council Resolution 1325 on Women, Peace and Security (2000):

The United Nations Security Council Resolution 1325 specifically recognises women's different roles and needs in conflict and post-conflict environments. It calls for the full and active participation of women in all peace and security processes including conflict prevention, resolution, management, peacemaking, peacekeeping, peacebuilding, post-conflict rebuilding, etc. It also calls for the protection and promotion of the rights of women and girls, prevention of violence and discrimination against women, and for an end to impunity for, as well as the prosecution of, perpetrators of violence and discrimination against women and girls. In addition, the Resolution calls for increased women's participation in decision-making at the community, national, regional and international levels, and for more institutions and mechanisms for the prevention, management and resolution of conflict.

i) United Nations General Assembly Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children (2000):

The Protocol to Prevent, Suppress and Punish Trafficking in Persons is a supplementary protocol to the United Nations Convention against Transnational Organised Crime.

It is the first global legally binding instrument with an agreed upon definition for trafficking in persons. The intention behind this definition is to facilitate convergence in national approaches with regard to the establishment of domestic criminal offences that would support efficient international cooperation in investigating and prosecuting trafficking in persons cases.

An additional objective of the Protocol is to protect and assist the victims of trafficking in persons with full respect for their

human rights. In its Section III Article 9, it calls for the prevention of trafficking in persons.

j) United Nations Security Council Resolution 1820 on Sexual Violence (2008):

The United Nations Security Council Resolution 1820 recognises sexual violence as a tactic of war and links it with the maintenance of international peace and security. It classifies sexual violence as a war crime, a crime against humanity or a constitutive act with respect to genocide. It reinforces the provisions of UNSCR 1325 by stressing the need to increase women's role in decision-making with regard to conflict prevention and resolution. In addition, the Resolution calls for the cessation by all parties to armed conflict of all acts of sexual violence against civilians, and for the exclusion of such acts from amnesty provisions. The Resolution calls on the UN Secretary-General to report on its implementation, including an analysis of the prevalence and trends, benchmarks or indicators for progress and on concrete plans for facilitating the timely collection of "objective, accurate and reliable information" on sexual violence.

k) United Nations Security Council Resolution 1888 on Women, Peace and Security (2009):

The United Nations Security Council Resolution 1888 further complements both UNSCRs 1325 and 1820 and seeks to strengthen efforts to combat sexual violence in situations of armed conflict. It calls for the appointment of a special representative who will provide strategic leadership and coordinate efforts among different stakeholders to address sexual violence; for the identification of women protection advisers; for increased participation of women in conflict resolution and peacebuilding and for the strengthening mechanisms to monitor and report on sexual violence.

l) United Nations Security Council Resolution 1889 on Women, Peace and Security (2009):

United Nations Security Council Resolution 1889 aims to strengthen the implementation and monitoring of UNSCR 1325. It reiterates the call for increased participation of women in all peace and security processes, from conflict prevention to post-

conflict reconstruction; calls for the protection of women and girls during situations of conflict and for the prevention of violence and discrimination against women.

In this regard, it emphasises the responsibility of states to prosecute perpetrators of violence and requests the inclusion in all country reports to the Security Council information on the impact of armed conflict on women and girls as well as their post-conflict needs. It further requests that the Secretary-General submit a set of indicators to track the implementation of UNSCR 1325.

m) Universal Periodic Review (UPR):

The Universal Periodic Review (UPR) "has great potential to promote and protect human rights in the darkest corners of the world" (Ban Ki-moon, UN Secretary-General).

The UPR is a unique process which involves a review of the human rights records of all 192 UN Member States once every four years. The UPR is a state-driven process, under the auspices of the Human Rights Council, which provides the opportunity for each state to declare what actions they have taken to improve the human rights situations in their countries and to fulfil their human rights obligations. The UPR is one of the key elements of the Council which reminds states of their responsibility to fully respect and implement all human rights and fundamental freedoms.

The UPR was created through the UN General Assembly on 15 March 2006 by Resolution 60/251.

n) Special Rapporteurs:

Special rapporteurs have been vital to bringing to the attention of the United Nations the causes and consequences of violence against women.

In 1994, it was the work of a special rapporteur that brought international attention to the plight of women in conflict situations. Since then, the work of other special rapporteurs or representatives has contributed to the growing understanding of the situation of women and girls during armed conflict.

The Special Rapporteurs on Rwanda and the Democratic Republic of the Congo, as well as the Special Rapporteur on torture, have all highlighted gender-based and sexual violence against women and girls committed during armed conflicts.

REGIONAL

a) Gender and Women's Rights Instruments:

i) African Union Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (2003):

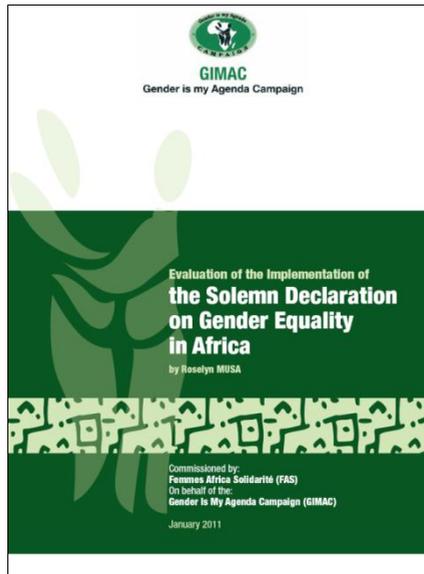
The African Union Protocol to the Charter on Human and People's Rights on the Rights of Women in Africa is designed to promote and ensure respect for the rights of African women. It requires African governments to eliminate all forms of discrimination and violence against women and to promote equality. The Protocol also commits African governments to include in their national constitutions and other legislative instruments these fundamental principles and ensure their effective implementation. It obligates governments to integrate a gender perspective in their policy decisions, legislation, development plans and activities, and to ensure the overall well-being of women.

In Article 9, the Protocol calls for action to promote participative governance and the equal participation of women in political and decision-making processes. Article 10 calls for measures to ensure the increased participation of women in structures and processes for conflict prevention, management and resolution at local, national, regional, continental and international levels.

ii) African Union Solemn Declaration on Gender Equality in Africa (2004):

The Solemn Declaration on Gender Equality in Africa is an instrument for promoting gender equality and women's empowerment.

It strengthens African ownership of the gender equality agenda by placing gender mainstreaming at the highest political level in Africa. In order to ensure the effective monitoring of the Declaration, key issue areas encapsulated in the Declaration have been classified into six thematic clusters: governance, peace and security, human rights, health, education and economic empowerment.



