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How Ending Impunity for Conflict-Related Sexual Violence Overwhelmed the UN Women, Peace, and Security Agenda: A Discursive Genealogy

Niamh Reilly

Introduction

The adoption of UN Security Council Resolution 1325 (2000) is widely celebrated as the foundational moment of the UN women, peace, and security (WPS) agenda. It is also well documented that the resolution was drafted in cooperation with NGOs, and reflects the narratives and priorities of leading women’s peace organizations (Hill, 2001). Revelations of widespread rape and sexual violence in conflicts in Bosnia and Rwanda in the 1990s had spurred coordinated efforts to include strong, gender-sensitive provisions in the statute of the International Criminal Court, adopted in 1998. In this context, the campaign to secure Resolution 1325 was an attempt to widen the purview of attention beyond “women as victims of conflict” and to highlight the potentially transformative but typically thwarted role of women as agents of peace and positive change. From this perspective, Resolution 1325 stresses the imperative of women’s “full and equal participation . . . in all efforts for the maintenance and promotion of peace and security” (p. 1, emphasis added), especially in relation to conflict prevention, conflict resolution, peace-building, and postconflict reconstruction. Very significantly, sexual violence in conflict does not figure prominently in Resolution 1325. Of 18 enumerated action paragraphs, just two address gender-based and sexual violence of different forms. Some 15 years later, however, the UN WPS agenda is virtually synonymous with ending the impunity of perpetrators of conflict-related sexual violence (CRSV).

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This article critically examines this turn of events through a discursive genealogy of the UN Security Council WPS agenda. I argue that the transformative vision of the framers of Resolution 1325 has been stymied discursively in consequential ways on a number of fronts. Most importantly, the relative dominance of UN protection of civilians (POC) discourse vis-à-vis the WPS agenda has operated to foreclose development of the arguments, strategies, and political will required to put gender and women at the center of conflict prevention, resolution, and peace-building, as called for in Resolution 1325. UN POC discourse relies fundamentally on gender essentialist understandings of women in conflict as victims or passive beneficiaries of top-down humanitarian action. This dominant and deeply embedded discursive logic, I argue, militates against positioning women as empowered agents in proposed policy and actions that are rooted in POC norms and doctrines.

Second, to the extent that feminist and gender perspectives have gained influence in relevant institutions of the UN, "equality" and "radical" arguments typical of global North women's movements have predominated in driving the UN WPS agenda *within* the limited parameters of the dominant POC paradigm. This has meant that some issues emerged more readily than others as priorities, such as increased female participation in male-dominated roles in peace operations (reflecting equality feminist imperatives) or ending impunity for conflict-related (male) violence against women (reflecting radical feminist imperatives). In contrast, the WPS agenda has failed to address with a similar degree of commitment the structural, gendered, socioeconomic "causes and consequences" of conflicts with due regard to the diversity and complexity of gendered experiences and identities therein.

Third, the ambiguous nature of UN peacekeeping discourse is also implicated. It has obscured the essentially military nature of peace operations, and fostered a disproportionate and uncritical commitment to UN peacekeeping as the privileged domain of implementation of the WPS agenda. One unintended consequence of this dynamic is to deflect systemic feminist critiques of UN peacekeeping (beyond calls for accountability of peacekeepers vis-à-vis sexual exploitation and abuse and increased numbers of women in peacekeeping roles).

The rest of this article is organized in four sections: The "The UN

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WPS Agenda: An Overview” section offers an overview of the development of the UN WPS agenda. In the “Critiques of the UN WPS Agenda” section, I consider critiques of this agenda and, in the “UN Legal and Policy Frameworks” section, present key tenets of the relevant legal and policy frameworks. A “Protection of Civilians in Armed Conflict and WPS” section traces in detail the evolution of the interrelation of the two UN agendas under discussion—POC and WPS—to reveal the impact of the former on the latter.

The UN WPS Agenda: An Overview

Resolution 1325 (2000) represented a major departure because it introduced feminist claims and nuanced gender discourse into the repertoire of Security Council resolutions for the first time. The preamble recalls the commitments of the Beijing Platform for Action (United Nations, 1995) and formally affirms “the important role of women in the *prevention and resolution of conflicts and in peace-building*” (emphasis added). It stresses “the importance of [women’s] 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*” (emphasis added). Furthermore, the imperative of adopting a gender perspective and gender mainstreaming is stressed several times throughout the resolution.¹ Very significantly, the single strongest obligation created by Resolution 1325 is a request to the Secretary-General, albeit qualified by “where appropriate,” to “include in his reporting to the Security Council progress on gender mainstreaming throughout peacekeeping missions and all other aspects relating to women and girls” (UNSCR 1325 [2000], para. 17).

A strong focus on women’s participation continues in the operative paragraphs of Resolution 1325. One urges states “to ensure increased representation of women at all decision-making levels in national,

¹ Specific references to gender mainstreaming are contained in the eighth paragraph of the preamble and in action paragraphs 5, 8, and 17. By way of guidance on what is meant by adopting a gender perspective, Resolution 1325 references the Windhoek Declaration and Namibia Plan of Action on “Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations,” Namibia, May 31, 2000.

