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***The Myth of Protection: Gendering Protection under Responsibility to Protect in Gaza***

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Abstract

Although international norms on the Responsibility to Protect (R2P), and norms stemming from United Nations Security Council Resolution 1325 and agenda of Women, Peace and Security (WPS) have shifted the narrative from a state-centric to a human-centric approach to security, they have failed to intersect in the most difficult contexts. This paper examines the intersections between Pillar III of R2P, UN Resolution 1325 and the agenda of WPS with a focus on protection in Gaza. Within the Gaza context, all authorities can be seen as failing in their responsibility to protect, however, few steps have been taken toward operationalization of protection under R2P. Examining protection through a gendered lens provides a critical mirror of strategies of ‘protection’ as well as a roadmap towards improvement. The article argues that R2P in combination with agenda of WPS provides a potential tool for constructing a consensus prioritizing and enhancing protection in the most difficult contexts.

*Keywords: Responsibility to Protect, Women, Peace and Security, Gaza, Protection, Israeli/Palestinian Conflict*

When it comes to protection, the distance between international norms and their operationalization, appear to be unbridgeable in most divisive conflicts. Responsibility to Protect (R2P) norms have shifted normative discussions from traditional state security towards human security and protection of population vulnerable to war atrocities. Feminist peace scholars and many practitioners have welcomed the shift from state to human security, however, the potential of opening a door to coercive measures remains a focus of

much contention. States in violent conflict commonly engage in a myth of protection where security measures designed to ‘protect’, expose rather than provide security to the most vulnerable. Women and children are categorized as those in need of protection, while their voices in the design of security measures are usually excluded by their so-called protectors. States also commonly use protection of women and vulnerable civilians to gain attention and justify or legitimize military intervention.<sup>1</sup> Military interventions have been noted to have unintended effects including marginalization and exploitation of women.<sup>2</sup> The operationalization of protection under the umbrella of R2P, however, has remained state centric and implausible in divisive conflicts.

Examining protection through a gendered lens provides a critical mirror of internal and external policies of protection as well as a roadmap towards improvement. The strategies on how to intervene more effectively include Security Council Resolution (SCR) 1325 which promotes the participation of women in all aspects of peace process, involving peacemaking, peacekeeping and peace building. The resolution reflected international recognition that in the context of armed conflict, women are more than victims in need of protection.<sup>3</sup> Formed in 2000, NGO Working Group on Women, Peace and Security (WPS) was mandated to address gender through SCR 1325 and other UN resolutions on issues related to peace, security, protection and exclusion. Given the overlapping agendas of

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1 Deniz Kandiyoti, ‘Between the Hammer and the Anvil: Post-conflict Reconstruction, Islam and Women’s Rights’, *Third World Quarterly*, 28/3: 503 – 517 (2007).

2 Dunsun Peksen, ‘Foreign Military Intervention and Women’s Rights’, *Journal of Peace Research*, 48/4: 455-468 (2011), Sabrina Karim, Kyle Beardsley, ‘Explaining sexual exploitation and abuse in peacekeeping missions’, *Journal of Peace Research*, 53/1: 100-115 (2016).

3 Jennifer Bond and Laurel Sherret, ‘Mapping Gender and the Responsibility to Protect: Seeking intersections, Finding Parallels’, *Global Responsibility to Protect*, 4/2: 133-153 (2012).

protection and prevention, UN policymakers and feminist scholars have begun to make synergies between R2P and WPS agenda.<sup>4</sup>

Although R2P has gained much traction as an international protection norm, its operationalization, particularly under Pillar III, has encountered many hurdles. Under Pillar I, the state is primarily responsible for protecting the population from war atrocities and Pillar II encompasses the responsibility of international community to assist states to meet this obligation. Under Pillar III, it is the responsibility of the international community to take timely and decisive collective action when a state is ‘manifestly’ failing in meeting this obligation.<sup>5</sup> Activation of Pillar III, triggered by the failure of national authorities to fulfill their protection responsibilities, has been the source of most contention due to fears of abuse and the potential of unintended effects. Implementation, is also selective and challenging given the divisions within the United Nations Security Council (UNSC). In parallel to the R2P norms, the three pillars of WPS focus on protection, prevention and participation. Although the synergies are evident on the normative level, they have failed to make advances on the operational level. Operationalizing protection in a divisive context has remained a challenge for both R2P and WPS. Given the potential of unintended effects of intervention, is there a common ground between Pillar III of R2P and WPS agenda? What are the advantages of an alliance between R2P and WPS agenda and what are the risks?

