

Materials of the V International Gender Workshop

**GENDER AND (MILITARY) CONFLICTS
IN EASTERN-EUROPEAN COUNTRIES
THROUGH FEMINIST LENSES**

March 8-10, 2017

Lviv, Ukraine



Organized by: Heinrich Boell Foundation, Ukraine Regional Office



In cooperation with: Heinrich Boell Foundation International Offices of Bosnia and Herzegovina, Czech Republic, Poland, Russia, South Caucasus, Serbia (and Montenegro, Kosovo) and Berlin Head Office.

Location: Lviv, Ukraine

Workshop languages: English/Ukrainian/Russian

Design and layout Galina Sokolova

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UNSCR 1325's implementation: Achievements, gaps and ideas for improvement from the perspective of independent German and Swiss civil society and women's rights

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In the run-up to the adoption of United Nations Security Council Resolution 1325 (UNSCR 1325), civil society groups from around the world played a key role by pressing the international community to firmly anchor the gender-political dimension of peace and security policies in a UNSCR resolution. Since 2000, they have continued to be an important player through their advocacy for gender-sensitive peace and security policies and their critical monitoring of policy makers in their respective countries. In the following, I will compare the German, Swiss and Dutch National Action Plans to implement UNSCR 1325 as well as present examples of various forms of civil society interventions used to promote gender-sensitive peace and security policies.

1. UNSCR 1325 – What has it achieved, what are its failings and what needs to be improved?

On October 31, 2000, the United Nations Security Council adopted Resolution 1325, which "reaffirmed the importance of the equal participation and full involvement of women in all efforts for maintaining and promoting peace and security."¹ The resolution establishes the four pillars of gender-sensitive conflict resolution: prevention, protection, participation and peacebuilding. In the years since, seven further resolutions on women, peace and security have been adopted: 1820 (2008); 1888 (2009); 1889, 1960 (2010); 2106 (2013); 2122 (2013); and 2242 (2015). Sixteen years after the adoption of UNSCR 1325, the question is no longer "Do we need a gender-oriented peace and security policy?" but "How can it best be implemented, what gaps exist in the policy and how can these be bridged?"

Here one should note that "the follow-up resolutions focus on the protection of women from gender-specific or gender-based sexualized violence and provide tools for the implementation of the international Women, Peace and Security programme."² It is of course vitally important that sexual and gender-based violence are recognized and prosecuted as war crimes, and that protecting women and girls from such violence has become an important policy goal. Yet focusing on protection risks creating the impression that women are merely victims instead of being (also) key actors in conflict resolution. The other pillars of UNSCR 1325 – gender-sensitive conflict prevention, greater women's participation in all phases of conflict management, and gender-sensitive peacebuilding – are consequently in danger of being put on the back burner.

1 UN Women, "Preventing Conflict, Transforming Justice, Securing the Peace. A Global Study on the Implementation of United Nations Security Council Resolution 1325," 2016, p. 4.

2 Swisspeace, CFD, PWAG, Women for Peace, "Women Peace Security – reloaded. Civil Society Alternative Report on the National Action Plan 1325 as seen from the Gender Perspective. Impulses and Inputs for Actors in Politics, Administration and Civil Society," Bern 2016, p. 9.

Civil society actors around the world are therefore still demanding full implementation of UNSCR 1325, in particular greater women's participation in civil conflict resolution and peace negotiations. Numerous studies have shown that involving women in peace processes brings about a more lasting peace. These contend that it is not only the number of women at the peace table that makes a difference, but also whether women's and gender policy perspectives can actually be incorporated into the negotiations. The report "Making Women Count – Not Just Counting Women: Assessing Women's Inclusion and Influence on Peace Negotiations" from the Inclusive Peace and Transition Initiative und UN Women underscores this point suitably, as one could guess by the title.³ An examination of women's influence on peace processes should involve not only quantitative indicators but be complemented with qualitative indicators that measure to what extent women's voices actually have an impact on peace processes. Alongside greater women's participation in civil conflict resolution, civil society actors have for years been pressing for a comprehensive interpretation of security. UN Women's 2015 global study "Preventing Conflict, Transforming Justice, Securing the Peace" calls for more emphasis to be placed on human security instead of following a purely military logic of security. The study's authors draw on the concept of human security that the United Nations Development Programme (UNDP) had introduced into the debate in 1994, a concept "based on the fact that everybody should be able to take control over their own lives."⁴ To guarantee human security, there needs to be a legal structure in place that protects inequality and exclusion as well as upholds human rights. Conversely, exclusion and attacks on human dignity and structural inequality frequently lead to violent conflicts and therefore must – also with respect to gender-sensitive peace and security policies – be addressed more vigorously in conflict prevention measures. One explanation for the weak implementation of the prevention aspect in UNSCR 1325 may be that the resolution does not even address the causes of conflict mentioned above, just as it does not deal with the increasing militarization around the world. To bridge these gaps, the UN Women's global study makes this recommendation: "The concerns expressed in UNSCR 1325 must always be interpreted within the framework of international human rights. The agency of women must be respected and their autonomy and concerns should be the priority. Underlying inequalities making women and girls especially vulnerable must be addressed, and obstacles that keep women from claiming or exercising their rights in society and power structures must be overcome (as anchored in the UN Convention on the Elimination of All Forms of Discrimination against Women [CEDAW], which entered into force on September 3, 1981)."⁵ Another reason for linking UNSCR 1325 to CEDAW is the fact that there are no sanctions for non-implementation in the former: "The women's rights convention states that member states are obliged to fight discriminating practices, social and cultural patterns of behavior and traditions as well as stereotyped perceptions of gender. (...) Therefore the political pressure of UNSCR 1325 can be increased if the resolution is anchored in CEDAW, which has binding and well-established reporting mechanisms."⁶ Last but not least, a large number of civil society actors criticize that many countries' foreign policies lack coherence, particularly in the areas of peace, security and economic cooperation. In many places, militarization or gender-blind foreign policies stand in the way

3 Inclusive Peace and Transition Initiative, UN Women, "Making Women Count – Not Just Counting Women: Assessing Women's Inclusion and Influence on Peace Negotiations," Geneva 2016.

4 Ibid., p. 26.

5 UN Women, op. cit., p.

6 Swisspeace, CFD, PWAG, Women for Peace, op. cit., p. 13

of gender-sensitive peace and security policies. Existing National Action Plans are apparently bereft of political significance, because otherwise governments would give them higher priority. So, as a strong advocate of gender-sensitive peace and security policies, civil society continues to play a key role in pressing policy makers to take UNSCR 1325 seriously and put life into the NAPs.

2. National Action Plans to implement UNSCR 1325: Brief comparison of the NAPs of Germany, Switzerland and the Netherlands

National Action Plans are an important instrument for implementing UNSCR 1325. Some countries, such as Switzerland and the Netherlands, adopted NAPs as early as 2007. Germany, however, did not adopt its first National Action Plan until 2012. Although groups in German civil society, led primarily by the German Women's Security Council, had been calling for this since 2002, it took another ten years before the first German NAP was actually adopted. It was also a solo effort by the German government, which didn't submit its draft to civil society until late 2011, leaving little opportunity to influence the final version. During the second NAP's development at the end of 2016, civil society was also not consulted until late in the process. Nevertheless, thanks to civil society's involvement, Germany's second plan was a significant improvement in terms of its substantive rigor and depth. Yet many of the critiques and suggestions made by civil society went unheeded: criticism voiced about the inadequate strategic orientation of the second NAP and the report on the implementation of the first NAP (focus on outputs and not outcomes), about the lack of coherence with other strategies (current example: the first draft of the so-called Marshall Plan for Africa does not include any reference to NAP 1325), about the growing militarization of German security policy, about the insufficient inclusion of domestic policy in the NAP (in particular with regard to the situation of refugees in Germany), and – last but not least - about not giving the NAP a budget of its own. Still, it was possible to achieve a positive change in the second German NAP: It provides for regular meetings between the German government and civil society where, among other agenda items, good examples of NAP implementation are to be discussed and criteria for effective NAP implementation developed. There is hope that – through the closer dialogue between civil society and the German government – UNSCR 1325's implementation will be given higher priority and be more impactful.

In contrast to Germany, Switzerland was one of the first countries to create a National Action Plan for implementing UNSCR 1325 – a step it took in 2007. And the third Swiss NAP already came to a close in late 2016. Each of the Swiss plans was also drafted by an inter-ministerial working group (WG 1325), but Swiss civil society (NGO Platform 1325) was involved in their development. At least once a year, the Centre for Peacebuilding (KOFF) organizes Gender and Peacebuilding Roundtables at which the Swiss government informs civil society groups about the progress of NAP implementation and discusses NAP-related issues. The Swiss government sees its NAP 1325 as a "living document (...) designed for needs-based adaptation and evolution."⁷ Switzerland was one of the first countries to integrate indicators, in its second NAP (2010–2012), in order to better measure results. It is also worth noting that the Swiss government, in September 2015, commissioned relevant civil society groups to prepare an independent report on NAP 1325's implementation. This report, entitled "Women, Peace,

⁷ [http://www.peacewomen.org/sites/default/files/Revised%20NAP%20\(2013-2016\)%20Switzerland.pdf](http://www.peacewomen.org/sites/default/files/Revised%20NAP%20(2013-2016)%20Switzerland.pdf): p.

Security – reloaded," was compiled by the 1325 Working Group, which comprises a broad range of Swiss civil society groups, and is targeted at parliament members, civil society and the federal administration. Such an independent report was the first of its kind and provided a critical overview of Switzerland's work on implementing NAP 1325's while also giving detailed recommendations for the future.⁸ I will discuss these recommendations later.

The Netherlands was also one of the first countries to adopt a National Action Plan to implement UNSCR 1325; it published its first plan in 2007 as well. The Netherlands' third NAP, launched in 2016 (for 2016–2019) was developed as a cooperation between the Dutch government and over 50 Dutch civil society groups and knowledge institutions. Unlike in Germany and Switzerland, where only the countries' respective governments assumed responsibility for their NAPs, in the Netherlands civil society groups who were involved in developing the third NAP co-signed the final document. In the foreword to the NAP, the signatories acknowledge their commitment to a meaningful dialogue between government and civil society: "The relationship between Dutch organisations and our partners in conflict and post-conflict situations benefits us all. By strategically coordinating our efforts and activities, we foster greater cohesion and work towards more lasting peace. (...) This partnership facilitates the development of new ideas and initiatives, drawing on a wide range of expertise and knowledge. While respecting each other's roles and mandates, we believe that coordination and cooperation between government, knowledge institutions and civil society are mutually beneficial." The outcome of this joint effort is in fact remarkable. The NAP's overall objective is strategically formulated and puts women's participation at the core of peace processes, while also making it clear that real female influence is the aim, not (just) quotas: "Contributing to an enabling environment for women's participation and empowerment in conflict and post-conflict environments, so they can meaningfully participate in conflict prevention, resolution, peacebuilding, protection, relief and recovery."⁹ The Dutch NAP also differs from the German and Swiss plans in its specific goals; it "seeks to help break down harmful gender norms, enhance protection, and give men and women equal leverage in conflict prevention, resolution, peacebuilding, relief and recovery."¹⁰ These goals are impact-oriented and clearly indicate what must change and where the change must take place. Neither of the other two NAPs points out in such unmistakable language the need to challenge the existing power relations that contribute to gender inequality and to effect the structural changes required to achieve gender equality. It is also unique that the Dutch NAP formulates its goals in normative terms and explicitly addresses men, declaring that they should also be equally involved in civil conflict resolution processes.

The Swiss and German NAPs have similar goals. It is likely that the German government used the Swiss NAP as the model for developing its own plan. In the following, I compare the six goals of the Switzerland's third NAP with those of Germany's second NAP (the order in which the German goals appear is my own):

Compared with the Dutch NAP, the goals of the other two NAPs are formulated in a less strategic manner and are less impact-oriented and more output-oriented. They are also much vaguer in their language and fail to clearly state what they mean by "gender perspectives." Yet the less precisely

⁸ Swisspeace, CFD, PWAG, Women for Peace, op. cit., p. 3.

⁹ <http://wo-men.nl/wp-content/uploads/2016/05/FINAL-NAP-2016-2019.pdf>: p. 4.

¹⁰ Ibid., p. 4.

formulated the goals are, the greater the likelihood that implementation and evidence of the impact made will be weak. The implementation report on the first German NAP, which was published concurrently with the adoption of the second plan (of course, it would have made more sense to evaluate the first plan before drafting the second one), confirmed this assumption: It focuses almost exclusively on outputs. Though numerous activities are listed, it remains largely unclear what impact these activities have had and to what extent they have contributed to "sustainable peace and greater security,"¹¹ which is the stated overall objective of Germany's second NAP.

Third Swiss NAP 1325 (2013–2016)	Second German NAP 1325 (2017–2020)
Greater participation of women in peace building	Expanding the participation and strengthening the leadership role of women in all phases and at all levels of conflict prevention and resolution, stabilisation, peacebuilding and reconstruction as well as post-conflict rehabilitation and peacebuilding.
Protection of the rights of women and girls during and after violent conflicts, and prevention of gender-based violence	Improving protection from sexual and gender-specific violence at the national and international level, and working against the impunity of perpetrators.
Greater inclusion of a gender perspective during and after violent conflicts in emergency aid, reconstruction and in dealing with the past	Analysing and taking into account the concerns and interests of women and girls in development, peace, security policy and humanitarian measures.
Greater inclusion of a gender perspective in conflict prevention	Systematically integrating a gender perspective into the prevention of conflicts, crises and violence
Mainstreaming WPS agenda in the federal administration	Strengthening the Women, Peace and Security agenda and promoting it at the national, regional and international level

3. Different kinds of political intervention by civil society into Women, Peace and Security policy

As already emphasized on several occasions, civil society plays a particularly vital role in implementing UNSCR 1325. In addition to the task of pressing governments to adopt a UNSCR 1325 National Action Plan, civil society groups help implement NAPs through their global activities, monitor implementation by states and give recommendations on how to improve implementation. I will focus here mainly on the monitoring role. Civil society engagement in gender-sensitive peace and security policies was not a part of my workshop presentation in Lviv and would require a separate study.

Although I lack knowledge of civil society monitoring in the Netherlands, it should be noted that, as much as we should applaud civil society's co-authorship of the Dutch NAP, this naturally removes the distance between civil society and the plan it collaborated on, something which in turn may affect

11 http://www.auswaertiges-amt.de/cae/servlet/contentblob/755916/publicationFile/223346/170111_Aktionsplan_1325.pdf: p. 11.

the critical monitoring abilities of civil society. The situation is different in Germany and Switzerland, where the governments are sole signatories to the NAPs. Here civil society has maintained the necessary distance to the state and makes use of this fact.