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regional and international institutions and mechanisms for the *prevention, management and resolution of conflicts*” (UNSCR 1325 [2000], para. 1); another exhorts the Secretary-General to “appoint more women as special representatives and special envoys” and, most comprehensively, to “expand the role and contribution of women in United Nations field-based operations, and *especially among military observers, civilian police, human rights and humanitarian personnel*” (para. 3, emphasis added). One of the most strongly worded provisions calls on “all actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective” (para. 8). Regarding women’s participation, the resolution endorses “measures that *support local women’s peace initiatives and . . . involve women in all of the implementation mechanisms of the peace agreements*” (para. 8(b), emphasis added), and invites the Secretary-General to conduct “a study on the impact of armed conflict on women and girls, the *role of women in peace-building* and the gender dimensions of peace processes and conflict resolution” (para. 9, emphasis added). Hence, the dominant emphasis of Resolution 1325 is on achieving women’s comprehensive participation—underlining nonmilitary and noncombatant roles—and on the adoption of a “gender perspective” across all aspects of peacekeeping and support.

The initial framing of the WPS agenda vis-à-vis the UN’s emerging POC agenda is also evident in Resolution 1325. Specifically, it “calls upon *all parties to armed conflict* to respect fully international law applicable to the rights and *protection* of women and girls, *especially as civilians*” (UNSCR 1325 [2000], para. 9, emphasis added). By emphasizing women as civilians, the resolution signals the potential significance of international humanitarian law (IHL) in shaping the discursive alignment of the WPS and POC agendas and the definition of “protection” in this nexus, including encouraging a focus on CRSV. Eight years after the adoption of Resolution 1325, the turn to prioritize CRSV in the WPS agenda was actuated through a swift succession of targeted resolutions—1820 (2008), 1888 (2009), 1960 (2010), and 2106 (2013). As will be discussed further, together, these put issues of enforcement of IHL, notably ending impunity for sexual violence in armed conflict, at the center of the UN’s WPS agenda.

Of the latter tranche of resolutions, only Resolution 1888 (2009) deals significantly with women’s participation in the form of a request

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to the Secretary-General to report on “challenges to women’s participation in conflict resolution and peacebuilding and gender mainstreaming in all early post-conflict planning, financing and recovery processes” (p. 5). The issue is brought to the fore again in Resolution 2122 (2013), which calls for a high-level review and Global Study on the implementation of Resolution 1325 (2000). In 2015, a concept note on the subject presented to the Security Council underlined the lack of progress in advancing the participation dimension of implementation of Resolution 1325. It states,

The most challenging gap that remains concerns the participation of women in peace processes and post-conflict political transitions. . . . Participation issues should be systematically tackled together with the protection issues and recognized as mutually-reinforcing. (Open Debate Concept Note, 2015, emphasis added)

In contrast, the greatest implementation successes highlighted in the Global Study pertain to CRSV:

The institutional capacity within the UN to implement resolution 1325 and the six subsequent resolutions on women, peace and security has . . . rapidly expanded in recent years. In 2007, the Secretary-General formed UN Action against Sexual Violence in Conflict, a coordinating body which unites the work of 13 UN entities working to end sexual violence in conflict, and in 2009 the Security Council requested the appointment of the . . . Special Representative on Sexual Violence in Conflict. (Coomaraswamy, 2015, p. 31)

The next section considers some of the criticisms that have been made of the UN WPS agenda as it has unfolded, including the failure to make progress on women’s participation, the unintended consequences of the preoccupation with CRSV, and the neglect of the root causes and wider, gendered harms caused by armed conflict.

Critiques of the UN WPS Agenda

The unprecedented focus on CRSV achieved through the promulgation of several Security Council resolutions is positive in many respects—especially in raising awareness and requiring discussion of the issue

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among senior UN, Security Council, and government decision makers. The resolutions on CRSV contain more effective implementation mechanisms than Resolution 1325 does, and in this regard, can be said to have strengthened the UN WPS agenda. Yet, these gains appear to have been made at the expense of transformative interpretations of implementation of Resolution 1325 in which women's participation is the vital ingredient. Proponents of the original WPS resolution have repeatedly underlined the persistent lack of progress on increasing women's participation in decision making at every level and integrating a "gender perspective" across all UN peace and security domains (Anderlini, 2010; Civil Society, 2015).

Questions have also been raised about the presumption that CRSV is pervasive in every conflict situation and the lack of attention that is given to other forms of gender-based violence in conflict-affected settings (Human Security Report Project, 2012). Some have argued that one unintended consequence of the mode of response to sexual violence in the Congo, for example, is the "commercialization of rape . . . [whereby] some women feel forced to present themselves as rape victims in order to gain access to basic services and assistance" (Eriksson Baaz & Stern, 2013, p. 102). Adding to this, Karen Engle is highly critical of how the UN has represented the issue of sexual violence against women in a raft of celebrity-driven campaigns. She observes, "Such bringing together of celebrities with the aim of creating, primarily in the global north, a sense of outrage about what is happening in the south is big business" (Engle, 2014, p. 35). Jane Freedman (2014) further argues that the "pornography of violence" that permeates much reporting of conflict-related violence and "the way in which [sexual and gender based violence] is conceptualized and understood in . . . [media reports] could actually lead to failure to address the gender inequalities which lie at the root of the violence" (p. 130).

