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**EXPANDING 1325: MAKING THE CASE FOR THE APPLICATION OF UNITED
NATIONS SECURITY COUNCIL RESOLUTION 1325 TO WOMEN IN NATURAL
DISASTERS IN POST-CONFLICT NATIONS**

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Introduction

"It's very sad to realize that the pioneers of the women's movement in Haiti perished in the earthquake. . . . Their loss is our loss. But it is also a spark to keep the flame of the women's movement alive."

-- Marjory Michel, Minister of Women's Affairs, Haiti¹

Tuesday, January 12, 2010 saw a 7.0 earthquake that increased the devastation Haiti has historically witnessed to unimaginable proportions.² The earthquake hit ten miles southwest of Port-au-Prince, the capital city of Haiti, where government, commerce, and communications are centralized.³ Following the destruction, the price to rebuild has been estimated to be "as much as \$14 billion."⁴ In this country with a population of nine million, the number of people affected by this earthquake is astounding, with approximately 230,000 dead, and hundreds of thousands of people

¹ United Nations Development Programme, *Women Struggle for Rights as Haiti Recovers*, (Mar. 8, 2010) available within the video clip at <http://content.undp.org/go/newsroom/2010/march/women-struggle-for-rights-as-haiti-recovers.en> (last visited Feb. 13, 2011).

² Simon Romero, *Haiti Lies in Ruins; Grim Search for Untold Dead*, N.Y. Times, Jan. 13, 2010, available at <http://www.nytimes.com/2010/01/14/world/americas/14haiti.html?ref=americas> (last visited Feb. 13, 2011).

³ Merle David Kellerhals Jr., *Donors' Conference March 31 to Mobilize Support for Haiti* (2010), available at <http://www.america.gov/st/develop-english/2010/March/20100305123644dmslahrellek0.3958704.html> (last visited Feb. 13, 2011).

⁴ *Id.*

displaced.⁵

Women in particular are affected in different ways than men when it comes to natural disaster⁶ situations.⁷ Women are often at risk of gender-based violence, including domestic violence, sexual assault, and rape.⁸ Women are also frequently disconnected from the local, national, and international decision-making bodies that serve to reconstruct a community after devastation.⁹

⁵ *Id.* at Preliminary Study by the Inter-American Development Bank (PDF), available at <http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=35074108> (last visited Feb. 13, 2011).

⁶ Brookings-Bern Project on Internal Displacement, *Human Rights and Natural Disasters: Operational Guidelines and Field Manual on Human Rights Protection in Situations of Natural Disaster*, at 1 (2008), available at http://www.brookings.edu/~media/Files/rc/reports/2008/spring_natural_disasters/spring_natural_disasters.pdf (defining natural disaster as "the consequences of events triggered by such natural hazards as earthquakes, volcanic eruptions, land-slides, tsunamis, floods and drought that overwhelm local response capacity. Such disasters seriously disrupt the functioning of a community or a society causing widespread human, material, economic or environmental losses, which exceed the ability of the affected community or society to cope by using its own resources.") (last visited Feb. 13, 2011).

⁷ Elaine Enarson, *Building Disaster Resilient Communities: Learning From Community Women*, PANEL II: ENVIRONMENTAL MANAGEMENT AND MITIGATION OF NATURAL DISASTERS: A GENDER PERSPECTIVE, ADDRESS TO THE COMMISSION ON THE STATUS OF WOMEN, FORTY-SIXTH SESSION, at 2 (2002), available at <http://www.un.org/womenwatch/daw/csw/csw46/panel-Enarson.pdf> (last visited Feb. 13, 2011).

⁸ Brookings-Bern Project on Internal Displacement, *supra* note 6, at 66.

⁹ See Nadine Puechguirbal and Cynthia Enloe, *Failing to Secure the Peace: Practical Gendered Lessons from Haiti & Iraq*, BOSTON CONSORTIUM ON GENDER, SECURITY AND HUMAN RIGHTS MEETING NOTES, FLETCHER SCHOOL OF LAW AND DIPLOMACY, TUFTS UNIVERSITY, Oct. 26, 2004, available at <http://www.genderandsecurity.umb.edu/Enloe.pdf> (last visited Feb. 13, 2011).

Unsurprisingly, women suffering from the ramifications of armed conflict and political instability also suffer from similar risks, dangers, and isolation, including economic disenfranchisement, food insecurity, and a lack of access to education and health care.¹⁰ This paper will demonstrate how women in natural disaster situations in post-conflict nations have different needs than their male counter-parts, and that special attention is required to accommodate these necessities. Further, it is asserted that the United Nations Security Council Resolution 1325 ("SCR 1325")¹¹, which calls for the inclusion of women in conflict prevention, resolution, and peace-building in the armed conflict arena,¹² is an appropriate mechanism to address the role and needs of women in the post-disaster context.

Section I will provide the historical context for this paper. First, the history of Haiti's political and economic struggles both internationally and domestically will be briefly recounted. Second, the history and significance of SCR 1325 will be described. Section II will provide a discussion on the correlation between disaster, conflict, and issues of security.

¹⁰ *Rewinding History: The Rights of Haitian Women*, Jan. 2005, available at <http://www.haitisolidarity.net/article.php?id=118> (last visited Feb. 13, 2011).

¹¹ For citation purposes, a paragraph is every line that started with an indentation.

¹² S.C. Res. 1325, para. 2, U.N. Doc. S/RES/1325 (Oct. 31, 2000).

This will show how Haiti's environmental vulnerability is linked to the conflict Haiti has experienced and how SCR 1325 is integral in both the disaster and conflict contexts. Section III will review the dangers women face during natural disasters and will extract from SCR 1325 the components that are relevant and appropriate to apply to women in natural disaster situations.

Section I:

A Glimpse of Haitian History

When conducting an analysis of Haiti and its standing internationally, the strength, resistance, and tragedy that constitute Haitian history are illuminated and contextualized.¹³ Haitian revolutionaries fought twelve and a half years to free themselves from French slavery.¹⁴ Moreover, the Haitian slave revolt was the only revolt in the Americas successful enough to garner independence.¹⁵ Once independent from physical slavery in 1804,¹⁶ the "global economic embargo" against Haiti ensued.¹⁷ The

¹³ Carl Lindskoog, *Haiti Didn't Become a Poor Nation All on Its Own - The U.S.'s Hidden Role in the Disaster*, Jan. 15, 2010, <http://www.alternet.org/story/145183/> (last visited Feb. 13, 2011).

¹⁴ RANDALL ROBINSON, *AN UNBROKEN AGONY* 6 (2007).

¹⁵ *Id.*

¹⁶ Masum Momaya, *Haitian Women: Pillars of the Economy, and of Resistance*, Oct. 9, 2009, <http://www.awid.org/eng/Issues-and-Analysis/Issues-and-Analysis/Haitian-Women-Pillars-of-the-Economy-and-of-Resistance> (last visited Feb. 15, 2011).

¹⁷ ROBINSON, *supra* note 13, at 20.

United States ("US"), still in the throes of its own shameful slave trade,¹⁸ instituted economic sanctions on Haiti until the Emancipation Proclamation in 1863.¹⁹ In addition to this, in 1825, France ordered a weakened Haitian state, through threat of re-enslavement, to pay reparations in the amount of "roughly \$21 billion (2004 dollars)" for its loss of slave profits due to Haitian independence.²⁰ This slavery-debt payment had severe consequences for Haiti's infrastructure, since much of the Haitian government's revenue went to paying off debt, rather than being reinvested in Haiti.²¹ It is only since this most recent earthquake that France forgave Haiti their debt.²² It is encouraging to note the tides of debt cancellation were turning prior to the earthquake with the World Bank, the International Monetary Fund, and the Inter-American Development Bank canceling 1.2 billion of Haiti's debt in June 2009; other creditors were following suit.²³

The damage of US involvement in Haiti was not confined to economic sanctions, but continued with a US occupation from

¹⁸ The Schomburg Center for Research in Black Culture, *The Abolition of the Slave Trade, Introduction*, <http://abolition.nypl.org/home/> (last visited Feb. 15, 2011).

¹⁹ ROBINSON, *supra* note 13, at 20.

²⁰ *Id.* at 20-21.

²¹ Momaya, *supra* note 15.

²² Trenton Daniel, *French Leader Cancels Haiti Debt, Announces Aid*, Miami Herald, Feb. 17, 2010.

²³ Momaya, *supra* note 15.

