

RtoP and Women, Peace and Security: A Shared Agenda for the Asia-Pacific?

Written by Srinjoy Bose

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This brief essay begins by arguing that *shared advocacy* between the Responsibility to Protect (RtoP) and Women, Peace and Security (WPS) agendas is vital to help realise their stated objectives. Specifically, the essay notes that Asian states are aware of the gendered characteristics of RtoP debates and policy, and have been articulating policy-responses to address this shortcoming. The essay ends by articulating ways in which the international community can assist Asian states to promote R2P/WPS sensitive instruments and mechanisms.

Within the broader debates of the Responsibility to Protect (RtoP) doctrine, several scholars and practitioners have highlighted the gendered characteristics of RtoP: it purports to be 'gender-neutral' when in fact it is male-centric. Hilary Charlesworth, a prominent Australian jurist, argued in a seminal piece that the design of the RtoP doctrine has been "influenced by men's lives and the dominance of masculine modes of reasoning" – and the need to prevent sexual violence in conflict. Historically, rape and sexual slavery have been regarded as an inevitable aspect of armed conflict and seldom, if ever, prosecuted. Sexual violence against females was a feature of the conflicts in the former Yugoslavia and Rwanda, whereas in Afghanistan's decades old conflict, pre-teen boys are often the targets of sexual abuse.

Predating RtoP, UNSC Resolution 1325 identified women as specifically targeted in conflict and excluded from processes that either give rise to conflict or exacerbate their insecurity in a way that is gendered and distinct from male experiences of war. Therefore, some argue: RtoP cannot claim nor should it pretend gender-neutrality in its response to conflict, and if it does, or simply ignores gender issues or continually relegates women to the category of 'vulnerable populations', its proponents risk losing credibility. Resolution 1325 also buttressed the Women, Peace and Security (WPS) agenda (later adopted via UNSC Resolution 1820), and stressed preventing the targeting of women in conflict, and promoting both their protection and participation in political and peace building processes. Resulting discussions in the legal and political spheres helped a) transition sexual violence in conflict from an invisible to a visible crime, and b) conceive the potential for *shared advocacy* between the RtoP and the WPS agendas.

Today, scholars, policy makers, and indeed states recognise the importance of preventive action that is gender sensitive, and emphasise the relationship between RtoP and WPS in noting that sexual and gender based violence in armed conflict *are RtoP crimes*. As noted in the 2013 UN Secretary-General Report on RtoP, gender discrimination gives rise to specific acts of violence based on sex and sexual identity, normalises violence and legitimatises the exclusion of some members of society from equal access to political, social, and economic opportunities. Sexual and gendered violence are often the first types of mass atrocity crimes committed against populations to achieve political ends. These crimes can occur before conflict, during conflict, and after conflict as conflicts in Syria, Sri Lanka, Myanmar, Afghanistan, and Iraq attest. It is imperative, therefore, that states are reminded of their responsibilities pertaining to gender inequality.

In this regard, the input of Asian communities in the RtoP and WPS debates – and in exploring shared commonalities between them – is vital. Shared advocacy provides a framework for both engaging the Asian community in RtoP debates, and towards obtaining hard (legislative) commitments from individual states and/or regional organisations in

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the Asia-Pacific. The June 2014 Global Summit on Preventing Sexual Violence in Conflict witnessed 122 countries endorse a *non-binding* Declaration of Commitment to End Sexual Violence in Conflict. Some 630 officials, 1,000 experts, and scores of NGOs participated in the ensuing discussions. This is precisely the sort of platform that could benefit the dialogue between RtoP/WPS and Asian states, and should be encouraged; the June 2015 conference on 'Responsibility to Protect at 10 in the Asia-Pacific' (to be held in Cambodia) is a perfect foil.

Yet, questions arise as to whether protection, prevention, and participation are lived realities, or empty rhetoric. For example, one can argue that Asian states harbour no desire to build consensus on a Western ('imperial') construct, much less develop capability to generate political will to act in prevention of mass crimes, or to identify and punish actors who commit said crimes. In fact, in 2012, several Asian countries appeared to push back against RtoP by announcing the *Asian Human Rights Declaration* (AHRD) – essentially reiterating the principles of sovereignty and non-interference by privileging social, cultural and development rights. Both civil society groups and officials – including the UN's Commissioner for Human Rights, Navi Pillai – have argued for the suspension of the AHRD on the grounds that it is anti-universal human rights and lacks enforcement mechanisms. Notwithstanding these tensions, how can RtoP be promoted in the Asian context, and particularly in the campaign to prevent sexual violence in conflict? Put slightly differently, can RtoP be mainstreamed in the Asia-Pacific?