More generally, feminist commentators have long expressed their concern that the emphasis placed on gender-based violence can overshadow other aspects of women's experiences in conflict, which also require urgent action, including access to reproductive health services and sustainable livelihoods (Gardam & Charlesworth, 2000). For example, high levels of maternal mortality totaling approximately 287,000 deaths per year persist across the so-called developing world,

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especially in conflict-affected countries (World Health Organization [WHO], 2012). Viewed from this perspective, protection of women in conflict requires that women have “uninterrupted access to a functioning health care system . . . because of the risk of death, illness, and disability associated with pregnancy and childbirth” (Puechguirbal, 2009). Yet, such structural understandings of protection have not gained traction in a discursive milieu that is more concerned with ending impunity for CRSV, in line with prohibitions under IHL, than it is with challenging violations in conflicts across the full spectrum of rights promised in international human rights law.

Questions have also been raised about the modes of women’s participation that are possible to advance within the parameters of the UN Security Council and its subagendas. Gina Heathcote (2014) usefully distinguishes between protective and substantive understandings of women’s participation. Protective participation calls for more women in military and police contingents of peace operations, which is presumed to prevent sexual violence against women and girls. (It is notable that Resolution 1325 calls for increased participation expressly in nonmilitary and noncombative roles.) In contrast, substantive participation requires “strategies to address gender imbalances in institutions and decision-making structures via a range of additional social, policing, and economic reforms” (p. 55). A majority of the named concrete actions in Resolution 2242 (2015), however, aim to increase the number of women in UN leadership or expert positions or in “protective” roles in militaries and police forces attached to peace operations, and eschew wider societal inequalities that thwart women’s “full and equal” participation.

The observations outlined above raise basic questions about the forms of gender equality and the modes of integration of a “gender perspective” that are attainable within the institutional discursive logic of the Security Council. To begin to address these questions, it is necessary to understand where the WPS agenda stands vis-à-vis other more dominant, nongender Security Council agendas. The main argument advanced in this article is that the discursive practices of the Security Council, in particular, its agenda on the POC in armed conflict, have operated to limit the available trajectory of the WPS agenda, and to ensure that ending impunity for CRSV emerged as its defining issue. These constraints are deepened by a heavy reliance on

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UN peacekeeping as the principal domain of implementation of Resolution 1325. Further, the implicit assumption on the part of feminist peace activists who campaigned for the adoption of Resolution 1325—that UN peacekeeping would or could be a receptive domain in which to realize their goals—was misplaced. Moreover, the dominance of CRSV was facilitated by the limited constellation of feminist ideas and discursive repertoires available to (feminist) champions of the UN WPS agenda. Specifically, the relatively strong influence of global North-defined “equality” and “radical” feminist arguments and the virtual invisibility of alternative articulations of feminism in UN policy contexts (e.g., critical race, peace, postcolonial, poststructuralist, queer, socialist) also significantly explain the disproportionate focus on CRSV in the WPS agenda.

The remainder of this article is presented in two parts: The first part outlines the most salient aspects of the relevant UN legal and policy frameworks that constitute the institutional discursive milieu in which the WPS agenda has taken root. Building on this, the second part illuminates the discursive interrelation of the “gender dimension” of the Security Council’s agenda on the POC, the “protection dimension” of the WPS agenda, and the emergence of CRSV as a pivotal issue in both.

UN Legal and Policy Frameworks

A discursive genealogy of the Security Council’s agenda on WPS touches on several legal and policy frameworks. This section provides a brief overview of the most pertinent elements of the UN Charter and IHL, which set the institutional discursive parameters of the UN Security Council and its subagendas.

Chapter I of the Charter declares that the purpose of the UN (1945) is to “maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace.”

Beyond this, Chapter VII deals with possible actions in response to

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"threats to the peace, breaches of the peace and acts of aggression." Article 41 allows the Council to impose measures "not involving the use of force," while Article 42 admits the potential use of armed force whereby the Council "may take such actions by air, sea or land forces as may be necessary to restore international peace and security." The Charter also recognizes the "inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations" (UN, 1945, Art. 51). In all other circumstances, the threat or use of force by member states is prohibited (UN, 1945, Art. 2(4)). Because there is no explicit reference to peacekeeping in the Charter, in practice it has "evolved in a grey area between [Chapter VI] pacific settlement and [Chapter VII] military enforcement measures" (Murphy, 2007, p. 5). This ambiguity partly explains why "peacekeeping," through Resolution 1325 (2000), has figured so prominently in the WPS agenda, despite the latter's roots in women's peace activism and antimilitarism.

The term *peacekeeping* appears to offer an intermediary space between male-dominated discourses of war and conflict and their management by the UN and female-defined visions of peace activism. However, the Charter's criterion for the Security Council's engagement in the first instance is the existence of "a threat to international peace and security." This starting point itself raises questions about the suitability of the Security Council as an institutional space that is capable of generating the kinds of gender-sensitive conflict prevention and resolution or peace-building programs envisioned by the champions of Resolution 1325. These doubts are amplified by well-founded critiques of the UN Security Council as undemocratic, particularly susceptible to the vicissitudes of realpolitik.

