

# CHALLENGES OF PEACE OPERATIONS:



INTO THE 21st CENTURY

Report on the VIII Seminar  
HUMAN RIGHTS AND GENDER ISSUES IN PEACEKEEPING

Pearson Peacekeeping Centre  
Cornwallis, Nova Scotia, Canada  
28 May — 1 June, 2001



CENTRE POUR LE MAINTIEN DE LA PAIX  
**PEARSON**  
PEACEKEEPING CENTRE

# Report on the VIII Seminar of the Challenges Series

## Human Rights and Gender Issues in Peacekeeping

Pearson Peacekeeping Centre  
Cornwallis, Nova Scotia, Canada  
28 May – 1 June 2001

By Karley Ziegler, Research Assistant, PPC

### CONTENTS

<b>AGENDA</b> .....	i
<b>LIST OF PARTICIPANTS</b> .....	xi
<b>A. INTRODUCTION</b> .....	1
<b>B. GENDER AND HUMAN RIGHTS</b>	
1. Important Issues.....	3
2. Related Concepts.....	4
<b>C. GENDER</b>	
1. Introduction.....	5
2. Particular Situation of Women.....	6
3. Need for Reform.....	11
4. History of Gender Law.....	14
5. Implementing 1325.....	17
6. Advances in the Field.....	21
7. Challenges Ahead.....	24
<b>D. HUMAN RIGHTS</b>	
1. Introduction.....	27
2. Legal Dimensions.....	28
3. Development of Criminal Tribunals.....	30
4. Detainees and Missing Persons.....	34
5. Peacekeepers as Violators.....	39
6. Case Studies.....	42
7. Challenges Ahead.....	44
<b>APPENDIX A: UNSC Resolution 1325</b> .....	47
<b>REFERENCES</b> .....	51



**SEMINAR SERIES ON  
CHALLENGES OF PEACEKEEPING AND PEACE SUPPORT  
INTO THE 21<sup>st</sup> CENTURY**

**PROGRAMME FOR THE SEMINAR ON  
HUMAN RIGHTS AND GENDER ISSUES IN PEACEKEEPING  
(The Pearson Peacekeeping Centre, Nova Scotia,  
Canada, 28 May – 1 June 2001)**

Project Director	- Ms Annika Hilding-Norberg
Seminar Chairs	- Dr Dyan Mazurana and Dr Angela Raven-Roberts
Seminar Coordinator	- Mr David Lightburn
Seminar Rapporteur	- Mrs Eunice Harker
Seminar Administrator	- Ms Arabella McLeod

**SUNDAY 27 MAY**

1000 – 1100 - **Coordinators' Meeting** (Ms Hilding Norberg, Dr Mazurana, Dr Raven-Roberts, Mrs Harker, Mr Lightburn, Dr Baskin, Mr Thompson, Ms McLeod) - in Peacekeepers Lounge – Gallery

1900 – 2100 - **Partners' Meeting** (Chaired by Ms Hilding Norberg) – in Peacekeepers Lounge – Gallery

## SESSION I – SEMINAR INTRODUCTION

**MONDAY 28 MAY**

**AM**

0815 – 0830 - **Seminar Administration** – Seminar Coordinator, David Lightburn and Seminar Administrator, Ms Arabella Mcleod

0830 – 0845 - **Welcoming Remarks and Introduction to the Pearson Peacekeeping Centre** - PPC President, Mr Alex Morrison;

0845 – 0900 - **Welcoming Remarks** - Challenges Project Director, Ms Annika Hilding–Norberg, and Seminar Chair, Dr Dyan Mazurana

0900 – 0945 - **The Changing Face of Peacekeeping** – Mr Alex Morrison

0945 – 1015 - Coffee Break (Foyer of Angle Building)

1015 – 1045 - **Seminar Objectives, Overview, Methodology, Expectations** – Seminar Chair Dr Dyan Mazurana, and Seminar Coordinator Mr David Lightburn

1045 – 1145 - **Keynote Speech – Context and Characteristics of Post Modern Conflict...Implications for Humanitarian and Human Rights Approaches.** – Dr Angela Raven-Roberts, Tufts University and Seminar Co-Chair

1200 – 1215 - Course Photo (Peacekeepers Lounge)

1215 – 1320 - Lunch – Peacekeepers Lounge Dining Room

## **SESSION II– CONTEXT AND CURRENT DEBATES**

Session II focuses on defining and engaging the particular characteristics of today's armed conflicts and complex emergencies. It identifies the main actors, and examines the central issues and current debates. It details how human rights, humanitarian law, and gender have become central factors in how we understand the causes and consequences of today's complex emergencies and thus how these factors are necessary in shaping appropriate interventions.

### **MONDAY 28 MAY**

#### **PM**

1330 – 1345 - **Introduction of Session II, Topics and Speakers** – Dr Dyan Mazurana, Seminar Chair

1345 – 1430 - **International Humanitarian Law, Human Rights Law, Gender, and Peacekeeping** – Ms Barbara Bedont, International Women's Human Rights Law Clinic, City University of New York, School of Law, and Human Security Fellow for DFAIT

1430 – 1500 - **Human Rights and Gender Issues – A Patriarchal Perspective** – Ms Tisa Ng, UNIFEM, Singapore

1500 – 1530 - Coffee Break

1530 – 1610 - **Human Rights and Gender Issues – A Military Perspective** – Lt Col Kany Diabete Coulibaly, Mali

1615 – 1645 - **Gender and Peace-building Issues – A Canadian Perspective** – Carmen Sorger, DFAIT Canada

1645 – 1700 - **Summary – Key Points Sessions III and IV** – Dr Dyan Mazurana

#### **Evening**

1730 – 1930 - **Seminar Meet and Greet** – Peacekeepers Lounge Bar and Dining Room

## SESSION III: ENCOUNTERING THE FIELD

Session III focuses on what we learn when context issues, rights issues, humanitarian issues, and/or gender issues have not been addressed.

### TUESDAY 29 MAY

#### AM

0830 – 0845 - **Introduction of Session III, Topics and Speakers** – Dr Dyan Mazurana, Seminar Chair

0845 – 0930 - **UNTAC** – Dr Sandra Whitworth, Centre for International and Security Studies, York University, Canada

0930 – 1010 - **Protecting Victims of War: Towards Accountability in the Post Democratic Republic of the Congo Conflict** – Phenyó Rakate, South Africa ISS

1010 – 1035 - **Coffee Break**

1040 – 1120 - **Mission Perspective: A Case Study of Human Rights Diplomacy concerning Prisoners, Detainees, and Missing Persons---**  
Ambassador Henrik Amneus, UNHCHR Special Envoy on Persons Deprived of Liberty in connection with the Kosovo crisis in the FRY

1130 – 1210 - **Human Rights & Gender Issues – Local Perspective** – Blerta Bejtullahu, Kosovo and UNMIK

1210 – 1330 - Lunch

## **SESSION IV: ENCOUNTERING THE FIELD: DEVELOPING PRINCIPLES FOR APPROPRIATE RESPONSES**

Session IV focuses on the roles of human rights, humanitarian issues, and gender issues in the field. The speakers will present both on why their various agencies consider these issues central to their work, but also the substance of what a gender focus, human rights focus, or child protection focus looks like for their programs in practice and the complexities and constraints they face in implementing such foci in the field.

### **TUESDAY 29 MAY**

#### **PM**

1330 – 1345 - **Introduction of Session IV, Topics and Speakers** – Dr Dyan Mazurana, Seminar Chair

1345 – 1425 - **Gender and Peacebuilding in the Balkans: Lessons to be Learned** – Corey Levine, Canada

1430 – 1515 - **Interim Justice in Peace Operations** - Major Bruce Oswald, Australian Defence Forces

1515 – 1545 - Coffee Break

1545 – 1630 - **A Double-Edge Sword : Ethnicity, Nationalism and Human Rights** - Dr Mark Baskin, PPC, former UN official in UNTAES, UNMIBH and UNMIK

1630 – 1645 - **Summary – Key Points Sessions III and IV** – Dr Dyan Mazurana

**Evening** (please note the late timing for dinner)

2000 - 2200 - **Lobster dinner at PPC** – Peacekeepers' Lounge Bar and Dining Room

## **SESSION V: HUMAN RIGHTS, HUMANITARIAN, AND GENDER INITIATIVES**

Session V focuses on what initiatives are currently ongoing regarding human rights, humanitarian issues, and gender in the field, identifying how the various peacekeeping actors might make use of them, and identifying what is still needed. Key issues include: What kinds of research and training do we need? Who needs what kinds of research and training? What kinds of research and trainings are available?

### **WEDNESDAY 30 MAY**

#### **AM**

0830 – 0845 - **Introduction of Session V, Topics and Speakers** – Dr Dyan Mazurana, Seminar Co-Chair

0845 – 0915 - **Security Council Resolution 1325 and Beyond** - DAW representative (tbc)

0915 – 1000 - **Gender and Peacekeeping – Training experiences in UNTAET and UNMEE** – Angela Mackay, UNDPKO

1000 – 1030 - Coffee Break

1015 – 1100 - **Gender Issues and Peacekeeping Training Initiative** – Sarah Maguire, DFID UK, and Maggie Patterson, CIDA

1100 – 1200 - **Human Rights, Gender, and Civilian Policing** – Commissioner Lars Forste, Sweden, and Jennifer Strachan, RCMP, Canada

1200 – 1330 - LUNCH

## **SESSION VI: ACHIEVING COHERENCE, CONGRUENCE, AND COMPLEMENTARITY**

Session VI will be devoted to small group discussions on key issues. In particular it is intended to focus on the identification of key areas and constraints that mitigate against a coordinated and complementary approach in peacekeeping operations, in particular insofar as human rights and gender issues are concerned.

### **WEDNESDAY 30 MAY**

#### **PM**

1330 – 1400 - **Introduction to working group topics** – Dr Dyan Mazurana, Seminar  
Co-Chair

1400 – 1700 - Discussion

#### **Evening**

1830 – 1900 - Gather in Peacekeepers Lounge

1900 – 1930 - Transport to Digby Pines Hotel

1930 – 2130 - Dinner at Digby Pines Restaurant

## SESSION VII THE WAY FORWARD

Session VII examines the way forward--where we need to go from here. The participants will help to shape discussions on several themes, including: What kinds of knowledge do we need? Where and how do human rights, humanitarian, and gender issues emerge within peacekeeping and how might we best address them? What would help facilitate better coordination?

### THURSDAY 31 MAY

#### AM

0830 – 0930 - **Group work** continues

0930 – 1000 - **Presentations** by groups

1000 – 1030 - Coffee Break

1030 – 1100 - **Presentations** by groups continue; general discussion and identification of issues for final report

1100 – 1115 - **Concluding Remarks** by Conference Chair and Organizers, and introduction to pm activities – Dr Mazurana, and David Lightburn

1115 – 1130 - **PPC Research, Education and Training on Human Rights and Gender Issues (& related topics)** – Mr David Gairdner, Director of Programmes, PPC

1130 – 1145 - **The Ninth Seminar on “Determining Success in a Peacekeeping Operation, and Peacekeeping Education and Training”** – Colonel Miguel Angel Martin

1145 – 1200 - **Concluding Remarks** by Challenges Project Director & Coordinator

1200 – 1330 - LUNCH

**SPECIAL JOINT SESSION : SEMINAR PARTICIPANTS AND  
UN HQ GROUP OF MILITARY AND CIVILIAN POLICE ADVISORS**

**THURSDAY 31 MAY**

**PM**

1330 – 1400 - **Presentation on “Challenges series of seminars”** – Ms Hilding-Norberg

1400 – 1430 - **Presentation on “View from New York”** (current peacekeeping issues and initiatives at UN HQ) - Colonel Michael Snell, Canada

1430 – 1445 - Coffee Break

1445 – 1530 - **Presentation on “Humanitarian Intervention”** - Dr Mark Baskin, PPC

1530 – 1630 - **General discussion on Humanitarian Intervention** – Seminar participants and Military/CIVPOL Advisors

**Evening**

1800 for 1830 – **Company of Good Cheer Dinner** – Peacekeepers’ Lounge – All seminar participants, the UN military and civilian police advisors group, PPC staff, and local guests

## **FRIDAY 1 JUNE – SOCIAL DAY**

**An opportunity for the group to continue informal discussions of the issues, while visiting tourist attractions in the historic town of Annapolis Royal**

0830 – 0900 - Travel to Annapolis Royal

0915 – 1015 - Visit Port Royal Habitation

1030 – 1145 - Visit Annapolis Historic Gardens

1200 – 1430 - Lunch at the Fat Pheasant Restaurant and time to shop/walk around Annapolis Royal

1445 – 1600 - Visit Fort Anne National Historic Site

1545 – 1615 - Return to PPC

1700            Happy Hour at PPC Peacekeepers' Lounge Bar and Dining Room with PPC staff and members of the local area community. Includes buffet dinner.