1915-1934.²⁴ Additionally, the US supported the Duvalier dictators, Francois Duvalier and his son Jean-Claude Duvalier, who brutally ruled Haiti successively from 1957 to 1986.²⁵ Even more so, in the last two decades, the US "tacitly" allowed coups against the democratically elected President Jean-Bertrand Aristide,²⁶ and many contend the US supported and orchestrated such regime change.²⁷ Haiti's agricultural industry was also hard hit by the imposed economic conditions of foreign countries, including the US, which called for Haiti to remove its tariffs on rice imports, devastating Haiti's agricultural rice industry.²⁸ Haiti's debt obligations disallowed the government to invest in other social structures such as health care, education, and agriculture.²⁹ The socio-economic indicators of this poverty can be found in the 80 percent of people who live on less than two dollars a day, the high under-five child mortality rate, and the 60 percent unemployment rate.³⁰ The

²⁴ *Id.*

²⁵ Lindskoog, *supra* note 12.

²⁶ BEVERLY BELL, *WALKING ON FIRE: HAITIAN WOMEN'S STORIES OF SURVIVAL AND RESISTANCE* 13 (2001).

²⁷ *See generally*, PETER HALLWARD, *DAMMING THE FLOOD: HAITI, ARISTIDE, AND THE POLITICS OF CONTAINMENT* 175-77 (2007); *See*, ROBINSON, *supra* note 13, at 101-03, 152, 253.

²⁸ Alec MacGillis, *From Haiti's Ruins, a Chance to Rebuild a Nation*, *The Washington Post*, Jan. 17, 2010, <http://www.washingtonpost.com/wp-dyn/content/article/2010/01/16/AR2010011601848.html> (last visited Feb. 15, 2011).

²⁹ Momaya, *supra* note 15.

³⁰ *Id.*

aforementioned history must be recounted, for Haiti's conditions of poverty and weak infrastructure, contributors to the devastation before and since January 12, 2010, can not be divorced from the very real and harmful influence of American and European policy.

With respect to ensuring the integrity of Haitian history, when speaking about the gender inequities that exist in Haiti, every effort must be made to prevent the portrayal of Haitian women merely as victims. It must be made clear that there is a strong tradition of women's struggle and political organization in Haiti.³¹ While there is an unquestionably unfulfilled need to incorporate women into the mechanisms required to prevent and recover from conflict situations, it must be readily apparent that Haitian women participated as integral players in Haiti's political and social systems since the Haitian struggle for independence.³² Women participated in the Haitian Revolution, they organized against the US occupation, and they led underground resistance to brutal dictatorial regimes.³³ Indeed, quite sorrowfully, three prominent contemporary Haitian feminists died in the January 12 earthquake. These women were: Myriam Merlet, the Chief of Staff at the Haitian Ministry of Women, a feminist who focused efforts on alerting the world to

³¹ BELL, *supra* note 25, at 94-98.

³² *Id.*

³³ *Id.*

the tactic of using "rape as a political weapon";³⁴ Megalie Marcelin, a feminist lawyer and founder of a women's rights organization that fought domestic violence and provided economic empowerment to women through microcredit; and Anne Marie Coriolan, an adviser to the Haitian Women's Rights Agency and founder of a women's service and advocacy organization.³⁵

Recent Conflict in Haiti

The most recent UN involvement in Haiti began in February 2004 after President Aristide's departure from Haiti.³⁶ In June 2004 The United Nations Stabilization Mission in Haiti (MINUSTAH) was formed via UN Security Council Resolution 1542 with the mandate "to restore a secure and stable environment, to promote the political process, to strengthen Haiti's Government institutions and rule-of-law-structures, as well as to promote and to protect human rights."³⁷ MINUSTAH forces did not escape the deadly blow of the January 10 earthquake; they lost 96 UN

³⁴ Interview by Amy Goodman with Eve Ensler, playwright and activist, in New York, N.Y. (Jan. 19, 2010), available at http://www.democracynow.org/2010/1/19/haitian_feminist_leader_myriam_merlet_1953 (last visited Feb. 15, 2011).

³⁵ Jessica Ravitz, *Women's Movement Mourns Death of 3 Haitian Leaders*, CNN, Jan. 25, 2010, available at <http://www.cnn.com/2010/LIVING/01/20/haitian.womens.movement.mourns/index.html> (last visited Feb. 15, 2011).

³⁶ MINUSTAH, *Restoring a Secure and Stable Environment*, <http://www.un.org/en/peacekeeping/missions/minustah/> (last visited Feb. 15, 2011).

³⁷ *Id.*

staffers.³⁸ The Security Council passed Security Resolution 1908 (SCR 1908) shortly after the earthquake to increase MINUSTAH forces in order “to support the immediate recovery, reconstruction and stability efforts.”³⁹ Although SCR 1908 reaffirmed previous Security Council Resolutions on Haiti, it is interesting to note, that there was no recollection or reinforcement of SCR 1325 or any mention of what the gender components, if any, would be of MINUSTAH’s recovery response in SCR 1908.⁴⁰ There was also no mention of gender in the transcript of the 6261st Meeting of the Security Council where SCR 1908 was adopted,⁴¹ or in the report on how the Security Council should proceed in Haiti, delivered to the Security Council President prior to the adoption of SCR 1908.⁴² While appreciating the immediacy of the situation after the earthquake struck Haiti, the absence of language that refers to SCR 1325 or any mention of women may be taken as an indication that issues of gender are

³⁸ *Id.*

³⁹ S.C. Res. 1908, para. 7, U.N. Doc. S/RES/1908 (Jan. 19, 2010).

⁴⁰ *See Id.*

⁴¹ U.N. S.C., 65th year, 6261st mtg., U.N. Doc. S/PV.6261 (Jan. 19, 2010).

⁴² Letter from the Permanent Representative of Mexico to the United Nations Addressed to the President of the Security Council, U.N. Doc. S/2010/27 (Jan. 18, 2010), available at <http://www.unrol.org/files/Concept%20note%20on%20rol%20debate%2029%20June%202010.pdf>

not yet fully integrated into the consciousness of the Security Council.⁴³

History of SCR 1325

Despite the need to continue advocating for incorporating gender into the work of the UN Security Council, the struggle to include women gained an enormous achievement when the Security Council unanimously adopted SCR 1325 on October 31, 2000.⁴⁴ The UN Security Council is the UN body with the “primary responsibility for the maintenance of international peace and security” as per Chapter V of the UN Charter.⁴⁵ SCR 1325 was the first official recognition by the UN Security Council that women are integral to peace processes.⁴⁶ This defining moment was the outcome of many forces working from numerous angles to prioritize and recognize the invaluable and often dismissed role of women in the areas of peace and security.⁴⁷ Historical achievements leading up to the passage of SCR 1325 include the UN-declared International Women’s Year of 1975 when the Declaration of Mexico on the Equality of Women and Their

⁴³ See *infra* discussion on Gender Mainstreaming p. 14.

⁴⁴ Felicity Hill et al., *Nongovernmental Organizations’ Role in the Buildup and Implementation of Security Council Resolution 1325*, 28 SIGNS 1255, 1255 (Summer 2003) available at <http://www.jstor.org/stable/10.1086/368321> (last visited Feb. 14, 2011).

⁴⁵ U.N. Charter art.24, para.1.

⁴⁶ Hill, *supra* note 43, at 1255.

⁴⁷ *Id.*

Contribution to Development and Peace⁴⁸ was formalized at the World Conference of the International Women's Year.⁴⁹ This declaration cites Principle 25 that proclaims "[w]omen have a vital role to play in the promotion of peace in all spheres of life: in the family, the community, the nation and the world. Women must participate equally with men in the decision-making processes which help to promote peace at all levels."⁵⁰ This sentiment and plan of action was furthered in the UN's declaration that the years 1976-1985 would be coined the "UN Decade for Women: Equality, Development, and Peace".⁵¹ Then in 1979 the UN General Assembly adopted the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW),⁵² a human rights treaty declaring the most comprehensive set of human rights specific to women ever asserted.⁵³ Forging ahead, the United Nation's Fourth World Conference on Women in

⁴⁸ World Conference of the International Women's Year, June 19-July 2, 1975, *Declaration of Mexico on the Equality of Women and Their Contribution to Development and Peace*, U.N. Doc E/CONF.66/34 (July 2, 1975) [hereinafter *International Women's*].

⁴⁹ G.A. Res. 3520, para. 8, U.N. Doc. A/RES/30/3520 (Dec. 15, 1975).

⁵⁰ *International Women's*, *supra* note 47, at 6.

⁵¹ G.A. Res. 3520, *supra* note 48, at para. 17.

⁵² Convention on the Elimination of all Forms of Discrimination Against Women, Sept. 3, 1981, 1249 U.N.T.S. 13.

⁵³ See generally, Office of the United Nations High Commissioner for Human Rights, *Convention on the Elimination of All Forms of Discrimination against Women New York, 18 December 1979: Introduction*, available at

<http://www2.ohchr.org/english/law/cedaw.htm> (last visited Feb. 14, 2011) (discussing the history and substance of CEDAW).

