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The Women, Peace and Security Agenda Through a Queer Theory Lens

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Abstract: The two decades since the adoption of the first Security Council Resolution under the Women, Peace, and Security (WPS) Agenda has paved the way for much introspection and debate. While there have been several positive impacts such as the inclusion of women in peacemaking processes and in bringing to light the deliberate deployment of sexual violence in armed conflict as a tactic, there have also been several gaps in implementation. Since the UN Security Council passed Resolution 1325, legal, policy, and academic discourse has focused on armed conflict and women and has made an essentialist case for the inclusion of women in post-conflict peace processes. Among one of the major concerns with the WPS Agenda in its verbiage and implementation is the tendency to conflate 'gender' with 'women's issues.' As a consequence, non-binary gender identities in general, and their experience of armed conflict in particular, have been sidelined and rendered obscure. Sexual violence in conflict has been understood through a limited 'gender' lens, and the unique experiences of queer people in armed conflict have neither been acknowledged or addressed in policy, legislation, and transitional justice measures. This paper critically evaluates the WPS agenda and identifies gaps both in its language and implementation through National Action Plans. It presents the unique challenges of sexual and gender minorities in armed conflict and calls for a gender, peace, and security regime founded on the principles of intersectionality, queer theory, and the right to self-determination.

Keywords: WPS Agenda, Queer Theory, conflict-related sexual violence, peacetimewartime continuum, LGBTQIA

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Introduction

In October 2000, the UN Security Council unanimously adopted Resolution 1325. Before the resolution was adopted, women were seen as abstract victims in conflict¹ and sexual violence was completely unacknowledged.² The WPS Agenda connects social change and political transformation in international policy and encouraged the adoption of new programs and measures at civic society, national, and international levels.³ It addressed patriarchy in peacemaking, peacekeeping, and peacebuilding for the first time,⁴ and acknowledges the role that women play at the grassroots in supporting or actually rebuilding their communities in the aftermath of conflict.⁵ It re-genders gender, by enabling women to become more modern and diverse as women,⁶ and acknowledges the different experiences of men and women in armed conflict while redefining the scope of sexual violence as a 'weapon of war' as opposed to an 'unfortunate byproduct' of conflict.⁷

Even as the focus remained on women and their lived experiences, the scope of those experiences was limited to sexual violence in armed conflict. Despite its broad ambit, the resolution has been subject to criticism. While on the one hand, the idea of 'public sexual violence' found redress, the everyday lived experiences of structural and domestic violence went ignored. In the construction of the idea of 'woman,' the focus centred exclusively on cisgender, heterosexual women. Sexual violence is not the exclusive lived experience of women alone. Even as it is important and pressing to address the challenges to women in armed conflict, the structural and cultural factors, and peacetime dynamics informing and enabling that wartime reality must be addressed.

This article presents a critical overview of the WPS agenda to understand successes and gaps, and then focuses on organizational reports to understand the experiences of sexual and gender minorities in the peacetime-wartime continuum to establish manifestations of sexual violence that have not been explicitly included within the WPS agenda. As National Action Plans (NAPs) under the WPS agenda are among the effective modes of implementation, ¹⁰ the article engages with them through a discourse analysis to understand if, and accordingly how, sexual and gender minorities are addressed.

¹ Somerville and Aroussi 2013.

² Lippman 2000.

³ Pratt and Richter-Devroe 2011.

⁴ Anderlini 2007.

⁵ Pratt and Richter-Devroe 2011.

⁶ Pratt 2013.

⁷ Pratt and Richter-Devroe 2011.

⁸ Pratt 2013.

⁹ Sivakumaran 2007; Davis and Stern 2018.

¹⁰ Basini 2017.

The dedicated focus of the article is on the experience of individuals who fall beyond the sex and gender binary. While terms such as LGBTQIA++,¹¹ sexual orientation and gender identity (SOGI), and sexual practices and gender performance (SPGP),¹² have been used, any attempt at placing all individuals beyond the binary in one category runs the risk of homogenizing a spectrum of identities, expressions, performances, and practices pertaining to sex and gender. Thus, this article uses 'sexual and gender minorities' as an all-encompassing term to refer to individuals who identify with the acronym of LGBTQ-IA++ and those who prefer the SOGI/SPGP categorization. This terminology is queer affirmative, which is "an approach to therapy that embraces a positive view of Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) identities and relationships and addresses the negative influences that homophobia, transphobia, and heterosexism have on the lives of LGBTQ clients."¹³

The term 'sexual violence' is used in this article to convey sexual violence (violence of a sexual nature such as rape),¹⁴ gender-based violence,¹⁵ and sexualized violence (violence of a non-sexualized nature, targeting an individual's gender identity/expression and/or sexual orientation).¹⁶ Given that structural, cultural, and overt violence targeting sexual and gender minorities manifests in different ways, a wide-ranging term bears relevance.

One Step Forward, Two Steps Back: Limited Framings of Women and Conflict

The WPS agenda does not go beyond the already prevalent conventional framing of 'women' as victims in need of protection. For all the doors it did open, Resolution 1325 was carefully drafted with the aim of getting a foot in the door in an otherwise 'boys club' situation, and to do so, prioritized strategic essentialism. The WPS Agenda fails to acknowledge personal positions, conditions, contexts, and their interactions with gender, which go on to creating unique gender experiences. Instead of arguing for gender equality or women's rights, it asked for the recognition of women as valuable actors in peace and security. In the process, inclusion centred on women alone, and representation was centred on a limited understanding of gender.

¹¹ LGBTQIA++ is an umbrella term that stands for Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual, and a range of other sexual orientations, gender identities and expressions, and sex characteristics.

¹² Hagen 2019; Nasser-Eddin et al. 2018.

¹³ Rock et al. 2010.

¹⁴ NSVRC 2010.

¹⁵ Violence targeting an individual for their gender identity/expression and/or sexual orientation. NSVRC 2010.

¹⁶ VSAC n.d.