The cluster on governance calls for the application of the gender parity principle to all the organs of the AU. On peace and security, the Declaration calls for the full and effective participation and representation of women in peace processes including the prevention and management of conflicts and post-conflict reconstruction. It also specifically calls for the appointment of women as special envoys and representatives of the African Union. It must be noted that FAS played a pivotal role in the birthing of this instrument.

iii) *African Union Gender Policy (2008):*

The African Union Gender Policy is a document that summarises all of the existing decisions and declarations of the AU and other global commitments on gender and women's empowerment as it relates to women in the African continent. In this regard, it is aligned to Article 4 (L) of the Constitutive Act of the African Union which enshrines the Parity Principle, the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa and the Solemn Declaration on Gender Equality in Africa, among others.

The Policy provides a mandate for the operationalisation of the AU's commitments to gender equality and women's empowerment at the level of the AU Commission and all of its organs, regional economic commissions and member states. It specifically calls for:

- 1) the promotion of good governance and rule of law, which guarantee human rights and rights of women through democratic and transparent institutions;
- 2) the adherence to the principle of gender equality between men and women and boys and girls in enjoying their rights and sharing their opportunities, benefits and contributions;
- 3) the strict observance of the principle of gender equity which guarantees fairness and equal treatment for all;
- 4) the compliance to the Parity Principle as enshrined in the Constitutive Act of the African Union;
- 5) the promotion of the principle of shared responsibility, accountability and ownership of the commitments made by the AU;
- 6) the promotion of regional integration as a vehicle for the advancement of the African continent and its peoples; and
- 7) the application of the principle of subsidiarity to ensure the efficient and effective implementation of the policy at all levels.

b) Broad Peace and Security Instruments with a Focus on Gender and Women's Issues¹:

- i) *Protocol Relating to the Establishment of the Peace and Security Council of the African Union (2002):*

The AU Peace and Security Council is a standing decision-making organ for the prevention, management and resolution of conflict.

As stated in Article 2 (1) of the PSC Protocol, the PSC is "a collective security and early-warning arrangement to facilitate

¹ Culled from Alaga, E., Birikorang, E., and Jaye, T; *An Assessment of the Gendered*

timely and efficient response to conflict and crisis situations in Africa”. In this regard, the PSC is mandated to cooperate and collaborate with other structures/pillars of the AU Peace and Security Architecture (APSA), i.e. the Panel of the Wise, the African Stand-by Force, the African Peace Facility and the Continental Early Warning System (CEWS).

The PSC Protocol and its attendant instruments, i.e. its rules of procedure and modalities for the election of its members, are highly progressive instruments for addressing issues relating to peace, security, stability and human development on the continent. On gender and women-related issues, the protocol in Article 13 (6) calls for training on the rights of women and children for civilian and military personnel of the national standby contingents at both operational and tactical levels. In Article 14 (3e) it calls for the PSC to assist Member States that have been adversely affected by violent conflict in providing assistance to vulnerable persons, including women. And in Article 20 it encourages civil society organisations, particularly women’s organisations, to participate actively in efforts aimed at promoting peace, security and stability in Africa.

ii) *The Constitutive Act of the African Union (2001):*

The Constitutive Act of the AU symbolises the statement of intent of African leaders to establish a continental union. The Act sets out the legal framework under which the AU conducts itself. As with most policy documents of the AU, the Act is quite gender-sensitive. First, the Act stresses the need to build partnerships between governments and civil society, and particularly with women. Second, Article 4 (l) lists the promotion of gender equality as one of the fundamental principles of the AU. Lastly, Article 13 (1k) calls for the formulation of social security policies relating to mother and child care.

However, the Act has two major gender gaps. The first has to do with the absence of a committee on gender and women’s issues as one of its organs (see list of Specialised Technical Committees in Article 14).

While it is acknowledged that the AU has a Women’s Committee (AUWC) and a Directorate for Women, Gender and Development that play advisory and oversight (and implementation) functions

respectively, the Act in its present form is not specific about a specialised technical committee on gender. Second, the Act does not make specific reference to instruments on the rights of women, which could have been stated as a broad category, to show the correlation between the Act and other existing policy and legal frameworks for enhancing the protection and participation of women in peace and security. While it may be argued that AU-specific policies and legal instruments on gender or women's rights were not in existence at the time, the broad referencing of such instruments would have made direct links to gender and women-related instruments that were subsequently developed e.g. the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (2003), the Solemn Declaration on Gender Equality in Africa (2004) and the AU Gender Policy (2009) --all of which emphasise the role of women in peace and security.

iii) *The Solemn Declaration on a Common African Defence and Security Policy (2004):*

The Solemn Declaration on a Common African Defence and Security Policy directly complements the Peace and Security Council Protocol. It calls on Member States to provide a framework for the effective participation of women in conflict prevention, management and resolution activities (Section 13 [w]), and makes specific reference to existing instruments on the rights of women such as the Declaration on the Elimination of Violence against Women, the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention on the Political Rights of Women, among others. Reference is also made to gender and the definition of security that is given in Section 6 includes the "right to protection against marginalisation on the basis of gender".

Section 11 (p) specifically calls for the "promotion of gender equality" as one of the principles and values underlying the Common African Defence and Security Policy; and Section 12 (iv) calls on African countries to refrain from actions which "amount to propaganda for war or advocate for hatred based on gender".

On the operational level, however, the implementing organs and mechanisms of the Common African Defence and Security Policy, i.e. the Assembly of the AU, the PSC, the AU Commission and

the Regional Economic Communities (RECs), have yet to fully initiate women-specific and gender-sensitive programmes that will particularly enhance the protection of women's rights and their active participation in the implementation of the Solemn Declaration.

For example, the assessment of common security threats (especially those relating to intra-state conflicts/tensions) should adopt a participatory process of consultations with different stakeholders, especially women's groups. The assessment of external threats should include a focus on cross-border community issues because this is the level where women are most often exploited.

The assessment teams commissioned for this purpose should be representative of both women and men, or should have access to gender expertise. Gender trainings should be conducted for the assessment teams and gender-sensitive indicators developed to guide their work.

iv) *The Post-Conflict Reconstruction and Development Policy (2006):*

The AU Policy on Post-Conflict Reconstruction and Development (PCRD) is the most progressive policy instrument within the PSC for advancing women's issues. In recognition of the huge gender gap that exists within the field of peace and security and the urgent need to transform this, the PCRD policy adopts a two-pronged approach. It mainstreams gender and women's issues across all its indicative elements and also addresses women and gender as a stand-alone element. With regards to women-specific and gender programming, the PCRD policy makes a number of pertinent suggestions. Generally, it is focused on human security, non-state grassroots involvement in post-conflict reconstruction and development, and on the importance of addressing the structural or root causes of conflict and violence. It is underpinned by five core principles which emphasise African leadership; national and local ownership; inclusiveness, equity and non-discrimination; cooperation and coherence; and capacity building for sustainability – all of which are critical for promoting women's full and active participation.

More specifically, Section II, which focuses on its indicative elements, has a number of women-specific and gender-related programming suggestions.

First, concerning security, Section 24 calls for broad consultations and participation of civil society in the security sector; Section 25 (ii) calls for integrated approaches to repatriation, resettlement, reintegration and rehabilitation programmes that pay particular attention to women victims of violence.