Beijing, China in 1995 included in their Platform for Action a section on Women and Armed Conflict.⁵⁴ In this section it was declared, "If women are to play an equal part in securing and maintaining peace, they must be empowered politically and economically and represented adequately at all levels of decision-making."⁵⁵ Other actions continued to further support the agenda, including Security Council Presidential Statement by Ambassador Chowdury of Bangladesh in March 2000 declaring that gender equality is vital to peace,⁵⁶ and the Windhoek Declaration and the Namibia Plan of Action on Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations (Namibia Plan of Action),⁵⁷ that was adopted at a UN Department of Peacekeeping Operations event in May 2000 and called for implementing a plan of action that ensures a gender perspective

⁵⁴ The United Nations Fourth World Conference on Women, September 4-15, 1995, *Report of the Fourth World Conference on Women*, para. 131, U.N. Doc A/CONF.177/20/Rev.1 (Sept. 15, 1995) [hereinafter *Women's Platform*].

⁵⁵ *Id.* at para. 134.

⁵⁶ Press Release, Security Council, Peace Inextricably Linked With Equality Between Women and Men Says Security Council, In International Women's Day Statement, U.N. Doc. SC/6816 (Mar. 8, 2000).

⁵⁷ The Windhoek Declaration and the Namibia Plan of Action on Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations, General Assembly Security Council, 55th Year, 55th Sess., U.N. Doc. S/2000/693 (July 14, 2000), available at www.un.org/documents/ga/docs/55/a55138.pdf (last visited Feb. 15, 2011).

throughout the peace process.⁵⁸ SCR 1325 was passed months later.

Peace and security efforts comprise four focus areas that exist along a continuum: conflict prevention, peacemaking, peacekeeping, and peacebuilding.⁵⁹ SCR 1325 calls for women's "equal participation" across all of these realms, particularly recognizing that women and children are most affected by the consequences of armed conflict.⁶⁰ SCR 1325 speaks to five audiences: the Secretary-General, the UN Security Council, the UN Member States, the parties to armed conflict, and any persons that participate in peace processes.⁶¹ The Secretary-General and Member States are charged with increasing the number of women in decision-making positions in conflict resolution and peace processes at national, regional, and international levels.⁶² In particular, more women should be appointed special

⁵⁸ *Making Rights a Reality: Violence against women in armed conflict* (Amnesty International, London, U.K.) 2005, at 44-45 (discussing The Windhoek Declaration and the Namibia Plan of Action. They share many of the same tenets found in SCR 1325, such as calling for: women to participate equally in peace negotiations; the integration of issues of gender in peace negotiations and in UN peace missions; increased leadership of women in senior UN posts, as well as an increased number of women in UN Member State units; and gender training for UN personnel and the incorporation of gender issues into the work and analysis of the Department of Peacekeeping Operations.) [hereinafter *Making Rights a Reality*].

⁵⁹ U.N., *Strengthening UN Efforts To Maintain Peace And Security*, http://www.un.org/reform/peace_security.shtml (last visited Feb. 15, 2011).

⁶⁰ S.C. Res. 1325, *supra* note 11, at para. 4-5.

⁶¹ See S.C. Res. 1325, *supra* note 11.

⁶² *Id.* at para. 13-14.

representatives or envoys, and should be participants in field operations, occupying roles such as military observers and humanitarian personnel.⁶³ A gender perspective should be taken in post-conflict processes, Security Council reports and missions, and in peacekeeping.⁶⁴ Often referred to as "Gender Mainstreaming", a gender perspective "[a]t its simplest . . . requires the question 'Does this policy affect women and men differently?' to be asked of all policies and, if the answer is affirmative, to explore what can be done to prevent or correct women's disadvantage."⁶⁵ Parties to armed conflict, as well as representatives of the UN and Member States, must value a "gender perspective" that includes respecting the human rights of women and girls, protecting them from gender-based violence, and giving attention to their needs both immediately while in refugee camps and during post-conflict reconstruction.⁶⁶ Local and international women's groups should be consulted on the needs and rights of women both during conflict and after.⁶⁷ SCR 1325 is vital because it validates women not just as persons who should be protected from gender discrimination, gender violence,

⁶³ *Id.* at para. 15-16.

⁶⁴ Hill, *supra* note 43, at 1266-67.

⁶⁵ *Mainstreaming Gender in Peacebuilding: A Framework for Action. From the Village Council to the Negotiating Table: Women in Peacebuilding*, available at <http://www.cities-localgovernments.org/uclg/upload/docs/mainstreaminggendereinpeacebuilding-aframeworkforaction.pdf> (last visited Feb. 14, 2011)..

⁶⁶ S.C. Res. 1325, *supra* note 11, para. 7,20,21,22,23,25-27.

⁶⁷ See *Id.* at para. 30.

and sexual abuse, but it also validates women as political actors whose human rights should be respected as it "relate[s] to the constitution, the electoral system, the police and the judiciary."⁶⁸ SCR 1325 differentiates itself in this respect and can serve to strengthen tools used to protect women in disaster situations.⁶⁹

Section II:

The Cycle of Poverty, Conflict and Disaster

Haiti is prone to natural disasters more so than most countries in the world, with floods and hurricanes occurring annually.⁷⁰ The human toll of natural disasters between 2001 and March 2007 consisted of "18,411 deaths, 4,708 injuries, and 132,000 homeless" persons.⁷¹ Haiti's disasters are not only due to its geographic location,⁷² but are due to underdevelopment as well, with the damage of disasters related to the lack of construction regulations that make homes and other structures

⁶⁸ *Id.* at para. 20(c).

⁶⁹ See discussion on The Guiding Principles on Internal Displacement *infra* p.27.

⁷⁰ *Haiti: Saving the Environment, Preventing Instability and Conflict*, Crisis Watch Newsl. (Int'l Crisis Group, Port-au-Prince/Brussels), Apr. 28, 2009, at 1-2, available at http://www.crisisgroup.org/~media/Files/latin-america/haiti/aiti__saving_the_environment__preventing_instability_and_conflict.ashx (last visited Feb. 15, 2011) [hereinafter *Haiti: Saving*].

⁷¹ *Id.* at 2.

⁷² *Id.* at 1.

hurricane and earthquake proof.⁷³ Also responsible is an outmoded agricultural system that leads to environmental degradation.⁷⁴ Deforestation occurs out of need; at least one million families practice subsistence farming with techniques that are harmful to the environment.⁷⁵ "Less than 1 percent of [Haiti's] original forest cover remains, and 6 percent of the land has virtually no soil left."⁷⁶ This is in direct relationship to the fact that charcoal and firewood are used to meet seventy-five percent of the country's energy needs.⁷⁷ The result is that over fifty percent of Haiti suffers from deforestation and soil erosion.⁷⁸ The immediate environmental effects of deforestation include water scarcity because geographic areas that harness and maintain water resources are weakened.⁷⁹ Floods abound because the soil, unsupported and without protection from trees, cannot sustain the tropical storms and hurricanes.⁸⁰ Rural communities find their homes, crops, and villages destroyed.⁸¹ Rural families are then right back where they started, with little economic

⁷³ See Action Plan for National Recovery and Development of Haiti: Immediate Key Initiatives for the Future, Government of the Republic of Haiti, March 2010, at 8.

⁷⁴ Haiti Saving, *supra* note 68, at 7.

⁷⁵ *Id.* at 7.

⁷⁶ Jeneen Interlandi, *The Looming Threat*, Jan. 25, 2010, <http://www.newsweek.com/id/232425> (last visited Feb. 15, 2011).

⁷⁷ *Id.*

⁷⁸ Haiti: Saving, *supra* note 68, at 3.

⁷⁹ *Id.* at 4.

⁸⁰ *Id.*

⁸¹ Interlandi, *supra* note 75.

opportunity because agricultural success is compromised.⁸² And so the cycle goes, poverty breeds environmental ruin, making communities more vulnerable to natural disasters, leading to more poverty and conflict over continually lacking resources.

The results of unsustainable development and environmental destruction play a large part in determining Haiti's conflict situation.⁸³ A consequence of the weakened agricultural system and rural poverty is urban migration.⁸⁴ Annually 75,000 people travel to Port-au-Prince to work and live.⁸⁵ This incredible influx of people occurs in an already over-crowded city that does not have proper infrastructure or sufficient employment, making the conditions ripe for conflict situations to arise.⁸⁶ Rural migrants, especially young ones with little education and opportunity are at risk of joining armed gangs that exist in urban shantytowns.⁸⁷ While gang activity slowed in recent years, the conditions that generate gangs, namely little chance of employment or economic prosperity, continue, and therefore so does the threat of gang re-emergence.⁸⁸ What becomes apparent is

⁸² Haiti: Saving, *supra* note 68, at 4.