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4 Sara E. Davies and Sarah Teitt, ‘Engendering the Responsibility to Protect: Women and the Prevention of Mass Atrocities’, *Global Responsibility to Protect*, 4/2: 198 – 222 (2012), p. 214.

5 Alex J. Bellamy, The Three Pillars of Responsibility to Protect, <http://www.cries.org/wp-content/uploads/2015/09/006-bellamy.pdf>

Although many gender scholars have written on R2P, the research has been focused on drawing attention to the lack of inclusion of gender perspective in R2P,<sup>6</sup> highlighting bridges between WPS and R2P,<sup>7</sup> and a focus on prevention.<sup>8</sup> There has been little examination of R2P's Pillar III and the interconnection of human security and protection under the agendas of R2P and WPS. Since states and groups tend to legitimize their actions using the justification of protection, there is a need to examine the meaning and tools of protection. Definition of protection by humanitarian and human rights actors goes beyond physical protection and includes all activities aimed at obtaining full respect for the rights of the individual in accordance with international humanitarian, human rights and refugee law.<sup>9</sup> Protection of a population should not entail disempowerment, dependence on the protector, exclusion or removal of rights and liberties. Rather, ideally protection emerges from peace, human security, equality and rule of law.

Traditional notions and tools in security commonly fall victim to the myth of protection, where military is ostensibly used to protect the vulnerable population but fails

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6 Charlesworth Hilary, 'Feminist Reflections on the Responsibility to Protect', *Global Responsibility to Protect*, 2/3: 232 – 249 (2010), Eli Starnes, 'The Responsibility to Protect, Integrating Gender Perspectives into Policies and Practices' *Global Responsibility to Protect* 4/2 (2012), 172-197 and Davies and Teitt, 'Engendering the Responsibility to Protect'.

7 Sara E Davies, Sarah Teitt and Zim Nwokora, 'Bridging the Gap: Early warning, gender and the Responsibility to Protect', *Cooperation and Conflict*: 1/22 (2014), and Jennifer Bond and Laurel Sherrett, 'Mapping Gender and the Responsibility to Protect: Seeking intersections, Finding Parallels', Sarah Hewitt, "Overcoming the Gender Gap: The Possibilities of Alignment between the Responsibility to Protect and the Women, Peace and Security Agenda", 8: 3-28 (2016).

8 Kirsten Ainley, Responsibility to Protect and the International Criminal Court: Counteracting the Crisis *International Affairs* 91/1: 37-54 (2015).

9 UN DPKO, Introduction of Protection to Civilians, <http://dag.un.org/bitstream/handle/11176/387387/Introduction%20to%20POC%201.pdf?sequence=1&isAllowed=y>, IRCR, Professional Standards for Protection Work, 2009 [https://www.icrc.org/eng/assets/files/other/icrc\\_002\\_0999.pdf](https://www.icrc.org/eng/assets/files/other/icrc_002_0999.pdf),

to do so or exploits its superior position.<sup>10</sup> Significant power distance between the protector and protected creates dependencies and opens up room for exploitation. As noted by Young, there is a bargain implicit in the masculinity protector role, the male protector confronts the outside aggressors, while those under his protection submit to his order.<sup>11</sup> “States often justify their expectations of obedience and loyalty, as well as their establishment of surveillance, police, intimidation, detention, and the repression of criticism and dissent, by appeal to their role as protectors of citizens”<sup>12</sup> Reaching a consensus on appropriate protection regime that prioritizes human security in a divided context remains a fundamental challenge for the R2P norm. As noted by Ralph and Gifkins, diplomats need to find an appropriate response to mass atrocity that underpins the core ethic of protection.<sup>13</sup>

The notion of sovereignty as responsibility under the framework of R2P has provided a fundamental shift of the narrative from a state-centric toward a human-centric approach to security. Human security “is an approach prefaced on the normative claim that the ultimate referent for security ought to be the human individual, not the state or some other collective”.<sup>14</sup> Amending international security approaches from state to individual human security suggest the use of non-lethal tools and a deeper emphasis on inclusion and

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10 Tom Moyan, Gender, Security and Making it as a Category in International Relations, *E International Relations*, <http://www.e-ir.info/2013/03/12/gender-security-as-a-category-of-international-politics/>.

