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Source: *Security Challenges*, Vol. 14, No. 2, Special Issue: Celebrating and Interrogating Women and National Security (2018), pp. 124-143

Published by: Institute for Regional Security

Stable URL: <https://www.jstor.org/stable/10.2307/26558025>

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Leading the Operationalisation of WPS

Susan Hutchinson

This paper considers how an intervening security force can implement the relevant components of the suite of United Nations Security Council resolutions on Women, Peace and Security (WPS). The analytical framework of the paper is a generic operational cycle comprised of pre-planning, planning, conduct, and transition. Specific tasks identified in the resolutions are organised in this generic operational cycle. The tasks are those commonly led by security forces, or directed by government, and include: conflict analysis or intelligence; deliberate planning; force structure; population protection; female engagement; support to the rule of law; security sector reform; and disarmament, demobilisation and reintegration. This paper focuses on the experiences of the Australian Defence Force, with additional examples from militaries of Canada, Ireland, Sweden and the United States as well as organisational experiences from NATO and the United Nations. The paper draws on operations including, but not limited to, in Afghanistan, Rwanda, Yugoslavia and East Timor. Overall, the paper makes a unique contribution to the military operationalisation of the WPS agenda.

The United Nations (UN) Security Council has now passed eight resolutions (UNSCRs) on the WPS agenda. Resolutions 1820 (2008),¹ 1888 (2009),² 1960 (2010),³ and 2106 (2013),⁴ are concerned with protection from and ending impunity for sexual and gender-based violence in armed conflict. Most significantly, they label the widespread and systemic use of sexual violence against women and girls as a crime against humanity and a constituent act of genocide. Resolutions 1889 (2009)⁵ and 2122 (2013)⁶ go into great detail about increasing women's participation and supporting women's leadership in all aspects of conflict prevention, mitigation and recovery. The most recent resolution, UNSCR 2242 (2015), focused on women's participation in conflict prevention, but also covered issues of countering violent extremism.⁷ *En masse*, the resolutions cover gendered issues in the context of a range of activities undertaken to support international peace and security. Such tasks include information gathering; protection of civilians; support to the rule of law; security sector reform; and disarmament, demobilisation and reintegration. The tasks covered in the resolutions, will be addressed in this paper as they would be undertaken in a generic operational cycle: pre-planning, planning, conduct and transition.

¹ United Nations Security Council, Resolution 1820 (2008), S/RES/1820 (19 June 2008).

² United Nations Security Council, Resolution 1888 (2009), S/RES/1888 (30 September 2009).

³ United Nations Security Council, Resolution 1960 (2010), S/RES/1960 (16 December 2010).

⁴ United Nations Security Council, Resolution 2106 (2013), S/RES/2106 (24 June 2013).

⁵ United Nations Security Council, Resolution 1889 (2009), S/RES/1889 (5 October 2009).

⁶ United Nations Security Council, Resolution 2122 (2013), S/RES/2122 (18 October 2013).

⁷ United Nations Security Council, Resolution 2242 (2015), S/RES/2242 (13 October 2015).

There is a vast volume of feminist international relations scholarship on women's experience of conflict. Indeed, there is an entire sub-discipline of Feminist Security Studies.⁸ But research rarely focuses on the contributions of the military to the implementation of the WPS agenda. The Nordic Centre for Gender in Military Operations and the North Atlantic Treaty Organization (NATO) have gathered some snapshots of tactical activities undertaken by military forces,⁹ with some attention paid to some relevant policies including personnel and human resources.¹⁰ However, little research has been done on the comprehensive integration of the WPS agenda at the strategic and operational level. This paper draws on examples of good practice, or leadership, from the militaries of western, liberal democratic countries to highlight what military leadership might look like on the operationalisation of WPS. Reference material comes from researchers based in Africa and the Pacific as well as Switzerland and Sweden, while practical examples and case studies are drawn from the United States, Canada and Ireland as well as Australia and organisations like NATO and the UN.

The Department of Defence has shown clear leadership in their implementation of the *Australian National Action Plan on Women, Peace and Security 2012-2018*. After the inaugural Annual Civil Society Dialogue on Women, Peace and Security, the Vice Chief of Defence Force established a position in his office for a director of the department's implementation of the National Action Plan (NAP). The Annual Civil Society Report Cards on the implementation of the NAP continue to report that the Department of Defence is the highest performing agency regarding NAP implementation.¹¹ However, the NAP has many failings and would never have been able to address all the defence specific components of the entire WPS agenda. Additional individual leadership was shown when Joint Operations Command requested the assistance of the Defence Science and Technology Group to support the comprehensive implementation of the WPS agenda in Australian joint military operations. This paper reimagines some of the work undertaken in that project, considering what leadership on WPS would look like at all stages of a generic operational cycle.

The paper will focus on the WPS agenda as one which, in the Australian context, is largely externally focused. While women's participation in peacekeeping and peace negotiations is a key element of the WPS agenda,

⁸ A. T. R. Wibben, *Feminist Security Studies: A Narrative Approach* (New York: Routledge, 2011).

⁹ L. Hammar and A. Berg, *Whose Security? Practical Examples of Gender Perspectives in Military Operations* (Stockholm: Nordic Centre for Gender in Military Operations, 2015).

¹⁰ Cristina Figueroa et al., *UNSCR 1325 Reload: An Analysis of Annual National Reports to the NATO Committee on Gender Perspectives from 1999-2013: Policies, Recruitment, Retention & Operations* (Madrid: Australian Human Rights Commission and Universidad Rey Juan Carlos, 2015); supported by the NATO Science for Peace and Security Programme.

