PREVENTING GENDER BASED VIOLENCE DURING CONFLICTS: UNITED NATIONS AND THE WOMEN PEACE AND SECURITY FRAMEWORK

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ABSTRACT *The United Nations Security Council's thematic issue on Women Peace and Security was adopted after a hard fought battle to make gender based violence during conflicts a security issue for the international community. However, reports of large scale gender based violence from active conflicts have betrayed the limited nature of these victories. This paper elaborates on why the United Nations strategies to prevent gender based violence during conflicts are failing to be transformative?*

Keywords: *Gender based violence, Armed conflicts, United Nations, Women Peace and Security*

INTRODUCTION

It is estimated that 90 percent of casualties in modern conflicts are civilians compared to a figure of 10 percent, a century ago (Solana, 2003). However, men and women experience war differently(United Nations, 1995). Women are subjected to Gender based violence (GBV) like rape, enforced prostitution, forced pregnancy, bodily torture and mutilation etc. during war.For many years, the conceptualization of GBV during conflicts as a 'collateral damage of war' had allowed the phenomenon to go unchecked. The Nuremberg trials for instance, did not hold a single individual responsible for the millions of rapes that took place during the war.

Since then however, the international discourse has evolved steadily. The Geneva Conventions includes rape during conflicts as part of 'grave breaches' such as "wilfully causing great suffering or serious injury to body or health" in addition to "torture or inhuman treatment" (Sellers, 2008) . In addition, Article 7 paragraph 1(g) of the *Rome Statute of the ICC* states that "rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization and other forms of sexual violence are war crimes when committed in the context of armed conflicts"(United Nations a., 2000).

Since 2000, the United Nations Security Council (UNSC) had advanced international norms and procedures regarding GBV. The advancements made are captured in 8 Security Council resolutions which collectively forma policy framework known as the Women, Peace and Security. However, despite this robust policy action, recent reports of large scale GBV from conflicts in Syria (United Nations Human Rights Council, 2018) and Myanmar (Hutchinson, 2018) betray the limited nature of these victories. This paper takes a look at the question: why is the women peace and security (WPS) framework failing to be transformative? it locates the reason for this non-performance in the presence of patriarchal elements in the WPS strategy. The following sections discusses two such issues w.r.t. WPS that exemplify these patriarchal elements.

WOMEN PEACE AND SECURITY: AN ADHOC POLICY FRAMEWORK

It was in the backdrop of the sexual violence witnessed during conflicts in the former Yugoslavia (60,000)[1], Rwanda (100,000-250,000)[2], Sierra Leone (60,000 rapes)[3], Liberia (40,000 rapes)[4], Democratic Republic of Congo (200,000 rapes)[5](United Nations Department of Public Information, 2014) that the world came to discuss and debate GBV during conflicts at various United Nations (UN) fora including UN conferences on Human Rights and Women and the Security Council.

The outcomes of these discussions are contained in numerous international documents, primary amongst which are the UN Security Council resolutions on Women, Peace and Security. Table 1 provides the details of the UNSC resolutions on WPS.

1, 2, 3, 4 ,5 numbers within brackets indicate rape statistics during the respective conflict.

Table 1. United Nations Security Council Resolutions on Women, Peace and Security

YEAR	SECURITY COUNCIL RESOLUTION	MAIN PROVISIONS
2000	SC Resolution 1325	Highlights the importance of increasing participation of women in conflict resolution, peacekeeping, peace building and post conflict governance.
2008	SC Resolution 1820	Identifies sexual violence as a "tactic of war" which necessitates a security response from UN member states.
2009	SC Resolution 1888	Establishes additional posts such as Special Representative of the Secretary-General on rule of law and sexual violence in conflict.
2009	SC Resolution 1889	Underscores the urgency to establish indicators to measure implementation of resolution 1325. Asks the Secretary General to submit report on participation of women in peacebuilding.
2010	SC Resolution 1960	A mechanism to monitor and report on sexual violence during conflicts is established.
2013	SC Resolution 2106	Geared towards establishing accountability of perpetrators of sexual violence during conflicts.
2013	SC Resolution 2122	Highlights gaps in the implementation of WPS agenda and underscores importance of women's empowerment for peace and security.

Source: (UN Women, 2017)

An unforeseen hurdle in the construction of the WPS policy framework has been addressing the complexity of reasons behind violence against women during conflicts. Goetz and Sandler (2007) argue that the reasons for recurrent GBV during armed conflicts has been the presence of unequal gender roles during peacetime in society. These gender roles are based on patriarchal notions and perpetuate gender inequality. Goetz and Sandler assert further that not only is the violence rooted in this inequality, the impunity that perpetrators enjoy is also a consequence of it;

"The legacy of impunity for wartime rape is peacetime rape" (Sandler & Goetz, 2007).

