

‘WOMEN AND PEACE’: A HUMAN RIGHTS STRATEGY FOR THE WOMEN, PEACE AND SECURITY AGENDA

*Isobel Renzulli**

UN Security Council Resolution 1325 and the successive thematic resolutions together with a variety of reports have shaped the Women, Peace and Security (WPS) Agenda. The ensuing policies and institutional responses try to deal with a variety of issues including women’s participation in peace making initiatives and protection from sexual violence during armed conflict and in its aftermath. As such these responses are underpinned by a reactive approach with a focus on conflict and post conflict gender-sensitive areas of intervention. While these remain worthwhile interventions, the WPS agenda, in spite of its name, inadequately addresses gender sensitive areas in peace situations, regardless of the existence of conflicts. Building on feminist critiques of the Agenda and the findings and recommendations of the 2015 UN Global study on the implementation of resolution 1325, the article argues that the WSP agenda and its prevention limb need to elaborate and integrate more explicitly and comprehensively a human rights strategy that shifts the focus from a reactive to a proactive model, one which pursues gender equality and women’s human rights in its own right and irrespective of whether conflicts erupt or not. A human rights infused WPS preventive agenda should be premised, on the one hand, on a clear understanding and endorsement of the meaning of gender equality, on the other hand, on the creation of mechanisms and process bolstering the role of international and regional human rights regimes. In particular, robust regional human rights systems have the potential to create fora for the participation of and interaction with domestic constituencies in the region. This in turn could lead to the elaboration of context sensitive, participatory solutions, grounded in international human rights law, to existing forms of discrimination against women, which during conflicts may be exacerbated, for example, in the form of sexual enslavement and abductions as reported in recent and less recent conflicts.

Keywords: *Women, peace and security, feminist activism, human rights, UN, African Union, Arab League.*

1. INTRODUCTION

It is rather uncontroversial today to argue that conflict related human rights violations committed against women are the symptom of pre-existing structural gender inequalities. In its 1992 landmark General Comment N.19, the CEDAW Committee noted that gender based violence is, in its many expressions, a form of discrimination.¹ In 1985 the Nairobi Forward Looking Strategies (1985) highlighted that ‘peace cannot be realised under conditions of economic and sexual inequality, denial of basic human rights and fundamental freedoms ...’.² The elimination of discrimination against women, the fulfilment of gender equality and women’s human rights is a worthwhile struggle in its own right and remains equally compelling in the context of the Women, Peace, and Security Agenda (WPS). UN Security Council Resolution 1325 (Res 1325), which established the subsequent WPS agenda, was adopted in October 2000 calling for women’s equal participation with men and their full involvement in all efforts for the maintenance and promotion of peace and security, as well as their protection during conflict. The resolution was the result of hard and extensive efforts by women’s movements and feminist pacifist activists. While aware of the consequences of conflicts on women, during and after, and of the need to address them in a gender sensitive way the pacifist feminist agenda was permeated by the idea of peace ‘understood in the

* Lecturer in Law, School of Law and Criminology, University of Greenwich, email:

I.Renzulli@greenwich.ac.uk. I would like to thank the anonymous reviewers for their helpful comments.

¹ Committee on the Elimination of Discrimination against Women, ‘General Recommendation 19’ in ‘Note by the Secretariat, Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies’ (29 July 1994) UN Doc HRI/GEN/1/Rev.1.

² United Nations General Assembly Res 40/108 (13 December 1985) UN Doc A/RES/40/108), 13

positive sense of creating global conditions in which all lives are valued and are able to be lived in dignity and equality, emphatically rejecting the idea that peace is merely the absence of war'.³ Feminist critics of Resolution 1325 have highlighted how the subsequent WPS agenda and policies have somehow diluted the 'women and peace' facet of the WPS agenda.⁴ Building on this critique, in sections 3 and 4, the present article argues that indeed the agenda has pursued a reactive paradigm, whereby policies and institutional responses have been geared towards addressing conflict and post conflict situations, paying little attention to 'women and/in peace'. While the 'women and peace' and 'women and conflict' facets of the WPS might be on a continuum, they require distinct modes of intervention.

The paper submits that if the Agenda is to address the 'women and peace' facet in a more comprehensive manner, the role of prevention needs to be elaborated and developed. While resolution 1325 refers to women's role in the prevention of conflicts and maintenance of peace, subsequent policy and institutional responses have paid limited attention and provided an inadequate substantive understanding and articulation of the prevention limb. The recent UN Global Study on Resolution 1325⁵ has identified prevention as a key factor in the implementation of the resolution in a post-2015 WPS agenda.⁶ The present article understands prevention as action required not only before but also irrespective of the likelihood of the eruption of conflicts. Such action, as the UN Global Study recommends, should focus on both short-term as well as structural approaches which address 'the root causes and structural drivers of conflict, such as exclusion, discrimination, attacks on dignity and structural inequality'.⁷ Importantly the Global study puts human rights at the centre of prevention and reminds us that 'It must not be forgotten that resolution 1325 was conceived of and lobbied for as a human rights resolution'.⁸ Echoing the Global Study, the Secretary General affirms 'Gender responsive conflict prevention must begin from an understanding of insecurities, inequalities and human rights violations that permeate women's and girls' lives prior to, during and after conflict'. The underlying idea is a rather straightforward one: by addressing the pre-existing unequal gendered power structures and relations in the first place, conflict related harms as well as conflicts can be prevented. Indeed studies have pointed out

³ Dianne Otto, 'Women, Peace and Security: A Critical Analysis of the Security Council's Vision' (2015) University of Melbourne Legal Studies Research Paper No 705, 4 <<http://ssrn.com/abstract=2631325>> accessed 4 September 2017, Dianne Otto, 'The exile of inclusion: reflections on gender issues in international law over the last decade' (2009) 10 (1) Melbourne Journal of International Law 11.

⁴ *ibid*, Carol Harrington, 'Resolution 1325 and Post-Cold War Feminist Politics' (2011) 13 (4) International Feminist Journal of Politics 557, Cheryl Hendricks, 'Women, Peace and Security in Africa. Conceptual and implementation challenges and shifts' (2015) 24 (4) African Security Review 364, D Otto, 'Power and Danger: Feminist Engagement with International Law through the UN Security Council' (2010) 32 Australian Feminist Law Journal.

⁵ To mark the fifteenth anniversary of the adoption of resolution 1325 (2000), the Security Council invited the Secretary-General to conduct a review with regard to the implementation of resolution 1325. The Secretary-General requested Radhika Coomaraswamy to be the lead author of the study on the recommendation of the United Nations Standing Committee on Women, Peace and Security.

⁶ UN Women, 'Preventing conflict, transforming justice, securing peace. A Global Study on the Implementation of United Nations Security Council resolution 1325' (12 October 2015) <[http://www.peacewomen.org/sites/default/files/UNW-GLOBAL-STUDY-1325-2015%20\(1\).pdf](http://www.peacewomen.org/sites/default/files/UNW-GLOBAL-STUDY-1325-2015%20(1).pdf)> accessed 4 September 2017.

⁷ *ibid*, 15

⁸ *ibid*

the existence of a positive correlation between peace and gender equality.⁹ While the idea is rather obvious, how this might be translated into practice, in a global and multi-layered governance system, is less so.

