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Operationalising UN Security Council Resolution 1325 in South East Asia

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Abstract

Since the adoption of Security Council Resolution 1325 (SCR 1325) on 31 October 2000, the international community has seen the emergence of a normative framework on women, peace and security. NAPs have been adopted as one mechanism to strengthen the operationalization of SCR 1325. The substantive content of SCR 1325 appears highly relevant in Asian contexts given that several states have suffered significant instability and upheaval as a result of territorial disputes and protracted armed insurgency movements. Compared with other regions however, the development of NAPs across Asia appears to have lagged behind. Within South East Asia, ASEAN has taken proactive steps to develop resolutions pertaining to women's rights, particularly in relation to the prevention of violence against women and individual member states have adopted laws on gender-based violence, but regional and national responses to the UN's series of resolutions on women, peace and security have not gained significant traction to date. This seminar analyses the operationalization of Security Council Resolution 1325 in South East Asia, focusing primarily on the Philippines, the first ASEAN member state to adopt a NAP.

Introduction

Globally, women have been disproportionately affected by armed conflict.¹ During conflict and its aftermath women experience changing gender roles and are often exposed to an increased risk of sexual and other forms of gender-based violence.² In Asian contexts, colonial history weighs heavily on the region and several states have experienced protracted armed conflict and insurgency movements.³ Across the region, women have also borne the brunt of social upheaval during periods of conflict. Women are not only victims – there are notable incidences of women's active

* Dr. Amy Barrow is Assistant Professor in the Faculty of Law at the Chinese University of Hong Kong. This working paper draws upon ongoing research and analysis of the operationalization of SCR 1325 globally and focuses on experiences within South East Asia. Any comments or suggestions on the subsequent development of this working paper, which is at a preliminary stage, are gladly received.

¹ See e.g. Charlotte Lindsey, *Women Facing War: ICRC Study on the Impact of Armed Conflict on Women*, ICRC, Geneva (2001); Patricia H. Hynes, 'On the battlefield of women's bodies: An overview of the harm of war to women' in *Women's International Studies Forum* Vol. 27, 2004, pp. 431-445;

² See e.g. Megan Bastick, Karin Grim and Rahel Kunz, *Sexual Violence in Armed Conflict: Global Overview and Implications for the Security Sector* DCAF, Geneva 2007.

³ Amy Barrow and Joy L. Chia, 'Introduction: framing gender, violence and the state in Asia' in Amy Barrow and Joy L. Chia (Eds.) *Gender, Violence and the State in Asia* Routledge: London & New York at p. 1.

participation in armed insurgency movements⁴ - but politically women are often excluded from ceasefire negotiations and formal peacebuilding processes.⁵

With limited formal recognition of how armed conflict impacts upon women's lives in international law, the unanimous adoption of UN Security Council Resolution 1325 (SCR 1325) on women, peace and security on 31 October 2000 was perceived as a landmark.⁶ More than fifteen years after the adoption of SCR 1325, the resolution has had limited traction outside of activist and elite policy circles.⁷ On paper, several resolutions adopted at the Security Council have made reference to women, peace and security,⁸ but this normative operationalization of SCR 1325 has not always translated to operationalization of the resolution on the ground, where women's experiences during armed conflict continue to be either ignored or not adequately considered in peacebuilding processes. Several UN Member States have developed NAPs (NAPs), as a means of supporting SCR 1325's implementation in domestic contexts. In South East Asia however, only the Philippines has adopted a NAP specific to SCR 1325 and there does not appear to be significant momentum amongst ASEAN Member States to develop similar initiatives.

This paper first explains how the normative framework on women, peace and security developed at the international level. Second the paper critically evaluates how SCR 1325 is currently being institutionalized within ASEAN. Although the normative operationalization of SCR 1325 is an important component of the resolution's implementation, I caution against focusing too greatly on the regional institutionalization of SCR 1325 at ASEAN as the principle indicator of the resolution's implementation in South East Asia. In the third section of the paper, the substantive content of the Philippines NAP on SCR 1325 will be analysed, with a

⁴ See e.g. Shyamala Gomez, 'Women in post-war Sri Lanka: Linking policy to reality' pp.52-67 and Amrita Gurung and Lily Thapa 'Violence, Conflict and Women in Nepal' pp.68-83 in Amy Barrow and Joy L. Chia (Eds.) *Gender, Violence and the State in Asia* Routledge: London & New York (2016).