¹¹ The Australian Civil Society Coalition on Women, Peace and Security, 'Third Annual Civil Society Report Card on Australia's National Action Plan on Women, Peace and Security', 2015, <pscoalition.files.wordpress.com/2016/11/report-card.pdf>, p. 3.

the Australian Defence Force makes minimal contribution to UN peacekeeping. Any increase in women's participation in the Australian Defence Force (ADF) will therefore have little effect on the overall number of women participating in UN peace operations. The issue of military women's participation will only be discussed in so far as it effects operational outcomes such as engagement with the local population. In this way, the implementation of the WPS agenda needs to be differentiated from the gender reform program embodied in the Broderick *Review into the Treatment of Women in the Australian Defence Force*.¹² While the implementation of the Broderick reviews does contribute to the participation pillar that appears in both the Secretary General's Seven Point Plan on Women's Participation in Peacekeeping¹³ and the Australian NAP,¹⁴ the WPS agenda is much broader than the remit of the Broderick reviews, and any communication that confuses the two¹⁵ should be corrected. As Egnell reminds us, "the core task of military organisations is to fight and win the nation's wars, or to apply organised violence, or threat of such violence in pursuit of the national leadership's political aims".¹⁶ In Sweden much of the success of implementing the WPS agenda is credited to the fact that a gender perspective was considered "an issue of operational effectiveness rather than just a largely politically-laden human resources issue of women's rights and participation".¹⁷

Policy Context

Different military organisations have varying frameworks in which they describe phases of military operations. By using a generic operational cycle (pre-planning, planning, conduct and transition) the analysis contained in this paper aims to be applicable to a broad range of professional military organisations. Within that generic operational cycle are security activities that are both explicitly discussed in the suite of UN Security Council resolutions and required of the Australian Defence Force, as directed by the Australian Government. It is with these activities that there is scope to show the greatest leadership operationalising the WPS agenda.

¹² Australian Human Rights Commission, 'Review into the Treatment of Women in the Australian Defence Force [Broderick Review]', <defencereview.humanrights.gov.au/reports> [Accessed 10 April 2018].

¹³ UN Security Council General Assembly, 'Women's Participation in Peacebuilding: Report of the Secretary-General', A/65/354-S/2010/466 (7 September 2010).

¹⁴ Department of Families, Housing, Community Services and Indigenous Affairs, *Australian National Action Plan on Women, Peace and Security 2012-2018* (Canberra: Australian Government, 2012).

¹⁵ D. Fryer, 'Women, Peace and Security: The Agenda Is Not Women and It Won't Achieve Peace and Security', *Australian Defence Force Journal*, Issue 200 (2016).

¹⁶ R. Egnell, P. Hojem and H. Berts, *Gender, Military Effectiveness, and Organisational Change: The Swedish Model* (Basingstoke: Palgrave Macmillan, 2014), p. 7.

¹⁷ Ibid.

The government expects that the ADF will not only abide by international law, but where appropriate it will enforce international law. An obvious example of this would be in upholding sanctions. But the Department of Defence is also responsible for Australia's implementation of the Arms Trade Treaty, including its gender provisions. More recognisably, government expects the ADF maintains an ongoing and evolving capability to analyse conflict. While Australia's intelligence capabilities extend far beyond the ADF; the navy, army and air force all contribute information and analyse various aspects of conflict and instability. The function of deliberate planning for joint military operations sits within the defence force and the government expects the ADF to undertake security sector reform; disarmament, demobilisation and reintegration programs as well as other transition assistance such as support to governance and the rule of law in specific cases. These tasks have largely been undertaken, and thought about, in a 'gender neutral' way. However, the suite of Security Council resolutions on WPS identifies specific expectations for the gendering of these activities.

Pre-planning

INTELLIGENCE

UNSCR 1889 calls for the data collection, analysis and systematic assessment of the particular needs of women and girls, including "information on their needs for physical security and participation in decision-making and post-conflict planning, in order to improve system-wide response to those needs".

Integrating a gender perspective into security operations requires a gendered understanding of conflict. The data required for operational assessments comes from a broad range of friendly force and intelligence sources.¹⁸ Accordingly, a gender perspective will need to be applied across a large range of organisations. One way to assess the extent to which security organisations have a gendered understanding of conflict is to undertake a gender audit of intelligence product. How many times do the words girls, women, woman, wife, children, sexual violence, rape, and gender-based violence appear in intelligence products? Such an audit could be undertaken biennially, with increasing results.

Canadian Armed Forces (CAF) are required to assess "the implications for women and men, boys and girls of any planned action, including the design of policies associated with peace operations, fragile states and conflict affected situations".¹⁹ This is largely achieved through a methodology known as Gender Based Analysis plus (GBA+), which was developed in

¹⁸ Joint Doctrine Centre, Australian Defence Force Publication (ADFP) 5.0.1—*Joint Military Appreciation Process*, 2nd ed. (Canberra: Defence Publishing Service, 2015), pp. 1-12.

¹⁹ J. Vance, Chief of Defence Staff, 'Directive for Integrating UNSCR 1325 and Related Resolutions into Canadian Armed Forces Planning and Operations', *Chief of Defence Staff Directive*, C. Forces (Ottawa, Ontario: National Defence Headquarters, 2016).

accordance with obligations in the 1995 Beijing Platform for Action. GBA+ is an “analytical competency used to assess the potential impacts of policies, programs, services, and other initiatives on diverse groups of women and men, taking into account gender and other identity factors”.²⁰ According to the Chief of Defence Staff Directive, “integration of GBA+ into CAF planning and execution of operations, including incorporation as part of the Operational Planning Process (OPP) is a means of improving operational effectiveness”.²¹

A recent analysis of the Rohingya refugee crises showed what can be learned when such analysis is specifically engendered.²² The author analysed the data on pregnant women and new mothers in the Rohingya refugee population in Bangladesh and determined that such data can be used as an indicator of conflict related sexual violence and ethnic cleansing. The data was problematic but when taken in conjunction with qualitative accounts it was determined that reporting of such a high portion of pregnant women and new mothers inferred a low rate of fighting age males and that the overall demography was skewed by ethnic cleansing, including through the use of conflict related sexual violence such that is in breach of international criminal law.