⁸³ *Id.* at 1.

⁸⁴ Philip Howard, Environmental Scarcities And Conflict in Haiti: Ecology and Grievances in Haiti's Troubled Past and Uncertain Future, Canadian International Development Agency, June 1998, at 8.

⁸⁵ *Id.*

⁸⁶ Haiti: Saving, *supra* note 69, at 4,6.

⁸⁷ *Id.* at 8.

⁸⁸ *Id.*

that the internal political and violent conflict that was suppressed in recent years may be subject to conflagration from the effects of natural disasters on an already limited and crippled infrastructure that hosts very few opportunities for employment and growth.⁸⁹ In addition, even as reports come in that thousands are fleeing Port-au-Prince to rural areas after the earthquake, conflict can emerge with internally displaced persons (IDPs)⁹⁰ arriving in areas that are already suffering from food and water shortages; the approaching rainy season also presents shelter concerns with so many new bodies to house.⁹¹

The interplay between poverty, environmental degradation, and natural disasters are troubling and call for a more holistic approach to security. The effects of this downward spiral allow

⁸⁹ United Nations Division for the Advancement of Women and the Inter-Agency Secretariat of the International Strategy for Disaster Reduction, *Report of the Expert Group Meeting, Environmental Management and the Mitigation of Natural Disasters: a Gender Perspective*, U.N. Doc. EGM/NATDIS/2001/Rep.1 (Nov. 15, 2001).

⁹⁰ Office for the Coordination of Humanitarian Affairs, United Nations, *The Guiding Principles on Internal Displacement*, Introduction, para. 2 (2d ed. 2004) (defining IDPs as "persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.") [hereinafter *Guiding Principles*].

⁹¹ World Vision, *World Vision Warns Haiti's Rural Communities Risk Chronic Food, Water Shortage as Burden to Care for Displaced Grows*, Alertnet, Mar. 2, 2010, available at <http://www.alertnet.org/thenews/fromthefield/477686/12675562096.htm> (last visited Apr. 13, 2010).

us to envision security issues that encompass a wide range of problems that stem from both poverty and natural disasters.⁹² These include, "such threats as diarrhea, malnutrition, illiteracy and unemployment, and deadly floods."⁹³ These threats can easily disturb a precarious peace situation in a post-conflict nation.⁹⁴ Broadening the notion of what constitutes a threat to security in post-conflict nations will allow us to explore the application of SCR 1325 to natural disaster situations.

Natural Disasters and the Evolution of SCR 1325's Application

With the imminent disastrous environmental effects of climate change, the UN Security Council must begin to be flexible in applying SCR 1325 not only to situations of armed conflict, but also to situations that can lead to armed conflict, specifically natural disasters.⁹⁵ The effects of climate change can have a "slow-onset", but the symptoms can result in severe weather events,⁹⁶ including hurricanes, tropical storms, floods, and

⁹² Haiti: Saving, *supra* note 69, at 6.

⁹³ *Id.*

⁹⁴ See Press Release, Security Council, Security Council Holds First-ever Debate on Impact of Climate Change, U.N. Doc. SC/9000 (Apr. 17, 2007)

⁹⁵ See Dan Smith, *Climate Change a Conflict Risk*, Al Jazeera, Nov. 6, 2009, available at http://www.international-alert.org/pdf/A_Climate_Of_Conflict.pdf (last visited May 10, 2011).

⁹⁶ *Id.*

droughts.⁹⁷ Many scientists believe earthquakes are caused by climate change as well.⁹⁸ Not only are natural disasters a threat to peace and security, they can have a direct impact in facilitating conflict where there is burgeoning peace after conflict.⁹⁹ This was the case in Sri Lanka where the conflict between the Tamil Tigers and the Sri Lankan government worsened after the 2004 Tsunami.¹⁰⁰ Aid distribution between the majority Tamil "conflict-induced IDPs" who were not largely affected by the Tsunami, and the Sinhalese who were mostly affected, appeared to be discriminately given to the Sinhalese.¹⁰¹ This only served to heighten tensions and caused conflict to flare up

⁹⁷ United States Environmental Protection Agency, *Extreme Events*, <http://www.epa.gov/climatechange/effects/extreme.html> (last visited Apr. 13, 2010).

⁹⁸ Dennis Bueckert, *Climate Change Could Cause Earthquakes and Volcanic Eruptions, Scientists Say*, Canadian Press, July 4, 2006, http://www.climateemergency.org/joomla/index.php?option=com_content&task=view&id=44&Itemid=110 (last visited Mar. 19, 2010)

⁹⁹ Security Council, *supra* note 93; but see Elizabeth Ferris, *Natural Disasters, Conflict, and Human Rights: Tracing the Connections*, Remarks, St. Mary's University, San Antonio (March 3, 2010) transcript available at http://www.brookings.edu/speeches/2010/0303_natural_disasters_ferris.aspx (last visited Apr. 13, 2010) (attributing the resolution of conflict between the Aceh government and Gerakan Aceh Merdeka (GAM) after the 2004 Tsunami hit Aceh to the realization by both sides that their thirty year conflict needed political rather than military solutions. The presence of international actors contributed to the security and support needed to negotiate.)

¹⁰⁰ Ferris, *supra* note 98.

¹⁰¹ *Id.*

again in 2006.¹⁰²

Not only do disasters lead to conflict, but the government and structural systems of a country are weakened by conflict, and as such their ability to respond to disasters is compromised.¹⁰³ "This is especially true in vulnerable regions that face multiple stresses at the same time - pre-existing conflict, poverty, and unequal access to resources, weak institutions, food insecurity and incidence of diseases such as HIV/AIDS."¹⁰⁴ Further, once a natural disaster hits, a country with a fragile government is prone to get politically and structurally weaker, becoming vulnerable to renewed conflict.¹⁰⁵ Unfortunately, if we were to look at stressors in Haiti, we would be hard pressed to find positive statistics. Infant, under-five, and maternal mortality rates were the highest in the Western hemisphere prior to the earthquake.¹⁰⁶ Adults aged 15-49 have high rates of HIV prevalence at 2.2%,¹⁰⁷ the majority of the

¹⁰² *Id.*

¹⁰³ *Id.*

¹⁰⁴ Security Council, *supra* note 93.

¹⁰⁵ See Ferris, *supra* note 98 (discussing and citing the work of Rakhi Bhavnani, "Natural Disaster Conflicts," Harvard University, February 2006, available at <http://www.disasterdiplomacy.org/bhavnani/summary.pdf>)

¹⁰⁶ Tracy Clark-Flory, *Why "Women and Children First" Persists*, Jan. 14, 2010, http://www.salon.com/mwt/broadsheet/feature/2010/01/13/haiti_women_children/print.html (last visited Mar. 19, 2010).

¹⁰⁷ UNAIDS, *Haiti*, <http://www.unaids.org/en/CountryResponses/Countries/haiti.asp> (last visited Apr. 13, 2010).

population live on less than two dollars a day and there is 60 percent unemployment.¹⁰⁸

What must be insisted upon after a natural disaster is a conflict prevention model that equally incorporates one, issues specific to women, and two, women as negotiating actors, both cornerstones to SCR 1325.¹⁰⁹ Some may argue that if the natural disaster situations we are referring to are in post-conflict nations, then SCR 1325 already applies and nothing more need be done. However, such laissez-faire attitudes are not enough in ensuring the protection and prioritization of women after natural disasters. The Security Council must be steadfast and explicit that in natural disaster situations, the elements of SCR 1325 are clearly adaptable and applicable to all stages of post-disaster response, reconstruction, and prevention in order to preclude armed conflict. Natural disasters create a new entry way and additional reasoning for strengthening the implementation of SCR 1325. Without applying SCR 1325 to situations of natural disaster, similar conditions that befell, and still befall women in armed conflict situations without SCR 1325 protections will occur. Even more troubling is that if we do not prioritize the role of women in the response and recovery

¹⁰⁸ Momaya, *supra* note 15.

¹⁰⁹ See generally S.C. Res. 1325, *supra* note 11 (noting the participation and promotion of women's issues throughout SCR 1325).

phases of natural disasters in post-conflict nations, women's issues and voices will most likely be de-prioritized.¹¹⁰ As reported in a 2005 OXFAM report on Haitian women in the political realm, "When a country is in crisis, the government is only concerned with the basic 'bread and butter' issues of politics: there is no room left to discuss other issues such as health care, education, and women's rights."¹¹¹ SCR 1325 gave women a written legal document to refer to when asserting their rights before, during, and after armed conflict.¹¹² SCR 1325 will allow women suffering in a natural disaster situation to claim the same protections and rights.

