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Women in Disarmament, Demobilization and Reintegration processes: a human rights assessment of the United Nations’ guidelines to the programmes

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<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tr>
<td>CEDAW</td>
<td>Committee on the Elimination of Discrimination Against Women</td>
</tr>
<tr>
<td>CESCR</td>
<td>Committee on Economic, Social and Cultural Rights</td>
</tr>
<tr>
<td>DDR</td>
<td>Disarmament, Demobilization and Reintegration programmes</td>
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<tr>
<td>DPA</td>
<td>Department for Political Affairs</td>
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<tr>
<td>DPKO</td>
<td>Department for Peacekeeping Operations</td>
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<td>GR 28</td>
<td>CEDAW’s General Recommendation 28</td>
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<td>GR 30</td>
<td>CEDAW’s General Recommendation 30</td>
</tr>
<tr>
<td>GLR</td>
<td>Great Lakes Region in Africa</td>
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<tr>
<td>FAAFG</td>
<td>Females Associated with Armed Forces and Groups</td>
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<tr>
<td>HRBA</td>
<td>Human rights-based approach</td>
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<tr>
<td>ICCPR</td>
<td>International Covenant on Civil and Political Rights</td>
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<tr>
<td>ICESCR</td>
<td>International Covenant on Economic, Social and Cultural Rights</td>
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<tr>
<td>IDDRS</td>
<td>Integrated Disarmament, Demobilization and Reintegration Standards</td>
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<tr>
<td>IHL</td>
<td>International humanitarian law</td>
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<td>IHRL</td>
<td>International human rights law</td>
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<td>IL</td>
<td>International law</td>
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<td>ILC</td>
<td>International Law Commission</td>
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<td>NCDDR</td>
<td>National Commissions on DDR</td>
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<td>NSA</td>
<td>Non-state actor</td>
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<td>SIDDR</td>
<td>Stockholm Initiative on DDR</td>
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<tr>
<td>WAC</td>
<td>Women’s Artillery Commandos</td>
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<td>UNIFEM</td>
<td>United Nations Development Fund for Women</td>
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<td>UNDP</td>
<td>United Nations Development Programme</td>
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UDHR  Universal Declaration of Human Rights
WPS  Women, Peace and Security
SUMMARY

To recover from armed conflicts, state authorities need to take on measures that will permit statebuilding to happen. Usually, the first type of measures put into place is the adoption of programmes called Disarmament, Demobilization and Reintegration (DDR). Because they target individuals who are deemed potential threats to the success of the peace process, namely combatants, DDR programmes are said to be essential in the post-conflict period. The manner by which said programmes have been planned and implemented so far tend to prioritize male combatants as the main targets, in spite of the increasingly large number of women who participate in conflicts.

This gap has prompted the thesis to investigate the United Nations’ guidelines on DDR in search for answers to such discrepancy. The aim was to understand if human rights standards regarding the non-discrimination of women are reflected in these guidelines and, in case they are, to what extent. For that purpose, it was necessary to grasp the functioning of DDR programmes, as well as the challenges faced by women. Moreover, questioning if human rights law is applicable in peacebuilding settings was needed, as DDR is adopted in such contexts. Understanding the pertinent human rights standards was the next step. Having all this information, it was possible to assess the UN guidelines through a human rights perspective.

The results of this research demonstrated that the United Nations’ guidelines do reflect human rights law with regard to the non-discrimination of women. However, there are limitations to that, due to a somewhat narrow endorsement of human rights as framework and language.

Key words: Disarmament, demobilization and reintegration programmes; United Nations’ guidelines to DDR; women in DDR; peacebuilding and human rights.
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This thesis is dedicated to my family, boyfriend and friends (the old and new ones, for sure), who have always been so supportive and loving. With special thanks and my warmest affection to Alice, Júlia, Leonardo (the two of them), Mariana, Marina, Marta, Natália and Ricardo.
1. INTRODUCTION

1.1. Background and problem discussed

The statistics on the number of current armed conflicts varies somewhat – due to the inclusion or not of different sorts of conflict, to the different patterns of accounting adopted, etc. – but they all show a great number of them taking place in the globe; recent studies indicate that there are around 50 spots of ongoing armed conflicts.¹ Thus, any attempt to study conflicts and their aftermath can bring a valuable and relevant contribution to the current state of affairs.

The negative consequences of said conflicts to the countries concerned and to their population are significant and have economic, political and social impacts. In order to tackle these consequences once the conflict is over, it is common practice to advance and implement multifaceted programmes for stabilization, recovery and development. Due to the entanglement of several factors to be accounted in a post-conflict scenario (access to justice for the victims, prosecution of perpetrators of violence, economic recovery of the country/region, social reintegration of combatants, just no name a few), these programmes have to deal with situations of high complexity. To cope with this intricate scenario, the programmes need to be provided with a framework to allow the establishment of their objectives and the means to be used. One of the possible framings for that is international human rights law (IHRL), and that is the framing used in this thesis. The so-called human rights-based approach (HRBA) “seeks to analyse inequalities which lie at the heart of development problems and redress discriminatory practices and unjust distributions of power that impede development.”²

In areas where conflict has halted or is in the process of coming to an end, it is regular practice to establish programmes of Disarmament, Demobilization and Reintegration (DDR). They involve the implementation of actions that are deemed critical for the initial stabilization of these societies and their development. Due to the complex environment these programmes evolve in, multiple partners are necessary to fund, plan and implement them. The main beneficiaries of DDR are individuals who take direct part in the conflict, but, at times, the programme also includes other groups, such as “abductees, dependants, civilian returnees and communities”.³

DDR is composed of different stages, each of them with specific goals. Disarmament phase promotes the gathering and disposal of arms, ammunition, heavy weapons from fighters

and civilians. Demobilization is the stage described as the “formal and controlled discharge of active combatants from armed forces and groups, including a phase of ‘reinsertion’ which provides short-term assistance to ex-combatants.” As for the reintegration, it is the phase in which ex-combatants reacquire their civilian status and are provided with income generating opportunities.

Even though the theory of DDR sounds convincing and well structured, in practice these programmes face problems that arise from the misconception of circumstances, the failure on planning an all-encompassing and inclusive project, etc. The literature on DDR programmes tends to assert deficiencies in their design and implementation, such as lack of gender-sensitivity. It is highly recognized that women tend to be excluded from DDR programmes because many societies do not recognize them as combatants, and, when they do take part in programmes, different benefits are offered if compared to the ones provided to men. Said differences may not necessarily be founded in a gender-sensitive character, but rather in a gender role reinforcing behaviour. Thus, the tendency is that women face limitations in accessing their human rights, such as economic and social rights, whereas men do not suffer from the same restrictions. In this regard, instead of promoting development within society, these programmes might sponsor inequitable treatment against women and aggravate their already vulnerable status as female associated with armed forces and groups (FAAFG).

In the position of an organization with vast experience on DDR, the United Nations (UN) developed guidelines on the programmes. Due to its mandate, the UN needs to respect human rights law, thus, all its programmes should also promote respect for said legal regime. However, there is no report of any assessment of these guidelines through a human rights perspective. That is the aim of the present thesis, to examine the UN guidelines from a human rights viewpoint with regard to the situation faced by women in DDR programmes and point out its limitations.

1.2. Research question

The questions that guided the present research are the following:

1. Do the UN guidelines on DDR reflect human rights standards of non-discrimination against women?

5 Ibidem.
7 Ibidem.
2. What are the limitations of the UN guidelines with regard to women in DDR?

1.3. Relevance and delimitation

With plenty armed conflicts taking place around the world and causing drastic changes in so many lives, the study of issues related to post-conflict periods presents great relevance. In post-conflict scenarios, government and civil society direct their efforts towards the reconstruction of the state and the reconciliation of peoples.

Under these circumstances, it is usually necessary to develop recovery strategies. In order to put them into practice, affected states, along with international community, establish humanitarian, development, peacebuilding and security programmes, with the purpose of targeting the various problems caused by the conflict. Disarmament, Demobilization and Reintegration programmes are one of the many types of programmes usually adopted in such occasions. They aim at reducing the contingent of armed forces and reintegrating the surplus of combatants in society, because fighters are perceived as individuals who pose a threat to the attainment of sustainable peace.\(^8\) Therefore, DDR programmes are deemed a very important step towards the pacification of society. Its success can help a great deal in the transition from conflict to peace.\(^9\) The success of DDR, for its turn, depends on the programme being able to tackle root causes of the conflict.

A common factor that opens a breach for conflicts is the existence of deeply entrenched structural inequality amidst society, one of the usual forms of expression of this inequality is the gender-based one.\(^10\) Thus, addressing gender inequality is essential in the quest for peace. Nevertheless, post-conflict programmes such as DDR tend to fail in this task,\(^11\) putting at risk the whole effort devoted to the settlement of conflicts.

The literature on DDR is assertive to say that these programmes tend to be gender-blind,\(^12\) but it is said that they are especially weak in terms of addressing women and girls matters.\(^13\) Oftentimes they reinforce stereotypes and provide women with less beneficial (or even harmful) assistance, leaving female ex-combatants as one of the most disadvantaged and

\(^8\) Inter-Agency Working Group on Disarmament, Demobilization and Reintegration. (See note 3), p. 44.
\(^13\) Pathak, Bishnu, and Seema Shekhawat. (See note 6), p. 60.
vulnerable groups within a war torn society.\textsuperscript{14} This can amount to discriminatory treatment, according to international human rights law standards, and can be deemed a violation of women’s human rights.

Notwithstanding it being a common situation in these programmes, little has been researched on discrimination against women in DDR within a human rights legal framework. Furthermore, there is no report of research on the compliance of the UN guidelines on DDR with international human rights law with regard to the difficult situation faced by women. This provides enough justification for the errand undertaken throughout this thesis. Thus, the idea behind the thesis is to investigate whether or not the UN guidelines on DDR reflect human rights standards of non-discrimination of women and, in case they do, what are the limitations of said guidelines on the matter.

Within the established framing of the thesis, there are topics which are not addressed, even though they are related to the research question. The first observation in this regard is related to the constant reference to a post-conflict scenario as the context in which DDR takes place. It matters to notice that DDR can also be implemented before hostilities formally cease. Nonetheless, the thesis focuses on post-conflict situations as a means to facilitate the analysis and do not incorporate in the discussion a factor that would bring undesired and unnecessary complication, as the need to assess the applicability of international humanitarian law (IHL) regime along with international human rights law.\textsuperscript{15} However, the thesis does acknowledges that as an important element within the discussion about DDR programmes. As the Committee on the Elimination of Discrimination Against Women notes about the blurring nature of conflict/post-conflict situations:

“[T]he phases of conflict and post-conflict have at times been divided as they can encompass different challenges and opportunities for addressing the rights of women and girls. However, the Committee notes that the transition from conflict to post-conflict is often not linear and can involve cessations of conflict and then slippages back into conflict – a cycle that can continue for long periods of time.”\textsuperscript{16}

\textsuperscript{16} “General Recommendation No. 30 on Women in Conflict Prevention, Conflict and Post-Conflict Situations,” UN Doc. CEDAW/C/GC/30 (Committee on the Elimination of Discrimination against Women, October 18, 2013), para. 4.
Two topics of significance in the debate about post-conflict scenarios are (i) violence against women, especially of a sexual nature, and (ii) transitional justice. Sexual violence against women is frequently used as a weapon during warfare and is a serious issue to be accounted for in any programme of reintegration of ex-combatants.\(^\text{17}\) Transitional justice is also a relevant element of reintegration processes, as the receiving community must be willing to accommodate the very same individuals who committed acts of violence against their members.\(^\text{18}\) Despite that, a lot has been written on both subjects, thus, the thesis would have little to contribute to by discussing them; and that determined their exclusion from the assessment hereby undertaken.

Furthermore, it matters to note that, in many occasions, the thesis refers to gender-related issues such as gender equality, gender-sensitivity, gender mainstreaming, etc. Gender is a broad term that means the “set of socially constructed roles and relationships, personality traits, attitudes, behaviours, values, relative power and influence that society ascribes to the two sexes on a differential basis.”\(^\text{19}\) A gender analysis of DDR would be of great help to tackle factors that contribute to the spring and/or perpetuation of armed conflicts as, for instance, the role masculinity plays in it or the invisibility of sexual violence against men and boys. Yet, the thesis is not intended for that, but rather to evaluate whether or not the UN guidelines reflect human rights standards with regard to women in DDR and, in case of a positive answer, to assess the limitations.

1.4. Disposition

In order to allow the evaluation hereby proposed, the study was structured as follows. The first chapter offered an introduction to the subject. It established the background of the study undertaken and the problem to be analysed. Moreover, it presented the research question, its relevance and delimitation, as well as the methodology that was followed in the assessment of the issue.

The second chapter afforded a general idea about Disarmament, Demobilization and Reintegration. It started by describing the constitution of a DDR programme. An explanation about the three different stages – disarmament, demobilization and reintegration – was offered


in order to provide the necessary information about the programme. The goal of the chapter was to give an overview about what a DDR programme usually looks like.

The third chapter discussed the relationship between women and DDR processes. It started by providing some background information on the situation of women during armed conflict and post-conflict scenarios. It then proceeded with a collection of reflections on the programme, specifically in regards to the participation and inclusion of women and how it impacts their reestablishment within society. A number of observations were raised in each of the parts of the process, going from the establishment of the peace agreement, to the planning and implementation of DDR. Finally, the chapter brought in a study on reintegration processes undertaken in five countries in the Great Lakes Region, to provide empirical data on the situation of women in DDR. The idea behind it was to characterize the challenging situation women face in the context of the programme.

The fourth chapter aimed at establishing the intersection that exists between international human rights law and peace operations. The necessity of providing parameters for peace missions to determine their aims and methods requires that a framework be established; the framing used in this thesis is IHRL. The chapter pointed out that human rights not only can be recognized, but actually is used in practice as a valid framework to peace operations. Afterwards, the chapter then offered a perspective on the relationship between gender equality and peace, to demonstrate their interdependence and make the point that peace can only be attained where gender equality prevails.

The fifth chapter displayed the most relevant legal instruments that can be applied in the assessment of the situation of women in DDR. By analysing them, it was possible to grasp the legal framework on discrimination against women in post-conflict situation. After that, the legal provisions on the theme were applied in the DDR scenario. The purpose of the chapter was then to enquire whether the treatment afforded to women through DDR activities is discriminatory.

The sixth chapter examined the UN guidelines on DDR against a human rights background. First, it was necessary to establish whether the UN should take human rights into account in the development of its programmes. Then, with a positive answer to this first question, it was time to examine the guidelines in the light of the human rights standards raised in chapter 5. Finally, a conclusion is presented on whether or not the guidelines reflect said standards and what are the limitations of the UN guidance.