It is suggested that relaunching the ‘women and peace’ facet through a human rights infused WPS preventive agenda may produce more transformative responses. Firstly, a WPS preventive approach must be premised on a clear conceptual and normative understanding of gender equality. The paper argues that the policy instruments and reports appear to subscribe to a substantive understanding of gender equality, one which is not only concerned with removing legal barriers but also with implementing policies that address the socio-economic insecurities and challenges faced by women. Importantly, gender equality in its multifaceted substantive dimension is supported by a number of international human rights instruments, which collectively provide a rich and wide human rights normative platform, inclusive of the various, so called, ‘human rights generations’. Secondly, in terms of institutions and processes, action is required on a number of levels to strengthen the human rights systems. At the international level, the UN organs should institutionalise processes and avenues allowing greater interaction with the UN and regional human rights mechanisms. Thirdly, a human rights infused WPS preventive agenda should be proactively championed by the UN in its regional peace and security agreements with, for example, the regional organizations such as the AU and the Leagues of Arab States. The paper looks at the AU and the Arab League in particular and identifies a number of normative and policy issues of relevance to the debates around UNSCR 1325 specifically, and women, peace and security more broadly.

The paper begins with an overview of resolution 1325 and subsequent WPS policy and institutional responses and examines how these have been underpinned by a reactive approach with a focus on conflict and post conflict gender-sensitive areas of intervention. Section 3 analyses the women and peace facet of the WPS agenda and the role of prevention. Section 4 elaborates on prevention and the centrality of human rights and gender equality. Section 5 considers the concept of gender equality understood in its substantive dimension in the context of the WPS agenda. Section 6 examines the human rights processes and mechanisms that need to be strengthened at the international and regional level. In this last respect the section maintains a specific focus on the African Union and the League of Arab States. Section 7 concludes.

2. WOMEN AND SECURITY

Resolution 1325 was adopted in October 2000 calling for women’s equal participation with men and their full involvement in all efforts for the maintenance and promotion of peace and security, as well as their protection during conflict. The Resolution was widely welcomed as a ‘landmark resolution’ representing a ‘new, daring, and ambitious strategy for anti-war

⁹ Institute for Economics and Peace, ‘Positive Peace Report 2015’ (October 2015) <<http://economicsandpeace.org/wp-content/uploads/2015/10/Positive-Peace-Report-2015.pdf>> accessed August 2017.

feminists'¹⁰ and described as 'the crowning achievements of the global women's movement and one of the most inspired decisions of the United Nations Security Council'¹¹. Since then, a number of successive thematic resolutions have been adopted and have come to shape the Women, Peace and Security Agenda. These resolutions can be divided into two groups.¹² Three of them (SCR 1325/2000, SCR 1889/2009, and SCR 2122/2013) focus broadly on issues of concern for women during armed conflict and in its aftermath, emphasizing the importance of women's participation and the recognition of women's rights, also described as 'women's empowerment' resolutions.¹³ The other five resolutions (SCR 1820/2008, SCR 1888/2009, SCR 1960/2010, SCR 2106/2013, SCR 2242/2015) focus mainly on the issue of protecting women and children, and eventually men as well, from sexual violence including sexual exploitation and abuse in peace operations -the so called sexual violence resolutions-.

Arguably these resolutions are both the outcome of and the trigger for a number of different policy and institutional responses of relevance to women in conflict and post conflict situations with a specific focus on conflict related sexual violence. These responses include, among others, the establishment of the Inter-Agency Task Force on Women, Peace and Security, of the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict (SRSG-SVC) following Security Council resolution 1888 (2009) which became operational in April 2010. Also a 'Team of Experts on the Rule of Law and Sexual Violence in Conflict' was established pursuant to Security Council resolution 1888 (2009). The latter has focused on strengthening the capacity of national rule of law and justice actors and combating impunity for sexual violence crimes and offers support in specialized areas including: criminal investigation and prosecution; collection, analysis and preservation of evidence; military justice system investigation and prosecution; criminal and procedural law reform; protection of victims, witnesses and justice officials; security sector oversight systems/bodies; and reparations.¹⁴

The UN Secretary General (SG) reports showcase a number of initiatives, policies and plans of action taken by UN bodies, member States, and civil society groups in respect of broad 1325 thematic areas such as women's roles in conflict prevention and early warning, peace processes and negotiations, peacekeeping operations, humanitarian response, post-conflict reconstruction, disarmament, demobilization and reintegration.¹⁵ The policy and institutional responses and developments under these broad areas have mainly focused on issues such as: increasing women's representation within peacekeeping operations, among civilian and military staff, the presence of gender advisers in UN country missions, initiatives concerning

¹⁰ Carol Cohn, 'Mainstreaming Gender in UN Security Policy: A Path to Political Transformation?' (2003-2004) Working Paper No 204 Boston Consortium on Gender, Security and Human Rights University of Massachusetts <<https://www.amherst.edu/media/view/92331/original/mainstreaming+gender+in+UN+security+policy.pdf>> accessed 4 September 2017

¹¹ UN Women (n 6), 5

¹² Otto, 'Women, Peace and Security: A Critical Analysis of the Security Council's Vision' (n 3), 4.

¹³ *ibid*

¹⁴ Team of Experts on the Rule of Law and Sexual Violence in Conflict, 'Annual Report 2013' <http://www.undp.org/content/dam/undp/library/crisis%20prevention/UNDP_CPR_Gender_TOE%20SVC%202013%20AR.pdf?download> accessed 4 September 2017

¹⁵ UNSC 'Report of the Secretary General on Women, Peace and Security' (13 October 2004) UN Doc S/2004/814

gender justice in post-conflict situations, women's inclusion in peace processes, ensuring gender sensitivity in restoration of rule of law and transitional justice programs, prosecution of sexual violence as international crimes and awareness of the needs of survivors and resources for comprehensive services.¹⁶ These initiatives have in turn spawned an intricate pattern of closely related initiatives, such as for example the UN Women and Justice Rapid Response (JRR), an intergovernmental roster, which together with the Institute for International Criminal Investigations has developed a programme to train experts on investigating cases of sexual gender based violence (SGBV) as international crimes.¹⁷ Further related developments include guidelines and commentaries, such as CEDAW's General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations.¹⁸

Despite the complex web of frameworks, initiatives, plans and training programs, more than 15 years after resolution 1325, sexual and gender-based violence in conflict areas remains high, women remain marginal to peace processes, with less than 4% as signatories to peace agreements and less than 10% as negotiators at peace tables structures and processes.¹⁹ The rather modest substantive progress in increasing women's participation in peace and security structures and processes should not detract from the importance and the need for such action. Nevertheless it should alert us to the fact that the 'women and security' facet of the Agenda is limited in its ability to produce more transformative responses, and to alter the gendered power relations and women's subordination in society.

