

Recommendations to Radhika Coomaraswamy on the Global study for Implementation of UNSCR 1325

Asia-Pacific Women's Alliance on Peace and Security (APWAPS)

The adoption of UNSCR 1325 has undoubtedly brought about greater attention, analysis and action of the impact of war and armed conflict on the lives of women as well as the roles that women play and can play in conflict prevention and peace building. Yet there continue to be huge gaps in the actual implementation of UNSCR 1325 + and the Global Study provides a much needed opportunity to highlight some of these glaring gaps and recommend strategies for the full realization of the transformative potential of UNSCR 1325 and for its effective implementation.

The more recent adoption of CEDAW General Recommendation 30 on Women in Conflict Prevention, Conflict and Post Conflict situations in October 2013 is of immense significance in the work on WPS and is rightly being looked upon as a game changer for it finally creates a cohesive link between the issue of peace building and conflict transformation with issues of human rights, gender equality and gender justice. More importantly it reins in the issues of accountability and state obligation from the margins and makes it central to the WPS agenda. Using the provisions and analysis laid out in GR 30 we would therefore like to make the following recommendations for consideration to the Independent Expert.

- 1. The CEDAW Framework** - As women's human rights and peace activists we see the adoption of CEDAW GR 30 as a landmark victory of our struggles as it brings back to the WPS agenda the fundamental and crucial elements of gender equality and women's rights perspective that either got diluted or got completely missed in UNSCR 1325 over these last fifteen years. GR 30 prioritizes protecting women's human rights at all times and advancing substantive equality before, during and after armed conflict and makes it central to the WPS agenda.

Recommendations:

- a) While acknowledging that UNSCR 1325+ are “*crucial political frameworks for advancing advocacy regarding women, peace and security*” we urge that any analysis of the impact of conflict and post conflict contexts on the lives of women must take into consideration all the rights enshrined in CEDAW.
 - b) Strategies for the implementation of UNSCR 1325 plus monitoring ongoing progress must necessarily be based on a substantive equality model and all issues of WPS including sexual violence framed and addressed within the provisions of CEDAW and its Optional Protocol.
- 2. Definition of Conflict** - For the Asia Pacific region which has some of the longest running conflicts many of which are sub national in nature and do not often get recognized as conflicts, CEDAW GR 30’s definition is particularly significant :

“...international and non-international armed conflicts, situations of foreign occupation, as well as other forms of occupation and the post-conflict phase. In addition, the recommendation covers other situations of concern, such as internal disturbances, protracted and low-intensity civil strife, political strife, ethnic and communal violence, states of emergency and suppression of mass uprisings, war against terrorism and organized crime, that may not necessarily be classified as armed conflict under international humanitarian law and which result in serious violations.....”

This attention is particularly pertinent to the Asia Pacific region for these long drawn, intractable conflicts in the region have perpetuated a culture of impunity and violations against women have taken on different ramifications.

Recommendations:

- a) **The** Global Study revisits the definition of armed conflict and expand it to include the above and ensure political commitment to issues of WPS within the context of this expanded definition.
- b) Given the nature of conflicts in the Asia Pacific region, UNSCR 1325 implementation in the Asia Pacific should be done with an understanding of the '*continuum of conflict*' and that '*the transition from conflict to post-conflict is often not linear and can involve cessations of conflict and then slippages back into conflict*'.
- c) Highlight the linkages of the nature and duration of conflict to increased impunity of violations.

3. Different Categories of Women and their diverse needs and vulnerabilities - CEDAW GR 30 reiterates that in a situation of conflict it is important to understand that women are not a homogenous group and are not only passive bystanders or victims. "*They have historically and continue to have a role as combatants, as part of organized civil society, human rights defenders, members of resistance movements and as active agents in both formal and informal peace building and recovery processes*".