⁵ Amy Barrow, 'Contested Spaces During Transition: Regime Change in Myanmar and its Implications for Women,' *Cardozo Journal of Law & Gender* Vol. 22, No. 1, Fall 2015 at p. 95.

⁶ See e.g. Carol Cohn, Helen Kinsella and Sheri Gibbings (2004) 'Women, Peace and Security 1325' *International Feminist Journal of Politics* 6 (1) pp. 130-140; Laura J. Shepherd (2011) 'Sex, Security and Superhero(in)es: From 1325 to 1820 and beyond' *International Feminist Journal of Politics* 13(4) pp. 504-521.

⁷ Barbara Miller, Milad Purnik and Aisling Swaine, 'Women in Peace and Security through United Nations Security Resolution 1325: Literature Review, Content Analysis of National Action Plans, and Implementation' (2014) *Inst Global Int Stud IGIS WP 13/GGP WP09*, 21 (May 2014) at 1.

⁸ Bell and O'Rourke analysed 585 peace agreements signed during 102 peace processes spanning a twenty year period between January 1990 and January 2010 for specific references to women as an indicator of whether a gender perspective had been included within UN documents (as mandated by operational paragraph 8 of SCR 1325). Bell and O'Rourke found that 16% of peace agreements contained specific references to women. These references increased following SCR 1325's adoption (from 11% to 27%). See Christine Bell & Catherine O'Rourke, 'Peace Agreements or "Pieces of Paper"? The Impact of UNSC Resolution 1325 on Peace Processes and Their Agreements' *International And Comparative Law Quarterly* 39 (2010) pp. 941-80.

view to considering what drivers have been important in the design of the NAP. Although the Philippines have taken steps to formally implement SCR 1325, it should be seen as an exception within ASEAN. The paper will conclude that the normative operationalization of SCR 1325 is currently limited within ASEAN as an institution.

The emergence of a normative framework on women, peace and security

The roots of SCR 1325 can be traced as far back to the series of world conferences on women during the 1970s and 1980s, which culminated in the adoption of several international legal instruments including the Beijing Declaration and Platform for Action (BPFA) in 1995.⁹ The BPFA explicitly recognized women and armed conflict as a critical area of concern.¹⁰ Taking advantage of this political context in the post-Cold War period, a coalition of civil society organisations - the Women and Armed Conflict Caucus - came together at the Commission on the Status of Women in 1998 to envisage how the BPFA's provisions on women and armed conflict could be operationalized.¹¹ The coalition evolved into the NGO Working Group on Women and Armed Conflict, which was pivotal in drafting the framework of SCR 1325 and lobbying multiple stakeholders to support the resolution.¹²

While civil society actors helped to lay the groundwork for SCR 1325, the passage of the resolution through the Security Council would not have occurred without the support of the Namibian delegation, which took up Presidency of the Security Council in October 2000.¹³ The Namibian delegation had already been exposed to gender and armed conflict through its role in hosting a UN Department of Peacekeeping review panel meeting on Mainstreaming a Gender Perspective in Multidimensional Peacekeeping Operations, which culminated in the adoption of the Windhoek Declaration and Namibia Plan of Action.¹⁴ Dianne Otto suggests that the resolution was able to gain traction in elite policy circles at the UN as it provided the Security Council with the opportunity to 'arrest its flagging legitimacy in the post-Cold War period.'¹⁵

SCR 1325 comprises three principle pillars – protection, participation and prevention,¹⁶ and recognises women's multiple roles in armed conflict as not only victims but also as combatants and peacebuilders. Despite the resolution's

⁹ Fourth World Conference on Women, Declaration and Platform for Action A/CONF.177/20, 15 September 1995.