¹⁷ Aroussi 2017.

¹⁸ *Ibid*.

The WPS agenda is clear in its focus on 'women' – although who these women are remains unconfirmed. One may argue that the term can be seen as an 'all-encompassing' representation of the target population, and flexible enough to include all women, regardless of their backgrounds. However, the danger in the use of an umbrella term is that power dynamics come into play in determining who benefits and who does not. In homogenizing 'women' into one monolith, intersectionality finds no mention in the resolution. The text does not acknowledge the varied and complex gendered experiences of armed conflict owing to the intersection of other attributed and self-determined identity attributes.¹⁹

Just Women Alone?

Even as the extant power imbalance and gender inequality justify a focus on women, this focus neither addresses the root cause of these imbalances and inequalities nor does it address all manifestations of gender inequality.²⁰ It excludes every other target of sexual violence in an armed conflict, such as the dancing boys of Afghanistan,²¹ the young men who faced sexual violence among the war crimes in the DR Congo,²² and the LGBTQIA+ victims of the ISIS,²³ to name a few. Sexual violence targeting women is recognized as rape and sexual violence, while that targeting men, non-binary persons, and sexual minorities is seen as torture – conduct that is condemned in 'non-sexual terms.'²⁴ There is a glaring gap in the definition and comprehension of sex and gender as a spectrum rather than as binaries in conflation with one another, and of sexual violence as encompassing different definitions within its scope.²⁵

This exclusion is especially problematic as the overt focus on women as the lone survivors of sexual violence in armed conflict can divert aid, policy, legislative, and judicial attention from addressing other survivors' needs. By and large, human rights law and humanitarian laws (which apply specifically to armed conflict) are either not gendered at all or refer particularly to binary categories of 'men' and 'women.' Those that specifically address gender tend to conflate sex and gender and equate 'gender' with 'women and girls.' This is also true of the WPS Agenda. Sexual orientation is entirely excluded, leaving those who are targeted for their sexuality with the lone option of seeking recourse based on their gender. As Haley-Nelson put it: "(l)esbians face two overlapping levels of marginalization and discrimination, based on gender and sexual orientation, making them particu-

¹⁹ Pratt 2013.

²⁰ de Jonge Oudraat 2018.

²¹ Aroussi 2011.

²² Lake 2014.

²³ MEMRI 2014.

²⁴ Petchesky 2005.

²⁵ Sivakumaran 2007.

²⁶ Haley-Nelson 2005.

larly vulnerable to sexual human rights violations."²⁷ This has dangerous consequences: structural violence deepens targeting certain bodies for their non-heterosexual orientations becomes normalized.²⁸ Nearly two decades after Resolution 1325 was adopted, the recognition of men and boys as victims of sexual violence in armed conflict through Resolution 2467 speaks to one step in the direction of dismantling rigorous perceptions of gender as binary and of women as the lone victims of sexual violence in armed conflict.

'Gender' and 'Women' Are Not Synonyms

Sexual violence in armed conflict cannot be understood without drawing a reference to sex and gender.²⁹ However, the two are not the same though the WPS agenda tends to conflate the terms 'woman' and 'gender.' By so doing, the WPS Agenda effectively reaffirms the binarization of gender and suggests that the gendered impact of armed conflict, the deployment of a gender lens in assessing and examining conflict, and the gendersensitive approach to understanding armed conflict all mean focusing on (cisgender, heteronormative) women alone. Within this, the idea of the 'woman' was also largely essentialized – given that the idea was built upon the "assumption that women have innate qualities linked to their sex role."³⁰ This conflation of sex and gender is problematic and prevents the framing and implementation of suitable responses to gender-specific challenges in armed conflict.³¹ The current binary framework of comprehending gender in armed conflict "tends to foreclose the possibility of making political settlements under gender inclusive."³²

What follows is the heteronormative assumption that every 'body' experiencing conflict is cisgender. Those that have non-heteronormative sexual orientations and gender identities are "not served by WPS projects that rely on a woman/man divide." In the words of Dharmapuri "(t)oo often, the promotion of women's empowerment is confused with a gender perspective." The WPS agenda fixes "gender as a pathological relationship based on sexed bodies." Gender identities are essentialized to "draw boundaries and mould conflict dynamics based on other identity attributes."

²⁷ Haley-Nelson 2005, 165.

²⁸ Haley-Nelson 2005.

²⁹ Sjoberg 2016.

³⁰ Pratt 2013, 776.

³¹ Hagen 2016a, 2016b.

³² Rooney 2018, 331

³³ Hagen 2016b.

³⁴ Dharmapuri 2011, 58.

³⁵ Shepherd 2008.

³⁶ Yuval-Davis and Anthias 1989.

Limited Framings of 'Conflict'

Even as the WPS agenda did engage with the idea of women's agency in conflict resolution and peace, it did not do anything to address the structural violence that has the potential to constrain women's agency.³⁷ In its heavy focus on rape and sexual violence, it did not engage with the continuum of violence and the everyday violent realities challenging women³⁸ – such as in the form of domestic violence and cultural violence such as female genital mutilation.

The WPS agenda appears to refer exclusively to war and post-war zones as the "sites of *real* and significant threats to women and girls." The cultural and structural source of violence is patriarchy, which exists in peacetime and in wartime – in a sort of continuum connecting different forms of violence and injustices from the private to the public.⁴⁰

Armed conflict and peace cannot be divided into watertight compartments in addressing sexual violence – especially because structural violence subsists as a backdrop for such violence across both dimensions. Structural violence against sexual minorities during peacetime enables overt violence during armed conflict, oftentimes with a sense of 'fearlessness' and confidence of no legal sanctions on part of perpetrators who target sexual minorities.⁴¹ The negligence of the peacetime-wartime continuum has a heavy cost – one that normalizes every day sexual violence that happens even in the 'absence of war'.