EXERCISES

Exercises are a key opportunity to increase the awareness, and test the operationalisation of WPS issues. Multinational Exercise Trident Jaguar 16 was run by NATO in January 2016 with WPS integrated into the planning phase. Gender advisors and planners ensured that a gender perspective was integrated into factor analysis, operational liaison reconnaissance team deployments, rules of engagement, planning guidance, commander’s critical information requirements, the strategic communications plan, war gaming, and course of action decision briefs.

In 2015, Exercise Talisman Sabre integrated WPS into planning and execution in a number of ways. Exercise Talisman Sabre is a biennial exercise with Australia and the United States designed to improve readiness and inter-operability across conflict operations. In 2015 it involved over 30,000 Australian and US defence personnel, as well as civilians from Australian and US government agencies, UN agencies, and humanitarian organisations. UNSCR 1325 was referenced in the training objectives and gender-based issues were written into the exercise scenarios. These issues included the protection of women and their participation in peace processes. Twelve gender advisors provided advice on the exercise design and participated in the exercise itself. WPS training was provided to exercise

²⁰ Ibid.

²¹ Ibid., para. 10.

²² S. Hutchinson, ‘Gendered Insecurity in the Rohingya Crisis’, *Australian Journal of International Affairs*, vol. 72, no. 1 (2018), pp. 1-9.

personnel; and staff were directed to integrate WPS into their planning throughout the exercise. After the exercise, participants produced publications and manuals on the implementation of UNSCR 1325 into military exercises. These include a Commander's Guide to Implementing UNSCR 1325 in Military Operations and Planning, and the Australian Civil-Military Centre's guidance document on implementing UNSCR 1325 into exercise planning.²³

When WPS is integrated into exercises, it needs to be explicitly included in the lessons learned collection and analysis. This is an emerging agenda in the military and its integration needs to be critically analysed according to the requirements outline in the resolutions as well as in the context of the mission objectives of the exercise scenario. This requires clarity of purpose and approach before an exercise begins, in order to effectively report any lessons for ongoing development.

Exercise scenarios on WPS should cover the range of tasks outlined throughout this paper, as well as more comprehensive issues of protection from sexual violence and participation in conflict de-escalation, mitigation, resolution and recovery. Intelligence processes, female engagement, security sector reform and disarmament, demobilisation and reintegration scenarios should all include a specific gender dimension. Protection from sexual violence needs to be addressed in scenarios that cover targeting, international legal obligations, and patrol techniques and procedures. The participation of local women needs to be accounted for in scenarios relating to civil-military cooperation (CIMIC), female engagement and transition assistance.

EDUCATION AND TRAINING

Operationalising the WPS agenda requires its inclusion in a suite of joint education and training, as well as some single service training. WPS is an inherently civil-military issue. As such it should be added to the Civil-Military Cooperation Tactical Operators Course and CIMIC Staff Planning Course. WPS has been included in the International Peace Operations Seminar since 2015. It should be mainstreamed throughout the curriculum at Staff College, and at the Centre for Defence and Strategic Studies as well as being highlighted by specific presentations and exercise scenarios. Material such as a guidance notes for applying a gender perspective in the Joint Military Appreciation Process would likely be beneficial.

Education and training can also be used as a vehicle for advancing operationalisation of WPS by other military organisations. Increasing women's participation in peace operations requires the consideration of the promotion of female police and military personnel within their respective

²³ The Australian Civil Society Coalition on Women, Peace and Security, 'Third Annual Civil Society Report Card on Australia's National Action Plan on Women, Peace and Security', p. 3.

domestic institutions, then their deployment on international operations. Progress on this matter has varied across UN Member States but the largest police and troop contributing countries have made the least progress. Around the world, servicewomen face a range of obstacles to operational deployment. Some of these issues could be considered in Australia's Defence Cooperation Program. Australia is a major donor to the female military officer's training program conducted by UN Women but could also, for example, request nomination of female personnel to attend education and training opportunities at the Australian Defence College.

Planning

DELIBERATE PLANNING

The Joint Military Appreciation Process (JMAP) provides doctrinal guidance for planning ADF campaigns and operations. Recent developments in the JMAP support better integration of WPS into deliberate planning. The changes are positive, but for WPS to be effectively implemented in the JMAP, producing a concept of operations and operational plan, the doctrine needs to be read in conjunction with specific WPS material. This critical approach is encouraged in the doctrine, emphasising the value of professional military education and describing critical thinking as "an important skill for planners to develop and exercise because it enables them to challenge accepted norms, to determine the right questions to ask and to answer those questions with an intellectual rigour that might otherwise lack depth".²⁴

The new first step of the JMAP, 'Framing and Scoping', provides an excellent opportunity to incorporate WPS considerations into planning. A WPS expert could join the small group of skilled personnel from within the joint planning group as a subject matter expert alongside an anthropologist and religious scholar. This would ensure gendered considerations of the problem including the initial commander's critical information requirements and consideration of force elements for the provision of Cultural Support or Female Engagement Teams (FET). Having said that, WPS expertise needs to not only be applied at the scoping phase. JMAP doctrine repeatedly refers to "human factors", "society" and "actors", "often relationships among actors are multifaceted and differ depending on the scale of interaction and their temporal aspects (history, duration, type and frequency)".²⁵ However, one cannot have a meaningful understanding of these interrelationships, power dynamics, exclusion or conflict in a society if we are blind to identities such as gender, ethnicity, class and income. Without accessing groups other than the most dominant, planners will not be able to answer questions like "why have the current circumstances arisen?"²⁶ Which related

²⁴ Joint Doctrine Centre, ADFP 5.0.1—*Joint Military Appreciation Process*, pp. 1-8.

²⁵ *Ibid.*, pp. 2-14.