1.5. Methodology

The following two-folded research question was established:

1. Do the UN guidelines on DDR reflect human rights standards of non-discrimination against women?
2. What are the limitations of the UN guidelines with regard to women in DDR?
In order to answer them, it was necessary to answer several other questions: (i) What is DDR?; (ii) How is it planned and implemented?; (iv) What is the general situation of women like during and after armed conflict?; (v) What does the literature say about the way DDR is planned and implemented in regards to women’s needs?; (vi) What are the main problems raised by the literature when it comes to women in DDR programmes?; (vii) Is international human rights law a valid framework for peace operations?; (viii) In case it is, how is it applied in the practice of peace missions initiatives?; (ix) What is the relationship between gender equality and peace?; (x) What are the legal standards provided for by women’s human rights regarding discrimination against women in post-conflict scenarios?; (xi) How can these standards be applied in the practice of DDR?; (xii) What do the UN guidelines on DDR establish when it comes to the situation of women?; (xii) Is it in accordance with IHRL?

The initial assumption of the thesis is that the UN guidance on DDR does reflect IRHL standards. However, it presents some limitations and, which could be solved in case human rights occupied a more central position in the UN approach to DDR.

In order to address the aforementioned problem, it was necessary to resort to the observation of the context in which DDR programmes are developed, in order to comprehend its functioning and spot the issues associated with the subject of the thesis. Having the practical problems in mind, a study of the related legal framework was done to understand to what extent international human rights law reaches these questions and by which manner it can affect DDR practice.

Ideally, I would have chosen to undertake more direct methods of investigation to assess the working of a DDR process and the manner by which women are addressed by it, with the purpose of getting a first-hand understanding of the associated problems. However, due to the impossibility to do so, it was necessary to resort to indirect methods, such as academic articles, reports, official documents issued by international organizations, etc. As for the legal parts of the paper, the examination of international legislation and guidelines provided by legal organs was sufficient to proceed to the research. Thus, descriptive research methods were applied throughout the paper, as well as empirical analysis.

In the second chapter, I introduced DDR and its basic structure, which included the explanation of its three phases, its functioning and the different actors that interact throughout the process. For that purpose, it was necessary to assess official United Nations’ documents and publications by a regional organization about DDR, a final report from a conference on the theme and handbooks about the arrangement of said programme.

In the third chapter, the issues relating women and DDR were raised to acknowledge the situation they face during the programme. In order to grasp the challenges presented by these programmes, I resorted to the analysis of academic articles on the consequences DDR processes have on women, as well as of non-governmental organizations and international organizations’ reports on the same topic. Moreover, I examined a study undertaken in the Great Lakes Region to assess the results of reintegration processes in different countries. Furthermore,
I had meetings with professionals with experience in the field with the purpose of getting a closer look at the reality women face.20

In the fourth chapter, there was the assessment of the possibility to apply human rights in peace operations context. Moreover, it was necessary to discuss the relationship between gender equality and peace missions. For that errand, I resorted to UN official documents and reports, the United Nations Charter (UN Charter), UN agencies’ websites, etc. Also I consulted academic material on the intersectionality of peace missions and IHRL, texts on human rights-based approach, as well as studies on the importance of gender equality to the attainment of peace.

In the fifth chapter, I investigated the legal foundation related to the discrimination faced by women in DDR. In order to understand how discrimination is seen in human rights law, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Committee on the Elimination of Discrimination against Women’s General Recommendation 30 (GR 30), Security Council (SC) resolutions number 1325, 1889, 2122 and 2242 and the Beijing Declaration and Platform for Action were studied. Furthermore, to assess which instruments are the most relevant to determine the legal framework on discrimination against women in post-conflict settings and what these documents provide for, it was necessary to evaluate academic reading material on the applicable normative framework.

In the sixth chapter, the thesis provided an evaluation on whether or not the UN guidelines reflect human rights standards related to the non-discrimination of women. Thus, it was necessary to examine the Integrated DDR Standards (IDDRS) – thematic modules of detailed guidance provided for by the UN Inter-Agency Working Group on DDR (IAWG) – and the Operational Guide to the Integrated DDR Standards – compilation of IDDRS modules that provide a general and overarching idea about the programme.

20 Meetings held with two members of staff from The Raoul Wallenberg Institute of Human Rights and Humanitarian Law. The first meeting took place in 23/02/2016 with Helena Olsson, who is a Programme Officer in the Institute and has been closely following the discussions on the conflict and peace attempts in Colombia. The second meeting took place in 09/03/2016 with Nieves Molina-Clemente, who is Head of the National Human Rights Institutions Unit in the Institute and was a UN political adviser at the Disarmament, Reintegration and Repatriation Division and Legal adviser to the UN Mission in Congo and at the International Criminal Tribunal for Rwanda.
2. DISARMAMENT, DEMOBILIZATION AND REINTEGRATION PROGRAMMES AND THE UNITED NATIONS

Disarmament, Demobilization and Reintegration (DDR) is the name given to one of the many programmes largely developed in post-conflict contexts in order to support the transitional moment from conflict to peace. Since the main object of investigation of the present thesis is to analyse the UN approach to DDR through human rights lenses, it is necessary to provide detailed information about the programme and then introduce the UN’s view on the whole of the process.

It matters to say that these programmes do not necessarily have to follow any patterns or models, since they are adopted in accordance with the will of the host state. Nonetheless, from the 1990’s onwards, their adoption became common practice in war torn countries. The international community then advanced a set of standards for DDR. The United Nations in particular established working tools to guide its involvement in DDR processes: the Integrated DDR Standards and the Operational Guide to IDDRS.

The literature on the topic relies heavily on some documents, which are explored in this chapter to allow the understanding of DDR and the UN perspective on the matter. The first section relies on the most internationally well-known documents related to DDR. As for the second section, the thesis resorts to the IDDRS and the Operational Guide, as the official UN documents setting standards of conduct.

2.1. A brief account on Disarmament, Demobilization and Reintegration programmes

Disarmament, Demobilization and Reintegration programmes are deemed essential in the stabilization necessary for attaining peace after a conflict has halted. In this section details about the programme are presented as to allow the comprehension of its structure, which is indispensable for the next chapters.

In the aftermath of armed conflicts, or even in situations of ongoing conflicts that signalise to be coming to an end, it is necessary to take action in order to have society, economy and politics back to a stage that allows governance. For that purpose, it is common practice to elaborate and implement peace-building, security, humanitarian and development programmes that aim at enabling the transitional process (from armed conflict to peace) to happen.

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One of the programmes usually developed in such context is the so-called Disarmament, Demobilization and Reintegration. DDR is largely implemented by national, regional and international agents as a means to reaffirm the State as the sole holder of the legitimate use of force in post-conflict situations.\textsuperscript{22} It involves the implementation of actions deemed critical for the initial stabilization of these societies, their recovery and development. “Its structure and degree of success may have deep and long-lasting influences on the shape of local and national institutions, the alignment of political power in the post-conflict context, and the consolidation of peace and speed of recovery.”\textsuperscript{23} For that reason, DDR is explained as a programme with mixed features, a combination of development and security initiatives,\textsuperscript{24} undertaken by a peacekeeping mission, along with other actors, within the broader peacebuilding context.\textsuperscript{25}

The Cartagena Contribution to Disarmament, Demobilization and Reintegration (a report that consolidates international experience on the subject) states that it is usually assumed that DDR follows certain standards in its planning and implementation throughout the globe; however, that is not the case, and the manner DDR is put into practice varies considerably from programme to programme. As it happens, reintegration might be the only phase that is common to certain projects, or disarmament and demobilization may be rearranged in a different order.\textsuperscript{26}

This sort of programme has been put in place in several scenarios since the 1990’s,\textsuperscript{27} but in a fragmented manner, which led to not very effective results for sustainable peace.\textsuperscript{28} This required the adaptation of DDR according to the experiences acquired and, even though it is not possible to establish clear patterns for different DDR programmes, it is safe to assert that they followed certain tendencies. It is said that there were three relevant evolutions in DDR: firstly, its scope was expanded to more than just security matters to more broad concerns; secondly, it evolved as a programme applicable not only in post-conflict scenarios, but also during armed hostilities; thirdly, it became more malleable and adjusted to the specificities of the surrounding circumstances over time.\textsuperscript{29}

DDR programmes emerge from a peace or ceasefire agreement and express the political will of different armed groups to demobilize their troops.\textsuperscript{30} As the name suggests, the

\textsuperscript{23} Cartagena DDR. (See note 22), p. 8.
\textsuperscript{24} Ibidem.
\textsuperscript{26} Cartagena DDR. (See note 22), p. 16.
\textsuperscript{27} United Nations Department of Peacekeeping Operations Office of Rule of Law and Security Institutions. (See note 21), p. 3.
\textsuperscript{28} Inter-Agency Working Group on Disarmament, Demobilization and Reintegration. (See note 3), p. 23.
\textsuperscript{29} Cartagena DDR. (See note 22), p. 16.
programme promotes the disarmament and demobilization of ex-combatants as well as their reintegration within society. The reach of the programme varies a lot, but lately there has been a tendency in recognizing a broader scope of DDR participants: it should include “members of armed forces and groups, abductees, dependants, civilian returnees and communities.”

According to the United Nations’ Operational Guide, ex-combatants are seen as a key group in the process of reconstruction of the region/country affected by conflict. The success of the transitional period from conflict to peace depends, to a large extent, on the group who resorted to weapons being addressed with measures that prevent them from making use of violence again, as asserted in the Operational Guide. Therefore, DDR is designed to provide its participants with the means to return to civilian life and become part of society again. Moreover, “DDR also helps build national capacity to [...] support communities receiving ex-combatants and working for their peaceful and sustainable reintegration.”

As it can be inferred from the name, Disarmament, Demobilization and Reintegration programmes tend to be developed in three stages. In general, disarmament and demobilization tend to be short-term phases, whereas reintegration is a long-term part of DDR, as it is the programme’s most important piece. It is necessary to discuss each of these stages in order to allow the understanding of the whole process and of what it entails for women taking part in it.

2.1.1. Disarmament

Disarmament tends to be the first phase to be developed in a DDR programme. The stage of disarmament is defined as “[...] the collection, documentation, control and disposal of small arms, ammunition, explosives and light and heavy weapons of combatants and often also of the civilian population. Disarmament also includes the development of responsible arms management programmes.” It is conventionally placed as the first phase (although it does not mean it will always be the first stage implemented) due to its relevance in assuring a safe background for the transitional process to happen.

Ian Douglas et al. defend that disarmament and demobilization seem to be highly interconnected phases: the former is one of the aims of the latter. The authors assert that during demobilization, it is necessary to diminish or extinguish contingents of armed groups. Thus, the

31 Inter-Agency Working Group on Disarmament, Demobilization and Reintegration. (See note 3), p. 46.
33 Ibidem.
34 Cartagena DDR. (See note 22), p. 17.
collection of weapons belonging to those who are to be discharged must take place, and the assortment of arms should be either kept or destroyed by the assigned authorities.37

This phase of DDR pursues the objective of demonstrating – both to the community and to the involved individuals – the willingness of the parties to put an end to conflict, as well as lowering levels of violence by reducing general access to weapons.38 “While the explicit objective of disarmament is to reduce the number of weapons circulating among a country's population, it also aims at reducing the threat of violence (continuing or otherwise) to human security.”39

Concerning admission to this stage of the programme, the eligibility criteria is established beforehand by the stakeholders, says Ian Douglas et al. Not only armed groups should be included, but also civilians who acquired weapons in order to protect themselves and their families.40 Once disarmament starts, a selection process takes place with the purpose to assess which individuals fit the requirements. Therefore, this is a critical moment to determine access to the benefits of the project41 and, obviously, also to the next phase of DDR: demobilization.

2.1.2. Demobilization

The second phase to be assessed is demobilization. Just like disarmament and demobilization stages, demobilization and reintegration are correlated. The access to reintegration assets is given through the accomplishment of the activities of demobilization.42 This is the phase of DDR through which combatants need to go in order to reacquire the status of civilians. “The purpose of the demobilisation phase is to register, count and monitor the combatants and to prepare them for their discharge [...] and, at the same time, to gather necessary information for their integration into the community.”43

This phase involves the dismantlement of troops, the disengagement of combatants from the armed groups and the consequent break of hierarchical bonds between fighters and their commandants, explains the Operational Guide to IDDRS. Nonetheless, the process of separation of combatants from their troops can be troublesome; therefore, it demands that DDR be planned well enough to enable the beneficiaries to go all the way through demobilization.

37 Douglas, Ian et al. (See note 36), p. 29.
38 Inter-Agency Working Group on Disarmament, Demobilization and Reintegration. (See note 3), p. 122.
39 Douglas, Ian et al. (See note 36), p. 29.
40 Ibidem.
41 Inter-Agency Working Group on Disarmament, Demobilization and Reintegration. (See note 3), p. 127.
42 Cartagena DDR. (See note 22), p. 17.
43 Douglas, Ian et al. (See note 36), p. 45.
and join the reintegration stage. The transition from this to the next stage requires the development of activities such as providing participants with identity documents, realizing health exams, orientating about the challenges presented by the process of reintegration into society and delivering packages of benefits for each of them.

Ian Douglas et al. affirm that the target group in demobilization coincides largely to the one in disarmament stage. Nonetheless, they say, the differences must be noticed in order not to neglect any groups that are entitled participation in the second phase of DDR. Thus, the aim is to address members of armed groups – be they women, children or men – who were implicated not only in tasks directly involved in the conflict, but also in the administration of camps and other functions.

Demobilization is usually divided in two sub-phases; the first one “may extend from the processing of individual combatants in temporary centres to the massing of troops in camps designated for this purpose […]. The second stage […] encompasses the support package provided to the demobilized, which is called reinsertion.”

Reinsertion is not a mandatory part of DDR, as explained in the Cartagena Contribution to DDR, but when it is implemented, it performs the transition from demobilization to reintegration. This coordinated passage from one phase to the next is understood as critical, because demobilized persons tend to face vulnerability in social and economic terms. Reinsetion provides participants with the means to survive during the first part of the period post-conflict, offering support for up to one year. It includes the provision of basic goods, such as clothes, food, housing, etc. “Reinsertion programs provide a social welfare-oriented ‘transitional safety-net’, designed to sustain demobilized persons after they have left cantonments, and before they can fully access reintegration-specific resources […].” By the end of this stage, participants are provided with documents that demonstrate their involvement in the conflict and that release them from the armed group they belonged to, clarifies Ian Douglas et al. These documents have “a high symbolic value for many ex-combatants, particularly for former guerrillas, since it provides some appreciation of their military service and some value of the war's objectives.”

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44 Inter-Agency Working Group on Disarmament, Demobilization and Reintegration. (See note 3), p. 143.
46 Douglas, Ian et al. (See note 36), p. 45.
47 Secretary-General of the United Nations. (See note 35), para. 25.
48 Cartagena DDR. (See note 22), p. 17.
50 Cartagena DDR. (See note 22), p. 17.
51 Douglas, Ian et al. (See note 36), p. 55.
also because it serves as proof of former combatants’ right to access the next phase of DDR: the reintegration phase.\textsuperscript{52}

2.1.3. Reintegration

This is the last phase of DDR and aims at allowing participants to be received in society again and contribute to its recovery. Reintegration is the main goal of the programme, given that, if it fails to integrate participants into society, they may once again resort to violence, putting to waist all efforts, energy and resources therein invested.\textsuperscript{53} Thus, this stage should be designed to tackle participants’ capital insufficiencies: “lower levels of human capital (formal education, civilian vocational and life skills, and work experience), insufficient productive assets, and eroded social capital and cohesion (broken links between ex-combatants and the broader community and the state).”\textsuperscript{54}

In general, reintegration takes “place in communities at the local level. It is part of the general development of a country and a national responsibility, and often necessitates long-term external assistance.”\textsuperscript{55} Thus, the idea behind it is to attack the reasons that led combatants to take part in conflict in the first place.\textsuperscript{56} This stage has social, economic and political facets and, in order to permit such a protracted process to happen, it has to be implemented within an “open timeframe”.\textsuperscript{57}

Reintegration is composed of three different elements: economic, social/psychosocial and political.

