



Realizing Commitments to Women, Peace and Security in Southeast Asia

At the recent April 2013 UN Security Council open debate on Women, Peace and Security (WPS), Vietnam's UN Ambassador Le Hai Trung issued a statement on behalf of ASEAN member states that affirmed that ASEAN 'attaches great importance' to the implementation of United Nations Resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009) and 1960 (2010). The focus of the debate centered on the Secretary-General's 2013 report on sexual violence in armed conflict. Reflecting the ethos of Resolution 1325, the ASEAN statement affirmed the organization's view that women's empowerment and gender equality are vital to the prevention and eradication of sexual violence in conflict. ASEAN underscored that states must 'bear responsibility and exert their utmost' to prevent and address sexual violence in armed conflict, with the international community assisting states to exercise this responsibility through sharing best practices. The statement concluded by stressing ASEAN's readiness and commitment to join efforts to ensure the elimination of sexual violence in conflict, and to implement 'measures of accountability and redress' with respect to such crimes.¹

While Vietnam had shown leadership on WPS as a key sponsor of Resolution 1889 during its elected term on the Security Council, the statement was notable insofar as it was issued on behalf of all ASEAN members, and represented one of the clearest Southeast Asian regional endorsements of the WPS agenda to date. This is not to say that ASEAN member states have not been committed to the protection and advancement of women's human rights. Indeed, the statement made reference to a number of ASEAN commitments to enhance the status and welfare of women and girls and to eliminate 'all' forms of violence against women, including sexual violence. These efforts to promote and protect women's human rights have included the Declaration on the Advancement of Women in ASEAN in 1988, the Declaration on the Elimination of Violence Against Women in the ASEAN Region in 2004, and the ASEAN Declaration of Human Rights in 2012, as well as the establishment of the ASEAN Committee on Women in 2002, the ASEAN Intergovernmental Commission of Human Rights in 2009 and the ASEAN Commission on the Promotion and Protection of Women and Children in 2009.

However, it is important to note that despite the ASEAN statement's reference to these initiatives as evidence of its commitment to WPS, none of these regional declarations or institutions expressly takes up the core concern of the WPS agenda – that states implement action at the national and regional level that demonstrate their understanding of the 'impact of armed conflict on women and girls', and that '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'.² The 2004 Declaration on the Elimination of Violence Against Women, for example, expressed ASEAN member states' concern that violence against women is an obstacle to achieving equality, development and peace. However, the declaration's call for greater regional and bilateral cooperation and systematic collection, analysis and dissemination of data on the nature of violence against women and girls has tended to focus action on the first two socioeconomic areas (equality and development) with limited attention on reducing violence against women in society as a significant conflict prevention measure and vital act of peacebuilding. Nor did the terms of reference for the ASEAN Commission on the Promotion and Protection of Women and Children (established in 2009) expressly focus on the impact of armed conflict on women in the region. The Commission is mandated to, *inter alia*: undertake periodic reviews of national legislation and policies related to the rights of women and children, to propose and promote measures to prevent violations of the rights of women and children, to encourage ASEAN member states to consider acceding to

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or ratifying international human rights instruments related to women and children, and to support the participation of women and children in the promotion and protection of their rights. Indeed, at the national level some states are making important contributions in this area as the governments of Thailand and Indonesia statements to the United Nations Security Council on 2012 debate on WPS illustrated.³ Yet, despite the express purpose of the Commission to uphold, among others, international humanitarian and human rights law, and to advocate *especially* on behalf of the ‘most vulnerable and marginalized’ women and children, there has been mixed reviews on regional systematic engagement with the WPS agenda – particularly in the case of Myanmar – to protect women’s rights during conflict and to ensure that women’s voices are heard in conflict resolution processes that impact their lives and livelihoods.⁴

The lack of regional dedicated attention to WPS is also witnessed in the UN’s engagement in the Southeast Asia. At their 4th joint summit in Bali in November 2011, ASEAN heads of state and the Secretary-General of the UN adopted a Joint Declaration on Comprehensive Partnership between ASEAN and the United Nations. The declaration marked the upgrading of UN-ASEAN cooperation in four priority areas: Political-Security Cooperation, Economic Cooperation, Socio-Cultural Cooperation, and Cooperation between Secretariats. The first three priority areas mirror the structure of the ASEAN community, which is slated to come into effect in 2015.