## **SATURDAY 2 JUNE**

-            Departures

**Current:        *pm 25 May 2001***

## Gender and Human Rights Seminar Participants

	<b>Name</b>	<b>Organisation/country</b>	<b>Role</b>
1	Amb Henrik Amneus	Special Envoy on persons deprived of liberty in connection with the Kosovo crisis in the Fed Rep of Yugoslavia	Speaker
2	Barbara Bedont	Human Security Fellow for DFAIT	Speaker
3	Blerta Bejtullahu	Kosovo local and UNMIK	Speaker
4	Maj Steven Beler	NDHQ, Ottawa	Participant
5	Patrick Carroll	Australia	Participant (Thurs only)
6	Christine Climenhage	Cambridge University	Participant
7	Lt-Col. Kany Diabate Coulibaly	Mali	Speaker
8	Lieutenant Commander Alan Earle	ADF Peacekeeping Centre	Speaker
9	Dep Comm Lars Forste	National Board of Police, Sweden	Participant
10	Isabelle Fortin	PPC Montreal Office	Participant
11	Trista Guertin	Halifax, Canada	Participant
12	Maj Bradley Hall	Amphibious Warfare School Assault Support, Quantico, Va	Participant
13	Eunice Harker	Canada's Immigration and Refugee Board	Rapporteur
14	BGen Ulf Henricsson	Swedish National Defence College	Participant
15	Ms Corey Levine	Ottawa, Canada	Speaker
16	Angela MacKay	UNDPKO	Speaker
17	Sarah Maguire	DFID, UK	Participant
18	Col Miguel Angel Martin	Joint Staff Army Argentina	Participant
19	Dr Dyan Mazurana	Women's Studies University of Montana	Chair
20	Ms Luciana Micha	Joint Staff Army Argentina	Participant
21	Tisa Ng	UNIFEM Singapore	Speaker

22	Ms Annika Hilding-Norberg	Sweden	Project Director
23	Professor Atef Odibat	Head of the Human Security Centre of the Jordan Institute of Diplomacy	Speaker
24	Kathy Old	Australia	Participant (Thurs only)
25	Col George Oliver	Director US Army Peacekeeping Institute	Participant
26	Maj Bruce Oswald	ADF Peacekeeping Centre	Speaker
27	Ms. Nadine Puechguirbal	Military-Civil Liaison Officer Military Planning Service Department of Peacekeeping Operations	Participant
28	Phenyo Rakate	Researcher, Training for Peace Project, Peace Missions Programme, Institute for Security Studies	Speaker
29	Dr Angela Raven-Roberts	Director Displacement and Social Change Program, Feinstein International Famine Centre, Tufts University	Co-chair
30	Mr Scot Slessor	DFAIT, Canada	Participant
31	Ms Carmen Sorger	Gender Desk at DFAIT	Speaker
32	Cpl Jennifer Strachan	RCMP Training, Ottawa	Speaker
33	Ms Marina Walter	Programme Officer UNITAR	Participant
34	Dr Sandra Whitworth	Centre for International and Security Studies, York University, Toronto	Speaker
35	Maj Grant Yakimenko	DND, Canada	Speaker

## INTRODUCTION

The nature of conflict has changed significantly since the end of the Cold War. Before that time, wars generally erupted between states, and it was only upon reaching a ceasefire that the international community - in the form of military observers - was called in to monitor the situation until a political settlement was reached. On the other hand, contemporary wars are often between citizens of the same state, and the process of peace support has become much more complex. Peace missions are no longer solely military operations; civilians, police and military are all integral components of the international force, and local populations are encouraged to participate in the process as well. Also, peacekeepers are involved in all stages of conflict and resolution, from prevention through to peacemaking, peacekeeping and peacebuilding. Emphasis has been placed on helping to build lasting peace in a society that will be capable of sustaining itself when the internationals have left. All aspects of the society must be considered for this to be successful, including damage to the environment, loss of gains in development indicators, political upheaval, violations of human rights, and civilians as targets in the war (Raven-Roberts, 2001). Within a peace mission, the staffing structure must include departments for international law, refugees and internally-displaced persons, gender, war-affected children, humanitarian issues, human rights, human security, security sector reform, and disarmament, demobilization and reintegration. "These functional items must become a permanent part of the conflict resolution paradigm" (Morrison, 2001).

It was in response to this changing reality of peacekeeping that the Challenges Project was created: a series of seminars aimed at bringing the current relevant issues in the field of peacekeeping to the foreground. The eighth seminar in the series was held at Canada's Pearson Peacekeeping Centre from 28 May to 1 June, 2001 to discuss human rights and gender issues. The seminar was opened by Ms Annika Hilding-Norberg of the Swedish National Defense College, the Project Director of the Challenges Series. Ms Hilding-Norberg briefly described the background of the Challenges Project: a four-year exploration of the multidimensional nature of contemporary conflict and peacekeeping. "The aim of the project is, through an open and mutual exchange of ideas, to harness the experiences made and lessons learned, to synthesize these ideas, formalize

recommendations and develop a concluding report” (Hilding-Norberg, 2001). A second objective of the Project was to foster cooperation and awareness between organizations around the globe working in peace support functions. Each country that hosted a seminar was designated a specific topic for discussion which was of particular relevance to the region. In this way, the common objectives of a wide range of contributing partners brought several different countries together, and a comprehensive list of topics relevant to peace issues was discussed. Ms Hilding-Norberg also looked to the future, and identified a momentum to continue the Challenges Project past its original conclusion and into a second phase. The success of the Project lay chiefly in the high level of cooperation achieved, which would be best utilized through augmentation rather than abandonment. She identified a few examples of beneficial spin-offs such as exchanges between partner organizations, and concluded with the belief that the positive precedent would continue through this seminar as well.

The Pearson Peacekeeping Centre in Nova Scotia, Canada was a logical choice for the VIII Seminar of the Challenges Series. President Alex Morrison had committed himself, his staff and his organization to the Project soon after its inception, when it was still in its formative stage. The Centre made valuable donations of both funding and speakers/participants for seminars throughout the Project’s lifetime. The PPC campuses in Cornwallis and Montreal provide training to military, civilian and police peacekeepers on a wide range of subjects that includes gender and human rights. Also, the topic of mainstreaming gender, ethics and culture is a fundamental part of every PPC course. Due to this experience with, and authority on, the issues in question the PPC was seen by other Challenges participants as an appropriate host for the seminar on human rights and gender.

## **GENDER AND HUMAN RIGHTS**

### **Important Issues**

These issues have come under increasing scrutiny in recent years because of the changing nature of conflict, and because of changing attitudes about what human beings have the right to expect in terms of their personal environment and security. As warfare is more frequently inspired by internal political and ethnic clashes, it has become less and less centered on the military, and has moved further into cities and towns. Consequently, there has been a dramatic increase in civilian wartime deaths. "Civilian casualties now make up to 90 percent of all casualties of war, as compared to at the beginning of the 20th century, when civilians made up only 5 percent of casualties" (Levine, 2001). Often, civilians are directly targeted in order to terrorize the population, whether in isolated war crimes or in crimes against humanity, which are deliberate, extensive attacks. Blerta Bejtullahu gave a personal account of how her fellow Kosovars became victims: "Women and children were not excluded from mass executions, massacres, disappearances, arbitrary detentions, torture, ill treatment, forcible expulsions and the deliberate destruction of homes, which were widespread and systematic." Dr. Sandra Whitworth described a similarly precarious situation for civilians in Cambodia: "an estimated half million Cambodians, mostly noncombatants, lost their lives between 1970 and 1975 and many more were turned into internal refugees." Because of this increased civilian involvement in warfare, 'security' is no longer only a military concern.

Human security includes all the factors that affect a human being's ability to function daily in a society where s/he does not fear for personal safety, factors which are frequently compromised before, during and after modern conflicts. In particular, women and children are often adversely affected by warfare, especially as the fighting occurs more frequently in populated areas. Thus, issues such as gender and human rights become security concerns, and therefore significant for peacekeepers. "The international community increasingly recognizes gender aspects of peacekeeping as an area warranting particular consideration, especially as the concept of security is expanded to

include human dimensions. Peace and security are no longer solely military concepts. Poverty alleviation, human development, protection of the environment, and promotion of human rights of women and men are now included in these concepts” (King, 2001).

## **Related Concepts**

Gender and human rights are related concepts because they both refer to the way that humans interact. Guaranteeing human rights means putting limits on what one person is allowed to do to another, and having an awareness of gender means understanding the different roles of men and women in society. This includes how society perceives each of them, and how they are each affected by events around them. Recently, the international community has focused attention on gender because equality between the sexes is seen as a basic human right which must be protected and ensured like any other human right, although it has traditionally been a marginalized concern. Even in 1945, the UN Charter recognized the right to equality: “The People of the United Nations determine to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women.” Because gender and human rights are so linked, it was thus decided to include them in the same seminar discussions. Time limitations of the Challenges Project required that not every topic could be covered by unlimited attention. On the other hand, however, it is also necessary to note that there are substantial differences between the definitions of human rights and gender, and they should not be lumped together to the extent that they lose individual credibility. While gender is specific to male-female social roles, human rights are general to anyone’s treatment of another. And while gender is a human right, there are many discussions of human rights that do not involve gender. During the seminar the topic of missing and detained persons, for example, was a human rights issue that had no bearing on the gender discussions.

# **GENDER**

## **Introduction**

The Report of the Secretary-General on Implementation of the Outcome of the Fourth World Conference on Women states that

“As a starting point, in United Nations usage, gender refers to the socially constructed roles played by women and men that are ascribed to them on the basis of their sex. Gender analysis is done in order to examine similarities and differences in roles and responsibilities between women and men without direct reference to biology, but rather to the behaviour patterns expected from women and men and their cultural reinforcement. These roles are usually specific to a given area and time, that is, since gender roles are contingent on the social and economic context, they can vary according to the specific context and can change over time.” (UN Doc. A/51/322, 3 September, 1996)

This definition clearly states that gender is a concept that encompasses all people. However, because women have frequently been relegated to lower status in traditional society, ensuring gender equality often means being concerned with the special situation and needs of women. This is not to exclude men from the discussion, but to repair historical disparities in the quest for parity. One common trap to avoid, though, is relegating women always to the role of victim. Both men and women are active players in their own lives, so it is necessary to recognize capabilities as well as limitations. It is also necessary to understand that not all women are the same, and not all men are the same; there are many other cross-cutting social divisions, such as religion or age, which may contribute to defining their needs. Furthermore, as the definition also states, gender roles are not static; rather, they are constantly changing and thus require constant consideration.

War often takes gender roles to the extreme, due to the separation of the sexes. Men are recruited as soldiers while women fight for survival in what is left of society. After the war, if and when men return home, roles change again, and must take into account these new realities of the environment. Therefore, gender is of particular importance for peacekeepers to observe throughout conflict and peacebuilding, if the process is to be successful. “Women and children make up the majority of refugees and internally displaced persons. Men and boys are recruited to fight – often with fatal consequences – which leaves female-dominated populations to take a large part in peacebuilding and

reconstruction, on a local and national basis” (Sorger, 2001). Gender awareness in a peace operation involves relations between peacekeepers and local populations as well as among peacekeeping personnel. The task of peacekeepers is to maintain and build a healthy society; asking questions of gender improves their ability to respond to specific local needs. This in turn improves relations with the local community and therefore facilitates the achievement of mission objectives (Sorger, 2001). And in order to be successful at conveying gender awareness outwards, it must first be present within the mission itself. If UN personnel are 95% male, there is little chance that they will convince local males to include women in decision-making capacities. Dr. Sandra Whitworth quoted one Cambodian woman, who succinctly described this reality: “We point to the UN to support our arguments about women’s participation in politics. But there were no women in high positions in UNTAC. Why should men here give up positions of authority to women when the UN came here and didn’t even do it themselves?”

### **Particular Situation of Women**

It is necessary to investigate, understand and act upon the particular situation of women in conflict settings in order to address their unique shortcomings which are a barrier to gender equality. Blerta Bejtullahu, a female Kosovar participant in the seminar, shared her perspective of the unique circumstances for women before, during and after the Kosovo conflict. She described the increasing liberties granted to women during the communist years of the 70’s and 80’s: “More and more women were seen as doctors, engineers, university professors, architects, jurists, judges and economists.” Education was universally available, so employment also became more accessible for women, and societal roles began to shift. However, through the late 80’s and the 90’s, the Serb regime began to suppress ethnic Albanians, excluding them from important positions in society. “Thus, the economic crisis that overwhelmed the region, the high rate of unemployment, political uncertainty, and decrease of living standards had a negative impact on people. In all this change, the greatest victims were women” (Bejtullahu, 2001). When jobs are scarce, they go first to men, who are the principal breadwinners of the family. Women, then, are relegated back to their stereotypical roles as domestic laborers. Underpinning this trend, education facilities were under-funded and inadequate in Kosovo. With the combination of unsuitable conditions and little incentive to pursue

educational opportunities due to the failing job market, illiteracy rates among women began to rise. The situation developed, then, in which females commanded little respect, due to their low education and skill level. Several laws and traditions in Kosovo also reinforce a perception of women as lower-class citizens. For example, a woman's worth is measured according to her capability to bear sons. If she does not give birth to a son, she may be sent back to live with her natal family in shame. Women can not inherit property, nor do they receive custody of their children in the event of a divorce or husband's death. During the war, women were treated even more extremely as pawns to be used for gains in men's ambitions. "Rape and other forms of sexual violence were used by Serb forces in Kosovo during the year 1999 as weapons of war and instruments of systematic 'ethnic cleansing.' Women were often taken away or separated in large groups, kept in public buildings such as schools, hotels, factories, mosques and have been forcibly raped by individuals or groups of Serb police and paramilitary forces. There are also cases where women have been raped together in a group, in front of their family members, including children" (Bejtullahu, 2001). Rape is frequently used during war to terrorize the civilian community psychologically. It is an assertion of power, which is why it often occurs in public, by several perpetrators. In societies that determine ethnicity according to the father, forcibly impregnating women serves to increase the population of the dominant group at the same time as it acts as a military strategy.