²⁶ *Ibid.*, pp. 2-15.

conditions, actors or relationships may oppose us; which may help us? “What broad resources can we draw upon to achieve our goals?”²⁷

FORCE STRUCTURE AND PREPARATION

Modern stabilisation and counterinsurgency operations continue to require greater human capabilities than conventional conflict. Australia’s Future Joint Operating Concept notes that

success in future conflict will see kinetic approaches to warfighting supplemented with activities designed to influence. ‘Soft power’ will increasingly facilitate the achievement of political goals. The degree to which a state or group can combine hard and soft power will determine the achievement of strategic objectives. A sophisticated understanding of conflict—the actors involved in it, and the mosaic of interests, expectations and allegiances underpinning it—will be required ... Developing this understanding may require new approaches to intelligence gathering, cultural awareness, individual education and collective training.²⁸

Operations in urban and peri-urban environments will continue to require engagement with the female population.

The US Army recommends brigades begin selecting personnel for FET as soon as they receive an upcoming deployment notification. “Personnel should not be selected just because they are available. Select only the best female and male commissioned officers, warrant officers and non-commissioned officers.”²⁹ Key personal attributes of FET candidates include: sound judgement, good written and oral communication skills, ability to adapt to complex environments with many stakeholders, technical competence and negotiating skills. Personnel who are military police, intelligence, civil affairs, or medical specialists make preferred FET candidates.³⁰ The US FET School is in Fort Bragg. The FET training program is nine days long. FET members are expected to undertake additional individual and unit level training prior to their mission. Containing six modules, the course covers an introduction to FETs, culture of the area of operations, FET mission considerations, FET engagement considerations, enablers, and a culminating exercise.

Mission Rehearsal Exercises need to include scenarios with accurate gender considerations. This should include a range of situations including, for example, the use of road blocks and access to vital assets. When sexual violence is being used in an area of operations, pre-deployment training needs to include appropriate responses. The UN recommends that training troops to confront sexual violence should start with the practical and move to

²⁷ Ibid.

²⁸ S. Day, *Future Joint Operating Concept 2030* (Canberra: Department of Defence, 2011)

²⁹ Centre for Army Lessons Learned, *Commander’s Guide to Female Engagement Teams*, CALL Handbook no. 11-38 (2011), p. 28.

³⁰ Ibid., p. 43.

the conceptual. Instead of imparting normative or theoretical content about sex and gender, it should equip troops to meet these challenges in theatre. “Responding to sexualised attacks should be part of Mission Rehearsal Exercises and scenario based training,” remedying messaging about whether or not to respond, with examples of how to respond.³¹

Conduct

PROTECTION

Population protection is one of the five lines of operation in the capstone concept of the Australian Army, *Adaptive Campaigning—Future Land Operating Concept*.³² Population protection is also a key principle in counterinsurgency and stabilisation operations. Protection of civilians is a similar concept that is key to modern peacekeeping operations. Indeed, the majority of modern peacekeeping missions have a strong mandate for the protection of civilians. In UNSCR 1889, the Security Council “reiterates its call for all parties in armed conflicts to respect fully international law applicable to the rights and protection of women and girls”.³³ Resolutions 1820 (2008), 1888 (2009),³⁴ 1960 (2010), and 2106 (2013), are all concerned with the monitoring of, protection from, and response to sexual and gender-based violence in armed conflict.

In 2010, the Australian Government funded the UN Department of Peacekeeping Operations to develop and publish *An Analytical Inventory of Peacekeeping Practice Addressing Conflict-Related Sexual Violence*. The purpose of the document was to provide cross-referenced examples of successful peacekeeping practice to prevent and respond to conflict-related sexual violence.³⁵ It includes an inventory of tasks and tactics as well as a checklist of emerging elements of an effective response. Tasks and tactics include preventative physical protection through the use of armed patrols and escorts for community activities such as collecting water or firewood and patrols along trade routes and at markets, as well as in farming and foraging locations and routes.³⁶ The checklist of elements that may support an effective response by security actors to conflict-related sexual violence includes leadership backed by strong command and control structures, understanding the link between sexual violence and the restoration of peace and security, willingness and wherewithal to patrol and operate in unconventional space (villages, compounds, forests and fields) in response

³¹ United Nations, *Addressing Conflict-Related Sexual Violence: An Analytical Inventory of Peacekeeping Practice* (New York: United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), 2010).

³² Head Modernisation and Strategic Planning, *Army's Future Land Operating Concept*, Australian Army Headquarters (Canberra: Department of Defence, 2012).

³³ United Nations Security Council, Resolution 1889 (2009).

³⁴ United Nations Security Council, Resolution 1888 (2009).

³⁵ United Nations, *Addressing Conflict-Related Sexual Violence*.

³⁶ *Ibid.*

to unconventional threats, and consultation with all segments of the community including women.³⁷

INTERNATIONAL LAW

Rules of engagement are usually focused on allowable responses to the show or use of force. This does not necessarily equip platoon or section commanders to respond to sexual violence, especially when it is under the radar, even when it is an act of war and a destabilising factor.³⁸ The International Criminal Court (ICC) has jurisdiction to prosecute rape, sexual slavery, forced prostitution, forced sterilisation, forced pregnancy and any other form of sexual violence of comparable gravity as war crimes, crimes against humanity and genocide.³⁹ But the principle of complementarity of the Rome Statute obliges States Parties (including Australia) that are willing and able, to investigate and prosecute these crimes within their own domestic courts. UNSCR 1820 calls upon Member States to prosecute persons responsible for such crimes and subsequent resolutions call for an end to impunity for sexual violence in armed conflict.⁴⁰

Genocide is justiciable internationally, but has also been a crime under Australian domestic law since 2002, when the federal government passed the *Genocide Convention Act 1949*. For sexual violence to be considered “a constitutive act with respect to genocide”, it needs to have been committed with the intent to destroy, in whole or in part a national, ethnical, racial or religious group. The precedent for rape as an instrument of genocide was set in the Akayesu Case of the International Criminal Tribunal for Rwanda. A more recent example of rape used in this way is in Da’esh’s genocide against the Yazidis in northern Iraq.⁴¹ Despite the heinous use of sexual and gender-based violence by Da’esh, including foreign fighters who come from countries criminalising these acts, not a single Da’esh fighter has been prosecuted for conflict related sexual violence.

