

**Workshop on Drafting an alternative feminist Security Council resolution on Women,
Peace and Security**

19th September 2019, 10.00am-5.30pm

LSE, Houghton Street, WC2A 2AE, room: CBG.1.03

Purpose and Vision

Our aim is to draft a feminist resolution on Women Peace and Security (WPS) that: centres peace rather than security; that goes back to the civil society origins of Security Council resolution 1325 as a peace agenda and as a women's human rights agenda; and that demonstrates what a WPS resolution could look like if peace is put as the goal rather than security. In this it follows the feminist methodology of taking a traditional format and reworking it to capture feminist objectives as, for instance, with feminist judgment projects and women's tribunals.

The workshop is envisaged as the first step in the process of producing such a draft resolution that we anticipate will be completed before September 2020 when we are intending to hold a Women's Peace Congress at which the draft resolution will be launched. This is to mark the 20th anniversary of the adoption of 1325 in October 2020.

Through this workshop we hope to identify:

- The scope and substantive content of the alternative resolution
- Detailed content on some specific topics, perhaps even some preliminary drafting
- A plan for ongoing work on the resolution, including how to make the process more inclusive

The workshop and Congress are part of a project funded by the UK Arts and Humanities Research Council on a Feminist International Law of Peace and Security

Context

In resolution 1325, the UN Security Council identified that 'an understanding of the impact of armed conflict on women and girls, effective institutional arrangements to guarantee their protection and full participation in the peace process can significantly contribute to the maintenance and promotion of international peace and security'. It centred on bringing women's experiences into decision and policy-making about armed conflict.

The Council has now adopted eight further WPS resolutions, the most recent being in April of this year.¹ Women's civil society, generally, is averse to another resolution and did not support the

¹ UN SC Resolution 1820 (2008); UN SC Resolution 1888 (2009); UN SC Resolution 1889 (2009); UN SC Resolution 1960 (2010); UN SC Resolution 2106 (2013); UN SC Resolution 2122 (2013); UN SC Resolution 2242 (2015); UN SC Resolution 2467 (2019).

adoption of 2467 in 2019. Despite this, the expectation is that a 10th resolution will be adopted in 2020 to mark the 20th anniversary of the adoption of resolution 1325 in 2000.

As built up through the nine resolutions, the WPS agenda comprises a body of global normative standards and measures that are urged upon states, UN institutions and civil society through its so-called four pillars:

- Women's participation and representation in all levels of decision and policy-making with respect to conflict prevention, management and resolution
- Prevention of sexual violence in conflict and of conflict
- Protection of women and girls against conflict-affected sexual violence
- Relief and Recovery

WPS also emphasises the importance of putting an end to the impunity of perpetrators through prosecution of those responsible for genocide, crimes against humanity, and war crimes including those relating to sexual and other violence against women and girls and the importance of exclusion of such crimes from amnesty provisions.

Resolution 1325 was welcomed and celebrated by women's human rights and peace organisations but there are also criticisms and concerns about the way in which the agenda has evolved and been implemented over the past 2 decades.

The many critiques of WPS include (in no particular order):

- No reasons given for why women's participation in peace processes or field operations is important; no steps outlined either to enhance numbers of women participants in such processes or to ensure such participation is meaningful or effective.
- Women's increased participation into field operations, military and security bodies is called for without any suggestion of restructuring these bodies or of seeking any change to military cultures.
- Prioritisation of protection of women and girls against sexual violence as a tactic of war² and limited attention to other forms of gender harms in conflict.
- Focus is on enhancing individual criminal liability of perpetrators and reducing impunity and less attention is given to state obligations under human rights law and state responsibility for acts of violence by state agents and state failure to exercise due diligence with respect to investigation, prosecution and punishment of alleged offenders.
- Narrow understanding of relief and recovery which is seen as humanitarianism and service delivery³ not as rights based.
- Focus on security rather than on peace; solutions perceived through a militarised lens
- Co-option of women and the WPS agenda into the SC agendas for countering terrorism and violent extremism.⁴

² E.g. SC resolution 1820 (2008); 1888 (2009); 1960 (2010); 2467 (2019).

³ The introduction of survivor-centred measures in SC resolution 2467 is welcome but this approach is not fully fleshed out.

⁴ See especially SC resolution 2242 (2015).