The security facet of the resolution has come to dominate and shape the WPS agenda, with its emphasis on peacekeeping, early warning, peace-building and peace-negotiations calling for women's greater participation, inclusion and protection. The security dimension has already received scholarly attention. Some authors have examined how 'conflicts' in the WPS agenda have been narrowly defined along the lines of conventional armed conflict, excluding in such way a number of conflict-afflicted contexts.²⁰ Others have warned against the dangers of feminist ideas becoming bound up in global relations of inequitable power²¹ and how women's roles in conflict resolution and peace-keeping have been constrained by and have also reproduced the 'masculinized and militarized culture that permeates the UN and its peacekeeping structures'²² contributing to discursive practices that see women as the objects of protective action rather than rights-bearers. The resolutions emphasising protection from

¹⁶ *ibid*; also UNSC, 'Report of the Secretary General on Women, Peace and Security' (16 September 2015) UN Doc S/2015/716, 162

¹⁷ UN Women (n 6), 108

¹⁸ UN Committee on the Elimination of Discrimination against Women, 'General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations' (1 November 2013) UN Doc CEDAW/C/GC/30.

¹⁹ UN Women, 'Facts and figures: peace and security' < <http://www.unwomen.org/en/what-we-do/peace-and-security/facts-and-figures> > accessed April 2017.

²⁰ Fionnuala Ní Aoláin, 'The 'war on terror' and extremism: assessing the relevance of the Women, Peace and Security Agenda' (2016) *International Affairs* 92 (2), 275–291, Laura McLeod, 'Configurations of post-conflict: impacts of representations of conflict and post-conflict upon the (political) translations of gender security within UNSCR 1325', (2011) 13 *International Feminist Journal of Politics*, pp. 594–611

²¹ Otto, 'Women, Peace and Security: a critical analysis of the Security Council's vision' (n 3).

²² Susan Willet, 'Security Council Resolution 1325: Assessing the Impact on Women, Peace and Security' (2010) 17(2) *International Peacekeeping* 142.

sexual violence rather than focusing on tackling the gendered power structures is just one example. In this last respect, the UN Special Rapporteur on Violence against Women has remarked that sexual and gender-based violence in conflict situations is regarded as something different and exceptional rather than a continuation of a pattern of discrimination and violence exacerbated in times of conflict.²³ The Rapporteur emphasised that prevention of violence against women must start during times of peace and that the women, peace and security agenda should be directly connected to the broader agenda of gender equality and the empowerment of women.²⁴

The present article argues that the latter broader agenda, irrespective of the existence of conflicts, has been inadequately addressed by the WPS. More generally, the conceptual framework of ‘women and/in peace’ in its positive dimension is largely overshadowed by the more elaborate ‘women and/in war’ framework. The prevailing approach is framed through a retrospective and, to some extent, militarized and protective view; as noted in the UN Global study this ‘sells resolution 1325 short of its transformative vision for a more equal, just and peaceful world’.²⁵ It is ironic, if not disappointing, that the focus of the women, peace and security (WPS) agenda-which ‘has its roots in the pacifist struggle demanding greater investments in human welfare, rather than in armaments’²⁶- has somehow been skewed towards ‘making wars safer for women’²⁷ and shifted towards a primarily protective and reactive paradigm which eclipses the ambitions of the more radical gender equality project of creating peaceful global conditions in which all lives are valued and are able to be lived in dignity and equality. Given the reality of conflicts around the world, it would be naïve and irresponsible to ignore this and to underestimate the valuable, hard-won achievements and the efforts which have been put into mainstreaming gender in peacekeeping and peacebuilding in the attempt to establish a durable peace in conflict zones. Nevertheless this should not be to the exclusion of renewing the commitment to the maintenance of peace and gender equality both as an effective conflict preventive strategy and worthwhile aim in itself.

3. WOMEN AND PEACE: THE ROLE OF PREVENTION

Resolution 1325 reaffirms

‘... the important role of women in the prevention and resolution of conflicts and in peace-building, and stressing 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’.

In spite of reference to women’s role in the prevention of conflicts and maintenance of peace, the policy and institutional responses have paid limited attention and provided an inadequate substantive understanding and articulation of the prevention limb.²⁸ As noted by the High-

²³ Human Rights Council, ‘Report of the Special Rapporteur on Violence against Women’ (24 May 2014) UN Doc A/HRC/26/38, para 66

²⁴ *ibid*

²⁵ UN Women (n 6), 194

²⁶ *ibid*, 136

²⁷ Otto, ‘Women, Peace and Security: A Critical Analysis of the Security Council’s Vision’ (n 3), 2

²⁸ *ibid*, 12

Level Independent Panel on United Nations Peace Operations prevention efforts, more generally, remain “the poor relative of better resourced peace operations deployed during and after armed conflict.”²⁹ This proves true also in the context of the women and peace agenda.

The role of women in relation to the prevention facet of the WPS agenda has been mainly understood instrumentally and at times reflects ‘essentialising’ discourses based on binary dichotomies about women and men, gender roles and the gendered social order. An example of a gendered assumption about women’s contributions to preventing conflicts is the description of women as being ‘particularly important in “people to people” diplomacy’.³⁰ The underlying assumption being here that women are best at diplomacy when operating in the informal/private sphere as opposed to men in ‘public/formal diplomacy’. Also women’s participation is encouraged instrumentally rather than as a valuable and important right in itself: ‘women’s knowledge and experiences are underutilized in the prevention of violent conflict while gender perspectives have been neglected in early warning exercises and the development of response options.’³¹ The same logic underpins initiatives such as “the barometer of local women’s security” whereby women in conflict affected countries and territories receive training on how to collect relevant data, which then ‘is captured and analysed in a centralized database, and shared with local, national and international decision makers’.³² The barometer is said to ‘equip[s] women with a voice in the daily peace and security of their community’.³³ While the initiative is well meaning, it is somehow difficult to grasp how women living in conflict areas are supposedly given ‘a voice in the daily peace and security of their community’. Leaving aside questions pertaining to the gender sensitivity of this type of intervention – for example, how are women selected, how does this new role add to women’s multiple responsibilities and work burden, whether this type of intervention creates new insecurities- this type of intervention begs the question: why not simply give women the opportunity to have their voices heard in the first place, irrespective of existing emergencies? Furthermore these are initiatives that are triggered when the danger of conflict is imminent or real, and as such cannot be said to be truly preventive, this is, if prevention is understood as building a system designed not simply to react to but avoid danger and emergencies.

The prevention facet of the WPS agenda also appears to be primarily linked to the prevention of gender based violence and the narrower category of sexual violence.³⁴ Some authors have highlighted how this shift makes sexual violence the quintessential harm suffered by women obscuring other realities impacting on women,³⁵ which also contributes to heighten the emergency narrative of the WPS agenda requiring resolution of crises rather than long term

²⁹ Report of the High-Level Independent Panel on Peace Operations 2016 cited in UN Women (n 6), 194

³⁰ United Nations Security Council, ‘Report of UN Secretary General on Women, Peace and Security’ (n 15), para12

³¹ *ibid*, para19

³² UN Women (n 6), 199

³³ *ibid*

³⁴ United Nations Security Council, ‘Report of the Secretary General on Women, Peace and Security’ (4 September 2013) UN Doc S/2013/525, paras 9-12

³⁵ Karen Engle ‘The Grip of Sexual Violence: Reading UN Security Council Resolutions on Human Security’ in G Heathcote and D Otto (eds) *Rethinking Peacekeeping, Gender Equality and Collective Security* (London: Palgrave-Macmillan 2014) 23

solutions. If prevention is understood broadly and as fundamentally pre-emptive rather than reactive in nature, then strategies and processes should be in place irrespective of the existence of conflicts. Women's role and position in society should be strengthened and the gender equality project should be pursued regardless of the ongoing or post conflict situations.