Section 25 (vi) also calls on countries emerging from conflict to address the “specific security concerns of women and girls, including their demands for protection against those who may have committed acts of sexual and other violence against them, since the reintegration of perpetrators into society can threaten them”.

Section 25 (vii) demands that the process of transformation of the security sector should recognise and acknowledge the role and specific needs of women.

Second, the indicative element on humanitarian and emergency assistance in Section 29 (d) (iii and iv) recommends the development of “programmes that address the specific needs of women and girls, especially in relation to victims of SGBV. Such programmes should include medical care, trauma and psychosocial counselling, assistance and legal redress” (Section 30 [f]). In Section 29 (vii) the PCR Policy calls for the provision of training and skills development to women to facilitate their reintegration and participation in reconstruction and longer-term peacebuilding (Section 30 [h]).

Third, in regards to political governance and transitions, the PCR policy calls for programmes that promote inclusive politics, including enabling women’s access to power and decision-making (Section 34). It also encourages countries emerging from conflict to “facilitate societal transformation programmes in ways that reflect the interest of women, address their needs and aspirations; and consolidate any opportunities that emerge as a result of the challenges of conflict, to improve their lives” (Section 36[b][vi]).

In Section 37 (h) countries are urged to “increase the numbers of women in decision making positions in public institutions as well as the private sector”.

Fourth, the indicative element on human rights, justice and reconciliation demands that respect for human rights should guarantee and protect women’s rights and participation in political, social and economic spheres of life (Section 41) (IV).

Additionally the section calls on countries to “make legal provisions for justice for victims of human rights violation, particularly those who suffered sexual violence” and “totally rejects impunity”.

The indicative element on women and gender (Sections 43 to 46) is quite detailed in its recommendations for programming.

It calls for:

- 1) gender analysis to inform the development of gender-sensitive policies, programmes, budgets and impact assessment;
- 2) the creation of legal frameworks that ensure the full enjoyment of family rights and equitable access to, and control over, resources including land, property and inheritance, which are key especially for widows and women returnees;
- 3) the full and active participation of women in conflict prevention, management and resolution;
- 4) the creation of a gender focal point to ensure that gender is mainstreamed through all PCRD activities;
- 5) the transformation of public institutions to make them more responsive to women’s needs;
- 6) focus on gender training and sensitisation, especially for forces engaged in peace support operations in post-conflict reconstruction environments; and
- 7) the ratification of, accession to, domestication and implementation of the relevant AU and international instruments relating to women’s rights such as UNSCR 1325, 1820, 1888 and 1889.

Early Warning and Conflict Prevention: The African Perspective to Prevent Violence against Women

BACKGROUND AND LEGAL TOOLS THAT ESTABLISH EARLY WARNING SYSTEMS

In 2001, then-United Nations Secretary-General Kofi Annan set the stage for conflict prevention in his report to the Security Council: *“For the United Nations, there is no larger goal, no deeper commitment and no greater ambition than preventing armed conflict. The prevention of conflict begins and ends with the protection of human life and the promotion of human development. Ensuring human security is, in the broadest sense, the United Nations’ cardinal mission. Genuine and lasting prevention is the means to achieve that mission”*^{xix}.

The UN Security Council Resolution SRES 1625 of 14 September, 2005 outlined a spectrum of domains including gender equality and human rights where the focus of conflict prevention will have effect, as it *“reaffirms the need to adopt a broad strategy of conflict prevention, which addresses the root causes of armed conflict and political and social crises in a comprehensive manner, including by promoting sustainable development, poverty eradication, national reconciliation, good governance, democracy, **gender equality**, the rule of law and respect for and protection of **human rights**”*.

The framework that established the collaborations and partnerships between the UN and regional and sub-regional organisations lend its legitimacy to UN SRES 1624(2005) which *“...recognises the need to strengthen the important role of the United Nations in the prevention of violent conflicts, and to develop effective partnerships between the Council and regional organisations, in particular the African Union and its sub-regional organisations, in order to enable early responses to disputes and emerging crises”*. This resolution further calls for the UN to strengthen the capacities of the regional and sub-regional groupings for early warning in view of *“working out appropriate mechanisms to enable prompt action in reaction to early warning indicators”*. The lubricant for such a system is coordination and effective management of the early warning machinery which should provide policy makers with timely information to facilitate decision-making.

A case-by-case study of the AU and ECOWAS early warning systems which use human rights tools as the basis for ensuring prevention of violence against women is the focus of this section of the paper. Highlights of the RECs early warning systems are provided to demonstrate the effectiveness of continental early warning systems built on organised sub-regional structures and how these arrangements could be used to prevent violence against women and girls.

Early warning systems must therefore include women among the key actors at all stages to ensure that women benefit from the systems through holistic and comprehensive prevention strategies. Utilising early warning and international as well as regional legal instruments, which have unambiguously stated the obligation of state parties to prevent, eradicate and punish acts of violence against women and girls, is the argument put forward in this paper. For example, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) requires all countries who are parties to the Convention to take necessary steps to end violence against women. Early warning systems therefore could develop indicators that could be used to monitor state party compliance with regional and international human rights instruments particularly UNSCR 1325, CEDAW etc. and to offer recommendations for action in case of violations.

EARLY WARNING AS TOOL FOR THE PREVENTION OF VIOLENCE AGAINST WOMEN

In July 2002 the 53 Member States of the Organisation of African Unity (OAU) replaced the 39-year-old OAU with the African Union (AU). The aim was to enhance the promotion of Africa's political, social and economic cooperation. In the same vein, the Economic Community of West African States (ECOWAS) Secretariat was converted into the ECOWAS Commission in 2006. These transformations marked the gradual paradigm shift from the era of non-interference in the internal affairs of member states to an era of engagement. The notion of human security, in which the safety and security of the individual is paramount and where the state has a responsibility to meet its obligations vis-a-vis human security, served as the guiding principles for the transformations within the AU and ECOWAS.

The new African Union and the ECOWAS Commission have structures in place to enhance interaction and cooperation among member states as well as with external institutions.

One of these structures is the early warning systems which serve as a platform for data collection, analysis, reporting and actions in order to prevent violence. This type of system, which can anticipate violence and open windows of opportunity to avert it through the formulation of actionable response options, has tremendous potential to reduce violence against women when utilised to its fullest.

These structures also make room for external inputs and engagements that will improve the achievement of the AU and ECOWAS peace, security, integration and socio-economic development agenda for the continent and sub-region respectively.

a) *The Continental Early Warning System (CEWS) of the African Union: Design, structures and operations:*

On 11 July 2000 at the 36th summit of the OAU in Lomé, Togo, the *Constitutive Act of the African Union* was born. The act realised the vision of transforming the OAU into the African Union. The paradigm shift from the OAU to the African Union added impetus to the norms and institutions governing the continent, and put Africans at the centre of addressing African problems. Global leaders hailing from the African continent who were serving in the UN system and in other capacities both at home and in the Diaspora urged African leaders to pause and reflect within themselves to identify the core challenges to peace, security and development rather than continuing to blame their woes solely on external factors such as colonialism, globalisation and unfair trade patterns.