In Germany, Bündnis 1325, an informal coalition of some 15 non-governmental organizations and civil groups currently coordinated by a representative from medica mondiale, critically monitors the German government's implementation of UNSCR 1325. It has carried out this role since 2010, the year that marked the resolution's 10th anniversary. During this time, the coalition's representatives have closely monitored and commented on the German government's implementation efforts, offering constructive criticism when the latter's peace and security policy-making has been lacking in gender sensitivity, coherence and effectiveness. In addition to submitting comments on the first and second NAP drafts and participating in the newly established consultative group, comprised of representatives of civil society and of the Ministries that are part of the Inter-Ministerial Working Group, one example of critical monitoring in particular should be cited. In response to the latest shadow report on the implementation of the CEDAW Convention, the German Women Lawyers Association and the German Women's Security Council published a joint statement entitled "Supplement to CEDAW Alternative Report Germany 2016" to comment on the steps undertaken to implement the recommendations regarding UNSCR 1325 contained in paragraphs 51 and 52 of the Concluding Observations of the CEDAW Committee from February 12, 2009. The authors of this statement welcome the German government's adoption of the first and second NAPs on UNSCR 1325's implementation. On the other hand, they level the following criticism at the German government's actual policies: 1. "... the NAPs have not been developed through an inclusive and participatory process with women's organisations. The civil society consultations were made last-minute and merely symbolic, instead of being a real concern to the government." 2. "The government fails to mainstream the Women Peace Security [policy] in a coherent, comprehensive and sustainable manner." 3. "Germany needs to take special protective and supportive measures for female refugees on its territory, to improve its administrative supervision of abuses by members of the Federal Armed Forces and to increase its efforts with regard to gender sensitive investigation and prosecution of gender-based violence and crimes."¹²

A good example of political intervention by civil society is the already mentioned report "Women, Peace, Security – reloaded" from 2016, which was prompted by a recommendation of the Swiss government. The prestigious Swiss-based women's organizations Swisspeace, Christlicher Friedensdienst (CFD), PeaceWomen Across the Globe (PWAG) and Women for Peace jointly compiled the report, which is subtitled "Civil Society Alternative Report on the Swiss National Action Plan 1325 as seen from the Gender Perspective. Impulses and Inputs for Actors in Politics, Administration and Civil Society." It concentrates on three fields of action in which gender is an important distinction and gives recommendations for improving these fields of action. On the one hand, the report acknowledges UNSCR 1325's significance as a milestone in peace and security policy, but goes further in that it identifies policy gaps, as already discussed in the first section of this article, and provides specific recommendations on how to bridge these gaps. Particularly interesting are insights on misunderstandings relating to UNSCR 1325's implementation that arose out of well-intentioned

¹² www.djb.de/Kom-u-AS/K6/st16-27/: p. 1.

but misguided conclusions. In the light of the focus of implementation on protecting against sexual violence being used a tactic in armed conflict, particularly against women and girls, the report draws our attention to the fact that stereotyped and widespread images of women as victims looking for protection and of men as aggressors, perpetrators or protectors can have negative consequences because they simplify and prevent the recognition of a variety of perspectives.¹³ Instead of being guided by stereotypical and culturally constructed conceptions of women's and men's roles in conflicts, which tend to further fuel conflicts rather than helping in non-violent conflict resolution, the report's authors recommend conducting in-depth analyses of gender relations in the conflict region: "This is the only way for the answers to provide the information relevant to the understanding of gender roles and gender relations and to break up the stereotypes of medial imagery."¹⁴

Another recommendation of the report can be understood as a reaction to a shift taking place in many countries, namely the transition from a civil to a military security policy. The report's authors champion the concept of human security, saying that "human security is not a defensive concept like territorial or military security; it is instead an integrative concept." When it comes to ensuring citizens' security, instead of greater militarization they recommend investing in measures that address structural inequality, specifically "better working conditions, broader economic perspectives, recognized time off for care work and the safeguarding of social networks, which is mostly left to women."¹⁵ They establish here a connection between "peacebuilding and economic activities in everyday life, [and] between security and work."¹⁶ Finally, they advocate linking UNSCR 1325 to the CEDAW Convention and to the obligation incurred therein by contracting states (already the overwhelming majority of states¹⁷) to eliminate structural inequalities between genders, to secure women's rights and to enact positive measures to restore equal opportunities for all genders.

Through their analysis and studies, which draw upon a wealth of practical experience gained from doing peace work around the world, civil society groups beckon us all to more vigorously pursue coherent, comprehensive and sustainable peace and security policies and to inject more life into these policies than has previously been the case.

13 Swisspeace, CFD, PWAG, Women for Peace, op. cit., p. 19.

14 Swisspeace, CFD, PWAG, Women for Peace, op. cit., p. 19.

15 Swisspeace, CFD, PWAG, Women for Peace, op. cit., p. 31.

16 Swisspeace, CFD, PWAG, Women for Peace, op. cit., p. 31.

17 Women's Human Rights CEDAW in International, Regional and National Law, ed. by Anne Hellum and Henriette Sinding, Cambridge 2013, p. 134.

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Co-optation of feminism: Gender, Militarism and the UNSC Resolution 1325

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Introduction

United Nations Security Council Resolution 1325 (hereafter UNSCR 1325) is often referred to as a landmark and a revolutionary resolution (Cohn, 2008; Shepherd, 2015). For the first time such a highly masculinised institution like the UN Security Council directly addressed the subjects of women and armed conflicts, putting them on the same level of hierarchy and recognising women's agency to participate – as decision makers in all levels – in conflict prevention, conflict resolution and peacebuilding processes (UNSCR 1325, 2000). In October 2015 on the occasion of the 15th Anniversary of the Resolution, the Global Study on 1325 was launched (UN Women, 2015). The page 191 of the Study states: 'Women, peace and security is about preventing war, not about making war safer for women' (Coomaraswamy, 2015). Despite this important claim, the debates around the Resolution show that the Resolution not only fails to advance anti-war feminist agenda, but also gets utilised for militarist purposes, transforming its radical potential into an instrumentalised, co-opted feminist agenda.

Reflecting on antimilitarist feminist debates, I focus on how gender security discourses within the United Nations (UN) 'do' the process of 'war'. Particularly, I argue in this essay that the UNSCR 1325 was developed through gendered discourses that allowed the use of the Resolution for militarist purposes. Informed by poststructuralist feminist theory, I refer to the Resolution as a discursive practice and claim that the ways in which the UN conceptual apparatus understands and interprets gender and security concepts open up possibilities for states to co-opt the very radical meaning of the Resolution by legitimising and normalising militarist practices and silencing anti-militarist critique.

In order to support my argument, I first examine the gendered discourses behind the creation of the Resolution. The next two parts are devoted to the analysis of two major ways by which, I argue, the Resolution is being militarised – 1) the association of gender with 'women in need of protection' that justifies foreign militarist interventions and 'ensures' protection by enhancing military, and 2) the increase of women's inclusion into security sector and armed forces in the name of women's 'participation' in post-conflict reconstruction. I conclude by arguing that discursive analysis of the Resolution is crucial as it reveals how a Resolution that had a subverting potential to challenge militarised patriarchy reinforces exactly those power structures it was called to dismantle.

Gender, war and militarism in a discursive terrain

I first propose stepping outside of the conventional polarised understanding of war and peace; suggesting instead to focus on militarisation as a broader and more complex process of 'doing' war. I then claim that paying attention to discourses is important in order to understand how the way through which United Nations interprets gender security gives room to militarisation practices.

Christine Sylvester suggests that 'war is a politics of injury: everything about war aims to injure people and/or their social surroundings' (Sylvester, 2012: 3-4). War as a 'politics of injury' is a deeply gendered activity (Parashar, 2015: 100) and invokes political nurturing of some kind of 'militarised masculinity' (Enloe, 2000: 100). War is systemic and exists in a continuum (Cockburn, 2015: 114). This continuum entails a cycle from militarism, the process of militarisation, the episodes of 'hot war' and the agreement on a ceasefire followed by an unsteady peace with sustained military investment and continued violence (Cockburn, 2004). Recognising the complex, blurred and diverse expressions and experiences of war, this essay positions itself outside of the traditionally circumscribed bipolar interpretation of war and peace. Informed by the conceptualisation of Cynthia Enloe on militarism (Enloe, 2014; Enloe, 2000), this essay analyses the gender security discourses that sustain militarisation rather than war, viewing militarisation as a set of interwoven processes that make war a legitimate never-ending phenomenon.

Cynthia Enloe (2000: 3) suggests that militarism is a 'step-by-step process by which a person or a thing gradually comes to be controlled by the military or comes to depend for its well-being on militaristic ideas'. As Laura Sjoberg and Sandra Via claim, 'militarism is the extension of war-related, war-preparatory and war-based meanings and activities outside of 'war proper'' (Shepherd, 2016: 2). In moulding a culture of war and peace, militarisation entails various different, yet not so obvious forms and manifestations; therefore, this essay argues that the UNSCR 1325, although initially appearing to subvert patriarchal configurations, has become one of those hidden strategies of masculinised militarisation.

This essay is interested to explore how the meanings of gender and gender security have been produced in relation to development and implementation processes of the UNSCR 1325. The essay approaches the concept of gender as performative and as an inherently unstable notion (McLeod, 2016: 17). It is inspired by Judith Butler's (2006) theorising of gender as a 'doing' rather than a 'being'. As Butler puts it, gender is 'always a doing, though not a doing by a subject who might be said to preexist the deed' (Butler, 2004). Gender performativity entails that gender is a result of discourses rather than deriving from the materiality of the body. Human beings produce certain practices and knowledge through gendered discourses that have a productive force of power, which means that these very discourses produce and shape the subjects themselves. Therefore, the way gender is interpreted within the UN's conceptual apparatuses is crucial to understand how discursive policies are being developed and implemented in practice. In other words which actions do those discourses naturalise and which ones do they leave untackled?

Discourses in the UN matter as much as 'language matters in politics'(Shepherd, 2010b: 144). Laura Shepherd finds that in order to understand how best to implement a policy we need to understand not only how a policy means but also 'how' it comes to mean(Shepherd, 2010b: 144). She finds that discourses are 'systems of meaning production rather than simply statements or language' (Shepherd, 2010b: 156). Following that logic, I suggest that the conceptual organisation of the Resolution prescribes and proscribes certain normative understandings of 'security' and 'doings' of gender. The value-laden meanings attached to the UNSCR 1325 have profound implications for its implementation. Consequently, we should first critically engage with how the UN's understanding of gender and security has shaped the development and implementation of the Resolution, viewing the Resolution as a discursive practice that implies and proscribes certain kinds of understanding of gender, war and peace.

As Laura McLeod suggests, the specific performance of gender security relies upon a particular logic of 'gender' and 'security' (McLeod, 2011: 595). It is 'inherently political' which means that certain actors can use the conceptualisation of gender and opportunities deriving from a specific discourse for their particular goals, achieving specific political translations of UN policies and documents. In this essay I argue that the ways in which gender and gender security are represented in UN peacebuilding architecture discourse permit and legitimise certain types of actions by the states (support ongoing process of militarisation) and preclude the others (silence anti-war and anti-militarist critique). In order to support my argument, in the following sections I analyse the particular gender politics that shaped the gender security discourses during the process of the Resolution's development and then proceed to examine two major ways by which, I claim, the Resolution is being co-opted and militarised by the states.

Making war safer for women: Resolution 1325 and herstory

Since 2000, there have been six further resolutions adopted by the Security Council after the UNSCR 1325 that together shaped the 'women, peace and security' (WPS) agenda in the United Nations (Shepherd, 2015: 273). The WPS agenda contains three main 'pillars': protection, prevention, and participation. In the next section of this essay I focus on two pillars and argue, that both 'protection' and 'participation' goals are being used by states to increase their industrial military complexes and include more people in militarised security institutions.

It has been argued that the UNSCR 1325 reproduced the conventional understanding of the UN on human security – that the state provides security, that security is the absence of conflict and that security is something that can be achieved (Shepherd, 2008b: 127; McLeod, 2016: 37;Zajović, 2010). As highlighted in the Resolution, the Security Council's primary responsibility under the UN Charter is the 'the maintenance of international peace and security' (UNSCR 1325).Within this logic, gender security in the Resolution is understood as an extension of human security, configured in a way that does not challenge conventional security ideas according to which militaristic institutions are guarantees of ensuring (state) security. Moreover, for many feminist-pacifists the UNSCR 1325 is problematic because it does not explicitly challenge the existing power structures and assumptions of the war system (Cohn, 2008; Cockburn, 2007). While the Resolution explicitly calls for women's

protection from violence, their inclusion into peace operations and conflict resolution, there is no single paragraph in the Resolution's text that would tackle the prevention of wars or the militarism per se. With this, the Resolution accepts the a priori existence of war, naturalises the need of militarisation and leaves these phenomena unquestioned, instead deploying efforts to make inevitable wars at least safer for women. That 'gender security' is conceptualised in ways that do not challenge militarism and war becomes clear when we look into the herstory of the Resolution.

In 2000, during the UN Commission on the Status of Women the NGO Working Group on Women, Peace and Security was formed to advocate for the adoption of the Resolution (Cohn, 2008: 4). The drafting process implied a huge amount of work by many actors, notably by NGOs. Nevertheless, despite its exceptional drafting procedure that united different constituencies, the examination of the root values, original objectives behind the adoption of the Resolution unpacks a number of crucial facts.

It is interesting to notice that the majority of the Working Group members positioned themselves neither as 'anti-war' per se nor as feminist (Cohn, 2008: 12). Out of the six members only the Women's International League for Peace and Freedom (WILPF) explicitly identified itself as feminist, anti-war and anti-militarist and did not avoid talking about 'political' issues (Cohn, 2008: 12). The suggestion by WILPF to talk about the international arms trade, militarism and its relation to masculinities was deemed to be 'too political'. Hence, the causes of armed conflicts were assumed to be too radical to be integrated in the Resolution.

The absence of these logics from the Resolution talks about discursive practices of the WPS agenda which can be assumed to duplicate the conventional practices of international peace and security institutions where state security is exercised through military means. As a result, the Resolution protects women in war, highlighting that they now have an equal right to participate in ending particular wars, leaving war itself intact. The existence of war as a system and the operation of the military-industrial complex are not challenged in the UNSCR 1325 and thus are legitimised. At the same time, it would be too naive to think that Resolution could be able to challenge the existence of war per se. When more than 80% of the profits from the global arms trade go to the five permanent members of the Security Council (Cohn, 2008: 18) the question how the Security Council can practically be against wars becomes inane.

Not only war, but also militarised masculinities are not a subject for the Resolution. Nothing is said in the Resolution about men and masculine culture of violence (Cockburn, 2013: 444). The Resolution is developed by normalising the understanding that violence against women and girls will always happen, so there is a great need to 'protect the rights of women and girls during and after conflicts', to 'protect women and girls from gender-based violence, particularly rape and other sexual abuse'. With this, the Resolution does not challenge the patriarchy; the patriarchal system of male dominance is left out from the agenda of the Resolution. The next two sections of this essay show two major ways through which militarisation of the Resolution takes place – 1) through the association of gender with 'women in need of protection' (the 'protection' pillar of UN WPS agenda) and 2) through ensuring women's 'participation' in post-conflict reconstruction via their inclusion into military and security sector (the 'participation' pillar).

“They will save you with their weapons”: gender as ‘women in protection’

As Nadine Puechguirbal points out, in the UN language women are mainly portrayed as victims in need of protection (Puechguirbal, 2015: 254). Despite its groundbreaking approach, the Resolution 1325 still uses the language of victimisation. 'Expressing concern that civilians, particularly women and children, account for the vast majority of those adversely affected by armed conflict' and recognising the impact of 'effective institutional arrangements to guarantee [women's] protection', the Resolution calls on measures to 'ensure the protection of and respect for human rights of women and girls', to 'protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence in situations of armed conflict' as well as calls upon to 'take into account the particular needs of women and girls' (UNSCR 1325). Women in the Resolution are also associated with children, defining them as helpless vulnerable individuals. Indeed, as Cynthia Enloe puts it, 'militaries rely both on women and on presumptions about femininity' (Enloe, 2000: x; Enloe, 2010: 3). So the Resolution reinforces the idea that (militarised) men are perceived as the norms of reference and the 'protectors' while women constitute the 'others' – the helpless, the 'protected', 'the women and children'.

