UNITED NATIONS RESPONSE TO
GENDER BASED VIOLENCE DURING CONFLICTS: A CRITIQUE

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Abstract: For many years, the conceptualization of gender based violence against women as a collateral damage of war has allowed the phenomenon to go unbridled, acting as a convenient defence for the International Community and subsequently shielding it from the responsibility of taking preventive action. The Nuremberg trials were a case in point where rape was not listed as a war crime and not a single individual was held responsible for the thousands of rapes that took place during World War II. Since the Nuremberg trials however, the international discourse on gender based violence during conflicts has evolved considerably to a point of an active United Nations Campaign called 'Stop Rape Now' which works towards the goal of ending sexual violence in conflict. The paper deliberates why and how a state centric nature of security in the UN campaign is an inadequate tool for addressing the challenge of Gender-based Violence encountered today.

Keywords: Armed Conflict, Gender-based Violence, United Nations, Women.

Introduction: Gender can be defined as a set of socially constructed ideas about what men and women ought to be (Detraz, 2012). These ideas are passed on through extensive socialization (D'Amico & Beckman, 1994) that pervades all facets of the lived experiences of an individual. Applying "Gender lenses" to security allows for the inclusion of women's experiences in a discourse where none have existed before. The goal of most feminists in International Relations however is not merely to include women's experiences but to use them to broaden, deepen and most importantly open the issue of security thereby leading to redefinitions and revaluations of the values traditionally associated with security.

Gender-based Violence during Conflicts and the United Nations

"Until recently, sexual violence against women was never taken seriously" (Gardam, 1998). However this changed when sexual violence against women in armed conflict was brought to the forefront by International Criminal Tribunal for Former Yugoslavia, set up by the United Nations. The movement for international recognition of gender based violence which began at International Criminal Tribunal for Former Yugoslavia resulted in a convergence of two transnational networks which had remained distinct until then, one of human rights and the other of women's rights (Keck & Sikkink, 1998). This lead to the demand for the recognition of women's rights as human rights.

Keck & Sikkink (1998) enlist four phenomena which attracted global attention to the issue of women's human rights during armed conflicts. These phenomena are:

1. Preparation for world conference on Human Rights in Vienna in 1993.
2. Coverage about use of rape in wartime as an instrument of ethnic cleansing and related media campaign in the former Yugoslavia.
3. Proactive funding by American and European foundations.
4. Crucial catalyst role played by the global campaign on women's human rights organized by the Centre for Women's Global Leadership at Rutgers University.

Post the establishment of the International Criminal Tribunal for the Former Yugoslavia, the progress of networking around women's rights is closely linked to the United Nations' system and has followed the chronology of the United Nations' meetings (Keck & Sikkink, 1998). Mexico city (1975), Copenhagen (1980), Nairobi (1985) conferences were instrumental in bringing actors associated with the issue together and lead to the generation of a global discourse on women's human rights. At these venues, the seeds of the global women's human rights movement were sowed and the outcomes obtained at the fourth Women's World Conference in Beijing (1995) which according to Bunch and Frost "...signalled the successful mainstreaming of women's rights as human rights." (Bunch & Frost, 2000). Women's human rights caucus utilized United Nations to churn an evolution in social thought process at the international level about issues concerning women's human rights and when they received legitimacy from the United Nations in the form of these ideas being converted into international norms, women took these norms back to their countries to promote concrete policy changes. (Jolly, et al., 2009)

Oxley (2011) brings forth a much overlooked observation, the contribution made to this movement by rape victims. At International Criminal Tribunal for Former Yugoslavia, rape victims came out to testify and speak of their horrific experiences in order to bring the perpetrators to book. It was the first time such a strong position had been taken up by women and their choice to do so despite being a part of a conservative society spoke volumes of their grit and

steadfast determination to end impunity for perpetrators. According to Oxley it "compelled the United Nations to classify systematic rape in warfare as a crime against humanity and an act of genocide" (2011). Even the monumental Security Council Resolution 1325 concerning women, peace and security was brought about with the help of testimonies from victims of sexual violence during conflicts.

It is now becoming clear however that victories like these have come along with certain damages. Engle (2005) squashes assumptions that these progressions in International norms and law regarding the status of women in conflict are "path-breaking and progressive". She contends that these events have worked at abasing women's sexual and political agency by reinforcing the stereotype of women requiring "special protection". United Nations' Women Peace and Security agenda under which most of its work on sexual violence during conflict is clubbed garners another critique from Meger (2012) who points out that Resolution 1325 does not address sexual violence in conflict as a security issue for women but rather links it erroneously to state security thereby making it an instrument instead of an end to be achieved in itself. . She argues that "If the sexual violence perpetrated cannot be directly and causally linked to the objective of the armed group or purpose of the conflict, it falls outside of the scope of UN consideration and response" (Meger, 2012). The global approach to Gender based violence has also been criticized for excluding the experiences of the local women (Dewey & St.Germaine, 2012) and appearing more to be a manifestation of the "white men saving brown women from brown men" stereotype (Spivak, 1998). The racist nature inherent in this global strategy is also concurred by Smith (2005) who describes it as "a state of false consciousness created by internalized racism and sexism" Charlesworth (1994) concurs that "the powerful tools that international humanitarian law offers for gender equality have actually been used to halt or retard advancement for women." as they seem to reify and promote the traditional notion of women being victims who require men to save them and their honour. In addition, Leatherman (2011) describes the current efforts to curb sexual violence in conflict as only "emergency rooms" responses and insists on the need to primarily target problematic gendered relations in society which have allowed for sexual violence to become a norm.

Perhaps the biggest criticism the United Nations has received has been its tardy response to violations of gender based violence by United Nations peacekeepers and personnel themselves. Some of the places these violations have been reported from are Sierra Leone, Democratic Republic of Congo and Liberia amongst numerous others. However United Nations was at first caught with an "inadequate procedure" to deal with such violations resulting in then Secretary General, Kofi Annan appointing Prince Zeid in 2004 to investigate and report on these crimes. The Zeid Report lead to the adoption of UN's much acclaimed zero tolerance policy towards crimes of sexual violence and harassment. However the United Nations adherence to this policy has since been criticized by Prince Zeid himself who claimed that "The situation appears to be one of 'zero-compliance with zero tolerance' (Clayton & Bone, 2004) Even though the Zeid report was a robust attempt made by the United Nations to address the complex issue of the "protector" turning on some of the "most vulnerable people in the world" (New York Times, 2005), many a lacunae continue to afflict the response procedure which currently stands receptive to heavy criticism.

Conclusion: On the ground, for results to be evidenced it would require the United Nations to move beyond a strategy informed simply by liberal feminism towards a more critical approach. Until recently, the United Nations' policy on violence against women in conflicts appealed to the traditional association of women with motherhood and peace. Its policy currently stands on a platform informed entirely by liberal feminist views which require women to be included in peace processes right from peace negotiations to post conflict reconstruction. While there are no doubts over the benefits and necessity of having more women involved in these processes at all levels, such a strategy places excessive demands on the women who do enter the decision making ranks by assigning them with an unreal responsibility of thinking, speaking and representing all women and implementing the emancipation of women from subordination through these steps. It leaves no room for the possibilities of a less than progressive outcome if the women themselves have fallen victim to patriarchal cooption. The solution then is not to solely insist on pulling more women to join the existent systems but rather to simultaneously dismantle these systems of subordination piece by piece and construct newer understandings of peace and security which are inclusive and do not lean in favour of any stereotypical gender roles.

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