Sexual violence can also be prosecuted as a violation of the laws or customs of war, Common Article 3 to the Geneva Conventions, the Fourth Geneva Convention, or both Additional Protocols I and II to the Geneva Conventions.⁴² In Australia, war crimes and violations of the laws and customs of war are criminalised in the *Geneva Conventions Act 1957* (last updated in 2009) and the *War Crimes Act 1945* (last updated in 2010). These two Acts have been incorporated in Division 268 of the *Criminal Code*

³⁷ Ibid.

³⁸ Ibid.

³⁹ L. Chappell, *The Politics of Gender Justice at the International Criminal Court* (Oxford: Oxford University Press, 2015).

⁴⁰ United Nations Security Council, Resolution 1820 (2008).

⁴¹ Independent International Commission of Inquiry on the Syrian Arab Republic, *‘They Came to Destroy’: ISIS Crimes against the Yazidis* (Geneva: Human Rights Council, 2016).

⁴² K. Askin, ‘A Decade of the Development of Gender Crimes in International Courts and Tribunals: 1993 to 2003’, *Human Rights Brief*, vol. 11, no. 3 (2004), p. 4.

Act 1995. Rape is recognised as a war crime when it is committed in a widespread or systematic way. The Čelebići judgement of the International Criminal Tribunal for former Yugoslavia set the standard for holding a military leader responsible for crimes committed by subordinates under their authority or control, which they failed to prevent, halt, or punish.⁴³ Having known or had reason to know subordinates committed sexual abuses on male detainees, the superiors in the Čelebići Camp were charged with superior responsibility for ‘wilfully causing great suffering’ and ‘inhumane treatment’ as grave breaches of the Geneva Conventions, or ‘cruel treatment’ as a violation of the laws or customs of war.

Having the ability to collectively identify when sexual violence is widespread and systematic is required for the force to recognise if sexual violence is being used as a weapon of war. Commanders have an obligation to report this to relevant national and international authorities. Under Australian legislation, if these crimes are being perpetrated by Australian nationals, our courts have jurisdiction over these crimes even when they are perpetrated overseas. Factors such as the capture, enslavement and trafficking of women need to be accounted for in mission conduct. If tactical patrols are simply ignoring the violence against women they see, it is unlikely aggregate data will be gathered.⁴⁴ Furthermore, due diligence needs to be carried out to prevent the destruction of evidence of these crimes during military operations.

TACTICAL INTELLIGENCE AND AGGREGATE REPORTING

In addition to the legal requirements, sexual violence needs to be accounted for in stabilisation activities.

The extreme physical and psychological trauma suffered by survivors/witnesses, sexual violence may engender and aggravate ethnic, sectarian and other divisions in communities. This engrains conflict and instability and undermines peace-building and stabilisation efforts.⁴⁵

Indeed, UNSCR 1820 stresses that sexual violence “can significantly exacerbate situations of armed conflict and may impede the restoration of international peace and security”.⁴⁶ If situation reports include incidents of sexual violence, there should be a feedback loop to ensure this informs operations.⁴⁷

A key mechanism for accounting for sexual violence and other gendered issues is the conduct and aggregation of gendered reporting from tactical

⁴³ Ibid.

⁴⁴ United Nations, *Addressing Conflict-Related Sexual Violence*.

⁴⁵ Foreign & Commonwealth Office, *International Protocol on the Documentation and Investigation of Sexual Violence in Conflict* (London: Government of United Kingdom, 2014), p. 6.

⁴⁶ United Nations Security Council, Resolution 1820 (2008).

⁴⁷ United Nations, *Addressing Conflict-Related Sexual Violence*.

patrols. To do this, the Irish Defence Forces have mainstreamed a gender perspective into all unit and sub-unit patrols. They have updated standard operating procedures and reporting proformas for tactical manoeuvre units, sub-unit patrols and CIMIC village assessments. Information from these reports is collated in the regular Gender Advisor report by the Deputy Commander.⁴⁸ Reports now include sex-disaggregated population data; female leaders and influencers; women's groups; roles of men and women in security forces, armed groups intelligence and law enforcement; access to social services; sex disaggregated list of protection threats; and differences between men and women's economic participation.

Threat assessments need to include threats to women. These threats may include sexual and gender-based violence, or they may be more general.⁴⁹ What are the differences between threats to men and women? What are the threat courses of action? The same questions apply for assessment of strengths and weaknesses; women are not just recipients of security, but are "countering the complex problems that threaten peace and stability"⁵⁰ in a broad range of ways. Women contribute to regular and irregular armed forces, clandestine services, they provide hospitality to insurgents, and raise the next generation into violent behaviours or otherwise. They participate in peacebuilding, negotiate ceasefires and support traditional non-violent conflict resolution processes.⁵¹

Men and women may use infrastructure and basic services differently. For example, roadblocks have a differing impact on men and women, who may have different roles in the household and society. In Kosovo, women and girls were more adversely affected by roadblocks than men and boys who found alternate routes for resupply.⁵² Similarly, men and women are differentially affected by road damage caused by heavy vehicles in inclement weather. In Afghanistan, a Gender Field Advisor to the Commander of Provincial Reconstruction Team in Mazar-E-Sharif provided input to planning of autumn operations that would have otherwise damaged roads, preventing the access of women and girls to health care and education.⁵³

FEMALE ENGAGEMENT TEAMS

Women's contribution to security forces have been uniquely effective "in areas such as the implementation of protection innovations and the

⁴⁸ B. Hinds and K. McMinn, *Mid-Term Progress Report: Implementation of Ireland's National Action Plan for UNSCR 1325* (Dublin: Irish Government, 2013).