One of the ways the UNSCR 1325 is implemented is through the development of National Action Plans (NAPs). Laura Shepherd has analysed the NAPs developed in six countries – Australia, Georgia, Germany, Italy, the UK and the USA. Her findings show that the NAPs predominantly focus on 'protecting women' and 'making war safe' for them. A number of NAPs such as those adopted by the USA, UK and Australia also represent war and insecurity 'overseas' rather than in their respective countries (Shepherd, 2016: 1), upholding the idea of extra-territorial engagement (Kronsell and Kronsell, 2012: 5) that opens up possibilities for foreign (military) interventions.

Drawing on Michel Foucault's concept of governmentality, Audrey Reeves highlights that within governmentalised UN peacekeeping discourses certain rationales for military intervention in the post-colonial world are justified (Reeves, 2012: 350). Hence, the discourse of women in need of protection may maintain global hierarchies and uphold 'colonial feminism' (Al-Ali and Pratt, 2009). For instance, the UNSCR 1325 was used in the preamble of the Security Council Resolution 1483 on Iraq when, it can be argued, women's inclusion into reconstruction was used in the name of justifying military occupation and rhetoric on 'liberating' oppressed women (Cohn et al., 2004: 138). For Moghadam, too, the Resolution was side-lined in the name of the 'global war on terror' (Moghadam, 2015: 339). The colonial intelligibilities and practices thus still continue to work in the name of protection (Agathangelou and Turcotte, 2015: 43). Ignoring the intersections of class, ethnicity, nationality, sexual orientation, gender identity or other important aspects, the UNSCR 1325 continues to reproduce 'white western heterosexual feminism' (Santos et al., 2012; Pratt, 2013) failing to interrogate capitalism, neo-colonialism or imperialism and integrate intersectional and postcolonial feminist approaches.

In the name of women's protection, the UNSCR 1325 and the 'protection' pillar of the WPS agenda are being deliberately used for states' militarist, imperialist or neo-colonial objectives. Gender is interpreted by the UN as 'women in need of protection' while gender security is seen within the prisms of conventional state-centered militarised understanding of security. The way in which

gender and gender security logics work throughout the Resolution and how the UN interprets them is thus crucial because it is exactly due to these manipulations of discursive representations that the co-optation of the Resolution becomes possible. Protection, however, is not the only strategy deployed for militarisation of the Resolution. Focusing on the example of Armenia, the last section of the essay discusses how women's participation secures the militarist agenda of the states and leaves the masculine power paradigms unchallenged.

“We can do it!”: women's inclusion into security sector and armed forces

Recognising 'the need to increase [women's] role in decision-making with regard to conflict prevention and resolution', the Resolution 1325 urges 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'. It also 'encourages the Secretary-General to implement his strategic plan of action (A/49/587) calling for an increase in the participation of women at decision-making levels in conflict resolution and peace processes'. It is interesting to observe the disproportionate ways in which the 'participation' of women in conflict resolution and post-conflict rehabilitation takes place in Armenia. Particularly, the inclusion of women in decision-making and peace negotiation processes can be compared to the proliferating increase of women's presence in the military institutions. The examination of extremely scarce data on the subject of 1325 in the country shows that women's participation in the security sector is the major 'implementation area' of the UNSCR 1325 and is highly disproportionate to the level of women's participation shift in other sectors.

Hence, as of 2016 there are only 12 women out of 131 members in Armenia's National Parliament. Only two ministers are female and the percentage of women ministers never underwent any significant changes in recent years (Shahnazaryan, 2015). Women are excluded from any formal peace negotiation efforts and their peace efforts remain on a marginal non-formal level (Kvinna till Kvinna, 2012; The Global Network of Women Peacebuilders, 2013). The same tendency, however, is not observed when it comes to women's participation in the security sector. Armenia is undergoing security sector reforms, one of the components of which is to encourage the engagement of more women into the security sector (Armenpress, 2015b). Hence, in June 2013 Armenia's Defence Ministry announced that women became eligible for admission at two major military institutes of the country (Abrahamyan, 2013) which was later on reported as a big step towards the implementation of the Resolution. In Armenia the implementation of the UNSCR 1325 thus is equated to women's participation in Armenian defence and military structures which suggests that women can be secured through equalising opportunities. It also suggests that gender security is viewed within the militarised vision of security.

The most vivid example of how Armenia complies with its commitments against the Resolution is the strengthening of partnership between Armenia and NATO aimed at successful implementation of the Resolution 1325 (NATO, 2016). In fact, a close look into the set outcomes and the actions by the NATO/EAPC Action Plan 2014-2016 is enough to understand the massive scope of militarisation in the name of the Resolution (NATO, 2014). As stated in the policy, 'NATO's fundamental and enduring purpose is

to safeguard the freedom and security of all its members by *political* and *military* means (NATO, 2014), emphasis is added). Meanwhile, the co-optation of the Resolution by NATO in different countries is not a new phenomenon and was observed by a number of anti-militarist feminists (Cockburn, 2009).

In order to strengthen NATO-Armenia alliances, in November 2014 a 'NATO week' was organised in Armenia one of the themes of which was the UNSCR 1325's implementation in Armenia (Leach, 2014; UNFPA, 2015). Not surprisingly, the official event held in the frames of the Resolution was organised by the Ministry of Defence, the Ministry of Foreign Affairs and UNFPA Armenia which once again emphasised Armenia's militarist and liberal approach to the implementation of the Resolution. Similar events were organised in 2015 and 2016 respectively.

Hence, on April 3th, 2015, RA Ministry of Defence hosted NATO Secretary General's Special Representative of Women, Peace and Security, Ambassador Mariët Schuurman. During the meeting the Resolution 1325 was discussed. As stated by the Ministry of Defence, the strategy deployed by the Republic of Armenia towards the implementation of the Resolution is successful the indicators of which are women's inclusion into the security sector and security politics as well as the increasing number of females in military institutions (A1plus.am, 2015).

In November of the same year, UNFPA Armenia, RA Ministry of Defence and RA Ministry of Foreign Affairs organised a workshop on the implementation of the Resolution 1325 where representatives from the NATO, different international organisations and diplomatic agencies, civil society and academia were present. Mr. Vahan Asatryan, Senior Expert at the International Center for Human Development spoke about the study supported by UNFPA on the inclusion of women in the sphere of defence in Armenia. Mr. Artur Atanesyan, Head of Chair of Applied Sociology at Yerevan State University presented the upcoming book 'Woman and the Army' that covers the involvement of women in the armed forces (UNFPA, 2015).

Not surprisingly, during the 'NATO week' 2016 in Yerevan the NATO Liaison Officer in the South Caucasus William Lahue has noticed at an event entitled 'Women in the military forces' that 'Women's role and significance in the military forces has been neglected for many years, however the United Nations and the NATO do acknowledge and recognise them' (Mediamax.am, 2016). These examples show how women's inclusion in security is interpreted as the Resolution's ultimate goal. Women's growing participation in the military and the misuse of the Resolution 1325 is not, however, an external intervention from the global militaries but rather a reciprocal, mutually beneficial process of ongoing militarisation. Under the 'Nation-Army' paradigm adopted by the Armenian ruling elite (News.am, 2017) according to which the nation is equalised to the army and Armenian society is transformed into an army-society, women's agenda becomes just another area of co-optation for nationalist militarist purposes.

It can be stated that the inclusion of women in militaries suggests that WPS agenda should be implemented because it enables states to make war *better* (Shepherd, 2016). In fact, adding more women into an institution whose *raison d'être* is to use violence against the 'other' in order to uphold the security of 'another' (Al-Ali, 2009) is not a radical action. It is problematic to think that 'add women

and stir' strategy can help to change the militarised masculinity. As Hannah Wright (Wright, 2015: 505) puts it, "are calls to recruit more women really feminizing the military, or just militarizing feminism"? This rhetoric question leads to the idea that the power structures that feminists want to dismantle are the very structures that condition the women's entry (Cohn et al., 2004: 138). Therefore, within the UNSCR 1325 women are included into security sector and the armed forces in ways that do not subvert the fundamentally masculinised culture of the military, leaving the unequal power structures and war system unquestioned.

Conclusion

The UNSCR 1325 has a potential to subvert hegemonic gender norms and support the critical reconceptualization of gender security. However, in this essay I argued that despite its revolutionary potential, the UNSCR 1325 continues to perpetuate the war system which it is supposed to dismantle, transforming women's agenda into another instrument to achieve political goals defined by and for men. The lack of interrogations on how 'gender' and 'gender security' are understood and applied by the UN does not merely leave the war system intact but also normalises war for militarised actors in power. It harnesses women's agency in the reproduction of power structures within the neo-liberal imperium in the name of women's 'protection' and 'participation' and thus not only fails to challenge the militarisation but also militarises feminism itself.

Questioning the operation of the UN security apparatus and dismantling its conventional interpretation of gender and gender security is a daring strategy. However, it is important to critically reflect on the language the UN uses because the discourses that it produces shape the implementation of its Resolutions. Jacques Derrida (1989) claims that there is nothing '*beyond* the text'; our actions come to a meaning through words. Discursive practices construct, produce and legitimise certain meanings and actions, and it is these practices that we need to interrogate. The UNSCR 1325 should not normalise war and increase militarisation processes; it should be used to encourage demilitarisation, development of anti-militarist policies of peace and ensure discursive shift from the conventional understanding of militarised and state-cantered security into a feminist conceptualisation of peace.

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Experiences of protracted displacement in narratives of Internally Displaced women from Abkhazia

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The following paper is based on the narratives of internally displaced women who were forced to flee from Abkhazia within the territory of Georgia¹⁸ in the beginning of nineties. It focuses on women's experiences of forced displacement and is based on the preliminary results of a larger research project.¹⁹ Based on life history interviews with internally displaced women, my goal is to understand how displaced women remember, revisit and construct their past prior to the armed conflict and in relation to their present circumstances, how they experienced and describe violent events and the aftermath, how they reflect on and make sense of their lives in protracted displacement up to the present time.

Since gaining its independence in 1991, Georgia has experienced dramatic transformations, several waves of armed conflict and forced displacement. In 1991-1994, and later in 2008, thousands of ethnic Georgians were forced to flee their homes and relocate within the territory of Georgia, as a result of armed conflicts in South Ossetia and Abkhazia. According to some estimates, these conflicts resulted in the forced displacement of more than 370,000 people (IDMC/NRC 2012). According to more recent figures there are approximately 232,000 conflict-induced IDPs in Georgia (IDMC 2014), amounting to 6 percent of the country's population (Ferris, Mooney, and Stark 2011).

Both refugees and IDPs are forced to leave their homes, unexpectedly and in large numbers. Though, unlike refugees, IDPs do not cross the international border, they rather stay within the borders of their home country and remain under the protection of their own government. Both refugees and IDPs "begin from a position of loss, including the loss of assets, family and community, and often emotional and physical health" (Jacobsen 2014); the key difference lies in the fact that IDPs are citizens, while refugees are 'foreigners' in a hosting society. Although, despite living in their own country, IDPs have experienced isolation, stigma and marginalization and felt like outsiders in their own society (Mitchnek et al. 2009, Rekhviashvili 2015), which has also been voiced by women in this study.

Regardless of being the citizens of the same country within which they have been displaced, IDPs, as Lundgren puts it, are not in the 'right' place; they "both belong and do not belong; they are simultaneously *insiders* and *outsiders*" (Lundgren 2016:19). Turner's conceptualization of *liminality* and *transitional beings* can also be useful to describe the condition of limbo in which IDPs in Georgia have been trapped for over 2 decades; In Turner's words "transitional beings, or liminal personae

18 The route of their journey was not linear: most interlocutors in this study had to relocate from one destination to another multiple times in order to escape from war and survive. Some of them spent first days after the flight in neighboring Russia and then returned back to Georgia, where eventually they were provided with the 'temporary' shelter/accommodation either by the state, or by their relatives.

19 Between December 2015 and February 2017 I conducted in-depth interviews and follow-up conversations with 14 women from Abkhazia for my PhD research. The women ranged in age from fifty-five to seventy years old. Empirical data gathered in 2015 and 2016 was analyzed and incorporated as a book chapter in a volume *Gender in Georgia* to be published by Berghahn Books in Autumn, 2017.

[...] are neither here nor there, or maybe even nowhere [...] and are at the very least 'betwixt and between' all the recognized fixed points in the space-time or cultural classification" (Turner 1967:236). Under the circumstances of prolonged displacement, IDPs feel caught up between their lost homes, present 'temporary' homes and imagined future homes. (Kabachnik et al.2010, Lundgren 2016)

Contributors in the volume *The aftermath – Women in Post-conflict Transformation* emphasize that challenges of rebuilding lives in war-torn societies are "much more complex and difficult than the task of putting an end to fighting". In individual chapters they illustrate that "there is no one aftermath because the scenarios following the war are as various as the conflicts themselves" (Meintjes et al. 2002) Furthermore, the conflict and its aftermath is experienced and remembered in different ways by men and women. The growing body of literature in feminist memory studies has emphasized "the ways in which the past shapes the present, and all of 'us' in the present, in multiple and deeply gendered ways" (Altinay and Peto 2016). Women I interviewed do not belong to the single group, therefore "not only their experiences differ but also their connections to the conflict, and these experiences and connections determine their position in the aftermath" (Bop 2002). Nevertheless, there are certain similarities in their experiences of living in exile. For example, memories of their lost homes and recollections of their lives in pre-war, peaceful Abkhazia take up enormous space in stories they share. These memories are all positive and evoke nostalgic sentiments, which is in consistence with similar research that has emphasized that positive remembrance of the past and nostalgia as an emotional experience present in post-socialist, post-conflict countries like Georgia, is very strongly linked to the loss of the social trust, as well as the present social insecurity, which strengthen the feeling of longing for the past (Light and Young 2015, Petrović 2008, Palmberg 2013, Velikonja 2005, Kabachnik et al. 2013, Dunn 2014, Arjevanidze 2017). At the same time it can also be read as an expression of criticism of the present condition. While in post-conflict settings, in recollections of IDPs, whose feeling of belonging to the lost home and the land is stronger, the normalcy, safety, security of the past is defined against the present situation, constructed in relation to the current harsh circumstances and continuous uncertainty (Toria 2015, Kabachnik et al. 2013, Lundgren 2016, Dunn 2014).

As stated earlier, IDPs from Abkhazia have been trapped in uncertainty regarding the possibilities of return to their former homes in the situation of protracted displacement. The idea of the aftermath and the post-conflict stage becomes even more ambiguous and complex when they are stuck in the waiting that never ends, in the meantime living in the so-called 'temporary' accommodations for indefinite time. Emotional distress and memories of the war, coupled with economic instability and harsh living conditions renders lives of most IDPs particularly vulnerable. Thus, living in uncertainty and open-endedness of protracted displacement has become a chronic condition for many IDPs in Georgia, which can be characterized as an experience of continuous crisis.

Hence, the concept of *crisis* as an experiential domain conceptualized by Vigh (2008) as a chronicity, is key to my research in terms of theory. *Crisis*, in case of protracted displacement is understood as the open-ended rupture of the everyday and abnormality in contrast to normalcy of past times. By drawing on the quote²⁰ by Walter Benjamin on the 'state of emergency', Vigh views *crisis* that is either

20 "The tradition of the oppressed teaches us that 'the state of emergency' in which we live is not the exception but the rule" (Benjamin 1999: 248 cited in Vigh, 2008)

social, political or existential, as a chronic and constant condition of the lives of increasingly many people in the world. He suggests to understand crisis not as a temporary experience of abnormality and rupture caused by a wide array of traumatic events at a definite period of time, but rather as a constant state of affairs and the situation of abnormality in which "the chronically ill, the structurally violated, socially marginalized and poor" continue to live and try to manage their lives (Vigh 2008:7).