4. PREVENTION AND THE WPS AGENDA

Following a series of reports reviewing the UN peace and security initiatives more broadly, the UN Secretary General emphasized 'the need for a stronger focus on prevention'.³⁶ The link between peace, prevention and human rights had already been made in the 2003 'Human Security Now' report. The 2003 report stressed

*'To achieve peace and stability in today's interdependent world, preventing and mitigating the impact of internal violent conflicts are not sufficient. Also important are upholding human rights, pursuing inclusive and equitable development and respecting human dignity and diversity'.*³⁷

Reflecting on how to secure human rights and freedoms the report goes on to say

*'To protect people—the first key to human security—their basic rights and freedoms must be upheld. To do so requires concerted efforts to develop national and international norms, processes and institutions, which must address insecurities in ways that are systematic not makeshift, comprehensive not compartmentalized, preventive not reactive'.*³⁸

An approach to conflict prevention which views peace as inextricably linked with development and human rights has more recently also been advocated by the Advisory Group of Experts for the 2015 Review of the United Nations Peacebuilding Architecture.³⁹ In its Resolution 2171 (2014) on conflict prevention, the UN Security Council reaffirmed the need for a comprehensive approach to conflict prevention and sustainable peace which covers both operational and structural measures for the prevention of armed conflict and addresses its root causes, including human rights and gender equality. Similarly at the AU level, the African Commission calls 'for a holistic approach to conflict prevention, including a focus on inclusive socioeconomic development and governance reforms and the creation of opportunities and elimination of marginalization and disenfranchisement'.⁴⁰

Similarly, the UN Global Study recommends both short-term as well as structural approaches to preventing armed conflict which address 'the root causes and structural drivers of conflict,

³⁶ 'Report of UN Secretary General on Women and Peace and Security' (n 16)

³⁷ Commission on Human Security 'Security Now' (New York, UN 2003), 5 http://www.un.org/humansecurity/sites/www.un.org/humansecurity/files/chs_final_report_-_english.pdf accessed 4 September 2017

³⁸ *ibid*, 11

³⁹ United Nations General Assembly, 'Report of the Advisory Group of Experts for the 2015 Review of the United Nations Peacebuilding Architecture' (30 June 2015) UN Doc A/69/968-S/2015/490

⁴⁰ African Union Commission, 'Implementation of Women, Peace and Security Agenda in Africa' (Addis Abeba, Office of the Special Envoy on Women, Peace and Security of the Chairperson of the African Union Commission 2016), 42 <<http://www.un.org/en/africa/osaa/pdf/pubs/2016womenpeacesecurity-auc.pdf>> accessed September 2017.

such as exclusion, discrimination, attacks on dignity and structural inequality'.⁴¹ Importantly the study puts human rights at the centre of prevention and reminds us that 'It must not be forgotten that resolution 1325 was conceived of and lobbied for as a human rights resolution'.⁴² Echoing the Global study, the SG affirms 'Gender responsive conflict prevention must begin from an understanding of insecurities, inequalities and human rights violations that permeate women's and girls' lives prior to, during and after conflict'.

What these policy documents seem to suggest is that the prevention of conflict generally, and in the WPS context specifically, is somewhat premised on the assumption that gender equality and women's actual enjoyment of human rights are key to its effectiveness. The article proceeds to clarify what gender equality means in the context of the WPS agenda and considers how to integrate and connect human rights to the WPS agenda.

5. GENDER EQUALITY AND HUMAN RIGHTS: A SUBSTANTIVE UNDERSTANDING

In spite of the rhetoric acknowledging the fact that a truly preventive approach needs to deal with the elimination of discrimination and structural inequality, how to go about it needs to be spelled out more comprehensively. There is limited unequivocal commitment to pursue and report on gender equality and prevention of violence against women in its own right and to anchor clearly gender equality in a robust human rights framework irrespective of existing or potential violent conflicts. In this sense the WPS agenda and its prevention limb need to elaborate and integrate more explicitly and comprehensively a human rights dimension.

From a substantive point of view a human rights infused WPS agenda should be premised on a clear understanding of gender equality and the underlying conceptions. Is this to be understood as consistency in treatment, 'treating likes alike', granting equality before the law, irrespective of the difference in terms of access to power, opportunities, resources or should gender equality be based on a more substantive view focusing on and addressing the causes of inequality with a view to eliminating them? The reports mentioned earlier all appear to endorse policy choices that go beyond a formal understanding of equality. Reference is made to a 'holistic approach' to conflict prevention and maintenance of peace underpinned by inclusive socioeconomic development, creation of opportunities and elimination of marginalization. The UN Global study on the implementation of Resolution 1325 also endorses a substantive approach to equality, for example, when referring to long term strategies to address 'the root causes and structural drivers of conflict' and structural inequality.

On this understanding of equality, the peace facet of the WPS agenda would have to develop policies that go beyond the removal of legal barriers and the prohibition of direct discrimination. It is certainly the case that in a significant number of countries, discriminatory laws limit women's access to education, legal capacity, freedom of movement, ownership or

⁴¹ UN Women (n 6), 15

⁴² *ibid*

enjoyment of property, access to credit, equal social security rights.⁴³ However, while elimination of discriminatory laws and the establishment of anti-discrimination legislative frameworks are essential, a meaningful commitment to equality might require more creative legal and policy formulations. Tackling structural economic, social and political inequalities, multiple and intersecting forms of discrimination, and the causes of systemic marginalization require broad and diverse social change programmes. International human rights law might offer some support in this respect by providing a normative framework, inclusive of economic, social and cultural rights. A substantive gender equality project can be normatively grounded in the equality provisions of a number of international human rights instruments, such as the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol), which oblige States parties to promote and achieve substantive equality and also include duties to take affirmative action.⁴⁴ Articles 2 and 3 of the CEDAW establish a comprehensive obligation to eliminate discrimination in all its forms. Article 4 of the CEDAW encourages the use of temporary special measures. As the CEDAW Committee has clarified

'Measures taken under article 4, paragraph 1, by State parties should aim to accelerate the equal participation of women in the political, economic, social, cultural, civil or any other field. The Committee views the application of these measures not as an exception to the norm of non-discrimination, but rather as an emphasis that temporary special measures are part of a necessary strategy by State parties directed towards the achievement of de facto or substantive equality of women with men in the enjoyment of their human rights and fundamental freedoms'.⁴⁵

Importantly, the Committee takes the view that, in certain circumstances, the adoption of positive action measures may not only be desirable but obligatory. 'While the application of temporary special measures often remedies the effects of past discrimination against women, the obligation of State parties under the Convention to improve the position of women to one of de facto or substantive equality with men exists irrespective of any proof of past discrimination'.⁴⁶ Similarly, Article 2 of the Maputo Protocol requires States to combat discrimination by a variety of means, including amending constitutions to guarantee equality, mainstreaming and also taking 'corrective and positive action in those areas where discrimination against women in law and in fact continues to exist'. This appears to suggest that affirmative action is not uniform and that some forms of affirmative action will be more effective depending on the context. Importantly both the CEDAW and the Maputo Protocol

⁴³ Human Rights Council, 'Report of the Working Group on the issue of discrimination against women in law and in practice' (1 April 2014) UN Doc A/HRC/26/39, para14.

