

International Norms: The Impact of Women in Peace Building Processes

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Abstract: This study points out that the rules of positive international law need to be more effectively enforced in practice. It explains the absence of women from peace processes as a result of a lack of effort to include them in official peace processes rather than women's lack of experience in negotiation or conflict resolution. It emphasizes women as crucial agents in the transition from war to peace in order to promote social cohesion and political legitimacy. An excellent first step would be to use gender-sensitive language in a peace agreement and to create a platform for women to discuss the importance of including women in peace processes.

Keywords: Women, nondiscrimination, peacebuilding process, CEDAW, empowering.

1. INTRODUCTION

The abolition of discrimination against women and achieving cross-gender equality is the focal point of fundamental international law and the United Nations' core values. The discrimination debate fails to address the reality that women worldwide are also subject to physical and emotional abuse. It is, therefore, fundamental to note that equality cannot be acquired whilst condoning any behaviour that violates women's rights or provides privileges to men. Instead, strategies should be developed to eliminate all forms of discrimination. The asymmetry of men within leadership roles compared to women contributes to the power imbalance and further discrimination against women based on their age, religion and physical strength. The international community's efforts to improve women's rights by concerning their differences are progressive. In the areas where equality is demanded, women also change.

The participation of women has only sometimes been a focus in conflict management and post-conflict reconstructions. Regulations have been introduced to protect women and improve their inclusion in conflict resolutions, primarily due to pressure imposed by women's groups and their international supporters. However, Resolution 1325, which the Security Council passed in 2000, was the turning point in recognizing and highlighting gender-based violence.

This study analyses the role of women in peace-building processes, which includes conflict management and post-conflict reconstruction. Recently, women have been officially included in

peace-building processes by introducing representatives, mediators, signatories, and observers. In this article, It proposes, firstly, to analyze the dynamics of peace-making and the official roles of women in this process; and, secondly, to examine the demands of women in the peace-making process, which will initiate the end of many forms of violence. It highlights crucial developing norms on women, peace, and security in international law. Furthermore, it draws attention to the analysis and criticism of international organizations on this issue. Despite international norms, including equality discourses and increasing the involvement of women in peace processes, they may not be robust enough to expand women's participation in formal peace negotiations. The elimination of legal basis deficiency can be eliminated through a proposed treaty and eradicating women's insecurity through the platform.

2. "WOMEN" IN THE PEACE PROCESS

Peacekeeping is the forum that brings the conflictual parties and mediators to build peace through negotiations. In the twentieth century, peace negotiations were primarily carried out between governments and, after the Cold War ended, between governments and well-defined rebel groups. The twenty-first century is witnessing a rise in violent extremism and hybrid forms of conflict, with multiple and less clearly defined actors and territories - all of which are posing new challenges to traditional approaches to mediation and negotiation [1]. The changing structure of ends and means of conflict has affected dynamics of the peace-making process and women's participation. From the dinner table to the boardroom table, women's participation in decision-making processes is increasing in societies around the globe [2]. Although in the beginning, many of those

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leading peace and transition process did not discover the contribution of women's diverse understanding. The positive outcomes showed women as valuable partners at peace tables.

Furthermore, the demand for women in peace-building processes is often explained by the reasons, which are gender-related violence in war, consideration of special needs of women during the repatriation and reintegration process and the protection of women refugees. Women highlight the unique concerns and recommend sensible solution proposals on security and protection, which are the specific gender provisions and professional women training for the armed forces. Nonetheless, 75 per cent of women's responses have highlighted sexual violence as a special concern, which contrasts with the scarcity of explicit mentions of sexual violence in the text of peace agreements [3]. Even though women suffer from the wars more than men, the weight of men is felt in the peace process. Women, however, should take a more active role in the decision-making procedure. The involvement of women is not the only factor; the Geneva Graduate Institute's "Broadening Participation" research project [4] underlines the importance of understanding the difference between the mere numerical presence of women and the actual influence women had on peace processes. In other words, women's integration into the peace process does not guarantee the peace result nor the solutions to all gender-based violence; women, however, have at least attempted to consider their priorities and push special reform at peace tables.

3. INTERNATIONAL COMMITMENTS

Over the past twenty years, women and their security have received much greater attention from the international community. Indeed, the developments of women's rights and set of norms for women's empowerment were introduced onto the global policy agenda. These newly reflected considerations on the policy agendas of intergovernmental organizations are primarily due to the efforts of organized women groups.