Economic reintegration is an important aspect of DDR, due to the need to ensure that ex-combatants are afforded the necessary skills to provide for themselves and their families in a post-conflict scenario. The economic component of reintegration aims at supplying participants with the essential tools to develop sustainable means to generate income, thus, the programme needs to forge the circumstances that allow generation of employment.\textsuperscript{58} However, “transforming war economy to a peace economy represents one of the biggest challenges in a peace-building process.”\textsuperscript{59} Yet, it is crucial to establish strategies for feasible and lasting employment prospects, as well as decent work, in order to ensure sustainable economic reintegration.\textsuperscript{60} At the individual level, participants who have the chance to participate in the

\textsuperscript{52} Inter-Agency Working Group on Disarmament, Demobilization and Reintegration. (See note 3), p. 153.
\textsuperscript{53} African Union Commission. (See note 30), p. 30.
\textsuperscript{54} Cartagena DDR. (See note 22), p. 22.
\textsuperscript{55} Secretary-General of the United Nations. (See note 35), para. 27.
\textsuperscript{56} Inter-Agency Working Group on Disarmament, Demobilization and Reintegration. (See note 3), p. 159.
\textsuperscript{57} Secretary-General of the United Nations. (See note 35), para. 27.
\textsuperscript{58} Inter-Agency Working Group on Disarmament, Demobilization and Reintegration. (See note 3), p. 169.
\textsuperscript{59} Cartagena DDR. (See note 22), p. 59.
\textsuperscript{60} Idem, p. 68
labour market perceive the contribution they make on the development of their community, asserts the Cartagena Contribution to DDR. This, allegedly, advances the understanding of their own value within society.\(^{61}\) For this purpose, the activities developed to support economic reintegration of participants are varied. They include the provision of training in micro and small business, of career advisement, of scholarships and educational opportunities, of apprenticeship positions, etc.\(^{62}\)

To socially reintegrate ex-combatants is quite a complex mission. It may take great efforts to have victims of violence to accept perpetrators as being one of them. The social component of reintegration is deemed to be the most relevant part of reintegration, as well as the most challenging one.\(^{63}\) Social reintegration addresses the problems ex-combatants face in their return to a society torn by armed conflict. The Operational Guide to IDDRS says it may include psychological traumas, physical assaults, sexual violence, stigmatization, physical injuries, disabilities, the sense of disempowerment, etc.\(^{64}\) One very relevant issue for this thesis related to social reintegration has to do with the change of gender roles during conflicts. In a scenario of armed conflict, men, women, girls and boys are conscript or forced to join armed groups, argue Ian Douglas et al. For men, the authors explain, it means being removed from their role as breadwinners of the household. For women, it entails a more egalitarian situation, as they gain a position alongside men, affirm the authors. As for the civilian population, Ian Douglas et al. add that many women find themselves in a situation where they need to provide for their families, as men are away fighting. This brings about changes in the manner women see themselves, which could mean that they do not want to revert to the condition they traditionally assumed. Thus, this critical factor should be accounted for in DDR as a whole, and with special attention when it comes to social reintegration.\(^{65}\)

Political reintegration of ex-combatants implies providing them with opportunities to take part in the political life of their community/region/country. The idea is to promote the engagement of participants into political issues debated within the community where they intend to integrate, according to the Operational Guide to IDDRS. It is relevant to make them aware of policy-making practices, says the guide, in order to confront the lack of political participation that often leads to hostilities. “If properly executed, political reintegration will allow for the legitimate grievances and concerns of ex-combatants and former armed groups to be voiced in a socially constructive and peaceful manner that addresses root-causes of conflict.”\(^{66}\) Thus, the political element of reintegration promotes activities that foster the

\(^{61}\) Idem, p. 62.
\(^{62}\) Inter-Agency Working Group on Disarmament, Demobilization and Reintegration. (See note 3), pp. 170-172.
\(^{63}\) Cartagena DDR. (See note 22), p. 18.
\(^{64}\) Inter-Agency Working Group on Disarmament, Demobilization and Reintegration. (See note 3), p. 172.
\(^{65}\) Douglas, Ian et al. (See note 36), p. 58.
\(^{66}\) Inter-Agency Working Group on Disarmament, Demobilization and Reintegration. (See note 3), p. 176.
advancement of civil society, government and political institutions, along with actions that advocate for the importance of human rights.67

Having the big picture of DDR in mind, it is time to understand the involvement of the UN in the process.

2.2. The role played by the United Nations in Disarmament, Demobilization and Reintegration programmes

Disarmament, Demobilization and Reintegration are programmes developed through the initiative of fighting parties in the effort to launch the peace process. One of the basic principles of DDR is called national ownership, which means that the project’s main responsibility lies on national agents, be them government or non-state actors. However, given the fragile state conflicts leave countries in, the assistance provided for by national actors tends not to be enough, thus it is usually necessary to count on external aid.68 “DDR is a multi-stakeholder process, which necessarily requires the creation of information-sharing, consultation, coordination and partnership mechanisms that bring key actors and stakeholders together.”69 This multiplicity of national and international agents and stakeholders contributes to the complexity observed in DDR. In order to examine the role played specifically by the UN in a DDR process, this section presents it in the sequence programmes tend to follow, going from planning and funding to the designing and implementation of programmes.

When national authorities find it necessary, they may resort to inviting the United Nations to help by planning programmes aimed at promoting peace and development, as explained in the UN Operational Guide to DDR. Thus, according to the guide, there should be an evaluation of how to integrate DDR in the bigger picture of these missions. In this effort, it is also necessary to acknowledge who are the stakeholders and how they are to be involved in DDR, says the UN. The planning process also implies defining “a common framework for the implementation and management of joint activities among national actors and the UN system.”70

Funding is necessary to pull together enough resources that allow DDR to happen. The principle of national ownership calls for the engagement of national actors as much as possible, however, it is unreasonable to assume that the State can fund the whole of a DDR programme with its own resources. Thus, it is common practice to resort to external sources of funding, although it is understood that “the more national funding is invested in the DDR program, the

67 Douglas, Ian et al. (See note 36), p. 68.
68 Inter-Agency Working Group on Disarmament, Demobilization and Reintegration. (See note 3), p. 29.
69 Idem, p. 50.
70 Inter-Agency Working Group on Disarmament, Demobilization and Reintegration. (See note 3), p. 62.
more national ownership and flexibility the government will have.”  

Apart from the input provided for by the government, there are plenty sources of funding for DDR programmes. The Operational Guide to IDDRS explains that UN agencies and programmes may sponsor the projects by providing material assistance and services. UN peacekeeping operations have also shared part of their budget with actions undertaken to support DDR, the guide adds.

During the design of DDR, the contribution provided by each involved actor is determined and they are pulled together in an ordered fashion to form the whole of the programme; at this point, it is essential to have the involvement of as many stakeholders as possible. In order to assist the progress of the project, it is common practice to establish a national commission responsible for DDR – its aim is to team up all actors and synchronize their actions. As a first step, it is necessary to evaluate the situation DDR will meet, which includes the project’s scope, risks to be faced, demands to be addressed, etc.; furthermore, it involves an analysis of resources required to complete the programme, in order to allow the call upon external sources of funding. The second stage implies the creation of the document that defines how implementation will happen and who will be in charge of what. As for the final step, it is crucial to establish an implementation plan, which will instruct DDR practitioners – staff from the UN, government and other organizations – with specificities of the project, such as activities to be developed, length of each action, management of activities, methods to be used, etc.

The implementation phase starts when the actions planned in the previous stages are put into practice. Due to the high complexity of this part of DDR, it is necessary to bring several actors together, who can contribute with different areas of expertise. In its attempt to support DDR as an integrated process, the UN suggests the cooperation of “peacekeeping missions, UN agencies, funds and programmes, UN Headquarters, the UN volunteer system, other international organizations […], local and international non-governmental organizations (NGOs) and the private sector.” The implementation of disarmament encompasses the establishment of areas for the collection of weapons to happen and the logistic work involved in the gathering, registration and destruction of arms. As for demobilization, it comprises the documentation of combatants, the provision of information regarding the programme, the realization of health exams and the counselling on the transition from combatant to civilian

72 Inter-Agency Working Group on Disarmament, Demobilization and Reintegration. (See note 3), p. 66.
73 Douglas, Ian et al. (See note 36), p. 51.
74 Inter-Agency Working Group on Disarmament, Demobilization and Reintegration. (See note 3), p. 67.
75 Inter-Agency Working Group on Disarmament, Demobilization and Reintegration. (See note 3), p. 71.
76 Idem, p. 76.
77 Idem, p. 103.
status. The implementation of reintegration involves several activities regarding the delivery of services designed to integrate ex-combatants and recover receiving communities. Reintegration provides participants with professional qualification and educational opportunities, as well as with services of social/psychological guidance and assistance on political engagement. External assistance, like the one provided for by the UN, can play an important role here, by also assisting communities where participants will reintegrate in; it supports sustainable development in the local level, which in turn, helps with the cooperation and consequent strengthening of local stakeholders, such as local companies, NGOs and private initiatives.

79 Idem, pp. 148-149.
81 Douglas, Ian et al. (See note 36), p. 77.
3. WOMEN IN DISARMAMENT, DEMOBILIZATION AND REINTEGRATION PROGRAMMES

As the participation of women in armed conflicts increases over time, the number of female participants of DDR should follow the same tendency. Nonetheless, that is not what happens in practice. More and more women take part in DDR, however, the number of women attending the programmes always fall considerably short of the amount of females involved in the conflict. The failure to address women may contribute largely for DDR not attaining its aim of aiding in the transition from conflict to peace. Thus, to augment the chances of success for DDR, it is necessary to study the problems women face to access the programme.

With this purpose in mind, this chapter presents the situation of shift in gender roles during armed conflicts – which involves some degree of empowerment for women –, and its aftermath, with a great deal of marginalization of female ex-combatants. In the sequence, the chapter proceeds to the study of the challenges faced by women during the process of DDR.

3.1. Background information on women’s situation during and after conflicts

By introducing some background information on the situation of women during and after conflicts, this section intends to provide a view on the circumstances under which DDR takes place and the challenges it needs to face with regard to female ex-combatants. To that effect, a description of the changes in gender roles during armed conflicts is presented. Special attention is given to the possibility that, in this situation, women may assume new roles which were not feasible to be adopted within a context of peace. Afterwards, the post-conflict scenario is depicted as a period in which women’s situation tends to return to what it was and the result is their disempowerment. These are the circumstances faced by DDR practitioners, whose mission should be the one of empowering participants; however, the practice can be quite different, as it is demonstrated in the next paragraphs.

With the uprising of armed conflicts, many changes in gender roles may take place within the affected society. With regard to the ones that directly affect women, it can be said that these shifts might create more and diverse functions in the public and private spaces. Therefore, despite all the detrimental situations created by it, an armed conflict can present opportunities for women to take over occupations that were previously inaccessible.

Women may need to assume the position of head of household, in case it was once a task allotted to a male member of the family who joined the armed forces. They might need to

get a job that ensures an external source of income to them and/or their families. They may join armed forces or groups, be it voluntarily or, more likely, by force. Thus, it matters to stress the centrality of the occupations women assume as part of armed forces or groups in the unfolding of hostilities; they “supply the essentials of war: information, food, clothing and shelter.”

In Sierra Leone, women are said to have transited between functions of assistance and perpetrators of violence. In spite of the lack of precision regarding the number of women who joined armed groups, it is estimated as ranging from 10 to 50%. Statistics point out that women represented possibly more than 12% of the members of armed groups. Not many of them reached positions of authority, but rather accumulated various support functions; however, wives of leaders could assume control of the bases in case their husbands were away.

In the case of Liberia’s civil war, sexual violence against women was a common practice – especially against those who did not assume fighting roles –, and that represented a major drive for women to strive for combatant positions. According to Sarah Douglas et al., the Liberians United for Reconciliation and Democracy – a rebel group – deployed a battalion composed only by women, called Women’s Artillery Commandos (WAC). That was possible because women were perceived as combatants who take their duties very earnestly.

As for the conflicts in Bougainville, women were recognized to have undertaken efforts which were essential in the settlement of an agreement for peace. Sarah Douglas et al. explain that, due to the matrilineal character of Bougainvillean society, women played roles that required respect from all belligerent groups. According to these authors, in the endeavour to achieve peace, women organized meetings to discuss their possibilities to bring about an environment to settle the conflict. The result was a more active participation in their communities, including actions such as mothers going after their sons, in the jungles, to convince them to drop the arms.

The aforementioned cases are only a few examples of the participation of women during armed conflicts. That serves to demonstrate the variety of roles women play and the importance

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89 Idem, p. 20.
90 Idem, p. 22.
women’s work have during hostilities. Nonetheless, as it happens, once the conflict is over, women may feel the need to return to the traditional roles they took before the civil war, sometimes because they want to, sometimes because they feel compelled to do so.

The Inter-Agency Group on Disarmament, Demobilization and Reintegration observe that gender roles developed within armed groups may evolve in a different manner and pace when compared to the ones presented by the community that will receive demobilized combatants. This discrepancy challenges the attempts to reintegrate former combatants, which usually means the spring of a new marginalized group formed by women, men, girls and boys who do not fit community’s patterns.91

Megan Mackenzie asserts that, when it comes to female ex-combatants, the sense of being unfit to return to their communities poses a big problem: very often societies expect women to take on roles they used to perform before the beginning of armed hostilities. In more traditional societies, it is widely accepted that men join armed groups, as a manner to demonstrate their virility; nevertheless, women who adopt the same posture may not be welcomed.92 Thus, it is common to observe “concerns about rejection and stigma within their communities since the women had broken traditional gender barriers by becoming members of an armed group.”93 Another serious consequence of the mentioned shift in women’s roles has to do with the increase in domestic violence in a post-conflict scenario, according to the United Nations Development Programme’s (UNDP) report. Because of the empowerment women experience during conflict, many men feel threatened by it when hostilities are over and resort to violence against their female family members.94

Thus, humanitarian, security, peacebuilding and development programmes established in a post-conflict context face several challenges. DDR, being one of the commonly adopted programmes, must be sensitive to the needs of its beneficiaries. Given the immense contribution women provide during civil wars as members of armed groups, it is only fair that they have their needs addressed as well. However, in practice, it does not happen in most DDR processes, as it will be demonstrated in the next sections.

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3.2. The practice in the planning and implementation of Disarmament, Demobilization and Reintegration programmes with regards to women’s issues

In order to make it easier to grasp the different challenges posed by DDR on women, this section explains the existing problems by grouping them in two different categories: the lack of access and participation by women and the lack of gender-sensitivity.