While the fact remains that Africa suffered tremendously from external factors such as slavery, colonialism and globalisation, former UN chief Kofi Annan said that “...*there is a growing recognition among Africans themselves that the continent must look beyond its colonial past for the causes of current conflicts. Today more than ever, Africa must look at itself*” (Kofi Annan, 1998).

At the heart of this pragmatic shift was the determination to focus on ending war, violence and poverty on the continent. It dawned on the African leaders that peace, security and development are intertwined and mutually dependent on one another. In the recent past, Africa has witnessed devastating wars most of which were no longer between states and borders, but rather intra-communal, inter-communal and civil wars. The advent of guerrilla warfare tactics, proliferation of small and light weapons and multiplication of conflict

actors such as rebels, militias and mercenaries increased the spate and level of human rights violations on the continent with women and girls bearing the brunt of armed hostilities. The OAU's operation relied purely on the cooperation and collaboration of sovereign states who could do little to end the violence that engulfed the continent in the 80s and 90s. What made intervention cumbersome was the OAU's policy on non-interference in the internal affairs of a member state. The adoption of the African Union brought about the change from 'no interference' to 'no indifference', meaning that the AU has the right to intervene in internal matters of a member state in situations it considers grave – for instance when genocide, war crimes and crimes against humanity are committed.

In line with modernisation and democratic dispensation, the AU established the Peace and Security Council in view of maintaining peace and security as prerequisites to development. An important pillar of the Peace and Security Council is the Continental Early Warning System (CEWS). Noting the horrendous atrocities committed against women from past wars in Liberia (1989-2005), Rwanda (1994) and Sierra Leone (1990-2002), to fragile states such as Guinea (2007-2009) and ongoing horrors in the Democratic Republic of Congo, Darfur and Somalia, this chapter seeks to explore windows of opportunity to prevent violence against within the framework of the AU Continental Early Warning system.

“Africa’s Peace and Security architecture has been designed to work under the aegis of the UN and not against it [...] for African leaders, the reference to multilateralism is essential. All the regional or sub-regional peace operations undertaken by Africa have been endorsed in some form by the UN, and often actively encouraged by the Security Council. Multilateral endorsement of African initiatives is essential to ensure the sustainability of African peace efforts” (J C Boidin).

The Protocol Relating to the Establishment of the Peace and Security Council of the African Union was established in July 2002. The Peace and Security Council (PSC) of the AU was created with the aim of strengthening the AU's capacity with a more robust and proactive framework to promote and maintain peace and security in Africa:

“...a standing decision-making organ for the prevention, management and resolution of conflicts. The PSC shall be a collective security and early-warning arrangement to facilitate timely and efficient response to conflict and crisis situations in Africa” [Art. 2 (1) of the PSC Protocol].

The peace and security architecture is comprised of the Peace and Security Council (PSC), a Panel of the Wise, the African Stand-By Force, the African Peace Facility and the Continental Early Warning System (CEWS).

In accordance with article 4 (d) of the Constitutive Act which seeks to *“promote and encourage democratic practices, good governance and the rule of law, protect human rights and fundamental freedoms, respect for sanctity of human life and international humanitarian law, as part of efforts for preventing conflicts”*, the Peace and Security Council of the AU has the mandate to develop the defence policy for the AU. Through the CEWS, prevention of violence against women must be incorporated into the operational structures of the Peace and Security Council at various levels including early warning and response mechanisms, peacemaking and peacebuilding functions where conflicts have erupted and in post-conflict reconstruction and development stages for post-war situations. At the AU level, a gender desk responsible for coordinating alerts, early warning signs and formulation of response options for decision-makers must be institutionalised within CEWS parameters.

The gender desk should partner with NEPAD (African Peer Review Mechanism) to provide critical data and analysis of trends on gender for each member country.

Where aggravating factors of violence against women are persistent, showing systematic and consistent violations of women’s rights through the monitoring of indicators designed to take stock of the compliance of women’s international and regional legal instruments, the Peace and Security Council of the AU must take action in conformity with its mandate. At the level of decision-making in terms of action to carry out recommendations of the CEWS regarding women’s protection, women must be not only be represented but act in leadership capacities.

When the decisions are made, implementation and monitoring and evaluation should be spearheaded by the gender desk through its competent representations or otherwise at national and regional levels.

With the adoption of the subsidiary UN Resolutions of 1888, 1889 and 1820 to UNSCR 1325, in which rape was classified by the UN as war crime and a crime against humanity, the Peace and Security Council of the AU must “*anticipate and prevent disputes and conflicts, as well as policies that may lead to genocide and crimes against humanity*” in consonance with these resolutions.

The AU has already been authorised to do so as stipulated by the United Charter, Chapter VIII, Article 52: “[The UN] *recognises regional arrangements [...] for maintenance of peace and security [...] consistent with UN principles*”; and Chapter VIII, Article 53: “*SC shall, where appropriate, utilise such regional arrangements [...] for enforcement action under its authority*”.

While linkages exist between the AU and the UN in matters related to actions against gross human rights violations, the AU made provisions for engagement with the Regional Economic Blocs of the AU in the Constitutive Act as part of its peace and security architecture. Therefore, the AU, through CEWS, should provide capacity-building, resources, and support to realise the concept of *subsidiarity* wherein lower structures of the AU such as the RECs and national platforms could enforce AU policies related to peace, security and stability.

At the heart of this enforcement, the prevention of violence against women must be the yardstick used to measure milestones.

The merit of the AU using the CEWS to prevent violence against women is that regional response mechanisms are linked at the global (UN), sub-regional (RECs) and national levels.

Where timely intervention is needed, the AU can easily garner support and mobilise resources for actions from the UN, bilateral and multi-lateral partners and from donors.

Because it has the mandate to intervene in situations of genocide, war crimes and crimes against humanity, the AU can serve as a deterrent against violations of women’s rights when supranational action is taken against a country.

Simply by issuing warning signals via alerts and early warning signs, member states accused of not respecting the commitments they have made through international and regional human rights instruments could urgently take corrective measures to comply with established norms and standards of human rights.

Article 12 (1) of the PSC Protocol stipulates that a '*Continental Early Warning System to be known as the Early Warning System shall be established*':

One of the five pillars of the PSC, the AU's Early Warning System is tasked with providing the Chairperson of the Commission with information in a timely manner so that the Chairperson can advise the Council on 'potential conflicts and threats to peace and security' [*affecting women*^x] and 'recommend best courses of action'.