In addition to the Charter, as noted, IHL has played a pivotal role in shaping the discourse available to the UN agenda on WPS, interpreted through a "protection of civilians" lens. Most armed conflicts nowadays are not primarily interstate conflicts but involve an array of internal and external state and nonstate protagonists. In IHL, Common Article 3 and Additional Protocol II (UN, 1977) to the Geneva conventions, which address civilian protection in noninternational conflicts, are the most binding provisions in such conflicts. Common Article 3 emphasizes protection against threats to physical security. It prohibits acts of "violence to life and person" against civilians, including murder, mutilation, cruel treatment, and torture, and "outrages upon personal

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dignity” (International Committee of the Red Cross, 1949, Art. 3, para. 1(a)). Arguably, this narrow focus of Common Article 3 generated a kind of path dependency that diminished the imagined scope of IHL obligations pertaining to civilians in noninternational conflicts. In particular, calls to take account of women’s experiences of conflict, interpreted through an emphasis on protection from egregious physical violence, lend itself to a disproportionate emphasis on CRSV, especially where such violence appears to be a coordinated tactic of war.

In fact, the protection afforded to women in IHL is considerably broader than this. It encompasses the principle of nondiscrimination based on sex, enhanced protections for pregnant women and mothers of dependent children, and provisions aimed at protecting women against sexual violence and exploitation more generally (Oosterveld, 2009). The vast bulk of women-specific IHL provisions, however, are concerned with the second category (Durham & O’Byrne, 2010). Significantly, this traditional dimension of protection for women as mothers is completely absent from Common Article 3 and Protocol II. In contrast, on the issue of sexual violence, in addition to the prohibition in Common Article 3 of “outrages upon personal dignity” (International Committee of the Red Cross, 1949, Art. 3, para. 1(c)), Protocol II explicitly prohibits “rape, enforced prostitution and any form of indecent assault” (UN, 1977, Art. 4, para. 2). The inclusion of prohibitions of rape and sexual violence in Protocol II reinforces the tendency to prioritize this aspect of protection for women in noninternational armed conflicts, insofar as any aspect of women’s experience is prioritized. This sets the discursive stage for these issues to loom larger than others in a WPS agenda that takes its cues from IHL.

The nature of the protection afforded to women under IHL has been the subject of long-running feminist critiques. On one end of the spectrum are those who argue that IHL must be revised because it expresses a male perspective that is inherently discriminatory toward women (Gardam & Jarvis, 2000). On the other end are those who argue that such critics expect too much of IHL, and that the priority must be to seek full enforcement of existing IHL law and rules on behalf of women (Durham & O’Byrne, 2010). Enforcement advocates view the antidiscrimination provision in IHL as a solid basis for seeking equality of protection for women in armed conflict (Oosterveld, 2009).

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Revisionists, in contrast, have been highly critical of how rape and sexual violence have been framed in core IHL provisions as an attack on “honor,” arguing that such framing relies on gendered hierarchical binaries and medieval notions of protecting women as men’s property. One way of challenging such paternalism and/or inaction in relation to women in armed conflict has been to stress enforcement of IHL prohibitions of sexual violence and the ending of impunity of perpetrators. Significantly, Oosterveld (2009) notes that this is the one area of “common ground” where revisionist and enforcement perspectives converge and bolster each other (p. 392).

The call to end impunity for sexual violence in armed conflict, therefore, fits with both equality/enforcement and radical/revisionist feminist approaches. It entails the enforcement of existing IHL provisions to achieve “equal protection” for women and the punishment of male violence against women in conflict situations. This convergence has played a role in driving the momentum behind the issue of ending impunity for sexual violence in conflict in the articulation of the UN WPS agenda. In doing so, the wider, gendered impacts of conflict, the exacerbation of underlying inequalities that conflict produces, and the creation of extreme economic hardship for marginalized groups, especially women, have received far less attention. Applying a transformative gender perspective to all aspects of planning, delivering, and protecting populations via humanitarian assistance in conflict-affected settings is also part of what it means to enforce existing IHL provisions to take account of women’s experiences in conflict. Yet, such noncrime aspects of IHL have not featured strongly in feminist mobilization around the UN WPS agenda. Although this outcome is partly a relative influence of equality and radical feminist approaches within the UN, it is primarily explained by the institutional discursive dynamics and constraints in operation in the UN Security Council, which have limited the scope of the WPS agenda in ways that have not yet been fully appreciated. The next section explores this discursive nexus through a close examination of the role of the UN POC discourse in setting the trajectory of the WPS agenda that followed it.