11 Iris Marion Young, “The logic of Masculinist Protection: Reflections on the Current Security State”, *Journal of Women in Culture and Society*, 29/1 (2003), p.2.

12 Ibid., p. 7.

13 Jason Ralph & Jess Gifkins, ‘The Purpose of United Nations Security Council Practice: Contesting Competence Claims in the Normative Context created by the Responsibility to Protect’, *European Journal of International Relations*, 23/3: 630 – 663 (2017), p.632.

14 Alex J. Bellamy, The humanization of security? Towards and International Human Protection Regime, *European Journal of International Security*, 1/1: 112-133, (2016), p.113.

resilience.<sup>15</sup> This is a welcome step for gender scholars disputing traditional state centric notions of national protection with its strong reliance on military tools and obedience.

The shift from a normative discourse on prioritizing protection of individuals vulnerable to atrocity crimes, to operationalization of R2P in the most difficult conflicts has been problematic. There are currently many cases of violent conflict such as in Syria, Yemen, Darfur as well as in Israel/Palestine, where Pillar III of R2P may be applicable, however, international community has been challenged to reach a consensus on appropriate tools that prioritize protection for those vulnerable to war atrocities. Issues related to gender and implementation of SCR 1325 also tend to be sidelined under the dominant military security agenda. An examination of protection issues within the Israeli/Palestinian conflict, and Gaza in particular, provides a prime case where R2P norms are applicable, however, the responsible authorities and the international community have not taken steps prioritizing human protection. National leadership address gender issues, however, these are commonly used to hurl accusations at the other side without contribution towards protection or inclusion of women.

Due to the controversies over Pillar III of R2P and the divisions among interveners on the Israeli/Palestinian conflict, the relevance of R2P in Gaza has received little attention. Given the sanctions, the Gaza wars, the exposure of civilians to potential war atrocities, lack of law and order and the humanitarian disaster, the population of Gaza is in dire need of protection. There is also little doubt that the traditional state-based security paradigm is

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15 David Chandler, Resilience and Human Security: The Post-Interventionist paradigm, *Security Dialogue*, 43/3: 213 – 229 (2012).

failing in its primary objective of protecting people.<sup>16</sup> However, both R2P and WPS agendas are currently far removed from official discussions on protection and security in Gaza.

External intervention in the Israeli/Palestinian conflict has been divided and focused on humanitarian solutions for Palestinians and state security for Israelis rather than focused on prioritizing protection of all civilians. Cycles of violence including the Gaza wars have drawn attention to the conflict but lack of consensus within the key international bodies including the Diplomatic Quartet,<sup>17</sup> the UNSC, the EU and individual states have rendered most diplomatic tools ineffective. Although there are periodic proposals for protection, key interveners have failed to agree on an appropriate protection or peace plan and the lack of diplomatic unity has contributed to normalizing rather than resolving the conflict, leaving civilians vulnerable to violence and potential war crimes.

Although women are engaged as fighters, soldiers, activists, practitioners and mid-range leaders, they are far removed from decisions related to security and protection. Both Israel and Hamas authorities, which run Gaza, engage in a myth of protection where finite resources go towards military buildup, while protection for the most vulnerable is non-existent. Widespread and systematic attacks perpetuated against the civilian population and lack of security by any relevant local authorities in Gaza has manifested failure of

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16 Taylor Owen, 'Human Security - Conflict, Critique and Consensus: Colloquium Remarks and a Proposal for a Threshold-Based Definition', *Security Dialogue* 35/3: 373-387 (2004), Pinar Gozen Ercan, 'Responsibility to Protect and Inter-State Crises: Why and How R2P Applies to the case of Gaza' *The International Journal of Human Rights* 19/8 (2016), 1098-1111.