The activism concept should be used to the advantage of preventing violence against women. This means that information gathered and analysed should be communicated to the competent authorities of the AU such as the Chairperson of the AU Commission, the AU PSC, the AU Panel of the Wise and other Departments within the Commission. In countries lacking the political will to ensure independence of the judiciary in dealing with allegations of abuse and women's rights violations or where the judicial system is poor, recourse to the African Court on Human and People's Rights and to the African Court of Justice will guarantee free and fair jurisdictions provided under the aegis of the AU. This could be argued as one of the strongest hopes the AU CEWS holds to prevent violence against women.

It is encouraging to note that the AU has achieved gender parity in the staffing arrangements of its commissions. This manifested political will is an indication that if the potential identified in utilising the CEWS and human rights frameworks is carried out to its fullest, greater achievements could be made to prevent violence against women and promote gender justice and gender equality on the continent.

b) The Community of Sahel-Saharan States (CEN-SAD)

The Community of Sahel-Saharan States (CEN-SAD) was established on 4 February 1998 in Tripoli in the Great Socialist People's Libyan Arab Jamahiriya by Treaty concluded between the Great Jamahiriya, Sudan, Chad, Mali, Niger and Burkina Faso. Today, it gathers twenty-three (23) countries in a single community that reaches from the Atlantic Ocean to the Red Sea and across the Pacific Ocean.

In keeping with the United Nations Charter and Protocol relating to the establishment of the Peace and Security Council of the African Union, the Community of Sahel-Saharan States (CEN-SAD) adopted, during its 6th Summit held in Bamako, Mali (15 May, 2004), a Conflict Prevention, Management and Resolution Mechanism for the purpose of promoting peace and security in the Sahel-Saharan community. The treaty to establish CEN-SAD underscores the need for signatory states to ensure peace, stability and security in the Sahel-Saharan community.

c) Intergovernmental Authority on Development (IGAD).

CEWARN is the Conflict Early Warning and Response Mechanism of the seven Member States (Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan and Uganda) of the Intergovernmental Authority on Development (IGAD). In 1996 IGAD expanded its mandate to include peace and security, with the realisation that the presence of a peaceful and stable environment, the product of concerted regional efforts, is a prerequisite to sustainable development and growth. To this end, IGAD has the platform that provides a regular forum for various stakeholders of the region to tackle numerous issues of regional context and expand cooperation among its members. One of the main objectives of IGAD and thus the Peace and Security Division was to prevent and manage intra- and inter-state conflicts through dialogue by creating a mechanism within the sub-region that will bring about peace and stability, hence, the establishment of a conflict early warning and response system.

d) Common Market for Eastern and Southern Africa (COMESA):

The COMESA mandate on conflict prevention is based on the concept of preventive diplomacy and is rooted on Article 3(d) of the COMESA Treaty. At the inception of the COMESA Programme on Peace and Security, emphasis was also placed on the fact that the programme would operate within the framework of the African Union Peace and Security Council and also that the programme's activities would be sure to complement and coordinate with other RECs. The COMESA mandate on early warning is derived from its conflict prevention mandate.

e) **East African Community (EAC):**

The Treaty for the Establishment of the East African Community acknowledges the fact that peace and security are a prerequisite to social and economic development. It provides that partner states shall undertake to promote and maintain good neighbourliness as a basis for promoting peace and security within the Community. The EAC Council of Ministers directed the development of a mechanism for early warning, establishment of databases for disaster management and development of capacity to manage disaster situations.

The development of the Protocol on Early Warning is based on the principle of promoting regional peace, security and stability and creating mechanisms for the prevention, management and resolution of inter- and intra-state conflicts.

f) **Southern Africa Development Community (SADC):**

The meeting of the Interstate Defence and Security Committee (ISDSC) of the SADC Organ on Politics, Defence and Security Cooperation held in Maseru, Kingdom of Lesotho in June 2004 approved the principles underpinning the concept of the SADC Early Warning System and selected a team of experts to work on the planning and establishment of the system. Subsequently, at its meeting held in July 2004 in Sun City, South Africa, the Ministerial Committee of the Organ mandated the Troikas of SADC and the Organ to initiate the establishment of the Regional Early Warning Centre.

g) **The ECOWARN System: ECOWAS and Conflict Prevention in West Africa:**

The ECOWAS Early Warning System derived its legitimacy from the *ECOWAS Revised Treaty* (1993) which calls for a “sub-regional peace and security observatory”.

The *ECOWAS Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security-Mechanism* (1999); and the *Supplementary Protocol, Democracy and Good Governance* (2001) concluded the legal frameworks for the establishment and operationalisation of ECOWARN.

The ECOWAS Early Warning System (ECOWARN) is a tool for the synergic, synchronised integration between civil society and the inter-governmental body, ECOWAS, to prevent violent conflict and crisis escalation within the West African sub-region.



The main objectives of the ECOWARN are twofold:

- 1) develop community, national and sub-regional capacities/structures for early detection, early warning and early response through training, systematic information sharing, database development, and technical assistance; and
- 2) identify and monitor context-specific conflict and peace indicators and analyse them for preventive action.

The ECOWARN system resonates with ideas propounded by early warning pundits who define it as:

“The systematic collection and analysis of information coming from areas of crisis for the purpose of anticipating the escalation of violent conflict; collecting information; using specific indicators; analysing information – attaching meaning to indicators, setting it into context, recognising crisis development; formulating best and worst-case scenarios and response options and communicating to policy-makers for the purposes of decision-making and action^{xi}”.

Consequently, the sequential arrangement of early warning systems is done to enhance the ability of policy- and decision-makers to make strategic decisions on the basis of improved knowledge of the

environment of operations, options available for response or action and the implications of each decision made. The idea is not just to give flash warnings, but more importantly to provide analysis of the situations in order to reduce the risk or tendency to make ambiguous decisions in a constantly changing environment. The above clearly indicates that early warning therefore has the function to enhance three goals: prevention; mitigation, and preparedness (contingency planning) – all of which, when put together in a comprehensive and decisive manner, will curb violence against women.

Article 58 of the ECOWAS Revised Treaty calls for the inclusion of civil society organisations (CSOs) in the design, implementation and monitoring of conflict prevention and peacebuilding initiatives in West Africa. In 2002 WANEP entered into an agreement with ECOWAS through the signing of a memorandum of understanding (MOU) of the framework of capacity-building in conflict prevention. One of the goals of this agreement is to interface WARN with the ECOWAS Early Warning System to optimise early warning and conflict prevention in West Africa – hence the merging of WARN with the ECOWAS system to produce what is known today as ECOWARN. WANEP has access to a wide base of community monitors who provide crucial first-hand information at the community level, whilst ECOWAS has the mandate of the states in the region to intervene at the state level and to garner military resources when the need arises as demonstrated in the interventions of the Economic Monitoring Group (ECOMOG), the military wing of ECOWAS in Liberia and Sierra Leone.