POC in Armed Conflict and WPS

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Gender and Women in the New UN Agenda on the POC

From a women’s movement perspective, much of the significance of Resolution 1325 hinges on the fact that it is a Security Council resolution, *and* that it endorses women’s equal participation and the adoption of a gender perspective across UN peace and security agendas. At the same time, the framers of Resolution 1325 expressly aligned it with landmark resolutions on the POC that preceded it.² This begs the question of how women and gender figured in the parallel UN agenda to strengthen the POC in the first instance. The first *Report of the Secretary-General to the Security Council on the Protection of Civilians in Armed Conflict* (UN Secretary-General, 1999; hereafter Report on POC) was formative in establishing the new UN agenda and setting the parameters of the first resolutions in this area: 1265 (1999) and 1296 (2000). The Report on POC captures a decade of mounting concern about patterns of conflict marked by an extraordinary disregard for international humanitarian and human rights law. It identifies nine categories of “threat and violence against civilians in armed conflict” as the most pressing issues to be tackled by the UN agenda on the POC, including “specific problems faced by women,” all of which remain major concerns to the present.³

Several aspects of the report are important to note: First, echoing the definition of a crime against humanity (International Criminal Court [ICC], 1998, Art. 7), the criteria of “widespread and systematic” violations of rights and “direct and deliberate attacks on civilians” firmly establish the rules in determining Security Council action on the POC. Specifically, the stipulation of “direct and deliberate attacks on civilians” as the trigger for potential Security Council action privileges IHL over more comprehensive human rights law. In doing so, it limits

² UN Security Council Resolutions 1265 (1999) and 1296 (2000) establish the Council’s agenda for the POC more generally, whereas UNSCR 1261 (1999) and UNSCR 1325 (2000) address the protection of children in armed conflict.

³ These are direct and deliberate attacks on civilians, especially torture and genocide; forced displacement; civilians mixed with armed combatants in refugee camps; specific problems faced by children; specific problems faced by women; denial of humanitarian assistance and access; targeting of humanitarian and peacekeeping personnel; widespread presence of small arms and landmines; and the humanitarian impact of sanctions, especially the impact on women and children.

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in significant ways the discursive horizon of the emerging POC agenda vis-à-vis the expected behavior, rights, and responsibilities of the actors involved and the nature of actions that might be taken in the name of protecting civilians. A second notable feature is the extent of the focus on “peacekeeping,” which received the greatest share of attention (para. 57-63). A third notable aspect is that the report pays extremely little attention to gender and women’s rights on their own account. Under the heading “Specific problems faced by women,” there is just one paragraph, which is problematic on a number of counts (para. 18). In particular, it represents women only as victims, marked by particular vulnerability to gender-based violence, rape, and sexual violence. In setting the trajectory of the new POC agenda in this way, the report situates women only as victims and objects of protection and never as agents.

The First Security Council Resolutions on the POC

Resolution 1265 (1999) is the first Security Council resolution to exclusively address the POC. In the preamble, the Council notes that it is “gravely concerned by . . . acts of violence directed against [civilians], especially women and children and other vulnerable groups,” and highlights “the impact this will have for durable peace, reconciliation and development” (UNSCR 1265 [1999], preamble, p. 1, emphasis added). There is just one reference to gender in one action paragraph of the resolution on the training of personnel (para. 14). A second resolution on the POC, 1296 (2000), follows quickly. It contains a larger number of more specific recommendations on *physical protection* measures. It also contains more detailed commitments on gender than are contained in Resolution 1265 or in the Report on POC. One significant new paragraph regarding “the particular impact armed conflict has on women, children and other vulnerable groups” reaffirms “the importance of fully addressing their special protection and assistance needs in the mandates of peacemaking, peacekeeping and peace-building operations” (UNSCR 1296 [2000], para. 9, emphasis added). Furthermore, Resolution 1296 continues to prioritize a narrow understanding of protection as protection from physical danger. Specifically, the Council “[a]ffirms its intention to ensure . . . that peacekeeping missions are given *suitable mandates and adequate*

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resources to protect civilians under imminent threat of physical danger” (para. 13, emphasis added).

Importantly, gender-based violence and sexual exploitation are not named in either of the first two resolutions on the POC in armed conflict (1265 and 1296). Nor does the term “sexual violence” appear in the Report on POC (UN Secretary-General, 1999, para. 1 and 17, p. 4). Overall, Resolutions 1265 and 1296 are highly significant in explicitly recognizing that the widespread or systematic targeting of civilians can be a threat to international peace and, therefore, may warrant Security Council action, including the use of force. As such, they establish the discursive repertoire of the new UN agenda for the POC in a narrow concept of protection against imminent physical threat and an emphasis on ending impunity for breaches of IHL. Moreover, within this repertoire, women and gender feature lightly, and mostly under the rubric of “women and children” as a single vulnerable group with special needs.

Resolution 1325 and Its Links to the Agenda on the POC

As noted, the major focus of Resolution 1325 is on achieving women’s comprehensive participation and the adoption of a “gender perspective” across all aspects of peacekeeping and peace support, with the accent on nonmilitary roles. Unlike POC Resolutions 1265 and 1296, Resolution 1325 stresses the interdependence of international humanitarian and human rights law and obligations. For example, a preamble statement stresses the “need to implement fully international humanitarian *and* human rights law that protects the rights of women and girls *during and after conflict*” (UNSCR 1325 [2000], p. 1, emphasis added). This recognizes the limited scope of IHL on its own as the “law of war” and the need for a more comprehensive human-rights-based understanding of protection, encompassing political, civil, economic, social, and cultural rights. At the same time, Resolution 1325 underlines the “responsibility of all states to . . . *end impunity and to prosecute those responsible for genocide, crimes against humanity and war crimes, including those relating to sexual and other violence against women and girls*” (UNSCR 1325 [2000], para. 11, emphasis added). It also calls on “*all parties to armed conflict to take*

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special measures to *protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence in situations of armed conflict*” (UNSCR 1325 [2000], para. 10, emphasis added).

