



Acknowledging the  
relevance of resolution 1325

PEACEBUILDING

BY DR THENJIWE MAGWAZA

# counting the cost & listing the gains:

## is the United Nations Security Council Resolution 1325 responsive to Africa's challenges?

In this article I make direct reference to and analysis of the UNSC 1325 as a tool that is earmarked for women and girl children. The instrument advocates strongly for social justice for women who find themselves in precarious situations due to conflict in their countries of birth. The instrument offers a framework for realising and practising peace and working towards security in a manner that is gender sensitive and cognisant of the international human rights law. It is intended to engender respect for women and girls in the face and aftermath of war. For instance, in the aftermath of terrible attacks against refugees, the instruments urge global citizens to treat each other with respect and sensitivity, especially to fellow human beings who suffer the effects of war and conflict.

Though an academic by profession I place my

work and this article within the tradition of radical, political and feminist engaged scholarship. Therefore, the reflection and analysis presented is in accordance with data and women's views gathered over a period of almost three years of researching communities plagued by conflict and violence. Feminist research insists on placing experiences and the actual bodies of the marginalised other at the centre of our analysis and data presentation.

In this article I briefly examine where the world has been in terms of positioning women in society with special reference to conflict management and respect for women's rights, the significance of the UNSC 1325, and how Africa and in particular South Africa is responding to the resolution.

## Looking at the Position of Women: we Have Come a Long Way

Since 1948, the world community has continuously debated varying interpretations of human rights in response to global developments but little of this discussion has addressed questions of gender, and only recently have significant challenges been made to a vision of human rights, which excludes much of women's experiences.<sup>1</sup> Rebecca Cook discusses the inefficiencies of international human rights law in addressing the redress.<sup>2</sup> In conflict situations female victims are often invisible as the dominant image of the political actors in our world is male.<sup>3</sup> The United Nations (UN) decade for women made great strides to help bring attention to the critical importance of women's activities to economic and social development, but the women of Africa did not benefit much from the decade, as suggested developments were not translated into meaningful and relevant gains for them.

Traditional thinking about war, conflict and peace has ignored women's potential to bring about peace. Often it has been held that the responsibility is that of other people than women, who are mere 'victims'. Swanee Hunt and Cristina Posa question this traditional assertion and refer to the disregard as an "oversight that has cost the world dearly".<sup>4</sup> Recently, there has been growing attention on the role of women in conflict and post-conflict situations. Today, the goal is not simply the absence of war, but the creation of sustainable peace by fostering fundamental societal changes.

South Africa, though considered a significant player in bringing about change and facilitating peace processes in Africa across borders, has failed to do so equally at home. What has let South Africa down in this regard has been its foreign policies. Elsewhere, I vigorously criticise South African foreign policies and practices, in particular against non-South African women citizens – African victims who have been through difficult times and exposed to cruel experiences due to conflict in their home countries.<sup>5</sup> Such a failure can be attributed to the country's inability to put into practice human rights stipulations. Having worked with Durban-based refugees since November 2000, I have had an opportunity to engage with refugee communities and individuals on a personal level.



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Studies conducted have shown that many families are suffering at the hands of Home Affairs officials and fellow refugees. Women and children as identified by UNSC 1325 are hit the hardest.<sup>6</sup> Women are raped during times of conflict while in their home countries, and are coaxed into either offering sexual favours or marrying strangers in order to survive in the host country. A number of children join the labour market illegally, after losing their parents and relatives in conflict-related situations while they are at home or on their way to the new country. It is women relatives who take it up as their responsibility to address the internal (personal) and interpersonal emotional and needs for peace of most destitute children and other victims. This kind of peace, which is vital and is often nurtured by the female folk, is not acknowledged in UNSC 1325.

It is common for African peoples, due to their communal culture, to 'adopt' people who are non-biological relatives and make them their family members due to the fact that they have been victims of conflict. Victims of wars are not only those who are killed on the field, but also those who die of grief, trauma and other related consequences. Victims of wars are also those who are affected by mines, radiation from depleted uranium, and chemical and biological weapons. The effects of these atrocities last for generations to

come, causing children yet unborn to suffer. UNSC 1325 does take this into account, expecting national states to accommodate all kinds of victims, in particular the women affected by landmine clearances.<sup>7</sup>