¹⁰ Strategic Objective E of the Beijing Declaration and Platform for Action 1995 includes a number of objectives.

¹¹ Cynthia Cockburn *From Where we Stand: Women's Activism & Feminist Analysis*, Zed Books 2007 at p. 140.

¹² Cockburn, note 8 at 141.

¹³ Cockburn, note 8 at 141.

¹⁴ Windhoek Declaration and Namibia Plan of Action, 31 May 2000, available at: http://www.un.org/womenwatch/osagi/wps/windhoek_declaration.pdf (accessed 12 October 2016).

¹⁵ Dianne Otto, 'The Exile of Exclusion: Reflections on Gender Law Issues in International Law over the Last Decade' (2009) *Melbourne Journal of International Law* 10(1), 11 at p. 21.

¹⁶ Amy Barrow, 'Operationalizing 1325: The Role of National Action Plans' *Journal of Conflict & Security Law* (2016), Vol. 21, No. 2, p. 251.

transformative potential as a gender mainstreaming tool in peace and security processes, given that SCR 1325 is a soft-law instrument it is difficult to hold UN member states to account for implementation of the resolution. SCR 1325's preamble and eighteen operative paragraphs have regularly been critiqued for failing to incorporate adequate monitoring and evaluation mechanisms.¹⁷ Further, SCR 1325 has not been able to radically reshape the workings of the Security Council itself, which continues to focus primarily on the cessation of armed conflict as a means of maintaining international peace and security.¹⁸

In the period leading up to and during the tenth anniversary of SCR 1325 in 2010, a number of resolutions on women, peace and security were passed by the Security Council. Notably however, US-sponsored Security Council Resolution 1820¹⁹ adopted in 2008, and the first resolution post-SCR 1325, focuses primarily on sexual violence in armed conflict. Many of the subsequent resolutions have been narrower in their remit. SCR 1888,²⁰ adopted in 2009, bolsters SCR 1820 and also focuses on sexual violence, largely framing women as victims. SCR 1889, also adopted in 2009 helps to support SCR 1325's implementation by requesting that a set of global indicators be developed to track SCR 1325's implementation.²¹

Parallel to the development of a normative framework on women, peace and security at the Security Council, individual Member States were encouraged to develop NAPs to help implement SCR 1325.²² As of May 2016, 60 UN Member States²³ had adopted national level initiatives, but the question of who implements is very much dependent on a number of drivers including resources, political will, international peer pressure and the relationship between the state and civil society.²⁴ Initially, Northern European States including Denmark and the United Kingdom, which have been influential in international peace and security affairs as well as international development aid programmes, took the lead in developing NAPs on SCR 1325.²⁵ Countries emerging from protracted conflict have also developed similar initiatives often with the support of UN agencies and international donors. Potentially NAPs

¹⁷ See e.g. Amy Barrow, "'[It's] like a rubber band.'" Assessing UNSCR 1325 as a Gender Mainstreaming Process' (2009) 5(1) Int J L Context 51; Christy Fujio, 'From Hard Law to Soft Law: Moving Resolution 1325 on Women, Peace and Security Across the Spectrum' (2008) 9 Georgetown J Gender L 215; Aisling Swaine, 'Assessing the Potential of National Action Plans to Advance Implementation of United Nations Security Council 1325' (2009) 12 Yearbook Int Humanit L 403.

¹⁸ Amy Barrow 'Women, Peace and Security Mainstreaming gender in transitional justice processes' in Lisa Yarwood (Ed.) *Women and Transitional Justice: The experience of women as participants* Routledge: London & New York (2013) at p. 47.

¹⁹ SC Res. 1820, 19 June 2008.

²⁰ SC Res. 1888, 30 September 2009.

²¹ Amy Barrow, note 18, at p. 46.

²² UN Nations Security Council Presidential Statement 32 (31 October 2002) UN Doc.S/PRST/2002/32.

²³ For updated figures on which UN Member States have adopted national action plans visit PeaceWomen, a programme of the Women's International League for Peace and Freedom (WILPF), which monitors the implementation of SCR 1325, <http://www.peacewomen.org/member-states> (accessed 4 October 2016)

²⁴ Miller et al. note 6 at p. 17.