In sum, the first WPS resolution—Resolution 1325—represents an effort to bridge the two emerging Security Council agendas: the POC in armed conflict and WPS. In doing so, it attempts—as it transpired unsuccessfully—to frame the WPS agenda in terms of a more comprehensive concept of the POC, one that recognizes the interdependence of humanitarian law and human rights obligations. While gender-based and sexual violence is named in the text, it does not occupy a dominant place. As outlined in the following sections, by the time the second WPS resolution was adopted in 2008, CRSV had become the single biggest issue of the WPS agenda. This outcome, I argue, was primarily a result of the dominant discursive influence of the POC agenda, with which Resolution 1325 was entangled from the start and the ever-narrowing definition of protection that it advanced.

The Emergence of CRSV as a Defining Issue

Resolution 1674 (2006) marks the next formative moment in the evolution of the Security Council’s agenda on the POC. Following mass killings of civilians in Darfur, and a UN crisis in response to revelations of extensive sexual abuse and exploitation of women and children by UN peacekeepers, Resolution 1674 marks a critical juncture in the relationship between the two UN agendas—POC and WPS. Rhetorically, Resolution 1674 endorses two concepts of protection: one comprehensive and the other narrowly focused on protection from immediate physical violence. A multifaceted concept of protection, spanning economic and social dimensions, as well as legal and political, is recognized in one paragraph “calling on all parties concerned” to ensure

that all peace processes, peace agreements and post-conflict recovery and reconstruction planning *have regard for the special needs of women and children and include specific measures for the protection of civilians* including (i) the cessation of attacks on civilians, (ii) the facilitation of the provision of humanitarian assistance, (iii) the creation of conditions conducive to the voluntary, safe, dignified and

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sustainable return of refugees and internally displaced persons, (iv) the facilitation of early access to education and training, (v) the re-establishment of the rule of law, and (vi) the ending of impunity. (UNSCR 1674 [2006], para. 11, emphasis added)

However, protection from immediate physical violence is ultimately the privileged standard in Resolution 1674. In contrast to the weaker language used above to endorse the comprehensive account of protection (e.g., to “ensure” and “have regard to”), the most strongly worded paragraph in Resolution 1674 *demands* that all parties to armed conflict “immediately put an end to . . . the deliberate targeting of civilians and other protected persons” (para. 3), and that they “comply strictly with the obligations applicable to them under international law, in particular those contained in . . . the *Geneva Conventions of 1949 and their Additional Protocols of 1977*” (para. 6, emphasis added).

Strikingly, Resolution 1674 does not reference Resolution 1325 as its antecedent. Moreover, it reasserts the pre-1325 characterization of “women and children” as a single category, defined by vulnerability and “special needs.” The hallmark of Resolution 1325, the emphasis on the participation and rights of women, is completely absent. And yet, in 2006 Resolution 1674 is *the first Security Council resolution since Resolution 1325 to address sexual violence explicitly*. It includes a list of “abuses committed against civilians . . . in violation of applicable international obligations” and “demands that all parties put an end to such practices,” including inter alia “genderbased and sexual violence” (UNSCR 1674 [2006], para. 5). This heightened focus on “sexual and other forms of violence” against civilians in Resolution 1674, divorced from Resolution 1325, is a decisive turning point. Ultimately, Resolution 1674 sets the path for the post-2006 WPS agenda to follow, heavily influenced by narrowly defined IHL rules and norms and an unreconstructed, static notion of women as victims.

Eight years after Resolution 1325, Resolution 1820 (2008) was adopted as the second thematic WPS resolution of the UN Security Council. It explicitly recognizes POC Resolution 1674 and Resolution 1325 as its antecedents. Resolution 1820 effectively consolidates a new, narrow trajectory for the Security Council’s WPS agenda, which identifies CRSV as its primary concern. This is demonstrated by four

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preamble statements which highlight and/or condemn the use of sexual violence against women and girl *qua* civilians, especially if used as a “tactic of war” or on a systematic or widespread basis (UNSCR 1820 [2008], preamble, pp. 1-2). The resolution notes that sexual violence can constitute a war crime, crime against humanity, or act of genocide, and stresses “the importance of ending impunity for such acts as part of a comprehensive approach to seeking sustainable peace” (para. 4).