No Safe Havens – Violence Against Sexual and Gender Minorities

LGBTQIA+ survivors of gender based violence and those who fall outside the normative frame of gender expression and identities are often left out of discussions pertaining to sexual violence in armed conflict. Sexual minorities are exposed to violence and discrimination in peacetime and in situations of violence that do not amount to the formal definitions of armed conflict. Violence during armed conflict is lived in gendered ways and includes a spectrum that ranges from "experiences of unemployment and other economic changes to sex-specific threats to health, sex-specific risks to physical security, gendered experiences of destruction of community and increases in sexual violence." However, sexual violence targeting sexual minorities in armed conflict is seldom part of

³⁷ Shepherd 2011; Gibbings 2011; Pratt and Richter-Devroe 2011.

³⁸ Kirby and Shepherd 2016.

³⁹ Santos et al. 2010, 2.

⁴⁰ Cockburn 2001; Santos et al. 2010.

⁴¹ Moore and Barner 2017.

⁴² Davis and Stern 2018; Hagen 2016a, 313.

⁴³ Margalit 2018.

⁴⁴ Sjoberg 2016.

any discussion at any level.⁴⁵ Even as pathbreaking decisions by the International Criminal Tribunal for Rwanda (ICTR) and the International Criminal Tribunal for the former Yugoslavia (ICTY) opened up avenues to include rape and sexual assault within the scope of war crimes and crimes against humanity, these forums also recognized sexual violence against men as torture.⁴⁶ In the process, they created a reality where sexual violence against women was seen as 'sexual,' while sexual violence against men and sexual minorities is seen in non-sexual terms.⁴⁷ As a result, none of the existing judicial regimes vested with the duty to prosecute sexual violence among other crimes in a post-conflict reality have acknowledged these victims.

Peace Is Not the Absence of Violence

Structural violence has enabled the constant and unrelenting oppression of those identifying outside the heteronormative and binary framework. During peacetime, sexual minorities face challenges to their lived experiences every day, ranging from microaggressions to outright violence. This violence is either structural, cultural, or as in most instances, both. This long-standing structural and cultural violence in the form of socio-political neglect of queer and non-cis-het gender identities has informed the gender lens deployed in the WPS agenda. As a consequence of structural and cultural barriers, sexual minorities have been forced to rely on a gender recourse (lesbians and female sexual minorities), while most others are excluded. In reality, gender may be only one of the many grounds on which a woman is attacked and treating gender alone as a basis ignores women who are targeted based on their sexual orientation and not gender.

The 'structural violence' targeting sexual minorities is a combination of large-scale structural inequalities at work both locally and globally, as well as cultural inequalities emerging – mostly locally – from various religious, cultural, and traditional bases that are used to oppose and oppress sexual minorities. Structural inequalities intersect with sexual inequalities and force sexual minorities to lead lives of vulnerability and marginalization. Homophobia, misogyny, patriarchal systems, and structural violence are entrenched in most of the world's national legal systems. One of the most common manifestations of structural violence is the illegality of non-heterosexual, non-binary identities – which sits on a spectrum of illegality in status to outright criminalization. By law, sexual minorities are systematically denied human rights protection and full citizenship in many parts of the world, and this denial manifests in treatment that ranges from discrimination to

⁴⁵ Padilla et al. 2007.

⁴⁶ Moore and Barner 2017.

⁴⁷ Petchesky 2005.

⁴⁸ Hagen 2016a and 2016b.

⁴⁹ Moore and Barner 2017.

⁵⁰ Richter-Montpetit 2016.

⁵¹ Amnesty International 2001.

outright state violence⁵² in several jurisdictions around the world. As of 2019, as many as 73 jurisdictions over the world criminalize private, consensual, same-sex activity, 45 jurisdictions criminalize private consensual activity specifically using laws against 'lesbianism,' and 12 jurisdictions impose the death penalty for at least a possibility for private, consensual, same-sex sexual activity, of which 6 implement the death penalty and the death penalty is a possibility in the other 6, while 15 jurisdictions criminalize the gender identity and or expression of transgender people.⁵³

The implications of structural violence targeting sexual minorities in their everyday lives are manifold. When the law determines particular identities as criminal, warranting a punishment as severe as death, any form of sexual violence targeting those identities can go unaddressed by the law, because of the consequences that reportage can usher in. This has also been reaffirmed by the literature on domestic violence targeting sexual minorities and the silences faced by them, which has demonstrated the close connections between structural violence and everyday experiences of violence faced by sexual minorities. ⁵⁴ A dangerous side effect of this, as a study in Australia⁵⁵ affirmed, is that domestic violence in same-sex relationships often continues as a result of individuals weaponizing heterosexism and homophobia to abuse and control their partners — especially because of the social, political, legal, and structural silence and systemic violence targeting sexual minorities. When structures themselves are homophobic, justice for those targeted by homophobia is as good as non-existent.

While speaking of structures, it is equally important to address the reproduction of structures by terminology. Many countries reduce a wide-ranging spectrum into a homogenous abbreviation of LGBTQIA++ - reducing different lived experiences into a single acronym. This produces its own hierarchy and normativity and can produce difficult consequences.⁵⁶

Arguably both a 'form' and 'means' for structural violence, cultural violence refers to "those aspects of culture, the symbolic sphere of our existence – exemplified by religion and ideology, language and art, empirical science and formal science (logic, mathematics) – that can be used to justify or legitimize direct or structural violence." Sexual minorities are targeted world over on the basis of who they are and face violence at the home, school, work, and community levels. Whether informed by interpretations of religion, tradition, customary practice, or even by law, cultural attitudes inform interactions at a

⁵² Amnesty International 1997; IGLHRC 2003.

⁵³ Human Dignity Trust 2019.

⁵⁴ Padilla et al. 2007.

⁵⁵ Vickers 1996.

⁵⁶ CWPS 2019; Nasser-Eddin et al. 2018.

⁵⁷ Galtung 1990.