Apart from chronic uncertainty and instability, trauma and memories of violent events have to be given due consideration when we speak about individuals living in the aftermath of the war. As Rydstrom notes, it is important to consider the ways in which the 'memories about war [...] are engraved in the social and individual body' and the ways in which individuals witnessing violent events try to "come to terms with the pain caused by war, heal their wounds and move forward" (Rydstrom 2009). Trauma of war in war-affected societies in Hirsch's words is experienced as "a sense of inexorable repetition of the past in the present and future in which injury cannot be healed or repaired, but lives on, shattering worlds in its wake" (Hirsch 2016). Women in my study²¹, revisit the war memories in distance to the violent event, rather than in proximity, nonetheless these memories do not cease to be experienced as an anthropologist Veena Das puts it, as a kind of an embodied 'poisonous knowledge', the knowledge that cannot easily be erased (Das 2000, Rydstrom 2009).

As noted by Vigh, living under extreme circumstances for increasingly many people around the world is 'unpleasant but not impossible', which is true for displaced women in this study. Experience of fragmentation or disruption of unity in times of crisis has not necessarily led them to human passivity. (Vigh 2008) To follow Das, individuals have managed to recover from extreme violence through a 'descent into the ordinary' and not by the escape from it. In her words "there is a mutual absorption of the violent and the ordinary [...] and the event as always attached to the ordinary and the everyday and anchor the event to it in some specific ways" (Das 2006). In the similar vein, women in this study, after witnessing armed conflict, experiencing extreme emotional damage, loss and trauma, have not only survived but strived, to develop what anthropologist Nancy Shepherd-Hughes calls 'the talent for live' (Scheper-Hughes 2008). And through this very descent into the ordinary life of new, previously unimaginable realities, through increased everyday responsibilities as caretakers, some of them as sole breadwinners in their households, after losing their husbands to the war, these women have manifested incredible strength, resilience and various tactics of dealing with the post-war realities.

In their recollections of war and reflections on their post-displacement lives, women I interviewed shared stories which revealed their extraordinary strength and 'human hardiness', in the form of everyday tactics of resilience that "allow individuals and communities to cope with and survive traumatic conditions" (Scheper-Hughes 2008). At the same time their stories are filled with pain and emotions such as regret and shame: they feel regretful for wasting and losing their most valuable years to the war; they feel regretful and sad for not being able to adequately provide for their children, for being unable to pay for their proper education, they feel unhappy for having the status of an IDP for more than 2 decades, they feel miserable for living in the same 'temporary' accommodation provided for IDPs almost 26 years

21 I conduct this research as a native participant observer and draw on intimate ethnography and life story in oral history as approaches to data gathering and interpretation. Anthropologists Alisse Waterston and Barbara Rylko-Bauer developed intimate ethnography to "enter a deeply private and interior place as ethnographers" (Waterston and Rylko-Bauer 2006:405). Waterston and Rylko-Bauer had close connections with their informants, likewise, my informants are people with whom I have close relations (Arjevanidze 2017).

ago, which, in the words of one of interlocutors in this study 'persists as a constant reminder of being a refugee in your own country, and a reminder of horrible years in the immediate aftermath of the war'.

To sum up, we need to consider the ways in which to approach the lives of thousands of individuals living and striving in war-torn societies; insistence on their resilience in times of chronic crises should not disregard their vulnerability, which would mean dismissing severe circumstances under which lives of socially disadvantaged groups become livable. At the same time admission of vulnerability for these women should not be read as "a plea for protection that potentially signals weakness and the perpetuation of disempowerment" (Hirsch 2016:82). Instead, as proposed by Scheper-Hughes, on the one hand we should not "underestimate the human capacity not only to survive, but to thrive, during and following states of emergency, extreme adversity, and every day as well as extraordinary violence" (Scheper-Hughes 2008:42), and on the other hand we need to consider the ways in which individuals can be both 'resilient and frail' and acknowledge the human vulnerability in this very manifestation of extraordinary human resilience.

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Interplay of Gender and Nationalism

Case study: War Crimes in Bosnia & Herzegovina 1992-1995

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1. Introduction to gender-based war crimes

The development of international military and *ad hoc* tribunals has allowed the international community to prosecute suspects responsible for crimes that occurred in specific regions of the world, but gender-based war crimes were largely ignored until the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR), had been put in place. Rape as the most severe gender-based crime had been prescribed as a crime in the International law, but its definition is a bit vague: it is considered to be a violent act of sexual nature committed against a certain person. IV Geneva Convention (Art. 27) states that „[w]omen shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault". Furthermore, has been forbidden by the Article 26 of the Protocol I to Geneva Conventions. Rape is explicitly included in article 5(g) of the Statute of the ICTY as a *crime against humanity*,²² There is a number of occasions wherein, during the armed conflict, women can be put at risk of gender-based violence at the hands of the ethnic Other Being one of them "rape comes to be interpreted as means of humiliating the Other and destroying a society's cultural, traditional, and religious integrity."²³

In the national and international context, gender/based war crimes have been recognised since long time in several form. During the history, prosecution has not been focused either on criminal liability or the real victims of the crime. Nowadays, gender-based crimes include but are not limited to rape, sexual slavery, forced prostitution, forced pregnancy/childbirth and forced sterilization.²⁴ Those crimes to be assessed proved and established need a specific evaluation as the crimes are seen as

22 *Statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia Since 1991*, Report of the Secretary-General Pursuant to Paragraph 2 of Security Council Resolution 808 (1993), art. 5(g), U.N. Doc S/25704/Annex (1993).

23 Patricia Albanese, *Nationalism, War, and Archaization of Gender Relations in the Balkans*, Violence Against Women, Vol 7. No. 9 September 2001, Sage Publications, p. 1007. Rape was a category of crime that was not clearly defined in international law until a Trial Chamber of the ICTR set out a rather concise definition in *Akayesu case* (§597). "The Chamber defines rape as a physical invasion of a sexual nature, committed on a person under circumstances which are coercive." This definition was taken up by the ICTY Trial Chamber in *Delalić at al case*. (§479). Analysing the national criminal legislation of a number of countries, the ICTY in the *Furundžija case* (§185) developed the criteria set out by the mentioned *Akayesu case* and confirmed by the ICTY in the *Delalić case*. It concluded that the objective elements of rape are as follows: (i) the sexual penetration, however slight: (a) of the vagina or anus of the victim by the penis of the perpetrator or any other object used by the perpetrator; (b) of the mouth of the victim by the penis of the perpetrator; (ii) by coercion or force or threat of force against the victim or a third person. Also coercive circumstances need not be evidenced by a show of physical force. Threats, intimidation, extortion and other forms of duress which prey on fear or desperation may constitute coercion, and coercion may be inherent in certain circumstances, such as armed conflict or the military presence. The *UN Special Rapporteur on the Situation of Systematic Rape, Sexual Slavery and Slavery-Like practices during Armed Conflict* (Ms. Gay J. McDougall) (1998) defined 'sexual slavery' as the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised, including sexual access through rape or other forms of sexual violence. The perpetrator of 'sexual slavery' exercise (1) any or all of the powers attaching to the right of ownership over one or more persons, such as by purchasing, selling, lending or bartering such a person or persons, or by imposing on them a similar deprivation of liberty or (2) caused such person or persons to engage in one or more acts of a sexual nature.

24 See, e.g., Kelly D. Askin, *Developments in International Criminal Law: Sexual Violence in Decisions and Indictments of the Yugoslav and Rwandan Tribunals: Current Status*, 93 AM. J. INTL L. 97, 109 (1999) ("Rape and other forms of sexual violence have never been defined under international law. Also see Angela M. Higgins, "Else We Are Condemned to Go from Darkness to Darkness", Victims of Gender-Based War Crimes and the Need for Civil Redress in U.S. Courts, 70 UMKC L. REV. 677, 679 (2002) pp. 695-96.

both distinctive from other war crimes and are being paid no adequate attention to in post-conflict times.²⁵ For centuries, wartime rape of women was considered an inevitable consequence of war, necessary to boost soldiers' morale, and was lumped together with property crimes. Later, rape was considered a *crime against family honour*. Not until the last half century was rape understood to be an offense against the woman, against her dignity, instead of against her family's or her husband's honour.²⁶ "The image of women as sluts or whores in times of war is linked to the view of women as the property of men. If the duty of men was to fight for their country, the duty of women was to be sexually available in order to boost the morale of the troops."²⁷ It is evident how gender intersected with ethnicity - women were raped because they were women and because of their ethnicity.²⁸

War crimes disproportionately impacting women are known as *gender-based war crimes*.²⁹ The very crime and particularly the victims are being typically ignored or marginalized.³⁰ In times of war, women and girls are being targeted for sexual abuse on the basis of their gender, irrespective of their age, ethnicity, or political affiliation. By virtue of their gender, women become the target of one of the most serious violations that occur during the war [...] although there are a broad range of gender-based war crimes, each crime possesses a common element - women are exclusively or disproportionately the victims.³¹ Moreover, tragically, sexual violence toward women can be described as an authentic *tool (weapon) of war*.³²

As for the ICTY, it had been partially effective in prosecuting gender-based war crimes. „At least half of the public indictments in the ICTY have brought charges, either separately or in connection with other charges, alleging some form of gender-based violence, particularly sexual violence."³³

To endorse the hypothesis, the research shall encompass academic and professional papers, as well as jurisprudence of the *International Criminal Tribunal for the Former Yugoslavia (ICTY)* whose Statute includes rape as a crime against humanity, alongside other crimes such as torture and extermination, when committed in armed conflict and directed against a civilian population.

The establishment of the International Criminal Court (ICC) had represented a very important step forward in implementation of *retributive justice* as well as the accomplishment of other aims of international criminal prosecution of gender-based war crimes.³⁴

25 See, e.g., Stephanie K. Wood, *A Woman Scorned for the 'least Condemned' War Crime: Precedent and Problems with Prosecuting Rape as a Serious War Crime in the International Criminal Tribunal for Rwanda*, 13 Colum. J. Gender & L. 274, 275 (2004).

26 Rana Lehr-Lehnardt, *One Small Step for Women: Female-Friendly Provisions in the Rome Statute of the International Criminal Court*, 16 BYUJ. PUB. L. 317, 317-18 (2002), p. 317.

27 Sara Arvidsson and Roza Nermany (2007), *Gendered Dimensions of Identity Wars - The Case of the Former Yugoslavia*, Linköping University Department of Management and Economics Political Science 3, p. 20.

28 *Ibidem*, p. 34.

29 Jocelyn Campanaro, Note, *Women, War, and International Law: The Historical Treatment of Gender-Based War Crimes*, 89 GEO. L.J. 2557, 2560-64 (2001), p. 500.

30 See, e.g., John Simpson, *War Crimes-Have We Learned Anything?*, BBC NEWS, Apr. 20, 2005.

31 Campanaro, *supra note* 8, pp. 2557-58.

32 While rape has historically been used as a 'weapon of war' to terrify, humiliate, degrade, destroy, and subordinate, the rapes committed during these conflicts took things one step further - they were committed as part of a deliberate system of ethnic cleansing. Women were subjected to horrifying and violent sexual abuses; often committed at the hands of men they or their families knew (Campanaro, *supra note* 8, pp. 2569-70).

33 Askin, *supra note* 3, pp. 99-100. See Prosecutor v. Tadic, Case No. IT-94-1-I, Indictment (Amended), Dec. 14, 1995).

34 *Ibid.* p. 517.

The ICC offers several potential benefits to the incidence and effectiveness of gender-based war crimes prosecution, but it remains to be seen whether the potential benefits will translate into a viable outcome of the ICC when trying cases. Significantly, gender based war crimes are specifically included within the list of crimes the ICC can prosecute. Another benefit to prosecuting gender-based war crimes established by the ICC is the protections for victims. The ICC's rules concerning how and when victims testify are purposely loose in order to accommodate as many victims as possible without further traumatizing them.³⁵

2. Gender Relations in the Balkans' War 1992-1995

The Balkans conflicts, among other things, were attempts to shift social values back to more patriarchal forms of authority. "The rise of nationalism often involves a revival of patriarchal values and attitudes that work to legitimize male control, sexual entitlement and power."³⁶ With the rise of nationalism and militarization, there are institutionalized attempts to revive patriarchal social forms and relations that place women at an increased risk of violence.³⁷ Nationalism has been a distinctly gender-biased ideology, wherein the family becomes the source of the nation's continuity in the time where men are seen as martyrs and women as mothers.³⁸ "In the societies charged with ethnic nationalism, women are often seen as biological reproducers of the nation and carriers of culture. Thus, control over women in the domestic sphere becomes one of the prime ways of preserving cultural traditions that are perceived to be threatened in times of ethnic conflict".³⁹ Without her nationality a [Serbian, Croatian, Muslim, etc.] mother ceases to be a mother; her very identity is her [ethnic] nationality, which is the precondition of her motherhood".⁴⁰ Women are obliged to 'transfer blood in a pure manner, and that (ethnic) purity is interpreted as being 'natural', which represents "the ultimate criterion for membership in an ethnic community [and thus creating] a specific place for female sexuality and the maintenance of the boundaries of the group"⁴¹ As such, representing „one of the most powerful metaphors in the violent production of collective identities",⁴² „the raped woman dually symbolizes her nation's misfortune as well as provides the rationale and opportunity for national revenge."⁴³

When nationalists come to power in the Balkans, women became symbols of nationalist politics. To promote popular devotion, ideological discourses and propaganda of the Balkans' nationalistic governments "celebrated the warrior who selflessly defends the nation's future and the mother who ensures its survival as the biological regenerator of the nation."⁴⁴ The point is the following: in former Yugoslavia one can find attempted archaization of gender relations in everyday life that (re)

35 Andrea R. Phelps, *supra* note 10, p. 516.

36 Patricia Albanese, *supra* note 2, p. 1000.

37 *Ibidem*, p. 999.

38 Craig Calhoun, Nationalism and Ethnicity, *Annual Review of Sociology*, Volume 19 (1993), pp. 211-239.

39 Patricia Albanese, *supra* note 2, p. 1007.

40 Dubravka Žarkov, "Gender, Orientalism and the History of Ethnic Hatred in the Former Yugoslavia" in Helma Lutz, Ann Phoenix and Nira-Yuval Davis (Eds), *Crossfires: Nationalism, Racism and Gender in Europe*, London: Pluto Press, 1995, p. 139.

41 *Ibidem*, p. 113.

42 *Ibidem*, p. 177.

