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R2P and Gender: The Marginalization of Responsibilities

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SARA E. DAVIES, MAR 13 2014

In 2012, a colleague and I wrote an article titled 'Engendering the Responsibility to Protect'.^[1] In that piece we explored the potential for shared advocacy between the Responsibility to Protect (R2P) and Women, Peace and Security (WPS) agendas. We agreed that prior critiques of R2P as 'gender blind' were fair. However, we were concerned that most of this critique focused on the 2001 report of the International Commission on Intervention and State Sovereignty (ICISS) which had originally coined the phrase 'R2P'.^[2] We argued that while the ICISS report did adopt a problematic stance on gender, there was a need to update the gendered analysis of R2P to take account of developments since its adoption at the 2005 World Summit. We also questioned whether R2P was necessarily gender blind and suggested that problems could be addressed by understanding areas of potential symmetry between the two agendas.

In that article, we emphasized that, today, discussion of R2P must start with the definition of the principle that was laid out in paragraphs 138-140 of the 2005 World Summit Outcome Document,^[3] passed at the 2005 United Nations General Assembly. This is the authoritative version of R2P, which all UN member states have affirmed and which they recognize and debate in the UN Security Council and General Assembly, to this day. In this definition, which was further clarified by the first report of the UN Secretary-General on the subject, released in 2009, we observed an approach that emphasized prevention over reaction, participation at the local level over intervention from the international level. In his 2009 report, the Secretary-General was at pains to emphasize three pillars that were fundamental to the realization of R2P: the enduring responsibility of the state to protect people (prevention), the responsibility of the international community to assist the state with meeting their obligation; and, only in light of state failure or unwillingness to prevent crimes against its population, the situation would be referred to the UN Security Council. There was no obligation laid out concerning humanitarian intervention, protection at any costs, nor indeed, was the view expressed that protection would always be achievable – an understandably honest concession given the political history of the UN Security Council when it came to effective and timely deployment of action to protect civilians and the complexity and intractability of some conflicts which give rise to genocide and mass atrocities.

The enduring focus of the R2P principle, encapsulated by the now five reports that have been published by the UN Secretary-General to date, is on mobilizing state authorities to fulfil their primary responsibility to protect through the prevention of these crimes. As Secretary General Ban Ki-Moon noted at the 2013 UN General Assembly "Let us... remember that the responsibility to protect seeks not only to protect populations at the eleventh hour but, first and foremost, to prevent crises from erupting at all".^[4]

The WPS agenda, laid out in UN Security Council Resolution 1325 (2000),^[5] has a three pillar framework that identifies women as specifically threatened and excluded from political processes that give rise to conflict and exacerbate their insecurity in a way that is gendered and distinct from a man's experience of war. The 1325 WPS three pillar framework (prevention, protection and participation) underlines the responsibility of states, regional organizations and international organizations to commit to action the addresses the three pillars. Specifically, it calls for women's participation in preventative diplomacy and equal representation in political processes; recognition of the particular protection needs of women during conflict; and calls for women's participation in the political and peace building processes.

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What was striking was the shared interest between the two agendas on the benefit of preventive diplomacy, first and foremost. In our observation of both the WPS literature and the R2P reports that were coming from the Office for the Prevention of Genocide, as well as its key New York civil society advocates (the International Coalition for the Responsibility to Protect, Global Action to Prevent War and Global Centre for the Responsibility to Protect), it was clear that both agendas were unanimous in the view that protection entailed much more than simply waiting on UN Security Council action to end mass atrocities. This, the two agendas agree would be too little and too late. As such, we sought to clear misconceptions concerning R2P as much as address its problematic history of perceived gender blindness – and the risk that these would impinge on future engagement between R2P and WPS advocates.

The R2P definition and implementation agenda discussed at the UN Headquarters by civil society, states and UN good offices sometimes sounds quite different to the one most popularly portrayed and discussed in sections of the academic literature. Interestingly, this has not remained the case concerning engagement with gender engagement and discussion concerning potential of R2P principle. Eli Stamnes, Jennifer Bond and Laurel Sherret, amongst others, [6] have noted that the post-2005 R2P principle departs from the 2001 ICISS definition quite radically. As such, opportunities for gender specific understanding and implementation of R2P at the state, regional and international level are evident – and are complementary to Resolution 1325's (2000) three pillar framework – in ways that would not have been possible without the UN Secretary-General's focus on R2P's preventive dimensions.

Such endorsement of R2P does not mean that the R2P agenda is not at risk of being gender blind. It must not be forgotten *who* is responsible for the implementation and enduring obligation to fulfill R2P – states, regional organizations and international organizations. In light of the horrific tragedy in Syria, the 'failings' of R2P are arguably not located in the principle itself but those invested with the responsibility to fulfill their protection obligations. R2P is not a person or an institution, but the obligation to prevent mass atrocities and protect all people from mass atrocity crimes *is* to be realized by people and institutions. As such, I will detail some observations on the actors who I identify as having obligations to advocate for gendered approaches within R2P implementation framework, and to reach out to the WPS agenda.