⁴⁴ P Hunt, *Reclaiming Social Rights* (2nd edn, Ashgate 1999), 97

⁴⁵ UN Committee on the Elimination of Discrimination Against Women, 'General recommendation No. 25, on article 4, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, on temporary special measures' HRI/GEN/1/Rev.7 at 282 (2004), para18.

⁴⁶ *Ibid.* On affirmative action: UNCHR (Sub-Commission), 'Final report by Special Rapporteur Marc Bossuyt on Prevention of Discrimination: the Concept and Practice of Affirmative Action' (17 June 2002) UN Doc E/CN.4/Sub.2/2002/21

recognize that women experience discrimination not only as a result of law but also social and cultural practices.⁴⁷ Article 5(a) of CEDAW asks states to take all appropriate measures

‘To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women’.

Gender equality grounded in international human rights law becomes a multidimensional concept⁴⁸ which seeks to transform unequal gendered power relations in society as a long term strategy for the maintenance of peace and prevention of conflict.

6. UN AND REGIONAL ORGANISATIONS: STRENGTHENING INTERNATIONAL, REGIONAL AND NATIONAL HUMAN RIGHTS SYSTEMS

The Global Study also highlighted as a crucial area of intervention the bolstering the role of international human rights mechanisms as well as creating avenues and processes that are gender sensitive and gender inclusive.⁴⁹ While strengthening human rights mechanisms and bodies at the different levels is an essential component of a preventive WPS agenda, this cannot be done in isolation. It needs to be embedded within the wider framework of the United Nations peace and security work and its network of relationships with regional and sub-regional organizations. It is suggested that a shift from a reactive to a proactive paradigm at the international level requires an active endorsement and systematic inclusion of a human rights infused WPS agenda by the UN in its regional peace and security agreements. At the regional level, the link between regional peace and security policies and the human rights legal and institutional frameworks should receive greater attention and be developed further. The next subsections look at possible human rights legal and policy issues of relevance to the debates around UNSCR 1325 with regards to the UN and its regional security agreements, and in the more specific context of the African Union and the League of Arab States organizations, as examples of regional organizations.

6.1. United Nations

The Global study notes that international human rights reporting mechanism can be used to expose human rights violations, and at the same time ‘address structural and institutional obstacles to gender justice and equality’.⁵⁰ The study appears not only to be underpinned by a substantive understanding of gender equality, it also implicitly acknowledges that a WPS agenda cannot leave aside a robust human rights strategy which pursues gender equality and women’s rights irrespective of the existence of peace or conflict. The study crucially notes that while international human rights mechanisms such as CEDAW, treaty bodies and the UN special procedures play a pivotal role in drawing international attention to issues within the

⁴⁷ Fareda Banda, ‘Blazing a trail: The African Protocol on Women’s Rights comes into force’ (2006) 50 Journal of African Law, 75.

⁴⁸ On a multi-dimensional approach to equality see Sandra Fredman, ‘Women and Poverty-A Human Rights Approach’ (2015) Working Paper N 2 Oxford Human Rights Hub, 21-24
<<https://ohrh.law.ox.ac.uk/wordpress/wp-content/uploads/2015/07/OxHRH-Working-Paper-Number-2-Fredman1.pdf>> accessed 4 September 2017.

⁴⁹ UN Women (n 6), 350

⁵⁰ *ibid*, 357

WPS agenda, ‘the UN can do more to ensure that this information and analysis reaches global peace and security decision-making bodies, including the Security Council’.⁵¹ The report appears to suggest the establishment of formal channels for the exchange of information between the UN human rights experts and the UN political organs.⁵² A systematic exchange of information could contribute to the formulation of decisions and policies by the UN political organs. For example, in the two most recent CEDAW periodic examinations of the UK, the Committee has expressed concern over the government’s failure to implement Resolution 1325 in Northern Ireland and has made recommendations in this regard in the Concluding Observations.⁵³ The latter could have been raised in the UK’s Universal Periodic Review,⁵⁴ a formal intergovernmental review process, which could provide a forum to debate and devote specific attention to Resolution 1325 and women’s human rights. Where the work of the various human rights bodies and experts overlaps there might need to coordinate among themselves and to agree on priority gender sensitive areas to bring to the attention of the UN political organs and the relevant specialized agencies.

While it is important that the UN endorses more explicitly within the organisation itself a gender equality and human rights approach as part of the preventive pillar of the WPS agenda, it is submitted that it is equally crucial that the strategy is clearly acknowledged when advocating for greater engagement with the WPS agenda in regional peace and security cooperation agreements. The SG in his 2015 report on women, peace and security indicated the need to step up the implementation of the WPS agenda at the regional level.⁵⁵ Indeed the 2014 Security Council statement on the UN-AU peace and security cooperation agreement briefly refers to and welcomes the AU efforts in connection with, among other areas, women peace and security. The Security Council recognized that ‘regional organizations are well positioned to understand the root causes of armed conflicts owing to their knowledge of the region’, stressed ‘the importance of a coordinated international response to causes of conflict’, and importantly identified the link between the need for the development of effective long-term preventive strategies and strengthening development cooperation and assistance and promote respect for human rights and fundamental freedoms .⁵⁶ However the statement makes scant reference to the WPS agenda and avoids elaborating on how to go about its implementation. These types of agreement could be an opportunity not only to mainstream the WPS agenda but also an opportunity to advocate for the implementation of women’s human rights and gender equality as part of the preventive pillar of the Agenda.

Similarly, when advocating for greater engagement with the WPS agenda, the UN should incorporate a gender equality and human rights strategy in peace and security cooperation agreements with the League of Arab States (Arab League). This is even more compelling in

⁵¹ *ibid*, 359

⁵² *ibid*

⁵³ Committee on the Elimination of Discrimination against Women, ‘Concluding observations on the seventh periodic report of the United Kingdom of Great Britain and Northern Ireland’ (30 July 2013) UN Doc CEDAW/C/GBR/CO/7

⁵⁴ Human Rights Council, ‘Compilation on the United Kingdom of Great Britain and Northern Ireland’ (22 February 2017) UN Doc A/HRC/WG.6/27/GBR/2

⁵⁵ ‘Report of the Secretary General’ UN Doc S/2015/716 (n 16), para 106

⁵⁶ UNSC Presidential Statement (16 December 2014) UN Doc S/PRST/2014/27

light of the fact that the Arab League arguably lacks a general coherent and systematic human rights policy.⁵⁷ In fact, while its engagement with the UN on peace and security operations has increased,⁵⁸ the League has been rather reluctant to play any major role in promoting respect and protection of human rights in the region. Its response to the human rights situations in several Arab countries, well before the Arab spring revolutions,⁵⁹ has been almost inexistent and has generally treated regional issues, including human rights, ‘as a jealously guarded sphere’.⁶⁰ Recently the United Nations and the League of Arab States signed an agreement to strengthen collaboration on prevention of conflict-related sexual violence in the Arab region which ‘is meant to form the foundation on which to mobilize political commitment and collaborate in combatting rape and other instances of conflict-related sexual violence, particularly in Iraq, Libya, Somalia, Sudan, Syria and Yemen’.⁶¹ While the agreement might be seen as an important acknowledgment of the issue of violence against women, this is mainly understood in the context of and as a symptom of conflict related violence rather than the expression of deep seated structural inequalities. In fact, there appears to be no reference to enhancing and protecting gender equality and women’s human rights as part of a wider strategy to address conflict-related sexual violence.