43 Nastasja Vojvodić, *Gender Analysis in Ethnic Conflict: Causes & Consequences in the Case of Yugoslavia*, School of Slavonic and eastern European Studies, University College London, p. 11. (available at http://www.academia.edu/1644292/Gender_Discourse_and_Ethnic_Nationalism_The_Case_of_Yugoslavia)

44 *Ibidem*, p. 1009.

institutionalizes patriarchal domination. On top of this, there is militarization and war, which celebrates hyper-masculinity and socially sanctions violence, what results in an enormously heightened sense of male empowerment and entitlement. The patriot and war her is merely filling his socially prescribed gender role as defender of blood and soil. To protect his blood, he protects his women. By protecting women, he defends his blood. By cleansing the enemy, he defends and purifies his soil. To do both, amounts to victory. To do neither may result in humiliation and defeat.⁴⁵

Rape was "an official policy of war' in the ethnic fighting and ethnic cleansing. As a tactic of intimidation and terror, Serbian forces raped Muslim women to humiliate and demoralize them and their communities... Serbians used rape to "pollute and water down" the bloodline of their enemies. [They] held their female victims captive in "rape camps" for months, until they were confirmed to be pregnant and it was too late to abort the foetuses, in an effort to "wipe out the Muslim blood" of their enemies by forcing them to bear Serbian children.⁴⁶

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Gender-based nationalism, striving for elusive ethno-biological purity, exposes women to sexual abuse. Women become attractive targets of sexual violence to hatred-driven nationalists. On the other, more human side of the problem, rape victims become bare figures, a statistic, while their psycho-social, human trauma turns into an item in the national political cause.⁴⁸ During the war, a male victims become heroes, whereas a female victims become 'damaged goods', at least until the time comes that nation decides to treat them otherwise. "In the course of war, the raped women go from being virgins, to being victims, to being damaged goods, to being forgotten. Unless this is recognized as a recurrent pattern found in many ethnic conflicts the problem will not go away, and many more women will become cases in a war-rape statistics"⁴⁹ Eventually, when woman is seen solely as a victim of nationalism, war and violence (especially sexual violence and rape) it produces „woman's relationship to ethnicity, nation and the state, empirically and conceptually [...] The 'ethnic war' in Balkans should not even be conceptualized as a *war between ethnic groups, but rather as a war that produced ethnic groups.*⁵⁰

45 Ibidem, p. 1011.

46 See Higgins, *supra* note 3, pp. 695-96.

47 Ibidem.

48 Ibidem, p. 1018.

49 Ibidem.

50 Dubravka Žarkov, "Feminism and the Disintegration of Yugoslavia: On the politics of Gender and Ethnicity", International Institute of Social Studies of Erasmus University (ISS), p. 14. (Emphasis partially added).

3. ICTY and Masculine Gender-Based War Crimes

A number of investigations being carried out so far pointed at systematic detention and rape of women even children. It sounds almost fictitious to state that more than a third of those convicted by the ICTY have been found guilty of crimes involving sexual violence (gender-based war crimes). "Yet, the narrative about Bosnian mass rapes is not simply a story of the final vindication of the gendered subject of security. It involves a much more complicated account of the construction of this very subject along gendered as well as national terms. The large-scale raping of Bosnian women – commonly suggested to be as many as 20,000 – and the perceived inability of the Bosnian men to provide protection were part of Serbian attempts to constitute the entire Bosnian nation as humiliated, inferior, weak and feminine."⁵¹

The ICTY has indicted 161 people for serious violations of international humanitarian law committed in the territory of the former Yugoslavia. Proceedings were concluded for 154 accused of which 83 were sentenced, 19 acquitted while 17 cases were transferred to national jurisdictions. For the time being, there is an Appeal case to be conducted by the Mechanism for International Criminal Tribunals (MICT) – Case of Radovan Karadzic. Ongoing proceedings are being conducted against 7 accused.⁵² Only one – Biljana Plavšić was convicted female war criminal.

Here are a few cases involving sexual violence. Apart from Krstić Case, which was by and large dealing with genocide – but was connected to sexual violence too - the rest of them deal with sexual violence itself.

3.1. Čelebići Camp Case⁵³

At the beginning, the ICTY was reluctant in prosecuting sexual violence crimes. However, in the *Čelebići Camp Case*, the ICTY prosecuted severe sexual abuse of prisoners in the Čelebići prison camp. The ICTY found the defendant guilty of rape as crime of torture (crime against humanity) and thereby made rape more than just a minor circumstance incident to other more monstrous crimes. Appeals Chamber decision affirmed the convictions and sentences to Mucić, Delalić and Landžo.

3.2. Furundžija Case⁵⁴

In this case, the ICTY broadened the prosecution of sexual violence crimes by expanding the definition of rape to include both oral and anal penetration. The ICTY additionally acknowledged that, though rape is covered under the ICTY Statute, other less grave forms of serious sexual assault are implicitly covered under the term 'other inhumane acts'. Appeals chamber rejected each ground of appeal, dismissed the appeal, and affirmed the convictions and sentences.

51 Hansen, Lene (2000) „Gender, Nation, Rape: Bosnia and the Construction of Security, *International Feminist Journal of Politics*“, 3:1, 55-75, DOI: 10.1080/14616740010019848, p. 56. Under the term „Bosniak“ author assumes „Bosnian“ i.e. Muslim women. See also on conceptualization of mass rape, rape, as 'normal/Balkan warfare' and/or 'rape as exceptional/Serbian warfare' pp. 59-65.

52 State of affairs as of 2 August 2016, see: <http://www.icty.org/en/cases/key-figures-cases> (accessed on 26 March 2017).

53 Čelebići prison camp was a prison camp run by Croat and Bosniak forces located in Čelebići, a village in the central Bosnian municipality of Konjic, during the Bosnian War. Prosecutor v. Delalić, Case No. IT-96-21-T, P 496, Judgment (Nov. 16, 1998).

54 Prosecutor v. Furundžija, Case No. IT-95-17, PP 174, 185.

3.3. Kunarac Case⁵⁵

This decision followed the pioneer indictment issued for prosecuting sexual violence. The ICTY found the defendant guilty of enslavement as a crime against humanity and convicted him for that crime. The crime took place in the town of Foča, where the Serbs created rape camps where women were subjected to multiple rapes, including gang rapes, and made to serve as sexual slaves to their Serb captors. Although the term was not used explicitly, the conviction was based primarily on 'sexual enslavement'. In this rape was charged as a crime against humanity before the ICTY. The Appeals Chamber dismissed the appeal brought by Kunarac and affirmed convictions entered by the Trial Chamber.

3.4. Kvočka Case⁵⁶

This ICTY case involved prosecution relating to the Omarska Camp used to imprison torture, kill, and rape, humiliate, and otherwise abuse persons suspected of resisting Serbian authority. The Judgment convicted all five indicted of crimes against humanity for sex crimes they committed, as they knowingly and substantially participated in the enterprise. In brief, Kvočka's appeal was dismissed by the Appeals Chamber and the Trial Chamber sentence was affirmed.

3.5. Češić case⁵⁷

Ranko Češić was sentenced to imprisonment for crimes that took place in the Brčko municipality (North-East Bosnia), in May 1992. At this time, Češić was a member of the Bosnian-Serb Territorial Defence in Brčko. On 15 May 1992, he became a member of the Intervention Platoon of the Bosnian Serb Police Reserve Corps at the Brčko police station. The indictment is comprised of 12 counts. Six counts charge Ranko Češić with crimes against humanity. "Five of these charge murder and one charges rape. Six other counts, referring to the same events, charge Češić with violations of the laws or customs of war. Five of these charge murder and one charges humiliating and degrading treatment".⁵⁸ According to court decision, the sentence was "proportional to the gravity of the crimes you committed. In addition to the gravity of the crimes [...] victims were all detainees placed under the oversight of you and other Bosnian Serb soldiers or policemen: [Češić] knew that [his] victims were particularly vulnerable. These considerations constitute, in the Chamber's view, aggravating circumstances.

3.6 Krstić Case⁵⁹

Whereas the *Kunarac et al.* judgement clearly defined rape as a tool of war, the case of general Radislav Krstić established a link between rape and campaign of 'ethnic cleansing'. The campaign deployed in the Srebrenica area in July 1995 was closely associated with the crime of genocide. General major Radislav Krstić was commander of the Drina Corps of the Bosnian Serb Army during the operation which resulted in the execution of around eight thousand Bosnian Muslim boys and men from Srebrenica in July 1995. As Srebrenica fell under Bosnian Serb Army control, about 20-30.000 of its Muslim residents, mostly women, children and the elderly, fled to the nearby village Potočari. Several

⁵⁵ Prosecutor v. Kunarac, Kovac and Vukovic, Case No. IT-96-23-PT & IT-96-23/1-PT.

⁵⁶ Prosecutor v. Kvočka, et al., Case No. IT-98-30/1.

⁵⁷ Prosecutor v. Ranko Češić, Case No: IT-95-10/1, Sentencing Judgement, (11 March 2004).

⁵⁸ Prosecutor v. Ranko Češić, Case No: IT-95-10/1, Summary of Judgement, 5.

⁵⁹ Prosecutor v. Krstić, Case No: IT-98-33-A, Appeal Chamber Judgement (19 April 2014).

thousand sought protection inside the UN military camp. Serb soldiers entered the compound, mingled in the crowd and threatened, beat and killed people. The soldiers also committed many acts of rape.

The Trial Chamber found Krstić guilty of crimes committed in Potočari, including the rapes that were deemed as "natural and foreseeable consequences of the ethnic cleansing campaign". The ICTY noted that there were "obvious similarities between a genocidal policy and the policy commonly known as "ethnic cleansing", even though the later was not a legal term. The Appeal Chamber reduces the sentence from 46 to 35 years of imprisonment. It was first time that a person from Balkans' wars was found guilty and convicted of genocide – more precisely, the court established beyond reasonable doubt that genocide was committed in Srebrenica in July 1995 and that general Krstić was guilty of aiding and abetting genocide.⁶⁰

4. Feminine Perpetrators of War Crimes in BiH

Here are cases where perpetrators of a war crime have been of female origin. Apart from these ones, it would be very difficult to find other cases with that make similar connection between war crimes and gender origin.

4.1. Plavšić case⁶¹

The Trial Chamber sentenced war political leader of Bosnian Serbs Biljana Plavšić to eleven years' imprisonment. The importance of the conviction was in the very fact that Plavšić entered guilty plea agreement that had "given rise to a reduction in the sentence which the accused would otherwise have received for the following reasons: a) it demonstrates honesty; b) it contributes to the fundamental mission of the International Tribunal to establish the truth in relation to crimes within its jurisdiction; c) it provides a unique and unquestionable fact-finding tool that greatly contributes to peace-building and reconciliation among the affected communities: individual accountability leads to the return of the rule of law, reconciliation and the restoration of peace across the territory of the former Yugoslavia; d) it contributes to public advantage and the work of the International Tribunal by saving considerable resources for investigation, counsel fees and trial costs; and e) it may relieve some victim witnesses from the stress of giving evidence. Further, the Defence submits that an accused who pleads guilty prior to the commencement of trial will usually receive "full credit" for that plea. [...] Her acknowledgement of the crimes and her personal accountability will contribute to rendering justice to victims, to deterring others, to providing a basis for reconciliation and to preclude revisionism.⁶²

⁶⁰ Those are closed cases of sexual violence having been tried before the ICTY. There are many of them to be revealed and tried before the national judiciary in Bosnia and Herzegovina. Additionally, Appeal Chamber of the Court of Bosnia and Herzegovina affirmed verdict by which Marijan Brnjić, member of the HVO Odžak, was sentenced to 6 years imprisonment for war crime committed in 1993 in Odžak (Northern Bosnia). He raped Serb woman. V.B. The most recent one being case of Elvir Muminović, Samir Kešmer and Mirsad Menzilović, accused of rape of 16 year Serb female minor in Sarajevo settlement Velešići in 1993. According to indictment, as members of the Army of Bosnia and Herzegovina, in May 1993, raped and sexually abused the minor inflicting heavy bodily and mental trauma. Even though those are terrible crimes against the minor and women, it seems that the crimes committed were not part of the massive rape campaign undertaken as tool of ethnic cleansing. It also proves that no ethnic group was immune from such crimes committed by its members. As the latter case just commenced, no final verdict has been rendered so far.

⁶¹ Prosecutor v. Plavšić, Case No. IT-00-39&40/1-S, Sentencing Judgement (27 February 2003).

⁶² Ibidem, §68.

4.2. Bašić Case:

Azra Basic was arrested in March 2011 pursuant an international arrest warrant delivered by Bosnia and Herzegovina in 2006. She was charged back in 1993, but decade later she was located by Interpol in 2004. A formal extradition request to the United States was issued in 2007. Before arresting her, the United States authorities filed request for additional information pertaining to the alleged crimes the information was received in February and April 2010. Azra Basic was extradited to Bosnia and Herzegovina and stands trial before the War Crimes Chamber of the Court of Bosnia and Herzegovina. On 26 December 2016, the Court confirmed the Indictment under which the Accused Azra Bašić is charged with the criminal offense of War Crimes against Civilians and War Crimes against Prisoners of War. Namely, as member of *Croatian Defence Council (HVO)*, she participated in murder, torture and inflicting heavy bodily injury to persons kept in the prison (Dom JNA) in Derventa (BiH).

4.3. Handanović Case

Handanović was a former member of the „Zulfikar squad" of the Bosnian army and was found guilty of participating in killing of three Bosnian Croat civilians and three soldiers of the Croatian Defence Council (HVO) who surrendered in the village of Trusina on April 16, 1993. Handanović was the first woman to be found guilty of war crimes before the Bosnian Court. Following the attack on the village of Trusina, the prisoners were shot, and Rasema Handanović took part in the killings. Handanović promised, as part of her plea bargain agreement, to testify in other cases connected to the Trusina killings in exchange for a lighter sentence and apologized to the victims' families. Handanović was extradited to Bosnia following her arrested in the United States of America in April 2011.

4.4. Veseli Case

She has been suspected of having committed grim murder of Serb boy in the village of Kamenica in the Municipality of Zvornik (BiH). On 24 March 2017 she has been extradited to Bosnia and Herzegovina from Switzerland. Deciding upon the Prosecution Motion to order the Suspect Elfeta Veseli into custody, on 24 March 2017 the Court of Bosnia and Herzegovina rendered the Decision declaring ineffective the Decision of the Court dated 27 November 2015, granting the Prosecution motion and ordering the Suspect Elfeta Veseli into custody. Reviewing the submitted evidentiary material, the Court has found the existence of grounded suspicion that the Suspect Elfeta Veseli committed the criminal offense alleged against her, and ordered her into custody due to the existence of circumstances that suggest the risk of flight.

4.5. Simonović Case⁶³

‘Woman-monster in the body of a little girl’ was the most common description of Monika Simonović, given by survivors from the camp Luka in Brčko (BiH). Camp commander Goran Jelisić a.k.a. "Adolf" was found guilty and convicted to 40 years of imprisonment. During the proceedings, he showed no remorse. At that time sixteen year old Monika assisted in murders but was never indicted.

⁶³ It was not referred to as ‘case’ for the case file was never compiled.

5. Concluding Remarks

The research presented relationship between gender and nationalism and intersection of gender and ethnic violence. It obviously confirmed a hypothesis that nationalism is a much more embodied, developed and exercised between the male populations, especially when it comes to its most severe forms such as committing war crime against "the Other". The *masculine nationalism*, as trigger of 'national mobilization' that took place in the late '80s and early '90s in Former Yugoslavia was a phenomenon that provoked and invoked all recent Balkan wars (including armed conflict in Bosnia and Herzegovina) and war crimes committed on an ethnic/national/religious base.

The connection of gender and nationalism was researched from the two different angles: one focusing on female population as major victim of 'sexual crimes' (*rape victim identity* devastatingly pertaining to women), while the other puts emphasis on the fact that sexual as well as all other forms of war crimes had been committed *primarily* by male population. Last but not least, the very rape and other humiliating treatment and sexual violence acts have been undertaken aiming to commit 'ethnic cleansing', ultimately crime of genocide, by infliction of such conditions of life to a specific group calculated to bring about its physical destruction in whole or in part. Eventually, as Dubravka Žarkov puts it, when woman is seen solely as a victim of nationalism, war and violence (especially sexual violence and rape) it produces „woman's relationship to ethnicity, nation and the state, empirically and conceptually [...] The 'ethnic war' in Balkans should not even be conceptualized as a war between *ethnic groups, but rather as a war that produced ethnic groups.*⁶⁴

As a final act of 'promotion' of one's national and/or ethnic affiliation, nationalism had been found an inspiration and endorsement of horrible atrocities that took place in the Balkans region, having been planned, organized and committed as 'heroic' achievement of distorted masculinity, confirming importance of gendered dimensions of *identity wars*.