⁴⁹ S. Hutchinson, *Operationalising United Nations Security Council Resolution 1325 within the Australian Defence Force* (Fishermans Bend: Joint & Operations Analysis Division, 2016).

⁵⁰ M. Hughes and J. Mendelson-Forman, 'Strategic Blindness: The Women in Community Security Project', *Constructive Pathways: Stimulating and Safeguarding Components of WPS* (Newport, Rhode Island: U.S. Naval War College, 2015) p. 170.

⁵¹ C. Buchanan (ed.), *Peacemaking in Asia and the Pacific: Women's Participation, Perspectives and Priorities* (Geneva: Centre for Humanitarian Dialogue, 2011).

⁵² Hammar and Berg, *Whose Security?*

⁵³ *Ibid.*

possibility of engaging with women in the community”.⁵⁴ There is a great deal of commentary on the United States’ use of FET. In the past, US Army and Marine Corps FET training has varied from anywhere between one week to four months. The Marines train their FETs for four months prior to deployment, have a formalised FET training program, augment their units with FETs, and have the most FET experience.⁵⁵ The US Army Special Operations Command established a training program in 2010 for cultural support teams, which included a significant gender dimension. This program was only open to special operations units. Until recently, the only FET training available to Army general purpose brigade combat teams was internal, based on how the owning unit commander intends to employ the FETs, and usually with no assistance from outside resources. In 2010, the International Security Assistance Force (ISAF) in Afghanistan required all deployed brigade combat teams to send female soldiers to FET training in theatre for one to two weeks.

Analysis of FETs, especially in Afghanistan, has shown very mixed results.⁵⁶ The ad hoc nature of FET employment, especially as part of Australian forces, has made comparative analysis quite difficult. But what has been observed is that FETs have been most successful when they have a clear mission and their activities are supported and valued. Leaders, both military and civilian, with political will and courage are essential to their success.⁵⁷ Personnel must have adequate and relevant training and their activities must address broader issues of gender and culture, not just female engagement. In this way, Cultural Support Teams have begun to replace FETs, with greater operational success.⁵⁸

Transition

RULE OF LAW

The state functions of rule of law and access to justice are also important to broader objectives of stabilisation and security.⁵⁹ Rule of law is crucial to the legitimacy of the state. UNSCR 1889

⁵⁴ United Nations Security Council, ‘Report of the Secretary-General on Women and Peace and Security’, S/2015/716 (16 September 2015), para. 80; Centre for Army Lessons Learned, *Commander’s Guide to Female Engagement Teams*.

⁵⁵ Centre for Army Lessons Learned, *Commander’s Guide to Female Engagement Teams*.

⁵⁶ B. McNierney, ‘Female Engagement Teams: An Evaluation of the Female Engagement Team Program in Afghanistan’, *Constructive Pathways: Stimulating and Safeguarding Components of WPS* (Newport, Rhode Island: U.S. Naval War College, 2015).

⁵⁷ N. Sambhi, ‘Female Engagement Teams: Identity, Military Culture and Lessons Learned’, Paper presented at International Women in Law Enforcement Conference—Leadership, Collaboration and Security, Hyderabad, India, 8 October 2015.

⁵⁸ M. Katt, ‘Blurred Lines: Cultural Support Teams in Afghanistan’, *Joint Force Quarterly*, vol. 75, no. 4 (2014): 106-14.

⁵⁹ W. Mason, *The Rule of Law in Afghanistan: Missing in Inaction* (Cambridge: Cambridge University Press, 2011).

encourages Member States in post-conflict situations, in consultation with civil society, including women's organizations, to specify in detail women and girls' needs and priorities and design concrete strategies, in accordance with their legal systems, to address those needs and priorities, which cover inter alia support for greater physical security and better socio-economic conditions ... gender-responsive law enforcement and access to justice, as well as enhancing capacity to engage in public decision-making at all levels.⁶⁰

Donors are often torn between traditional approaches to the law and international principles of justice.⁶¹ But Grina argues that "mainstreaming a gender approach in rule of law initiatives is crucial to long-term success".⁶²

In 2014, the UK Foreign & Commonwealth Office published the *International Protocol on the Documentation and Investigation of Sexual Violence in Conflict*. The purpose of the protocol "is to promote accountability for crimes of sexual violence under international law".⁶³ It is designed for individuals and organisations faced with the challenge of documenting sexual violence as a crime under international law. It is

recommended in capacity-building efforts for national and local security, judicial, law enforcement, forensic medicine and science, and investigative institutions aiming to improve their understanding of how to collect information on sexual violence as an international crime.⁶⁴

As such, the protocol may be of use in situations where the ADF is providing support to the rule of law, either in a supplementary capacity, providing some governance functions, or in training and capacity building of local institutions.

SECURITY SECTOR REFORM

A gendered approach to security sector reform (SSR) responds to three key issues, women's inclusion in security sector organisations, the responsiveness of security sector organisations to security needs of women and girls as well as men and boys, and presence of perpetrators of sexual violence in security sector organisations.

The impact of all SSR policies and programmes on women, men, boys and girls should be considered at every stage of the programme cycle, including assessment, planning, implementation, monitoring and evaluation. For example, mainstreaming gender into SSR assessment involves including questions to identify the different insecurities faced by men, women, girls and boys. The results of the assessment might in turn highlight the need to address the particular security need to include 'gender initiatives,' and/or

⁶⁰ United Nations Security Council, Resolution 1889 (2009), Operative clause 10.

⁶¹ J. Putzel et al., *Do No Harm: International Support for Statebuilding* (Paris: OECD Publishing, 2010).