3.2.1. The lack of access and participation by women

The lack of access to the programme and the lack of participation by women in DDR when they are allowed to participate are observed in all stages of the peacebuilding process. This section is devoted to expose the challenges in the manner they take place in practice.

To begin with, DDR processes are normally provided in the peace agreement signed by belligerent parts at the completion of armed conflict. Fionnuala Ní Aoláin et al. point out that, whatever is the content of said agreement, its clauses are established after a period of consultations. They observe that, in general, these negotiations are composed by members of the elite and by high-ranking commanders – most of whom are men. This tends to leave women’s concerns out of peace talks. As the Inter-Agency Working Group on Disarmament, Demobilization and Reintegration puts it, “[w]omen have also been too often excluded from peace talks, and were not represented on NCDDRs [National Commissions on DDR] and other decision-making bodies.”

Examples of said exclusion are many. In Sierra Leone, for instance, peace talks included only two women, one as a member of the government mission and the other as a representative from the Revolutionary United Front – none of them was in a position of head of the mission they were part of. The agreement reached by the groups – The Lome´ Peace Accord – included gender-sensitive provisions, but it did not acknowledge the existence of female combatants, says Megan MacKenzie. She adds that the only reference made to women places them in the role of victims of violence. In Sudan, women’s organizations advocated for the participation of women representatives in the delegations that would negotiate peace, however, in spite of “the presence of women in armed groups in North and South Sudan, women’s presence in the peace talks was negligible.” As for the peace process in Bougainville, no matter how

95 Aoláin, Fionnuala Ní; Haynes, Dina Francesca; Cahn, Naomi. (See note 11), p. 132.
96 Inter-Agency Working Group on Disarmament, Demobilization and Reintegration. (See note 3), p. 49.
97 Mazurana, Dan, and Khristopher Carlson. (See note 85), p. 16.
important the roles played by women – as acknowledged by the United Nations, NGOs and donors –, they were excluded from the talks because the belligerent parts opposed to that.¹⁰⁰

Research on the presence of women during peace negotiations reveals the lack of opportunities for women. Studies conducted between 1992 and 2011 demonstrate that females were underrepresented in these peace talks, as only “4 per cent signatories, 2.4 per cent chief mediators, 3.7 per cent witnesses and 9 per cent negotiators were women”.¹⁰¹

In the moment of planning and design of DDR, it is essential for practitioners to have a deep understanding of the reality they are dealing with. This full grasp of context is only possible if target groups are consulted about their concerns, problems, ambitions, etc. There is no point in planning a DDR process without the understanding of what is the reality faced by its participants and acknowledging their main needs. In order to address root causes to violence, practitioners must grasp what leads people to resort to it in the first place. “Equal participation in formulating the provisions for DDR lays the foundation for addressing gender-specific needs and points of resilience in the implementation process itself.”¹¹² Megan Mackenzie explains that, in Sierra Leone, for instance, even though the initial idea was to embrace local knowledge in the design of DDR, most decisions were top-down resolutions by the main donors of the process. Thus, without major consultations with target groups, these DDR partners determined the sort of training programmes that would be available for women and the length they would have, asserts Mackenzie. This meant that the local associations willing to provide women with other types of education would not be qualified for funding.¹⁰³ The result was a large amount of women being “trained as gara tie-dyers, seamstresses, caterers, soap-makers, and weavers.”¹⁰⁴

When it comes to the implementation of DDR, the Inter-Agency Group on Disarmament, Demobilization and Reintegration understands that the first challenge for the inclusion of women concerns the low numbers of females registered to participate in it. According to the Inter-Agency Group’s point of view, one of the reasons for that can be the lack of access to information about the programme. If DDR is not thought in a manner that targets the difficulties women may face to learn about it (such as high levels of illiteracy among women or a limited reach of campaigns to promote the programme), there is no chance of promoting more inclusive projects.¹⁰⁵

¹⁰⁰ Douglas, Sarah et al. (See note 88), p. 20.
¹⁰¹ Pathak, Bishnu, and Seema Shekhawat. (See note 6), p. 56.
¹¹² Inter-Agency Working Group on DDR. (See note 91), p. 17.
¹⁰⁴ Ibídem.
Having addressed the first kind of challenges, the next section proceeds with the second type.

3.2.2. The lack of gender-sensitivity

The literature on DDR and women highlights some core problems in the planning and implementation processes. Just like the analysis on the lack of access and participation by women, the present examination disposes the existent challenges in the manner they take place in practice.

In order to tackle the diverse needs from different groups, DDR must be planned taking into consideration the circumstances surrounding its participants and beneficiaries. When it comes to gender issues, it is necessary to understand the diversity that composes groups of women, men, girls and boys to design a programme adapted to this variety of demands.

In the effort to turn DDR more inclusive to women, the sensitivity to experiences, roles and needs specific to the existing groups of women to be addressed is crucial for its success. Thus, DDR practitioners must be able to reflect on the apparent neutrality of the proposed activities to make sure they do not reinforce stereotypes or undesired gender roles. Sensitivity to women’s issues will allow the programme to cope with the most diverse concerns observed in the practice of DDR, such as female combatant’s fear of stigmatization and discrimination for being associated with armed groups or the problems posed by the location of a potential demobilization site. According to Megan MacKenzie, one example of the lack of sensitivity to gender is the programme of micro-credit for women in Sierra Leone. This project regarded women as forcibly being members of a family and aimed at assisting their household in lessening the burden on male former fighters of providing for the group.

“The implicit assumption of this objective is that female soldiers are married, that they wish to stay married and that their primary objective is to support their husband, who is presumed to be the principle wage earner. This programme is a prime example of the disciplinary potential of empowerment programmes, which impose conditions on participants based on traditional gendered notions of the nuclear family.”

106 Aolán, Fionnuala Ní; Haynes, Dina Francesca; Cahn, Naomi. (See note 11), p. 131.
107 Mazurana, Dyan. (See note 93), p. 57.
108 Idem, p. 65.
110 MacKenzie, Megan. (See note 92), p. 213.
One central factor to be taken into account during the planning of DDR is the so-called peacekeeping economy, which defines a large proportion of the demands of the market in that region/country. DDR practitioners should be aware of the gendered nature of this type of economy in order to be able to design reintegration with the necessary gender-sensitivity.

Also during planning and design phases, another big issue arises. The eligibility criteria and definition of combatant is a serious problem women face, as it concerns accessibility to DDR. The fact that a securitised approach to DDR has been used in many occasions limits its reach and establishes narrow standards to define its potential participants. As Fionnuala Ní Aoláin *et al.* elaborate, this sort of approach is “focused on the demobilization of weapons, not minds, and do not address the modalities and socio-psychological pathways that have created, and then continue to perpetuate, violence.” Moreover, the United Nations Development Fund for Women (UNIFEM) alerts to the problem triggered by the preference given to disarmament and demobilization in detriment of reintegration, generated by this perspective about DDR. The organization also asserts that the scarcity of resources brings about the need to address the most threatening groups – understood as male combatants; this, for its turn, is a decisive factor to settle the definition of combatant and to establish the admissibility criteria for the project. The result of said practice is the exclusion of women from DDR programmes. Megan Mackenzie questions why it is possible to endow men who take on activities of assistance with the title of combatants, but not women. The latter are usually classified as “followers, wives, family, victims”.

Furthermore, because most women work in support positions, certain eligibility criteria, such as turning in arms or demonstrating knowledge of how to handle guns can also be excluding.

There are several examples of difficulties caused by strict standards for admissibility in DDR and narrow definitions of combatants. In Mozambique, even though female fighters performed crucial activities during warfare – such as deciding about when to retreat and where to head after that –, they were not included in the DDR programme. Regarding the definition

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111 Kathleen M Jennings explains that peacekeeping economies are “highly gendered, both in its demand for so-called women’s work—support positions in the UN system or with international non-governmental organisations (NGOs); housecleaning, laundering, cooking and errand-running for international tenants; working in bars, restaurants and clubs catering to international clientele; and prostitution—and in the way in which the peacekeeping economy (especially where it overlaps with the sex industry) reinforces the notion of passive female victims at the same time that it relies upon their services.” Jennings, Kathleen M. "The Political Economy of DDR In Liberia: A Gendered Critique". *Conflict, Security & Development* 9.4 (2009): 475-494, p. 476. Web. 6 Apr. 2017.
112 Idem, p. 487.
113 Aoláin, Fionnuala Ní; Haynes, Dina Francesca; Cahn, Naomi. (See note 11), p. 136.
114 Douglas, Sarah et al. (See note 88), p. 3.
115 MacKenzie, Megan. (See note 84), p. 256.
116 Douglas, Sarah et al. (See note 88), p. 32.
117 Pathak, Bishnu, and Seema Shekhawat. (See note 6), p. 58.
of combatant in Burundi’s DDR programme, practitioners determined that women accompanied by children would not be considered fighters, as explained by Dyan Mazurana. Therefore, in order to be eligible to participate in DDR, these women had to leave children with their families or choose the path of self-demobilization.\(^\text{118}\)

Moving on to implementation phase, this represents a big challenge to practitioners because it means to test the actual feasibility of the planning, and, in practice, actions can have very different results from what is expected. According to the Operational Guide to IDDRS, “[f]emale-specific interventions should be planned for and implemented during cantonment/mobile demobilization, as well as when providing transitional support and resettlement assistance […].”\(^\text{119}\) Thus, the application of gender-sensitive actions is necessary in order to make sure that the declared intentions of delivering a gender-sensitive project coincide with its outcome.

The UNDP asseverates that implementing disarmament of female combatants poses an important security matter. They may have gained respect and obtained some degree of protection by holding arms during the conflict, says the UN agency. By collecting their weapons, the programme can create a sense of disempowerment on women and rise the chances of them being unable to protect themselves from violence.\(^\text{120}\) Therefore, it is crucial that DDR affords females with a secure environment and promote their empowerment by other means.

During demobilization stage, several DDR programmes rely on commandants to furnish a list of combatants, as a means to guarantee that other people will not irregularly benefit from the assistance provided, according to a Human Rights report. It adds that said policy ascribes commanders with a great power over potential participants.

Reintegration seems to be the most troublesome phase of a DDR programme, given that it is such a complex net of actions. As Kathleen M. Jennings exposes, the very own approach to these projects, the securitized understanding of DDR, undermines reintegration of women. Because DDR’s concern is with “organized physical violence”\(^\text{121}\) – and women are not perceived as perpetrators, but rather as recipients of violence –, reintegration efforts target male former fighters, giving priority, for instance, to their inclusion in the formal economy.\(^\text{122}\) Another aspect of the problematic related to the securitised approach has to do with the importance of peacekeeping missions in the implementation of DDR: due to the dominant military-like character of these missions, the stages of disarmament and demobilization are

\(^{118}\) Mazurana, Dyan. (See note 93), p. 62.
\(^{119}\) Inter-Agency Working Group on Disarmament, Demobilization and Reintegration. (See note 3), p. 211.
\(^{120}\) IAWG-UNDP. (See note 94), p. 9.
\(^{121}\) Jennings, Kathleen M. (See note 111), p. 484.
\(^{122}\) Jennings, Kathleen M. (See note 111), p. 476.
prioritized, which lessens the relevance of reintegration activities. Seema Shekhawat and Bishnu Pathak argue that, because female ex-combatants allegedly do not pose a threat to security and therefore are not the main DDR target group, it is expected that they be not accounted for in the appraisal undertaken during the design of the programme. Thus, if female ex-combatants happen to exceed the estimations, the programme falls short of providing them with the necessary gender-specific structure.

As far as education and training opportunities are concerned, UNIFEM asserts that, if women are really to enjoy these benefits, courses should begin as soon as possible during implementation of DDR. Due to gender roles that attribute women to be mainly responsible for taking care of the household, the late start of courses could mean extra workload for them. Sierra Leone provides an interesting example regarding the offer of training projects. As a result of the lack of a market assessment, the range of proposed courses was inadequate and borne a deeply gendered nature. In Mozambique, the training options presented the same problem of character, even though many female ex-combatants demonstrated a preference for “non-traditional professions”.

Quantitative proof of the problems faced by women is provided in the next section, with the examination of a study performed in five post-conflict States that have been through DDR processes.

3.3. Empirical data on the effects of Disarmament, Demobilization and Reintegration programmes on female ex-combatants’ situation

By way of conclusion of the inquiry on women’s matters that arise during DDR processes, it would be interesting to analyse the results of a study performed on the countries of the Great Lakes Region, in Africa. The importance of this final examination is to confirm, with empirical data, the gender-insensitivity of DDR programmes as far as women are concerned. This errand shall be accomplished by consulting an overarching and recent source of information on DDR: the study gathered data from ten thousand individuals – members of society and former combatants – during the period between 2010 and 2012 and was published in 2014; moreover, it encompassed information on reintegration processes in Uganda, Rwanda, Democratic Republic of the Congo, Republic of Congo and Burundi. The fact that the scope of the study concentrated on reintegration stage in these countries is also relevant, as it is an

124 Pathak, Bishnu, and Seema Shekhawat. (See note 6), p. 60.
125 Douglas, Sarah et al. (See note 88), p. 34.
127 Pathak, Bishnu, and Seema Shekhawat. (See note 6), p. 58.
128 The reference is to: Rhea, Randolph Wallace. (See note 14).
indicator of the degree of success of the respective DDR programmes. The study compartmentalized the evaluation of the collected data by themes. The ones of direct relevance to this thesis were examined.

Regarding rates of literacy, education and vocational training, the importance of analysing such data lies on the opportunity these activities provide to improve the individuals’ conditions. When it comes to absolute illiteracy, male ex-combatants rate was 17.3%, against 36.9% for their female counterparts. As for individuals with the ability to read and write, women, once again, were in disadvantage (females: 56.8%; males: 74.1%).

In relation to economic issues, the results of reintegration can be observed by comparing rates of employment between men and women. Whereas unemployment rate for women (15.9%) decreased more than unemployment rate for men (8.6%), if compared from the time DDR started to the period after demobilization, many other rate fluctuations were negative for female ex-combatants. For instance, in the same timeframe, the number of female ex-combatants working in the household raised in 2.5%, but the equivalent rate for males decreased in 0.1%. As for ex-fighters taking on studying or training opportunities, the increase for males was 1.3%, and for females, 0.4%. Concerning sources of income, whereas 19.1% of male ex-combatants must count on money borrowed from their families, the rate goes up to 27.2%, when it comes to female ex-combatants.

The data presented reinforces the idea that women ex-combatants find themselves in a much more vulnerable position after conflict is over, in comparison with their male counterparts. In several aspects of their lives, women ex-fighters face more challenges than any other group (except for disabled ex-combatants, who endure an equally difficult situation), which creates a trend of marginalization of female ex-combatants. Despite the fact that DDR processes proclaim the importance of gender equality and mainstreaming gender, the information gathered in this thesis shows a large gap between the benefits enjoyed by men and women. The analysis of this study provided quantitative evidence on the plentiful deficiencies DDR presents when dealing with female ex-fighters. The conclusion it brings is that “[i]t is the dynamic interaction of the familial, economic and broader social structural dimensions that shape the overall shallower trajectory of reintegration for female ex-combatants across the GLR [Great Lakes Region] countries and constitute them as a distinctly disadvantaged group.”

