

MISSED OPPORTUNITIES, FUTURE DIRECTIONS

WOMEN, PEACE AND SECURITY AND THE POLITICS OF EXCLUSION

POLICY BRIEF 5/2020

November 2020, by Dr Sarah Hewitt and Dr Jenna Sapiano

This 31st October marked the 20th anniversary of the adoption of landmark United Nations Security Council Resolution (UNSCR) 1325 on Women and Peace and Security (WPS). The WPS agenda, set around four pillars (participation, prevention, protection, and relief and recovery), comprises UNSCR 1325 and nine subsequent resolutions. The agenda seeks to combat sexual and gender-based violence and women's exclusion in peace and security processes (see True and Davis, 2019). In this brief, we consider the repercussions of specific language having been excluded from the two most recent resolutions and implication of this on the United Nations Security Council's (UNSC) capacity to act as warden of the WPS agenda.

The WPS agenda, like most facets of international normative frameworks, is constrained by the politics and whims of the UNSC's Permanent Five members (Russia, China, the US, the UK and France). As a case in point, the two 2019 WSP resolutions – UNSCR 2467 and 2493 – were passed in a fraught geopolitical climate. Although the UNSC has carriage over the WPS agenda and has demonstrated (some) leadership in this arena, there is also an observable trend, inside the UNSC and globally, towards curbing sexual and reproductive rights and backsliding on gender equality. The alterations made to UNSCR 2467 and 2493 drafts, needed to facilitate their adoption, are indicative of these trends. The necessary amendments also raise questions about the UNSC's capability to be at the forefront of the agenda at this crucial moment in its history.

The Winding Back of Sexual and Reproductive Health Rights

The first of the two resolutions adopted in April last year – UNSCR 2467 – was tabled during the annual UNSC open

debate on sexual violence in conflict. It passed with 13 votes in favour and two abstentions (China and Russia). The original German draft text noted the significant funding shortfall for services to address conflict-related sexual and gender-based violence, and “comprehensive sexual and reproductive health care such as access to emergency contraception, safe termination of pregnancy and HIV prevention and treatment, as well as reintegration support for survivors.” The US, however, objected to the inclusion of this language in the resolution. Historically, and again more recently, the US has stood against the right and access to abortion.

At the 2019 annual open debate on women and peace and security, the US reiterated its objection to the inclusion of sexual and reproductive health in the WPS agenda, believing this language to be suggestive of the right to abortion, a right that the US “does not recognise”. The American representative emphasised that the “United Nations should not put itself in a position of promoting or suggesting a right to abortion, whether in its humanitarian or development work.” The current US administration rejects the right to abortion and has actively rolled back access to abortions domestically and internationally (Taylor and Baldwin, 2019).

In the final resolution, explicit reference to sexual and reproductive health is absent. The only connection made to sexual and reproductive health is the reference to UNSCR 2016 (2013) – a previous WPS agenda resolution on sexual violence in conflict – in the preambular paragraph. Regardless of the legal strength of the WPS agenda resolutions (Chinkin and Rees), the minimal and tangential reference to sexual and reproductive health is weak. Several other permanent and non-permanent members of the

UNSC, including Belgium, France, South Africa and the UK, voiced objections to this final text that excluded any direct reference to 'sexual and reproductive health'.

Three days before the UNSC debate, China and Russia presented an alternative draft resolution. The draft removed any reference to the activities of the Informal Expert Group on Women, Peace and Security (IEG) – set up by UNSCR 2242 (2015) – being expanded to include tasks related to sexual violence, a reference to sexual violence 'in post-conflict situations' and mention of the International Criminal Court. The final text of the resolution only "recognises the work of the Informal Experts Group on Women, Peace and Security ... and expresses its intention to consider its information, analysis, and recommendations". These changes in the language of the resolutions, and the watering down on the legal protections on sexual and reproductive health, is part of a broader global movement in which long fought for gains in women's health have been undermined and degraded. The geopolitical tension evident in the UNSC is a contributing factor to UNSC's inability to protect and deliver on the WPS agenda adequately.

The US again pushed against women's sexual and reproductive health and rights in the UNSC resolution to the COVID-19 pandemic. The US initially delayed the UNSC's response to the pandemic despite statements made by the UN Secretary-General emphasising its potential threat to international, peace and security (Sapiano, 2019). Regardless of overwhelming evidence that the pandemic had increased domestic violence and threatened women's security, the US argued against including women's sexual and reproductive health in any resolution.