In the following sections, the article identifies some WPS related initiatives at the AU and Arab League regional level and considers how these could be embedded in a strengthened human rights system.

6.2. African Union

While greater engagement of the UN political organs with the UN human rights systems is crucial to mainstreaming a human rights approach to gender equality in the context of the WPS agenda, this is equally important at the regional level. The UN Global study proposed ‘Regional organisations should increase engagement and interaction with international and regional human rights mechanisms to ensure full consideration of women’s human rights, a central component of the WPS agenda’. The African Union Constitutive Act lists among its principles the promotion of gender equality and respect for democratic principles and human rights⁶² and has paid increased attention to the Women, Peace and Security agenda. Significant steps are the adoption in 2003 of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (the Maputo Protocol). Interestingly

⁵⁷ Mervat Rishmawi, ‘The League of Arab States in the Wake of the “Arab Spring”’ (Cairo: Institute for Human Rights Studies 2013) <<http://www.cihrs.org/wp-content/uploads/2013/09/Arab-Leage.pdf>> accessed 4 September 2017

⁵⁸ UNSC, ‘High-level meeting of the Security Council on Peace and Security in the Middle East’ (6 September 2012) UN Doc S/2012/686

⁵⁹ Rishmawi, ‘The League of Arab States in the Wake of the “Arab Spring”’ (n 57).

⁶⁰ Mohammad-Mahmoud Ould Mohamedou, ‘Arab Agency and the UN Project: the League of Arab States between Universality and Regionalism’ (2016) 37 (7) *Third World Quarterly*, 1228, Michael Barnett and Etel Solingen ‘Designed to Fail or Failure of Design? The Sources and Institutional Effects of the Arab League’ in Alastair Iain Johnson and Amitav Acharya (eds), *Crafting Cooperation: Regional Institutions in Comparative Perspective* (New York: Cambridge University Press 2007) 180

⁶¹ UN News Centre, ‘New UN-Arab League agreement aims to prevent conflict-related sexual violence’ (29 March 2016) <http://www.un.org/apps/news/story.asp?NewsID=53569#.V81_rPkrLX4> accessed 4 September 2017

⁶² Constitutive Act of the African Union Article (adopted 11 July 2000) article 4(m) and (n)

the Protocol is a testimony to and provides a normative framework for the ‘pacifist’ aspiration of the women’s movement campaigning for the WPS agenda. Article 10 ‘Right to Peace’ obliges state parties to take measures to increase women’s participation in education programmes and in peace process and requires states ‘to take the necessary measures to reduce military expenditure significantly in favour of spending on social development in general, and the promotion of women in particular’. In 2004 the African Union adopted the Solemn Declaration on Gender Equality in Africa which committed member States of the African Union to the full and effective participation and representation of women in peace processes, including the prevention, resolution and management of conflicts and post-conflict reconstruction in Africa. Also important are the African Union Gender Policy, which seeks to mainstream gender in peace and security, the appointment of a special envoy on women, peace and security, and the adoption of the five-year (2015-2020) Gender, Peace and Security Programme of the African Union⁶³.

While these remain important developments the engagement and interaction of the AU political organs and other agencies with international and regional human rights mechanisms is yet to be developed and institutionalised. In fact, the work of many international human rights mechanisms is of thematic relevance to many African countries and more so when country visits to African countries are undertaken. For example, in her recent report on the country to Sudan the Special Rapporteur on Violence against Women (SRVAW) has highlighted the trafficking of women and girls, mainly in Eastern Sudan and Khartoum, and the complex human rights implications of an essentially transnational issue involving a number of bordering African states, both in crises situations and not.⁶⁴ The SRVAW made clear the link between the trafficking phenomenon, its human rights causes and consequences for women in peace and noted that, more generally, trafficking is often exacerbated in conflict and post-conflict situations or may generate new forms of violence against women such as rape by State or non-State actors, abductions, domestic servitude, forced marriages to armed fighters.⁶⁵ The report recommendations make a general reference to the WPS in relation to Sudan’s conflict areas. However the analysis could yield more explicit recommendations to inform possible action and policy responses for the implementation of the Agenda in that specific context. The AU, on its part, could follow through on its rhetoric of support for the WPS agenda and back, politically and financially, the implementation in the interested region and/or countries of existing instruments such as the Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children.⁶⁶ The Action plan lists a variety of action points such as providing viable employment or other livelihood opportunities for youth in general and in particular for young women at risk, especially in regions prone to trafficking, promoting the empowerment of girls and women in

⁶³ AU Press Release, ‘African Union Launches Five-Year Gender Peace and Security Programme 2015-2020’ (Addis Ababa, 2 June 2014) < <http://www.peaceau.org/uploads/pr.gpsp-2-06-2014.pdf>> accessed September 2017

⁶⁴ Human Rights Council, ‘Report of the Special Rapporteur on Violence against Women’(18 April 2016), UN doc A/HRC/32/42/Add.1, paras 40-43

⁶⁵ Human Rights Council, ‘Report of the UN Special Rapporteur on Violence against Women’(19 April 2016), UN Doc A/HRC/32/42 para 37

⁶⁶ Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children, Executive Council Decision (adopted in January 2007) EX.CL/Dec.324 (X) (2007).

their national policies, to raising awareness about trafficking in human beings through engagement of the mass media and information campaigns.⁶⁷

Channels and processes should be put in place in the context of the African women peace and security agenda for international as well as regional human rights mechanisms to convey and share their analysis and recommendations with the AU political organs such as the African Peace and Security Council as well as other relevant African mechanism such as the Special Envoy for Women, Peace, and Security. The AU organs have an inconsistent approach to the work of the regional human rights mechanisms such as the African Commission on Human and People's Rights (AfCommHPR). In fact, whilst the AfCommHPR is under the ultimate authority of the AU, the institutional relationship between the African Commission and the AU organs appears to be unclear especially in relation to the use and dissemination of the documentation, findings and recommendations of the Commission.⁶⁸ The ACHPR has on a number of occasions, through its communication and state report systems, provided human rights analysis and normative solutions and guidance grounded in international human rights law.⁶⁹ However these have rarely made it to a meaningful consideration by the political organs and at times the Commission's resolutions have been actively resisted.⁷⁰ The AfCommHPR might also be partly responsible for making its voice heard, and could be more strategic in actively alerting the AU on human rights issues generally, and women's human rights issues more specifically, through for example a more effective drafting of the resolutions clearly indicating what action is required by the AU organs.⁷¹ The Commission may also be more proactive in giving effect to Rule 124 of its Rules of Procedure which makes clear that the Commission 'shall establish formal relations of cooperation, including meetings as necessary, with all African Union Organs, and institutions and programmes that have a human rights element in their mandate'.⁷² Formal and regular channels of communication and exchange of information contributing to policy making in gender sensitive areas could be established between the AU human rights institutions such as the AfCommHPR and the African Court on Human and Peoples' Rights (AfCtHPR) and AU organs, like the African Union Peace and Security Council (PSC). Such cooperation could help develop the PSC's conflict prevention work, which in practice has been rather limited having dealt mostly with conflicts only after they have erupted and having focused primarily

⁶⁷ *ibid*

⁶⁸ Rachel Murray, *Human Rights in Africa. From the OAU to the African Union* (Cambridge University Press, 2004), 59.