How thencan the security council prevent GBV during conflicts while its causes remain unaddressed? Any pivot towards addressing the root causes of GBV by the council will be highly unsustainable as it will have to deal with a host of issues arguably outside its ambit. For instance, how may gender inequality during peacetime be addressed without policing private relations? What legitimacy does the council have to address gender inequality during peacetime? What will be the overlap with the work of other UN agencies? Is peacetime gender inequality even a security issue for the council? It is no surprise then that the security council has resorted to what can best be called an 'ad hoc' approach regarding GBV during conflicts to approach the issue from a 'security' perspective and not a sociological one.

GENDER MAINSTREAMING IN PEACEKEEPING EFFORTS: THE CONFUSED RESPONSE OF 'ADDING WOMEN'

The WPS architecture promotes gender mainstreaming in peace and security efforts and as such has developed around 4 pillars, participation, prevention, protection, relief and recovery. It urges UN agencies to have an equal number of men and women in peacekeeping efforts and involve women in all stages of conflict resolution and post conflict reconstruction (United Nations b., 2000). As of January 2018, women constituted 8.7% of military experts, 3.6% of troops and 20% of individual police of the 92,511 military and police personnel deployed in 23 UN missions (United Nations, 2018). As is evident, the numbers leave much to be desired in terms of participation of women.

Additionally, the participation pillar is a response to four issues. First, it is an extension of the UN policy to have a gender balanced employee base, second, involving women in decision making allows for the concerns of women to be included in policies. Third, having more women helps create an atmosphere of trust amongst female victims of GBV as they feel more comfortable speaking with female peacekeepers.

However, the UN also believes that increasing the number of women will help correct the grave issue of sexual abuse and exploitation (SEA) by UN peacekeepers and personnel. For instance, the Zeid Report which was brought out in 2005 to outline an organizational strategy to deal with SEA states that,

"…the presence of more women in a mission, especially at senior levels, will help to promote an environment that discourages sexual exploitation and abuse, particularly of the local population" (United Nations, 2005, p. 19).

That having more women in peacekeeping missions keeps the behaviour of male peacekeepers within check and in line with the code of conduct set forth by the United Nations (Detraz, 2012) reflects a reliance on gender stereotypes by an organization which on the other hand has taken the lead in normative evolution on GBV in armed conflicts. Women peacekeepers and personnel at various peacekeeping missions are looked at as the 'neutralizing' or 'civilizing factor' such that the presence of women will force men to end the party and "behave" (Carvajal, 2010). This strategy is far removed from even attempting to transform the cultures of silence and a "boys will be boys" attitude that pervades UN peacekeeping missions(Martin, 2005).

Ensuring that peacekeepers and police personnel do not engage in sexual exploitation and abuse is not the duty of female peacekeepers but rather of the UN and a shift of responsibility cannot be accepted as a reasonable response. Preventing GBV during conflicts often requires peacekeepers to be proactive and gather data which may help prevent mass scale sexual violence, expecting this from peacekeepers may seem incredulous in light of their involvement in SEA.

The "Add and Stir" strategy to counter a multitude of issues within the WPS agenda and peacekeeping as a whole seems to be an outcome of definitional confusion regarding gender mainstreaming, such that the concept is simply understood as an increase in number of women rather than the simultaneous dismantling of patriarchal elements of UN's policy framework. Puechguirbal, former Senior Gender Advisor for the UN peacekeeping Mission in Haiti has written about the lack of understanding amongst the top UN officials about what exactly gender mainstreaming is. She says that most pay 'lip service' and refrain from including any changes in the way peace operations are conducted (Puechguirbal, 2010, pp. 172-187).

CONCLUSION

From the preceding discussion it is clear that the present normative discourse adopted by the UN informs a gender machinery which internalizes conventional patriarchal positions vis-à-vis women, violence and society to the effect of perpetuating stereotypes that confine women to the role of 'passive victims' and retains power and political agency in the hands of men.

In doing away with these patriarchal elements, the UN will be faced with a bigger ideological question: Since the UN charter is state centric (privileging sovereignty of member states is enshrined in the UN charter) (Claude, 1966)and state-centricism is one of the foundational principles on which countries choose to become part of the UN, can the Security Council's WPS agenda afford to shed these elements?

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