Because of all these challenges faced by women in post-conflict scenarios – be them due to the lack of participation in DDR or to the lack of gender-sensibility of the programmes –, Seema Shekhawat claims that peace processes are rather “gender-discriminatory”, instead of

129 For the centrality of reintegration in DDR programmes, see chapter 2, section 2.1.3.
130 Rhea, Randolph Wallace. (See note 14), p. 49.
131 Idem, p. 63, Table 12.
132 Rhea, Randolph Wallace. (See note 14), p. 69.
133 Rhea, Randolph Wallace. (See note 14), p. 96.
“gender-blind”, as it is usually argued. During these programmes, it is possible to observe all sorts of differential treatment between women and men (not necessarily a gender-sensitive kind of differentiation). That strengthens the lack of power women experience in post-conflict scenarios and leave many of them in a vulnerable situation. This whole context is used to affirm that women are excluded from DDR programmes, and, when they do take part in it, they do not fully participate in it. This conclusion is significant for this thesis because it is the base for the allegation that DDR programmes promote discriminatory treatment against women. However, before going to the assessment of whether or not it really constitutes discrimination against women according to human rights standards, it is necessary to evaluate the possibility of utilising IHRL as a framework to analyse peace operations. That is the aim of the following chapter.

134 Pathak, Bishnu, and Seema Shekhawat. (See note 6), p. 60.
4. THE INTERSECTIONALITY OF INTERNATIONAL HUMAN RIGHTS LAW AND PEACE OPERATIONS

Before going further on the assessment of whether the situation of exclusion lived by women in DDR programmes amounts to discrimination, it is indispensable to determine if international human rights law is applicable in the context of peace operations. Thus, the examination of the relationship between the two fields is crucial. To allow such discussion, the chapter approaches the question of whether or not IHRL can be applied for peace operations. After that, the chapter goes on to clarify the relationship between gender equality and peace. That is necessary to prove the importance of including women in post-conflict efforts, such as DDR, in order to promote sustainable peace.

4.1. The applicability of international human rights law in the context of peace operations

This section aims at investigating if IHRL is a feasible legal framework in the assessment of women’s conditions in the planning and implementation of DDR. This task is necessary in order to characterize whether women’s situation amounts to discrimination. For that purpose, the section starts by looking at the adoption of the United Nations Charter (UN Charter or Charter) – the instrument that establishes the United Nations and its functions –, in order to make the point that, from the very beginning, the maintenance of international peace and security by the UN was linked to the human rights law framework. To demonstrate that, the section presents a historical overview of the manner by which such connection was done within the UN context. After that, arguments of another nature are shown to support the applicability of IHRL in peace operations contexts. At last, it acknowledges the controversial character of this discussion and adopts the position that human rights do matter for these missions, due to the strength of the arguments presented throughout the section.

After the atrocities committed during the Second World War, the international community felt the need to translate its urge for a peaceful environment into formal and more concrete commitments. In this scenario, the United Nations was created, with the aim to prevent future massacres to happen. The document that establishes the premises for the existence of the UN is the Charter of the United Nations, adopted on 26 June 1945, in San Francisco. Katarina Månsson describes that the negotiations that led to the approval of the Charter were

135 The term peace operations is understood as encompassing peacemaking, peacekeeping and peacebuilding missions. DDR processes are influenced by all of the three categories of operations. The peacemaking component of DDR comes through the peace agreement, which tends to be the instrument that provides for the implementation of the programme. Peacekeeping operations are usually missions that have in their mandates the duty to implement DDR projects, at least its initial stages. At last, part of a DDR programme is put into practice in the wider context of a peacebuilding mission, such as long-term reintegration activities.

controversial, as different state delegates proposed different amendments to the document, according to their interests. The first attempted drafts, as the author asserts, implied a very active role for the UN regarding human rights, but as consultations went by, the formulation changed. "Integration of human rights in peace operations started here, in the minds and visions of the drafters. Their aspirations were partly encompassed in the Charter, and partly operationalized at a later stage through an imaginative interpretation of those retained."\(^{138}\)

The eagerness to avoid carnages in the same scale as the ones experienced during the war led the drafters of the UN Charter to include, in the very first article, the purpose of the UN as being the maintenance of "international peace and security".\(^{139}\) Katarina Månsson explains that:

> "The Purposes of the UN as expressed in Article 1(1-4) of the Charter were conceptualized as the ‘raison d’être’ of the organization, the ‘cause and object of the Charter to which member states collectively and severally subscribe’. The third enumerated Purpose (Article 1(3)), to promote and encourage respect for human rights and fundamental freedoms, is hence intimately related to the legitimacy of the organization."\(^{140}\)

And the author goes on to detail that the whole of the first article of the UN Charter supports the idea of inclusion of human rights in peace operations: \(^{141}\) the first paragraph of the mentioned article would impose a duty on the UN to guarantee the conformation of peace operations with human rights law; \(^{142}\) the second one would ensure that peace missions aid peoples to ascertain their right to self-determination; \(^{143}\) as for the last one, it would require peace missions to promote and respect human rights law. Thus, article 1 combined with article 55\(^{144}\) of the Charter demonstrates the necessity to take human rights into consideration in the

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138 Idem, p.83.
140 Månsson, Katarina. (See note 137), p. 80.
142 Article 1(1) of the UN Charter reads as follows: “To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;” "Charter of the United Nations | United Nations". (See note 139).
143 Article 1(2) of the UN Charter reads as follows: “To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;” "Charter of the United Nations | United Nations". (See note 139).
144 Article 55 of the UN Charter reads as follows: “With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of
context of peace operations. Following the signature of the UN Charter, the subject of integration of human rights in peace operations was once again brought into scene by two General Assembly’s resolutions, namely Uniting for Peace and the Essentials of Peace.

After the adoption of the Universal Declaration of Human Rights (UDHR) by the UN, in 1948, member states decided to undertake the task to delineate human rights in a more specific fashion. With that purpose, in 1966, two covenants were drafted and signed by many of UN members: the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Notwithstanding the interrelatedness, interdependence and indivisibility of human rights, the adoption of two different covenants created certain tendency to treat civil and political rights differently from economic, social and cultural rights. Chiefly during the 1970s and 1980s, civil and political rights were said to be the ones that could be enforced, whereas economic, social and cultural rights were understood as mere goals that states should aim at, says Derek Evans. He explains that it created a fissure on the comprehension of human rights, in the sense that human rights field would deal mainly with civil and political rights, while development terrain would be permeated primarily by economic, social and cultural rights.

As the Cold War finished, a new understanding of this relationship between human rights law and peace operations arose, as Derek Evans sustains. The previous characteristic separation between civil and political rights and economic, social and cultural rights was no longer that well marked – the author argues –, and that can be observed by the launching of the notion of mainstreaming human rights in UN’s activities and the publication of the Human Development Reports. The new tendency intended to connect these two arenas by developing a "strategic focus on the practical realization of human rights. This strategic focus, which found

equal rights and self-determination of peoples, the United Nations shall promote: a. higher standards of living, full employment, and conditions of economic and social progress and development; b. solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.” “Charter of the United Nations | United Nations”. (See note 139).

145 Månsson, Katarina. (See note 141), p. 93.
146 Paragraph 14 of Uniting for Peace resolution explicitly mentions the relevance human rights have in peace missions: “[...] enduring peace will not be secured solely by collective security arrangements against breaches of international peace and acts of aggression, but that a genuine and lasting peace depends also upon the observance of all Principles and Purposes established in the Charter of the United Nations, upon the implementation of the resolutions of the Security Council, the General Assembly and other principal organs of the United Nations intended to achieve the maintenance of international peace and security, and especially upon respect for and observance of human rights and fundamental freedoms for all […]”. UNGA Res 377 (3 November 1950) UN Doc A/RES/377 (V) [14]-[15].
147 Månsson, Katarina. (See note 137), p. 123.
expression in the ‘Human Rights Approach’ to development […] was increasingly grounded in the recognition of extreme deprivation and social exclusion as defining the critical environment to be addressed.”\(^{150}\)

Lars Waldorf asserts that, in the 1990s and 2000s, during the period in which Kofi Annan was Secretary General of the UN, the relevance of human rights in the international agenda increased, with a tendency to shift UN’s orientation from “state-centric” to “people-centric”. This transformation was put in motion by documents such as the 1992 Agenda for Peace, the 1993 Vienna Declaration and the 1994 Human Development Report.\(^{151}\)

According to Stephen Marks, the report Strengthening of the United Nations: An Agenda for Further Change, from 2002, laid the foundations for the so-called Action 2 Global Programme. One of the achievements of the programme is to “integrat[e] human rights throughout humanitarian, development and peace-keeping work in the UN system.”\(^{152}\) The author says that, as a result of the trend of acknowledging human rights as a relevant ground for the development of policies and programmes adopted by the UN – the so-called human rights-based approach (HRBA) –, the organization found it necessary to discuss the possibility of advancing an integrated understanding about practices related to HRBA. On account of that, the UN Common Understanding on a Human Rights Based Approach was adopted (or UN Common Understanding).\(^{153}\) This document is founded in three pillars of great significance for the adoption of the rights-based approach to programmes developed by the UN – such as most DDR processes –, they are as follows:

“1. All programmes of development co-operation, policies and technical assistance should further the realisation of human rights as laid down in the Universal Declaration of Human Rights and other international human rights instruments.

2. Human rights standards contained in, and principles derived from, the Universal Declaration of Human Rights and other international human rights instruments guide all development cooperation and programming in all sectors and in all phases of the programming process.

\(^{150}\) Evans, D. G. (See note 149), p. 187.


3. Development cooperation contributes to the development of the capacities of ‘duty-bearers’ to meet their obligations and/or of ‘rights-holders’ to claim their rights.\textsuperscript{154}

Still during Kofi Annan’s mandate, more specifically in November 2005, this relationship between human rights and peace missions was deepened by the Secretary-General’s Policy Committee’s decision on Human Rights in Integrated Missions, which established “that all UN entities have a responsibility to ensure that human rights are promoted and protected through and within their operations in the field.”\textsuperscript{155} Moreover, later on that same year, the General Assembly resolution on Promotion of peace as a vital requirement for the full enjoyment of all human rights by all asserted the existence of a “sacred right to peace”.\textsuperscript{156} The so-called right to peace was then further elaborated by the Human Rights Council Advisory Committee in its draft declaration on the right of peoples to peace, from 2012.\textsuperscript{157} Nonetheless, the high level of divergence generated by it made states vote “against the resolutions of the Human Rights Council on the work on such a right.”\textsuperscript{158} In spite this unfavourable situation for the adoption of a declaration on the right to peace,\textsuperscript{159} the attempt to establish a legal framework on it contributes to the understanding that peace operations and human rights law are intimately connected.

When it comes to DDR in specific, in 2006, the Disarmament, Demobilization and Reintegration report acknowledged the need to promote programmes that integrate several areas of interest, which is why the UN launched the IDDRS.\textsuperscript{160} This set of standards asserts the importance of building programmes that are based on certain principles; therefore, DDR should be “[i] people-centred, [ii] flexible, transparent and accountable, [iii] nationally owned, [iv]


\textsuperscript{155} Månsson, Katarina. (See note 141), p. 95.

\textsuperscript{156} General Assembly Resolution, “Promotion of peace as a vital requirement for the full enjoyment of all human rights by all”, UN Doc. A/RES/60/163 (2005), para. 3.


integrated and [v] well planned.”161 As Lars Waldorf suggests, to embrace the mentioned standards means the adoption of a “rights-based approach.”162

The historical construction of the conceptualization and implementation of peace missions demonstrates the need to apply human rights standards for them. Besides that, Todd Howland also argues that the UN, just like other international organizations, has been increasingly recognized as holder of human rights duties. Not only that, but, due to the fact that these missions are funded and supported by member states, the obligations applied to states, such as human rights duties, should be applicable to peace operations themselves.163 Another argument for the applicability of human rights proceeds from the so-called Capstone doctrine. The Capstone doctrine is part of the development of the UN understanding about peacekeeping operations and is said to bring together the most important features of peacekeeping, such as its principles164 – by analogy, these principles could also be applied in all sorts of peace operations. Thus, this doctrine provides that peacekeeping is embedded in a broader picture, and that “United Nations peacekeeping operations should be conducted in full respect of human rights and should seek to advance human rights through the implementation of their mandates […]”165

It is important to stress that the applicability of international human rights law standards in peace operations is controversial.166 Because not all of these documents that support the intersectionality between human rights law and peace operations are legally binding, some may argue that there is no formal legal obligation to adopt a rights-based approach in these missions. However, the existence of said documents may indicate a common understanding of the relevance human rights bears in this domain; and that should be taken into consideration, due to the strong authority the opinions issued by the aforementioned entities carry in themselves. As it was shown, there are plenty arguments to support this possibility, which was used in this thesis as a starting point to allow the analysis of DDR through a human rights perspective. As further developed in the next section, the link between violations of human rights and state fragility cannot be ignored, after all, there is strong evidence that fragile states show a tendency

162 Waldorf, Lars. (See note 151), p. 705.
to fall short in the accomplishment of their human rights obligations, which oftentimes allows massive abuses of fundamental rights and freedoms.\textsuperscript{167}

4.2. The relationship between gender equality and peace

Understanding the link between gender equality and peace is relevant to highlight the need that DDR programmes address women’s issues. By doing that, DDR processes may obtain more success in the attainment of sustainable peace, as it is argued hereinafter. In order to allow such discussion, the section demonstrates the existence of a direct relationship between rates of inequality, poverty and violence.

It is widely recognized that there is a correlation between inequality and poverty: high levels of discrimination within a society tend to come hand in hand with high levels of violence, social problems, etc.\textsuperscript{168} The instability created by this fragile situation means that peace is constantly threatened. In the most extreme cases of social, political and economic inequalities, it is common that armed conflicts arise. Therefore, it should come with no surprise the assertion by Erik Melander, quoting the conclusion of an economic study pursued by Scott Gates on the causes of civil war, about one of the variables linked with greater risks of armed conflict being “poverty, lack of economic opportunities, and level of economic development”.\textsuperscript{169} In brief, it can be said that, in practice, equality, development and peace are intertwined.