The aim of WARN is to institutionalise the culture of conflict prevention in West Africa through an appropriate and effective early warning and early response mechanism. With the new hybrid of early warning and human rights instruments in mind, the ECOWARN programme must improve its focus on women's protections to prevent occurrences of, for instance, the mass, broad daylight rape that took place in Guinea on the 28th of September 2009. Indicators for ECOWARN could be reviewed to expand on the gender component and provide consistent situation reports on victims and the level of assistance they receive within the reporting period. This information could then be linked to the indicators designed by the United Nations in UNSC 1325.

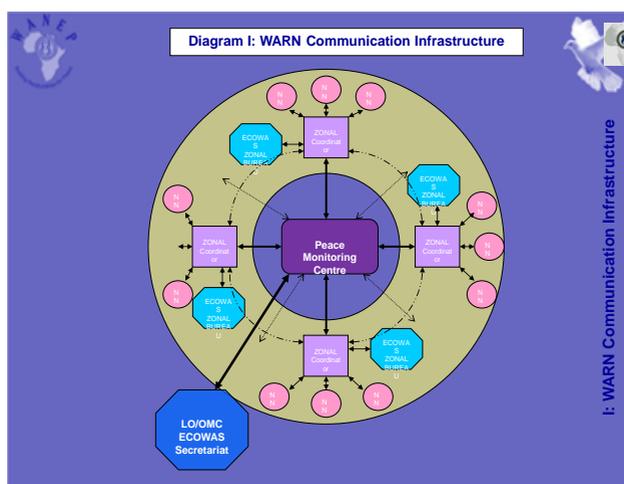
Another aspect that must not be overlooked in implementing the early warning systems is justice and accountability.

Policy briefs and other early warning reports should generate comprehensive and accurate analysis regarding perpetrators of violence against women and offer concrete recommendations to policy- and decision-makers for actions to be taken.

The Indicators, predictors, precursor events or other telling signals used by ECOWARN in forecasting conflict indicators are divided into three categories: 1) immediate catalysts or triggers (*electoral fraud, political assassinations, new or newly enforced discriminatory policies*); proximate causes (*specific situational circumstances, e.g. increasing insecurity on the streets, frequency of political arrests, capital flight*), and structural causes (*general underlying, structural, deep-rooted, background pre-conditions, e.g. economic disparity, historic oppression, high military expenditure*). These indicators can point to issues such as political, economic, social and cultural, military and security, sub-regional/geopolitical, judicial, legal and environmental concerns.

Broadening these indicators to include comprehensive gender sensitive indicators extrapolated from regional and international human rights instruments, particularly those premised on women's protection, participation, promotion and rights, could prove to be a rewarding approach for preventing violence against women within the operational structures of ECOWARN.

ECOWAS divided West Africa into four zones in the framework of the operationalisation of ECOWARN:



ENGENDERING EARLY WARNING AND CONFLICT PREVENTION

The threats to civilians and the suffering endured particularly by women in conflict situations have underscored both the need to incorporate gender analysis into early warning activities and the importance of preventive measures in strengthening women's protection.

UN Security Council Resolution 1325 reaffirms the “important role of women in the prevention and resolution of conflicts and in peace-building, and stresses 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”.

The application of a gender perspective to early warning entails recognition of the role that both men and women play in conflict: both as peace-makers and escalators of or parties to conflict.

Recent research in both the Great Lakes and Horn of Africa regions indicates a bias towards males in norms and minimal representation for women in peace processes due to political and social cultures.

Resolution 1325 as an international obligation:

- Endorses the inclusion of civil society groups – notably women – in peace processes and the implementation of peace agreements;
- Spells out actions to be taken by all actors, including governments and the UN, to ensure the participation of women in peace processes and improve the protection of women in conflict zones;
- Calls upon the Council, the UN Secretary-General, Member States and all other parties (i.e. non-state actors, militias, humanitarian agencies and civil society organisations) to take action in the four interrelated areas of prevention, participation, protection, relief and recovery.

IMPORTANCE OF ENGENDERING EARLY WARNING

Engendering early warning has far-reaching benefits that go beyond the protection of vulnerable groups:

- It incorporates gender-sensitive indicators into the collection and analysis processes of early warning, making existing models more comprehensive and allowing for ‘early’ early warning by anticipating macro-level conflict through micro-level events;

- It elicits different (and new) questions about the causes and effects of conflict on a wider spectrum of society, and the unique relationships and roles of these sectors amongst one another;
- It draws attention to traditionally more vulnerable groups (women, children and minorities) who are often targeted in peacetime or early in the conflict cycle before violence spreads;
- It allows us to reflect on the different ways in which conflict escalation and violence affects different members (men and women) of a community.

ADVANTAGES OF ENGENDERING EARLY WARNING

- An incorporation of micro-level changes and interactions between men and women fine-tune the formulation of political and humanitarian response in order to address the specific vulnerabilities of men and women and ensure that discriminatory policies are not perpetuated in post-conflict situations.
- Individuals and state structures that express greater concern for the status and role of women and youth, particularly equality between men and women, are more likely to seek compromise or resolve conflicts through non-violent methods.
- Early warning and preventive activities can be made more effective by utilising the untapped potential of women and youth, women's and youth's networks and women's and youth's organisations as actors for peace.
- Women and youth tend to have different perspectives on conflict, ask different questions and offer different response options^{xii}.

GENDER SENSITIVE INDICATORS, DATA COLLECTION, REPORTING AND ANALYSIS

- Women and youth have the ability to "tip" information. They can use their tipping power to spread news by word of mouth, capitalising on the oral nature of the pastoral society in rural communities and the availability of mobile phones across the continent.

- It is important for all stakeholders to identify and acknowledge women's and youth's capacity to spread information among their networks.
Therefore, it is important to capitalise on their ability as “mavens”, sales persons and “connectors” in dealing with the complexities of information flow in modern societies to help in collecting and relaying early warning information.
- Women are able to spread information both vertically and horizontally among networks and to other stakeholders at the grassroots level. Women are also good connectors and can be placed anywhere within the social ladder, hence they are able to pass information to the middle and national levels.
- Women who have a long institutional memory, having witnessed issues over many generations, can contribute insights into the process of early warning because they are able to read the signs and understand patterns that they have previously observed.

ENGENDERING EARLY RESPONSE TO CONFLICTS

The aim of early warning is to provide early response and to prevent the escalation of violence or, in the case of this paper, to prevent harm from reaching women in the first place. This measure should be seen to take real effect during peacetime as well as in post-conflict reconstruction and developing countries.

In war-torn societies where human right abuses regularly occur and where women are violated through systematic and targeted engendered forms of violence, the hybrid model of early warning and human rights should be merged together while ensuring adequate and appropriate women's participation at all levels.

Women leaders have affirmed this by saying: “As countries emerge from the rubble of war, women must be equal partners in rebuilding. Men alone cannot rebuild war-torn societies^{xiii}”. And, “It is not because we think we are better than men, but we think differently. It's not women against men, but women and men. It's not that the world would have been a better place if women had run it, but that the world will be a better place when we as women, who bring our perspectives, share in running it^{xiv}”.