⁵⁸ Sari and Yi 2003; Amnesty International 2001.

social level. These cultural attitudes lead to medical services being used to force a change to heterosexuality, the police turning out to be among the worst offenders by targeting sexual minorities in custody, and for hate crimes targeting sexual minorities.⁵⁹

Overt Manifestations of Violence Against Sexual Minorities Outside of Armed Conflict

Sexual and gender minorities may experience several years of social and/or familial persecution, wherein documented instances of violence have included corrective rape, honour killings, beatings, confinement, and imprisonment.⁶⁰ Corrective rape has been implemented world over to bring sexual minorities 'in line' by forcing heterosexuality,⁶¹ especially in South Africa where the practice has particularly targeted lesbians⁶² and has resulted in the brutal murder of some victims.⁶³

Violence of any kind propels sexual minorities to flee their home countries. The complexities involved in fleeing for sexual minorities include tremendous dangers in transit: from nations with discriminatory laws to facing state-sanctioned violence and punitive consequences. Several refugees identifying as sexual minorities have reported abuse, imprisonment, and even torture after leaving their homes. When detained, refugees identifying as sexual minorities face an increased risk of violence and sexual assault in comparison with other detainees. They may face homophobic attitudes from other refugees, and this may manifest as overt violence as well as limited access to already limited resources. While seeking asylum, they are vulnerable to attacks and harassment, both from family members and other refugees, and from law enforcement. Seeking asylum in itself is a dangerous pursuit, for they have to establish their identity as a sexual minority and prove their fear of persecution as well-founded. Withholding information on one's sexual identity can also culminate in a denial of asylum on the ground that they did not disclose relevant information, or on account of questionable credibility on their part.

⁵⁹ Dworkin and Yi 2003.

⁶⁰ UNHCR 2011.

⁶¹ Hawthorne 2005.

⁶² Koraan and Geduld 2015.

⁶³ Brown 2012.

⁶⁴ Rumbach and Knight 2014.

⁶⁵ Messih 2016.

⁶⁶ Tabak and Levitan 2013.

⁶⁷ LaViolette 2009 and 2010; UNHCR 2008.

⁶⁸ Human Rights First 2010.

Violence in Armed Conflict

When armed conflict begins, there is a 'structural change' because 'security is not guaranteed and people need to adapt to the new situation,' and this paves the way for a war economy where the national effort focuses entirely on fighting or defending against the war.⁶⁹ This security backdrop offers a decreased opportunity cost for committing crimes, and this leads to an increase in the violence against sexual minorities from all quarters: armed forces, civilians, the government, and the enemy.⁷⁰

In armed conflicts, sexual minorities are the least protected of all groups⁷¹ and face more challenges as a result of the breakdown of law and order. Sexual minorities are at heightened risk for three main reasons:⁷² the community networks that support survival during conflict are not available to sexual minorities who are rejected by their own families and communities; the empowerment of military actors erodes the safety of sexual minorities as military power is premised on the gender binary and the de facto recognition and acceptance of heterosexual intimacy;⁷³ and dissent is discouraged during armed conflict, which makes all sexual minorities outsiders to the nationalist fervour. The backdrop of cultural violence targeting sexual minorities is amplified in armed conflict, as well, wherein sexual violence in armed conflict actionizes feminizing and homophobic rhetoric against sexual minorities, ethnic communities, or the enemy side, out of the intent to spread fear.⁷⁴

Violence against LGBTQ individuals takes a similar shape to the targeted violence against women the WPS architecture has long worked to address,⁷⁵ except that the basis of this target violence, most often, is their sexual orientation.⁷⁶ Sexual violence targeting lesbian women increases during armed conflict as women's bodies are treated as 'weapons of war,' and are seen as needing to be 'cleansed from homosexuality.'⁷⁷ For example, several incidents of physical and sexual violence targeting men and women based on their actual or perceived sexual orientation or gender identity were recorded in areas of Syria under the control of armed groups like the ISIS and the Al-Nusrah Front.⁷⁸ In some cases, neighbours, friends, and even family members threatened to or actually sold out sexual and gender minorities to armed groups around them.⁷⁹

⁶⁹ Jormanainen 2018.

⁷⁰ Thomas 2015.

⁷¹ Margalit 2018; Park and Mykhyalyshyn 2016.

⁷² David and Stern 2018, 658

⁷³ Sjoberg 2014.

⁷⁴ Moore and Barner 2017.

⁷⁵ Hagen 2016a.

⁷⁶ Hagen 2016a, 2016b, and 2017; Moore and Barner 2017.

⁷⁷ Haley Nelson 2005.

⁷⁸ UN Secretary-General 2015; Nichols 2015.

⁷⁹ Reid 2014; Heartland Alliance International 2014.

Information recorded by the Victims' Unit in Colombia showed that gay, bisexual, and transgender people in Colombia were four times more likely than the rest of the population to be threatened and abused by both the legal and illegal armed forces during Colombia's 52-years-long armed conflict. 80

Targeted homophobic, bi-phobic, and transphobic violence carried out by a range of actors in situations of armed conflict may be common but are not reported as much.⁸¹ They reported instances of such violence carried out in the armed conflicts in Colombia, Nepal, and Peru. Violence targeting sexual and gender minorities has also catalysed their displacement.⁸² Instances of displacement of sexual and gender minorities have been recorded in eastern Ukraine,⁸³ Bangladesh,⁸⁴ Iraq,⁸⁵ and Colombia.⁸⁶ Once displaced, vulnerability is amplified. Syrian sexual and gender minorities fled to Lebanon, only to be harassed on the grounds of being gay – and in some cases, even arrested and tortured by Lebanese security forces when they were detained.⁸⁷ In Kenya, sexual and gender minorities were assaulted in refugee camps – and their houses were set on fire by both, members of the host community as well as fellow refugees.⁸⁸

In-conflict and post-conflict relief is also informed by the binaries of gender as relief programs targeting women alone have been problematic for transgender people and people who do not live in a home with a female who qualifies as the head of the household.⁸⁹ The gendered experiences of armed conflict for sexual minorities are rendered invisible because their gendered experiences of peacetime are rendered invisible.