This is not to say, however, that women were only victims and played no part in shaping their destiny. Many female activists in Kosovo took on important roles in helping rape survivors. Many female-headed NGO's were established, such as Motrat Qiriazhi, Centre for Protection of Women and Children. Many women insisted on continuing their professions, mostly in education and health, through the war despite repression from both sides of the conflict. Also, the particular situation of women in Kosovo was highly dependent on area of residence, education and economic class. While rural areas tended to be more traditional, some urban females were even employed as presidents of courts within the official Serb structures of government. As well, their role as extras in the drama of war ironically gave women some opportunities for increased freedom. Men were in constant danger of abductions, and as such they were unable to move freely about the cities. Women assumed the important roles of "delivering food, medicines, clothing, and taking care of their own families and internally displaced people (IDP's)"

(Bejtullahu, 2001). With many men involved in battle, women assumed more responsibility at home. Although the situation was created by default, it still served to empower women, and increase their confidence and capacity. The task of the international community, then, is to help rectify the limitations while building on the strengths of women's position in society, as they work to construct a peace settlement.

As the Gender Focal Point for the OSCE Mission in Kosovo, Corey Levine also became aware of many difficulties facing women in the Balkans. Although she was not able to attend the Cornwallis seminar, she forwarded a paper which highlighted the complex nature of gender roles that she had observed during a peace mission. First, Levine identified a primary conflict between positive and negative indications for women. As Bejtullahu referred to, it is positive that women are generally empowered during wartime because they are forced to assume new roles as providers while the men are away fighting. "One of the most universal experiences of war for women is the taking on of added responsibilities, which includes learning new skills and tasks" (Levine, 2001). These new abilities could serve to women's advantage even after the war by promoting increased self-confidence and status within the society. On the negative side, however, is the fact that women's role as reproductive agents is seen as crucially important during wartime. As young soldiers and civilians die in the fighting, producing new babies for continuity of the nation becomes a focus. This is a logical reaction from the war-torn population, but unfortunately it serves to relegate women to a lesser role, defined solely according to their biology. "In war, and in particular in nationalist wars, men are seen as 'defenders of the nation' and women as 'reproducers of the nation'" (Levine, 2001). This gender role was illustrated in Croatia when the nationalists came to power; one of the first changes they made was to abolish women's right to abortion. Officially, the female's responsibility to reproduce was superseded by her capability to make her own decisions. These two views of women – as capable and empowered versus diminished and dependent – form the basic conflict of women's wartime role. "This, then, is the ultimate paradox for women in wartime: while conflict provides an unprecedented opportunity for empowering women and a chance to move into more non-traditional roles, they are still regarded primarily by their biological capabilities" (Levine, 2001).

The women's paradox resulted in increased difficulties for many women in the Balkans. Charged with providing basic needs for their families, they often received little help from government or the international community. Despite the fact that many households were headed by females in the post-war period, and that many of them were low-skilled and vulnerable, the needs of these females were marginalized or ignored. "Local women's groups claim that much of the focus of the economic reconstruction and development of the region is being directed at demobilized soldiers at the expense of women-headed households" (Levine, 2001). In this environment of little opportunity for females, many young women see few options for themselves. Consequently, many girls are getting married and having children at a younger age, some as young as 13.

Women have received little support in other areas as well, such as counseling and aid for abuse. Levine identified a significant problem in the Balkans, that of violence against women. One of the categories of violence is domestic, which is prevalent throughout the area because it is seen as natural and expected. Thus, females receive little understanding or help in regards to domestic violence, despite the fact that its incidence often rises as a result of armed conflict. "The tensions and escalated levels of violence in society in times of conflict are often reflected back into the family" (Levine, 2001). One example of this increase is a unique phenomenon of domestic violence in which husbands are violent with their wives after watching local news coverage of "nationalist propaganda." A second type of violence against women is sexual violence, which includes rape and all forms of sexual assault. This was a significant problem in the former Yugoslavia because, as previously described, sexual violence was used as a weapon of war. Cultural tradition dictates that women, the victims, are to blame for incidents. With no external support, many women have been divorced or held in confinement by their families. Many have never dared to speak openly about their abuse, and others have committed suicide out of shame. The third category of violence against women that Levine discussed was trafficking in humans, principally for the purpose of prostitution. She listed the many circumstances that contributed to this situation: "a war-traumatized population, reduced economic conditions, large population displacements, corrupt border guards, a lack of law enforcement, a weak criminal justice system, and a huge international presence, creating a demand for prostitution as well as a greater movement of people both legally and illegally in and out of the region." Women

were brought in from Eastern Europe and Russia by men on all sides of the conflict. Many did not understand where they would be taken or what their situation would be upon arrival. Usually they were sold several times, and appalling holding conditions have been discovered. Several groups have begun efforts to curtail the trend of trafficking by providing safe houses, repatriation programs and awareness campaigns, but the truth is that trafficking in humans is an easy way to make a lot of money, so the problem is not easily resolved. It is apparent that regions such as Kosovo will need international support and influence if these conditions of violence against women are to be altered.

For an Asian perspective on patriarchy and the unique ironies it produces for women, Tisa Ng of UNIFEM spoke of her personal experience in Singapore and examples from other Asian states. Ng, like other speakers, was highly critical of patriarchal systems which relegate females to specific, low status roles in society, rather than recognizing and exploiting their extensive and varied abilities. "Within this system, a woman's greatest value is as wife and mother, and the attitude towards women in the work place is one of regretful tolerance, best accepted only as a temporary state of affairs" (Ng, 2001). Frequently, education is promoted as the expedient antidote to this belief. If women are educated, they will increase their confidence and capabilities, which will open doors leading to higher levels of society. This process will benefit both themselves and their peers along the road to equality, a precondition for social development of the country. Such is the commonly accepted theory, but Tisa Ng calls this belief a myth. She does not agree that "education of women is key to their economic and social progress." To support this claim, she refers to an essay by Shasha Hampson which provides statistics that infer that "Korea faces the peculiar situation where the more educated a woman is, the less likely she is to work." This is presumably because the patriarchy is not ready to accept females into managerial positions, regardless of their qualifications. Women who have only a middle school education, however, are able to find occupation in institutions such as textile factories. This is seen as an appropriate female vocation, so these women are allowed to work. Thus an ironic situation develops in which the rates of employment for low-skilled women are higher than for educated women.

## **Need for Reform**

One of the crucial functions of UN peace missions is to account for mistakes so that they are not repeated in future operations. In this regard, it is useful to survey some negative experiences as a preliminary step towards affecting constructive reform. For example, although the mission to Cambodia produced many positive indications, there were also some detrimental consequences. The effects of these outcomes impacted both Cambodians and the international community, as explained to the seminar by Dr. Sandra Whitworth. The most immediate effect was due to the flood of people into the country; the economy was unable to cope with such a rapid increase in the amount of money available. "The influx of 23,000 people into Cambodia, many of whom were making more in a single day than the average Cambodian made in an entire year, drove up the price of food, housing and basic goods" (Whitworth, 2001). Part of the problem was due to the fact that the UN workers did not understand the local custom of haggling over prices. They accepted whatever price was first proposed, thereby escalating the average price of goods. Also, the Cambodian government further compounded the inflation by printing more and more currency to cover its own costs. These excess riels (the local Cambodian currency) became worthless as prices skyrocketed. "So out of control did the economy become that the riel was eventually devalued by some seventy percent" (Whitworth, 2001). UNTAC also added insult to injury by choosing to contribute a disproportionately small amount to the local economy. That is, goods were imported from outside the country while UN personnel were on the ground, and little infrastructure remained after they had left. "Equipment came from abroad, UN personnel took vacations outside of Cambodia, and anything that was brought in to the country, such as cars, building materials, and even the ballot boxes, which were reportedly supplied by Canada, left Cambodia as soon as the mission was over" (Whitworth, 2001). Furthermore, there was an issue of salaries not being paid to Cambodian workers. UNTAC was successful at hiring many local people to contribute to the mission, but they were paid significantly less than the internationals, and often the UN was delinquent in issuing paycheques at all. Whitworth lamented, "In some cases, the international staff began to pay the Cambodian staff out of their own pocket."

Evidently, UNTAC also impacted women in unique ways, although there has been scant official discussion of this reality. In terms of negative consequences that indicate a need for reform, the principal issues were sexual abuse and violence, prostitution and its related health concerns. "There were frequent claims of rape and sexual assault brought to women's NGO's during the UNTAC period, but it was often days or weeks after the rapes were alleged to have taken place" (Whitworth, 2001). UN officials argued that too much time had passed, and that they were unable to properly investigate the incidents. The women were told to go home, they had waited too long, and nothing was done. Prostitution was a significant issue in Cambodia, similar to many war-torn societies. The large number of international men, living in a foreign country with expendable income in their pockets, inevitably increased and altered the prostitution market. Many of the prostitutes were Vietnamese, but Cambodian women and girls also turned to the business in order to survive. This socially disturbing trend was a point of resentment for the local population towards the UN; Whitworth quotes one man as saying "Everybody started to wonder what they had come here for, to implement a peace accord or to turn our women into prostitutes." Perhaps a more serious result of the rise in prostitution was the associated rise in cases of HIV and AIDS. A belated response by the UN was to send 800,000 condoms to Cambodia, but the rate of spread had already increased noticeably. "UNTAC's chief medical officer predicted that as many as seven times more UN personnel would eventually die of AIDS contracted in Cambodia than had died as a result of hostile action" (Whitworth, 2001). One additional habit of some UN personnel served to raise tensions with the local population: that of fake marriages. "Simply put, a UN soldier would marry a Cambodian woman, but only for the duration of his posting to Cambodia, at which point he would abandon her" (Whitworth, 2001). These incidences created incomparable shame for the women, besides the difficulty of sometimes being abandoned far from their homes with no means to return. The insult of these actions occasionally drove male family members to exact revenge upon UN workers, and there are several rumors of fatalities as a result. In this way, abuse of gender roles by the international community caused problems for both men and women, for both locals and internationals, and earned UNTAC a bad reputation in Cambodia.

UNMIK, the mission to Kosovo, also failed the local community in some respects. Blerta Bejtullahu was critical of the lack of international support for the victims of rape; after encouraging women to speak about their experiences, they left the women to the “discipline” of their families. “Press created an atmosphere that these women would be treated with respect once the war was over.” Many women complied and spoke out about abuses. However, the traditional attitudes about rape remained in Kosovo, meaning that many husbands could not accept the facts and reacted by punishing their wives. In fear of this occurrence, many more women remained silent about what had happened to them. By failing to recognize and act upon this issue of gender roles, the international community actually served to make the situation worse for many women. Another example of international omission occurred in regards to violence against minorities. Bejtullahu recounted how political violence increased after refugees returned to Kosovo, mostly directed at Serb minorities. There were official condemnations from both international and Kosovar politicians, but not even the deployment of “50,000 KFOR troops and nearly 4000 International Police and almost the same number of Kosova Police Service” (Bejtullahu, 2001) stopped the violence. She argued that this was because lip service was paid to the issue, but there was no concrete law enforcement action on the part of the international community.

Bejtullahu believes that the international community has great potential for affecting peaceful transformation in a war-torn society. “The presence of the International Community itself is very positive for an incorporation of the principle of democracy and political culture in Kosovo.” Evidently, therefore, the UN must provide a good example to follow, within its own structures. As pointed out by Whitworth, agitators for change within the country will have little success if even the all-powerful international community does not demonstrate a concern for the issues. In Kosovo, both Bejtullahu and Levine argued that sufficient interest in gender issues was not reflected in UNMIK. Although it was one of the first peace missions to include an Office of Gender Affairs along with other units such as Human Rights, Legal, and Economics, the effective power of the Gender Unit had been curtailed, leaving it rather ineffective and superficial. Originally placed alongside other units in the office of the Special Representative to the Secretary-General (SRSG) - the central authority in the mission – the Gender Unit was soon relegated to a much lower rung on the ladder. As a Gender Focal Point within this office, Levine stated

that “my ability to get any gender concerns on the agenda as priorities for the OSCE Mission, or to effectively develop and implement policies and programs on this issue, was quite limited.” It was her experience that gender issues were “generally at the bottom of the pile in terms of priorities” in all peacekeeping missions. Bejtullahu pointed out that the ratio of female to male staff within UNMIK was far below equal. For example, in the Kosova Transitional Council, only 4 out of 36 members were women. In the Working Group on Constitutional Framework of Kosova, there was only 1 woman out of 15 members. And in the Joint Interim Administrative Structures, only 4 out of 40 Co-Heads of departments were women. In the Office of Gender Affairs, it was perhaps overcompensation that all the office staff was female.