Vibeke Strand explains that the concept of peace is usually said to be twofold: positive and negative peace. He argues that a peaceful environment is construed not only by the lack of violence (negative peace), but also by the provision of the conditions that allow individuals to fulfil at least their most basic needs (positive peace). Strand quotes David Cortright (Peace: A History of Movements and Ideas. Cambridge: Cambridge University Press, 2008) to provide a deeper understanding of positive peace, which “transcend[s] the conditions that limit human potential and assur[es] opportunities for self-realization”.\textsuperscript{170} Thus, according to the author, positive peace is related to the realization of human rights and social justice. “Human rights norms on non-discrimination and equality are particularly relevant to the notion of positive peace, in that the aim of these norms is to achieve not only formal equality, but also equality in practice, often referred to as ‘substantive equality’.\textsuperscript{171} This so-called substantive equality is therefore what would enable social justice and, consequently, peace to happen.\textsuperscript{172}

\textsuperscript{167} Evans, D. G. (See note 149), p. 196.
\textsuperscript{168} Strand, Vibeke Blaker. (See note 10), p.230.
\textsuperscript{170} Strand, Vibeke Blaker. (See note 10), p. 236.
\textsuperscript{171} Ibidem.
\textsuperscript{172} Ibidem, p. 232.
By saying that equality matters for lasting peace, it is implied that gender equality has its share in it. This may seem a straightforward conclusion, but it was not until the adoption of Security Council resolution 1325 in 2000, that gender\textsuperscript{173} was placed as a relevant factor for the attainment of peace.\textsuperscript{174} This is due to the importance gender roles tend to assume in societies. Erik Melander explains that, on the one hand, within social structures that establish a relationship of superiority-inferiority for different individuals based on their sex, it is expected that violence will arise due to this association of gender with power or the lack of it. On the other hand, within societies in which gender differences are not markedly determinant to the treatment each individual receives, this idea of tolerance towards the other is extended in a more general way, and violence – regardless of its character –, is seen as an anomaly.\textsuperscript{175}

Women’s agency is considered a crucial element in the connexion between equality, development and peace. Firstly, it matters to notice that women represent the majority of the population living in poverty in developing countries; thus, excluding them from development initiatives leaves behind most individuals who should be targeted by these programmes.\textsuperscript{176} Moreover, there is plenty evidence to demonstrate the contribution women can make in recovery from conflicts; “[i]t is worth noting that several of the world’s fastest growing economies, which have only recently emerged from conflict, owe their success in part to women’s increased role in production, trade and entrepreneurship.\textsuperscript{177} Furthermore, due to the shift in gender rules during armed hostilities, the post-conflict moment is critical to the opportunities women may enjoy from then on; women tend to be important agents in the recovery of their communities, thus, their efforts should be seen as a drive towards gender equality.\textsuperscript{178}

Bearing these arguments in mind, it seems reasonable to assert that human rights law, especially the principles of non-discrimination and equality, provides a necessary foundation for the building of projects that tackle post-conflict chaos. Derek Evans highlights that “[s]tatistical analyses […] conclude that ‘across all dimensions of fragility, the average level of discrimination is higher in the failing states than in the non-failing states’ and indicate a ‘significant relationship between social exclusion and state fragility across all dimensions.’\textsuperscript{179}

\textsuperscript{173} The Security Council resolution 1325 is not comprehensive as to treat gender issues in all its aspects, but it rather focuses on women and girls and emphasizes their importance as agents for the attainment of peace.


\textsuperscript{175} Melander, Erik. (See note 169), p. 698.


\textsuperscript{177} UN Women. Building Peaceful Societies. (See note 12), p. 171.

\textsuperscript{178} Kapur, Amrita (See note 176), p. 115.

\textsuperscript{179} Evans, D. G. (See note 149), p. 196.
When it comes to discrimination in post-conflict scenarios, it has been previously established that women compose one of the groups most discriminated against.\textsuperscript{180} This despite what has already been proved that “women’s participation builds a stronger and more durable peace as it broadens the peace dividends beyond the fighting parties, engaging a constituency who can promote social acceptance of the peace deal.”\textsuperscript{181}

As a programme that constitutes a combination of development and security initiatives, DDR design and implementation must be based on the evidences previously raised about the intersectionality of human rights and peace operations. If DDR processes are to deliver the conditions for lasting peace, it is essential that women be included in it. Thus, if DDR strategies do not change, chances are that future programmes will not accomplish much more than the previous ones and, therefore, fragile states will keep struggling to stand for themselves after being torn by armed conflict.

\textsuperscript{180} For the analysis on the treatment women receive in post-conflict scenarios, see chapter 3.
\textsuperscript{181} UN Women. Building Peaceful Societies. (See note 12), p. 169.
5. THE LEGAL FRAMEWORK FOR DISCRIMINATION AGAINST WOMEN IN POST-CONFLICT SITUATIONS AND ITS APPLICATION IN DISARMAMENT, DEMOBILIZATION AND REINTEGRATION PROGRAMMES

The importance of studying the legal framework for discrimination against women and women’s participation in post-conflict situations consists of understanding what legal instruments are applicable in the situation and what they provide for. This, in its turn, allows the evaluation on whether or not women’s human rights are respected during design and implementation of DDR projects, which is the main objective of this chapter. Since the previous chapter demonstrated the feasibility to apply international human rights law in peace operations, it is possible to establish this set of norms as the framing for the analysis hereby operated. The relevance of undertaking a human rights law examination is to investigate whether the situation of women in DDR programmes amounts to discrimination.

For that purpose, the chapter establishes the principles of equality and non-discrimination as the foundations for all legal instruments dealing with situations of discrimination. Therefore, a brief introduction on these principles is provided as the very first step into the legal framework on the theme. After that, the related legal instruments are assessed through the perspective of the most common problems faced by women in DDR, as exposed in chapter 3 – the lack of access and participation by women and the lack of gender-sensitivity. It matters to stress the fact that many of the instruments analysed are recent, which implies the lack of sufficient interpretative sources to complement their elucidation; therefore, the evaluation presented below is based mostly in the wording of the legal norms and in some academic material about these instruments.

The legal instruments to be examined throughout the chapter are the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Committee on the Elimination of Discrimination against Women’s General Recommendation 30 (GR 30), the relevant Security Council (SC) resolutions on Women, Peace and Security (WPS) and the Beijing Declaration and Platform for Action. They are relevant for different reasons.

CEDAW’s importance comes from the fact that it is a widely ratified convention – thus legally binding – that treats specifically situations of discrimination suffered by women. The Convention on the Elimination of All Forms of Discrimination Against Women is deemed the “international bill of rights for women”. Given its status as the primary international

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182 The Agenda on Women, Peace and Security was launched with the adoption of Security Council resolution 1325, in 2000. In the following years, the Security Council issued 7 more resolutions (Resolutions 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013), 2122 (2013) and 2242 (2015)), in order to address the specificities applied to the situation of women and girls involved in a context of armed conflict or post-conflict.


184 "Convention on the Elimination of All Forms of Discrimination Against Women". (See note 183).
instrument on the human rights of women, it is indispensable to refer to its provisions when the subject is discrimination against women. CEDAW counts with the ratification of 189 states\(^{185}\) (out of the current total of 193 member states of the UN).\(^{186}\) The large adherence to CEDAW by states combined with the possibility to interpret the principles of equality and non-discrimination as *jus cogens*\(^ {187}\) provide the Convention with a strong sense of enforceability.

CEDAW’s General Recommendations are notes the Committee issues on matters deserving special attention, in order to facilitate states’ compliance with the Convention.\(^ {188}\) General Recommendation 30 was released in 18 October 2013, and “outlines specific obligations to eliminate discrimination against women in conflict-affected settings.”\(^ {189}\) Furthermore, it provides two sets of directions: (i) to guide states party with regard to the conduct they must adopt to ensure compliance of non-state agents with women’s human rights in conflict or post-conflict scenarios and (ii) to suggest manners by which non-state actors can advance women’s rights.\(^ {190}\) Therefore, GR 30 can be said to be “placed squarely within the framework of international human rights law.”\(^ {191}\)

In 31 October 2000, the Security Council issued resolution 1325, which launched the so-called Agenda on Women, Peace and Security. Since the Security Council is the organ in charge for the enactment of peace operations, the relevance of said resolutions is a given. This set of norms provided for by the Security Council means to bring forward the discussion on the complexities involving women in armed conflict.\(^ {192}\) Hilary Charlesworth and Christine Chinkin explain that the adoption of Resolution 1325 highlights two important aspects within WPS agenda: women’s involvement in peace processes and the incorporation of a gender viewpoint

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\(^{185}\) Ibidem.


\(^{188}\) “General Recommendation No. 30 on Women in Conflict Prevention, Conflict and Post-Conflict Situations,” (See note 16), para. 1.

\(^{189}\) Enloe, Cynthia. (See note 174), p. 31.


\(^{192}\) The enforceability of these Security Council resolutions may be controversial, however, the thesis tends to agree with the position adopted by Christy Fujio. The author argues that resolution 1325 is binding to UN members, in the meaning given by article 25 of the UN Charter. Nonetheless, it is not a binding instrument in the sense that it lacks mechanisms of enforcement. The other resolutions follow the same logic by analogy. Fujio, Christy. "From Soft To Hard Law: Moving Resolution 1325 On Women, Peace And Security Across The Spectrum". *The Georgetown journal of gender and the law* 9.1 (2008), p. 231. Print. Also on the non-binding character of resolution 1325, see Charlesworth, Hilary, and Christine Chinkin. (See note 191), p. 6.
in peace and security processes.\textsuperscript{193} Thus, it can be argued that said resolution, along with the other ones on WPS, must be interpreted in light of international human rights law.\textsuperscript{194} It must be noted that not all resolutions are significant for this chapter, therefore, only resolutions 1325 (2000), 1889 (2009), 2122 (2013) and 2242 (2015) are examined.

The Beijing Declaration and Platform for Action are the outcome of the debates carried out during the Fourth World Conference on Women. Through these documents the panellists established an “agenda for women's empowerment [that] aims at [...] removing all the obstacles to women's active participation in all spheres of public and private life through a full and equal share in economic, social, cultural and political decision-making.”\textsuperscript{195} The Declaration and Platform for Action are relevant because they represent the commitments made by states to promote gender equality; furthermore, the documents were accepted unanimously, which indicate the degree of agreement on their terms, and, therefore, the strength of their statements.\textsuperscript{196} The Platform for Action was structured in twelve critical areas of concern, which are the topics that demand more attention from the international community. One of these central subjects concerns “[t]he effects of armed or other kinds of conflict on women, including those living under foreign occupation.”\textsuperscript{197}

Having clarified the relevance of each legal instrument, it is now possible to examine the existent human rights standards.

\textbf{5.1. Principles of equality and non-discrimination}

In the present section, the principles of equality and non-discrimination, which are the bedrock for any norm on the theme, are explained, in order to be used afterwards in the next sections.

In international human rights law, the principles of equality and non-discrimination have been long established and are contemplated in most legal instruments in the area, according to Vibeke Strand. He asserts that the precise scope of these principles is determined by international, regional and domestic interpretative entities, which means that, “from a legal perspective, discrimination and inequality are targeted and combated through a multi-layered approach.”\textsuperscript{198} Nonetheless, the international interpretative instances are not the only organs to

\textsuperscript{193} Charlesworth, Hilary, and Christine Chinkin. (See note 191), p. 6.
\textsuperscript{194} Enloe, Cynthia. (See note 174), p. 34.
\textsuperscript{196} Enloe, Cynthia. (See note 174), p. 30.
\textsuperscript{197} See Critical Areas of Concern in World Conference on Women, Report of the Fourth World Conference on Women. (See note 195), para. 44.
\textsuperscript{198} Strand, Vibeke Blaker. (See note 10), p. 232.
have a say on subjects related to discrimination and inequality in the international arena – although they are the ones who would have the power to issue legally binding opinions on the matter. Other international bodies also have the authority to express their views on the topic; nevertheless, they lack the power to bind other international actors to their assessments. Both types of sources are taken into account in the thesis.

When it comes to discrimination against women, it is necessary to resort to CEDAW and the interpretation the Committee provides for it on the matter. Regarding the situation of women during armed conflict and its aftermath, CEDAW lacks specific articles to provide for it.199 However, it does offer legal standards on discrimination against women, as defined on the very first article of the Convention:

“For the purposes of the present Convention, the term ‘discrimination against women’ shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”200

Thus, discrimination against women is made up of two elements: the different treatment based on the grounds of sex and the violation of one or more human rights and fundamental freedoms as a consequence of the differential treatment. It is worth noting that said article not only imposes on States the obligation not to discriminate against women, but also implies the duty to impede others to discriminate.201 When article 1 mentions the “effect or purpose of impairing […] human rights”, it means that the expression of discrimination can occur in two ways: through a discriminatory result (indirect discrimination) or through a discriminatory intention (direct discrimination).202 Therefore, both sorts of acts – the ones that cause discrimination and the ones that are intended to discriminate – are condemned by CEDAW.

When it comes to the jurisprudence on the theme, Vibeke Strand explains that there are three conditions which are consistently identified as necessary elements of any act of discrimination against women: (i) the claimant must find herself in some sort of disadvantage; (ii) this disadvantage must be connected to, at least, one of the grounds for discrimination usually acknowledged by international treaties – “sex, disability, religion, or ethnicity” –; and (iii) “an assessment has to be made of the rationale that lies behind the practice or regulation

199 Enloe, Cynthia. (See note 174), p. 29.
200 "Convention on the Elimination of All Forms of Discrimination Against Women". (See note 183), art. 1.
201 Strand, Vibeke Blaker. (See note 10), pp. 238-239.
that has resulted in the disadvantaged situation”. He adds that the last point entails the examination of the fairness of said treatment; this means that there might be acts that do differentiate but are not considered discriminatory, as they aim at correcting some sort of previous disadvantage. The author resorts to the General comment 20 of the Committee on Economic, Social and Cultural Rights (CESCR), in order to delineate the notion of a fair differential treatment: it should be based on reasonableness, objectivity and proportionality between means and purposes of the act.

For the characterization of the legal standard regarding discrimination against women, it also matters to analyse article 2 of CEDAW, with special attention to paragraphs (d) and (e):

“States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

[...]

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;”

These provisions establish two sorts of obligations: first, states must abstain from any practices that may cause or intend to cause discrimination against women; second, states must prevent others to engage in such acts. These duties matter in the analysis of DDR programmes because the government is not the only agent involved in the process.

The last article directly related to discrimination to be assessed is article 5(a) of CEDAW. It imposes the obligation to address social and cultural traditions that may undermine women’s human rights “through prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women." The relevance of this article for DDR lies on the fact that women

\[203\] Ibidem.
\[205\] "Convention on the Elimination of All Forms of Discrimination Against Women". (See note 183), art. 2, para. (d) and (e).
\[206\] "Convention on the Elimination of All Forms of Discrimination Against Women". (See note 183), art. 5, para. (a).
who participate in the programmes are constantly sidelined due to stereotypes carried not only by receiving communities, but also by DDR practitioners.207

Also GR 30 sets out standards on discrimination against women. Paragraph 7 inaugurates this set of provisions referring to another General Recommendation, GR 28 reiterates the idea that discrimination against women oftentimes can be perceived as the intersection of other patterns of discrimination.208 This multi-layered discrimination against women can be occasioned also by the diversity of roles they play during armed conflict and post-conflict, “as combatants, as part of organized civil society, human rights defenders, members of resistance movements and as active agents in both formal and informal peacebuilding and recovery processes”; in this regard, the Committee emphasizes states’ duty to comply with all aspects of their obligation to combat discrimination.209 Some forms of discrimination spring from social and cultural traditions that reflect stereotypical gender roles – such as the assumption that women do not pose a threat to peace processes, and therefore do not need to be addressed by them; that implies the exclusion of women from crucial transitional processes.210 At last, the recommendation points out to problems related to post-conflict economic processes: actions aiming at the creation of employment opportunities prioritize male combatants who submit to demobilization in detriment of female ex-combatants; these programmes are then requested by the Committee to be built in a manner that promotes gender equality.211

Once the principles of equality and non-discrimination have been introduced, it is time to assess the legal standards related to the two main sets of problems women face in DDR: lack of access and participation and lack of gender-sensitive programmes.