⁶⁹ Obiora Chinedu Okafor, 'The African Commission on Human and Peoples' Rights as a Collective Human Security Resource: Promise, Performance, and Prospects' in Ademola Abbas, *Protecting Human Security in Africa* (Oxford University Press 2010).

⁷⁰ In 2006 the Assembly of Heads of States and Government (AHS) did not adopt and did not authorize the publication of the resolutions on a number of countries including Darfur in Sudan. See Chaloka Beyani, 'Recent Developments in the African Human Rights System 2004-2006' (2007) (7) (3) *Human Rights Law Review* 594. On African States' selective engagement with regional human rights mechanisms see Jonathan Fisher and Danielle Beswick 'The African State and Special Procedures: Agency, Leverage and Legitimacy' in Aoife Nolan, Rosa Freedman and Therese Murphy (eds), *The United Nations Special Procedures System* (Brill 2017).

⁷¹ Murray (n 68), 58.

⁷² Rule 124 (1) of the 'Rules of Procedure of the African Commission on Human and Peoples' Rights' approved by the African Commission on Human and Peoples' Rights during its 47th ordinary session held from May 12 to 26, 2010 in Banjul (The Gambia).

on managing armed conflict.⁷³ The AfrCommHPR resolution adopted in 2016 on conflict prevention⁷⁴ calling on greater cooperation between the Commission and the PSC is a step towards strengthening a human rights approach. It is regretful, however, that the resolution makes no mention of gender equality and the WPS agenda.

A further area of intervention that could strengthen the AU's commitment to the 'women and peace' facet of the WPS agenda would be providing adequate support for the African Commission on Human and Peoples' Rights in general and for special mechanisms such as the African Commission Special Rapporteur on the Rights of Women in Africa. The special mechanism through country visits can play a crucial role in gathering, analysing and promoting women's human rights issues. While the number of country missions are not an indicator of the mandate's effectiveness, the fact that in over 15 years of existence the SR on women in Africa has been able to carry out, excluding joint missions with other mandates, fewer than ten country missions⁷⁵ to member states, largely because of insufficient financial and human resources, is an indication of the level of political commitment.

6.3. League of Arab States

The League of Arab States (Arab League) is also a relevant regional player. The League has endeavoured to develop a peace and security architecture and in 2007 the Arab Peace and Security Council for the prevention, management and resolution of disputes was set up. While the Peace and Security Council has a coordinating and implementation function, it does not have a decision-making one. It is rather the Council of the Arab League that takes decisions on the basis of the findings and recommendations of the Peace and Security Council.⁷⁶

Recently the Arab League jointly with the Arab Women's Organization⁷⁷ and UN Women⁷⁸ supported the canvassing of a Regional Strategy on 'Protection of Arab Women Peace and Security'. In its preface the document states that 'Interest in the status of women is no longer limited to protection from violence during armed conflicts, but extended to eliminate discrimination against them and to enhance their role and promote their status in the society during times of peace...'.⁷⁹ The report highlights how the concept of international peace and security reflects 'the close link between the international law of human rights and the

⁷³ Paul D Williams, 'Keeping the Peace in Africa: Why "African" Solutions Are Not Enough' (2008) 22 (3) *Ethics and International Affairs*, 314.

⁷⁴ African Commission on Human and Peoples' Rights, 'Resolution on Human Rights in Conflict Situations' (25 February 2016) ACHPR/Res. 332 (EXT.OS/XIX) 2016

⁷⁵ African Commission on Human and Peoples' Rights Special Rapporteur on Rights of Women in Africa <http://www.achpr.org/mechanisms/rights-of-women/> accessed September 2017

⁷⁶ Dace Winther, *Regional Maintenance of Peace and Security under International Law: The Distorted Mirrors* (Routledge 2014), 132.

⁷⁷ The Arab Women Organisation is an intergovernmental organization established under the umbrella of the League of Arab States and headquartered in Egypt. It emerged from the Cairo Declaration issued by the First Arab Women Summit which convened in Cairo, November 2000 <<http://english.arabwomenorg.org/>>

⁷⁸ UN Women is the new United Nations Entity for Gender Equality and the Empowerment of Women established in 2010 <http://www.unwomen.org/en/about-us/about-un-women>

⁷⁹ League of Arab States, the Arab Women's Organization and UN Women, 'Regional Strategy. Protection of Arab Women, Peace and Security' (Egypt 2012) <<http://www.arabwomenorg.org/Content/Publications/strpeceeng.pdf>> accessed 4 September 2017

international humanitarian law which, together, constitute the two wings of protection for the rights of individuals and groups in times of peace as in times of armed conflict and military occupation.’ Concluding recommendations are divided under three separate sections, namely: participation, prevention and protection. Under the section dedicated to prevention the report recommends ‘Ratification of international conventions related to peace and security; Development of programs that promote awareness of women’s rights and their effective role in building the society.(...) Working at integrating the principles of human rights and the values of equality, justice and gender approach into policies, programs and projects’.⁸⁰ Under the protection section the report recommends, among other ‘Reviewing laws and legislation that imply forms of discrimination against women, for updating and harmonization with the human rights-based approach, and for the protection of women against all forms of violence’.⁸¹ These are important recommendations, which could be used as a springboard to further elaborate the, admittedly, rather limited legal and normative human rights basis of the Regional Strategy, which makes only general reference to some international human rights institutions and instruments, such as the Human Rights Council and to the CEDAW. The document briefly refers to the 2004 Arab Charter on Human Rights and notes that ‘The Charter stressed in many of its articles the importance of justice for women as citizens of full legal capacity’.⁸² It specifically refers to Article 3(3), which provides that

‘Men and women are equal in respect of human dignity, rights and obligations within the framework of the positive discrimination established in favour of women by the Islamic Shari’a, other divine laws and by applicable laws and legal instruments. Consequently, each State Party to the present Charter shall undertake all necessary measures to guarantee the effective equality between men and women’.

This is a confirmation of the equality between women and men in the Arab world, although it has been noted that the principle might be undermined by contingent interpretations of Islamic Shari’a that may vary according to how this is understood and practiced in various parts of the region.⁸³ The 2004 Arab Charter is also, like the ACHPR, notable for its wide normative scope inclusive of individual, civil and political rights as well as economic, social and cultural rights, including: the right to work (article 34); the right to form trade unions (article 35); the right to social protection (article 36); the right of development (article 37); the right of education (article 41); the right to participate in cultural life (article 42). The strategy could elaborate further on the link between rights contained in the Arab Charter, the advancement of equality and peace in the Arab world.