As a follow up to their commitment to strengthen political-security cooperation, the organizations held a joint ASEAN-UN Workshop on Lessons Learned and Best Practices in Conflict Prevention and Preventive Diplomacy in Jakarta from 5-6 April 2013. Participants – including ASEAN Track I, Track II and Secretariat officials – examined cases of conflict prevention and preventive diplomacy and discussed means by which the organizations could strengthen their partnership across a range of training, information sharing and capacity building initiatives. Proposed activities included assisting the ASEAN Institute for Peace and Reconciliation to fulfill its mandate; exploring means to strengthen ASEAN/member state/civil society capacity in early warning, good offices, mediation and conciliation; considering how the ASEAN chair could be further utilized in regional peace and security; exploring avenues for ASEAN-UN collaboration in implementing existing peace agreements in the region; conducting experiencing-sharing exercises on managing peace processes; and undertaking training in good offices, negotiation skills, peacebuilding, rule of law, and peacekeeping. Yet, this important meeting did not utilize the opportunity to discuss how to reinforce the linkages between ASEAN-UN political-security cooperation and the WPS agenda. The only mention of women was with regard to conducting training on ‘the role of women in conflict prevention’. Nor did the outcome document include any reference to protection of civilians more generally. The absence of a clearer, and more comprehensive, commitment to sharing lessons-learned, building capacity and prioritizing WPS is noteworthy as it seemingly belies important actions being taken at the national level by ASEAN member states, as well as the ASEAN member states collective statement on WPS to the Security Council just two weeks later that endorsed the UN playing a role in ‘providing assistance and sharing their best experiences and best practices’ in addressing violence against women in conflict, particularly sexual violence, and indicated ASEAN’s ‘strong commitment to working closely’ with the UN in this area.⁵

ASEAN is not the only forum that seems to neglect the need for the WPS agenda to be actively realized in current conflicts in the region. G8 statements, too, seem to separate their concern for the protection and empowerment of women, on the one hand, and conflict resolution and response in Southeast Asia, on the other. For example, the recent G8 Ministers meeting in April endorsed a global Declaration on Preventing Sexual Violence in Conflict and the leaders ‘undertook to work together and with others in a concerted and

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comprehensive campaign to raise awareness of these crimes”.⁶ At the same summit, G8 leaders called on the Myanmar government to take ‘further steps to end all violence, to respect the rights of ethnic and religious minorities and to pursue inclusive peace negotiations’.⁷ Mizzima, a news agency run by Burmese people in exile, made note of the G8 leaders’ failure to link their commitment to preventing sexual violence with their call to end all violence in Myanmar, despite reports that sexual violence remains ‘rife’ in Kachin state (as well as other conflict-affected areas in Myanmar).⁸ As the Kachin Women’s Association of Thailand reports, there is continuing evidence of ‘systematic rape by Myanmar troops against Kachin and other ethnic women’, with 30 documented incidents of the sexual assault of 64 women and girls, half of whom were killed afterward, since the onset of conflict in Kachin state.⁹ The Kachin conflict has displaced some 100,000 civilians, and entailed allegations of serious violations of international human rights and humanitarian law predominately by state security forces.¹⁰