5.2. Legal standards related to the lack of access and participation by women in Disarmament, Demobilization and Reintegration

CEDAW emphasizes the importance of women’s agency in its article 3. Said article comprises the duty to safeguard “the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men”212 in all relevant areas. Thus, through this provision,

207 For the situation of women involved in DDR programmes, see Chapter 3.
208 “General Recommendation No. 30 on Women in Conflict Prevention, Conflict and Post-Conflict Situations,” (See note 16), para. 7.
209 Idem, para. 6.
210 Idem, para. 43.
211 Idem, para. 49.
212 “Convention on the Elimination of All Forms of Discrimination Against Women”. (See note 183), art. 3.
CEDAW highlights that progress in the situation of women is a matter of human rights and, therefore, needs to be addressed.

General Recommendation 30 presents a wide scope of applicability, which comprises “participation; access to education, employment and health, and rural women; [...] security sector reform and disarmament, demobilization and reintegration of combatants; [...]”213 GR 30 is very clear to state the applicability of CEDAW in post-conflict situations,214 including explicit mention of post-conflict recovery stage.215 During conflict and post-conflict phases, states’ infrastructure tend to be feeble and, oftentimes, governments may need to request external aid – such as peacekeeping forces, donors, international organizations, etc. – to comply with their obligations; this interaction of different partners may result in the applicability of “simultaneous and complementary sets of obligations under the Convention for a range of involved actors.”216

GR 30 sees with apprehension the fact that, as soon as conflicts cease, the major concern governments have is to take measures that ensure stability, and women’s participation and gender equality are not deemed sufficiently relevant to be addressed at that point.217 It also alerts to the fact that women tend to be understood as one group, but, in fact, it is more complex than that: the group is highly heterogeneous, therefore, there is a whole range of experiences to be taken into account.218 After all, “[w]omen are not passive bystanders or only victims or targets.”219 When it comes to women’s leadership, the Committee reinforces the responsibility host states have to ensure women’s inclusion in the decision-making structure throughout the transitional process; not only that, but it also acknowledges the duties hold by other states involved in peacebuilding to ensure women’s representation within their own organizations and to uphold local women’s involvement through the course of advancement of peace.220

Regarding the development of the WPS agenda, General Recommendation 30 adds a lot of content and complements the provisions established by the family of Security Council resolutions: “[g]eneral Recommendation No. 30 and the WPS resolutions support and reinforce each other in several important ways and are most effective when used together.”221 GR 30 itself, in paragraph 26, recognizes the relevance of the resolutions on WPS to advance women’s

213 Swaine, Aisling, and Catherine O’Rourke. (See note 190), p. 9.
214 Ibidem.
215 “General Recommendation No. 30 on Women in Conflict Prevention, Conflict and Post-Conflict Situations,” (See note 16), para. 9.
216 Idem, para. 13.
217 Idem, para. 43.
218 Idem, para. 6.
219 Ibidem.
220 “General Recommendation No. 30 on Women in Conflict Prevention, Conflict and Post-Conflict Situations,” (See note 16), para. 45.
221 Swaine, Aisling, and Catherine O’Rourke. (See note 190), p. 11.
rights and acknowledges that all their provisions are covered by the norms settled in CEDAW. That makes the Committee claim that both sets of norms should be used in an integrated manner and that SC resolutions should be implemented within the “broader framework of the implementation of the Convention and its Optional Protocol.”

The call for women’s participation in peace processes appears as the very first provision in resolution 1325; the Security Council “[u]rges 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.” This idea is reiterated in resolution 2242, which adds the importance of having women included in delegations that negotiate peace. When it comes to decision-making in peace processes, resolution 1889 highlights the relevance of providing women and girls in post-conflict scenarios with education, as a necessary tool for their capability to take part in decisive moments. It also declares the need that different actors in post-conflict scenarios empower women and that the UN Secretary-General designates gender advisors to participate in peace operations. In the whole, all resolutions on WPS stress the importance of measures such as providing women with economic opportunities; however, resolution 1889 is more specific in underlining that actors involved in recovery should ensure that women take part in economic matters and that their economic needs be taken into account in the planning of programmes.

Another important element of the resolutions on WPS is the attention payed to “women’s leadership and capacity.” The importance of women’s headship is renewed and strengthened in resolution 2122, which was then referred to as the “resolution on women’s leadership”. “While Resolution 1325 (2000) and Resolution 1889 (2009) focus on women’s agency and participation, Resolution 2122 offers the strongest language in this respect so far. This resolution articulates the Council’s intention to focus more attention on women’s

226 Enloe, Cynthia. (See note 174), p. 31.
227 Swaine, Aisling, and Catherine O’Rourke. (See note 190), p. 17, section “Access to Education, Employment and Health, and Rural Women”.
228 “Resolution 1889 (2009)”. (See note 225), para. 1.
leadership and participation in conflict resolution and peace-building [...].” Resolution 1889 also asserts that women’s participation and leadership is dependent on fighting prejudicial mindsets within society.232

Resolutions 1889233 and 2122 urges actors involved in the recovery process to encourage and advance women’s participation in programmes such as Disarmament, Demobilization and Reintegration.234 In resolution 2122, the Security Council reaffirms the compromise of sponsoring gender equality and women’s empowerment in the mandate of its peace missions through, for instance, the insertion of “provisions to facilitate women’s full participation and protection in: [...] disarmament, demobilization and reintegration programs [...] and wider post-conflict reconstruction processes where these are mandated tasks within the mission.”235

Within the topic of participation of women in development initiatives, the Beijing Declaration sustains that the inclusion of women is essential to economic and social development, which, in their turn, are the means to tackle poverty.236 In the quest for peace among peoples, the empowerment of women and gender equality are essential; they should not be understood as mere problems that affect women, but rather, as matters of human rights and as prerequisites for the attainment of social justice.237 Therefore, women must be able to participate in and access the arrangements related to prevention and settlement of conflicts; even though said necessity for inclusion is constantly voiced, women are still sidelined throughout these processes, but “[i]f women are to play an equal part in securing and maintaining peace, they must be empowered politically and economically and represented adequately at all levels of decision-making.”238

5.3. Legal standards related to the lack of gender-sensitivity in Disarmament, Demobilization and Reintegration

The importance of gender-sensitivity in transitional processes is addressed in GR 30. The Committee makes several recommendations with regard to economic reconstructions. Among them, the most relevant are that states “design specific interventions to leverage

231 Ibidem.
234 Charlesworth, Hilary, and Christine Chinkin. (See note 191), p. 10.
235 “Resolution 2122 (2013)”. (See note 229), para. 4.
236 World Conference on Women, Report of the Fourth World Conference on Women. (See note 195), para. 16.
opportunities for women’s economic empowerment, in particular for rural women and other disadvantaged groups of women; […] and effectively address all barriers to women’s equitable participation in those programmes.”

When it comes to gender sensitivity in DDR contexts, the General Recommendation contributes with plenty guidance on the theme. First and foremost, it notes that these programmes tend to neglect women’s demands, as they focus on the traditionally masculinized structure of armed groups. Another source of concern is the kind of assistance offered to women when DDR practitioners do account for their inclusion in the programme: (i) the support is based on stereotypes and therefore provides inadequate help with economic empowerment; (ii) the proposed psychological counselling projects do not manage to address traumas, social stigmatization, seclusion, etc.

As for the WPS agenda, resolution 1325 uses an indulgent language on the importance of gender-sensitive programmes for transitional periods. The Security Council affirms the “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.” Resolution 1889 seems stronger in its call upon states to mainstream gender issues throughout the whole of the recovery process, but yet, not a very incisive convocation. As for resolution 2122, it responds to the verification of a failure on the implementation of previous WPS resolutions; it acknowledges great discrepancies between resolutions’ provisions and reality, especially in areas such as the “opportunities for women to take on leadership roles in peace processes [and] the nature of the support for women’s needs.”

Resolution 1889 calls upon states to unite efforts with civil society. The provision asserts the relevance of giving special consideration to women’s organizations, with the aim of assessing women’s priorities, in order to create initiatives that promote “greater physical security and better socio-economic conditions, through education, income generating activities, access to basic services, in particular health services, […] as well as enhancing capacity to engage in public decision-making at all levels.

Resolutions 1325 and 1889 deliver specific provisions on gender-sensitivity in DDR programmes. Resolution 1889 seems to offer a more general provision on the theme; it simply

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239 “General Recommendation No. 30 on Women in Conflict Prevention, Conflict and Post-Conflict Situations,” (See note 16), para. 52 (b).
240 Idem, para. 67.
241 “General Recommendation No. 30 on Women in Conflict Prevention, Conflict and Post-Conflict Situations,” (See note 16), para. 68.
242 “Resolution 1325 (2000)”. (See note 223), para. 5.
243 “Resolution 1889 (2009)”. (See note 225), para 8.
244 Charlesworth, Hilary, and Christine Chinkin. (See note 191), p. 9.
245 “Resolution 1889 (2009)”. (See note 225), para. 10.
requests that DDR programmes be designed and implemented in a manner that contemplates women’s needs.\textsuperscript{246} Paragraph 8 (a) of resolution 1325 requires agents involved in transitional processes to assume a gender viewpoint throughout peace talks and in the execution of peace accords, making sure to implement, for instance, reintegration actions according to assessed necessities of women.\textsuperscript{247} Paragraph 13 of the same resolution goes even further by asserting that DDR practitioners should also take into account the different demands of “female and male ex-combatants and […] of their dependants.”\textsuperscript{248}

At last, resolution 2242 comes up with several requests aimed at UN agencies’ work. It calls upon UN bodies to develop a cohesive work.\textsuperscript{249} An especial request is aimed at the Department for Peacekeeping Operations (DPKO) and the Department for Political Affairs (DPA): that they “ensure the necessary gender analysis and technical gender expertise is included throughout all stages of mission planning, mandate development, implementation, review and mission drawdown,” in order to guarantee the inclusion of assessed women’s needs.\textsuperscript{250} Moreover, these organs should make the effort to focus in problems of accountability in missions deployed by them.\textsuperscript{251}

At last, the Beijing Declaration and Platform for Action also have some provisions related to the importance of gender-sensitivity during the transitional process that deserve attention. Paragraph 19 of the Declaration establishes that policies and programmes, on national, regional and international levels, should be planned, implemented and evaluated in accordance with assessed women’s needs.\textsuperscript{252} The Declaration also asserts the commitment to promote development with a “people-centred” character, which encompasses “sustained economic growth, through the provision of basic education, life-long education, literacy and training, and primary health care for girls and women.”\textsuperscript{253} The Platform for Action complements the provisions of the Declaration by asserting that policies and programmes dealing with conflict and post-conflict scenarios should endeavour to advance a gender perspective;\textsuperscript{254} moreover, it determines the need to incorporate a gender viewpoint in the settlement of armed conflicts.\textsuperscript{255}
The purpose of the Fourth World Conference on Women, established since the beginning, was to establish a common set of actions to advance the WPS agenda; its participants were aware of that and decided for the adoption of the Beijing Declaration and Platform for Action, which were accepted unanimously. That for itself is a strong statement for the relevance of the provisions included in these documents. Even though these instruments lack the legally binding character, they still bear robust arguments and commitments for the advancement of women within peace processes.

Having examined what legal instruments are applicable in regards to discrimination against women in post-conflict situations, it was possible to devise what are the human rights legal standards related to that. Once that was accomplished, the chapter established the manner by which said standards are interpreted. By applying the result of these assessments in the situation of female ex-combatants who are either excluded from DDR or have no opportunity to have a say on the process, the conclusion was that women are discriminated against throughout the planning and implementation of the programme. With that settled, the thesis turns to the examination of whether or not the UN guideline reflect human rights standards regarding the situation of women in DDR in this scenario of discrimination against women in DDR.
6. A HUMAN RIGHTS ANALYSIS OF THE UNITED NATIONS’ GUIDANCE ON DISARMAMENT, DEMOBILIZATION AND REINTEGRATION PROGRAMMES REGARDING THE SITUATION OF WOMEN

The United Nations is an organization with high level of insertion in DDR programmes. Because fragile states might not be able to undertake the whole of the recovery process on their own, “[a] third party such as the UN is therefore often called on to act as a broker to the peace agreement and to provide assistance for the planning and implementation of peace-building processes such as DDR.”\textsuperscript{256} Its participation encompasses different actions, such as the deployment of peacekeeping missions with the mandate to support the implementation of the programme and the engagement of its specialized agencies in the most diverse activities.

The United Nations Charter, instrument that establishes the organization’s mandate, in its article 1(3), asserts that the organization has the purpose of promoting and encouraging respect for human rights.\textsuperscript{257} This is reinforced by the human rights-based approach adopted by the UN in the most diverse set of programmes that it takes part in, as discussed in chapter 4. Because “[h]uman rights standards contained in, and principles derived from, the Universal Declaration of Human Rights and other international human rights instruments guide all development cooperation and programming in all sectors and in all phases of the programming process”,\textsuperscript{258} the UN has to engage in the accomplishment of human rights in its programmes.

Based on its large experience with these programmes, the UN created guides to support the design and implementation of future projects. Due to its role in the promotion of human rights, the UN makes the point of asserting the importance of human rights in the success of DDR. Nonetheless, there is no record of any assessment of these guides through human rights lenses. Bearing in mind that the situation of women in DDR can amount to discrimination (as demonstrated in chapter 5), it could be useful to enquire to what extent the UN guidance reflect human rights standards regarding the non-discrimination of women. The next section is therefore dedicated to that, followed by presenting the conclusion on the research questions:

1. Do the UN guidelines on DDR reflect human rights standards of non-discrimination against women?
2. What are the limitations of the UN guidelines with regard to women in DDR?

\textsuperscript{258} \textit{The Human Rights Based Approach to Development Cooperation: Towards a Common Understanding Among UN Agencies}. (See note 154), p. 1.
6.1. The United Nations guidance on Disarmament, Demobilization and Reintegration

The United Nations Inter-Agency Working Group on Disarmament, Demobilization and Reintegration (IAWG) was created by the UN Executive Committee on Peace and Security in 2005, with one of its duties having to preserve and revise the UN set of guidelines on DDR. With the purpose of providing consolidated expertise on DDR, the IAWG created the so-called Integrated DDR Standards (IDDRS). The IDDRS is formed by individual modules of guidelines covering all levels of programme development and various aspects related to DDR. Among all modules, there are two of particular relevance for the analysis hereby promoted: modules 2.10 (The UN approach to DDR) and 5.10 (Women, Gender and DDR). The other relevant tool developed by the IAWG on the matter is the Operational Guide to the Integrated Disarmament, Demobilization and Reintegration Standards. It is a compilation of the most important points of each module from the IDDRS. It provides a general and all-encompassing idea about the best practices to be adopted in DDR programmes.

The pertinence of examining module 2.10 about the UN approach lies on the fact that said unit establishes the way the UN sees DDR and brings together all the relevant principles that guide UN actions in these programmes. The purpose of investigating module 5.10 is to assess the United Nations’ grounds to tackle matters related to women in DDR. As for the Operational Guide, its assessment provides a general overview on the manner by which the UN deals with DDR in all levels of programme development. The next portions of this section are devoted to each of these tools.