SECTION IV

THE HYBRID MODEL: UTILISING HUMAN RIGHTS INSTRUMENTS AND EARLY WARNING TO PREVENT VIOLENCE AGAINST WOMEN

Respect for human rights has been and continues to be a major problem in many places in the world, one that at various strata affects both men and women, but it is an indisputable fact that in most cases, if not all, women suffer far more human rights violations than men. The situation is even worse in conflict and post-conflict communities where women are used as tools and weapons of war. Post-conflict reconstruction and development programs have focused much of their attention on assisting with the reintegration of ex-combatants (who are sometimes perpetrators of violence against women) into society, yet have offered little support to programmes for raped and abused women.

The increase in pervasive and protracted violence against women has been sustained over the years by weak judicial systems. Prosecutions of rapists, torturers and violators of women do little to inhibit and deter the recurrence of such violent, inhumane and barbaric acts owing to the fact that power and dominance, especially in the political arena, overshadow the quest for gender justice and gender equality. Inequalities and degrading treatment of women are handed down from generation to generation. Where the social construct of society is such that rewards are given for violence and hegemonic masculinities, it is easy to understand why the state has become the platform used to violate women's rights rather than protect them – because the personal is also political. The far-reaching effects that can be achieved by piecing together early warning systems and human rights tools to create a hybrid model to prevent violence against women cannot be overemphasised.

What does integrating human rights legal frameworks with early warning and response mean for the prevention of violence against women? What added value does such an approach bring to women's safety? Does this approach tackle obstacles identified such as lack of political will or weak implementation of the legal instruments that promote and protect women's rights? How could such a hybrid system be operationalised at national, regional and sub-regional levels?

This section of the paper attempts to provide answers to the above questions, while developing the argument from case studies of the early warning systems of ECOWAS and the African Union.

The emphasis is on how human rights can be effectively incorporated into early warning systems, thereby preventing violence against women.

In scrutinising the legal frameworks that establish early warning systems as effective, efficient and cost-effective mechanisms for preventing the escalation of latent conflicts, one should appreciate the inherent principles and values juxtaposed therein for the promotion of human rights at all levels. ECOWAS clearly articulates in the framework that guides conflict prevention in West Africa that *“for the purposes of the ECOWAS Conflict Prevention Framework (ECPF), human security refers to the creation of conditions to eliminate pervasive threats to people's and individual rights, livelihoods, safety and life; the protection of human and democratic rights and the promotion of human development to ensure freedom from fear and freedom from want”*^{xv}.

What does integrating human rights legal frameworks with early warning and response mean for the prevention of violence against women?

It means that gender in early warning will not be limited to sex-disaggregated data. Deliberate and systematic mechanisms will be put in place to show how human rights instruments could be incorporated in national EW systems. This is important for the fact that the hybrid model will automatically result in the development of monitoring indicators of all women's legal instruments at national, regional and even global levels. Considering that women are often deliberately victimised during conflicts and become direct or indirect victims as refugees and internally displaced persons (IDPs), mitigating conflict indicators means establishing mechanisms to reduce violence against women. This is the essence of early warning systems. Incorporating UNSCR 1325 into early warning programs will ensure that women's needs are considered in peacebuilding, peacemaking and peacekeeping operations.

Where violence against women is common, increasing women's presence in peacekeeping operations would serve as a check on the conduct of male peacekeepers while facilitating access to resources for women at the grassroots level who are the hands, voices, eyes and ears of their communities (women can relate to women more easily than men).

What added value does such an approach bring to women's safety?

To date, most early warning models have ignored gender. Yet using gender perspective as the hallmark by which to measure the progress of international legal instruments has the dual benefit of preventing violence against women and facilitating implementation of the legal frameworks on women's rights. The argument might appear to be simplistic or utopian, but experience shows that when noise has been made regarding human rights violations (this time through records of early warning indicators), the perpetrators are much likely to take caution than when no whistle is blown.

A new set of indicators on human rights issues will highlight previously overlooked signs of instability and violence and concentrate early response at the grassroots level to prevent it from spreading to high-level politics.

Mainstreaming gender in response options will further ensure that discriminatory policies are not perpetuated in post-conflict situations, and that political and humanitarian responses will address vulnerabilities of both women and men.

Early warning and preventive activities will become more effective by utilising the untapped potential of women, women's networks and women's organisations as actors for peace and monitors of women's human rights indicators. With women serving as sources of information, early warning data will deliberately provide information on what is happening to women compared to men and will indicate who is feeling pressure to conform to traditions.

The trends will capture indicators related to changes in society over time for better or for worse and provide response options appropriately. The gender sensitive structural/systemic indicators must form an integral part of the early warning systems. These indicators will provide analytical insight into reasons for compliance (or lack thereof) with human rights norms, often expressed in the form of political, economic and social equality.

Trend indicators showing gender analysis and sudden changes in, or enforcement of, gender roles in society or human rights violations should be factored in when developing the gender-sensitive indicators.

Additionally, it is of equal importance to monitor changes in economic patterns, such a drop in the sale of jewellery or other precious materials, as these are also gender-sensitive indicators.

“Both direct and structural forms of violence can be, and have often been, instrumentalised through culture. Cultural ‘aggravators’, that is, exacerbating factors that are premised on physical, social or spiritual differences – ideology, class, ethnicity, race, religion, patriarchy, gender and sex – are often given expression through art, music, education, the media and cinema. Cultural ‘aggravators’ are blind, emotive and potent, because they condition the mind to emphasise differences and reject tolerance for diversity through the agencies of deliberate discriminatory state, class or group policy and propaganda^{xvii}” (and understanding the role of masculinities and patriarchy should be given due considerations in the early warning systems).

Because early warning without response can be counterproductive, the international community, particularly sub-regional groupings such as ECOWAS and the African Union should respond proactively to alerts and warnings of imminent danger to women. Other regional actors, national governments and people at the grassroots level should all be involved in providing response – and should include women in analytical processes (at local and international levels) to add new perspectives. Specific needs of women should be taken into consideration and women should act in leading capacities to widen response options.

How would such a hybrid system be operationalised at national, sub-regional and regional levels? In today’s era, early warning systems do not concentrate on picking up signals related to physical security alone. That is to say, early warning systems that do not concentrate on the security of the state alone, but rather on all aspects of security, can be fully termed to have incorporated human rights into their systems. In other words, human rights-related early warning systems are those set up to pick up signals that are related to promoting the basic rights of the individual to live without fear or want. It is a system that picks up signals related to human security and the security of the individual within a safeguarded state.

In a situation where the safety of the individual [woman] is at the centre of all priorities, and where human rights norms and standards and the rule of law are advanced and woven into a coherent web protecting the individual [woman], violence against women can be minimised.