3.1. International Law

Non-discrimination and gender equality are the central principles of both Human Rights Law (HRL) and International Humanitarian Law (IHL). The norms are applied in times of armed conflict and make states responsibility to provide protection of women and children civilians. The UN report "*Women's*

Participation in Peace Negotiations" makes clear that 25 percent of 585 peace agreements, from 1990 to 2009, reference political and legal equality on the basis of gender or non-discrimination¹. The commitment of Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and UNSCR 1325 was the trigger of the international acceptance of gender equality in the peace-making process. CEDAW is described as "the international bill of rights for women, is the human rights treaty devoted exclusively to gender equality" [5]. In fact, this treaty goes beyond the standardized treaties which establish the legal norm for its achievement. However, it aims to enable equality for women in all political, economic and social fields; hence it obliges the state to take action in order to fully realize women equality in practice. It is also applicable during the conflict (with some very narrow exceptions) and makes states responsible for the protection and promotion of individuals' human rights [6]. In this respect, CEDAW is binding international law force for the states that ratified the treaty. It has a committee which is selected from the state parties and provides state-specific guidance for an elimination of all discrimination against women. The committee concluding comments provide critical instructions to governments, including national machineries, on where to focus their efforts, and the actions needed to advance women's equality [7]. Indeed, the convention covers three dimensions women's situation which are the legal status of women, civil rights; their reproductive rights and human rights.

In addition, due to the pressure from women groups, a change has been observed in the international law scene. UNSC 1325 was the first resolution ever passed by the Security Council to specifically address the impact of war on women, and women's contributions to conflict resolution and sustainable peace [8]. In contradiction to the global human rights treaty (CEDAW), it did not only put pressure on the states, but it also ensures that gender equality principles are taken into account in the decision-making process. Resolution 1325 determined the tackle potential risks face in conflict and gave detailed directions for women participation in peace-process. In that regard, it triggered the question how the international community could include women into the decision-making process and empower them. The most significant feature of Resolution 1325 is that it

¹id.

points out the linkage between women's participation and international peace and security. The resolution recognizes the devastating impact of conflict on women and girls and reaffirms the need to implement fully existing international humanitarian and human rights law obligations protecting the rights of women and girls during the conflict. It focuses on four main areas: prevention, participation, protection, and relief and recovery of the women [9]. Unlike the CEDAW, it also includes the role of the UN and the international community in a detailed way. By this resolution, the activists, academics, and policy-makers highlighted the negative impact of war on women and the need for empowerment of women in all areas. Although both documents address women participation in a peace process, conversely the application of CEDAW depends on the effectiveness of 1325. The Resolution of 1325 was followed by subsequent resolutions like Resolution 1820, 1888 and 1889. The initiatives for the integration of women into the peace process were conducted at the national policy-making level (in the form of National Action Plans), and at international level.

3.2. International Organizations

Although the participation of women has a positive effect on the dynamics of peace negotiations, women in practice are not protected as predicted in the CEWAD and Resolution 1325. Therefore, the influence of women in peace negotiations has been analyzed in the reports of international organizations such as Commission on the Status of Women (CSW) and United Nations reports. In addition to two main documents, applicability of the documents was respectively criticized by the report of United Nations Development Fund for Women (UNIFEM) six years after the adoption, in the 10th anniversary of 1325 by United Nations International Research and Training Institute for the Advancement of Women (UN-INSTRAW) and by Inclusive Peace & Transition Initiative (The Graduate Institute of International and Development Studies) fifteen years after the adoption.

First, the UNIFEM report includes a number of critics intended to increase the implementation of 1325 and particularly points out the need for accountability for gross violations of women's human rights and their meaningful protection. The Security Council Resolution of 1325 provides a political framework and outlines goals for making women's participation and a gender perspective relevant to all aspects of conflict prevention, management and resolution. It does not

provide detailed normative or operational guidance about how these goals should be met [10].

Second, implementation problem of the CEDAW and 1325 was remarked in the article "*Women's Rights are Human Rights*" which shows the difficulty of creating space for constituencies at the negotiating table and the standards prescribed in both documents still is not provided in practice. The Secretary-General's (2012) report on conflict-related sexual violence illustrates these very well. Gender-based violence in those settings remains rampant and women's access to justice, decision-making and services remain limited [11]. Concordantly, recent civil society reports have also shown that women's experiences of conflict and post-conflict continue to reveal exclusion, marginalization and constrained decision-making power.

Thirdly, the UN-INSTRAW report focuses on the challenges to women's participation in the armed forces. It emphasizes the effect of Resolution 1325 on the discrimination based mainly on the physical differences between men and women and the sexual abuse within the armed forces. The member of the research team working on discrimination discourse, Amy Barrow, noted that it is important to analyze the intersections between race, ethnicity, gender and culture when thinking about women's inclusion in the armed forces to highlight other areas of potential or actual discrimination. Since women are still underrepresented in peace processes, women's inclusion is still only seen as a normative obligation rather than a beneficial or necessary feature of peace processes. Women and their international supporters are often required to lobby hard for women's inclusion" [12]. Although CEDAW and the following 1325 promote international women's human rights standards and empower women's position to make them central in maintaining peace and security, the insecurity and personal threat for women and implementation of existing international norms on the participating in official peace negotiations are still problematic.