As noted in the 2013 report of the UN Secretary-General Report on the Responsibility to Protect, gender discrimination gives rise to specific acts of violence based on sex and sexual identity, it also gives rise to the normalization of violence and legitimatization of excluding some members of society from equal access to political, social and economic opportunities.[7] It is imperative that states are reminded of their responsibilities pertaining to gender inequality. Yet, at present, there remain few opportunities outside of the UN Security Council to understand how situations of gender inequality may enhance the risk of mass atrocities or to direct preventive diplomacy to those situations.

One option is to bring the WPS and R2P communities of activists, primarily located in New York, together to discuss shared areas of focus and cases of mutual concern. This could be facilitated as a working group on women and R2P – a suggestion put forward by the International Coalition for the Responsibility to Protect.

Similarly, there must be deeper engagement with gender inequality, gendered discrimination and the role of the R2P principle in assisting states to address these human rights violations. It would be an important step forward for R2P friendly states to specifically address this issue at their annual Ministerial Meeting of the Responsibility to Protect, organized by the Global Centre for the Responsibility to Protect.[8] To date, there is no record of such a discussion.

At the same time, the Office of the UN Secretary-General's Special Adviser of the Prevention of Genocide and the Special Adviser for the Responsibility to Protect could detail an exploratory paper on R2P and WPS. One that, specifically, provides deeper analysis of the state, regional and international level responsibilities to address the relationship between gender inequality and human rights atrocities noted in the 2013 report of the UN Secretary-General on R2P. Of course, such a report would need to be written in consultation with the UN Secretary-General Special Representative on Sexual Violence in Armed Conflict, Zainab Hawa Bangura, and WPS division of UN Women.

Such cross-institutional collaboration would likely be welcomed by (at least, some) member states if delegates'

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statements at the 2013 United Nations General Assembly Informal Interactive Dialogue on R2P, are any indication. Delegates from Brazil, Cote D'Ivoire, United Kingdom, Norway, Switzerland and New Zealand[9] all specifically referred to the importance of prevention action that is gender sensitive; and emphasized the relationship between R2P and WPS in noting that sexual and gender based violence in armed conflict are R2P crimes. Indeed, the 2013 Informal Dialogue had the highest number of references to WPS and gender to date, since these dialogues began in 2009.

It is not enough to say R2P must have a gendered approach without identifying who is responsible for taking forward this approach and identifying what we think such an approach should look like. Refusal to see potential for cross-cutting issues in these agendas limits the capacity of both agendas to achieve their common goals. The WPS community has a vital role in contributing to this debate. The WPS agenda has a longer history at the state, regional and international level that is of value to the R2P community to progress mutual agendas, particularly the prevention of mass atrocities. Mutual engagement does not deny or undermine WPS's broader agenda beyond mass violence; but it could potentially deepen the commitment of states and international organizations if the forces of responsibility to protect and women's peace and security combined on areas of mutual concern.

[1] Sara E. Davies and Sarah Teitt, 'Engendering the Responsibility to Protect', *Global Responsibility to Protect* 4 (2) 2012, p. 198-222.

[2] International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (Ottawa: International Development Research Centre, 2001).

[3] United Nations General Assembly, *2005 World Summit Outcome*, A/60/ L.1 (15 September 2005).

[4] Secretary General Ban Ki-Moon, 'Opening Remarks, UN General Assembly Informal Interactive Dialogue on the Responsibility to Protect: State Responsibility and Prevention (13 September 2013). <http://www.globalr2p.org/resources/471>

[5] United Nations Security Council Resolution 'Women, Peace and Security', S/1325 (31 October 2000).

[6] See contributors in *Special Issue: R2P and Sexual and Gender Based Violence*, *Global Responsibility to Protect*, 4 (2) 2012.

[7] United Nations General Assembly, 'Responsibility to protect: State responsibility and prevention. Report of the Secretary-General', A/67/929-S/2013/399, 9 July 2013, p.5, 7-8.

[8] See Summaries of Previous Annual R2P Ministerial Meetings, Global Centre for Responsibility to Protect. http://www.globalr2p.org/our_work/annual_r2p_ministerial_meeting

[9] See 'United Nations General Assembly holds fifth informal, interactive dialogue on the Responsibility to Protect focusing on the theme of state responsibility and prevention', Overview and Statements Delivered, International Coalition for the Responsibility to Protect. <http://www.responsibilitytoprotect.org/index.php/component/content/article/35-r2pcs-topics/5004-united-nations-general-assembly-holds-fifth-informal-interactive-dialogue-on-the-responsibility-to-protect>

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