The first action paragraph is the pivotal new contribution of this resolution. It establishes the direct relevance of sexual violence in armed conflict to the core institutional mission of the Security Council and its primary responsibility for the maintenance of international peace and security. Resolution 1820

[s]tresses that “sexual violence, when used or commissioned as a tactic of war in order to deliberately target civilians or as a part of a widespread or systematic attack against civilian populations, can significantly exacerbate situations of armed conflict and may impede the restoration of international peace and security.” (para. 1, emphasis added)

Thus, Resolution 1820 invokes the prospect of Chapter VII enforcement action to protect women from CRSV, and signals a shift away from a Chapter VI orientation of “*pacific settlement of disputes.*” Specifically, in Resolution 1820, the Council “expresses its readiness . . . to, where necessary, adopt appropriate steps to address widespread or systematic sexual violence” (para. 1), where “appropriate steps” is a euphemism that potentially includes the use of armed force.

Resolution 1888 (2009) bolsters Resolution 1820 in significant ways. It underlines the emphasis on ending impunity for sexual violence in prosecutions for genocide, war crimes, and crimes against humanity and in transitional justice processes more generally (UNSCR 1888 [2009], preamble, para. 8(b)). It foregrounds militarized peacekeeping contexts, calling for the principle of “command responsibility” to be upheld (preamble, p. 2, para. 7 and 8(a)). Resolution 1888 amplifies *and* narrows the scope of Resolution 1674 further. It reiterates the Council’s intention to “ensure. . . that peacekeeping mandates contain provisions . . . on the *prevention of, and response to, sexual violence*” (para. 11, emphasis added). To this end, it provides for the deployment “on a case-by-case basis” of women’s protection advisers as part of

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peacekeeping operations (para. 12). In addition, the Secretary-General is asked to “deploy rapidly a team of experts to situations of particular concern with respect to sexual violence in armed conflict” (para. 8), and to appoint a Special Representative on Sexual Violence in Armed Conflict (para. 4).

Overall, Resolution 1888 significantly enhances the framework for implementation of Resolution 1820, and enables more effective monitoring and reporting in relation to the issue of sexual violence in armed conflict. This framing of CRSV as the defining issue of the WPS agenda is further consolidated by Resolution 1960 (2010), which strengthens reporting and monitoring mechanisms vis-à-vis implementation of Resolutions 1820 and 1888. Resolution 2106 (2013) reiterates and reaffirms the previous three resolutions. It addresses women’s participation through a *request* to the Secretary-General and the UN “to assist national authorities, with the effective participation of women, in addressing sexual violence concerns” in disarmament, demobilization, and reintegration processes and security and justice sector reform (para. 16). The gains achieved through Resolutions 1820, 1888, 1960, and 2106 are impressive. Together, they put CRSV at the center of the Security Council WPS agenda, with the accent on ending the impunity of perpetrators. As such, these developments set the stage for the possibility that evidence gathered of “widespread and systematic” sexual violence used as tactic of war could contribute to Security Council authorization of the use of force, ostensibly to protect civilians from such violence. This begs many questions about the relationship between feminism and the use of force, which, with few exceptions, continue to be side-stepped in the international feminist community (Heathcote, 2011).

Conclusion

Women’s full participation “in all efforts for the maintenance and promotion of peace and security” and the adoption of a “gender perspective” across all aspects of UN peacekeeping were the principal objectives of the feminist peace advocates who pressed for the adoption of UN Resolution 1325 in 2000. Yet, more than 15 years later, the UN WPS agenda is widely understood to be primarily

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concerned with ending impunity for CRSV. This article has sought to explain and critically interpret this outcome. In doing so, I have argued that Resolution 1325 made its entrance into the discursive milieu of the UN Security Council as a contending but ultimately weak subagenda vis-à-vis the Security Council’s burgeoning agenda on the POC in armed conflict and UN peacekeeping per se. In addition, the emergence of CRSV as the defining issue of the WPS agenda reflects the relatively strong influence of global North “equality” and “radical” feminist thinking and actors over others in the UN context.

First, a minimalist and gender essentialist interpretation of the rules of IHL, which reinforces the trope of women as vulnerable objects of protection, is deeply engrained in and constitutes the POC agenda, the emergence of which, chronologically, preceded Resolution 1325. This created a form of path dependency that encouraged some interpretations of what it means to implement Resolution 1325 and closed off others. In particular, the adoption of Resolution 1674 in 2006, which explicitly put “sexual and other forms of violence” against civilians on the POC agenda *for the first time*, did so without any reference whatsoever to Resolution 1325. This reflected a critical juncture; it established the agenda on “protection of civilians in armed conflict” as the lead Security Council agenda in determining how “specific problems faced by women” would be addressed in ways that were completely uninformed by Resolution 1325 or feminist analysis of any kind. In doing so, it decisively narrowed the discursive scope of what would be possible in the post-2006 development of the WPS agenda.

Resolution 1325 had attempted to establish a comprehensive vision of protection that extended well beyond protection from physical violence. In particular, it envisaged the combined application of IHL and human rights law obligations across the civil, political, social, and economic spectrum, in public and private life, both during and *after* armed conflict. However, this potentially transformative approach to protection did not take root. As the POC agenda gathered momentum, a much narrower understanding prevailed: protection from *imminent threat of physical danger* and *ending impunity* for violations of IHL. This in turn generated specific discursive openings within the POC agenda vis-à-vis addressing “specific problems faced by women” that were particularly amenable to the inclusion of CRSV. Such

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violence, being widespread and systematic, could fit within the established POC institutional priority imperative of protection from physical violence and ending impunity for IHL violations. Moreover, this focus leaves intact the unreconstructed narrative of women as victims of armed conflict.