Women Human Rights Defenders and the WPS Agenda

South Africa penned the first draft of UNSCR 2493, the second of the two 2019 WPS resolutions. The South African delegation intended for the resolution to move the agenda closer to its 'full implementation'. However, to achieve a consensus in the resolution's adoption – not reached in the adoption of UNSCR 2467 – certain concessions in the resolution's text became necessary. Even as the draft made no direct reference to women's sexual and reproductive health in any of the drafts, the US continued to make clear that they were unwilling to support the 'full implementation' of the WPS agenda, reiterating its objections to the protection of sexual and reproductive health.

Principally, as a result of objections made by Russia and China, the amended draft resolution no longer included any use of the title 'women human rights defenders' (WHRDs).

The Russian delegate argued that the protection of human right defenders is outside of the purview of the UNSC's mandate arguing: "[The resolution] contains a number of provisions that go beyond the Security Council's mandate. It is overloaded with issues relating to the protection and promotion of human rights, which the General Assembly and the Human Rights Council already deal with successfully and effectively". The final draft text instead makes indirect reference to WHRDs by:

[E]ncourage[ing] Member States to create safe and enabling environments for civil society, including formal and informal community women leaders, women peacebuilders, political actors, and those who protect and promote human rights, to carry out their work independently and without undue interference, including in situations of armed conflict, and to address threats, harassment, violence and hate speech against them.

The exclusion of this language is regardless of evidence that WHRDs 'often face additional and different risks and obstacles that are gendered, intersectional and shaped by entrenched gender stereotypes and deeply held ideas and norms about who women are and how women should be' (United Nations General Assembly 2019, para. 6). WHRDs include women human rights lawyers and civil society activists, journalists, union leaders, police and military personnel, civil servants and academics advocating for gender equality, indigenous land rights and recognition, better housing and shelter, socio-economic rights and peace. In the open debate, several Member States regretted the removal of the explicit reference to WHRDs in the final resolution. They also expressed general concern over the high incidence of violence directed against WHRDs. Nevertheless, the language was absent from the final, unanimously adopted, resolution.

Feminists have long pointed towards the importance of explicitly identifying women in normative and practical terms to avoid subsuming women's experiences of violence, insecurity and conflict in international human rights norms and laws. Human rights are assumed to be gender-neutral concealing that human rights have developed to reflect the experience of men. The structures and substance of international human rights, therefore, poorly reflect the experience of women, especially in conflict (Charlesworth, 1995). Women and their myriad of intersectional identities, position them as vulnerable to violence, especially in precarious settings such as conflict, post-conflict and crises environments. Women tend to experience high levels of violence when they disrupt gendered roles, including

participating in the political and public, traditionally male-dominant, spaces. In advocating and campaigning for stronger rights protections, WHRDs participate in and engage with public forums. As empirical evidence supports, their lives are under threat for this public advocacy and activism (United Nations General Assembly 2019).

The resistance to including the label WHRD's in the resolution may, in fact, be evidence of increased political and physical hostility towards women peacebuilders broadly, and WHRDs specifically (United Nations General Assembly 2019). Women's continued exclusion from decision-making forums increases when women's lives are threatened for that participation. The protection of women against violence is a central objective of the WPS agenda (Roudabeh, Pavlik and Matfess, 2019). However, as outlined by the Special Rapporteur on Human Rights Defenders, WHRDs are vulnerable and subject to high-levels of violence, including physical and sexual violence, harassment, enforced disappearances and arbitrary detention, and the prevention and restriction of women's participation in physical and online spaces. Both state and non-state actors commit these attacks. For instance, the Sri Lankan government surveil WHRDs documenting war crimes. Yemeni WHRDs have been subject to physical and verbal violence – there is documented evidence of militants breaking into the homes and offices of WHRDs (United Nations General Assembly 2019). The violence against WHRDs continues into 'post-conflict' spaces. For example, following the signing of the 2016 Colombian peace, there was a marked increase in the recorded incidences of violence against women leaders, peacebuilders and human rights defenders (United Nations Secretary-General, 2019, para 37). This evidence is in contradiction to the UNSC's adoption of a WPS resolution that does not even name WHRDs.