Why does this gap matter? The absence of direct attention to the impact of conflict on women hinders ASEAN and its member states’ efforts to realize their commitment to the protection of women’s human rights, gender equality and durable peace. Missed opportunities have included, for example, the failure to include sexual crimes in the indictment of senior leaders of the Khmer Rouge in the Extraordinary Chambers in the Courts of Cambodia (ECCC). This hybrid UN-Cambodian court – commonly referred to as the ‘Khmer Rouge Tribunal’ – is mandated to prosecute senior leaders most responsible for atrocities committed from 1975-1979. Despite that sexual violence was a ‘daily reality for most women’, and was allegedly commanded by leaders at the highest levels as part of an ‘enemy policy’, the tribunal has not integrated sexual crimes into its forensic, investigative or prosecutorial strategies.¹¹ The failure to do so is attributed to the omission of sexual crimes in the legal framework of the court, which limited the scope of the ECCC’s jurisdiction on sexual crimes to forced marriage. The carry-on effects of neglecting to consider the widespread assault of women in the ECCC’s mandate are manifold and significant: the trauma women suffered risks being less rigorously documented in the historical record of the genocidal violence, the Extraordinary Chambers have not as yet established appropriate mechanisms for the recognition of and reparations for the victims of sexual violence, and those at the highest level who promulgated sexual violence as a part of systematic attacks on Cambodian civilians may not be brought to justice for such crimes (thus adding to the culture of impunity for crimes overwhelmingly targeted against women).¹²

There are a number of ways in which, going forward, ASEAN and its member states, with the support of the UN, can give practical effect to their endorsement of the WPS agenda, and to the prevention and response to sexual violence in conflict in particular. One immediate issue concerns the upcoming talks in late June to follow up the 30 May 2013 UN-China brokered peace agreement between the Myanmar government and eight ethnic armed groups. Under this agreement, the two sides committed to a seven point plan, including a ceasefire agreement and a monitoring and verification mechanism to address ceasefire violations. Negotiating parties in Myanmar should draw lessons from the 11 January 2013 ceasefire agreement in the Central African Republic (CAR) that included a prohibition on sexual violence as a condition of the ceasefire agreement, which meant that sexual crimes in CAR are defined as acts that are considered in breach of the agreement. A similar provision in the monitoring and verification mechanism of the Myanmar ceasefire would not only take into account allegations that widespread attacks on women are a factor in the conflict, but would also be an important signal that Myanmar (and the UN and China) are committed to women’s protection and participation at the very first stage of Myanmar’s renewed peace process. Given that the inclusion of provisions concerning women at the early stages of peace processes increase the likelihood that women’s perspectives will be included in subsequent stages, linking

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the Myanmar ceasefire to women's human rights violations would make headway in ensuring a gender sensitive peace process.

Apart from this, ASEAN member states can carry forward their commitment to WPS through the following:

- ASEAN member states should share lessons learned on the development of the Indonesia and Philippine National Action Plan (NAP) on Resolution 1325 and 1820.
- ASEAN should promote generic guidance on adopting NAPs across all states in the region, or adopting a region-wide plan similar to the Pacific Islands Forum's Pacific Regional Action Plan on Women, Peace and Security.
- The current Secretary-General of ASEAN, H.E. Le Luong Minh served as Vietnam's Ambassador to the UN during Vietnam's elected term on the Security Council, and represented Vietnam as President of the Security Council when Vietnam sponsored Resolution 1889. Given this leadership, the government of Vietnam would be well placed to champion a regional initiative to advance Resolution 1889, which introduced a set of national, regional and global measures to track implementation of Resolution 1325. Vietnam should encourage ASEAN member states to implement their WPS commitments by collecting baseline data and committing to monitor progress in the region relative to these indicators. Data collection efforts should consult with civil society organizations to document and support their ongoing advocacy, training and capacity building on the protection and empowerment of women in conflict situations in the region.
- The Office of the UN Secretary-General's Special Representative on Sexual Violence in Conflict, under the direction of Zainab Hawa Bangura, has recently added fostering national ownership, leadership and responsibility for addressing sexual violence to the office's core agenda (this added a 6th point to the previous 5-point agenda that included ending impunity; empowering women to seek redress and claim their rights; mobilizing political leadership to address sexual violence; raising awareness of sexual violence as a tactic and consequence of violence; and ensuring a coordinated system-wide UN response). As part of this initiative for fostering national ownership, Bangura has worked with governments to make formal commitments to fight impunity for crimes of sexual violence and to protect vulnerable populations from sexual violence. To buttress ASEAN's endorsement of the UN resolution's pertaining to sexual violence, the organization could invite Bangura to advise on tailoring national commitments, in the South East Asia context, to address impunity for sexual violence and undertake efforts to prevent such violations.
- The ASEAN political-security pillar should adopt measures to advance WPS in Southeast Asia. To start, we recommend linking particular developments from the recent UN-ASEAN workshop in Jakarta that gave further consideration to the organizations' political-security cooperation: developing gender/WPS expertise in the proposed 'group of friends' to assist the ASEAN Institute for Peace and Reconciliation in its operationalization; ensuring the participation and perspective of women in the proposed 'roster of eminent persons' of ASEAN to serve as mediation and conflict resolution experts; integrating WPS/gender perspectives into efforts to strengthen ASEAN/member state/regional civil society capacity in early warning, good offices, mediation and conciliation; and featuring lessons learned and challenges to implementing WPS in UN-ASEAN experiencing sharing and training modules.