⁶² E. Grina, 'Mainstreaming Gender in Rule of Law Initiatives in Post-Conflict Settings', *William & Mary Journal of Women and the Law*, vol. 17, no. 2 (2011): 436-73.

⁶³ Foreign & Commonwealth Office, *International Protocol on the Documentation and Investigation of Sexual Violence in Conflict*, p. 10.

⁶⁴ *Ibid.*

initiatives that address the particular security needs of women, men, boys or girls within the SSR process.⁶⁵

Gender responsive SSR assessments can be carried out using: sex disaggregated data; assessment teams that include men and women, persons with gender expertise and local female translators; terms of reference that include attention to gender issues in SSR objectives, products and methodology; interviews with both male and female staff of security institutions and oversight bodies, as well as those responsible for gender issues therein; including questions related to the specific experiences of men and women in interviews and surveys of local security needs; and assessment methods that are gender-responsive, including single sex focus groups.⁶⁶

The preamble to UNSCR 1888 recognises that women's participation in the national defence and security forces helps to build a "security sector that is accessible and responsive to all, especially women".⁶⁷ Women's presence in justice and security sector institutions can increase trust in and access to these institutions, and can encourage women to report sexual and gender-based violence.⁶⁸ Data from thirty-nine countries shows a positive correlation between the presence of women police officers and sexual assault reporting.⁶⁹ One Afghan woman affected by gender-based violence explained "a policewoman would have been good for me. If there are policewomen we can easily say everything to them—she understands how women feel".⁷⁰ Security forces that are responsive, effective, professional and accountable are more likely "to be a source of protection for populations and a tool of stability for governments, rather than a source of instability".⁷¹

Women's participation in the security sector is further encouraged in UNSCR 2106 which requests women's participation in "security sector reform processes and arrangements, including through the provision of adequate training for security personnel, encouraging the inclusion of more women in the security sector".⁷² This provision of training for security personnel provides another opportunity to advance WPS more broadly. For example,

⁶⁵ K. Valasek, 'Security Sector Reform and Gender', in M. Bastick and K. Valasek, *Gender & Security Sector Reform Toolkit* (Geneva: Geneva Centre for Democratic Control of Armed Forces, 2008).

⁶⁶ M. Bastick and K. Valasek, *Gender & Security Sector Reform Toolkit* (Geneva: Geneva Centre for Democratic Control of Armed Forces, 2008).

⁶⁷ United Nations Security Council, Resolution 1888 (2009).

⁶⁸ United Nations Security Council, Resolution 1960 (2010).

⁶⁹ L. Turquet, *Progress of the World's Women 2011-2012: In Pursuit of Justice* (New York: UN Women, 2011).

⁷⁰ Oxfam International, 'For Afghan Women, Police Should Protect, Not Abuse', <<https://www.oxfam.org/en/countries/afghan-women-police-should-protect-not-abuse>> [Accessed 14 April 2015].

⁷¹ Oxfam International, *The Accountability of National Security Forces to Civilians*. Oxfam Policy Compendium Note (Oxford: Oxfam International, 2012).

⁷² United Nations Security Council, Resolution 2106 (2013), Operative clause 16, para. b.

professional military education and even trade training can cover the importance of WPS for operational effectiveness. This might apply to counterinsurgency training in Iraq, or to officer exchanges for military education purposes.

SSR is part of a broader process of improving governance and stability.⁷³ UNSCR 1820 requests “consultation with women and women-led organizations as appropriate, to develop effective mechanisms for ... security sector reform”.⁷⁴ This view is reflected in work undertaken by the Geneva Centre for Democratic Control of Armed Forces who recognise the integration of gender issues as a key to local ownership and strengthened oversight. Increasing the recruitment of female staff, preventing human rights violations, and collaborating with women’s organisations contributes to creating an efficient, accountable and participatory security sector which responds to the specific needs of men, women, girls and boys.⁷⁵

Lastly, individuals who have perpetrated sexual violence need to be excluded from SSR programs. UNSCR 2106 requests “effective vetting processes in order to exclude from the security sector those who have perpetrated or are responsible for acts of sexual violence”.⁷⁶ In practice, excluding individuals who have perpetrated acts of sexual violence is an issue that is very difficult to navigate. Many nations who contributed to ISAF in Afghanistan felt forced to work alongside a range of individuals suspected of sexual violence. Security sector actors are often among the main perpetrators of violence during and after conflict. Vetting security sector recruits for conflict related crimes against women, including sexual and gender-based violence is an important step toward re-establishing the community’s trust. The intent of UNSCR 2106 is to address widespread or systemic uses of sexual violence as a tactic of war and to address impunity for such behaviour. In those contexts, the issue becomes much more salient and excuses should not be given for not vetting and excluding perpetrators. For example, the Burmese Army continue to use sexual violence against particular ethnic groups including the Rohingya and Chin, in a strategy that has political and economic dimensions.⁷⁷ This cannot be tolerated in defence cooperation programs.

DISARMAMENT DEMOBILISATION AND REINTEGRATION

UNSCR 1325 “encourages all those involved in the planning for disarmament, demobilization and reintegration (DDR) to consider the different needs of female and male ex-combatants and to take into account

⁷³ A. Schnabel and V. Farr, *Back to the Roots: Security Sector Reform and Development* (Geneva: Geneva Centre for the Democratic Control of Armed Forces, 2011).

⁷⁴ United Nations Security Council, Resolution 1820 (2008), Operative clause 10.

⁷⁵ Bastick and Valasek, *Gender & Security Sector Reform Toolkit*.

⁷⁶ United Nations Security Council, Resolution 2106 (2013), Operative clause 16, para. b.

⁷⁷ Women’s League of Burma, *Same Impunity, Same Patterns* (Chang Mai: Women’s League of Burma, 2014).

the needs of their dependants".⁷⁸ Good, gendered DDR programming requires accurate understanding of the operational context and a wider range of eligibility criteria than just having handed in a weapon.