Slipping Through the Cracks in the National Action Plans

The implementation of the WPS agenda is left to states, through the drafting and implementation of NAPs. A NAP is a "practical document that details the actions a government is taking to meet its obligations" under the WPS Agenda. One of several means to implement the WPS agenda, NAPs have become the default response "to any question about how the WPS agenda should be implemented." The binding nature of Security

⁸⁰ Espitia 2016.

⁸¹ Myrttinen and Daigle 2017.

⁸² Margalit 2018.

⁸³ Bond and Vlasova 2017; Justice for Peace in Donbas Coalition 2016.

⁸⁴ HRW 2017.

⁸⁵ Iraqueer et al. 2015; HRW 2018.

⁸⁶ West 2016; Lavers 2017.

⁸⁷ The Heartland Alliance International 2014.

⁸⁸ Bhalla 2018.

⁸⁹ Rumbach and Knight 2014.

⁹⁰ UN Women n.d.

⁹¹ Swaine 2017, 8.

Council Resolutions under Article 25 of the UN Charter requires their mandatory implementation. However, of the 196 member countries of the UN, as many as 86 countries (as of January 2021) have adopted NAPs. This section examines NAPs through a discourse analysis, to understand whether the rights of sexual and gender minorities find mention, and subsequently actionable mechanisms in place.

Understanding Gender Under the NAPs

Most NAPs do not formally define gender, save for a few. Gender has been defined as binary, wherein it has been seen as social attributes of (Namibian NAP 2019–2024), socially constructed roles for (Australian NAP 2012–2018), and social differences between (Bosnian and Herzegovinian NAP 2018–2022) men and women. The Namibian (2019–2024), Bosnian and Herzegovinian (2018–2022), and Canadian (2017–2022) NAPs go a step further to distinguish gender from sex in terms of their definitions, and restricts the latter to the binary, as well. The Bosnian and Herzegovinian NAP (2018–2022) constructs the idea of sex as constant biological differences. From a reading of the text in each NAP that does not formally define gender, it is clear that they all understand gender as synonymous to women and girls. All NAPs centre on protecting the sexual and reproductive health rights of women and girls – indicating that the locus of this protection is a cisgender, heterosexual woman/girl.

Sexual and Gender Minorities Under the NAPs

Some states allude specifically to sexual and gender minorities within their scope of (intended) action. Among the 84 NAPs in force at the time of writing, 11 expanded the scope of the WPS agenda to cover sexual and gender minorities, namely the US, Canadian, Irish, German, Serbian, Finnish, Swedish, Spanish, Albanian, Argentinian, and UK NAPs, in particular. Broadly, some NAPs accord an explicit recognition of 'LGBT people' (Japanese NAP 2015) and those of diverse sexual orientations and/or gender identities (Argentina, Sweden, Switzerland, United States) as individuals vulnerable to violence based on or because of their identities aligning with the spectrum of sexual and gender minorities.

The US NAP (2016) acknowledges the all-encompassing nature of the term 'gender-based violence.' Referencing the US Strategy to Prevent and Respond to Gender-Based Violence Globally (2019), it includes violence based on sexual orientation within the ambit of gender-based violence, and acknowledges that individuals and groups may be targeted based on their sexual orientations, gender identities and gender expressions, and that homophobia and transphobia contribute to high levels of violence against "lesbian, bisexual, and transgender persons" while also making it difficult for them to report such violence.

The NAP of Canada (2017–2022) acknowledges sexual orientation as one of the "multiple and intersecting discriminations" that individuals face as part of their "layered identi-

ties." It emphasizes that its policies and programming will use an analytical tool it calls "Gender-based Analysis Plus (GBA+)." In alluding to the 'plus,' this NAP acknowledges the need to transcend biological (sex) and socio-cultural (gender) differences, while also taking account of intersectionality.

The NAP of Germany (2017–2020) specifically includes violence and discrimination on the basis of sexual orientation or gender identity within its definition of gender-based violence. Despite its limited reading of the idea of sex identities by excluding intersex bodies, the focus on understanding sexual orientation and gender identities as important aspects in defining the human experience of violence is a powerful use of the WPS Agenda to pursue transformative change.

An expansive interpretation can also be seen in the NAP of Serbia (2017–2020). It relies on the Special Report of the Commissioner for the Protection of Equality of May 2015, which acknowledges the differentiated impact of armed conflict on women of different sexual orientations. This is the only NAP to specifically include an explicit activity to address the needs of women of different sexual orientations, within the scope of the Prevention Pillar.

Albania's NAP (2018–2020) aims to strengthen police officers to investigate crimes on the grounds of sexual orientation and labels them as hate crimes under Objective 1.2 in its NAP. Ireland's NAP (2019–2024) addresses structural violence and the factors that underlie gender norms and broader inequalities that underpin violence. The recognition of the roles of structural agencies and actors in violence targeting sexual an gender minorities is a valuable component in dismantling violence against sexual and gender minorities.

Finland's NAP (2018–2021) acknowledges that "women, men, girls and boys are not homogenous groups and that their individual 'identities and needs arising from their origin, class, ethnicity, religion and sexual orientation are shaped by circumstances and impact the way in which they experience persecution and discrimination." The NAP of Spain (2017–2023) guarantees the enjoyment of rights by women and girls of rights, including the right to freedom from persecution or discrimination due to race, sexual orientation or gender identity, religion, or ethnic origin, etc. Similarly, the UK NAP (2018–2022) recognizes unique challenges faced by women and girls owing to their sexual orientation and gender identity. Argentina's (2015) and Sweden's (2016–2020) NAPs acknowledge the need to consider sexual orientation (Argentinian NAP 2015) and gender identity, gender expression, and sexual orientation (Swedish NAP 2016–2020) within their work under the ambit of the WPS agenda, with Argentina alluding specifically to all interventions it undertakes beyond its boundaries.