64 Dubravka Žarkov (2003), supra note 29.

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Ticking off the Czech Republic's UN Commitment as Completed: Reflecting on the First Czech National Action Plan on Women, Peace and Security⁶⁵

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In January 2017, the Czech Republic introduced its first National Action Plan on UNSCR 1325⁶⁶ on women, peace and security (NAP 1325)⁶⁷, adopting it as the 64th country in the world, as the 18th EU Member State and as the first country in Central Europe to do so.⁶⁸ Notwithstanding its status as a country unaffected by direct conflict, the Czech Republic is obliged to pursue a gender, peace and security (GPS) agenda through its foreign policy, just as other EU member state signatories to UNSCR 1325 are expected to do so. The country's very recent engagement with gender, peace and security can be seen as a major shift in Czech foreign policy. Yet, the next question is whether the Czech government's initial steps will deliver changes on the ground in favour of women, girls and societies in conflict-affected areas, or whether they should rather be seen as a ticking the box exercise with little actual impact. The following reflection on the Czech response to UNSCR 1325 indicates that the latter is more probable.

Including Gender in Foreign Policy

The Czech Republic only began to incorporate a gender equality perspective more actively into its foreign policy in recent years. Until then, the foreign policy was literally gender-blind, exemplified in the case of its human rights promotion. After a political regime shift in 1989, the Czech Republic developed a strong foreign policy tradition of promoting human rights internationally, including, for example, through the support of dissidents in Belarus, Burma or Cuba. Nonetheless, the country's emphasis on human rights was for a long time focused mainly on civil and political rights, and less so on social, cultural and economic rights. Consequently, women's rights and gender equality were neglected at both the policy level and in practice.

On the policy level, a gender perspective was first incorporated in the Czech Republic's *Development Cooperation Strategy 2010 – 2017*. The document adopts a twin-tracked approach to gender mainstreaming, including, firstly, mainstreaming in the programming of development cooperation and in various stages of the project cycle, and secondly via a thematic approach supporting specific projects aimed at empowering women.⁶⁹ There is also a reference made to UNSCR 1325 in a footnote stating

65 This text is partially based on the authors' previous analyses:

O'Sullivan, Mila – Šimůnková, Blanka. České báživé nakročení k celosvětové podpoře ženských práv *Mezinárodní politika*. ČR, 2017.

<http://www.iir.cz/article/ceske-vahave-nakroceni-ke-globalni-podpore-zenskych-prav>

O'Sullivan, Mila – Šimůnková, Blanka. Mezinárodní dimenze naplňování Pekingské akční platformy - Ženy, ozbrojený konflikt a mezinárodní rozvoj. In: Kubálková, Petra (ed.): *Ženy a česká společnost: Hodnocení implementace pekingské akční platformy na národní a mezinárodní úrovni (Peking +20)*. Cats2cats, ČR, 2016. http://cats2cats.org/wp-content/uploads/2016/04/zeny-a-ceska-spolecnost-Peking20_final.pdf

66 United Nations Security Council Resolution 1325

67 Akční plán ČR k implementaci rezoluce o ženách, míru a bezpečnosti. ČR, 2017. http://www.mzv.cz/jnp/cz/udalosti_a_media/tiskove_zpravy/x2017_01_11_akcni_plan_cr_k_implementaci_rezoluce.html

68 This text refers to Central Europe as to the countries of the Visegrad 4: the Czech Republic, Hungary, Poland and Slovakia.

69 *Development Cooperation Strategy of the Czech Republic 2010 – 2017*. Czech Republic, 2010, p. 20 – 21. http://www.mzv.cz/file/762314/FINAL_Development_Cooperation_Strategy_2010_2017.pdf

that its principles are "designed to enhance the effectiveness of development projects in conflict and post-conflict areas and ensure the more effective stabilization and reconstruction of society whilst empowering women. The Czech Republic will seek to reflect these practices in development cooperation".⁷⁰

Since 2010, a gender perspective has been gradually incorporated into several other policy documents such as the *Human Rights and Transition Promotion Policy Concept of the Czech Republic 2015*.⁷¹ With a new government assuming power in 2013,⁷² a more proactive approach towards gender in foreign policy became apparent, evidenced by the documents 'The Concept of the Czech Republic's Foreign Policy 2015' and the National Action Plan 1325.

The New Concept of the Czech Republic's Foreign Policy 2015

The new Concept of the Czech Republic's Foreign Policy 2015 places a clear emphasis on supporting women and their rights. The document states:

"The Czech Republic will also work towards the global strengthening of women's place in society. Although this assistance will typically be provided as part of the general promotion of human rights, the Czech Republic will raise this issue more actively within the United Nations because it considers it to be a serious global problem that cannot be reduced to human rights or development issues. The Czech Republic will concentrate in particular on matters related to women's participation in public life".⁷³

This text cannot be accepted without reservation, as it is included in the document's reference to vulnerable and marginalized people and in doing so, supports the language of victimization. In spite of this, the Concept can be seen as an advancement, generating a previously absent policy coherence. Moreover, the document is based on an inclusive process of consultation with civil society.

However, it is obvious that two years after the adoption of this improved foreign policy, gender equality and women's rights have simply remained meaningless rhetoric, especially when looking at the key areas of development cooperation, transition promotion and humanitarian aid. It should be noted that a significant part of these programmes cover conflict-affected countries, among them Afghanistan, Georgia, Kosovo, South Sudan, Syria, Serbia and Ukraine. For now, gender equality has not been anchored systematically, there continues to be a lack of human capacity, and supporting mechanisms for practical implementation, together with an absence of adequate monitoring and evaluation concerning policy implementation. Even though the government approved the NAP 1325 in 2017 and prior to that the Ministry of Defence developed its own Action Plan on UNSCR 1325 in 2015, the real impact of these documents remains questionable.

⁷⁰ *Development Cooperation Strategy of the Czech Republic 2010 – 2017*. Czech Republic, 2010, p. 20 – 21. http://www.mzv.cz/file/762314/FINAL___Development_Cooperation_Strategy_2010_2017.pdf

⁷¹ *Human Rights and Transition Promotion Policy Concept of the Czech Republic 2015*. Czech Republic, 2015. http://www.mzv.cz/file/583273/Human_rights_and_transition_promotion_policy_concept_of_the_Czech_Republic_.pdf

⁷² It is a coalition government led by the Social Democrats.

⁷³ *Concept of the Czech Republic's Foreign Policy*. Czech Republic, 2015. http://www.mzv.cz/jnp/en/foreign_relations/policy_planning/concept_of_the_czech_republic_s_foreign.html

Ministry of Defence Action Plan on UNSCR 1325

In the Czech context, the first strategic document responding to UNSCR 1325, was authored by the Ministry of Defence (MoD). In June 2015 the Defence Ministry Action Plan to implement UN Security Council Resolution 1325, on Women, Peace and Security⁷⁴ (MoD AP 1325) was approved. According to the MoD this document in response to the NATO Action Plan on UNSCR 1325,⁷⁵ which was passed in 2014.⁷⁶ The MoD AP 1325 was drafted by a team of people consisting of MoD representatives only. Consultations with civil society or the Government Council for Equality of Women and Men⁷⁷ were not part of the preparation process, although the Council's involvement was initially promised in the Government Report on Beijing + 20.⁷⁸

In general, the MoD AP 1325 lacks the basic attributes of an effective action plan such as clear priorities, goals and activities, SMART⁷⁹ indicators, a monitoring and evaluation system and a budget for implementation. Most importantly, the document gives minor attention to the international dimension and hence omits gender aspects in conflict and post-conflict situations, which is the essence of UNSCR 1325. Although the plan draws on the "3Ps" of UNSCR 1325 – Prevention, Protection and Participation, the activities fail to correspond to these principles. For example, as part of the Protection principle, the MoD AP 1325 deals only with protection against discriminatory behaviour in the MoD's workplace, rather than focusing on the international protection of women and societies in conflict-affected areas. Hence, the plan repeats national measures on gender equality already covered by other government documents, at the expense of activities directly linked to the principles of UNSCR 1325.

These weak points are to some extent repeated in the Czech National Action Plan on UNSCR 1325, which builds on the MoD AP 1325.

Czech NAP on UNSCR 1325 (2017 – 2020)

In January 2017, the Czech government adopted its first National Action Plan on UNSCR 1325 on women, peace and security and related resolutions for the period 2017 – 2020 (NAP 1325). The NAP 1325 covers the activities of the Ministry of Foreign Affairs (MFA), the Ministry of Interior and the Ministry of Defence, and also refers to the Office of the Government – the Minister for Human Rights, Equal Opportunities and Legislation - as the national coordinator of the gender equality agenda. The drafting of the document was coordinated by the MFA, and took around 10 months.

The starting conditions for the NAP 1325's preparation were not so favourable in the Czech context, due to the lack of expertise, academic research and wider political support, as well as the absence of strong civil society advocacy. However, the fact that the MFA was committed to the drafting of

⁷⁴ *Defence Ministry Action Plan to implement UN Security Council Resolution 1325, on Women, Peace and Security*. Czech Republic, 2015. <http://www.mocr.army.cz/assets/informacni-servis/povinne-informace/1-rovne-prilezitosti/defense-ministry-action-plan-to-implement-un-security-council-resolution-1325--on-women--peace-and-security.pdf>

⁷⁵ NATO/EAPC Action Plan for the Implementation of the NATO/EAPC Policy on Women, Peace and Security, 2014.

⁷⁶ Information obtained by email from the MoD on June 29, 2015.

⁷⁷ The Government Council for Equality of Women and Men is the Czech government's advisory body comprised also of members from civil society.

⁷⁸ *Implementation of the Beijing Declaration and Platform for Action*. Czech Republic – National Review, 2015, p. 23.

⁷⁹ Specific, Measurable, Achievable, Relevant and Time-bound.

the NAP 1325 has to be appreciated. On the other hand, the Czech NAP 1325 has some fundamental structural and content weaknesses as a result of the non-existence of any research foundation, its inadequate preparation time, and its non-standard drafting process.

More specifically, the drafting of the NAP 1325 did not comply with the minimum international standards, since it almost excluded civil society and public experts. The process was in direct conflict with UN requirements for an inclusive consultative process involving all relevant actors, including civil society. Moreover, after 17 years of global experience with UNSCR 1325 processes, there are many books, guidelines and examples of good practice available for the creation of a NAP UNSCR 1325. Representatives of the Czech Republic's civil society participated in the MFA's introductory workshop in March 2016, aimed at sharing experiences on NAP 1325's drafting and development with delegates from the Swedish and Austrian governments. In June 2016, civil society provided comments on the basic structure of the NAP 1325. However, concerning the actual content of the NAP 1325 itself, civil society received the "final document" just before government's approval and literally had only a few days to provide comments. It was therefore impossible to do some fundamental changes in the document. Nor was it possible to engage Czech NGOs⁸⁰ working directly in conflict and post-conflict states or local civil society from conflict affected areas. Accordingly, civil society believes that its knowledge and experiences were not taken into account and therefore does not assume any ownership of the Czech NAP 1325.

In terms of the structure and the content, the NAP 1325 can be assessed as a draft version, requiring further elaboration and improvement. Since there were no essential mapping and analyses done prior to its drafting, the NAP 1325 is not based on identified needs and gaps. As a result, the document specifies too many tasks that are very general, unrealistic and highly unlikely to be accomplished in a three year period. In terms of priorities, the better-known topics concerning the national level are overemphasized, at the expense of foreign policy activities. Hence, some parts of the NAP 1325 such as work-life balance for ministries employees repeat measures already covered by other government documents. In contrast, areas such as development cooperation and humanitarian aid are inadequately developed in relation to the conflict setting, failing to go beyond the formalities outlined in particular policy documents. In some of the NAP 1325's tables, the logical linkages between goals and activities are missing. For example, while the goal is to support increasing the representation of women in the army and in police, the tasks required to achieve this goal is to collect statistics on the number of women entering the army and police.⁸¹ Finally and importantly, the plan lacks the budget necessary for its implementation, including, for example, adequately supporting NGO projects in Afghanistan, South Sudan, Ukraine and other conflict-affected states.

80 Non-governmental Organisations

81 Akční plán ČR k implementaci rezoluce o ženách, míru a bezpečnosti. ČR, 2017, p. 13. http://www.mzv.cz/jnp/cz/udalosti_a_media/tiskove_zpravy/x2017_01_11_akcni_plan_cr_k_implementation_rezoluce.html

Engaging Civil Society as a Path Forward

Considering the Czech NAP 1325 has many imperfections and little civil society ownership, it is likely that it could remain just a commitment on paper rather than a strategic tool supporting transformative changes in conflict-affected areas. By excluding the main actors targeted by UNSCR 1325, including women and grassroots organisations in conflict countries together with NGOs working directly with them, the potential for changes on the ground significantly decreases.

According to a recent study on the implementation of UNSCR 1325 in 20 European countries, it appears that those NAP UNSCR 1325s that have been developed through inclusive processes in which civil society organisations were involved as advocates, drafters and implementers, have had a better chance of being implemented.⁸² Furthermore, both critics and supporters of UNSCR 1325 share the perspective that the resolution's emancipatory potential lies in its ability to empower grassroots women's groups and peace initiatives.⁸³

The role of the civil society has so far been marginalized in the Czech government's approach to UNSCR 1325. Yet, the GPS agenda is still in its infancy, partially explaining why links with civil society are still to be established. At present, it would be beyond comparison to look at the approaches of the Czech government and some of the leading promoters of GPS issues such as the Government of Sweden. Similarly, the involvement of civil society in the Czech context is very different to the more UNSCR 1325-experienced countries such as Belgium, Ireland, Netherlands, Norway, Sweden or the UK, which have had strong civil society platforms on UNSCR 1325, and a flourishing academic research on the subject. In the Czech Republic, civil society and academic actors have yet to develop a deeper understanding and interest in GPS issues.

Although the subject of UNSCR 1325 has been regularly covered in Shadow Reports⁸⁴ and in several public events led by Czech civil society, advocacy attempts have not been as intensive and systematic. One of the key challenges to this is the lack of interest in the topic from women's and gender organizations, which have been almost entirely preoccupied with national issues. Thus, advocacy efforts on UNSCR 1325 and on systematic inclusion of gender issues in general in Czech foreign policy have been limited to only few individuals working within the development NGOs and specialists' communities,⁸⁵ operating without a stronger civil society backing. However, even these joint advocacy initiatives in the form of analyses, comments and recommendations, were largely not reflected by the government in its preparation of the Czech NAP 1325.

82 UNSCR 1325 IN EUROPE: 20 Case Studies of Implementation. Brussels: European Peacebuilding Liaison Office, 2013. http://www.c-r.org/downloads/EPLO_UNSCR_1325_Europe.pdf

83 Klot, F. Jennifer (2015): UN Security Council Resolution 1325: A Feminist Transformative Agenda? In: Baksh R. and Harcourt W. eds. The Oxford Handbook of Transnational Feminist Movements. New York: Oxford UP, p. 740.

84 Shadow Reports on CEDAW and the Beijing Declaration and Platform for Action

85 These include mostly the platform of the Czech Forum for Development Cooperation and the Institute of International Relations Prague.

Conclusion

Even with its weaknesses, the Czech NAP 1325 can be seen as a first attempt of the Czech Republic to approach the agenda of gender, peace and security and find a space for it in its foreign policy. The NAP 1325 preparation, implementation, annual monitoring and periodic revision can build capacities and awareness as well as more interest and confidence with the subject among all actors. Perhaps the new Working Group on Women, Peace and Security set up by the MFA may become a common forum for all relevant actors, including civil society and academia, for furthering the agenda on gender, peace and security.

However, while engaging with gender, peace and security, it should not be forgotten that this agenda is rooted in feminist power transformative vision and it should not be about ticking off the UN commitment box as completed.