6.1.1. The United Nations’ approach to Disarmament, Demobilization and Reintegration programmes

Module 2.10 is dedicated to define the approach of the United Nations in DDR programmes, therefore, this segment brings together key elements of these projects. It defines DDR and related terms, explains the mandate for an integrated DDR, establishes main strategies for the programme, sets up the principles that should guide these processes, etc. Exactly because it provides the grounds for any DDR programme, its main aspects need to be assessed. The UN affirms that any DDR programme should abide by five pre-requisites, being “[i] people-centred; [ii] flexible, transparent and accountable; [iii] nationally owned; [iv] integrated; and [v] well planned.”

According to the UN, the fact that a programme is people-centred seems to encompass five elements, the most important ones for the present analysis are: eligibility criteria,
Criteria for participation, inclusivity and gender equality interconnect and are indeed crucial factors for programmes that intend to be more welcoming to women. As demonstrated in chapter 3, these have been a big problem in the design of programmes that should serve women, as well as men. The UN guide does emphasize the need for criteria that encompass the diversity of groups involved in the conflict. It also claims that non-discriminatory and equitable treatment is essential in pursuing inclusive projects, which should be based in a gender-sensitive assessment of the situation. However, the guide does not embody intersectionality in it. Factors such as gender, race, class, ethnicity and others are certainly relevant in the establishment of eligibility criteria, and therefore, in the design of inclusive projects that are gender-sensitive enough. The fact that the various aspects of someone’s personality which determine her experience are not taken into account can prevent DDR from being a truly inclusive programme. When it comes to human rights and humanitarian law and principles, the guide affirms that programmes should be planned in accordance with principles and norms established by these two legal regimes. An interesting assertion is that the delivery of benefits should be proportional to the need of different target groups; thus, human rights principles of proportionality and non-discrimination should be the base for the distribution of assets. This assessment reinforces the need to target women, especially ex-combatants, as one of the most discriminated group in a post-conflict scenario.

As for the other four requisites, the guide seems to provide a good formulation grounded in a rights-based approach. As discussed in chapter 4, the rights-based approach tends to require that programmes take into consideration at least five human rights principles: equality, non-discrimination, participation, transparency and accountability. Transparency and accountability are covered in the second pre-requisite (flexible, transparent and accountable). The fact that the UN requires programmes to be nationally owned means that civil society, including affected groups, should have their views reflected in the development of the programme; thus, the principle of participation is also respected. The guide describes the integration requisite as a set of elements, among them is geographic integration. This element would require DDR to be designed in a manner that addresses regional differences in order to succeed. By giving attention to such differences, DDR would be putting into practice the principle of equality as well. At last, the well-planned requisite encompasses the planning of DDR based in a sound assessment, with well-founded data, disaggregated by sex, age, disability, etc. Moreover, it also includes spreading information on DDR, working with affected communities to understand the whole process, etc. Thus, a well-planned programme should be able to account for the equality, non-discrimination and participation principles.

\[260\] UN DDR Resource Centre. (See note 256), pp. 2-10.
Having examined the module on the approach of the UN to DDR, the thesis now turns to the module that brings together actions targeted specifically on female DDR participants.

### 6.1.2. Women, Gender and Disarmament, Demobilization and Reintegration

Module 5.10 addresses the first of seven cross-cutting matters related to DDR: women and gender. It aims at providing an overview on the main issues that affect people differently due to their gender identities. It also brings together a set of suggestions on actions to make DDR programmes more sensitive to gender roles and relations. Moreover, it stresses the crucial role of gender-related international norms in the design of DDR: they regulate the entirety of the planning and implementation processes.

The first noticeable detail of module 5.10 regards the Convention on the Elimination of All Forms of Discrimination Against Women. Said Convention is the most important instrument, and the only legally binding one, to treat discrimination against women. In a section dedicated to provide guidance on how to make DDR more sensitive to women’s needs, it could be expected that CEDAW should be mentioned several times. Nonetheless, it is only referred to when stated that “all UN and bilateral policies and programmes should comply with internationally agreed norms and standards, such as […] the Convention on the Elimination of All Forms of Discrimination Against Women […]”\(^{261}\) Thus, in the section devoted to International Mandates, CEDAW plays no real role in it.

With regard to the Guiding Principles section, there are a few points that deserve attention. The description of non-discrimination and fair and equitable treatment refers to the prohibition of treating certain groups in a special manner and of treating individuals in a detrimental fashion due to their gender, religion, etc. As debated in chapter 5, differential treatment aimed at correcting previous disadvantage cannot be deemed discriminatory. On the contrary, it may be necessary to promote equality, and the lack of differentiation perpetuates disadvantages, amounting to indirect discrimination. Thus, the absence of actions to straighten a situation of previous disadvantage also constitutes discrimination, such as the lack of planning to address the specific needs of women, for example. Thus, this concept should also be covered in the definition of non-discrimination and fair and equitable treatment. Moreover, the definition of gender equality and women’s participation should be enlarged. It is described as the act of “recognizing and supporting the equal rights of women and men […] in the DDR process. The different experiences, roles and responsibilities of each of them during and after conflict should be recognized and reflected in […] DDR programmes.”\(^{262}\)

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\(^{262}\) UN DDR Resource Centre. (See note 261), p. 4.
support of equal rights for men and women is only a part of the concept of gender equality. It also encompasses the existence of equal opportunities for both sexes, which should be added to the text. Furthermore, when it talks about experiences, roles and responsibilities being reflected in DDR, it actually does refer to gender-sensitivity, which is important and indeed should be included within the guiding principles, but yet again it is not the definition for women’s participation. Instead, women’s participation has to do with the fact that women are given the opportunity to have a say on the process and their views are taken into account.

Page 5 of the guide brings a box with answers to the question “Why support women and girls in DDR?” The answers are based on sustainable peace and development arguments: “women build peace” and “women need peace for development”. It is interesting to observe that in both answers women are deemed an instrument for peace and development. The ultimate goal is to achieve development, and investing in women is the means for that. The first answer that should come to mind, instead, is that women have the right to live dignified lives, and thus supporting their reintegration into society is a manner of complying with such right. As it stands, the vision on why women should be supported seems quite instrumental, rather than a principled one. Having human rights as a core framework in the confection of the guide would help on that.

Section 6 of the module is dedicated to elucidating what a gender-responsive DDR should look like, giving an overview on possible actions to achieve it. Each phase of programme development is explained according to a gender perspective and suggestions on female-specific interventions are presented. It is remarkable the mention to a human right of women “who have been abducted to receive assistance to safely leave an armed force or group”263 in the Assessment portion. Moreover, in the Transitional support part, it is said that “[a] good understanding of women’s rights and social attitudes relating to women’s access to economic resources is needed when designing the benefits package.”264 However, not all phases of programme development are presented as having underlying women’s human rights in its foundation. For instance, if women are to take part in the negotiation process, it is not due to the good will of DDR practitioners, but rather to their right to participate. If women are to be included in the economic reintegration part, it is due to their right to an adequate standard of living, right to education and right to work. Thus, it would be interesting to include the founding rights in order to make clear that the development of programmes like DDR are not a favour practitioners and donors make to participants, but rather are part of the accomplishment of human rights.

It is also important to highlight at least some of the interesting assertions indicated in the module which aim at making DDR more gender-sensitive. The first one indicates that

263 Idem, p. 9.
gender advisers are indispensable in DDR staff. This is certainly a necessary measure to make DDR more sensitive to women’s issues. The second one has to do with the need of being careful not to reinforce negative stereotypes; they are as harmful to DDR practitioners as to hosting communities. The third one is related to the second: due to gender stereotypes, women tend to have the role of caretakers, thus it is crucial to provide wounded DDR participants with medical care, so that women are not overloaded with this kind of responsibility. At last, the guide points out that gender equality “is seen both as a human rights issue and as a precondition for, and indicator of, sustainable people-centred development.”

Indeed, as indicated in chapter 4, gender equality is a necessary requisite for sustainable peace and, as a consequence, for sustainable development.

Having assessed the module on actions targeted specifically on female DDR participants, it is time to analyse the guide that presents a general overview on the manner by which the UN deals with DDR in all levels of programme development.

6.1.3. The Operational Guide to the Integrated Disarmament, Demobilization and Reintegration Standards

The Operational Guide on IDDRS brings a condensed version of all IDDRS modules with their key elements in order to provide a general, yet complete, idea of what a DDR programme supported by the UN should look like. Thus, the importance of analysing this document is to understand whether DDR, as described in general lines in the guide, reflects human rights standards related to the non-discrimination of women.

Throughout the Operational Guide, it is noticeable that an important aspect of DDR is its securitization character. Because it is one of the first post-conflict initiatives promoted and its aim is to remove at least part of the contingent of combatants from armed forces, the security part of the programme receives a lot of attention. Combatants are portrayed as potential threats who should be addressed in order to allow the peace process to take place. Since women tend to be perceived as less dangerous than men, this approach creates the prioritization of male ex-combatants over female members of armed groups. As it stands, the approach adopted by the UN in its guidelines does shed light over important aspects of DDR, however, it does not manage to change that much of the weight given to the securitization character. The vocabulary used concentrates a lot on security, humanitarian and development terms. Instead, the guidelines could do a better work at focusing more in the need for a human rights approach to DDR. A human rights approach would regard ex-combatants not as threats to be neutralized,

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265 UN DDR Resource Centre. (See note 261), p. 28.
but as rights holders who oftentimes needed to subject themselves to warfare due to precarious social conditions they lived in before conflict.

The guidelines of the UN often mention human rights as a factor that should be taken into account in DDR. Usually, it is referred to as the framework against which DDR practitioners will have to reflect in order to design programmes that would not allow human rights perpetrators to get away with their atrocities. However, in the guidelines there is not much emphasis on the fact that DDR participants are human rights holders and that the programmes should reflect that. This would be useful to highlight for the fact that human rights violations, such as the discrimination suffered by women discussed in the previous chapters, can happen within DDR. Violations are not only what practitioners are fighting against throughout the programme, but also something they need to be cautious not to reproduce within the planning and implementation of DDR.

In several occasions, the Operational Guide asserts the need of addressing root causes of armed conflicts. Thus, it would be important to note that social inequality is a factor of weight in the origin and perpetuation of many armed conflicts. As it was argued in chapter 4, gender inequality is part of social inequalities and, therefore, a root cause for armed conflicts. If DDR is to tackle root causes in order to prevent future conflicts, it must necessarily address gender inequality. And, for that purpose, the programme itself needs to be sensitive to women’s issues, as it lies the foundations for post-conflict social reconstruction. It would be interesting if the UN could make this link more explicit throughout the Operational Guide.

Another assertion found throughout the Operational Guide is that DDR needs to include gender-aware interventions. The problem with the word inclusion is that it gives the impression that gender-awareness is not inherently part of a DDR programme. As a matter of fact, when it comes to the structure of the guide, there is a separate chapter to deal with women and gender, as if gender-sensitivity was not to be found throughout the whole process, but in separate activities devoted to that. Given that the budget often falls short of activities considered essential (usually the ones addressed to male ex-combatants), it would be optimistic to expect that enough funds would be allotted to “less urgent actions” (such as the ones aimed at women, who tend to be regarded as not much of a “threaten” to the peace process). However, if DDR design starts from the premise that gender (as much as ethnicity, age, among other features) is a factor that determines different experiences for different individuals, gender-sensitivity would be inherent to the process. DDR would be conceived in a gender-sensitive manner and there would be no need for special activities or budget. Thus, it could be interesting to have the gender perspective reflected throughout each of the chapters, not in a separate section of the guide.

One last observation with regard to the Operational Guide has to do with the legal background offered. Given its general character, the Guide is not as detailed as the IDDRS module on Women, Gender and DDR; therefore, it does not bring together the entirety of the legal human rights framework on the matter. Nonetheless, it introduces what the Guide calls “a
key international norm”. The so-called key international norm is the UN Security Council Resolution 1325, which inaugurates the agenda on Women, Peace and Security, but no mention is made to the legally binding international instrument that deals with discrimination against women, CEDAW. The Convention is a crucial part of the legal set of norms that reflect the principle of equality and found the quest for gender equality. Thus, given CEDAW strength (as a hard-law instrument, as opposed to the soft-law character of the Security Council Resolution), it would be important to have it mentioned when it comes to international norms related to the subject.

6.2. Conclusion

Post-conflict scenarios require a lot of attention from the international community and involved parts. The need for programmes that aim at rebuilding peace is a given, which makes stakeholders come together to design and implement projects adjusted to the specific conditions of the affected country. Disarmament, Demobilization and Reintegration is one of the many programmes to support peace processes. Aiming at neutralizing the most immediate “threat” to peace, DDR focuses on male ex-combatants and tends to leave other groups behind, such as women who took part in the conflict. Such situation can amount to discrimination against women, which means a breach of their human rights. Based on its vast experience with DDR and bearing in mind problems like the ones faced by women, the UN developed guidelines to help the development of future projects. Due to the UN mandate to promote human rights, it is understood that these programmes should comply with IHRL. Thus, the thesis proposed to assess whether that was really the case by asking the following questions: Do the UN guidelines on DDR reflect human rights standards of non-discrimination against women? What are the limitations of the UN guidelines with regard to women in DDR?

In order to answer these questions, it was necessary to lay the foundation for that. Firstly, it was necessary to understand what a DDR process usually looks like, what are its phases, etc. Secondly, an investigation on the situation of women in DDR was pursued. The results demonstrated a situation of disadvantage experienced by women, when compared to their male counterparts. Thirdly, the thesis enquired about the possibility of using IHRL as a feasible framework to assess peacebuilding processes. The answer was that indeed it is feasible, and, actually, even desirable. Human rights principles of non-discrimination and equality (gender equality included) are important pillars to sustain peace processes. Fourthly, the understanding of human rights standards related to the discrimination of women (as often happens in DDR) was needed in order to allow the human rights analysis of the UN guidelines. As last, the thesis

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266 Inter-Agency Working Group on Disarmament, Demobilization and Reintegration. (See note 3), p. 205.
turned to the UN guidelines aiming at assessing them against the human rights standards previously discussed.

This investigation led to a few concluding points. To begin with, it should be said that IHRL indeed is reflected in the UN guidelines in various occasions. Nonetheless, the guidelines present certain limitations in the application of human rights standards regarding the non-discrimination of women, which are presented below.

The first one regards the language used throughout the guidelines. Without more emphasis on a human rights language, it might not be possible for DDR stakeholders to realize that DDR participants are, first and foremost, rights holders. Their right to life *lato sensu*, meaning their right to a dignified life, make them entitled to receive support to reintegrate in society, women and men alike. Thus, incorporating more of the human rights language could transform DDR participants from objects of interventions into rights holders.

The second limitation has to do with the role of IHRL in the guidelines. Unless it assumes a central part in the conceiving process of the UN guidance (as it happens with security and development issues), human rights are not going to be properly reflected in it. If non-discrimination and equality are in fact represented as pillars to the guidance, gender-sensitivity would become an automatic part of the process, instead of an element that requires a separate chapter and specific activities. Gender equality is of extreme importance to sustainable peace and sustainable development. Thus, unless the UN makes the point of having IHRL as a background to create its guidelines, they might not be able to support programmes to truly build peace.
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