### A Feminist Reading of UNSC 1325

As outlined above, women fleeing violence are too often not given adequate protection. Unlike men, women asylum seekers often have claims based on personal violations occurring in the 'private' sphere. It is however a sad fact that many governments do not recognise violations that are based on gender, such as domestic violence, sexual trafficking and rape, as a basis for refugee protection. Such experiences that are often peculiar to women are not only

highlighted and emphasised in the resolution but member states are called upon to acknowledge them. An important theme that resonates in the resolution is "women's equal participation in conflict prevention, management of conflict resolution and post-conflict, and peace-building". The resolution is significant in that it calls for and emphasises the need to recognise women's role in peace processes, but also goes beyond this factor when it

realises that we need to have uppermost in our minds, in our deliberations and in our decisions, to reflect on gender-based violence, affecting women as a result of armed conflict. This recognition makes the resolution a vital tool for transforming the human rights concept from a feminist perspective, so that greater account of women lives is considered a serious affair.

The resolution is essentially aimed at strengthening the capacities of women and thereby empowering them, by ensuring that they are afforded a significant role in resolving conflict and participating actively in post-conflict reconstruction. It is designed to recognise women's efforts in bringing about peace and to give them an opportunity to participate in planning and decision-making processes. An important feature of the resolution is

that it views women's empowerment not as an isolated phenomenon but as part of a wider process of social change. Essays in a book edited by Rajani Murthy entitled "Building Women's Capacities: Interventions in Gender Transformation" give accounts of successes achieved when women are actively involved in peace and other social processes.<sup>8</sup> What the resolution advocates is reported in the essays, wherein women's contribution in bringing about social change is actively solicited.

The resolution not only highlights the importance of women in peace-building processes, it is also aimed at raising awareness in states that are plagued with conflict and those helping in resolving conflict, like South Africa, around the need to resolve conflicts amicably and to uphold respect for women's human rights. The analysis on mainstreaming gender that is provided purports to influence policy makers to design appropriate mechanisms for redress – mechanisms that are consciously inclusive of women. The question of 'including' women has been a concern for feminists for a long time. Hunt and Posa argue for what they term "inclusive security", an approach that emphasizes women's agency, not their vulnerability. "Rather than [being] motivated by gender fairness the concept is driven by efficiency: Women are crucial to inclusive security since they are often at the centre of non-governmental organisations (NGOs), popular protests, electoral referendums, and other citizen-empowering movements whose influence has grown with the global spread of democracy."<sup>9</sup>

There have been various responses to the resolution. With UNSC 1325 passed unanimously on 31 October 2001, international organisations are beginning to recognise the indispensable role of women in conflict resolution and peace-building. In particular, a decision at the 2002 summit of the African Union (AU) in Durban, South Africa, was that five of the ten commissioners to make up the leadership of the new secretariat would be women. This was a historic announcement for Africa, as not a single African state has a woman as its head of state. However, such a crucial decision, which was in no doubt related to and responding to UNSC 1325, has received little publicity.

It is unfortunate that such strides forward by international organisations have not shown much significance on the ground. Ordinary women are still relegated to roles and responsibilities that do not have a direct bearing on bringing about peace.

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There is a need to address this shortcoming as well and other gaps identified in the resolution.

### **Shortcomings of the Resolution**

One of the gross forms of human rights violations reported by refugee women is sexual violence, often perpetrated by wartime combatants, and sexual favours demanded by individuals when women want to be registered. In populations not affected by armed conflict, other forms of gender-based violence, such as domestic violence and sexual exploitation, are rampant but are often not reported because of a lack of mechanisms and structures where these can be reported. On this matter Beth Vann notes, "Although few hard numbers are available, news of the toll wrought is increasingly surfacing not only in anecdotal evidence –reports from victims, health-care professionals, and compatriots – but from the studies now being conducted by WHO, RHRC, CDC, and others to identify the magnitude and depth of the problem in some settings."<sup>10</sup> It is unfortunate that the resolution fails to give guidance or a directive on this crucial matter. The resolution should expect states to take on a responsibility to protect women from human rights abuses both at the hands of their own officials and in the community and home.

Demands and expectations on ratifying states need to be accompanied by clear guidelines as to what will happen if they fail to carry out the expected duties. Unless such a clear commitment is outlined, a better future for both women and children will be difficult to realise. Member states should not be allowed to eschew their mandate by allowing foreign officials and individuals to blatantly disrespect such obligations and the international law. Often victims are left on their own to cope with the aftermath of war. Host governments and all those responsible for armed conflict ought to be made accountable for the suffering and loss suffered by their citizens.