The articulation of the substantive normative basis of a women and peace strategy could be complemented by including an institutional dimension focusing on mechanisms and procedures for monitoring human rights implementation. Substantive and institutional recommendations pertaining to the rights of women, however, would require an enabling

⁸⁰ *ibid*, 96

⁸¹ *ibid*, recommendation 4

⁸² *Ibid*, 44

⁸³ Mirvat Rishmawi, ‘The Arab Charter on Human Rights and the League of Arab States: An Update’ (2010) 10 (1) *Human Rights Law Review* 169, Abdullahi An-Na’im, ‘Human Rights in the Arab World: A Regional Perspective’ (2001) 23 *Human Rights Quarterly*, 707.

framework and a deliberate decision of the Arab League to put human rights firmly at the heart of the organisation and the establishment of an operational and fully functioning human rights system. Thus far there is limited evidence suggesting that this might be the case.⁸⁴ Indeed the Charter of the Organisation lacks any reference to human rights and the Permanent Human Rights Commission, which is the main political organ in charge of the protection of human rights within the Arab League system, has been described as largely ineffective.⁸⁵ The establishment in 2009 of the Arab Human Rights Committee tasked with monitoring the implementation of the 2004 Arab Charter was an important development for the regional human rights system. Members of civil society have been rather critical about the Committee's work lamenting the scarce availability of information pertaining to its procedures and activities, and the lack of a consistent and clear engagement with non-governmental organizations.⁸⁶ Arguably initiatives such as the Regional Strategy on women, peace and security calling for the promotion of women's status could start discussions and put on the agenda items relating to: the desirability of strengthening the regional human rights system, electing women as independent experts to the Arab Human Rights Committee, setting up a special mechanism for the promotion and protection of women's rights in the region, or the adoption of resolutions on specific issues falling in the normative ambit the Arab Charter, contemporary forms of slavery being one example.⁸⁷

Observers and civil society organisations (CSOs) have been calling for a wide array of recommendations.⁸⁸ NGOs have been quite vocal about creating consultation processes involving civil society. By creating a space for CSOs at the regional level domestic women's civil society organizations and constituencies would have the opportunity to build alliances and joint advocacy strategies, to shape discourses, and to engage with human rights systems at the domestic, regional and the international level.⁸⁹

A strengthened regional human rights system with institutionalised participatory modalities of engagement with States and CSOs could also be an incentive for the establishment of and the engagement with the Arab National Human Rights Institutions (NHRIs). These are institutions that can play a crucial role in the domestic promotion and protection of human rights. Not all twenty-two members of the Arab League have NHRIs and only five out of the existing ones have achieved the UN 'A' status accreditation.⁹⁰ Therefore the League and a

⁸⁴ Rishmawi (n 57); International Federation of Human Rights (FIDH), 'The Arab League and Human Rights: Challenges ahead' (May 2013) Regional Seminar held in Cairo in February 2013

<https://www.fidh.org/IMG/pdf/rapport_lea_uk-1ddouble.pdf> accessed September 2017

⁸⁵ FIDH, 'The Arab League and Human Rights: Challenges' (n 84), p13.

⁸⁶ Cairo Institute for Human Rights Studies, 'Memorandum on the Development of Joint Arab Action presented by 37 Human Rights Organizations' (March 2012) <<http://www.cihrs.org/?p=1889&lang=en#>> accessed September 2017); Rishmawi (n 83)

⁸⁷ Arab Charter on Human Rights 2004 article 10 reads "All forms of slavery and trafficking in human beings are prohibited and are punishable by law. No one shall be held in slavery and servitude under any circumstances. Forced labor, trafficking in human beings for the purposes of prostitution or sexual exploitation, the exploitation of the prostitution of others or any other form of exploitation or the exploitation of children in armed conflict are prohibited".

⁸⁸ Cairo Institute for Human Rights Studies (n 86); FIDH (n 84)

⁸⁹ UN Women (n 6), 311

⁹⁰ These are Egypt, Jordan, Mauritania, Morocco, Palestine and Qatar, see Accreditation Status of August 2012 <http://www.ohchr.org/Documents/Countries/NHRI/Chart_Status_NIs.pdf>. 'A' status signals that the NHRI

strengthened Arab human rights system could play a crucial role in supporting NHRIs in the region. In turn, independent and effective NHRIs may have a role to play also at the international level in providing information about women's human rights on the ground to UN bodies, through their engagement with the UN Human Rights Council as well as with the Commission on the Status of Women (CSW).⁹¹ At the domestic level NHRIs might become a vehicle contributing to the setting of a domestic gender sensitive human rights agenda, encouraging women's CSOs participation and consultation, and taking on board their views and recommendations.

7. CONCLUSIONS

The WPS agenda has produced a variety of responses to the ever changing and complex realities faced by women in conflict and post conflict situations. As the WPS agenda evolves and is critically reassessed it is important to reconsider some of the initial advocacy and campaigning efforts behind the drafting and adoption of Resolution 1325. As argued in section 2, the Agenda should revisit and take on board the pacifist feminist demands, the engine behind the lobbying and advocacy campaigning, which eventually led to the adoption of Resolution 1325. Without detracting from the importance of existing initiatives, there is a need to engage conceptually and strategically with the 'women and peace' facet of the agenda through its prevention limb. As argued in section 3 and 4, prevention in the WPS context requires action addressing the unequal gendered power relations in society regardless of the existence of conflicts. This, it has been argued, requires action addressing norms, processes and institutions. In particular, there is a need to commit to a multidimensional understanding of gender equality supported by a broad human rights normative framework which, it has been argued, has the capacity to transform unequal gendered power relations in society as a long term strategy for the maintenance of peace and prevention of conflict. At the institutional level, as argued in section 6, there is a need to strengthen the human rights mechanisms and the processes for the interaction between the latter and the global and regional governance bodies. The strategy discussed in the present article is premised on the assumption of a continued commitment to international coordination and action at different levels, starting with the UN. This international governance model might be at odds with the current political climate and trends, in the form of the resurgence of nationalism, retreat from intergovernmental organisations and the increasing resort to bilateral or 'minilateral' solutions to global challenges, with institutional frameworks of selective groups of states or clubs,⁹² such as the Group of eight (G8) or Group of twenty (G20) summits or the recent Women20 Summit in April 2017 in Germany. It must not be forgotten that the UN has been a key institution and ally for women's movements, having provided the space and visibility for

is independent of undue outside influence and that it essentially complies with the Paris Principles on the Principles relating to the Status of National Institutions
<<http://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfNationalInstitutions.aspx> > accessed September 2017

⁹¹ United Nations General Assembly 'Resolution National institutions for the promotion and protection of human rights' (10 February 2016) UN Doc A/RES/70/163, para 16

⁹² Bernhard Rinke and Ulrich Schneckener 'Informalisation of World Politics? Global Governance by Clubs' in Tobias Debiel and Jochen Hippler et al (eds) *Global Trends 2013. Peace, Development, Environment* (Development and Peace Foundation, Institute for Development and Peace 2013).

the four world conferences on women: Mexico City in 1975, Copenhagen in 1980, Nairobi in 1985 and Beijing in 1995. The latter conference was unique in bringing together an unprecedented 17,000 participants and 30,000 activists from all corners of the world.⁹³ The conference produced the Beijing Declaration and Platform for Action, ‘the most progressive blueprint ever for advancing women’s rights’,⁹⁴ it identified twelve critical areas of concern and also prepared the ground for the adoption by UN Security Council of the Resolution 1325. Global cooperation and engagement with international and regional institutions was essential then and continues to be essential for the advancement of peace, equality and dignity for everyone, everywhere.

⁹³ UN Women, ‘The Beijing Platform for Action: inspiration then and now’
<<http://beijing20.unwomen.org/en/about> > accessed August 2017)

⁹⁴ ibid