With a doubling of the number of natural disasters occurring annually over the last twenty years,¹¹³ women will be in need of a mandate that specifically protects them during such an event. The time is ripe for asserting SCR 1325's application towards situations of natural disaster in post-conflict nations. On April 17, 2007, for the first time in UN Security Council

¹¹⁰ Oxfam GB, *Pa Kite M Deyo! Don't Leave Me Out!, Women's Leadership & Participation, Programme Insights*, February 2008 at 2 [hereinafter *Pa Kite M Deyo!*].

¹¹¹ *Id.*

¹¹² See Gréta Gunnarsdóttir, *Welcome Remarks at Women Negotiating Peace - Experience, Obstacles, Opportunities, International Conference: United Nations Security Council Resolution 1325 (2000) on Women, Peace, and Security*, University of Iceland (Jun. 19, 2009) (transcript available at www.un.org/womenwatch/.../Iceland%20meeting.19-20June09.pdf) (last visited Apr. 13, 2010).

¹¹³ Ferris, *supra* note 98.

history, the Security Council met to discuss the subject of climate change as it relates to the Security Council's function of maintaining international peace and security.¹¹⁴ While it was clear the impending doom of climate change was on the minds of all countries present, there were obvious disagreements about the role the Security Council should play in responding to climate change.¹¹⁵ There were countries such as China and Pakistan who did not believe the Security Council was the "proper forum" for climate change discussions, citing the Security Council's "encroachment" on the business of other UN departments, such as the Economic and Social Council and the General Assembly.¹¹⁶ However, other countries, many of them island nations, understood the threat of climate change as one comparable to the threat of "guns and bombs".¹¹⁷ Without getting mired in this climate change response debate, recent Security Council history shows there exists a priority of focusing on the "root causes" of armed conflict.¹¹⁸ UN Security Council Resolution 1625 "[r]eaffirm[s] the need to adopt a broad strategy of conflict prevention, which addresses the root causes of armed conflict and political and social crises in a

¹¹⁴ Security Council, *supra* note 93.

¹¹⁵ *Id.*

¹¹⁶ *Id.*

¹¹⁷ *Id.*

¹¹⁸ S.C. Res. 1625, U.N. Doc. S/RES/1625 (Sept. 14, 2005); Security Council, *supra* note 93.

comprehensive manner”¹¹⁹ Passed in 2005, this resolution was established to strengthen the efficacy of the Security Council in conflict prevention, particularly in Africa.¹²⁰ It follows that an expansion of conflict prevention that seeks to address the root causes of armed conflict must indeed include natural disasters. It was recently reported by The Intergovernmental Panel on Climate Change “that climate change phenomena would cause extreme natural disasters, lead to serious food crises, and increase health dangers”¹²¹ Such phenomena create the ideal conditions for conflicts and civil wars to re-emerge in vulnerable states.¹²² Merging the desire of the UN Security Council to both enhance their conflict prevention techniques, as well as address the root causes of conflict, which includes natural disasters, it seems only reasonable that SCR 1325 would apply to vulnerable post-conflict nations that suffer from natural disasters.

It follows that SCR 1325 is needed to strengthen natural disaster response by enhancing the role of women post-natural disaster. However, SCR 1325 would best be utilized in tandem with other natural disaster guidelines used to protect IDPs. This partnering will strengthen natural disaster guidelines weak

¹¹⁹ *Id.*

¹²⁰ *Id.*

¹²¹ Security Council, *supra* note 93.

¹²² *Id.*

on gender mainstreaming and women's participation, as well as address weaknesses SCR 1325 may have.¹²³ Securing the human rights of internally displaced persons in natural disaster situations is a main focus of the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons, Walter Kalin.¹²⁴ In his March 2009 report to the Human Rights Council (HRC), Kalin called for utilizing "disaster prevention, mitigation, and preparedness guided by a human rights-based contextual analysis."¹²⁵ This entails looking at the specific risks natural disaster victims face and then assessing what human rights guarantees must be implemented through government and humanitarian assistance so as to protect IDPs.¹²⁶ All nation states "have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction."¹²⁷ To

¹²³ See discussion on the weaknesses of SCR 1325 *infra* p. 41.

¹²⁴ See generally Human Rights Council [HRC], Report of the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons, Walter Kalin, *Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development*, U.N. Doc. A/HRC/10/13/Add.1 (Mar. 5, 2009) (describing the work of the Representative for the past four years in his visits to regions affected by natural disasters, lessons learned from state response systems, and recommendations for future response as called for by the Guiding Principles.) [hereinafter *Promotion and Protection*].

¹²⁵ *Id.* at para. 5.

¹²⁶ *Id.*

¹²⁷ Guiding Principles, *supra* note 89, Principle 3.

facilitate such duties the Guiding Principles on Internal Displacement, while not law per se, are based upon human rights, humanitarian, and refugee law, and were written to set international standards for nations and humanitarian agencies faced with the plight of IDPs.¹²⁸

The Guiding Principles indicate that IDPs must “be informed and consulted” about decisions authorities make that will affect their lives. IDPs must also “participate in the process of decision-making.”¹²⁹ While the Guiding Principles advocate specifically for women in certain areas of the document,¹³⁰ the document does not have a primary aim to ensure women are central players in response, recovery, and reconstruction.¹³¹ When comparing the “three P’s” of SCR 1325: the “protection” of women during and after conflict, the “prevention” of conflict, and women’s “participation” in preventing and resolving conflict,¹³² the Guiding Principles do not locate women as strongly as SCR 1325 does in participatory decision-making

¹²⁸ *Id.* at Introductory Note by the Representative of the Secretary-General on Internally Displaced Persons, Mr. Francis M. Deng.

¹²⁹ Promotion and Protection, *supra* note 123, para. 35.

¹³⁰ See Guiding Principles, *supra* note 89, at Principles 7(3)(d), 11(2), 18(3), 19(2), 20(3), 23(3), 23(4).

¹³¹ See *Id.* at Introduction (describing the purpose of the Guiding Principles to “address the specific needs of internally displaced persons worldwide.”)

¹³² The United Nations International Research and Training Institute for the Advancement of Women (UN-INSTRAW), *Securing Equality, Engendering Peace: A guide to policy and planning on women, peace and security*, 2006 at 1.

roles.¹³³ The Guiding Principles certainly call for women's participation in relocation in non-emergency situations,¹³⁴ and "in the planning and distribution of . . . basic supplies."¹³⁵ Yet, while women may be included within Principle 28(2) where the "full participation of internally displaced persons in the planning and management of their return or resettlement and reintegration" is guaranteed, women are not specified as participatory agents.¹³⁶ This weakness in the Guiding Principles helps support calls for the evolution of SCR 1325's application to natural disasters.

Still, others argue that the UN Security Council should implement a new Security Council Resolution parallel to SCR 1325 that applies specifically to women in natural disasters.¹³⁷ While this may be a worthwhile idea, women in post-conflict nations do not necessarily need a new resolution. Rather an expansion of SCR 1325's application to situations of natural disasters is sufficient particularly for women in post-conflict nations. With worsening climate change, the frequency of natural disasters

¹³³ S.C. Res. 1325, *supra* note 11 at para. 6,13.

¹³⁴ Guiding Principles, *supra* note 89, at Principle 7(3)(c).

¹³⁵ *Id.* at Principle 18(3).

¹³⁶ *Id.* at Principle 28(2).

¹³⁷ See generally Payal K. Shah, *Assisting and Empowering Women Facing Natural Disasters: Drawing From Security Council Resolution 1325*, 15 Colum. J. Gender & L. 710 (2006) (recommending the Security Council create a binding resolution calling for "gender-mainstreaming and female participation in disaster prevention and aid".)

will increase¹³⁸ and the hardships faced during disasters will intensify.¹³⁹ With such imminent challenges, we must begin to see how natural disasters and conflict are cyclically related, and how the leading documents used to combat each can be used together to combat this cycle, especially as it relates to women and girls. Investing time and energy into the integrity and implementation of SCR 1325, rather than creating a brand new resolution, will allow resources and agendas to remain focused.

Section III:

Women & Disaster:

Gender often dictates the way people experience and recover from natural disasters.¹⁴⁰ For example, women from all regions affected by the 2004 Tsunami were highly represented among the dead, more so than their male counterparts.¹⁴¹ In Sri Lanka some of this mortality disparity could be attributed to the skills men were taught according to traditional gender expectations, such as swimming and tree climbing.¹⁴² Women were not taught these survival skills and were unprepared to contend with the massive waves.¹⁴³ Other examples of the gender implications of

¹³⁸ Promotion and Protection, *supra* note 123, at para. 66.

¹³⁹ *Id.* at para. 2.

¹⁴⁰ Enarson, *supra* note 7, at 2-3.