The proposed hybrid model measures women’s food security, health security, physical security, job security, environmental security, economic security, social security, water security within the parameters of early warning.

Broadly speaking, human security is security viewed from the human rights perspective and using the approach in early warning systems would immensely reduce violence against women.

While the international community has a significant role to play, the success of utilising human rights instruments in early warning depends on the systems and structures that are put in place at the community and national levels.

Supranational bodies, such as the UN, AU, ECOWAS etc., depend largely on the cooperation of member states. Article 2(a) of the ECPF “...tasks ECOWAS Member States with the responsibility for prevention, management and resolution of internal and inter-state conflicts”.

“The challenge facing policy-makers and analysts alike is to make an informed choice between the competing demands of structural and direct sources of violence [against women], between medium to long-term priorities and short-term preventive solutions, and recognizing the relationship between them”^{xvii}.

The human rights and early warning hybrid model should establish systems and structures for collaboration between states, civil society and community-level players but should be run by civil society. It will be necessary to set up a National Early Warning Centre or system in each country with the capacity to store early warning signals for analysis, reporting and action purposes. There is also a need to train women at the grassroots level to be able to report security signals affecting women to the early warning system.

To reduce cost, partnership with the private sector, especially telephone service providers, is crucial to obtaining toll-free phone numbers for community monitors. Multilateral companies also stand to benefit when there is peace in their operation sites and as such they should contribute to peace work.

At the national level, various women's groups should be trained to identify and report human security signals to the national early warning system. The managers of the system should be linked to the domestic violence and victims support units of the police who have the mandate to act upon signals related to violence against women. In countries where national legislation on violence against women is not enacted or being implemented, the ministry of Women and Children's affairs should establish domestic violence and victim's support unit programmes and work in partnership with relevant stakeholders until legislation is in place.

The programme should be coordinated through the gender desks at national level and at the ECOWAS zonal bureaux.

“The Zonal Bureaux for Conflict Prevention shall adopt a participatory sub- regional approach in data gathering by building and strengthening cooperation with Member States and civil society, including but not limited to NGOs, traditional groups, farmers, traders, women organizations and youth etc. The Zonal Bureaux, under the authority of the Department of Early Warning, shall work closely with members of the ECOWAS Council of the Wise and ECOWAS National [gender] Units in their respective zones, as well as with local peace constituencies in the design and implementation of initiatives to resolve local disputes arising from analysed data”^{xviii}.

This provision should be utilised to its fullest in order to blend women’s rights and early systems to prevent violence against women.

Gender desks at national and zonal levels should report on indicators developed as part of the UNSCR 1325 National Action Plans in each country as well as the level of progress (or lack thereof) to the ECOWAS and AU gender units within a specified time frame. The ministries of women’s and children’s affairs should assist in this process, thereby establishing collaboration between the early warning desk offices and relevant national and regional structures in monitoring the implementation UNSCR 1325. At all times, coordination should be channelled via national gender desks on early warning all throughout the zonal bureaux, the Peace Monitoring Centre, the Observation Monitoring Centre and then linked to the gender desk in the AU’s CEWS. Such a decentralised structure would prevent the occurrence of cross-human rights violations against women that would warrant international intervention (which would be an indication of a failure given that the purpose of early warning systems is to transform conflict indicators positively).

The managers of the national early warning systems should have access to the ECOWARN system and the managers of the ECOWARN should have access to the AU Continental Early Warning System. All the early warning systems in Africa should be linked to one another and to the AU system with varying degrees of accessibility.

Funding for the hybrid model of early and human rights for the prevention of violence against women should be provided for in a sustainable way through national budget allocations and remissions from the ECOWAS community levy fund and the AU Peace Fund.

Recommendations and Conclusion

Lessons, obstacles and initiatives vis-à-vis prevention from the field level should be well documented, and redress to the gaps identified should be made in collaboration with the women. Prevention at the community level must address causality factors including the interlinked issues of militarisation, national resources and exploitation.

There is a need for adequate funding and resources for women working at the grassroots level. Timely and accurate conflict early response systems must be integrated with early warning indicators so that volatile situations may be monitored and addressed. Furthermore, national, regional and international platforms must be seen as an integrated whole which can be used to react to indications of instability and potential threat.

The Civil Society Advisory Group to the UN on Women, Peace and Security (CSAG) presented recommendations in April 2010 on key events to commemorate the 10th Anniversary on UNSCR 1325. These recommendations should be taken into consideration regarding prevention.

The heads of United Nations agencies and entities should ensure a coherent and coordinated approach to implementing UNSCR 1325 within the UN system by continued advocacy for the full participation of women's groups and civil society in the implementation of the women, peace and security agenda.

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- ⁱ United Nations: S/RES/1325 (2000) Women, Peace and Security.
- ⁱⁱ United Nations: S/RES/1820 (2008) Women, Peace and Security.
- ⁱⁱⁱ Wikipedia: http://en.wikipedia.org/wiki/Margot_Wallstr%C3%B6m.
- ^{iv} Women Living Under Moslem Law: <http://www.wluml.org/node/6645>.
- ^v Report of the Fourth Quarterly Technical meeting between the AU and the Regional Economic Communities (RECs) on the
Operationalisation of the Continental Early Warning System (CEWS), 24-25 November 2009 in Kampala, Uganda.
- ^{vi} AVERT,2007: <http://www.avert.org/subadults.htm>.
- ^{vii} Ecoma Alaga, 2009, United Nations Office of the Special Adviser for Africa (UNOSAA) Paper on Security Sector Reform (SSR) and the
Protection of Women.
- ^{viii} Article 2: Universal Declaration of Human Rights (1948)
http://en.wikipedia.org/wiki/Universal_Declaration_of_Human_Rights.
- ^{ix} Kofi Annan, Report to Security Council on Prevention of Armed Conflict, A/55/985-S/2001/574.
- ^x Italics added.
- ^{xi} From Alex Schmid's *Thesaurus and Glossary of Early Warning and Conflict Prevention Terms*.
- ^{xii} Susanne Schmeidl with Eugenia Piza-Lopez. 2002. Gender and Conflict Early Warning: A Framework for Action. International Alert
and Swiss Peace.
- ^{xiii} Elisabeth Rehn and Ellen Johnson Sirleaf, *Women War Peace, 2002. Rethink! A Handbook for Sustainable Peace*. Stockholm, Sweden:
Kvinna til Kvinna, 2004. 28 September 2004, p.9.
Betty Bumpers (Founder, Peacelinks USA) International Alert (2000), Women, Violence Conflict and Peacebuilding: Global Perspectives,
p.43.
- ^{xv} The ECOWAS Conflict Prevention Framework (ECPF).
- ^{xvi} The ECOWAS Conflict Prevention Framework (ECPF).
- ^{xvii} The ECOWAS Conflict Prevention Framework (ECPF).
- ^{xviii} Section D of the ECPF.