17 The Quartet, made up of United States, European Union, United Nations and Russia, was established in 2002 to mediate Israeli/Palestinian peace process.

protection for a population that has nowhere to flee.<sup>18</sup> This is an example of a case where Pillar III of R2P may be applicable, however, the distance between the norm and its operationalization appears to be unbridgeable. It's also an example of a wide distance between rhetoric on the importance of SCR 1325 and the lack of inclusion and protection of women.

In the next section, the article will examine the interaction and distance between R2P and WPS agendas. The subsequent section will look at key interrelated challenges for operationalization of R2P and WPS: construction of a consensus on appropriate protection tools and inclusive participation in the design and operationalization of a protection regime. The final section will examine the relevance and potential application of R2P and WPS agendas in the context of Gaza. The discussion will move beyond a theoretical analysis to assess the shaping of appropriate protection regime in a difficult and divided context.

### **Intersections and Distance between R2P and WPS Agenda**

Feminist and gender scholars have highlighted neglected aspect of gender in the initial R2P documents and debates, have welcomed the shifting of the agenda towards human security but have remained cautious regarding operationalization of Pillar III. As noted by Charlesworth, R2P was developed without adequate attention to women and depends on gendered accounts on the value of military intervention that limit responses to atrocities.<sup>19</sup>

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18 Serena Brugnola, 'Who Protects the Palestinians in Gaza?' *ICL Journal* and Pinar Gozen Ercan, 'Responsibility to Protect and Inter-State Crises'.

19 Hilary Charlesworth, 'Feminist Reflections on the Responsibility to Protect', pp. 232 – 249.



Recent scholarship has been aimed at strengthening R2P norms and recommending more effective participation of women. However, attempts to develop a gendered vision of R2P have been focused on early warning and prevention.<sup>20</sup> Steps to implement UN Resolution 1325 in peace and security operations have mainly focused on engendering Pillars I and II,<sup>21</sup> while ignoring the importance of operationalization of Pillar III. The fundamental challenge remains with Pillar III since it addresses vulnerability of a population within a state that is failing in providing protection, yet, opens the door to the potential use of external force.<sup>22</sup> The relationship between the protector and protected is always asymmetric since one has access to legitimate force and the other is dependent.<sup>23</sup> The use of military carries with it many unintended effects including: increase in levels of violence, sex trade, trafficking, escalation of human rights abuses and heightened patriarchy.<sup>24</sup>

Despite common misconceptions, Pillar III of R2P is not about military tools but rather attempts to address the protection needs of the most vulnerable population, where authorities are failing in providing protection. As noted by Bellamy, Pillar III has two components: responsibility to use lawful and peaceful measures consistent with Chapter VI and VIII of the UN Charter and preparedness to take timely and decisive action through the UN Security Council (UNSC).<sup>25</sup> Although apprehension against Pillar III has been

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20 Davies and Nwokora, 'Bridging the Gap', Stannes, Eli, 'The Responsibility to Protect: Integrating Gender Perspectives into Policies and Practices'.

21 Sahana Dharmapuri, 'Implementing UN Security Council Resolution 1325: Putting the Responsibility to Protect into Practice', *Global Responsibility to Protect*, 4/2: 241-271 (2012), p. 245

22 Charlesworth, 2010, p. 233

23 Judith Hicks Stiehm, 'The Protected, the Protector, the Defender', *Women's Studies International. Forum* 5/ (3-4): 367-376 (1982), p. 368.

24 Cynthia Enloe, *The Morning After: Sexual Politics at the End of the Cold War*. (University of California Press, 1993) and Hooper, Charlotte, *Manly States: Masculinities, International Relations, and Gender Politics*, (Columbia University Press, 2001).

25 Bellamy, *The First Response*, 2015.

largely due to concerns over the use of the military, the range of potential tools is vast and includes: diplomacy, mediation, advocacy, conciliation, arbitration, judicial settlement, economic, political and strategic inducements, peacebuilding, and peacekeeping.<sup>26</sup>

Despite the misgivings on the implementation of Pillar III, the concept that civilians have a right to protection has gained widespread support.<sup>27</sup> R2P does not, however, use a participatory or a resilience model to advance protection and the reference point of protection continues to be the state.<sup>28</sup> Emphasizing human security in line with prioritizing protection of population under R2P, suggests a wider approach to security. As noted by Hoogensen and Stuvoy: “security must be linked to empowerment of the individual: ‘victimization and agency are seen as two parts of a reality that should be addressed together rather than as opposites, as is usually the case’”.<sup>29</sup> A human centric approach to security could be a useful tool for reaching a consensus on a genuine protection of civilians in a difficult context.