4. PALESTINE – ISRAEL CASE

There are active international and local organizations which work in the field of women's rights and conflict resolution in Palestine. They also have added Resolution 1325 to their agendas. In 2005, a group of women from Israel, Palestine and the international community established the International Women's Commission, supported by the United

Nations Development Fund for Women (UNIFEM). The peace process in Palestine and Israel could not reflect how UNSCR 1325 can be used as a mobilization tool both outside and inside formal processes. Because of the occupation situation and absence of liberation, Resolution 1325 has made little difference to women's everyday life. Under the constant condition of violence by Israel, Palestinian and Israeli women have resisted engaging in empowerment or peace. However, apart from the conflictual atmosphere of the country, the deficiencies of Resolution 1325 have been felt in this extreme example which means the using the word of "peace" is not realistic in this region. The Palestinian members found it difficult to establish their international right-based interpretation of Resolution 1325 as authoritative highlighted a major shortcoming of international law; its lack of monitoring and enforcement [13]. The difficulty of enforcement is even heightened in the case of 1325 because, compared to other international legal documents, UNSCR 1325 has one of the weakest standings, depending on the goodwill of member countries to ensure its implementation [14]. Indeed, it is clear that mainly CEDAW and 1325 could not be applied in practice and not go beyond the gender inequality in the peace process.

Furthermore, Palestinian and Israeli women's delegation participated in a series of meetings held at the 27th session of the United Nations Human Rights Council in 2014, Geneva. They urgently called for the involvement and equal participation of women in the resolution of the conflict between Israel and the occupied State of Palestine, and the integration of women's rights and gender perspective in the conflict resolution. They highlighted the collective responsibility of the international community to ensure women's protection and security in accordance with UNSCR 1325 and CEDAW. The General Director of the Palestinian Working Woman Society for Development (PWWSD), Palestinian delegate Amal Khreishe, emphasized the vision of Palestinian women with regards to United Nations Security Council Resolution 1325, and the security and protection of women, which Israel has not complied with [15]. In the UN report, *"Making Women Count - Not Just Counting Women: Assessing Women's Inclusion and Influence on Peace Negotiations"*, six key findings were propounded which, the fifth of them is the setting of process and context factors to either enable or constrain the ability of women to participate and exercise influence. It underlines the structure and the environment of the

peace process which should be designed as it encourages women to actively participate and create flexible atmosphere [16]. That is, the environment and the structures of the peace processes are not arranged according to the elimination of physical and material insecurity of women during the process.

In the light of the mentioned above, to conclude, the international commitments are not comprehensive. Indeed, the CEDAW and 1325 Resolution led broader participation to include women into a peace process that can make the process more legitimate in the eyes of the public, but it alone cannot guarantee empowerment of women as an outcome of the peace process.

5. ACCELERATING REGULATION AND PLATFORM FOR WOMEN

The CEDAW and the UN 1325 made commitments to women's participation in peace-making have less power to influence the structure of a peace process in today's changing mediation condition. Making women's participation count is more important than merely counting the number of women included in peace processes [17]. It is clear that there is a disconnection between the expectations from both main international commitments and the implementation of them on the ground. Therefore, two main perspective or approach can be developed as a solution to obstacles which are; to sign a treaty and establishment a platform.

An international agreement as "Treaty for Participation of Women" can be made for providing the participation of women. Indeed, the UN Resolution is considered as binding on states. However, if the states commit to abide by this treaty, the implementation mechanism will be operated much more effectively than 1325. The inspection mechanism of the treaty is a separate matter. But there is an advantage to having such an agreement in hand. The realistic expectation from this treaty can be that when states consent to the articles to be held responsible for them, they will make an effort to implement their commitments. For example, starting from the treaty, the state can agree with the NGOs in order to promote the empowerment of women to take a place in all important peace tables.

Another approach is built a platform which provides the structural base of the peace processes. There are two sides of the structural constraints. First, the physical limits of the places where the peace negotiations are held. The significant international

meetings should be taken as examples in order to move away from the physical constraints and thus reinforce many of those commitments present in Treaty for Participation of Women. For instance, the Geneva Conferences on Syrian civil war took place in Geneva, Switzerland. Indeed, the places that are more neutral and physically fit for women can be chosen. Second, the content and the composition of the peace tables can be specified in the treaty. The content of the meetings must be held in a certain respect which can be provided through the adoption of women sensitive approach. In the context of gender equality, the composition of meetings can be determined by specific participation rate or women can be equally involved.

6. CONCLUSION

This study has sought to demonstrate that the regulations in positive international law are not effectually reinforced in practice. Hence, the tremendous difficulties women continue to face in the peace process do not arise because of the gaps in the positive international law but rather because the international regulations need to be sufficiently implemented and enforced. Women's absence in peace processes cannot be explained by their alleged lack of experience in conflict resolution or negotiations. Instead, there has been a lack of effort to integrate them into formal peace processes [18]. By considering CEDAW and Resolution 1325 in adopting the new treaty, the Treaty for Participation of Women, which practically broaches women's participation in the peace process, becomes more significant. Said women are critical agents in the transition from war to peace because they meticulously promote social cohesion and political legitimacy.

However, applying gender-sensitive language to a peace agreement differs from empowering women to participate in peace. The gender-sensitive language can be used to construct a platform for women on how the importance of women in peace processes has expanded over the past twenty years to take more effective decisions at peace tables which had not previously mattered. It will inspire you to think about further steps to create a peaceful environment and a world that includes us all.

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