Even as having a NAP may symbolize the willingness to pursue and implement the WPS agenda, not having one does not automatically imply unwillingness. For example, Colombia (which does not have a NAP) followed peace processes that included a significant focus on gender in the peace process with a gender subcommittee that included members

such as Caribe Afirmativo and Colombia Diversa that dedicate themselves to the protection of sexual and gender minorities to address the unique challenges of the LGBTQIA community. The final outcome of the peace process also carried a dedicated focus on the unique needs of sexual and gender minorities. However, the implementation continues to face its roadblocks, with the mounting violence targeting human rights defenders. In the same way, the non-mention of a particular focus on sexual and gender minorities does not automatically imply an unwillingness to focus on their issues. The Mindanao peace process had a dedicated focus on the protection of sexual and gender minorities through particular clauses in the peace agreements that emerged.

Operationalizing the NAPs

NAPs can be inward- or outward-facing – based on the regions in which they are operable. This is construed from the language used in the NAPs and the explicit mention of the regions of focus in the text of the NAPs themselves. Save for Albania's NAP (2018–2020), the ten other countries mentioned above (US, Canada, Ireland, Germany, Serbia, Finland, Sweden, Spain, Argentina, and the UK) have outward-facing NAPs, which means that their regional scope of action brings other nations into focus.

An outward-facing NAP offers room to protect communities in countries where protective measures are absent or inadequate. Regardless of whether the WPS agenda finds support in the countries that receive aid and support from countries with outward-facing NAPs, the presence of aid from a nation that is committed to pursuing the WPS agenda may make a difference in the recipient country. However, whether the focus of the NAPs in the nations receiving support would cover sexual and gender minorities or not depends on the socio-cultural and political realities on the ground. Thus, it is not about providing a mere list of goals or unclear targets, but rather about signalling a commitment to the WPS Agenda by designating responsibilities, establishing reporting measures to ensure accountability and encouraging coordination and dialogue among all actors working with the goal of attaining the NAPs. 95 For example, the US (2016) and Canada's (2017–2022) NAPs are expansive in their focus and offer protections for sexual and gender minorities. However, among the countries they support, Afghanistan has a legal framework that criminalizes non-binary gender expressions and identities and consensual same-sex relations with death and long-term imprisonment, respectively. It also has a cultural climate that ostracizes same-sex relations, while also having a history of permitting the practice of bacha bazi – where young boys were enslaved and sexually abused. 6 Although Afghanistan's NAP (2015–2019) was the result of several years' collaboration among representa-

⁹² Hagen 2019.

⁹³ *Ibid*.

⁹⁴ Cóbar et al. 2018.

⁹⁵ Ibid., 278.

⁹⁶ Ouraishi 2010.

tives of over twenty institutions that sought to work for inclusive security at the local level, change remains to manifest.⁹⁷

A similar dissonance is found in the context of Liberia and Iraq, two of the countries of focus under the US NAP (2016). Iraq has had a longstanding history of cultural and structural violence against sexual and gender minorities, and more recently, has seen tremendous violence targeting sexual and gender minorities both at the hands of the government through structural violence and the ISIS through overt violence legitimized by extreme interpretations of sharia law. While Liberia witnessed success in terms of how women mobilized under the WPS agenda to call for security sector reform and transitional justice, here was a marked difference when it came to sexual and gender minorities. Liberia has had a culture that is strongly opposed to consensual same sex relations, and instances of overt violence such as a law enforcement officer refusing to investigate allegations of violence against a gay man, or harassment by the police themselves. Ouch instances only reaffirm and continue to operationalize the essentialized idea of 'women' that was leveraged by women themselves to enter into spaces that were historically dominated by men.

An interesting case in the context of Bosnia and Herzegovina, which receives support from Sweden in the implementation of the WPS Agenda, may be understood as a successful impact of support from a country with an outward-facing NAP, although precise causal links are difficult to establish given limited data. In Bosnia and Herzegovina's NAP (2018–2022), there is no express commitment to an agenda around addressing sexual orientation. However, the NAP indicates that in the pursuit of its goal of harmonizing existing and adopting new legislation with international standards, it has amended its Penal code to punish hate crimes targeting individuals based on their sexual orientation or gender identity. This is not necessarily to mean that Sweden was the cause for the change, but rather hints at the potentiality of it.

Even as there is potential for an outward-facing plan to be fruitful in protecting sexual and gender minorities, it is also important to understand that research has shown that outward-facing plans are usually inclined toward 'making war safe for women' instead of prioritizing demilitarisation. ¹⁰² In so doing, the WPS agenda can both be used as a "political cover-up for interventionist policies" and at the same time, a means to re-legitimize "white masculinist protection of women and girls in conflict zones." ¹⁰³ This has been seen

⁹⁷ Jacevic 2018.

⁹⁸ Ibid.

⁹⁹ US Department of State 2012.

¹⁰⁰ *Ibid*.

¹⁰¹ Pratt 2013; Gibbings 2004; Cohn 2008.

¹⁰² Shepherd 2016; Pratt 2013.

¹⁰³ Pratt 2013.

in several instances. The struggle for the rights of sexual and gender minorities world over has been weaponized to 'pinkwash' a range of agendas that include both military interventions and civilizing missions targeting countries in Asia and Africa. ¹⁰⁴ It is important to guard against homonationalism, ¹⁰⁵ where power instrumentalizes the narratives and claims of sexual and gender minorities to justify racist, xenophobic, and aporophobic stances targeting particular religions, nations, and customs, by basing them on the prejudices that migrants are homophobic and that the west is egalitarian and liberal. Israel has also claimed to be a defender and advocate of the rights of sexual and gender minorities to justify its occupation of Palestine. ¹⁰⁶ There is no clarity, however, on how the rights of the sexual and gender minorities are framed within the logic of security, but the focus on their rights has both reinforced racial and cultural stereotypes and justified violent military intervention. ¹⁰⁷

The Rising Role of Civil Society

Regardless of NAPs, and their adequacy and implementation, Civil Society Organizations (CSOs) have played a significant role in mobilizing for the protection of sexual and gender minorities through creative and innovative approaches. This is a powerful reflection of on-ground implementation at the grassroots, where the last mile is placed front and centre as the beneficiary of the WPS agenda. For instance, the involvement of CSOs such as Caribe Afirmativo and Colombia Diversa in the Colombian peace process established a benchmark in nurturing the commitment to protecting sexual and gender minorities. This manifested in an inclusive and sensitive peace process and peace agreement. That implementation is still lacking remains a concern, but the commitment and engagement of CSOs inspire confidence.