The Czech Republic has now the opportunity to become the leading advocate on GPS within the group of the Central European countries. A brief scanning of the information available on GPS in the Central European context shows that this subject is almost non-existent throughout the region. The Czech Republic is the first country to have the NAP 1325, while Poland is currently drafting one.⁸⁶ A future research study focusing on gender, peace and security in the Central European context could enrich policy and practice in this area.

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⁸⁶ Statement of Margareta Kassangana-Jakubowska, Deputy Permanent Representative of Permanent Mission of the Republic of Poland to the United Nations in New York, October 15, 2016. http://www.nowyjorkonz.msz.gov.pl/en/c/MOBILE/poland_in_the_un/speeches_and_documents/polish_voice_in_the_security_council_open_debate_on_women_and_peace_and_security

WOMEN STORIES OF ONE WAR:

Why do we need to create women narratives as part of the process of writing history?

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The war conflict in Republic of Macedonia from 2001 lasted from January till November 2001. The conflict started when Albanian paramilitary formation called National Liberation Army attacked the Macedonian security forces. The conflict continued throughout 2001 and ended with signing of the Ohrid Framework Agreement in August 2001. To understand the complexity of the situation which lead to armed conflict, we can shortly name some historical facts that were shaping the background of the conflict.

8. September 1991: Republic of Macedonia held referendum for independence. The referendum results lead to independence of our country from Yugoslavia. However, Albanian political parties called for boycott because Macedonia didn't do anything for the rights of the Albanian people living there.

1994: the first Albanian university was open illegally, which remains illegal until 2004.

1997: Protest against the right of the Albanians to gain education on Albanian language at the faculty of pedagogy by which they can continue to teach other Albanians on their mother tongue raised in Skopje. The protests started as student protest, and shortly after high-school students joined the protests. The protests were highly nationalistic and are still remembered by some of its slogans such as: Gas chambers for Shiptars.⁸⁷ The leaders of these protests Filip Petrovski, Antonio Milosevski, Vlatko Gjorcev etc were and are part of the government that ruled more than 10 years.

1999: Kosovo war escalated. Kosovo refugees enter Macedonia in large numbers. According to the UNHCR until May 1999 there were 229 300 refugees which was 11% of the overall population in Macedonia. According to American refuge committee around 360 000 refugees stayed in Macedonia after July 1999 which was 18% of the overall population. This was also starting point for the creation of the National Liberation Army, but also was a problem and challenge for the country's economy, politics and social live.

January 2000: At the entrance of the Aracinovo village 3 Macedonian policemen lose their lives from the Albanian fighters.

2001: The conflict started.

The conflict ended with the signing of the Ohrid framework agreement signed in august 2001.

⁸⁷ Siptars is offensive word for Albanians that is used in Macedonia and Ex-Yugoslavia region.

One can ask very important question, a question that was early asked: what are these women doing here? To be honest, they were handing the pencils to the political leaders so they can sign the agreement. And you can see this picture as a symbol for the role of the women in the conflict itself, and in the process of creating and implementing this agreement. The agreement failed to include aspects important for the women, even Albanian women, and instead it only took in consideration ethnic and national diversities of the people living in Republic of Macedonia.

The Ohrid framework agreement left many Macedonian people disappointed. The National Liberation Army never revealed the number of lost lives on the Albanian side in the war but it is assumed that the number is around 3000. The number of killed Macedonian defenders is 72.

However, no one treated all the other aspects of human suffering, such as maybe the women from war territories experienced. Women didn't have the opportunity to gain some sort of help in coping with traumas coming from the displacement, fear of losing sons and husbands, fear from sexual assaults against women etc. Some women NGOs tried to offer some sort of support, but many people think that the state itself lacked strategic support when it comes to dealing with traumas in the conflict regions.

In 2011, Peace Action, a civil society organization from Prilep, Macedonia, started a project that implied collecting personal stories from women that witnessed the armed conflict in 2001. In the whole process, we collected 32 stories, and 13 of them were published in a book.⁸⁸

History or collective memory is product of power relations. Who determines what is worth to remember, to celebrate, to memorize? Who determines who are, or what are the things that can die, what or who is unworthy? It's the dominant narratives, values and power relations. War is men's thing, it creates heroes and invisible victims who's tears, sadness, traumas are forgotten in the name of the "bigger picture". Our project was an effort to create memory and thus to create history in order to cope with the present.

In 2001 and years after, we as a society found ourselves in the sea of the many "our" and "theirs" truths, half-truths and lies. We were not ready to face the fact that there are many different aspects of truth, even different truths. Our effort with this project was to acknowledge the relevancy of the truth of the others, the pain of the others and to be able to sympathize with it without underplaying our own truth and pain. This is the only way we can position ourselves as people who want to understand each other than to win one another.

When understanding and treating traumatized past, we focused on personal stories as source. We found ourselves more than 10 years after, finally released from playing the BIG picture of military-political events which interpretation (together with the monopoly over it) is so often source of new conflicts in the region. And then we focused on women stories.

We wanted to make women visible through deconstructing the hierarchy of relevancy when writing history on one side, and to make visible and publicly recognized some aspects of the political,

88 13 Women Stories of One War, Ed. Boro Kitanoski, Irena Cvetkovikj, Thomas Khols, Civil Association: Peace Action, 2011, Prilep, Republic of Macedonia.

social and even personal lives defined by the specific context (Macedonia 2001) which are often underplayed in official discourses on other side.

We started from the position that the official descriptions of the events from 2001 and further are very often focused on the value systems defined mostly for man. So, we were not only interested in the specifics of the women's historical awareness, but also the possibility to ask new and different questions related to the everyday lives of the people in 2001.

We, as feminists, must believe and try to add some new categories to the actual general categories of "survival" of the war conflicts. We, as feminist, should always be prepared to defend the relevancy, political and social, but also cultural and historical, of the questions and topics of sexuality, gender, reproduction, care giving, resettlement, fear, trauma etc. That's why in thinking of war conflicts we make distance from the "big topics", "big narratives" and instead we build interest for the wider specter of personal stories that are knitted around the topics such as family, motherhood, but also other traditional characteristics of femininity such as pacifism, care-giving, warmth, food providing thrown in the challenge of fulfilling them in war conflict. And in the process of collecting the personal stories this is what we actually got from the women.

— I have seen giving births during the fights here in the basement in front of 50 people. We were all in 4 x 4 square meters, around 25 square meters with 50 people inside, 5- 10 old men, so the woman was forced to deliver her baby here. **(V. Z. Albanian woman from Slupcane)**

— **You mentioned some moments from the war, but what was the most traumatic for you, something you will never forget?**

— Well what I am telling you all the time, those nights what I suffered, what I witnessed, with my eyes, I saw fire, I saw bombs exploding everywhere, this moments, I have them with me everywhere I go, whenever I remember, I came home, but it felt like this is not my house, quick, quick just to take something and to get away from there. But, is there more terrible thing in the world than this, to go into your own home and to want to get out of there as soon as possible? **(N. Z. Albanian woman, village Neproshteno)**

— **What is your opinion in his decision to join the army, did you agree?**

— ...I only have one son, and you know what the war brings, only death. But I couldn't do anything... and for joining, all of the people joined, and we all agreed because the times were like that, they all wanted to... the war is not bad... the war is obligatory... but for mothers it will never be good, for mothers the war will always be bad. **(Gj. B. Albanian woman, Village Oslomej)**

The personal stories of women that witnessed the armed conflict are very often strongly fixated in the specific challenges in which the women were thrown while performing their traditional role in the private sphere of the household/ home and family. The stories are full of honest and emotional testimonials about women worries and fear for the safety of their family members, but also about the traumas of losing their home which is traditional represent of women sphere (resettlement or destroying homes with fire).

— **When was most difficult for you?**

— The hardest times were when we left my colleague house and moved in to the student's dorm. The room had holes big as television. We could see the other room, and from the other side we could see the toilets. The beds were full of holes. And the smell was awful. It felt very hard and in that time the kids were with me. When they saw where we gonna live and when they started crying, that was the most difficult for me. Something broke inside me that moment and it will never heal. They asked me how long we gonna stay here, they wanted to go home. But we didn't have home. **(Strumka Jovanovska, Macedonian women, internally displaced person from Aracinovo, Skopje)**

— **Why do you think the war happened?**

— I think that the war happened only because of the politicians, because of power... That's the worst thing. Because children are suffering, women are suffering and the weakest ones and the most unprotected ones are suffering, so the civilians are suffering... you tell me, has any politician suffered lost? **(Dj. K. Albanian woman, Tetovo)**

— **The conflict started on 14th of March 2001. Where have you been on that day?**

— When the conflict had started, we were home... we gathered in two Macedonian houses, we split. To be honest, the Albanians came to some of us, and asked if we wanted to stay here or they offered to clear one house for us. And we said we will stay here. If you stay here this is our number, feel free to call if anything happens and we will come for help. **(L. S. Macedonian woman, village Djepchishte)**

Part of the stories surprised us with one specific heroic tone full of courage and determination to leave the traditional women roles and to take over the risk of fighting in the name of "greater ideals and goals." Great part of them are retelling of the dominant political discourse full of nationalism, proscribed patriarchal assumptions and prejudices. And yes, we must admit that it is very important to hear this stories also. If we ignore them, we will seriously impoverish the very rich and various self-perceptions, and the perceptions of other and society in general.

— **Where have you lived before?**

— In Kratovo. In 1976 when I came here my sister who lived here told me to be careful with the Shiptars, not to go with them since I don't understand what they are talking. We don't have Shiptars in Kratovo, only Gypsies. I look at them and I think they must be from some other race. I don't know. **(Strumka Jovanovska, Macedonian women, internally displaced person from Aracinovo, Skopje)**

— **How did you feel in the moments when you find out that your sister went to be a soldier in the war?**

— It was ad honor, it was an honor when we had our close family relative, because I even had cousins who were in the army, but when you have even closer family member the honor is even greater... She informed us how things are going there, I was in Kumanovo while they are at the front line, where the war is going on.

— **Did you have contacts with your sister during the war, did you communicate?**

— We have contacts through phone.

— **Now your sister is dead, where did she died?**

— In village Nikustak, she died on 23th of June 2001, after the truce was signed.

(Fatmire Sahiti, Albanian woman, Kumanovo)

— **You told me you have kids, what do you think, if somehow, they fall in love with other young people from the other side?**

— I absolutely think that something like that would never happened, because there is no foundation for such a thing. This is not some of the European countries where even Albanians behave differently. Here, the Albanians behave abnormally, simply, it is impossible to love them.

(N.N. Macedonian woman, Tetovo)

We should be ready to hear the vision of one selves but also the vision for the Other. And yes again, the vision for the Other can very often imply nuisance articulated through stereotypes, prejudices and intolerance. I know that sometimes as feminists we are sick and tired of this positions, but we must never give up from hearing the arguments of this positions because the only way to change the inter-perception of two or more different sides is to hear firstly and that to try to understand secondly.

The stories of the women witnesses of the war conflict are supportive of the position of the historic researches which are focused of the everyday lives and experiences of the common people, instead of the events relevant to the states and is more interested in the processes of social experience instead of political events. We are here to open new questions and therefore provoke new approaches in thinking of the past and expecting the future.

Justice comes after the war? War related sexual violence and legal nationalism in four countries of former Yugoslavia⁸⁹

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Although almost two decades have passed, there is still no exact explanation of the causes of the Yugoslav wars, the real scope of their effects, or the actors involved. For the sake of brevity, we will not delve into the reasons that contributed to the disintegration of the Socialist Federative Republic of Yugoslavia. Suffice to say that the Yugoslav wars refer to a series of violent conflicts, precipitated by intense ethnic tensions. The conflicts were separate but related: a short outbreak of war in Slovenia, the Independence War in Croatia, the war in Bosnia and Herzegovina, and the war in Kosovo and Serbia. The Yugoslav wars resulted in the formation of several sovereign (or prospectively sovereign) nation-states. The Yugoslav wars, especially in Bosnia, Kosovo and Croatia, were to a large extent wars against civilians, subjected to violent and abusive practices on the basis of their ethnicity. Ethnic cleansing was used as a premeditated and calculated strategy to crush the 'enemy ethnic group'. According to the report of Human Rights Watch, rape was one of the tools of ethnic cleansing "meant to terrorize, torture and demean women and their families and compel them to flee the area" (1995, 8).

In this short paper, we focus on one aspect of transitional justice which was devised to promote gender justice specifically, and address the persistent problem of *sexual and gender based violence*. We consider the implementation of the UN Security Council Resolution 1325, with a special emphasis on point 11 which calls for prosecuting "those responsible for genocide, crimes against humanity, and war crimes including those relating to sexual and other violence against women and girls", stressing "the need to exclude these crimes, where feasible, from amnesty provisions" (United Nations Security Council 2000, 3). This particular point is of crucial importance because it obligates all States to pass laws to prosecute crimes of sexual and gender based violence, to bring justice to survivors and their families, to put an end to impunity and uphold the rule of law.

Let us give some general information on sexual and gender-based violence during the wars in the former Yugoslavia. There are many estimates on how many women had to endure the most dehumanizing acts of sexual and gender based violence. Based on reports of various commissions, women's testimonies, information provided by women's groups and refugee women, the Committee on the Elimination of Discrimination against Women reported in its concluding comments that 25 000 women suffered from the most reprehensible forms of human degradation in Bosnia and Herzegovina alone (see, for example, Skjelsboek, in Skjelsboek, Smith 2001; Olsson & Tryggestad 2001,

⁸⁹ This paper was presented at the 6th International Gender Workshop, organized by the Heinrich Boell Foundation in Lviv in March 2017. The paper is a short version of the text "Women between war Scylla and nationalist Charybdis: Legal interpretations of sexual violence in the countries of former Yugoslavia", published in: Lahai, John and Moyo, Khanyisela (Eds.) (2017), *Gender in Human Rights and Transitional Justice*, Springer International Publishing.

77; Committee on the Elimination of Discrimination Against Women 1994, 1). The numbers are vague and inconclusive for other countries, but it is certain that rape and other demeaning acts of sexual and gender based violence were purposefully employed as a means of ethnic cleansing.

The UN Commission of Experts reported that in the camps of all three sides – Serbian, Croatian and Bosnian – grave breaches of the Geneva Convention and other violations of international humanitarian law, including killing, torture and rape, took place. It is stated that the age of women kept in detention camps varied from 5 to 81, while the majority of victims were less than 35 years old. According to the report, the majority of perpetrators were military men, soldiers, policemen, representatives of paramilitary and Special Forces, while most of the cases occurred in settings where the victims were held in custody (United Nations Security Council 1994, 59-60). The rapes were therefore not isolated acts, but deliberate and organized crimes against populations, tools for terrorization, extortion of money from people and families, as well as means for their profound humiliation. The bodies of ‘wrong’ women, the female representatives of adversary ethnic groups, were the main target of these dehumanizing acts.

It should come as no surprise that the International Criminal Tribunal for the former Yugoslavia (ICTY), the official post-Yugoslav mechanism of transitional justice, was the first international criminal tribunal that pronounced convictions for rape as a form of torture, and for sexual enslavement as a crime against humanity. It is also the first international tribunal based in Europe to pass convictions for rape as a crime against humanity (Prosecutor v. Kunarac et. al.). According to the thematic report of the Human Rights Commissioner of the Council of Europe (2012, 24), in 2001 48% of all cases processed before ICTY had elements of sexual and gender based violence. This confirms its widespread use during the Yugoslav wars.

Resolution 1325 had been envisioned as a promising provision for female survivors of war violence and was advocated strongly by women’s groups. It was widely believed that such a provision might bring justice and equal treatment to *all women* who had suffered sexual and gender based violence during the wars, *regardless of their ethnicity*.