Implementation of SCR 1325 and priorities under WPS agenda provide a roadmap toward less state centered and more inclusive intervention. UN Resolution 2171 reaffirmed R2P and noted the connection between promoting women’s peace and security and successful atrocities prevention. Aspects of SCR 1325 relevant to R2P include: attention to the impact of armed conflict on women and girls, inclusion of gender perspectives in peacekeeping, and participation in decision-making concerning peace making and

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26 Ibid.,

27 Western and Goldstein, ‘R2P after Syria’ ‘Implementing the Responsibility to Protect’, Report of the Secretary-General, (2009) p. 25..

28 Dharmapuri., p. 248

29 Gunhild Hoogensen & Kirsti Stuvoy, ‘Gender, Resistance and Human Security’, *Security Dialogue*, 37/2: 207-228 (2006), p. 211

protection.<sup>30</sup> There is also recognition of the connection between gender inequality, gender based violence and pattern of abuse that give rise to atrocity crimes.<sup>31</sup> Most critically, a closer connection between R2P and SCR 1325 could contribute toward averting abuse in operationalization of protection.

A focus on protection, however, can be a thorny issue due to the common categorization between victims, such as Middle East women and the omnipotent international community as the potential protectors. Not only are there worrisome colonial undertones, the categorization of women as victims can exclude them from taking a role in the construction of a protection regime. Although women are as much part of a conflict today as men, their participation in security and peace efforts continues to be neglected.<sup>32</sup> Meaningful participation of women has been absent from most security discussions resulting in the exclusion of half of the population and weakening the effectiveness of a protection regime.<sup>33</sup> In addition, the degree of danger posed by a particular threat is usually defined by the protector whose interest could be to exaggerate the threat and whose exaggerations may also increase or provoke the threat.<sup>34</sup> Protection of the population implies the use of tools that empower and not disempower the individual.

WPS agenda has become a part of the normative action on the ground with ongoing efforts to recruit gender advisors, increase the number of women leading operations and

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30 Dharmapuri, 'Implementing UN Security Council Resolution 1325: Putting the Responsibility to Protect into Practice', p. 246.

31 Sarah Teitt, 'Women's Empowerment and Atrocities Prevention', *E-International Relations*, Nov. 11, 2014.

32 Emilie M Hafner-Burton, 'A Social Science of Human Rights', *Journal of Peace Research*, 51/2: 273-286 (2014).

33 Paul Kirby and Laura J. Shepherd, 'The Futures past of the Women, Peace and Security agenda', *International Affairs*, 92/2: 373-392 (2016).

34 Judith Hicks Stiehm, 'The Protected, the Protector, the Defender', *Women's Studies Im. Forum* 5/3: 367-376 (1982), p. 368.

conduct gender awareness training.<sup>35</sup> SCR 1325 requests that all military, police and civilian peacekeeping personnel receive training on protection, inclusion and rights of women.<sup>36</sup> UN has also made the recruitment of women to police and peacekeeping one of its top priorities.<sup>37</sup> Since 2000, more than 73 countries have adopted National Action Plans (NAP) which outlined their strategies for implementation of WPS objectives. Implementation of the NAP, however, has been lacking in many states. Just over 30% of states have enacted NAP and of those only 17 % allocated a budget for implementation.<sup>38</sup> Lack of accountability and urgency of enforcement has meant that many countries fail to translate the rhetoric into action.<sup>39</sup>

Focusing on war atrocities, R2P has the potential to contribute to WPS agenda with a sense of urgency and sharp tools that are absent in the WPS agenda. Since 2005, R2P has been enacted in many conflicts including: Darfur (2006), Kenya (2007/2008), Libya (2011 & 2012), Ivory Coast (2011), Yemen (2011), Mali (2012, 2013), and Sudan & South Sudan (2011, 2013). R2P, however, is not free from risks. The enactment of Pillar III in Libya in 2011 was used to justify military intervention and exposed the risks in implementation. Libya was the first case to use R2P to authorize force against an existing state to protect civilians.<sup>40</sup> Enactment of measures prioritizing regime change and the lack of fundamental change in protection for the population, created much controversy.<sup>41</sup> The NATO airstrikes

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35 Dharmapuri, p. 256.