### **History of Gender Law**

It is only recently that gender has come to be understood as a crucial consideration in the context of peace missions. UN documentation has declared a commitment to equality between the sexes ever since the Charter of 1945. However, it has been a long, gradual process to build recognition of women’s right to equality, then of women’s unique situation and rights during armed conflicts, and finally to reach the point where gender crimes are firmly established under international humanitarian law. Barbara Bedont of the International Women’s Human Rights Law Clinic in New York provided the seminar with an overview of the history of gender in international law, in order to better understand how to implement gender awareness in peace missions. It is only when gender crimes are accepted as distinct and equally serious as any other crime that perpetrators can be convicted. According to Bedont, before 1949, international humanitarian law could be “characterized as subsuming gender crimes improperly under other crimes; treatment [of gender] was both inadequate and discriminatory.” Control Council Law No. 10 on the Punishment of Persons Guilty of War Crimes and Crimes against Humanity of 1945 did recognize rape as a crime against humanity, but not as a war crime. Also, no other form of sexual violence was included. Thus, there was official prohibition of sexual crimes, but in practice it was a marginalized concern. She provided an example of the post-World War II Tribunals, in which “the Japanese leaders were charged and convicted of other brutalities, but the sexual slavery system was ignored.” The Allies knew about the Japanese “comfort stations”, but failed to charge anyone with any misconduct relating to them.

The next period of gender crimes under international law can be defined as 1949 to the end of the Cold War, during which Bedont declared that “inadequate and discriminatory treatment had begun to be remedied.” In the 1949 Geneva Convention and 1977 Additional Protocols, rape, forced prostitution and any other form of indecent assault were prohibited as attacks on a woman’s honour. Obviously it is an improvement that these acts are recognized; however, Bedont points out that these articles of law are “based on the misguided belief that a woman is shamed or dishonoured by being the victim of rape” because they assume that a woman will be humiliated and degraded. The aim, in fact, is to support victims without assigning them an abused, wounded character. Progress continues to be made, however. Bedont praised international law by saying that since the Cold War, there has been “an increase in mechanisms of accountability for violations of IHL” as well as “recognition that gender crimes are equal in gravity to other serious international crimes.” In the statutes for the International Criminal Tribunals for the Former Yugoslavia (ICTY) and Rwanda (ICTR), rape was listed as a crime against humanity, although not as a war crime or grave breach of the Geneva Conventions. Also, no other gender crimes were included. However, prosecutors recognized the importance of convicting for these crimes, and drew attention to this fact by “adopting the practice of prosecuting sexual violence both as rape as well as a constituent part of the other crimes in the statute” (Bedont, 2001). Bedont provided several examples of judgments that included sexual crimes in other categories such as enslavement and torture, and rape as an act of genocide. Furthermore, the tribunals’ Rules of Procedure and Evidence provided for counseling and support for victims and witnesses, mentioned a commitment to employing women where possible, and made it unlikely that a perpetrator could use apparent consent by the victim as a defense. The Rules recognized that there is a climate of fear in wartime and that women could “consent” to sexual relations because of relative positions of power or in order to obtain food and shelter. People who abuse this situation are guilty. Peacekeepers need to be aware of these possible circumstances because they are often in positions of authority, and if they have relations with a woman anywhere from a refugee camp to a brothel, the courts may infer that a woman was acting out of fear, rather than of her own free will.

The Rome Statute for an International Criminal Court is the charter governing the future creation of an international criminal court, which will be the ultimate mechanism for enforcing international humanitarian law. The statute, a result of the Rome Treaty of July 1998, is an example of modern legal convention, an example of the culmination of decades of learning about the importance of gender issues. It is similar to the statutes for ICTY and ICTR, but even more consideration is awarded the special measures of prosecuting gender crimes. As Bedont described it, the Rome Statute is “thoroughly engendered.” It includes mention of all types of gender violence, and lists rape as both a war crime and a crime against humanity. Also, the practical necessities of staffing concerns and measures to protect victims and witnesses are incorporated.

In October 2000, the UN Security Council passed Resolution 1325, which deals in its entirety with the official gender commitment of the United Nations. Sarah Maguire, Senior Human Rights Adviser in the Conflict and Humanitarian Affairs Department of the Department for International Development of the UK, provided the seminar with comments on the resolution. Like the International Criminal Court Statute, Maguire pointed out that Resolution 1325 was the result of years of activism, “particularly by women’s NGO’s and people working within the structures of national and international government.” Many other declarations and events along the way supported advancements in the official recognition of equality, which often requires particular attention to the situation of women. For example, the Beijing Declaration and Platform for Action “made gains in creating an obligation for states to do something about the situation for women in their respective countries” (Maguire, 2001). Maguire also described the “rights-based approach” of DFID as a useful format to think about in order to operate in equality. The three tenets of this approach are: Participation, which recognizes that every person makes decisions about their own lives; Inclusion, which means non-discrimination, for any reason; and Standards, which refers to the need for the existence of, and compliance with, national and international obligations. The international standard of greatest consequence to the discussion on gender is Resolution 1325; Maguire highlighted some of the points most significant for

peacekeepers. In addition to recognition of the special circumstances and needs of women in armed conflict situations, the resolution expresses a commitment to take these circumstances into account in all operations. Some of the paragraphs with particular relevance are:

2. Increase the participation of women at decision-making levels in conflict resolution and peace processes.
4. Expand the role and contribution of women in UN field-based operations, especially among military observers, civilian police, human rights and humanitarian personnel.
5. Incorporate a gender perspective into peacekeeping operation and ensure that field operations include a gender component.
6. Provide training for peacekeepers and civilian personnel on gender and HIV/AIDS awareness.
12. Ensure the civilian and humanitarian character of refugee camps and settlements so that they take into account the particular needs of women and girls (recalling UNSCR's 1208 and 1296).
13. Consider the different needs of women and men in DDR.
16. Undertake a study on gender issues throughout conflict and peace processes.

For the complete text of Resolution 1325, see Appendix A.

### **Implementing 1325**

Two practical measures included in Resolution 1325 have already been implemented. They are easy to define and monitor because they were both specific commitments to projects of clear outline and single iteration. These two initiatives are: to construct a gender awareness package to be used in pre-deployment training for all UN personnel and to conduct a study on gender issues in peace operations (paragraphs 6 and 16, respectively). Angela Mackay of UNDPKO was part of the team charged with developing training materials in October 2000. As she is also a member of the Pearson Peacekeeping Centre's external faculty, she was a particularly appropriate candidate to contribute her expertise to the seminar. The first stage of the process of writing a gender training package for peacekeeping missions was to gather opinions from staff on what

already existed. As expected, Mackay found that “little of the training material available was suitable to needs.” She declared that there were some useful ideas about gender equity and awareness, but that little of the substance was transferable to this new project. The request from personnel in the field was that material had to be “concrete, practical, simple and relevant” (Mackay, 2001). In order to ensure that these objectives were met, the team wisely committed to continuing the contact with people working in peacekeeping throughout the writing and research, so as to incorporate their knowledge. Furthermore, the training package would not be officially launched until it had been read over by both a military and a CIVPOL representative, and then tested several times in the field.

The first stage of the development process was research. Mackay found that there was a lot of information available, but that much of it was very academic, and thus not applicable to all the future recipients of the training. The challenge for making the training relevant and memorable was to provide sufficient theory while including plenty of practice. Examining real case scenarios would enable participants to understand the application of the theory. The next stage was to write the content. Mackay provided an outline of the content for the benefit of the seminar:

1. **Why Gender** – Clarifies key definitions relating to gender, sex, gender roles and relationships, the changeable nature of gender relationships and the impact of conflict.
2. **Gender and Culture** – What role does culture play in all this – the numerous cultures we all belong to and where gender fits.
3. **Gender and Human Rights** – Explains links between human rights and gender and that there are implications for both personal and collective responsibility and behaviour. Peacekeeping is enhanced by active respect for human rights and peacekeepers reinforce an environment of security and stability.
4. **What Can I Do?** – Final module is an open forum to identify specific positive action they can take or request to have undertaken to maintain the momentum of a gender perspective.

According to Mackay, the bottom line that this material tries to convey is that “a gender perspective is a way of looking at the world, a way which does not take the male standard as a reference point. It looks at women AND men and how they relate to each other: their access to rights and resources and how conflict impacts relationships in society.”

Once this content was developed, the task was to test the material in the field. There were several iterations of the training around the world: during UNTAT courses in Ghana, Turin and Nepal; in Bosnia during a DDR course run by the PPC; and within two UN peace operations, UNTAET and UNMEE, at five locations each. The differences between the situations in East Timor and Ethiopia/Eritrea made it apparent that it would be difficult for one training package to apply to all peace operations. It would be necessary to tailor the material to the region; this could be accomplished by modifying the practical component. Varying examples and case studies would have to be collected so as to be relevant to the local situation. The training package was modified to include guidelines on gathering this information. Of central importance would be utilizing local participation; training would rely heavily on their contributions. Another result of the testing process was that it became “apparent that two separate packages were needed – pre-deployment and in-mission” (Mackay, 2001). The training participants had a “surprising lack of background” and there was a “considerable level of resistance, misinformation, confusion and hostility” to the training (Mackay, 2001). A traditional lack of awareness about gender led people to believe that it was unnecessary and uninteresting. In order to lend credibility to the proceedings, it was decided that senior management of the mission would have to be involved. Also, it became apparent that training such as this would have to be much more prevalent and common, so as to become ingrained in the mainstream of UN personnel, particularly among military. As discussed earlier, it is difficult to affect positive change in local conditions during and after a peace mission if the international community does not even demonstrate within its own structures that which it is trying to pass on. There was also considerable positive feedback to the process, particularly when the classroom included a higher percentage of females. While some thought the training to be unnecessary, others recognized the

need and wished they had had it earlier. Mackay acknowledged that the package was still a work in progress, but that the process had been generally positive and the outlook was bright for future development. One tenet of Resolution 1325 had been successfully implemented.

The second commitment of Resolution 1325 that was presented to the seminar was that of undertaking a study on gender in peacekeeping, so as to understand fully the implications of armed conflict for women and girls, the role of women in peace building, and gender dimensions of the entire process. Angela E.V. King, Special Adviser to the Secretary-General on Gender Issues and Advancement of Women, was asked by the Secretary-General to coordinate this study, and she was also invited to the seminar at the PPC. Unfortunately, however, she was unable to attend, but instead forwarded some brief notes about the project. King identified the goals of the task force charged with compiling the study:

- Provide an overview of the multifaceted ways in which women and girls are affected by armed conflict either as civilians or peacekeepers. It will also draw attention to what women as contributors to peace have already achieved and discuss how conflict and its resolution can transform their gender roles;
- Set a comprehensive intergovernmental agenda for action by Member States and the international community to improve the protection of women and girls and to enhance their participation in peace processes, thus increasing their sustainability;
- Provide an assessment of activities taken by the United Nations system to incorporate gender perspectives in peace operations and to identify areas where further systematic and collaborative approaches are needed.

King stated that the study was still in its formative stages; an outline had been written and circulated for comment, but revisions were still to be made. She was confident that the contributions of agencies such as DPKO would provide useful information about previous peace operations experience, and that the study would be a worthwhile component of the implementation of Resolution 1325.

## **Advances in the Field**

Just as it is important for the international community to scrutinize negative reports of its actions in order to avoid similar shortcomings in the future, it is also necessary to recognize that peace operations have had many positive effects on local populations so that these advancements can be built upon. Securing lasting change is an extensive process; people's attitudes and cultural heritage can not be changed quickly. It is unrealistic to expect a peace mission to thoroughly ingrain gender awareness in a few years where none may have existed before. Therefore, while it is necessary to continue agitating for better performance, we must balance this with realistic expectations, and with congratulations for advancements already achieved.

Long before Resolution 1325 was passed by the Security Council, during the same missions that were earlier criticized for having failed local women in some respects, we can also identify beneficial indications for those same women. Dr. Sandra Whitworth presented the seminar with frightening facts about prostitution, sexual violence and HIV/AIDS during UNTAC in Cambodia; she also outlined some encouraging facts about gender sensitivity of UN organizations there. Firstly, the United Nations Development Fund for Women (UNIFEM) expended considerable effort to increase female participation in the general election. They undertook an extensive awareness campaign through printed media, radio and television which encouraged women not only to vote, but to become politically active and to discuss issues among themselves. This initiative was supported by UNTAC Radio, which "offered a regular segment on some of the particular difficulties faced by women in Cambodia generally, and in particular how this might impact on their ability to vote in the upcoming general elections" (Whitworth, 2001). UNIFEM also held a National Women's Summit, which brought a wide range of women together to organize their concerns and raise them in political spheres. The results of these efforts were varied and far-ranging. The most immediate implication was a high rate of female participation in the election, while the long range benefits included more organization and confidence among Cambodian women. It had begun to be accepted that "women's participation in politics, broadly defined, was both legitimate and

useful” (Whitworth, 2001). Existing women’s NGOs were strengthened and new ones were created. Women continued to work together to lobby the government on more issues, such as literacy, economic independence and health. And they were successful at securing equality rights provisions in the new Cambodian constitution.