Amongst these diverse categories of women we note with concern that the needs and special vulnerabilities of women ex combatants and women human rights defenders have received the least attention in the last 15 years of UNSCR 1325. While they play leadership and other important roles during the period of conflict, in transition or post conflict recovery processes the voices of women combatants are silenced or marginalized or they are forced to fit into gender stereo typed reintegration packages without an understanding of the challenges of fitting back into roles that they have left behind. Furthermore in post conflict scenario women ex-combatants are objectified and excluded in various peace building processes by both civil society and state. In addition we are especially concerned about the vulnerabilities of women human rights defenders who challenge gender

discriminatory practices and customary laws within communities or take on politically contested issues like 'disappearances' extra judicial killings and other human rights violations. These are especially relevant in the context of the ethno centric or protracted nature of conflicts in the Asia Pacific region.

The issue of 'disappearances', 'missing people' and extra judicial killings are core concerns of women in situations of protracted armed conflict. UNSCR 1325 has not recognized this need and the urgency of addressing it.

Recommendations:

- a) The critical role of women human rights defenders towards protection and advancing women's human rights are recognized and their safety and security prioritized in the implementation of UNSCR 1325
- b) The leadership potential as well as the extreme vulnerability of women ex combatants or women family members of ex combatants are recognized and implementation of UNSCR 1325 include gender sensitive reintegration packages for them with a focus on their socio economic needs and with identifying leadership roles of peace building at different levels.
- c) To build durable peace the issue of 'disappearances', 'missing people' and extra judicial killings have to be addressed and a definitive and time bound process initiated to end impunity for perpetrators.

4. Extraterritorial Obligations: One of the most critical and relevant issues highlighted by CEDAW GR 30 is the issue of extraterritorial obligations of the State which applies to all persons within their effective control even if not within the territory so far as their actions affect the human rights of others. This is of great and special relevance in the Asia Pacific context, and has long term implications for ending the protracted and cyclical nature of conflicts and is especially crucial in post conflict stabilization processes.

Recommendation:

- a) A special focus on extraterritorial obligations as it extends to military or mercenaries, international peacekeeping or peace-enforcement forces, bilateral or multilateral donor assistance for conflict prevention, humanitarian aid for post-conflict reconstruction or as third parties in peace or negotiation processes to be incorporated for the effective implementation of UNSCR 1325.

5. Accountability of Non State actors: GR 30 brings in the issue of non state actors which is one of the most complex issues of accountability in the present contexts of war and conflicts and resonates well with the challenges confronting peace building in the Asia Pacific region. The non state actors include *armed groups, paramilitaries, corporations, private military contractors, organized criminal groups and vigilantes.*

Recommendation:

- a) Focus on the issue of accountability and due diligence obligation of State parties towards addressing violations including gender based violence by non state actors must be at the core of the political commitment to UNSCR 1325 and that gender justice and women's rights cannot be bartered away to appease such non state actors.

6. Conflict Prevention: One of the weaker and less focused areas of the WPS agenda is the issue of conflict prevention which is especially important for ending the long drawn conflicts in the region. As pointed out by feminists from the region -*'When natural resources, not only energy resources but also key minerals, primary products, and narcotics, are at the center of militarized struggles for power, conflicts tend to take longer to resolve and its internationalization makes resolution even more complicated to achieve, as political struggle over legitimate grievances becomes enmeshed with economic greed'*.

Recommendations:

- a) Prioritize conflict prevention by focusing and addressing the root causes of conflict, women’s ability to identify early warning, need for preventive diplomacy and mediation, and the regulation of the arms trade including the proliferation of small arms.
- b) Women’s priorities, knowledge, experience and roles in conflict prevention is given proper and adequate recognition, more clearly enunciated and expanded under UNSCR 1325.
- c) A critical mass of women is included in international negotiations and peacekeeping activities and all levels of preventive diplomacy are mandated and form the core of UNSCR 1325 implementation.

Above all though we are deeply concerned that in these last 15 years UNSCR 1325 has become more a management tool of making wars and conflicts safe for women rather than addressing the root causes and politics of wars and conflicts. *We strongly urge that in going forward the priority is on Peace with justice which necessarily entails addressing the complex and often uncomfortable reasons for the continuum of wars and conflicts.*