There are indications that mainstreaming/promoting RtoP (despite the AHRD) is gaining momentum in the Asia-Pacific; in particular, regional efforts have extended beyond official meetings to initiatives undertaken by *track-two* bodies that have worked to raise awareness of RtoP and advance its objectives. In September 2011, the Council for Security Cooperation in the Asia-Pacific assessed that regional arrangements such as the Association of Southeast Asian Nations (ASEAN) and ASEAN Regional Forum (ARF) should play an important role in implementing RtoP to enhance the protection afforded to populations in Southeast Asia and ensure, among other things, that it is advanced in a manner consistent with local norms and interests. Similarly, the 2013 High Level Advisory Panel on RtoP in Southeast Asia – convened to support efforts to promote RtoP and to contribute to its implementation in the region – mentioned in its report that ASEAN-based research institutions have organised dialogue on how best to promote RtoP in Southeast Asia and to identify pathways to *institutionalise a culture of prevention*.

Several ASEAN member-states have pronounced non-binding declarations that acknowledge the importance of preventing violence against women. Examples include: the Declaration on the Elimination of Violence against Women and Children (progressed by the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children and ASEAN Intergovernmental Commission on Human Rights); referring to the UN WPS agenda in the previous-identified declaration; and ratifying the UN Declaration of Commitment to End Sexual Violence in Conflict. Yet, Sarah Davies *et al.* argue that ASEAN has hitherto precluded deeper engagement with WPS, and that when the role and participation of women is discussed in ASEAN documents and dialogue, the primary focus is on women's *protection*; there are few references to women as actors who can engage in peacebuilding and conflict prevention. Thus, ASEAN states appear to dismiss WPS' core concern – that effective instruments to guarantee women's protection and participation in peace building processes can significantly contribute to the maintenance of peace and security.

This, however, is not to suggest that progress is not being made in addressing the above-identified shortcomings. The Philippines was the first ASEAN member-state to adopt a National Action Plan on Resolutions 1325 and 1820 that prioritises women's participation. In 2009, Vietnam showed leadership by being a key sponsor of UNSC Resolution 1889, which introduced national, regional, and global measures to track implementation of Resolution 1325. In December 2013, the ASEAN Secretariat and the ASEAN Human Rights Working Group (in collaboration with UN Women) organised a workshop to address women's participation issues in conflict and conflict prevention. Then, in March 2014, Indonesia adopted a National Action Plan (by Presidential decree) that covers the substance of Resolution 1325 (but without referring to Resolution 1325 as the basis for its legal adoption; instead, the Plan refers to other national legislations as justifications). Presently, ASEAN is debating a regional WPS Action Plan. If successful, a Regional Action Plan will, according to Davies *et al.*, "send a strong normative message to national peace and security institutions that their legitimacy is enhanced by WPS responsive policies and priorities".

How can the international community of states encourage and assist these instruments and mechanisms?

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Articulating policy-responses involves sustained and long-term diplomatic efforts that identify appropriate, culture-sensitive ways of addressing sexual crimes. Activists and officials must recognise that sexual violence in the context of armed conflict in Asia remains an important though under-reported issue due to social conventions, discriminatory practices, and distrust towards government institutions. Several Asian communities consider the phenomenon of sexual violence a stigma (making it difficult for victims to achieve legal redress or obtain access to medical treatment); social and cultural practices often result in survivors being ostracised and shunned by their family and/or the community. Therefore, it is essential to both a) convince Asian governments and policy-makers to reform existing laws and legislate new ones in conformance with internationally- and locally-recognised norms and principles, and b) support female victims of war legally, medically (including psychologically), and socially.

In terms of actionable policy, the international community can help Asian states in several ways:

1. Devise monitoring and early warning systems with appropriate mechanisms to trigger action. Here, states can assist local government institutions and civil societies to obtain accurate information of sexual crimes. Sex-disaggregated data is critical to underpin national or international policy-response.
2. Ensure international (and regional) resolutions and resulting actions focus on the participation of civilians (i.e. 'women's agency'). Women have an essential role in conflict prevention, peace building and post-conflict reconstruction, and states should ensure women are represented in all decision-making.
3. Offer support to women in conflict by taking into account a broad set of factors that impinge on women's lives, including women's economic marginalisation, the effect of militarisation and systemic discrimination against women. As Charlesworth has suggested, this requires engagement with the private subordination of women and the widespread violence against them outside the formal structures of the state.
4. Ratify and implement relevant international treaties and conventions relating to the prevention of genocide, war crimes, ethnic cleansing and crimes against humanity and the protection of vulnerable populations. This is critical to achieve operational and legal consensus, and the international community must urge Asian states to sign.
5. Fund, articulate, and help implement National Action Plans on RtoP and/or WPS. Here, lessons learned from the development of the Philippine and Indonesian National Actions Plans must be shared.

To conclude, this brief essay has argued for *shared advocacy* between the RtoP and WPS agendas, and advanced ways in which the international community can assist Asian states to implement this shared advocacy between RtoP and WPS through actionable policy.

About the author:

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