¹⁴¹ Oxfam Int'l, *The Tsunami's Impact on Women*, March 2005 at 2.

¹⁴² *Id.* at 9.

¹⁴³ *Id.*

disaster can be found in Tamilnadu, India, post-Tsunami, where the government did not provide Burkas in their relief packages; this resulted in limited mobility for Muslim women and prevented them from accessing water and other aid.¹⁴⁴ After natural disasters, the insecurity of and discrimination towards populations that existed prior to the disaster often intensify creating the conditions for human rights violations.¹⁴⁵

Women who are socially and economically sidelined do not have the social standing or financial power to be appropriately prepared and equipped before, during, and after a disaster.¹⁴⁶ "For example, women tend to be less educated, have less experience dealing with authorities, have access to fewer economic resources and, in many countries, have more restrictions on their mobility than men."¹⁴⁷ When disaster relief agencies do not take the social and political status of women into consideration, women's ability to access humanitarian

¹⁴⁴ Chaman Pincha, et al., *Understanding Gender Differential Impacts of Tsunami & Gender Mainstreaming Strategies in Tsunami Response in Tamilnadu, India*, (Anawim Trust & Oxfam America) 2007, 9.

¹⁴⁵ Promotion and Protection, *supra* note 123, para. 3.

¹⁴⁶ Enarson, *supra* note 7, at 2-3.

¹⁴⁷ Canadian Int'l Dev. Agency (CIDA), Int'l Humanitarian Assistance Division, Multilateral Programs Branch, *Gender Equality and Humanitarian Assistance: A Guide to the Issues*, 2003 at 5.

supplies and services is hindered.¹⁴⁸ The World Food Programme (WFP) notes that women encounter obstacles to “emergency entitlements (food, blankets, fuel, soap, shelter, etc.) as a result of discriminatory practices in registration, women’s lack of access to information regarding benefits, and the frequent absence of consultation with women about resource distribution.”¹⁴⁹

SCR 1325 can serve to protect women from such disenfranchisement as it provides for a “gender perspective” in all peacekeeping operations, specifically ensuring there is a “gender component” in the field.¹⁵⁰ For example, food distribution in Haiti was met with the response of a desperate nation vying for subsistence. Images in the early days after the earthquake of food and water distribution reflected majority male recipients.¹⁵¹ This is partially because women who are re-establishing their families by pitching tents and taking care of

¹⁴⁸ Brookings-Bern Project on Internal Displacement, *Human Rights and Natural Disasters: Operational Guidelines and Field Manual on Human Rights Protection in Situations of Natural Disaster*, March 2008 at 66.

¹⁴⁹ CIDA, *supra* note 146, at 7.

¹⁵⁰ S.C. Res. 1325, *supra* note 11, para. 17.

¹⁵¹ Press Release, Pan American Health Organization/World Health Organization (PAHO/WHO), *Are Haitian Women and Children Getting Less Earthquake Aid?*, http://new.paho.org/hq/index.php?option=com_content&task=view&id=2327&Itemid=1926 (last visited Apr. 14, 2010).

the injured do not have time to get in food lines.¹⁵² However, women who do arrive in food lines may not have the power or strength to fight men standing in line or distributing food.¹⁵³ In an effort to tend to women's needs and by extension the needs of an entire family, the WFP began distributing food coupons to Haitian women only.¹⁵⁴ Women who receive food directly are more likely than men to ensure families eat and that children eat first.¹⁵⁵ This type of assistance is crafted to take into consideration power inequalities and is one in which gender dynamics are a significant variable in the design of food aid. Women are still vulnerable to attack when they leave food distribution compounds though, and are encouraged to bring male friends or family for protection.¹⁵⁶ The system is not yet perfect and does not account for the gender dynamics regarding safety once women leave distribution compounds.¹⁵⁷

When negotiating and implementing conditions for peace, including during post-conflict reconstruction, SCR 1325 calls

¹⁵² Interview by Jocelyne Sambira with Marijke Velzeboer, Senior Gender and Health Advisor to PAHO, on United Nations Radio, *The Dangers of Being a Woman in A Disaster Zone* (Jan. 28, 2010), <http://www.unmultimedia.org/radio/english/print/89980.html> (last visited Apr. 15, 2010) [hereinafter Sambira].

¹⁵³ *Id.*

¹⁵⁴ World Food Programme, *Haiti: Why Women Are At The Front Of The Queue*, February 12, 2010, <http://www.wfp.org/stories/haiti-why-women-are-front-queue> (last visited Apr. 15, 2010).

¹⁵⁵ *Id.*

¹⁵⁶ *Id.*

¹⁵⁷ See also Puechguirbal & Enloe, *supra* note 9.

for focusing on the "special needs of women and girls".¹⁵⁸ This focus should carry over during times of natural disaster in post-conflict nations because in order for women to participate in re-building their communities or their nations, their own needs must first be met.¹⁵⁹ This is especially so in Haiti where women comprise 43% of the heads of household.¹⁶⁰ According to a statement put out by the Committee on the Elimination of Discrimination Against Women on the situation in Haiti, women are important caretakers of children, the elderly, and the injured, but will be unable to "adequately fulfill these roles if their basic needs are unmet and if decision-makers ignore them."¹⁶¹ Concerns women encounter during natural disasters include receiving general hygienic agents, birth control, reproductive health care, and other items needed to care for families.¹⁶² Additionally, if women do not receive "appropriate food" and medicine, women will not be able to put their energy

¹⁵⁸ S.C. Res. 1325, *supra* note 11, para. 18(a).

¹⁵⁹ Committee on the Elimination of Discrimination Against Women, *Statement of the Committee on the Elimination of Discrimination Against Women on the Situation in Haiti* (Jan. 12, 2010), available at www2.ohchr.org/english/bodies/cedaw/.../statements/Haiti_Statement.pdf.

¹⁶⁰ Prioritize Aid to Women in Haiti: Open Letter to the Heads of State and to the United Nations, <http://www.justassociates.org/blog/2010/01/prioritize-aid-to-women-in-haiti-open.html>. (Jan. 20, 2010).

¹⁶¹ Committee on the Elimination of Discrimination Against Women, *supra* note 158.

¹⁶² Clark-Flory, *supra* note 105.

towards reconstruction and peacebuilding.¹⁶³ According to UNICEF, the necessary food response for Haiti's people calls for provisions that will dispense supplementary nutrients to "2.4 million women of child-bearing age, 240,000 pregnant women and 600,000 under-five children."¹⁶⁴ As of February 9, 2010, donors to the relief effort contributed only 6 percent of the funds necessary for providing this care to women and children at risk.¹⁶⁵ A scaled-down WFP nutrition assistance program is in motion, "targeting 53,000 children under five and 16,000 pregnant and breast-feeding mothers".¹⁶⁶ While this is a start, the fact that the funding for women's nutrition is unmet is a concern especially given that those in need far outnumber the current funding capacity.

Another crisis women face after natural disasters is that of violence. Before the earthquake, studies indicated one third of Haitian women suffered violence, half of these women were under the age of 18.¹⁶⁷ In addition, sexual violence commonly rises in humanitarian crises, and in a society where physical abuse against women is often the norm, increased "stress, lawlessness

¹⁶³ CIDA, *supra* note 146, at 3.

¹⁶⁴ *Haiti: Funding gap for nutrition*, ReliefWeb, Feb. 9, 2010, <http://www.reliefweb.int/rw/rwb.nsf/db900sid/SHIG-82HJNX?OpenDocument> (last visited Apr. 15, 2010).

¹⁶⁵ *Id.*

¹⁶⁶ Office of the Special Envoy for Haiti, *Relief Effort*, http://www.haitispecialenvoy.org/relief_activities (last visited Apr. 14, 2010).

¹⁶⁷ Sambira, *supra* note 151.

and homelessness" can put women at greater risk of physical violence.¹⁶⁸ SCR 1325 emphasizes that women and girls should be protected from gender-based violence¹⁶⁹ and those responsible for such violence should be held accountable criminally.¹⁷⁰ Additionally, women who are not housed can be at greater risk for sexual exploitation, and women who, prior to the earthquake, were housed or sought shelter in women's centers and temporary domestic violence shelters are now at renewed risk of violence.¹⁷¹ SCR 1325 provides for "respecting the civilian and humanitarian character of refugee camps and settlements, and to take into account the particular needs of women and girls"¹⁷² The need for safety for women and girls in settlement camps is quite apparent in Haiti.¹⁷³ Currently women and girls, many of whom are orphaned or without the protection of family, are sleeping alone amongst strangers in settlement camps.¹⁷⁴ Routes to latrines are not well-lit, making them prime locations for

¹⁶⁸ Committee on the Elimination of Discrimination Against Women, *supra* note 158.