Second, the ambiguous terminology and position of peacekeeping in the UN Charter obscure the reality that "peacekeeping" is essentially a form of military activity. The champions of Resolution 1325 wanted to promote women's participation in the *nonmilitary* aspects of conflict prevention, conflict resolution, and peace-building. In 2000, UN "peacekeeping" appeared to be the most conducive UN Security Council policy domain in which to advance these aims. With hindsight, this was a misplaced aspiration. Many contemporary UN peace operations are now authorized to use force, and the lines between actions that are defensive as distinct from offensive, or impartial as distinct from aligned, are increasingly blurred (Berdal & Ucko, 2015). This poses many questions about the kinds of feminist projects that are possible within a UN "women, peace, and security" agenda that revolves around uncritical calls for the integration of women and gender perspectives into all aspects of contemporary peace operations.

Third, the relative dominance of global North "equality" and "radical" approaches in contemporary UN-oriented feminism, and the vacuum in theorization of nonessentialist alternative visions of peace feminism are also implicated in persistent blind spots in the evolution of the WPS agenda. For example, ensuring women's human rights and well-being in relation to reproductive health, pregnancy, motherhood, and the shouldering of caring responsibilities in situations of violent upheaval and displacement are yet to emerge as the pivotal concerns that they must be in a comprehensive UN WPS agenda. Similarly, feminist analyses, which recognize the links between addressing pervasive forms of social and economic inequalities and discrimination on one hand, and effective conflict resolution, peace-building, and conflict prevention on the other, have failed to gain purchase in the Security Council's WPS agenda. Nor have postcolonial feminist critiques registered significantly. For example, the challenges posed by asymmetric power relations vis-à-vis women and women's movement actors in the global North and South, and the unintended political economy of sexual violence funding that this has produced, have yet to

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be fully acknowledged and honestly addressed.

In sum, the institutional discursive “rules of engagement” with UN Security Council agendas have proven impervious to structurally oriented transformative or critical feminist approaches. This explains why the participation dimension of Resolution 1325—in the substantive as distinct from protective sense—has not yet moved beyond the realm of rhetoric. Indeed, it seems unlikely ever to do so while advocacy and campaigning to implement 1325 remain entwined with and subordinated to more dominant Security Council agendas and imperatives.

It is instructive to consider what has happened since the 15-year review of implementation of Resolution 1325. In response to the Global Study, through Resolution 2242 (2015), the Security Council ostensibly recommitted itself to addressing the challenges of advancing women’s participation. It recognized that

persisting barriers to the full implementation of resolution 1325 (2000) will only be dismantled through dedicated commitment to women’s participation and human rights, and through concerted leadership, consistent information and action, and support, to build women’s engagement in all levels of decision-making. (p. 2)

However, the strongest provision in Resolution 2242 is a *request* to UN counterterrorism agencies “to integrate gender as a cross-cutting issue throughout the activities within their respective mandates,” and to hold “consultations with women and women’s organizations to help inform their work” (p. 6). Again, the WPS agenda is positioned instrumentally in the service of a more dominant agenda and ostensibly more urgent imperative of combating terrorism. Moreover, following this, Resolution 2331 (2016), the Security Council’s first-ever resolution on human trafficking, cites WPS Resolution 2242 (2015) only once—to highlight that “sexual and gender-based violence are known to be part of the strategic objectives and ideology of certain terrorist groups” (p. 1). Remarkably, another resolution, 2272 (2016), addressing sexual exploitation and abuse in peace operations, also refers only to Resolution 2242 (2015); no other WPS resolution is mentioned in a text that is exclusively concerned with addressing sexual abuse and violence in peace operations. Furthermore, neither of the two WPS-related resolutions in 2016 (2331 and 2272) cite

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Resolution 1325 at all, or refer in any way to the necessity of women’s participation in remedying their respective concerns. These developments, immediately after the 15-year review of implementation of Resolution 1325, strongly suggest that calls to prioritize women’s participation are not being—indeed, cannot be—heard, understood, or acted upon in the discursive milieu of the Security Council and its key agendas.

In conclusion, since the inception of the UN “women, peace, and security” agenda, there is little evidence that the Security Council as an institution is capable of being a site of transformative feminist engagement, through which women’s substantive participation will be advanced as a resource to peace-building, conflict resolution, and conflict prevention. Renewed intrafeminist debate is now needed, across the spectrum of feminist approaches, as part of a comprehensive reappraisal of what can be gained and what is lost through feminist engagement with the UN Security Council. This is not to argue that some feminist projects should not continue to engage strategically with the Security Council to achieve targeted incremental changes and, importantly, to critique and oppose others. However, in the spirit of emancipatory transversal feminism (Yuval-Davis, 2006), the mobilization of women’s movement energies and solidarities around the world would be better redirected to building and strengthening networks that will support and expand the bottom-up, substantive participation of women in conflict-affected settings in programs of social, economic, and political transformation. Such activities should be context specific and determined with local women’s peace initiatives and their allies on the ground in struggles to achieve peace, equality, justice, and sustainable development.

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