²⁵ Amy Barrow, note 16 at p. 258.

allow individual UN Member States to demystify SCR 1325's provisions by tailoring the women, peace and security agenda to each state's economic, social and political circumstances whether through 'inward' (focusing primarily on local implementation of SCR 1325) or 'outward' looking (bilateral actions and development support to conflict-affected countries) strategies.

Despite the growth in NAPs globally, SCR 1325 itself has not gained significant traction within elite policy circles in Asian contexts.²⁶ Only a handful of states in Asia have proactively taken steps to develop national initiatives as a means of supporting the implementation of SCR 1325. Afghanistan, Japan, The Philippines, Nepal and the Republic of Korea (ROK) are the only states across Asia to have developed SCR 1325-specific NAPs. Other Asian states such as Indonesia have sought to incorporate the aims and objectives of SCR 1325 into existing initiatives on women's rights.²⁷ Thailand is reported to be developing a NAP in 2016.²⁸

Institutionalising women, peace and security within ASEAN

Several ASEAN Member States currently contribute troops to UN peacekeeping missions.²⁹ Despite the engagement of ASEAN State with global international peace and security operations, there does not appear to be any clear collective drive to adopt a regional policy on women, peace and security or to foster national level initiatives on SCR 1325. Matthew Davies questions why the women, peace and security agenda has not gained significant traction amongst ASEAN member states despite the incorporation of gender into various policymaking frameworks particularly in relation to economic development.³⁰

All ASEAN Member States have acceded to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and a number of region-wide policies exist on violence against women and girls and trafficking.³¹ The Declaration on the Elimination of Violence against Women in the ASEAN region and the Declaration against Trafficking in Persons, particularly Women and Children were

²⁶ Amy Barrow 'Implementing Security Council Resolution 1325 in Asia: The role of national action plans on women, peace and security' in Amy Barrow and Joy L. Chia (eds.) *Gender, Violence and the State in Asia* Routledge: London & New York (2016) at 87-88.

²⁷ The National Action Plan on Human Rights 2011-2014 promulgated by Presidential Regulation No. 23/2011 and subsequently The National Action Plan for the Protection and Empowerment of Women and Children During Social Conflicts 2014-2019, Regulation of the President of the Republic of Indonesia, No. 18, 2014.

²⁸ See Peacewomen, note 23.

²⁹ As of 31 August 2016, the Philippines contribute 137 troops to UN peacekeeping; Cambodia contributes 852 troops, Malaysia contributes 834 troops. For statistics on police and troop contributors see UN Peacekeeping at: <http://www.un.org/en/peacekeeping/resources/statistics/contributors.shtml> (accessed 12 October 2016).

³⁰ Matthew Davies, 'Women and Development, Not Gender and Politics: Explaining ASEAN's Failure to Engage with the Women,' *Peace and Security Agenda Contemporary Southeast Asia* (2016) Vol. 38 No. 1 at p. 109.

³¹ Sara E. Davies, Kimberley Nackers and Sarah Teitt, 'Women, Peace and Security as an ASEAN Priority,' *Australian Journal of International Affairs* (2014) Vol. 68, No. 3 at pps. 340-341.

both adopted in 2004.³² Subsequently, the ASEAN Commission for the Promotion and Protection of the Rights of Women and Children (ACWC) was founded in 2009.³³ More recently in 2013 ASEAN adopted a further Declaration on the Elimination of Violence against Women and the Elimination of Violence against Children.³⁴

Davies suggests that women's issues are often framed outside of peace and security concerns and formal recognition of gender in ASEAN policy-making in economic development has effectively marginalised women's issues arguing that:

Early ASEAN engagement with gender through the lens of economic and social development, authorised by political elites who understood women's issues as both subservient to their conservative agenda and as fundamentally non-political, created a particular approach to women that remains constant through to today.³⁵