¹⁶⁹ S.C. Res. 1325, *supra* note 11, para. 25.

¹⁷⁰ *Id.* at para. 26.

¹⁷¹ See United Nations Development Fund for Women (UNIFEM), *UNIFEM Seeks Funding to Provide Shelter and Services for Women in Haiti*, January 18, 2010, http://www.unifem.org/news_events/story_detail.php?StoryID=1012 (last visited Apr. 15, 2010).

¹⁷² S.C. Res. 1325, *supra* note 11, para. 27.

¹⁷³ Michelle Faul, *Rape In Haiti: Women, Girls Detail Violent Attacks In Aftermath Of Haiti Earthquake*, The Huffington Post, Mar. 16, 2010, http://www.huffingtonpost.com/2010/03/16/rape-in-haiti-women-girls_n_501588.html (last visited Mar. 19, 2010).

¹⁷⁴ *Id.*

sexual attack at night.¹⁷⁵ Women who then choose not to frequent the latrines, have little privacy when bathing and going to the bathroom in public, such conditions increasing their risk for rape.¹⁷⁶ Sexual violence is being reported at alarming rates, but security is inefficient, and in fact in February Haiti's Information Minister reported that while they were aware of the high rates of sexual assault on women, it was not a priority.¹⁷⁷ SCR 1325 would be a useful mechanism to make the protection of women and girls against sexual violence a priority. It is important to emphasize SCR 1325's application post-natural disaster because natural disasters can not be an acceptable excuse for countries to compromise peacekeeping, allowing them to backpedal on the previous work accomplished through SCR 1325 implementation pre-natural disaster. For instance, the Haitian Government previously implemented policies against gender violence in shelter systems after four hurricanes hit Haiti within a three-week span in 2008.¹⁷⁸ The principles of SCR 1325 should continue to guide response and recovery efforts not dissimilar to such similar strides made in 2008. In an emergency situation like Haiti, SCR 1325 can be an accessible tool already designed to influence response efforts in ways that grant women

¹⁷⁵ *Id.*

¹⁷⁶ *Id.*

¹⁷⁷ *Id.*

¹⁷⁸ Promotion and Protection, *supra* note 123, at para. 47.

access to government, international, and civil society bodies so as to participate in the design and administration of recovery plans.

Utilizing a gender perspective in disaster response is not only smart for its immediate effect in saving lives, but it also works to bridge the immediate disaster response to a longer-term response for resolving conflict through supporting successful development programs.¹⁷⁹ The International Humanitarian Assistance Division for the Canadian International Development Agency (CIDA) recalled how their humanitarian response to the conflict in Afghanistan after the US invasion hampered reconstruction and development efforts for women because initial humanitarian assistance did not include a gender perspective, making it "very, very difficult to eventually shift to development programmes and parachute women's issues onto the agenda at that point."¹⁸⁰

Instead, women must be integral to disaster efforts from the beginning. As per SCR 1325, Security Council missions should confer with women's groups to account for gender and women's rights in their response to conflict situations.¹⁸¹ In similar fashion, women must be consulted during natural disasters. Women

¹⁷⁹ CIDA, *supra* note 146, at 3; Committee on the Elimination of Discrimination Against Women, *supra* note 158.

¹⁸⁰ CIDA, *supra* note 146, at 3.

¹⁸¹ S.C. Res. 1325, *supra* note 11, at para. 30.

can have an immediate role in distributing aid, as they “are central actors in family and community life” and have the local knowledge needed to know which community members may need assistance, such as single mothers, the poor, the elderly, and the disabled.¹⁸² SCR 1325 calls for the training of security personnel and others who respond to conflict on the rights and needs of women, as well as the import of women’s involvement in peacekeeping and peace efforts.¹⁸³ This mandate can easily be carried over in the natural disaster context. For example, disaster experts recommend that needs assessment teams consist of both men and women and that they take gender into account.¹⁸⁴ In addition, relief organizations collecting data on mortality, injury, and displacement should aggregate the data by sex and age.¹⁸⁵ Without doing so, services will not meet the real needs of women.¹⁸⁶

Local women the world over have experience in ensuring services meet the needs of women.¹⁸⁷ Local women participate in

¹⁸² Clark-Flory, *supra* note 105.

¹⁸³ S.C. Res. 1325, *supra* note 11, at para. 18-19.

¹⁸⁴ The Gender Standby Capacity Project (GenCap) & Inter-Agency Standing Committee, *Importance of Gender Issues in the Haiti Emergency* (January 21, 2010) <http://www.reliefweb.int/rw/rwb.nsf/db900sid/VDUX-7ZWVKC?OpenDocument> (last visited Feb. 15, 2011).

¹⁸⁵ *Id.*

¹⁸⁶ *Id.*

¹⁸⁷ See generally Enarson, *supra* note 7 (discussing various international examples of women’s participation in the many stages of disaster prevention and response.)

responding to disaster in all its stages: risk assessment, environmental hazard mitigation, emergency planning and preparedness, emergency relief, post-disaster recovery and long-term reconstruction.¹⁸⁸ One example includes women working equally with men to organize hurricane vacation procedures in La Masica, Honduras.¹⁸⁹ This was accomplished with the help of the Central American Disaster Prevention Agency whose lectures on gender worked to inform community safety protocols.¹⁹⁰ Another example includes the work of women scientists in Armenia who trained teachers, students, and local governments in earthquake response.¹⁹¹ The group wanted to change the perception of women as non-actors into one of local agents who can teach and participate in disaster response and prevention.¹⁹² This resulted in a successful media campaign highlighting women as strong participants in earthquake response.¹⁹³ In regards to gender-based violence, Nicaraguan women who experienced increased violence post-Hurricane Mitch ran an effective information campaign that engaged men in "changing . . . attitudes towards violence against women."¹⁹⁴ These examples demonstrate how

¹⁸⁸ *Id.*

¹⁸⁹ *Id.* at 5.

¹⁹⁰ *Id.*

¹⁹¹ *Id.* at 6.

¹⁹² *Id.*

¹⁹³ *Id.*

¹⁹⁴ *Id.* at 7.

women's participation and contributions of knowledge and skill can lead to change that increases the safety and security of entire communities.

On a more global scale, SCR 1325 calls for increasing women's representation "at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict."¹⁹⁵ This is required of both response teams from UN Member States¹⁹⁶ and of the UN Secretary-General in the officers and personnel s/he is empowered to appoint.¹⁹⁷ As apparent from the examples above of local women's work, the skills of women in disaster response must be harnessed at all levels of decision-making to ensure the conditions for reducing conflict in the lives of both men and women are fostered. More so, including women in these discussions and decisions can work to improve on a grander scale the "social, economic and legal status" of women in the beneficiary country.¹⁹⁸

Strengths and Weaknesses of SCR 1325

SCR 1325 is an extremely important mechanism for laying out the standards for reinforcing women's human rights in conflict

¹⁹⁵ S.C. Res. 1325, *supra* note 11, at para. 13.

¹⁹⁶ *Id.*

¹⁹⁷ *Id.* at para. 14-15.

¹⁹⁸ Brookings-Bern Project on Internal Displacement, *supra* note 6, at 66.

situations,¹⁹⁹ as well as in reinforcing the participation of women in the processes that work to ensure “durable peace”.²⁰⁰ SCR 1325 can work in tandem with other human rights treaties such as CEDAW, especially as demonstrated in the United Nations Development Fund for Women’s (UNIFEM) publication *CEDAW and Security Council Resolution 1325: A Quick Guide*.²⁰¹ There it is pointed out that SCR 1325 can serve to reinforce the human rights of women even in countries that did not sign on to CEDAW, ensuring that state parties, “non-state actors and international organizations” are all beholden to SCR 1325, and thereby women’s human rights, under international law.²⁰²

Yet, there is quite a bit of criticism regarding the strength of SCR 1325. In particular, while Article 25 of the UN Charter requires UN members to “agree to accept and carry out the decisions of the Security Council”,²⁰³ including Security Council resolutions, SCR 1325 “was not adopted under Chapter VII of the UN Charter, its most robust section, which covers action with

¹⁹⁹ S.C. Res. 1325, *supra* note 11, at para. 7.

²⁰⁰ Shelly Inglis, et al., *CEDAW and Security Council Resolution 1325: A Quick Guide*, (UNIFEM, NY, NY), 2006, at 7, available at http://www.unifem.org/attachments/products/CEDAWandUNSCR1325_eng.pdf (last visited Feb. 14, 2011).

²⁰¹ See generally *Id.* (making the case for using SCR 1325 and CEDAW together to strengthen post-conflict and reconstruction response to better support gender equality.)

²⁰² *Id.* at 5.