In the Balkans, Corey Levine and Blerta Bejtullahu both described situations of increasing difficulty for women with the onset of war, but they also identified reasons for optimism. As in Cambodia, the societal shift brought on by the war allowed space for change to take place, and women exploited that opportunity by creating a number of women’s NGOs. As Levine stated, “there are approximately 300 women’s NGOs currently registered in Bosnia where there were just a couple before the war.” In Bosnia, a women’s political party was even developed. Levine recognized that there are several problems inherent in the operation of these burgeoning organizations, but their presence is nonetheless a step forward. A critical gender issue that Levine identified in the Balkans was trafficking in women, as previously discussed. This quandary has begun to be addressed by local and international organizations, which provide safe houses and repatriation assistance for trafficked women in Kosovo and Bosnia. As well, the UN has officially recognized the problem by adopting a regulation on trafficking in Kosovo, which focuses on the importance of women’s human rights. Another development that Bejtullahu and Levine both discussed was the establishment of an Office of Gender Affairs in UNMIK. Although there were also undeniable shortcomings to the design and operation of this initiative, it was indicative of the raised profile of gender issues that they had begun to be included in formal structures. In this way, it seems that any of these gendered initiatives have both positive and negative aspects, depending on your perspective. The attention that gender issues receive today is often described as insufficient; however, as compared to fifty years ago, they are being taken very seriously indeed. Progress may be slow, but as long as there is progress, the situation is advancing.

The task of incorporating gender issues into peace operations is made much easier for the United Nations if Troop Contributing Nations have already instituted gender training among their personnel. Instinctive awareness must be learned over an extended period of time, with repeated instruction and exposure; thus we can not expect peacekeepers

with only a limited pre-deployment briefing on gender issues to fully understand them. Further to this, it is to the benefit of the UN and the entire international community to involve gender-aware countries in their missions. Indeed, some believe it is the obligation of all Troop Contributing Nations to ensure that their personnel are trained. The fourth working group of the Cornwallis Seminar discussions included the following in their recommendations for peacekeeping in the 21st century: "Recognizing that training of personnel is a national responsibility, governments should be encouraged and supported by the UN and donor communities to assist financially in training in Gender and Human Rights at all levels."

Canada is one of those countries that has included gender awareness in professional training; Corporal Jennifer Strachan of the Royal Canadian Mounted Police spoke to the seminar on gender training in her profession. According to Strachan, the RCMP provides all its officers with ongoing gender and human rights training. They are confronted with situations which demand sensitivity on a daily basis, such as domestic sex crimes and assaults. Furthermore, officers who will be deployed overseas must take part in an intensive week-long training session covering all aspects of the mission, its mandate and expectations, the specific security concerns, as well as cultural, gender, and human rights awareness. In addition, Canada has improved its system of staff selection by recruiting candidates according to specific skills necessary to the mission. For example, "Canada is actively seeking police officers with expertise in prostitution/ sex crimes/ morality squad. Both men and women are required, as it sets a good example internationally to ensure both men and women are in positions of influence" (Strachan, 2001).

Strachan also discussed the issue of female representation in international police forces. She stated that the number of women serving is insufficient, and that there is a great demand for more equal representation of the sexes. In Bosnia only 5% of police were women, and in Kosovo only 4.5%. However, she qualified this opinion with a caution that it can be just as unproductive to insist on 50% participation. Even within the national police force, Canada does not employ an equal number of men and women, which is justified by the fact that sufficient numbers of women willing to serve as police officers do not exist. This is due to several biological and social factors, such as less physical

strength or leaving the workplace to raise children. It is a natural characteristic of society that the sexes perform different functions within, and while women's participation in traditionally male-dominated fields should be allowed and even encouraged, it should not be artificially forced. One of the basic tenets of gender training is that the topic does not refer only to women, and it does not advocate ubiquitous equality in numbers. As defined by social roles, gender awareness means rectifying deficiencies according to the needs and wants of the players involved. If women do not want to work as police officers or in any other function in the same numbers as men, it is not serving the needs of men, women, or of society in general to force them to.

Strachan also informed the seminar of Canada's actions to determine the reasons for numbers of peacekeeping participants being what they are. Surveys were distributed that asked why or why not women wanted to be deployed in UN missions, what were their motivations, and should we make concessions for women or work harder to encourage their participation. Responses indicated that women were less involved in deployments due to family commitments as well as because recruitment drives did not target females. In terms of encouraging participation, responders felt that more information should be circulated internally so that police officers would be aware of health and personal safety issues of missions as well as organizational and spousal support. Canada has succeeded in increasing its totals of female CIVPOL peacekeepers, from 5% female involvement since 1989 to 16% of requests for duty in April 2001. In Canada and elsewhere, efforts must continue to incorporate gender awareness into national structures. As a result, peacekeepers will be better prepared for the reality of international operations before they are even deployed, and will be better able to contribute effectively to the mission.

### **Challenges Ahead**

Throughout the individual presentations and the group discussions of the Cornwallis seminar, tactics for improving the state of gender awareness in peace operations were proposed. These included both official policy modifications and changes of action carried out on the ground. Many of them have been referred to already. Following is a list of those recommendations.

1. Gender Units – Within every UN mission a Gender Unit must be included, with sufficient influence to have its concerns help shape the operations of the mission.
2. More Representation – It was repeatedly stated that a low number of female personnel contributed to ineffectivity in past missions. While having gender sensitivity does not necessarily mean having equal numbers of male and female personnel (this could actually be detrimental in some circumstances), it has been proposed that higher female representation would help to garner trust and support of the local population. A fair balance of the sexes would give the mission a realistic, human face that locals, especially local women, would be more likely to cooperate with. Also, it is necessary to lead by example if the international community is to convince locals of the need to include women in post-war structures.
3. Maintain Rosters – In order to ensure that qualified females will be available for posting to peace operations, each UN member state should maintain a roster of women to call upon. If searching for personnel is a last-minute scramble, the chances may be lower of finding high numbers of female peacekeepers.
4. Training/ Awareness – As discussed, the process of training on gender issues has begun, but this trend needs to be strengthened. Non-UN internationals involved in peace operations should also be required to undergo training. As well, all peacekeeping personnel should be aware of both international and domestic laws, so as to understand the limitations of their capabilities.
5. Influence Traditional Views – Following an understanding of legal dimensions of gender, it may be desirable to try and affect change in domestic laws, or at least in common practice. In some countries, there is an entrenched view of women as lower status citizens. Also, as discussed, human rights abuses such as domestic violence may be accepted activities. Inequality may be inherent in the constitution and laws of the country. In these instances, it is hoped that the international community can be a positive influence promoting equality and human rights.

6. Sexual Crimes – The precedent of prosecuting sexual crimes was set with the criminal tribunals for the former Yugoslavia and Rwanda; this practice needs to continue. Gender crimes are now firmly established within international humanitarian law. Thus, when the International Criminal Court is established, the international community must take on the responsibility of bringing all perpetrators to task in a thorough and efficient manner.
7. Code of Conduct – In addition to training on gender awareness, many feel that the system of schooling in an official, gender-sensitive Code of Conduct needs to be developed. Either codes that already exist need to be reviewed for gender sensitivity, or a new comprehensive code needs to be developed, and every peacekeeper must be bound by it.
8. SRSG – Gender issues would receive more widespread attention in all levels of the UN if a Special Representative to the Secretary-General on Women, Peace and Security were appointed.
9. Gender Audits – In order to ensure that peace operations are in fact sensitive to gender issues throughout their mandates and to continue to identify areas for improvement, gender audits should be conducted as a routine procedure of every mission.

# **HUMAN RIGHTS**

## **Introduction**

Human rights refer to both the rights and obligations of every human being on earth. As global population rises, groups of people come into closer contact with each other, and as the potential for conflict between them increases, so too does international recognition of inherent rights and respect for equality. It is unethical to discriminate between people on the basis of any characteristic; therefore all people deserve the same basic rights. The United Nations has pledged to recognize the equal rights of all people, and has mandated that this sentiment be echoed by every citizen of the earth in respect of their fellows. In this way, human rights also refer to obligations, because regulations place limits on what one person is permitted to do to another. No action is permissible which compromises the rights of another. As for what exactly is encompassed under the heading of human rights, definitions are vague, generalized, and open to interpretation, by necessity of being consistently applicable. For example, one definition of human rights is “universally accepted principles and rules that support morality and that make it possible for each member of the human family to realize his or her full potential and to live life in an atmosphere of freedom and justice and peace. They include both ‘traditional’ civil and political rights, and the more recently recognized economic, social and cultural rights” (Oswald, 2001). In addition, the specific considerations included in human rights are always open to modification, because the definition changes with contemporary realities.

The Universal Declaration of Human Rights, adopted and proclaimed by the General Assembly of the United Nations on December 10, 1948, outlines the fundamental rights that are ideally accorded by all and to all. It includes such declarations as “No one shall be held in slavery or servitude” and “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” Rights such as “freedom of thought, conscience and religion” are guaranteed. And Article 30 states that no state, group or person may defend its own rights by infringing on another’s. These articles have become universally accepted over time as the basis of human rights. No changes have been

made to the Declaration, but numerous other documents provide additions to it. The United Nations and others have drafted them in order to address specific categories of rights, such as the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination.

Despite the existence of the Universal Declaration of Human Rights, abuses of these rights occur every day around the world. In particular during wartime, respect for fellow human beings is often abandoned. Recently, human rights abuses such as rape and torture have more frequently been used as deliberate tactics to terrorize a civilian population, thereby weakening the target without need of military might. "One of the main characteristics of modern warfare is that civilians have become targets and 80 to 85 percent of victims in these conflicts are civilians" (Sorger, 2001). Thus it is important for peacekeepers to be aware of human rights in order to operate effectively in that environment. They must know their own rights so that they do not become victims, and they must know their responsibilities so that they do not become perpetrators. They must also be prepared to confront situations as third party observers, and to know their rights and responsibilities in that role. Furthermore, they must understand the ubiquitous nature of the concern, so that they act in consideration of human rights when dealing with other peacekeepers and local people alike, both in public and in private life. Ideally the international community will be a good example for the host population to emulate, and will help build capacity in the country through both example and effort.

## **Legal Dimensions**

In order to safeguard human rights, two main branches of public international law govern the execution of disciplinary action on human rights abusers. These are international human rights law and international humanitarian law. Human rights law refers to the collection of all international and local regulations that include broad guarantees for human rights. The Universal Declaration of Human Rights is one of these documents; many other treaties, conventions, protocols and agreements contribute to the compendium of legal literature. Human rights law is relevant at any time, in any place, for any person. International humanitarian law, on the other hand, is often referred to as the "law of war" because it is relevant only during armed conflict. Its regulations are aimed at mitigating the effects of the unique circumstances of war, particularly for non-

combatants. Humanitarian law safeguards a subset of human rights from which states can not derogate even in the extreme case of armed conflict. The principal legal instruments which define humanitarian law are the four Geneva Conventions of 12 August 1949. Nearly every state in the world has ratified these conventions; thus the rights of wounded and sick in the field, shipwrecked at sea, prisoners of war and civilians in time of war are universally protected, in theory at least. The special needs of women and children are also included in these and other documents. Two Additional Protocols were written in 1977 to supplement the Conventions, and several more conventions and statutes support these laws. The history of proceedings in international criminal tribunals has further strengthened the development of international humanitarian law. The need for comprehensive legal structures and means to prosecution has been appreciated since the end of the Second World War, but the documentation must adapt to reflect changing realities of modern society. For example, it is only recently that prosecution for crimes of sexuality has been specifically mandated as equal in severity to that for other war crimes. During the criminal tribunals for the Former Yugoslavia and Rwanda, it was apparent that references to sexual crimes were insufficient, so subsequent legal literature has taken that into account.

The four categories of severe violations of international humanitarian law are: genocide, crimes against humanity, war crimes and grave breaches of the Geneva Conventions. Genocide is the intent to destroy, in whole or in part, a national, ethnic, racial, or religious group, through acts such as murder, causing severe bodily or mental harm, imposing destructive physical conditions, attempting to prevent births, or forcibly transferring children of the group to another group. Acts of genocide are prohibited at all times, everywhere in the world, and are punishable by any state. Crimes against humanity can include genocide, because they are defined as acts committed as part of a widespread, systematic and deliberate attack on a civilian population. Some actions that can be prosecuted as crimes against humanity are murder, enslavement, rape, enforced prostitution, or persecution on the basis of politics, race, nationality, ethnicity, culture, religion or gender. The same acts can also constitute war crimes, except that war crimes are defined according to their occurrence specifically during armed conflict. Also, unlike crimes against humanity which are widespread, war crimes can consist of a single punishable act. The fourth category of severe violation is grave breaches of the Geneva

Conventions. These include exactly what their title suggests: any deliberate violation of the specific restrictions outlined in the Conventions, such as torture, inhuman treatment or unlawful confinement. The distinction between war crimes and grave breaches is one of jurisdiction; because all states are party to the Geneva Conventions, all are obligated to prosecute grave breaches.

## **Development of Criminal Tribunals**

Enforcement of international humanitarian law has been a continual challenge for the international community. For grave breaches, individual states are required to search out criminals and prosecute in their national courts under whatever sentencing system they deem appropriate, or alternatively to hand the accused over to another state. However, countries ravaged by war may be unable to undertake the burden of time and infrastructure that this requires. The United Nations has created several bodies responsible for monitoring and reporting human rights, such as the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women, but these organizations are unable to prosecute violations. Criminal tribunals are necessary to fulfill that function; a number have been created over the last fifty years to deal with specific incidents over a specific range of time. For example, the Nuremberg and Far East Tribunals prosecuted crimes committed during the Second World War (Bedont, 2001). International Criminal Tribunals were established for the former Yugoslavia (ICTY) and Rwanda (ICTR), a Special Court for Sierra Leone has been proposed, and the Truth and Reconciliation Commission in South Africa provided a forum for perpetrators and victims to air their accusations, apologies or confessions. These solutions have all been ad hoc, however; many states feel that a permanent, state-independent court system is also necessary. In response to this requisite, the Rome Statute for an International Criminal Court was approved in July 1998. When the ICC is formed, it will be the channel for redress of any grievances under international humanitarian law around the world. Although individual states will still be responsible for prosecuting grave breaches of the Geneva Conventions, crimes against humanity and war crimes will be punishable at any time, without dependence on the creation of a special tribunal. Barbara Bedont, Human Security Fellow for DFAIT, presented the Cornwallis seminar with a selection of articles from the Rome Statute, which demonstrated the thoroughness of the document. All possibilities of human rights

violations were covered, including gender-related crimes, and consideration was given to everything from the composition of the judging panel to a protection unit for victims and witnesses.