The marginalisation of women within ASEAN is not indistinct from the UN system itself. The adoption of a separate treaty on women's rights, CEDAW –widely regarded as the international bill of women's rights - created the impression that women's human rights were separate and distinct from universal human rights.³⁶ In the late nineties, feminist legal scholars including Christine Chinkin and Hilary Charlesworth argued that women's rights were seen as the 'soft' issues of human rights in traditional international law making.³⁷ Compared with other international human rights treaties, the weak monitoring and implementation mechanisms in CEDAW also allow states parties to the treaty to 'accept such principles while minimising their legal commitments.'³⁸

ASEAN scholars have suggested that ASEAN's engagement with gender is limited only to the recognition of women's role in ASEAN's economic development as tool to maintain the region's peace and security.³⁹ Although this recognition of women's role in peace and security is limited to a 'women in development' (WID) approach, this is also not dissimilar to how women's rights were first framed at the international world conferences on women in the seventies. If we were to trace the development of

³² Amy Barrow and Joy L. Chia, note 3 at p. 4.

³³ Hsien-Li Tan (2011). *The ASEAN Intergovernmental Commission on Human Rights: Institutionalising Human Rights in Southeast Asia*, Cambridge University Press, Cambridge, UK at p. 154.

³⁴ Declaration on the Elimination of Violence against Women and the Elimination of Violence against Children adopted in Bandar Seri Begawan, Brunei Darussalam (2013) available at: http://www.ohchr.org/Documents/Issues/Women/WG/ASEANdeclarationVaW_violenceagainstchildren.pdf (accessed 12 October 2016).

³⁵ Matthew Davies, note 30 at p. 118.

³⁶ Rachael Lorna Johnstone, 'Feminist Influences on the UN Human Rights Treaty Bodies' *Human Rights Quarterly* (2006) 28(1) at p. 151.

³⁷ Hilary Charlesworth and Christine Chinkin, *The Boundaries of International Law: A Feminist Analysis* Manchester University Press, Manchester, UK (2000) at p. 66.

³⁸ Charlesworth and Chinkin, *Ibid* at p. 66.

³⁹ See e.g. Davies note 30 at p. 108.

women's rights at the international level, the first world conferences on women focused on development. Over time, international women's rights discourses shifted from recognition of women's role in development (WID approaches)⁴⁰ to broader conceptualisations of gender and development (GAD approaches).⁴¹

SCR 1325 is the first international legal instrument, albeit soft-law, to mainstream gender at the Security Council, the centre of power within the UN system. However, legal scholars such as Diane Otto have cautioned against allowing SCR 1325 to be 'fully harnessed by the institution' as this may ultimately serve to limit the transformative value of the resolution.⁴² The development of a normative framework at an institutional level may provide important evidence of how SCR 1325 is being operationalized at the macro level but it is also important to consider how SCR 1325 is being implemented at the micro level by state actors as well as civil society organisations.

Placing too much emphasis on the institutionalisation of SCR 1325 and macro level policymaking potentially risks overlooking the role of multiple stakeholders as well as the multifaceted ways in which SCR 1325 is being implemented in domestic contexts. The practical operationalisation of SCR 1325 on the ground at the micro level, where the challenges of mainstreaming gender in peace and security processes are most acute, must also be considered. Further the question of the ensuing vacuum or gap between macro and micro level implementation strategies is an issue that also requires greater scrutiny. Particularly given that the protagonists of SCR 1325 included a cohort of transnational women's organisations, the way in which the women, peace and security agenda is currently being institutionalised at the UN level may not reflect the vision that SCR 1325's feminist protagonists had in mind when SCR 1325 was drafted.⁴³ The adoption of subsequent state-sponsored resolutions which centre on sexual violence suggest that formal institutionalisation of the women, peace and security agenda may conversely have a diluting effect on the transformative potential of SCR 1325.

Davies suggests that scholarly explanations of ASEAN's failure to engage with the women, peace and security agenda often focus simplistically on the "ASEAN way," premised on consultative cooperation and consensus.⁴⁴ Instead, Davies suggests that the absence of the women, peace and security agenda is more appropriately explained due to elite conservatism and the inability to recognise women as political actors.⁴⁵

⁴⁰ WID approaches were derived from 1970's policies on equal treatment of men and women. Kum-Kum Bhavani, John Foran and Priya Kurian (Eds.) *Feminist Futures Re-imagining Women, Culture and Development* Zed Books: London & New York (2003) at p. 4.