Let us now quickly interject several points on women’s and feminist organizations in the former Yugoslavia. Even though women’s organizations had their history way before the 1990s (Zaharijević, 2015; Zaharijević, 2017), wars for succession left an enduring mark on them. Women’s grassroots and feminist engagement – their goals, vision of future societal prospects and values they actively promoted – during and after the wars had many strong parallels with the stated goals and recommendations of Resolution 1325. It should not, therefore, come as a surprise that after its adoption in 2000, it was women’s grassroots and feminist groups which became the most ardent advocates of the adoption of Resolution 1325 in their respective states.

The regulative ideals upheld by women’s grassroots and feminist groups in post-Yugoslav post-conflict societies revolved around politics of peace and human security. They have, however, consistently insisted on the gendered dimension of ‘humanity’. For humanely organised societies to take place, especially after such violent conflicts as were witnessed during the Yugoslav wars of succession, it

was believed that justice was to be achieved in an *anti-militarist and emphatically antinationalist framework*. It was also believed that the Resolution could be used to support activism condemning the war system and militarization.

In our paper we showed in detail that the proclaimed goals promoted by women's groups – the reconstruction of society in general, with a special emphasis on eradicating sexual and gender based violence, disarmament, and furthering peace and anti-militarist values – remained in the shadow of the gender-mainstreaming aspect of Resolution 1325, limited to inclusion of women in the military and police (Subotić and Zaharijević, 2017). The way Resolution 1325 was implemented decades after the wars were over, testifies to a failure of women's groups hopes and expectations. The successor states of Yugoslavia have not only failed to implement consistent and collaborative measures in order to provide justice and prevent impunity according to UNSCR 1325 point 11, but they have used those very mechanisms to promote a certain form of *legal nationalism*.

In defining legal nationalism with regard to sexual and gender violence, we draw on Robert Hayden's definition of 'constitutional nationalism' (Hayden, 1992). Even after the wars were over, nationalism persisted in the laws regulating their most vulnerable effects. With the notion of *legal nationalism* we wanted to point to the dismal combination of nationalism and the rule of law in the legitimation of the fundamentally nationalist political order decades after the war. Legal nationalism leads to the formation of separate criteria for measuring the humanity and dignity of people who fall inside or outside the sphere of nationally desirable citizens. In other words, our research demonstrates how post-Yugoslav societies nationally abused gendered transitional justice: legal imagery, supposed to transform the lives of victims of sexual violence in war, in fact turned into the instrument for the re-introduction of nationalism.

We have chosen to analyse four countries: Bosnia and Herzegovina, Croatia, Serbia and Kosovo, as the territories significantly involved in the Yugoslav wars. By 2014, all of these states had introduced the UNSCR 1325 into their national contexts by adopting action plans for its implementation. The adoption of national strategic documents (NSD) has to be understood as an ambivalent compliance with the largely imposed transitional processes, rather than as the reflection of a strong desire for post-war justice and for the implementation of anti-war and anti-militarist principles feminists fought for during and after the war. The first NSD was adopted in Bosnia and Herzegovina in 2009. Serbia followed suit in 2010. Croatia and Kosovo adopted their NSDs in 2011 and 2014 respectively.

Legal translations of UNSCR 1325 in national documents

The majority of war detention camps where the crimes of sexual and gender based violence took place were located in Bosnia and Herzegovina and it came as no surprise that Bosnia and Herzegovina was the first country to try to implement mechanisms for access to justice for all its women and girls. However, four years after the adoption of the action plan there was still no single reliable database on women victims of rape and other forms of sexual violence. Regardless of the fact that the Bosnia and Herzegovina action plan insisted on providing assistance to all women of Bosnia and Herzegovina who were victims of sexual and gender based violence, all three entities still do not have synchronized legislation for sexual and gender based violence. This is very much due to the fact that legislation on rape and the definition of a civilian victim of war has been differently regulated under domestic criminal legislation in Bosnia and Herzegovina. For our purposes here, suffice to say that the *full legal translation of 1325* is severely handicapped by the Bosnian political and legal system, i.e. by its internal constitutional division of jurisdiction between its constitutive entities. This fundamental division is further inscribed in other legal measures, such as those defining categories of survivors of war-related sexual and gender based violence, percentage of bodily injury, and citizenship, which provide opportunities for the emergence of legal nationalism.

In Serbia, where both the post-conflict character of the state and its involvement in the war have been denied, the category of survivors of war related sexual and gender based violence is simply non-existent. The actors, most prominently feminist anti-nationalist and anti-militarist groups, who have persistently encountered this denial – and with it, the hidden Serbian nationalism visible in the reluctance of the Serbian state to face its past – were blatantly excluded from negotiations. Serbia was thus, on the one hand, the only of the four countries under analysis where no representative of women's groups took part in the process. Gender justice has been almost entirely reduced to equalizing number of men and women in arms. The national action plan does not mention prosecution of the cases of sexual violence committed by the Serbian military, police and paramilitary units on its own territory, the territory of Kosovo or other territories of the former republics of the SFRY. In other words, in terms of post-conflict gender justice, Serbia has not implemented a single activity in relation to the improvement of the lives of women survivors of war-related violence, i.e. women refugees from countries of former Yugoslavia, internally displaced women from Kosovo and women who suffered sexual and gender based violence.

In Croatia and Kosovo alike, due to the nature of the wars which took place on their respective territories (the 'Independence war' in Croatia, and the 'Liberation war' in Kosovo), UNSCR 1325 found their fullest applications. Unlike Bosnia and Herzegovina where the politico-legal administration delays justice, or Serbia where there is a reticent denial of injustice, Croatia and Kosovo fully recognize that there were gross instances of injustice towards women and show readiness and capability to offer certain redress. However, by bending certain legal definitions – of the categories of sexual and gender based violence, of the nature of the war or by defining specific timeframes – both Croatia and Kosovo introduced legal nationalism in their translation of UNSCR 1325.

Conclusion

The Universal Declaration of Human Rights ends with a claim that everyone – every woman and man – is entitled to a social and international order in which the rights and freedoms set forth can be fully realized. Everyone, in other words, has the right to peace. Resolution 1325 may be seen as the result of the theory and practice of the transnational feminist movement, an effect of a long struggle to affirm equal rights of women to define how social and international order should be structured. Women's grassroots and feminist groups in post-Yugoslav countries believed that Resolution 1325 could be used to promote a more just, more equitable future for societies that endured severe conflicts. This assumed bringing justice to those who were treated unjustly and producing societies in which past injustices would not be repeated in the future.

But did that happen? The direct result of the adoption of national action plans is the gradual increase in the number of women in armies and police forces, and the progressive gendering of the security sector. The process of securitization, very much relying on the principle 'add women and stir', does not substantially address post-conflict reconstruction or the reintegration of its survivors.

We wanted to show that the adoption of national strategic documents, prompted by concerns for reconstruction and reintegration, produced new exclusionary politics which in fact goes against both reconstruction and reintegration. Women's grassroots and feminist organizations hoped that Resolution 1325 could provide justice to all women survivors. However, the implementation of Resolution 1325 got trapped and side-lined by the state, political parties, nationalists, and different ethnic and religious groups. Instead of being documents that offer post-war justice to *all* women survivors of sexual and gender based violence, national strategic documents are strengthening dominant ethno-national victimhood through legal nationalist excluding narratives.

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Abstracts and bio of the speakers of International Gender Workshop – 2017

Joanna Barelkowska (Germany)

Joanna Barelkowska, who holds a master's degree in German philology, has worked for 20 years in international civic education and for 10 years in gender responsive peacebuilding. From 2006 to 2009 she was co-project manager of the project "Mobile Peace-Academy OMNIBUS Line 1325" in the North and SouthCaucasus for the German women's organization OWEN e.V. This was a capacity building project focusing on the gender dimensions of civilian peacebuilding and targeted women and men from all regions of the North and SouthCaucasus. In March 2010 she organized and conceptualized the international conference "Gender counts: 10 years of UN Resolution 1325."

Since October 2010 Joanna has worked as a project manager with the Heinrich Böll Foundation's International Division in Berlin, where she has been responsible for internal capacity building, knowledge management, and networking in connection with the division's gender-sensitive work. From 2012 to 2016 she co-facilitated several gender workshops at the hbs foreign offices (e.g. in Kiev, Warsaw, Prague, and Tbilisi) and international workshops in Berlin. In 2013 she was the co-publisher on behalf of the hbs of *Good news! How women and men stop violence and save the planet*, a book that contains lots of good examples of how one can pursue gender responsive peacebuilding and sustainable development.

Since 2014 Joanna has been member of the German Women's Security Council on a voluntary basis. The council has lobbied for the adoption of the National Action Plan (NAP) 1325 in Germany. As a member of the Women's Security Council, Joanna provided comments on the draft of the second NAP and the implementation report of the first NAP. She regularly takes part in the consultation meetings between representatives of German civil society and government on implementation of the NAP 1325.

Mila O'Sullivan (Czech Republic), "UNSCR & the Czech Republic: reflecting on the new Czech NAP 1325 (2017-2020) and the Central European context."

PhD Candidate, Institute of International Relations and the Metropolitan University Prague

Mila O'Sullivan has over 10 years of experience in advancing gender equality and women's rights in the Czech Republic and internationally. She has been engaged in policy and advocacy work for the Open Society Fund Prague, Open Society p.b.c. and other civil society organisations, focusing mostly on gender in development and peace and security contexts, but also on gender diversity and gender audits of companies or local governments.

As a PhD Candidate at the Institute of International Relations Prague, she is researching the role of feminist international relations scholarship in policy making and practice of regional security organisations, namely the EU, NATO and the OSCE. Her areas of scholarly interest include gender in international politics, gender dimension of peace and security in theory and practice or feminist theories of international relations.

Adriana Zaharijević (Serbia), "Women between war Scylla and nationalist Charybdis: Legal interpretations of sexual violence in countries of former Yugoslavia".

Adriana Zaharijević is a research associate at the Institute for Philosophy and Social Theory. She obtained her PhD at the Faculty of Political Sciences, University of Belgrade, where she investigated social conflicts, especially those related to class and sex, foundational in the creation of modern citizenship. Her background is in political philosophy, feminist theory and citizenship studies. She is the author of two books (*Who is an Individual? Genealogical Inquiry into the Idea of Citizen*, 2014, and *Becoming a Woman*, 2010, both published in Serbian) and more than forty articles and book chapters (published in English, Turkish, Albanian and Croatian). Her more recent research revolves broadly around two topics: legal, material and symbolic violence (institutional, communal, and state violence) and social engagement that addresses it; and the political, civic and cultural shifts in post-socialist societies (with the specific emphasis on the history of women and history of feminism).

Nargiza Arjevanidze (Georgia), "Experiences of Forced Displacement in Narratives of Internally Displaced Women"

I am a visiting PhD student at the Department of Gender Studies within the Swedish Institute (SI) Visby Programme. I have an MA in Gender Studies (Central European University, Budapest, Hungary) and currently I am a doctoral student at the Department of Sociology and Social Work, Faculty of Social and Political Sciences at Tbilisi State University (Georgia). My wider research interests include intersections of memory and violence, gendered memories, experiential dimensions of forced displacement, post-soviet memory and nostalgia. Current Research: My PhD project explores the lives as experienced, practiced, and remembered by forcefully uprooted persons from Abkhazia, Georgia, displaced within Georgia as a result of the armed conflict in the beginning of 1990s.

Irena Cvetkovic (Macedonia), "Women stories of one war. Why we need to create women narratives as part of the processes of writing history"

Irena Cvetkovic (1982) holds a diploma for General and Comparative Literature at the University of St. Cyril and Methodius and holds MA in Gender Studies. In the moment she is writing her PhD thesis on the topic of marginalized communities. She has been working as young volunteer -teaching assistant at the Institute of Gender Studies at the Faculty of Philosophy at the University of St. Cyril and Methodius in Skopje. As young researcher she has worked in many research projects in the field of social sciences, gender studies, media, women rights, LGBT rights etc. Her public engagements started with her blog-Femgerila and she was regular weekly columnist in the daily newspaper Dnevnik. She is activists for human rights of marginalized communities, with focus on LGBT, drug users and people living with HIV. She is active in numerous formal and informal activist groups. In the moment she is executive director of the Coalition Sexual and Health Rights of Marginalized Communities.

PROGRAMME

Wednesday, March 8

9:00 – 11:00

Session 0 – Welcoming session and presentations of hbs gender work in the region

Moderator: Anna Dovgopol

1. Anna Dovgopol (Ukraine)
2. Iryna Tantsyura (Belarus)
3. Etuna Nogaideli (Georgia)
4. Olya Azatyan (Armenia)
5. Irina Kosterina (Russia)
6. Gert Röhrborn (Poland)
7. Matej Jungwirth (Czech Republic)
8. Katja Giebel (Germany)
9. Sabine Haemmerling (Germany)
10. Paola Petric (Serbia and Montenegro, Kosovo)

12.00 – 13.00

Participation in feminist march to the International Women's Day in the city organized by local initiatives

16.30 – 18.30

Session I – *Women, peace, security and conflict resolution (UN resolution 1325)*

Moderator: Katja Giebel

1. **Joanna Barelkowska (Germany)**, "The implementation of UNSCR 1325: indicating some achievements, gaps and some ideas for improvement from an independent German and Swiss civil society and women's rights point of view."
2. **Irina Solomatina (Belarus)**, "Hostages of the discourse of "peaceful sky" in Belarus"
3. **Mila O'Sullivan (Czech Republic)**, "UNSCR & the Czech Republic: reflecting on the new Czech NAP 1325 (2017-2020) and the Central European context."

21.00 – **Feminist party "Women play music"**

Thursday, March 9

10:00 – 11:30

Session II - Gender, Nation, Religion - feminist critique of the military

Moderator: Irina Kosterina

1. **Zara Harutunyan (Armenia)**, "Military politics: feminist resistance in the times of inflicted war"
2. **Maria Maerchyk (Ukraine)**, "5 Political Theses on Feminist Critique of War"

12:00 – 14:30

Meeting with local feminist initiatives – Feminist Workshop (feminist education for teenage girls) and *Women's perspectives* (gender based violence, IDPs)

18:30 – 20:00 – *public discussion "Women in the times of conflict: in reality and in history"*.

Moderator: Anna Dovgopol

Presentation by **Anna Grytsenko (Ukraine)**, "Invisible Battalion: Women's Participation in Anti-Terroristic Military Operation in Ukraine", participation of **Zara Harutunyan (Armenia)**, **Irena Cvetkovic (Macedonia)**.

Friday, March 10

10:00 – 11:30

Session III - Military conflict and gender-based violence

Moderator: Etuna Nogaideli

1. **Inna Airapetyan (Chechnya, Russia)**, "Rise of violence in Chechen society as a result of the war"
2. **Adriana Zaharijević (Serbia)**, "Women between war Scylla and nationalist Charybdis: Legal interpretations of sexual violence in countries of former Yugoslavia". Co-author of the paper Gordana Subotic

12:00 – 14:30

Session IV - Politics of memory, political education and conflict

Moderator: Gert Röhrborn

1. **Kaja Puto (Poland)**, "Nationalism as gender-related issue? Women and Polish-Ukrainian relations"
2. **Nargiza Arjevanidze (Georgia)**, "Experiences of Forced Displacement in Narratives of Internally Displaced Women"
3. **Olga Nikonova (Russia)**, "Memories about women and war"
4. **Irena Cvetkovic (Macedonia)**, "Women stories of one war. Why we need to create women narratives as part of the processes of writing history"

15:30 – 17:30

Feminist excursion around Lviv