The inclusion of Outright Action International into the NGO Working Group on Women, Peace, and Security (NGOWG), which 'calls for the consistent implementation of the women, peace and security agenda; undertake extensive monitoring and analysis; engage in targeted advocacy' among other things¹¹⁰ marks the first time that an organization focusing on sexual and gender minority rights finds inclusion in the action on the WPS Agenda in the NGOWG.¹¹¹

¹⁰⁴ Kapur 2018.

¹⁰⁵ Puar 2007.

¹⁰⁶ Schulman 2011.

¹⁰⁷ Kapur 2018.

¹⁰⁸ Hagen 2019.

¹⁰⁹ Ibid.

¹¹⁰ NGOWG n.d.

¹¹¹ Hagen 2019.

In some instances, donor countries have also pursued the implementation of the WPS agenda on the ground through CSOs. For example, the Canadian NAP provides funding to CSOs to implement its mandate. Donor countries also rely on CSOs incorporated on their territory to engage in implementing the WPS agenda in other countries, such as Women for Women International (US) and International Alert (UK), which focus on countries like DR Congo and Afghanistan among others.

CSOs also have a handle on the unique community-level challenges affecting individuals on the spectrum of sexual and gender minorities. They hold the unique solution of preparing grass-root level policies and praxis that helps translate the broader scope of the WPS agenda through a dedicated and narrow focus. For example, the Centre for Transnational Development and Collaboration developed a framework that focuses on 'sexual practice' and 'gender performances' and specifically includes a focus on intersectionality by accounting for race, class, gender identity and expression, and a host of other relevant factors.¹¹²

However, the endeavours of CSOs may be limited by a host of factors: access to funding, governmental restrictions on operations, and socio-cultural pushback and resistance from the communities they work with, especially if there are strong homonegative beliefs on the ground. For instance, in spite of consulting with CSOs, the Japanese government dropped the term 'gender' altogether in the Japanese version of the NAP.¹¹³

Betty Reardon framed an interesting concept called People's Action Plans (PAPs), acknowledging the 'foot-dragging reluctance of states to draft action plans.'¹¹⁴ There have been successful instances of CSO engagement through PAPs. For example, Veterans against the Iraq War helped push for the creation of People's Action Plans on the foundation of lived experiences and the desire to mobilize for gender equality and peace.¹¹⁵

CSOs can usher a change where the NAPs have not. Be it through PAPs or through engagement in the framing of NAPs, they can call for significant change. The exclusion of sexual and gender minorities from the scope of protection violates the human rights of a massive population. The continuation of structural violence in the form of legal provisions that criminalize gender identities and expressions and consensual same-sex relations, the prevalence of police brutality targeting sexual and gender minorities, and the lack of access to justice for these communities foment a basis for the prevalence of overt violence, marginalization, discrimination, and exclusion. These are areas that CSOs can help shift, by mobilizing support and community action at the grassroots.

¹¹² Nasser-Eddin et al. 2018.

¹¹³ Peace Women n.d.

¹¹⁴ *Ibid*.

¹¹⁵ Ibid.

The Case for a Gender, Peace, and Security Agenda

The lacunae in the language and implementation of the WPS Agenda, as well as the prevalence of violence targeting sexual and gender minorities across the peacetime-wartime continuum, present the need for a transformative approach that can address these challenges. Gender analysis has the potential to intervene in the 'evolutionary accounts of war-making a little bit differently than in the individually focused accounts.' While evolutionary biology does discuss gender roles, 117 it remains confined to a gender-essentialist and heterosexist understanding that are problematic. However, relying on gender as means and ends helps reflect on and dismantle the structural factors that cause the exclusion of sexual and gender minorities from the scope of protection and participation under the extant WPS agenda.

Drawing from the prevalence of violence against sexual and gender minorities on the peacetime-wartime continuum and the evident limitations in practice, this section draws on key findings to call for the reliance on gender as a transformative tool to expand the scope of the women, peace, and security agenda to create gender, peace, and security agenda.

Why Build a GPS Agenda?

The WPS Agenda is "not just about women and women's rights, but also about gender – that is, about the distribution of power within societies among men and women." Gender under the WPS agenda has been misconstrued in ways that are outdated, limited to the binary, and heavily heteronormative. The lack of awareness and expertise on gender as a concept has held the international community back from the successful implementation of the WPS agenda. In the time since the adoption of Resolution 1325, the focus of every successive resolution as well as the NAPs in force has tended to centre on the protection of women in conflict – which effectively not only reinforced traditional gender roles and infantilized women but also went on to ignore the structural factors that lead to, sustain, and foment gender inequalities.

The WPS agenda is a tool for survival. ¹²³ Sexual orientation and gender identity are two major factors that shape lived experiences of both peacetime and armed conflict. Within

¹¹⁶ Sjoberg 2018, 10.

¹¹⁷ Gat 2009; Fukuyama 1998.

¹¹⁸ Butler 2000.

¹¹⁹ de Jonge Oudraat 2018, 842.

¹²⁰ Davis and Stern 2018.

¹²¹ de Jonge Oudraat 2018.

¹²² True and Tanyag 2017.