- ‘Gender’ is equated with women and girls; little mention of men and boys as targets for conflict-affected sexual violence⁵ and their only inclusion within the agenda is implicitly as perpetrators of sexual violence against women and girls and as protectors through military and security operations; no explicit understanding of gender except through the binary women/men and no explicit inclusion of LGBTIQ persons.⁶
- There is too little recognition of women’s diversity, of intersecting discriminations or of the multiple roles women play in conflict.⁷
- The WPS resolutions are not rights-based, issues that come within economic and social rights are described as services and limited attention is given to women’s sexual and reproductive rights.⁸
- Little attention given to prevention of conflict and no attempt to redress the patriarchal structures within which WPS operates or to address the root causes of conflict.⁹
- While women’s empowerment and leadership are stated to be objectives no content is given to either concept.
- There is little joined up thinking between the WPS resolutions and other SC resolutions, for instance those on human trafficking in armed conflict,¹⁰ or on youth, peace and security.
- Monitoring and enforcement mechanisms are weak and budgetary allocations are inadequate.

In sum, WPS is a narrow agenda that fails to take account of existing power structures that support violence and inequalities before, during and post-conflict, such as patriarchy.

⁵ There is reference to the fact that men and boys are victims of sexual violence in armed conflict in SC resolution 2106 (2013) and 2467 (2019).

⁶ There is implicit inclusion in SC resolution 2467 through the language that states are encouraged to ‘adopt a survivor-centered approach in preventing and responding to sexual violence in conflict and post-conflict situations, ensuring that prevention and response are non-discriminatory and specific, and respect the rights and prioritize needs of survivors, including groups that are particularly vulnerable or may be specifically targeted’.

⁷ There is recognition that women are combatants in provision that states are encouraged ‘in the planning for disarmament, demobilization and reintegration to consider the different needs of female and male ex-combatants and to take into account the needs of their dependants’; SC resolution 1325 (2000).

⁸ SC resolution 2106 (2013) recognises ‘urges United Nations entities and donors to provide non-discriminatory and comprehensive health services, including sexual and reproductive health, psychosocial, legal, and livelihood support and other multi-sectoral services for survivors of sexual violence.’ This language is not repeated, although earlier resolutions are recalled or reaffirmed in subsequent resolutions.

⁹ Catherine O’Rourke and Aisling Swaine have highlighted the difference between the CEDAW Committee and WPS in that the latter ‘advocate the increased participation of women in conflict prevention, [but] the CEDAW Committee advocates conflict prevention *per se* in order to address the causes of conflict, for example by calling on state parties to robustly regulate the arms trade and to appropriately control the circulation of conventional and small arms.’ *Guidebook on CEDAW general recommendation no. 30 and the UN Security Council resolutions on women, peace and security*.

¹⁰ E.g. SC resolution 2331 (2016). SC WPS resolution 2467 (2019) refers to the link between sexual violence in conflict and ‘the illicit trade in natural resources, including so-called “conflict minerals”’ but does not make the further connection between this and human trafficking, which is narrowly focused on trafficking by extremist groups.

Significant omissions from WPS are disarmament, the legal and illegal circulation of weapons,¹¹ climate change and the environment, pandemics,¹² the impact of neo-liberal economic policies in sustaining inequalities and in undermining post-conflict reconstructions.

1325 was adopted 19 years ago and since then there have been dramatic changes in the global political and natural environment. While later resolutions have to some extent reflected those changes there is uncertainty as to the effect of successive resolutions: do they build an accumulated agenda (our assumption) or does changed wording or nuances where weaker from earlier resolutions indicate a retreat from earlier resolutions? The 2015 Global Study identified that the nature of conflict and security had changed since 2000 but since then there have been further changes many of which are associated with the Trump administration and a widespread shift towards extreme right-wing politics. These include:

- Retreat from multilateralism; withdrawal from or repudiation of multilateral treaties and institutions.
- Retreat from human rights and long-held IHL rules with attacks on journalists, women human rights defenders, on hospitals and schools all widely reported
- Higher levels of military spending
- The manipulation of 'gender ideology'
- Greater awareness of the challenges to the environment and the linkages between extreme weather disasters and sexual and gender-based violence¹³

Since the global study, the UN has adopted a number of resolutions on its peacebuilding architecture. The UN's current approach to conflict prevention can be seen by two resolutions adopted by the General Assembly and the Security Council in 2016 on "sustaining peace".¹⁴ The UN's peacebuilding architecture recognises that development, peace and security, and human rights are interlinked and mutually reinforcing,¹⁵ The peacebuilding architecture alongside the gender architecture of the UN raises the fundamental question of what a feminist approach to sustainable peace looks like; and how and whether Security Council Resolutions can be formulated to encompass a feminist vision of

¹¹ SC resolutions 2106 (2013) and 2467 (2019) make reference to the Arms Trade Treaty, article 7 (4) but do not consider the impact of the legal arms trade on the commission of sexual and gender-based violence, nor are strong actions urged with respect to the illegal arms trade.