Each conflict is unique and DDR processes need to be designed accordingly. Over the past decade, women have been active combatants in at least fifty-five countries, involved in internal armed conflict in thirty eight of those countries and a large number of international armed conflicts.⁷⁹ In non-state armed groups, women generally serve in three ways: combatant, support worker or wife/dependant. They can fill these roles voluntarily or under duress and often fill more than one role at once. A woman might be a dependent, but also involved in the planning and execution of war. She may be a fighter, spy, cook and mother all at the same time, filling multiple inseparable roles.⁸⁰ Data must be gathered in order to develop a more accurate picture of the particular roles women filled during a specific conflict.⁸¹

A relatively large number of women, compared with men, operate in armies as cooks, messengers, doctors, logisticians etc. They are not directly engaged in fighting, and therefore tend not to carry a weapon. Without a weapon, they often cannot prove that they have participated in armies during conflict and thus get excluded from DDR assistance.⁸²

In Timor Leste, Kent and Kinsella have noted that "women contributed to all aspects of the Resistance".⁸³ But women who served have still been excluded from the current veteran's scheme that includes a pension and access to health and education opportunities. FRETILIN included a women's wing, whose membership comprised over 60 per cent of the 'Clandestine' front. They played "key roles as couriers, supplying those on the front lines with food and other necessities, seeking support within the church and local communities for the independence movement and hiding senior members of the Resistance".⁸⁴ Women also coordinated the provision of supplies to the front line, managed armouries and kept guard against enemy infiltration of bases.⁸⁵ Their exclusion from the veteran's scheme is akin to excluding Australian members of ordinance, transport and intelligence corps from entitlements from the Department of Veteran's Affairs.

⁷⁸ United Nations Security Council, Resolution 1325 (2000), S/RES/1325 (31 October 2000), Operative clause 13.

⁷⁹ T. Bouta, *Gender and Disarmament, Demobilization and Reintegration: Building Blocs for Dutch Policy* (The Hague: Conflict Research Unit, 2005).

⁸⁰ Ibid.

⁸¹ S. Douglas et al. *Getting It Right, Doing It Right: Gender and Disarmament, Demobilisation and Reintegration* (New York: United Nations Development Fund for Women, 2004).

⁸² Bouta, *Gender and Disarmament, Demobilization and Reintegration*.

⁸³ L. Kent and N. Kinsella, 'A Luta Continua (The Struggle Continues)', *International Feminist Journal of Politics*, vol. 17, no. 3 (2015), p. 477.

⁸⁴ Ibid., pp. 478.

⁸⁵ Ibid.

There are two relevant examples of gender specific DDR policy. The Dutch draft DDR policy targets all women and men in armed forces with post-conflict assistance. The disarmament and demobilisation trajectory is gender sensitised, and the reintegration phase responds to the different economic, social and psychosocial needs of men and women. They have also developed a donor checklist on gender and DDR. The list covers the planning phase (including assessment, mandates, scope, international arrangements, the package of benefits), assembly and cantonment, resettlement, social reintegration into communities and economic reintegration.⁸⁶

The Integrated DDR Standards draw upon the lessons learnt and best practices of the UN. They provide guidance and operational tools for all aspects of the DDR process. Gender is mainstreamed as a cross-cutting issue throughout the standards. Rather than just being gender inclusive, the Integrated DDR Standards state that the

design and implementation of DDR programmes should aim to encourage gender equality based on gender-sensitive assessments that take into account these different experiences, roles and responsibilities during and after conflict. Specific measures must be put in place to ensure the equal participation of women in all stages of DDR—from the negotiation of peace agreements and establishment of national institutions, to the design and implementation of specific programmes and projects.⁸⁷

Conclusion

While Australia has shown some leadership on the operationalisation of the WPS agenda, there is still more to be done. The ADF and other militaries would be showing leadership if they took a gendered approach to a range of military tasks that are outlined in the suite of UNSCRs on WPS. These tasks occur in existing operational cycles. A gendered approach to pre-planning would include intelligence, exercises, and education and training. In the planning phase, gender considerations need to be made in deliberate planning as well as force structure and preparation. During the conduct of operations, protection tasks need to account for different protection needs of men and women, boys and girls; international law needs to be implemented with due consideration for gendered issues; tactical intelligence and aggregate reporting need to be gendered; and personnel engaging with the local female population need to be selected, trained and empowered by leadership. In the transition phase, rule of law, SSR and DDR all need to account for the differing needs and issues faced by women and girls as outlined in the suite of Security Council resolutions.

⁸⁶ Bouta, *Gender and Disarmament, Demobilization and Reintegration*.

⁸⁷ United Nations, *Integrated Disarmament, Demobilization and Reintegration Standards* (New York: United Nations, 2006).

By taking a gendered approach to these tasks through the operational cycle, the ADF and other militaries will improve their operational effectiveness and supporting international peace and security as well as enhancing the safety, security and human rights of women in accordance with international obligations as well as the values and national policy of successive Australian governments.

However, further research is needed to increase our understanding of current military practice, assist institutional learning, undertake comparative analysis and improve ongoing operationalisation of the WPS agenda. Particular subjects ripe for further more detailed research include comparative analysis of Female Engagement Teams to determine their contributions to operational effectiveness, the implementation of the WPS agenda and the conditions thereof. There is also a significant gap in the research on activities in the pre-planning stage. Research into gendered intelligence would be particularly valuable for understanding the background knowledge that shapes operational design and conduct. Force design and force preparation are also understudied from a gender perspective. It is hoped that some of this research will be undertaken by the author and other feminist scholars in Australia, with the increasing traction of the WPS agenda in the national policy discourse.

Acknowledgements

This paper is based on work undertaken during a consultancy with Defence Science and Technology Group. The author continues to undertake research on the subject of this paper for her PhD.

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