36 Ibid., p. 264.

37 Kathleen Kuehnast, Chantal de Jonge Oudraat, Helga Hernes (2011) *Women and War, Power and Protection in the 21st Century* US Institute of Peace.

38 Women's International League for Peace and Freedom,  
<http://www.peacewomen.org/member-states>.

39 Sarah Hewitt, p. 10.

40 Simon Adams, 'Libya and the Responsibility to Protect', Global Centre for the  
Responsibility to Protect, Occasional Paper Series, No.3, 2012.

41 Jon Western and Joshua S. Goldstein, 'R2P After Syria, To Save the Doctrine, Forget  
Regime Change', *Foreign Affairs*, March 26, 2013.

killed civilians, personally targeted the Gadhafi leadership and his family, raising serious concerns over the legitimacy of R2P. As noted by Chandler, the campaign “lacked any of the meaning or clarity of objectives that would have been necessary had any direct assumption of responsibility been claimed”.<sup>42</sup>

Though unintended effects of external protection are of considerable concern, not providing protection is no less problematic. Lack of effective police, state security and non-functioning judiciary open opportunities for privatization of security that commonly results in exploitation of vulnerable population. The state and armed groups commonly let the vulnerable suffer during conflict, while diverting resources to the military. The shift in the emphasis from prioritizing state to human security sets a moral standard for state behavior with respect to the whole population residing under its authority. Prioritizing protection of individuals over states, R2P norms imply not only when but also how to intervene. R2P was constructed on the collective responsibility to encompass the core ethic of protection.<sup>43</sup> The dominant protection discussions in violent conflicts, however, have remained state centric, militaristic and commonly patriarchal.

### **Construction of a Consensus on Protection**

R2P norms were created to prevent the failure of non-intervention in cases of war atrocities in conflicts such as Rwanda and Bosnia (BiH). In both conflicts, gangs of armed thugs systematically pillaged, raped, and killed unarmed civilians while the international community failed to reach a consensus on minimal measures to end the atrocities. Whereas BiH and Rwanda are commonly utilized as cases to promote timely and forceful

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42 Chandler, Resilience and Human Security, p. 221

43 Jason Ralph & Jess Gifkins.

intervention, other cases point to the danger of military intervention under the pretext of protection. Gender and abuse of women was used as a pretext for the intervention in Afghanistan, however, the safety, security and well-being of women remain a distant reality.<sup>44</sup>

Since 2009, R2P emphasis by the UN has been on prevention, namely; early warning, early engagement, assessment and preventive measures. Special Advisor on R2P Jennifer Welsh placed her main focus on strengthening Pillar II.<sup>45</sup> The second pillar outlines the collective responsibility of the international community to support states in its obligation to protect their population. In difficult contexts void of state protection, there is only so much that individuals can do to improve their own protection without external assistance. The lack of consensus on protection tools under Pillar III has weakened the resolve to take steps in constructing a protection regime for those in greatest state of vulnerability.

The effectiveness of application of any tools are linked to a consensus among interveners. The veto rights of the five permanent members of the UN Security Council (US, China, Russia, France, and UK) have been obstructive in many conflicts including Syria and Israel/Palestine.<sup>46</sup> Sixty-three states as well as the EU have called for reform of the Security Council outlining restraint on the use of veto in mass atrocity situations. France proposed that the Security Council develop a conduct where the permanent members agree

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44 Deniz Kandiyoti, "Between the Hammer and the Anvil: Post-conflict Reconstruction, Islam and Women's Rights".

45 Jennifer Welsh, 'Remarks of the Special Advisor to the Secretary General on Responsibility to Protect', September 11, 2013.

46 Adams, Simon "Failure to Protect: Syria and the UN Security Council", March 2015 Global Centre for Responsibility to Protect, (2015).

to refrain from using a veto with respect to mass atrocities.<sup>47</sup> This is, however, far from the current reality.