An international criminal court will provide the forum for punishment of human rights violations after they are committed, but it may also serve as a preventative measure. Because the court functions year-round, for individual or group accusations, and for any nationality, it may provide a threat to potential criminals. The knowledge that prosecution is a viable recourse for the victims may serve to mitigate abuses in the future. It was apparent to the participants of the Cornwallis Seminar that criminals must be held accountable for their actions, so as to create an international environment of justice in which the rule of law reigns. Ideally the ICC will make that possible.

Phenyo Keiseng Rakate, a researcher in the Training for Peace Project of the Peace Missions Programme, part of the South African Institute for Security Studies, presented to the seminar on accountability in the post-DRC conflict. Rakate emphasized that “in order to avoid a culture of impunity and to be in line with the current move by the international community to hold those responsible for gross human rights violations accountable, it is important that allegations of egregious human rights and international humanitarian law as reported by the United Nations and other human rights organizations be investigated fully.” There are a number of hindrances to effective prosecution of crimes in the Democratic Republic of the Congo, and there is significant need to overcome these difficulties.

Conflict originally began in the DRC in 1981. Actions of ethnic cleansing by the Mobutu regime, mostly directed to the Banyamulenge (Zairean Tutsi) residents of the Kivu region, composed the first human rights violations. In turn, the Banyamulenge joined forces with the Alliance for Democratic Forces for the Liberation of Congo-Zaire (AFDL) led by Laurent-Desire Kabila to fight for their rights. This tension was exacerbated by the Hutu-Tutsi conflict in neighboring Rwanda, as Mobutu supported Hutus and Kabila fought for Tutsis. Kabila overthrew Mobutu in May 1997 and promised to restore democracy and respect human rights. Instead, human rights violations intensified under this government. Rakate identified abuses such as torture, extra-judicial executions, and denial of freedom of expression as common throughout the regime. War broke out in

August 1998, with six other countries party to the conflict. Zimbabwe, Namibia and Angola fought on the side of the DRC government while Rwanda, Burundi and Uganda supported rebel movements. Over the next year, human rights were systematically violated by all conflicting parties in Congo. The Lusaka Ceasefire Agreement of 10 July 1999 pledged to hand the most serious violators over to the ICTR and to handle other war criminals, but these commitments have yet to be implemented.

It is necessary to establish an official system of prosecution in the DRC, a judicial mechanism which is capable of accounting for all the needs of that particular situation. One solution would be to ask the UN for aid in launching an ad hoc criminal tribunal, the limitation being the time delay before a tribunal could be operational. Past experiences indicate that it is a lengthy process, particularly because there is likely to be resistance from some parties to the conflict. Zimbabwe, Namibia and Angola were asked to join the fighting in support of the DRC government, so they could argue that their soldiers should not be liable for prosecution outside their territories. Those countries maintain jurisdiction over their own military personnel, so they reserve the right to prosecute if necessary. The government of the DRC has not indicated complicity to the idea of a tribunal either. However, as Rakate acknowledged, “the exclusion of government forces or targeting only rebel movements may seriously undermine the work of any team of investigators and the credibility of the tribunal.” The second option for prosecution in the DRC that Rakate identified was to extend the jurisdiction of the Rwandan tribunal to cover some of the events in the DRC. The proximity of the two conflicts supported their interdependence, so that several events overlap. Many people, arms and criminal acts moved between the two countries, making questions of jurisdiction complicated. Incorporating DRC issues into the ICTR would also be a benefit because there would be no lengthy delay in order to develop a new tribunal. There are, however, severe limitations with this proposal. A limit would have to be placed on which cases would go before the ICTR; logistically, a cut-off date of August 1998 would cover the time when Rwanda was fully engaged in war in the DRC, but would neglect crimes committed during the 17 years prior. Furthermore, it could be impossible for the ICTR to bear such a burden when it is already struggling with its existing caseload. The third option that Rakate proposed for the DRC was “a hybrid mechanism consisting of both a national truth and reconciliation mechanism, and a criminal prosecution administered by a special

court within the DRC judicial system.” The truth and reconciliation division would function as a time-efficient means to air grievances and alleviate ethnic tensions. The necessary prosecutions could then be administered within the national system; the number of cases would be limited so that only directors of the most serious violations would be tried. This Extraordinary Chamber, or Special Court, could be created within MONUC, the UN peacekeeping operation there, as it already contains a human rights division. This type of structure has already been created in Sierra Leone and East Timor, which would expedite the setup process in the DRC. This third option may be the best solution for prosecuting human rights abuses in the DRC.

Phenyo Rakate raised one final issue in regards to prosecution of human rights violations in the DRC: the granting of amnesties. The Lusaka Ceasefire Agreement recognized that security would be a concern during disarmament processes, and therefore recommended that amnesty be used if necessary to ensure peace. There has been little success in implementing the Lusaka Agreement, and the issue of accountability has taken a back seat to the pressing situation of insecurity. Amnesty provisions could help diffuse possible escalation of conflict if armed factions feel threatened by judicial institutions. Chapter 9 of the Agreement states that with the exception of genocidaires, amnesty or political asylum could be granted even for gross human rights violations. While this tactic could be constructive in specific cases, it is actually contrary to international law to neglect to prosecute grave breaches. Perpetrators could be tried in another country even if granted amnesty in their own. General amnesties including a large number of accused would expedite the legal processes, but as Rakate realized, “recent practices show that blanket amnesties for war crimes and crimes against humanity are unacceptable.” The Lome Peace Agreement in Sierra Leone called for “absolute and free pardon” for crimes committed by the Revolutionary United Front, but was unanimously opposed by the Security Council. The Secretary-General stated in his report to the Security Council that granting amnesties for serious violations of international humanitarian law was not conducive to ending the culture of impunity. Also in Cambodia and the ICTY, the international community has

reiterated that it is internationally illegal to implement such measures nationally, and that victims could always choose recourse to another state's courts. When a system of justice is established for the war in the DRC, it will have to weigh these varying considerations on the subject of amnesty in order to prove successful.

## **Detainees and Missing Persons**

Article 9 of the Universal Declaration of Human Rights states that "No one shall be subjected to arbitrary arrest, detention or exile." The fourth Geneva Convention, relative to the Protection of Civilian Persons in Time of War, declares outright that

- (1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

During wartime, it is unlawful to take civilians hostage or prisoner. On the other hand, military personnel, or anyone bearing arms in a threatening manner or participating in an offence on a warring party, may be taken prisoner by that party. Even as prisoners, though, the captives are entitled to humane treatment and fundamental human rights according to the third Geneva Convention of 12 August 1949, which governs international law regarding the treatment of prisoners of war. For example, POW's are allowed to send and receive mail, and may not be forced to work in conditions that endanger their security. Furthermore, Article 118 of the Convention states that "Prisoners of war shall be released and repatriated without delay after the cessation of active hostilities." However, these laws are frequently transcended in today's wars that increasingly target civilians. Ambassador Henrik Amneus, Special Envoy on Persons Deprived of Liberty in connection with the Kosovo crisis, told the seminar about the gravity of this issue in the former Yugoslavia, how it angered populations and aggravated the conflict. "All prisoners and detainees were seen as political prisoners held unjustly in enemy country. The issue became a focal point for the Albanians to articulate their hatred for all things Serb." When the tension became apparent to UNMIK, it was decided to appoint an ad hoc envoy to investigate the situation, raise relevant

concerns with all parties, and serve as communications facilitator between the parties. Amneus was appointed to perform these functions and to seek comprehensive solutions through a broad focus on all aspects of the problem, rather than intervention in individual cases. He was aware of the need to walk gently, so as to complement rather than interfere in any other mandates, to avoid duplication, and to promote communication.

Amneus initially clarified the difference between Prisoners and Detainees on the one hand and Abducted, Disappeared and Missing Persons on the other. The distinction is perhaps of little importance to families who feel the same grief for any missing person, but for the purpose of recovery, methods differed greatly depending on the classification. Political prisoners are held on questionable legal grounds, but generally they are at least accounted for, by the international community and/or the local authorities. ICRC keeps records of prisoners and monitors their conditions, and often UN or other international personnel attend trials. Repatriation of prisoners requires only a decision of amnesty by the detaining authorities. The latter category of missing persons, however, is much more sensitive because there is no public information about the disappeared. In order to gain information, the two sides of the conflict must work together to pool intelligence. Several NGO's have gathered and compiled information from families about missing persons, the most reliable collection being ICRC's Book of the Missing. Out of 5300 requests for information, almost 1800 have at least been confirmed as dead or alive. However, Amneus argued that these lists overlap but do not agree, making it very difficult to use them effectively. "There is a strong need for ONE consolidated and verified database in order to deploy comprehensive, systematic and professional efforts to address and resolve the sensitive issue of the missing" (Amneus, 2001).

In addition, if efforts at repatriation are to be successful, a dramatic increase in communication between parties is necessary. Amneus believes that cooperation should begin at the grassroots level; there are associations of families of the abducted, disappeared and missing in both Serbia and Kosovo that could join forces to pressure authorities on both sides. Despite their extreme animosity and distrust of each other, the associations on each side have much in common. They both believe that the other side is detaining missing persons in hidden detention sites, that all missing persons are accounted for, and that the international community could force them to disclose all the

information of their status and location. Unfortunately there is no evidence of hidden detention sites, there is no comprehensive database of particulars on missing persons, and the international community is therefore unable to force its release. Amneus believes that it is not the role of internationals to do the foot work on this issue; they should only be support to local forces who take the lead. He believes that a cooperative, grassroots effort could accomplish the most, and thereby contribute to the cessation of hostilities in general. "A joint and combined mechanism, under the guidance of ICRC, encompassing all parties concerned, including competent government agencies, would facilitate progress. If successful, the process itself could contribute to facilitating dialogue and promoting a spirit of understanding and conciliation." The issue of prisoners, detainees and missing carries particular emotional weight in Kosovo and Serbia, which makes it a focal point in the conflict. Thus far, Kosovo Albanian leaders have been unwilling to provide any information about Serbs gone missing between June 1999 (launch of UNMIK) and the end of 2000. The Serbs have released a number of Kosovo Albanian detainees, but they require large sums of cash in exchange. Amneus was disgusted by this widespread practice of trading freedom for money, which is highly unethical and exploitative of desperate families. It highlights the need for a concerted effort to resolve the problem of prisoners, detainees and missing in a cooperative, legal manner that benefits all ethnic groups.

The other aspect of detainees which relates to peacekeeping operations is the issue of UN military personnel detaining locals, either because the person has violated human rights or because they present a threat to the peacekeeping force. In a Chapter VI peacekeeping operation, the mandate does not include specific authorization for personnel to conduct detentions, although it may be necessary to first establish law and order before the mandate can be fulfilled. Major Bruce M. Oswald, Deputy Director of International Law for the Australian Defence Force, argued that "the power to detain for security reasons or for law and order reasons are implied powers arising from the need for the force to fulfill its mission. This practice must surely be accepted as a customary principle by now." If and when peacekeeping personnel do detain, it is only until the person can be handed over to local authorities. Occasionally, though, the handing over of detainees is thwarted by the fact that local authorities are not deemed capable of properly caring for their prisoners. Of course UN personnel are also bound by international humanitarian law which forbids arbitrary detention, requires humane

treatment, and expects that all precautions will be taken to avoid the possibility of unlawful treatment by others. In the situation of incapable local authorities, Oswald declared that ideally the Security Council would then authorize a Chapter VII mandate. "A Chapter VII mandate that authorizes the force to 'take all necessary means' or 'ensure a safe and secure environment' or 'establish law and order' would give the force the authority to establish laws and generally interfere with the daily activities of the population" (Oswald, 2001). In these cases, peacekeeping personnel must perform the functions necessary to make the rule of law transcendent, but they still must return these tasks to locals as soon as possible.

The question of whether peacekeeping forces should be responsible for, or even permitted to, carry out detentions has yet to be resolved in entirety. Despite the precedent of customary action, it is still a matter of discussion whether peacekeepers are obligated to intervene in human rights violations, if they should be tasked with law and order responsibilities, and what these obligations should entail. Oswald stated to the Cornwallis seminar that he believes Security Council mandates should be clearer on what exactly is expected of the force. Part of defining this role includes a decision regarding the extent of authority of the operation as an interim government. Where national laws may not be sufficiently comprehensive or egalitarian, there is the question of implementing a transitional legal structure formulated by the United Nations. The Brahimi Report recommended that a general criminal code be developed for application in situations where there is an absence of appropriate law, but the working group formed to investigate this issue determined that given the variety of local legal traditions, it would be both difficult and objectionable to assume one model to be sufficient for all. Furthermore, according to article 64 of the fourth Geneva Convention, the international community should refrain from altering local laws (Oswald, 2001). Frequently, however, peacekeepers are criticized for not providing enough effective government and policing functions. As Dr. Mark Baskin, former UN official in UNTAES, UNMIBH and UNMIK, stated, "No dominant group [in the Balkans] will take responsibility for governing and prefers to assign the burden for governing to the international community." Dr. Baskin discussed the security situation of Kosovo, where there are still significant human rights abuses because authorities have been unsuccessful at establishing effective governance and the rule of law. According to Major Oswald, the key to maintaining

legitimacy in a peace operation is to enforce establishment of the rule of law as much as necessary, but to concentrate on assisting local civilian authorities to take responsibility for this application of governance as soon as possible.