⁴¹ In contrast to WID approaches which focus on women and men's equal treatment, GAD approaches are based not only on women's equality in policy processes but the transformation of 'unequal gender relations to empower women,' Bhavani et al., *Ibid* at p. 5.

⁴² Dianne Otto, note 15 at p. 19.

⁴³ Amy Barrow, note 18 at p. 52.

⁴⁴ Matthew Davies, note 30 at p. 108.

⁴⁵ Matthew Davies, note 30 at p. 108.

While this line of argument is persuasive, the wider institutional personality of ASEAN and the principles of sovereignty and non-interference in the internal affairs of individual member states may have some bearing on how SCR 1325 is operationalised at the normative level by individual member states. The European Union, a supranational body with a common security and defence policy has by contrast seen a greater number of states develop NAPs.⁴⁶ The EU took steps to develop its own policy on a ‘Comprehensive approach to the EU implementation of United Nations Security Council Resolutions 1325 and 1820’⁴⁷ in 2008, following the adoption NAPs by a number of EU Member States including Denmark (2005), Sweden (2006), the United Kingdom (2006), Austria (2007) and Spain (2007).

While it is certainly appropriate to question why there is limited traction in elite policy circles within ASEAN, Davies’ suggestion that there is a complete official silence on women, peace and security⁴⁸ is not entirely accurate. Although no ASEAN declaration explicitly makes reference to the women, peace and security agenda a statement made by Vietnam on behalf of the ASEAN bloc at an Open Debate on Women, Peace and Security in 2013 did affirm ASEAN’s support of SCR 1325.⁴⁹ In March 2015, the ASEAN Institute for Peace and Reconciliation held its first workshop to raise awareness of SCR 1325 and women’s participation in peace processes and conflict resolution.⁵⁰ Held in the Philippines, this workshop was supported by the Ministry of Foreign Affairs of Norway as well as the Japan-ASEAN Integration Fund and explored the role of NAPs in the ASEAN region.⁵¹ Although this awareness-raising workshop does not amount to the formal institutionalisation of the resolution in any declaration as such, this does signal that ASEAN is starting to engage with the resolution even if these efforts are rather rudimentary.

Although it is important to explore how SCR 1325 is being institutionalised within ASEAN, it is also imperative to consider experiences of implementing SCR 1325 by individual member states within ASEAN. Potentially NAPs can act as a bridge linking macro (UN, regional and national level institutions) and micro level (civil society, grassroots) initiatives on women, peace and security particularly if multiple stakeholders are involved in the design, monitoring and evaluation of NAPs. The regional institutionalisation of SCR 1325 at ASEAN may be only one driver in why individual member states develop NAPs. Other drivers such as political will and the

⁴⁶ Amy Barrow, note 16 at p. 254.

⁴⁷ Council of the European Union, ‘Comprehensive approach to the EU implementation of the United Nations Security Council Resolution 1325 and 1820 on women, peace and security’ (1 December 2008) 15671/1/08 REV 1.

⁴⁸ Matthew Davies note 30 at 108.

⁴⁹ Davies et al. note 31 at p. 339.

⁵⁰ ‘AIPR Holds Workshop on Women’s Participation in Peace Processes and Conflict Resolution’ (ASEAN Secretariat News, 23 March 2015) 5<http://www.asean.org/news/asean-secretariat-news/item/aipr-holds-workshop-on-women-s-participation-in-peace-processes-and-conflict-resolution>4 accessed 25 November 2015.

⁵¹ Ibid.

engagement of civil society actors may be more influential in securing traction of the women, peace and security agenda at national levels.