### **Recommendations and Conclusion**

One of the aims of organisations looking after the well-being of people who have been through war is to get them to organise, mobilise and challenge structures that violate their human rights. Precise and planned movements against the new 'war' need

to be formed and existing ones strengthened to intensify the 'fight'. Such movements are necessary, for as long as silence and non-activism prevails, war and suffering will continue. A system-wide plan for implementing all aspects of the resolution (humanitarian protection, training for peace-keepers, gender units, etc.) needs to be prepared by such organisations. These organisations and movements need to call for women's active participation in decision-making on conflict resolution and peace negotiations and the implementation of UN Resolution 1325 on Women, Peace and Security. It is essential that organisations speak out and document instances of violations of international law and the rights of women, children and in particular girl children. It is the responsibility of all African states and civil society to make the resolution go beyond being a theoretical wish and hope for Africa but turn the rhetoric into practicality. It should be employed as a tool for realising women's rights in the fundamental issues of women's lives.

Funds must be redirected from current militarisation to peaceful conflict resolution, to victims of war, and towards the fight to eradicate the root causes of war, such as poverty and unsustainable development – based on increasing inequality between nations and within nations. Furthermore, the funds should be used for the empowerment of women and for humanitarian actions. An article by Moser and Clark attempts to shed some light on this subject by examining women's experiences in Latin America. They point out that it is necessary that humanitarian and post-conflict programmes be designed in accordance with their peculiarities.<sup>11</sup> Their argument is based on the assertion that women often have very diverse experiences of conflict and violence, different from those of men and even among women themselves. Helen Leslie has concrete lessons for how gender-sensitive programming could be framed in order to benefit women.<sup>12</sup> She outlines successes that have been achieved in El Salvador by incorporating women's needs and experiences. She makes specific reference to instances wherein women who are victims of violence recollect and relate their suffer-

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ings, a process believed to be helpful and a means of validating, recognising and addressing painful past experiences.

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### Endnotes

- 1 Charlotte Bunch in C Bunch and R Carrillo, *Gender Violence: A Development and Human Rights Issue*, New Jersey: Rutgers Centre for Women's Global Leadership, 1991, p 4.
- 2 "International human rights law has not yet been applied effectively to redress the disadvantages and injustices experienced by women by reason only of their being women. In this sense, respect for human rights fails to be 'universal'. The reasons for this general failure to enforce women's human rights are complex and vary from country to country. They include lack of understanding of the systemic nature of the subordination of women, failure to recognize the need to characterize the subordination of women as a human rights violation, and lack of state practice to condemn discrimination against women." Rebecca J Cook, 'Women's International Human Rights Law: The Way Forward', in RJ Cook, ed. *Human Rights of Women: National and International Perspectives*, Pennsylvania: University of Pennsylvania Press, 1994, p 3.
- 3 It is to this end that Charlotte Bunch (1991) advocates for policy that consciously recognises and aims to respect women's rights as human rights.
- 4 S Hunt and C Posa, 'Women Waging Peace', *Foreign Policy*, 2001.
- 5 See T Magwaza and F Khumalo, 'A Struggle for Survival: The Lives of Mozambican Women in a Stanger Village', *Agenda*, no 55, 2003; T Magwaza, 'Evolutionary South African Policies', Paper presented at the Policy and Politics International Conference, *Policy and Politics in a Globalised World*, Bristol, UK, July 2003.
- 6 See Security Council Resolution 1325, *Women's International League for Peace and Freedom*, <http://www.peacewomen.org/un/sc/1325> (visited 13 July 2002).
- 7 "Emphasizing the need for all parties to ensure that mine clearance and mine awareness programmes take into account of women and girls during and after conflicts." See *Ibid*.
- 8 RK Murthy, ed. *Building Women's Capacities: Interventions in Gender Transformation*, New Delhi: Sage Publications, 2001.
- 9 Hunt and Posa, 2001.
- 10 B Vann, 'Gender-Based Violence: Emerging Issues in Programs Serving Displaced Populations', New York: Reproductive Health for Refugees Consortium, 2002, [http://www.rhrc.org/pdf/gbv\\_vann.pdf](http://www.rhrc.org/pdf/gbv_vann.pdf) (visited 13 March 2003).
- 11 C Moser and F Clark, 'Gender, Conflict, and Building Sustainable Peace: Recent Lessons from Latin America', *Oxfam journal, Gender and Development*, vol 9, no 3, 2001.
- 12 H Leslie, 'Healing the Psychological Wounds of Gender-Related Violence in Latin America: A Model for Gender-sensitive Work in Post-conflict Contexts', *Oxfam journal, Gender and Development*, vol 9, no 3, 2001.