²⁰³ U.N. Charter art. 25, available at <http://www.un.org/en/documents/charter/chapter5.shtml> (last visited Feb. 14, 2011).

respect to threats to the peace, breaches of the peace, and acts of aggression.”²⁰⁴ In addition, SCR 1325 uses undemanding language such as “urges”, “encourages”, and “requests”, as opposed to “strong words like ‘order’, ‘mandate’, and ‘require’.”²⁰⁵ Other weaknesses to SCR 1325 include the absence of a monitoring mechanism or system to adequately collect data on the implementation of 1325 or on the continued violations of women during all stages of conflict.²⁰⁶ Calls for strengthening SCR 1325 include a “dedicated monitoring mechanism”, as well as the continued formation of national action plans (NAPs) developed by nation states to effectively implement SCR 1325, with monitoring and evaluation plans for each NAP.²⁰⁷

In addition to the criticisms of SCR 1325, it would be remiss to not report the limited success of SCR 1325 nine and a half years after its passage.²⁰⁸ According to the September 2009 Secretary-General’s report to the UN Security Council as per SCR

²⁰⁴ Making Rights a Reality, *supra* note 57, at 38.

²⁰⁵ Christy Fujio, *Ninth General Issue of Gender and Sexuality Law: Note: From Soft to Hard Law: Moving Resolution 1325 on Women, Peace, and Security Across the Spectrum*, 9 Geo. J. Gender & L. 215, 232 (2008).

²⁰⁶ NGO Working Group on Women, Peace and Security, *Accountability for Implementing Security Council Resolution 1325*, Oct. 16, 2007, at 2-4.

²⁰⁷ The Secretary-General, *Report of the Secretary-General on Women and Peace and Security*, para. 49,50,82, delivered to the Security Council, U.N. Doc. S/2009/465 (Sept. 16, 2009), available at www.un.org/Docs/journal/asp/ws.asp?m=S/2009/465 (Last visited Feb. 15, 2011).

²⁰⁸ *Id.* at para. 5.

1325, "progress in implementation is limited" and women are still overwhelmingly negatively affected by armed conflict.²⁰⁹ Sexual violence against women and girls is still a consequence of armed conflict both during and post-conflict.²¹⁰ Moreover, access to services for health and reproductive care is limited, with many parties to armed conflict destroying health care centers and other humanitarian aid facilities.²¹¹ This insecurity and inaccessibility to services impacts women's ability to participate as political, social, and economic actors,²¹² with such consequences as "unplanned pregnancies, infertility, infection with HIV/AIDS, stigmatization, ostracism and divisions within families and communities."²¹³ These negative results stymie the success of the aspects of SCR 1325 that call for the integration and participation of women in all forms of conflict reconciliation and post-conflict reconstruction.²¹⁴ In point of fact, the Secretary-General reported that women are still abysmally under-represented as UN representatives, peace mediators, and formal peace talk representatives.²¹⁵

²⁰⁹ *Id.*

²¹⁰ *Id.* at para. 9,10,13.

²¹¹ *Id.* at para. 15,17.

²¹² *Id.* at para. 6,7.

²¹³ *Id.* at para. 14.

²¹⁴ *Id.* at para. 6,7.

²¹⁵ *Id.* at para. 21.

Yet, despite the overwhelming shortfalls in security for women and in ensuring women's active participation in conflict resolution processes, there are still successes in SCR 1325 implementation.²¹⁶ Progress in the training and capacity-development among UN bodies include: training World Food Programme staffers to prevent and respond to gender violence during food distribution; training female elected officials in Burundi on issues of sexual violence with the help of the UNIFEM; deploying gender advisors full-time in ten nations including Haiti; and training police on issues that affect women and children by the United Nations Population Fund (UNFPA), and in fact, such a unit exists in Haiti.²¹⁷

Notwithstanding the shortfalls of SCR 1325, there is much support for implementing the Resolution, including among UN bodies such as United Nations International Research and Training Institute for the Advancement of Women (UN-INSTRAW) who created a guide for NAP development,²¹⁸ and UNIFEM, who hosts a website dedicated to women, peace and security that includes a "toolbox" of resources for SCR 1325.²¹⁹ Haitian women and other international women's organizations are utilizing the standards

²¹⁶ *Id.* at para. 78.

²¹⁷ *Id.* at para. 27, 29, 33, 34.

²¹⁸ UN-INSTRAW, *supra* note 131.

²¹⁹ U.N. Entity for Gender Equality and the Empowerment of Women, available at <http://www.womenwarpeace.org/> (last visited May 11, 2011)

set forth in SCR 1325 in their demands for the inclusion of Haitian women in reconstruction efforts.²²⁰ Responding to the lack of women's involvement at the UN's Haiti Donor Conference held March 31, 2010 in New York, as well as the lack of women's involvement throughout the Haitian government's Post-Disaster Needs Assessment,²²¹ Rele Fanm ak Fi: A Haiti Gender Equality Collaborative, comprised of "a coalition of women from diverse backgrounds working both in grassroots communities in Haiti, and in the international arena", released their own shadow report.²²² They invoke SCR 1325's mandate that women are integral to reconstruction;²²³ they note, "[w]omen's full participation and leadership in all phases of the reconstruction of Haiti (as mandated by UN Security Council Resolution 1325 and other internationally recognized standards) requires that a gender perspective be integrated into ongoing discussions and planning."²²⁴ In addition, UNIFEM's Haiti Country Program Coordinator, Kathy Mangones, echoed this exact sentiment at a press conference held March 31, 2010 on the inclusion of Haitian

²²⁰ Rele Fanm ak Fi: A Haiti Gender Equality Collaborative, *A Gender Shadow Report to the Post-Disaster Needs Assessment*, Released March 31, 2010, Executive Summary at 3 [hereinafter Rele Fanm ak Fi].

²²¹ *HAITI: Women demand role in reconstruction*, IRIN News, April 1, 2010, available at <http://www.irinnews.org/Report.aspx?ReportId=88662> (last visited Feb. 15, 2011).

²²² Rele Fanm ak Fi, *supra* note 219.

²²³ S.C. Res. 1325, *supra* note 11, para. 6.

²²⁴ See Rele Fanm ak Fi, *supra* note 219, at 3.

women in reconstruction efforts.²²⁵ She referenced SCR 1325 and its importance to both “rebuilding peace and countries”.²²⁶ SCR 1325 is certainly not the only tool necessary for “building a new Haiti”²²⁷, as Rele Fanm ak Fi also calls upon the use of a human rights approach, citing the UN Guiding Principles on Internal Displacement.²²⁸ Even SCR 1325 itself relies and builds upon other international standards, calling for the use of “international humanitarian and human rights law that protects the rights of women and girls during and after conflicts.”²²⁹ Still it is clear that SCR 1325 is applicable and useful for women in post-conflict nations that experience natural disasters. Serious work needs to be done to improve upon SCR 1325’s implementation and monitoring, but the unwillingness by governments and parties to conflict to employ SCR 1325 should not be a call to prevent its implementation – that would only serve to allow current patriarchal power structures to continue wreaking havoc upon the lives of women and families.

²²⁵ Kathy Mangones, UNIFEM’s Haiti Country Program Coordinator, Remarks at Press Conference titled A Call for the Inclusion of Haitian Women in International Donor Meeting (March 31, 2010) (on file with author).

²²⁶ *Id.*

²²⁷ Nigel Fisher, President & CEO UNICEF Canada, Remarks at Press Conference titled A Call for the Inclusion of Haitian Women in International Donor Meeting (March 31, 2010) (on file with author) (Fisher differentiated his words from the oft-cited phrase “building back better”).

²²⁸ Rele Fanm ak Fi, *supra* note 219, at 3.

²²⁹ S.C. Res. 1325, *supra* note 11, at para. 7.

Conclusion:

It is now more than ever the appropriate time for Haiti and the international community to incorporate SCR 1325 into the rebuilding process. Armed conflict, natural disaster, and security can be conceptually linked in the form of a triad; each point affects the other two. Straddled among this complex are issues of gender. SCR 1325 must not be thought of in isolation to armed conflict, but must be analyzed and implemented across this relational model by incorporating SCR 1325's relevance to natural disasters. Crucial to the vulnerability women encounter in natural disasters, are the conditions of post-conflict nations, especially those suffering from the effects of colonialism, unsustainable development, and domestic hegemony -- circumstances that often lead them to be at greater risk for natural disasters to begin with.²³⁰ Even though Haiti is suffering from the effects of a natural disaster, this disaster is inextricably tied to the conflict Haiti recently and historically witnessed. With the imminent effects of climate change on the environment, the world community must begin to pay better attention to the inter-connectedness of conflict and disaster when implementing SCR 1325.

²³⁰ See Security Council, *supra* note 93.