Philippines National Action Plan

The women, peace and security agenda is particularly relevant to the Philippines, which has experienced protracted armed insurgency movements since the 1960s with a number of active armed groups in operation over the years including the New People's Army, a military wing of the Communist Party of the Philippines (CPP) and the Moro Islamic Liberation Front (MILF), a self-determination movement in the Southern island of Mindanao. Although a Comprehensive Peace Agreement on the Bangsamoro was signed by MILF and the Government on 17 March 2014,⁵² any peace is fragile. Over the years the security of citizens has been affected by these insurgency movements, which have employed violent means such as extra-judicial killings and abductions. This insecurity has also perpetuated multiple forms of gender-based violence including sexual harassment, sexual abuse as well as the displacement of women.⁵³ A proliferation of small arms within Filipino society more generally⁵⁴ has also been linked to incidences of gender-based violence including rape and harassment.⁵⁵ Limited infrastructures such as basic social services, a lack of education and high rates of poverty have also compounded armed conflict and violence.⁵⁶ Significantly, civil society networks in the Philippines have been a significant driver helping to ensure that women's experiences are considered in peace processes.⁵⁷

The diffusion of international norms on gender equality varies amongst ASEAN Member States. Compared with some of its counterparts the Philippines has adopted several laws pertaining to women's rights including the Magna Carta of Women, essentially a bill of rights for women, which was enacted in 2009. A number of laws designed to address gender-based violence have also been adopted including Laws the Anti-Rape Act (Republic Act No. 8353) 1997; the Rape Victim Assistance Protection Act (Republic Act No. 8505) 1998; the Anti-trafficking in Persons Act (Republic Act No. 9208) 2003 and the Anti-Violence against Women and their Children Act (Republic Act No. 9262) 2004. Significantly, provisions on gender equality are also constitutionalised. Article 2, section 14 of the Philippines Constitution 1987 specifically states that 'The State recognizes the role of women in nation-building,

⁵² Comprehensive Agreement on the Bangsamoro (17 March 2014), <http://www.gov.ph/downloads/2014/03mar/20140327-Comprehensive-Agreement-on-the-Bangsamoro.pdf> (accessed 12 October 2016).

⁵³ Global Network of Women Peacebuilders (2011) *Security Council Resolution 1325: Civil Society Monitoring Report 2011 Philippines* at p. 250.

⁵⁴ Santos Jr., S.M. and Santos, P.V.M. with Dinampo, O.A., Kraft, H.J.S., Paredes, A.K.R. and Quilop, R.J.G. (2010) *Primed and Purposeful: Armed Groups and Human Security Efforts in the Philippines*, Rodriguez, D. (ed.) A joint publication of the South-South Network for Non-State Armed Group Engagement and the Small Arms Survey, Geneva, Switzerland.

⁵⁵ The Philippine National Action Plan on UNSCRs 1325 & 1820: 2010-16 (Republic of the Philippines 2010) http://www.peacewomen.org/assets/file/NationalActionPlans/philippines_nap.pdf (accessed 12 October 2016) at p. 4.

⁵⁶ Philippine NAP, note 55, p. 3.

⁵⁷ Davies et al. note 31 at p. 337.

and shall ensure the fundamental equality before the law of women and men.’¹ In addition to these formal legal provisions, the Philippine Plan for Gender Responsive Development (1995-2025) provides a long-term strategy for the integration of a gender perspective in development planning.

The Philippines was the first ASEAN Member State to adopt a NAP in March 2010, coinciding with the tenth anniversary of the adoption of SCR 1325. The NAP, which spans a timeframe of 2010-2016, was developed through a process of consultations with both civil society organisations and state agencies at regional and national levels. The Philippines NAP is structured around four central pillars – Protection and Prevention; Empowerment and Participation; Promotion and Mainstreaming and Capacity Development and Monitoring and Reporting. The NAP also includes specific action points under each pillar with a projected outcome (‘result statement’).

Echoing the provisions of SCR 1325, the Philippines NAP recognises women’s multiples roles in armed conflict. Purpose One of the Philippines NAP focuses on women’s human rights and the prevention of violence. Whilst seeking to eradicate manifestations of gender-based violence include rape and intimidation, women are not framed solely as victims. Purpose One of the NAP also seeks to empower women and girl combatants through supporting their reintegration into society as socially and economically productive citizens. The NAP also aims to engage marginalised sectors of Filipino society including indigenous and Moro women and provide leadership training.