Scholars and practitioners have also recommended that protection should switch from paradigm of liberal interventionism to paradigm of resilience.<sup>48</sup> As noted by Chandler “the resilience paradigm clearly puts the agency of those most need of assistance at the center, stressing a programme of empowerment and capacity-building”.<sup>49</sup> Though fundamental, a focus on prevention and resilience may not be sufficient in the most difficult conflicts. Effective international intervention is also unlikely to be developed with a top down approach that implies the exclusion and marginalization of women. Top down security, such as those from the national governments or international organizations, often do not address the security needs of those from ‘below’.<sup>50</sup> With a focus on the individual, human security encourages the integration of non-state and bottom-up perspectives to security.<sup>51</sup> Inclusive participation, including of domestic institutions, civil society, the police and the judiciary, is fundamental towards constructing an effective protection regime.

Traditional notions of security that focus on protection of women risks diminishing the importance of meaningful opportunities for women’s political and social empowerment through their participation in peace and security governance.<sup>52</sup> In today’s conflict settings where perpetrators of violence commonly hide among the civilians, policing is a far more effective tool than the military. As noted by practitioners, emergencies that do not warrant

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47 Ibid.

48 Chandler, ‘Resilience and Human Security’, p. 215.

49 Ibid., p. 216.

50 Hoogensen and Stuvoy, p. 209.

51 Gunhild Hoogensen and Kirsti Stuvoy, Gender, Resistance and Human Security, *Security Dialogue*, 37/2 (2006). p. 208.

52 Paul Kirby and Laura J. Shepherd, p. 383

international military may benefit from a less intrusive and more effective police keeping strategy.<sup>53</sup> Participation in peace making, disarmament, demobilization, the security sector and judicial reform can work towards reparations and non-recurrence.<sup>54</sup> Another aspect of concern is the common absence of consultations with women's civil society. As noted by UN Women, "women's groups often represent and voice women's priorities and concerns, and indeed are more likely to do so than women within negotiating delegations, who are bound to their particular party's interests".<sup>55</sup>

Distinguishing between the types of participation is fundamental towards an effective inclusion of women within a protection regime. Catherine O'Rourke pointed to key challenges in participation and distinguished between five types of gender participation: participation as the presence of role models, participation as representation, participation as deliberation, participation as inclusion, and participation as expertise.<sup>56</sup> Participation as role models highlights inclusion of women in international peace and security which provides an example to other women and gives evidence that women can perform in high-level positions. Participation as representation is fundamental provided it is fully representative. O'Rourke suggests justice as the most convincing argument for representation noting that "the central claim of the 'justice' argument is that, for the diversity of women's interests to be represented, women must be present in their diversity".<sup>57</sup> Participation as deliberation focuses on the importance of inclusion of women and women's groups in consultation in decision-making processes. Participation as

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53 Graham Day and Christopher Freeman, Operationalizing the Responsibility to Protect the Policekeeping Approach. *Global Governance* 11/2: 139-146 (2005) p. 143.

54 Ibid.

55 UN Women, 'Women's Participation in Peace Negotiations', p. 4.

56 O'Rourke, 'Walking the Halls of Power'?

57 O'Rourke, p.12.



inclusion, points to efforts to secure women's role as beneficiaries to: humanitarian assistance, resettlement, reintegration and other programmatic responses. Finally, several UN resolutions have highlighted the importance of participation of gender experts, notably as external protection advisors and the strengthening of national gender expertise.<sup>58</sup>

Despite UN Resolutions such as 1325, which promote the inclusion of women in all aspects of peace process, international norms continue to be ignored. Women for the most part, are not included in discussions on security or in peace talks either as mediators or as participants. UN Women found that from the 31 peace processes between 1992 and 2011, women only constituted four percent of signatories and 2 percent of mediators.<sup>59</sup> Women's exclusion from peace talks has had significant consequences for the extent to which issues of concern to them are addressed.<sup>60</sup> Still, there has been normative progress which has impacted on policies and strategies related to gender. Dharmapuri noted that implementation of 1325 in UN and NATO peace and security operations is pushing the R2P agenda in three key areas: the transformation of doctrine, command structure and capabilities.<sup>61</sup> However, this progress has not been translated into improvement of participation in security provisions or protection from war crimes.