The Legal and Normative Effect

The legal effects of removing critical language from UNSCR 2467 and 2493, specifically direct reference the women's sexual and reproductive health and WHRDs, is unclear as the legal status of the WPS resolutions is unsettled. However, the political implications of removing significant language, in response to objections by one or more of the UNSC permanent members, is concerning for the future of the WPS agenda. The watering down of new WPS resolutions is potentially damaging to agenda's normative strength, irrespective of the status or language of existing WPS resolutions and international legal documents (i.e. Convention on the Elimination of all Forms of Discrimination Against Women). The trend to exclude critical language from resolutions in order to appease UNSC permanent members

highlights worrying tensions for the UNSC's long-term capacity to safeguard of the agenda, especially in a global context where women's rights and security are becoming less prominent and well-protected.

The strength of the WPS agenda is reliant on its normative power. Watering down the language may not have direct legal implications, although this itself is not certain (see Chinkin and Rees, 2019). Nonetheless, the agenda relies on its normative and political strength, which is undermined by the weakening force of the resolutions as a consequence of the UNSC's permanent and more powerful members backsliding on women's rights and protection. The UNSC is at the pinnacle of the international and political-legal order as the only body with authoritative power under Chapter VII of the UN Charter. The movement leading up to the adoption of the first WPS resolution in 2000 – UNSCR 1325 – was intentionally aimed at securing a UNSC resolution due to its authoritative positioning (Anderlini 2019; Taylor 2019).

Nevertheless, there has been a consistent criticism of the WPS agenda for bringing women's protection and rights under the security agenda of the UNSC (Otto, 2017). There have also been discussions of whether the agenda itself is too focused and fragmented between women's participation and empowerment, and conflict-related sexual violence.

The UNSC has, unsurprisingly, become hostage to geopolitical tensions, as many of its members have pushed against the universal human rights agenda, that includes hard-won women's rights. Increasingly, it has been unable to respond unanimously or with unwavering authority to international threats to peace and security. For many reasons, including the threat of regression on women's rights, protection and participation, and that the WPS agenda is subsumed under the international security agenda, advocates of WPS and women's right activists should continue to expand the agenda beyond the UNSC's remit.

Looking towards the next 20 years

As the 20th anniversary of WPS is celebrated, and we look at its historical journey, from a resolution to a full-fledged agenda and international norm, the potential for the next 20 years are endless in the move towards securing women's participation and protection, and prevention of violence. Conversations around the potential of the WPS agenda must now be linked to the COVID-19 pandemic. The global pandemic has already laid bare existing structural inequalities, reinforcing, and in some cases worsening, gender inequalities and violence against women. For

instance, globally, women are three times more likely to be exposed to the virus compared to their male counterparts since women make up 67 per cent of the global health workforce (Davies, Harman, True and Wenham, 2020). Stay at home orders, and lockdowns have phenomenal and varied impacts on women's safety, livelihoods, decision-making, paid and unpaid labour, caregiving and sanitation and health (Wenham, Smith and Morgan, 2020).

To both counter the gendered impacts of the pandemic and implement the WPS agenda, all activities intended to aid the social and economic recovery from the pandemic (the results of high mortality rates, overburdened health systems, the economic effects of lockdown policies) must consider women's position, and incorporate a gender-sensitive approach. In this context, a recovery from the pandemic may be an opportunity to re-centre women's sexual and reproductive health and women rights, a vital component in responding to women's health needs. More is also required for the protection of WHRDs, especially now, as a militarised response to COVID-19 exacerbates gender inequality and gender-based violence (Chinkin and Rees, 2020).

With this context front and centre, we propose the following broader contributions to discussions on the next 20 years of the WPS agenda:

1. Underpinning any forward momentum is the recognition of the WPS agenda as a political project aimed at ensuring women's full participation, protection from and prevention of all forms of violence.
2. Women's sexual and reproductive health and rights are critical aspects of women's economic and political participation. They do not sit in isolation but are underpin women's lives and participation. Ensuring access to these rights and health services is vital to a gender-sensitive recovery from the COVID-19 pandemic and the fulfilment of women's greater inclusion in politics.
3. UN bodies and international NGOs should continue to take a central role in the promotion and protection of women's human rights and sexual and reproductive health, even if this is in defiance

of the UNSC. The original faith put in the UNSC by advocates and activists leading up to the adoption of UNSCR 1325 is no longer merited. The UNSC has become increasingly subject to global geopolitical tensions.

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