The NAP is infused with quantitative indicators designed to monitor progress towards the intended outcomes of each of the NAP’s pillars. Elsewhere I have suggested that these measures, while well-intended in their bid to monitor the implementation of the NAP, may not provide an accurate measure of how the NAP is being operationalized either normatively or on the ground.⁵⁸ For example, quantitative indicators to measure rehabilitation and reintegration programmes (as per operational paragraph 8(a) of SCR 1325 on the special needs of women and girl combatants) as part of a Rapid Needs Assessment (RNA) centre on the number of women and girls assisted in a number of areas including psychological, legal and livelihood support.⁵⁹ Although baseline statistics help to map the types of assistance provided to former female combatants, there is no qualitative measure provided which helps to explain how, if at all these various forms of assistance, benefit individual women and girls.⁶⁰ Further there is no clear indication of what financial resources will be allocated to the RNA nor of lines of accountability for the key state agencies identified as stakeholders in the RNA including the Department of Social Welfare and Development, Local Government Units and Civil Society Organisations.⁶¹

Significantly the Philippines NAP while considering gender and armed conflict conceptualises security more broadly by addressing the proliferation of small arms in society in general. The NAP includes provisions on the enactment and enforcement of

⁵⁸ Amy Barrow, ‘Implementing Security Council Resolution 1325 in Asia: The role of national action plans on women, peace and security’ in Amy Barrow and Joy L. Chia (Eds.) *Gender, Violence and the State in Asia* Routledge: London & New York 2016 at p 90.

⁵⁹ Ibid.

⁶⁰ Ibid.

⁶¹ Ibid.

laws regulating possession of small arms and calls for the ratification of the International Arms Trade Treaty⁶² and its implementation at the local level through legislation.

The NAP aims to operationalise SCR 1325 by ensuring that peace agreements are gender responsive. While the integration of a gender perspective in peace agreements is important for the normative operationalisation of the women, peace and security agenda, the inclusion of a gender perspective in peace agreements and related legislation may not help to reduce gender-based violence in practice.⁶³ Thus the financing of SCR 1325's implementation is important to ensuring that principles on paper are put into action effectively in order to support the resolutions operationalisation. Otherwise, the use of NAPs as a policy tool may simply add an additional policy layer that serves to hinder rather than aid the domestication of international norms on women, peace and security.

Importantly, the Philippines NAP is 'inward looking' – while the framework of SCR 1325 is relevant, it is nevertheless important to further situate women, peace and security within the Philippines socio-cultural and political context. Accordingly, gender and development (GAD) planning processes and budgeting must also take the NAP into consideration, intrinsically linking development with conflict prevention and resolution.⁶⁴

Conclusion

While the formal institutionalisation of SCR 1325 within regional organisations, including ASEAN, may provide an indication of the normative operationalisation of the women, peace and security agenda, there is also a risk that such institutionalisation may dilute the transformative potential of SCR 1325. Given that SCR 1325 is very much connected to the transnational women's movement and feminist visions of peace and security, it is important to consider SCR 1325's operationalisation broadly considering both top-down (macro level e.g. UN, EU, ASEAN) and bottom-up implementation at the grassroots level on the ground. As a region South East Asia continues to experience significant instability with several states in varying stages of transition. To date, the Philippines' efforts to operationalise SCR 1325 stand out as an exception within ASEAN. The development of the Philippines NAP brought together civil society networks and state agencies, which indicate the importance of micro level mobilisation around SCR 1325 in driving forward the women, peace and security agenda. Thus, in scrutinising how SCR 1325 is implemented in South East Asia and given the lack of institutional momentum around women, peace and security within ASEAN it becomes even more important to look to the experiences of individual ASEAN member states to consider what drivers either enable or inhibit SCR 1325's implementation.

⁶² Ibid.

⁶³ Ibid.

⁶⁴ Ibid at p. 91.

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