¹² SC resolution 2242 notes in the preamble 'the impacts of climate change and the global nature of health pandemics' but does not develop this or recommend any actions in response.

¹³ See as especially relevant to women CEDAW Committee, General recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, CEDAW/C/GC/37, 13 March 2018. The International Law Commission has also addressed the issue in its Draft Articles on the protection of persons in the event of disasters and its work on Protection of the environment in relation to armed conflicts, but without any gender analysis.

¹⁴ A/70/262 and S/2882.

¹⁵ Peacebuilding has been described by the UN as 'an inherently political process aimed at preventing the outbreak, escalation, recurrence or continuation of conflict, and further recognizing that peacebuilding encompasses a wide range of political, development, and human rights programmes and mechanisms.' At https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_R_ES_70_262.pdf; Our Common Future', Report of the World Commission on Environment and Development (1987), <http://www.un-documents.net/ocf-11.htm#I>.

transformative equality, emancipation and peace. This workshop is based on feminist methodologies of alternative imaginaries, as Nicola Lacey has explained, “In at least some of guises, feminist legal theory has a strong normative, reconstructive, or even utopian voice: it engages not only in analysis and critique of current law, but also in reformist or imaginative argument about how law might be otherwise.”¹⁶

Possible Discussion Points

Considering the above, the following are some of the issues that we think should be brought into the draft WPS resolution:

- Scope of the resolution – what is conflict, post-conflict, violence etc?
- Recognition of the impact of conflict and its aftermath on differently situated women and girls including rural and urban environments, women with disabilities, indigenous women, minority women, refugee and internally displaced women, sexual orientation and gender identities.
- Need for extensive consultations and discussions with local women at the national and regional levels
- Care work
- Greater clarity around reparations
- Greater clarity around what empowerment entails
- Rights-based approach: economic, social and cultural rights; sexual and reproductive rights; incorporation of CEDAW and general recommendations of the CEDAW Committee (especially GRs 19, 30, 33, 35, 37)
- Human rights defenders, especially those defending the human rights of those targeted through their sex and gender
- Gendered understanding of international crimes – war crimes, crimes against humanity and foundational issue of genocide as a matter of control of reproduction
- Education issues
- Missing persons and the right to truth
- Return post-conflict
- Measures for monitoring and implementation
- Budgetary allocation
- Regional co-operation
- Disarmament: which weapons? Legal as well as illegal arms trade?
- Environment, climate change and the ‘rights of nature’¹⁷
- Economic development post-conflict
- Centrality of peace and a feminist approach to peace that is not grounded in militarism and securitisation
- Relationship between WPS, transformative equality, the Sustainable Development Goals and Beijing+ 25
- The eradication of apartheid, all forms of racism, racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation and domination

¹⁶ Nicola Lacey ‘Feminist Legal Theory and the Rights of Women’ in Knop, *Gender and Human Rights* (Oxford University Press 2004) 42. Hilary Charlesworth, ‘Feminist Methods in International Law’ (1999) *American Journal of International Law* 379. In this article she sets out these various methods in more detail.

¹⁷ Preamble to the Rio Declaration 1992 “Recognizing the integral and interdependent nature of the Earth, our home.” The Rio Declaration on Environment and Development (1992). Principle 1 of the Rio Declaration states “Human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature”.

Programme

10.00 – 1.00

General Discussion to include the following questions:

- Are the criticisms of WPS justified? How might they be addressed?
- Are these the right issues for inclusion in a resolution? What is missing? What should be left out? What could be better aligned?
- Are we looking at what the SC might do in the real world or what it might do if the geo-political constraints could be overcome? Are we looking for an 'ideal' resolution or the best that might be achieved? Chapter VI or chapter VII resolution? Or would a GA Resolution be more appropriate?
- How can the resolution be a feminist resolution?

1.00 – 2.00 lunch

2.00 – 4.00

The group will break into small clusters (3-4 persons each) with the topics distributed between them. Each group will be asked to consider what are the important points that a resolution should address with respect to the allocated topics and to start thinking about drafting language for them.

4.00 – 5.30

The groups will reconvene for a general discussion with respect to progress. And discussion around how can we make the process more inclusive and bring in a wider range of people beyond those who are present at the workshop. Use of social media? Of a smaller drafting group that holds virtual meetings with more people, especially including people from the global south and indigenous peoples? Can we learn from the processes of the feminist judgments project?

5.30 Tea

(6.30 Book launch)