Concerted attention to the historical and ongoing impact of armed conflict in the region on women and dedicated resources to ensuring their protection and participation in all stages of conflict resolution would

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make considerable headway in giving practical effect to ASEAN's recent endorsement of the WPS agenda. Regional action must reflect the important advances being made at the national level. Momentum should not be lost in furthering this end.

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References

- ¹ Statement by H.E. Ambassador Le Haoi Trung Permanent Representative of the Socialist Republic of Viet Nam on behalf of Member States of the Association of Southeast Asian Nations at the Security Council Open Debate on Women, Peace and Security, 17 April 2013. Available at: <http://www.vietnam-un.org/en/vnun.php?id=243>
- ² UN Document S/Res/1325, United Nations Security Council Resolution, 31 October 2000, p.2.
- ³ Statements by the Permanent Missions of Indonesia and Thailand at the United Nations Security Council Open Debate on Women Peace and Security, 30 November 2012. Available at: http://peacewomen.org/assets/file/SecurityCouncilMonitor/Debates/WPS/WPS2012October/indonesia_wps2012.pdf ; http://peacewomen.org/assets/file/SecurityCouncilMonitor/Debates/WPS/WPS2012October/thailand_wps2012.pdf
- ⁴ Statement by Ms. Bineta Diop Founder and President of Femmes Africa Solidarité, on behalf of the NGO Working Group on Women, Peace and Security at the United Nations Security Council Open Debate on Women, Peace and Security, 30 November 2012. Available at: http://peacewomen.org/assets/file/bineta_diop.pdf
- ⁵ Statement by H.E. Ambassador Le Haoi Trung Permanent Representative of the Socialist Republic of Viet Nam on behalf of Member States of the Association of Southeast Asian Nations at the Security Council Open Debate on Women, Peace and Security, 17 April 2013.
- ⁶ G8 Declaration on Preventing Sexual Violence in Conflict, 11 April 2013. Available at: <https://www.gov.uk/government/publications/g8-declaration-on-preventing-sexual-violence-in-conflict>
- ⁷ G8 Foreign Ministers' Meeting Statement, 11 April 2013. Available at: <https://www.gov.uk/government/news/g8-foreign-ministers-meeting-statement>
- ⁸ 'Burma: Amid Praise, End to Sexual Violence: G8,' Mizzima News, 12 April 2013. Available at: http://www.peacewomen.org/news_article.php?id=5898&type=news
- ⁹ Ibid.
- ¹⁰ 'A Tentative Peace in Myanmar's Kachin Conflict: Asia Briefing No. 140,' International Crisis Group, 12 June 2013, p.10.
- ¹¹ UN Document S/2013/149, 'Report of the United Nations Secretary-General on Sexual Violence in Armed Conflict,' 12 March 2013, p.25.
- ¹² Ibid.

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