Whatever resolution is reached regarding mission characteristics and executive jurisdiction, there is an undeniable need for more training among international workers. Currently, military are not specifically trained as police, so if they are required to act as such, instruction is necessary. International humanitarian law and human rights law will always apply, so peacekeepers should be aware of these at the very least. Within international law, national laws, and the mandate of the mission, they must also be aware of their powers and responsibilities. These issues should be anticipated by the international community and planned for accordingly.

Another issue of logistics is that if internationals are going to be detaining people, they must have access to sufficient infrastructure for securing them. Oswald referred to the case of Haiti, where “within 72 hours of the US arrival in Haiti on Operation ‘Uphold Democracy’ the need for a facility to house detained persons became apparent.” A similar situation of inadequate resources occurred in Kosovo: “In response to the rising security concerns and pursuant to its mandate, KFOR started to carry out large-scale arrests to restore public peace and order on its territory. In just two weeks this policy led to a backlog of more than 200 detainees, many of them held for serious criminal offences such as arson, violent assaults, and murder” (Oswald, 2001). In addition to a location in which to hold detainees, other infrastructure would be necessary, including the means to preserve evidence and measures for escorting and protecting victims, witnesses and investigators. Finally, in order to undertake detaining functions, cooperation with the state would have to be highly developed and efficient and designated duties clearly defined (Bedont, 2001). As explained by Ambassador Amneus, the movement of prisoners around a conflict zone is a very sensitive issue. Repatriation of missing persons is a complex process requiring high levels of cooperation between sworn enemies. In order for the international community to operate legitimately and effectively in this area, the roles of each party must be designated well before duties begin and jurisdiction becomes confused. This will be the responsibility of the UN as they design mandates for peace operations and of peacekeepers as they deploy to

ensure they thoroughly know their individual assignments. And as mandates become more explicit in the expectations of peacekeeping forces, corresponding training and resources will have to be provided.

### **Peacekeepers as Violators**

When peacekeepers live and work in another country for extended periods of time, they become players in the reality of that setting. They are not externalities to the peace process; rather, they are active participants in day-to-day life. In terms of violations of international law, peacekeepers can play any role that locals can play. That is, they can be perpetrators, enforcers, or victims. Further to the responsibility of the international community to be a good example in someone else's home, it is improper for peacekeeping personnel to be perpetrators of war crimes. Despite the immorality, however, there are cases where this occurs. In this instance, then, it is the responsibility of the international community to prosecute as with any other guilty party. Barbara Bedont stated to the seminar, "Whether they are prosecuted by international tribunals, host countries or home countries, everyone is bound to observe the laws of war." The second role that peacekeepers may play is as enforcers of gender law, although as discussed, there are many questions surrounding this issue. In order to act as police, peacekeepers would need to have extensive training, which military and civilians do not already receive. Thirdly, peacekeepers can be victims of crimes such as rape, sexual violence or torture. According to Bedont, peacekeepers are being increasingly targeted, perhaps because of the severe, political statement this makes. Both women and men can be victims, but it will be different crimes committed depending on the sex. Women are more likely to be targeted for sexual crimes, while men will be victims of other physical violence.

Unfortunately, UN missions have suffered from the problem of human rights violations perpetrated by internationals, due largely to mismanagement of the circumstances of their deployment. There is at times a lack of discipline among some mission personnel, because the focus of operations is centered on evils in the local situation, and internationals are assumed to be virtuous saviours. However, in reality, the arrival of thousands of international workers can have negative effects on the economy and social conditions of the host. The sudden influx in population burdens the local economy with

increased demands for goods. When demand exceeds supply, it is the relatively affluent internationals who can pay to receive, and the poorer locals who go without. While a larger market could benefit business, the ordinary consumer is hurt by higher prices if their income remains the same. As explained by Dr. Sandra Whitworth, the UN mission in Cambodia was a classic example of this scenario: “In contrast to UN claims that UNTAC contributed to economic development in Cambodia, the mission was blamed instead for a dramatic escalation in the cost of basic goods and services.” The combination of relative wealth and a lack of control over activities of peacekeepers has also resulted in a deterioration, rather than improvement of, social conditions related to the economy. While on extended stays in a foreign country where daily duties may be emotionally difficult to deal with, peacekeepers are bound to look for entertainment in their free time. With large sums of cash available to support this entertainment, prostitution and other black market activities become prevalent. In Cambodia, Dr. Whitworth recorded that prostitution became a huge social and medical issue, at the same time as it detracted from the legitimacy of the mission. “The widespread use of prostitutes by UNTAC personnel played nicely into hands of the Khmer Rouge in their efforts to undermine the peace process. They accused peacekeepers of being too busy with prostitutes to check on the presence of Vietnamese soldiers” (Whitworth, 2001). So much money temporarily fed into the economy, particularly into prostitution, also resulted in the development of parallel illegal transactions, such as trafficking in humans, drugs and weapons. UN staff may not be the ones actually involved in trafficking, but UN wages fund and maintain the practice.

Having an effect on the local economy and social situation is not a human rights violation, but it impacts the success of the mission and can produce an environment in which violations are more likely to occur. With recent advances in gender-specific international law, the circumstances of sexual relations can be tried as human rights violations. International law states that a culture of fear, such as that found in wartime, leads people to act out of desperation rather than compliance. A peacekeeper may have sexual relations with a woman who he believes to be consenting, but be convicted as a rapist because the abnormal environment put him in a position of power, which distorts the definition of consent. She may have felt that she had no choice but to comply, or perhaps she used her body as currency to secure necessities of life. If she had been

previously terrorized, or was being kept in confinement, the environment could be deemed as coercive, making the perpetrator guilty. Bedont outlined these legal procedures in relation to the ICTY and ICTR: "If the circumstances are such that a reasonable person would know that the woman is acting under fear, then the Courts will infer that the perpetrator knew that the woman was not consenting." It is possible that these conditions could be extended to prostitution; women in brothels may not be there of their own free will. Or a prostitute may be uncomfortable or unwilling to perform specific acts requested by the customer, due to cultural differences. For example, Whitworth described an incidence in Cambodia when UNTAC staff hired a prostitute and forced her to perform a strip-tease. The practice was so unacceptable in Cambodian culture that a local man would not stay in the building, yet the woman was not given a choice about the performance. In cases such as this, UN staff may be tried for violations of international humanitarian law, compromising both the reputation and the capabilities of the operation. Lieutenant-Colonel Kany Diabete Coulibaly of Mali spoke to the seminar on the importance of communicating and building trust with local populations; clearly this consideration was not central enough in UNTAC.

Fortunately the problem of peacekeepers' involvement in extra-legal activities has been recognized, and is therefore being addressed in the design of current operations. Group Four of the team discussion segment of the seminar formulated a number of recommendations on how to limit the incidences of human rights abuses. Firstly, the Blue Helmet Code of Conduct must be enforced for all military personnel and a general code of conduct, applicable to all, must be developed and enforced. As discussed, enforcement of laws must be defined and clarified, in regards to both local and international perpetrators. Questions of jurisdiction relating to non-UN internationals such as NGO's and media must also be resolved. For peacekeepers who do violate the code of conduct, they should immediately be sent home, and trials should proceed as with any other perpetrator. In order to reduce the impact of the UN presence on the local economy, Group Four recommended that peacekeepers' involvement within it be limited. If more necessary services were provided to civilian staff, they would not have to secure these services on their own. The UN could look at purchasing goods and services for all staff before they even arrive, and be sure to base pricing on market values. As well, because personnel do not need their entire salaries within the country, payments of

salaries could be made directly into home accounts. Limits on the amount of cash on site could be enforced in order to limit opportunities for spending. Finally, the Human Rights Advisor to the mission must monitor these issues and provide further recommendations to the Special Rapporteur to the Secretary-General.

## **Case Studies**

The issue of international human rights in the context of peace operations can be viewed as either a negative or a positive situation, depending on your perspective. An account of the ongoing violations around the world provides a dismal outlook, because the number and variety of abuses are huge. If you concentrate on improvements made in international law and its enforcement, however, the picture is much more promising. Both of these perspectives were provided by speakers at the Cornwallis Seminar, so that participants gained an understanding of advances in the field as well as the challenges still ahead.

Phenyo Rakate presented the case study of the Democratic Republic of Congo as an example of some of the challenges facing human rights administrators. He gave an overview of six categories of abuses there, the first being general human rights violations. Under this heading, Rakate included “arbitrary arrests and detentions, political and other extra-judicial executions, arrests and illegal detention of journalists and members of opposition parties, banning trade unions and newspapers, forced disappearances, systematic use of torture and other cruel or degrading forms of punishment, and the killing of foreigners.” The judicial system in DRC has been ineffective since 1997 when Laurent Kabila overthrew the government; wages were not paid regularly and staff was thus susceptible to corruption. As a veritable replacement of the Supreme Court, Kabila established military tribunals, which were used as his tool to punish opposition. Human rights law was definitely not adhered to, as Rakate described: “Those accused in the military tribunals have no automatic right of appeal; many defendants were arbitrarily condemned to death. Victims of military tribunals have included journalists, political opponents and military personnel.”

The remaining four categories of abuses are included under the heading of international humanitarian violations. As described earlier, it is contrary to the Geneva Conventions to target civilian populations with military offences, and it is required by the Conventions that imprisoned combatants are treated as POW's. Despite these laws, though, both rebels and government forces have shelled civilian towns and conducted broad executions of prisoners. Furthermore, "a provision in the Lusaka Peace Accord which requires parties to exchange prisoners of war has not been honoured by any party" (Rakate, 2001). The second violation of international humanitarian law perpetrated in the DRC is the use of child soldiers in combat. While most child soldiers are part of the rebel forces, the government is also guilty of recruiting soldiers under 18 years of age. Children are deployed to the front lines of conflict because they often have no fear and display less opposition to their superiors than adult soldiers. Lieutenant-Colonel Kany Diabete Coulibaly also reported on the problematic nature of this issue, particularly in Africa, and the need to involve the international community in order to find solutions. The ramifications are far-reaching; in the DRC, for example, school attendance declined dramatically because parents were reluctant to send their children, due to the fear of having them forcefully taken away for combat training. There has been strong resistance to the demobilization and reintegration of child soldiers back into society as well, despite the fact that Kabila signed a decree to that effect in June 2000 (Rakate, 2001). Thirdly, forces in the DRC conflict, particularly those from Uganda and Rwanda, have repeatedly used rape as a strategy for terrorizing the civilian population in regions under their control. This is a specific category of war crime that must not go unpunished. Rakate identified the final category of unsuitable behaviour as the killing of humanitarian workers: "On 26 April 2001, six ICRC relief workers travelling in two vehicles marked with Red Cross emblems were killed by unidentified assailants in the Ituri province." It is rare that serious harm comes to internationals because of the consequences for political and diplomatic relations of the country. Also, humanitarian workers are in the country to benefit the local population, so it indicates a serious lack of law and order that even diplomatic status did not protect the workers. The DRC is party to the four Geneva Conventions and Protocol 1, as well as other international instruments. The other states involved in the conflict are also signatories of the Geneva Conventions and their Protocols, as well as various other conventions. Therefore, it is necessary that perpetrators of crimes from all sides be taken to task for violating their commitments.

In terms of positive indications in the field of human rights, one must examine the advances made in international mechanisms and UN structures. For example, when the extensive problems associated with missing persons in Kosovo were identified, UNMIK appointed a Special Envoy to address the issue and find possible solutions. The mission and findings of Henrik Amneus were discussed earlier. Also previously examined was the development of criminal tribunals, including comprehensive statutes covering all human rights and gender issues. This development comprises a monumental step towards effective execution of international law. It reflects corresponding improvements in the applicability of the laws themselves, as well; international law is much more thorough today than it was when the United Nations was formed. Numerous conventions and declarations regulate all aspects of human rights for all segments of society. The basic laws become more and more entrenched as time passes, becoming part of customary comportment and thereby reducing the chance of their being violated, even in the extreme case of war. If accounts of human rights abuses around the globe were compared from 1950 and 2000, there would likely be significantly more reports in the modern period. This is not necessarily an indication that abuses are increasing, however, but that documentation is now more thorough. Whereas issues such as domestic violence may have been traditionally understood as a normal part of daily life, they are now increasingly recognized as human rights violations. Because of this acceptance, and because judicial mechanisms now exist for prosecution of violations, the chances for equality between all human beings are constantly improving.

## **Challenges Ahead**

Violations of human rights law and international humanitarian law are rampant in the context of modern armed conflicts. Tasked with securing peace and rebuilding societies based on the rule of law, the international community in the 21st century must deal with the aftermath of conflict and all its repercussions. A principal component of successful peace building is establishing a culture of justice rather than impunity, which requires scrutiny of human rights conditions and prosecution of violations. Law and order must be prevalent before human rights abuses will stop. Throughout the Cornwallis Seminar, recommendations were made on how best to ensure success in these endeavours. Following is a list of those recommendations.