¹²³ Davis and Stern 2018.

the scope of negative peace in the absence of overt violence, structural violence has enabled the constant and unrelenting oppression of those identifying outside the heteronormative and binary framework. From their homes to their societies, religion and culture are weaponized against their rights and interests, while legal, and socio-political systems continue to aggressively discriminate against them.¹²⁴ This long-standing structural violence in the form of socio-political neglect of queer and non-cis-het gender identities has informed the gender lens deployed in the WPS agenda.¹²⁵ Thus, it is necessary to pursue a feminist endeavour, as Hagen¹²⁶ calls it, to unpack the normative blueprint of binaries in this context by "rejecting heteronormative assumptions around sexual binaries and behaviours." The "focus on lesbian, bisexual, and transgender women" can destabilize "the myth of a heterosexual-cisgender Woman in Conflict (either victim of violence or agent of change)."¹²⁷

Aside from supporting sexual minorities and their unique challenges, broadening the WPS agenda's understanding of gender is in everyone's interest.¹²⁸ A broader interpretation can not only shift the focus on addressing root causes and structural factors enabling, causing, condoning, and failing to address gender-based violence, but can also facilitate the creation of inclusive movements that strive to end violence against those who are vulnerable to such violence because of gender or sexual identity or expression, or sexual orientation. This would pave the way for access to protection and open up avenues for participation under the existing scope of the WPS agenda.

Expanding the Meaning of Gender Through Queer Theory

Queer theory is not just confined to sexualities or sexual rights, but also questions established social, economic, and political power relations – and critically interrogates notions of security. It is one of the most valuable tools in deconstructing the conflation of 'gender' and 'women' in many arenas, including in our understanding of armed conflict. It challenges several assumptions about world politics, international relations, and related dynamics, when applied to international relations and politics. It aims to deconstruct established simplistic binaries – such as insecurity/security or war/peace – and recognises the inherent instability of political and social orders, and embraces the fluid, performative and ambiguous aspects of world politics instead. That armed conflict of both internal and international character involves both politics and international relations in

¹²⁴ Hagen 2016b.

¹²⁵ Hagen 2016a.

¹²⁶ *Ibid*.

¹²⁷ Hagen 2016b, 1.

¹²⁸ Davis and Stern 2018.

¹²⁹ Thiel 2019.

¹³⁰ *Ibid*.

¹³¹ Ibid.

one way or another suggests that the framework applicable for queering international relations can also be deployed in queering armed conflict and post-conflict approaches.

Queer theory fundamentally criticizes approaches to politics and society that "assume natural and moral hierarchies."¹³² It challenges dominant hierarchies and values and disrupts the construction of binaries as fixed categories, ¹³³ and helps note the invisibility of certain bodies in international politics through the binary and heteronormative hierarchies of gender and sexuality. ¹³⁴

Employing a queer lens to expand the scope of the WPS agenda would specifically enable access to protection and access to justice on the one hand and expand the scope of participation in peace processes to be more inclusive. While on the one hand, this will strengthen gender equality, it would also buttress the need to address long-standing gender-based violence and discrimination in transitional justice and peacebuilding. Care must be taken to acknowledge that the language transformation is only the first step: financial, organizational, and political support to translate the expanded agenda into reality must follow.

First, a queer lens can help expand the understanding of the nature of sexual violence that sexual and gender minorities experience discrimination during and after humanitarian emergencies.¹³⁷ Second, a queer lens would help distinguish between sexual, genderbased, and sexualized violence and acknowledge the prevalence of both. Third, it would facilitate a wholesome understanding of gender justice. Finally, it would also enable the framing and implementation of wholesome aid that speaks to unique humanitarian needs.

Conclusion

The WPS agenda holds a powerful promise in its fold. It portends a path to a future that addresses peace through sustainable and inclusive means – a kind of peace that can hold because nobody was left out in the process of securing it. If the resolutions were adopted, implemented, and given 'teeth' on the ground with an exclusive focus on what they call for, we may have well seen feminist reconstructions and implementations of humanitarian law, increased prosecutions of sexual violence in armed conflict, and possibly even justice in these cases. There is a general tendency in the WPS agenda to equate sex and gender, and in that conflation, to limit the applicability of the resolution to a rather restricted idea of women. This resulted in lost opportunities in the implementation of the

¹³² Thiel 2019.

¹³³ Lauretis 1991.

¹³⁴ Filho 2015.

¹³⁵ Davis and Stern 2018.

¹³⁶ Hagen 2019.

¹³⁷ Rumbauch and Knight 2014.

WPS agenda – such as questioning structural violence, acknowledging the prevalence of sexual violence on the peacetime-wartime continuum, and even calling for the end of war rather than to make war safer for women.

While armed conflict presents an enabling environment for large-scale sexual violence, it is important to understand that violence subsists across the peacetime-wartime continuum. Sexual and gender minorities are marginalized both in the law and in the customary norms in several societies. While they are ignored in some social and political contexts, in several others, structural violence manifests in the form of penal and criminal legislation that targets their existence with punitive consequences simply because of their gender and/or sexual identities. When a humanitarian crisis is involved, they are at greater risk of being excluded from basic protections. The absence of a legal framework to fall back on in the pursuit of justice, and the socio-political exclusion of and discrimination against sexual and gender minorities in armed conflict culminates in a grave erasure of a large section of the population that are targeted for their identities.

It is imperative for the shift toward a gender, peace, and security agenda that will acknowledge and address the protection and inclusive participation of sexual and gender minorities. An expansive and comprehensive implementation of the WPS agenda with a clear understanding of gender and sex, that acknowledges the unique challenges of sexual and gender minorities will not dilute the agenda's focus on women. Rather, it would render the agenda more meaningful and capable of serving the larger purpose of addressing patent gender inequalities and call for a dismantling of structures that enable discrimination based on gender and sexual identities. The WPS agenda got us a foot in the door. It isn't enough anymore: it is time to knock the door off its hinges.

¹³⁸ Rumbauch and Knight 2014.

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