1. Training – In order to enforce an understanding of human rights in the conflict region, United Nations and other international personnel must have a thorough understanding of the issues themselves. Awareness must be ingrained over time, and there is a significant volume of material must to cover, thus training must be a long-term process, rather than left to short pre-deployment briefings. In addition to human rights law and international humanitarian law, peacekeepers must be schooled in domestic laws and customs. This will decrease their negative impact on the host society and facilitate the achievement of goals.
2. Mandate – Security Council mandates, which authorize international intervention in a domestic conflict, must be explicitly clear regarding the roles and responsibilities of peacekeepers. If they are to act as police, the function must be prepared for with training and infrastructure. Possible conflicts of interest, regarding policing roles or any other issue, must be anticipated based on past experiences, and arranged for in advance.
3. International Impact – Several recommendations were previously discussed in regards to limiting the international impact on the local economy and society. Limiting the amount of cash in hand of peacekeepers decreases the likelihood of their stimulating inflation or contributing to black markets. Basic goods and services could be provided by the UN; the necessary infrastructure would have to be planned in advance.
4. Code of Conduct – Further to reducing the negative indications of international presence and the odds of peacekeepers being violators of human rights, a code of conduct should be ubiquitous throughout the mission. A new code may have to be developed in order for discipline to be effectively enforced.
5. Security – It is of primary importance that the security of peacekeepers be ensured, so that they do not become victims of human rights violations. This requirement involves consideration of a number of factors, including delineating areas of responsibility, phasing out the military operation, and guaranteeing functioning communications. Additionally, the presence of NGO's and foreign

media can be a constraint to securing safety of mission staff, so the United Nations must decide how far its responsibility extends. Concurrent with building lasting capabilities in the host state, however, international security pursuits must be limited in time frame and scope to only what is necessary for safety. When safety is compromised, there is an obligation to act, but when safety is secured, internationals must transfer responsibility of the security sector back to civilian authorities as soon as possible.

6. Cooperation – Fostering cooperation between warring parties is a crucial step in securing the repatriation of political prisoners and clarifying missing persons. Fostering cooperation between different UN units is a necessary accomplishment if the mission is to be efficient, effective, and successful.
7. Prisoners, Detainees and Missing – Consider this crucial issue in organizing the structure of the mission, in creating structures for coordination among actors, and in training. Pursuant to learning from past experiences such as that of Kosovo, consider recommendations to create consolidated databases of missing persons and to foster grassroots cooperation for gathering information on them.
8. Tribunals – Upon cessation of hostilities in any conflict, the international community must support the rule of law, and fulfill its legal and moral obligation, by bringing all perpetrators of human rights violations before trial. If there does not exist a criminal tribunal enabled to handle the cases, the possibility of creating an ad hoc tribunal must be examined. Consistent establishment of a culture of justice may have the added benefit of contributing to prevention of conflict by acting as a deterrent.
9. Reviews – Performance reviews should be a regular component of UN operations, in order that future operations can benefit from lessons learned and avoid duplication of errors. The nature of peacekeeping will be constantly changing, and it is only by monitoring successes and failures of all aspects and all actors that we can adapt to new realities and thereby accomplish our goals.

## APPENDIX A: UNSCR 1325

United Nations

**S**/RES/1325 (2000)

**Security Council**

Distr.: General  
31 October 2000

---

### Resolution 1325 (2000)

**Adopted by the Security Council at its 4213th meeting, on  
31 October 2000**

*The Security Council,*

*Recalling* its resolutions 1261 (1999) of 25 August 1999, 1265 (1999) of 17 September 1999, 1296 (2000) of 19 April 2000 and 1314 (2000) of 11 August 2000, as well as relevant statements of its President, and *recalling also* the statement of its President to the press on the occasion of the United Nations Day for Women's Rights and International Peace (International Women's Day) of 8 March 2000 (SC/6816),

*Recalling also* the commitments of the Beijing Declaration and Platform for Action (A/52/231) as well as those contained in the outcome document of the twenty-third Special Session of the United Nations General Assembly entitled "Women 2000: Gender Equality, Development and Peace for the Twenty-First Century" (A/S-23/10/Rev.1), in particular those concerning women and armed conflict,

*Bearing in mind* the purposes and principles of the Charter of the United Nations and the primary responsibility of the Security Council under the Charter for the maintenance of international peace and security,

*Expressing* concern that civilians, particularly women and children, account for the vast majority of those adversely affected by armed conflict, including as refugees and internally displaced persons, and increasingly are targeted by combatants and armed elements, and *recognizing* the consequent impact this has on durable peace and reconciliation,

*Reaffirming* the important role of women in the prevention and resolution of conflicts and in peace-building, and *stressing* the importance of their 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,

*Reaffirming also* the need to implement fully international humanitarian and human rights law that protects the rights of women and girls during and after conflicts,

*Emphasizing* the need for all parties to ensure that mine clearance and mine awareness programmes take into account the special needs of women and girls,

*Recognizing* the urgent need to mainstream a gender perspective into peacekeeping operations, and in this regard *noting* the Windhoek Declaration and the Namibia Plan of Action on Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations (S/2000/693),

*Recognizing also* the importance of the recommendation contained in the statement of its President to the press of 8 March 2000 for specialized training for all peacekeeping personnel on the protection, special needs and human rights of women and children in conflict situations,

*Recognizing* that an understanding of the impact of armed conflict on women and girls, effective institutional arrangements to guarantee their protection and full participation in the peace process can significantly contribute to the maintenance and promotion of international peace and security,

*Noting* the need to consolidate data on the impact of armed conflict on women and girls,

1. *Urges* Member States to ensure increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict;
2. Encourages the Secretary-General to implement his strategic plan of action (A/49/587) calling for an increase in the participation of women at decision-making levels in conflict resolution and peace processes;
3. Urges the Secretary-General to appoint more women as special representatives and envoys to pursue good offices on his behalf, and in this regard calls on Member States to provide candidates to the Secretary-General, for inclusion in a regularly updated centralized roster;

4. Further urges the Secretary-General to seek 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;
5. Expresses its willingness to incorporate a gender perspective into peacekeeping operations, and urges the Secretary-General to ensure that, where appropriate, field operations include a gender component;
6. Requests the Secretary-General to provide to Member States training guidelines and materials on the protection, rights and the particular needs of women, as well as on the importance of involving women in all peacekeeping and peacebuilding measures, invites Member States to incorporate these elements as well as HIV/AIDS awareness training into their national training programmes for military and civilian police personnel in preparation for deployment, and further requests the Secretary-General to ensure that civilian personnel of peacekeeping operations receive similar training;
7. Urges Member States to increase their voluntary financial, technical and logistical support for gender-sensitive training efforts, including those undertaken by relevant funds and programmes, inter alia, the United Nations Fund for Women and United Nations Children's Fund, and by the Office of the United Nations High Commissioner for Refugees and other relevant bodies;
8. Calls on all actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective, including, inter alia:
  - (a) The special needs of women and girls during repatriation and resettlement and for rehabilitation, reintegration and post-conflict reconstruction;
  - (b) Measures that support local women's peace initiatives and indigenous processes for conflict resolution, and that involve women in all of the implementation mechanisms of the peace agreements;
  - (c) Measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary;
9. 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, in particular the obligations applicable to them under the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977, the Refugee Convention of 1951 and the Protocol thereto of 1967, the Convention on the Elimination of All Forms of Discrimination against Women of 1979 and the Optional Protocol thereto of 1999 and the United Nations Convention on the Rights of the Child of 1989 and the two Optional Protocols thereto of 25 May 2000, and to bear in mind the relevant provisions of the Rome Statute of the International Criminal Court;

10. Calls on all parties to armed conflict to take 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;
11. Emphasizes the responsibility of all States to put an end to 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, and in this regard stresses the need to exclude these crimes, where feasible from amnesty provisions;
12. Calls upon all parties to armed conflict to respect the civilian and humanitarian character of refugee camps and settlements, and to take into account the particular needs of women and girls, including in their design, and recalls its resolutions 1208 (1998) of 19 November 1998 and 1296 (2000) of 19 April 2000;
13. Encourages all those involved in the planning for disarmament, demobilization and reintegration to consider the different needs of female and male ex-combatants and to take into account the needs of their dependants;
14. Reaffirms its readiness, whenever measures are adopted under Article 41 of the Charter of the United Nations, to give consideration to their potential impact on the civilian population, bearing in mind the special needs of women and girls, in order to consider appropriate humanitarian exemptions;
15. Expresses its willingness to ensure that Security Council missions take into account gender considerations and the rights of women, including through consultation with local and international women's groups;
16. Invites the Secretary-General to carry out 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, and further invites him to submit a report to the Security Council on the results of this study and to make this available to all Member States of the United Nations;
17. Requests the Secretary-General, 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;
18. Decides to remain actively seized of the matter.

## REFERENCES TO SPEECHES

Amneus, Ambassador Hunrik. (2001). *Mission Perspective: A Case Study of Human Rights Diplomacy Concerning Prisoners, Detainees, and Missing Persons*. Challenges Seminar Series. Cornwallis, Canada: Pearson Peacekeeping Centre.

Baskin, Dr. Mark. (2001). *A Double-Edge Sword: Ethnicity, Nationalism and Human Rights*. Challenges Seminar Series. Cornwallis, Canada: Pearson Peacekeeping Centre.

Bedont, Barbara. (2001). *International Humanitarian Law, Human Rights Law, Gender and Peacekeeping*. Challenges Seminar Series. Cornwallis, Canada: Pearson Peacekeeping Centre.

Bejtullahu, Blerta. (2001). *Human Rights and Gender Issues – Local Perspective*. Challenges Seminar Series. Cornwallis, Canada: Pearson Peacekeeping Centre.

Coulibaly, Lt Col Kany Diabete. (2001). *Human Rights and Gender Issues – A Military Perspective*. Challenges Seminar Series. Cornwallis, Canada: Pearson Peacekeeping Centre.

Hilding-Norberg, Annika. (2001). *Welcoming Remarks*. Challenges Seminar Series. Cornwallis, Canada: Pearson Peacekeeping Centre.

King, Angela E.V. (2001). *Security Council Resolution 1325 and Beyond*. Challenges Seminar Series. Cornwallis, Canada: Pearson Peacekeeping Centre.

Levine, Corey. (2001). *Gender and Peacebuilding in the Balkans: Lessons to be Learned*. Challenges Seminar Series. Cornwallis, Canada: Pearson Peacekeeping Centre.

Mackay, Angela. (2001). *Gender and Peacekeeping – Training experiences in UNTAET and UNMEE*. Challenges Seminar Series. Cornwallis, Canada: Pearson Peacekeeping Centre.

Maguire, Sarah. (2001). *Gender Issues and Peacekeeping Training Initiative*. Challenges Seminar Series. Cornwallis, Canada: Pearson Peacekeeping Centre.

Morrison, Alex. (2001). *The Changing Face of Peacekeeping*. Challenges Seminar Series. Cornwallis, Canada: Pearson Peacekeeping Centre.

Ng, Tisa. (2001). *Human Rights and Gender Issues – A Patriarchal Perspective*. Challenges Seminar Series. Cornwallis, Canada: Pearson Peacekeeping Centre.

Oswald, Major Bruce. (2001). *Interim Justice in Peace Operations*. Challenges Seminar Series. Cornwallis, Canada: Pearson Peacekeeping Centre.

Rakate, Pheny Keiseng. (2001). *Protecting Victims of War: Towards Accountability in the Post Democratic Republic of the Congo Conflict*. Challenges Seminar Series. Cornwallis, Canada: Pearson Peacekeeping Centre.

Raven-Roberts, Dr. Angela. (2001). *Context and Characteristics of Post Modern Conflict... Implications for Humanitarian and Human Rights Approaches*. Challenges Seminar Series. Cornwallis, Canada: Pearson Peacekeeping Centre.

Sorger, Carmen. (2001). *Gender and Peace-building Issues – A Canadian Perspective*. Challenges Seminar Series. Cornwallis, Canada: Pearson Peacekeeping Centre.

Strachan, Jennifer. (2001). *Human Rights, Gender, and Civilian Policing*. Challenges Seminar Series. Cornwallis, Canada: Pearson Peacekeeping Centre.

Whitworth, Dr. Sandra. (2001). *UNTAC*. Challenges Seminar Series. Cornwallis, Canada: Pearson Peacekeeping Centre.

## REFERENCES TO DOCUMENTS

United Nations. General Assembly. 51st Session. (3 September 1996). Implementation of the outcome of the fourth world conference on women: Report of the Secretary-General. UN Doc. A/51/322.

United Nations. General Assembly. (12 August 1949). Convention (III) relative to the Treatment of Prisoners of War. Geneva. UN Doc. UNTS 75, 85.

United Nations. General Assembly. (12 August 1949). Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva. UN Doc. UNTS 75, 135.

United Nations. General Assembly. 183<sup>rd</sup> Plenary. (10 December 1948). Universal Declaration of Human Rights. UN Doc. A/RES/217 (III).

United Nations. General Assembly. (1945). United Nations Charter. UN Doc. UNTS 892,119.