A consensus on appropriate tools without unintended effects and inclusive participation in a R2P regime are fundamental aspects of efficacy in protection under R2P. Currently, R2P does not use a participatory model to advance protection and the reference point

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58 O'Rourke, p.16.

59 UN Women, 'Women's Participation in Peace Negotiations: Connections between Presence and Influence', October 2012, <http://www.unwomen.org/~media/headquarters/attachments/sections/library/publications/2012/10/wpssourcebook-03a-womenpeacenegotiations-en.pdf>, p. 3

60 UN Women, 'Women's Participation in Peace Negotiations: Connections between Presence and Influence', p. 3

61 Dharmapuri, p. 244.

continues to be the state.<sup>62</sup> The next section will examine the applicability of R2P and WPS agenda in the context of the Israeli/Palestinian conflict with a focus on Gaza. It will focus on issues related to gender, security and protection in the most recent years of the Israeli/Palestinian conflict. The section will examine the level of consensus on protection, intervention tools and gendered participation in protection of the population most vulnerable to war atrocities.

### **Gender, R2P and Protection within the Israeli/Palestinian Conflict**

For decades, Israel and Palestinian armed groups have been engaged in ongoing cycles of violence contributing to vulnerability to war crimes of the population. Although many civilians in Israel are fearful for their security, population most vulnerable to war crimes are civilians living under the Israeli Occupation, especially in Gaza. UN Secretary General Antonio Guterres highlighted Gaza to be one of the ‘most dramatic humanitarian crisis’<sup>63</sup> while the Office of the Quartet noted in 2016 that it is ‘imperative that immediate steps are taken to avoid the looming humanitarian catastrophe in Gaza’.<sup>64</sup> There is a deep interconnectedness of the occupation, economic sanctions, religious extremism, lack of law and order and disproportional impact of the conflict on women and visible and invisible minorities. A 2017 report by UN Women stated that; “Palestinian women and girls are

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62 Dharmapuri, p. 248.

63 UN Secretary General Antonio Guterres, UN News Centre, August 30, 2017.

64 Quartet, April 2016.

exposed to threats to life, liberty and security as a direct result of Israeli occupation policies on a regular basis, in clear violation of the rights to life, liberty and security”<sup>65</sup>.

International intervention in the Israeli/Palestinian conflict has been divided and for the most part ineffective in either moving forward with a peace process or strengthening protection of civilians. The United Nations, the Quartet, the EU, the Arab league as well as individual states have all faced divisions within the organizations as well as between them that have weakened an international response and made interventions beyond humanitarian aid implausible or ineffective. Within Gaza, no local or external authority is currently able or willing to provide protection for the population, leaving a generation of women, children and other civilians vulnerable to war crimes. The state-centric focus of security has contributed to the justification of local security measures that prioritize the protection of some groups while infringing on the security of others. Examining the applicability of R2P in Israel/Palestine, I analyze essential challenges for R2P and WPS in the Gaza context including: reaching a consensus on the relevance of R2P, appropriate intervention tools, and inclusive participation in the design of a protection regime.

The applicability of R2P in the Gaza context has been subject to little consideration given the complex context and division on the fundamentals of the Israeli/Palestinian conflict. The debates on the status of Gaza and the Occupied Palestinian Territories have placed a question mark on the responsibility of protection for the three relevant authorities: Israel, Palestinian Authority and Hamas. There is an additional lack of consensus on the severity of the violence and culpability for war crimes. As noted by Ramesh Thakur,

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65 UN Women, ‘International Legal Accountability Mechanisms, Palestinian Women living under Occupation’. December 2016, p. 17

although R2P is an important innovation, many gaps remain in the protection agenda's normative architecture with respect to civilians in Occupied Territories.<sup>66</sup> The most fundamental concern, however, is the lack of consensus on its relevance or application. Despite lack of protection and vulnerability to war crimes, R2P has not been on the agenda for any of the key interveners in the Israeli/Palestinian conflict including the Quartet, Arab league, EU, US or UN.

While international gender norms are on Israeli and Palestinian national agendas, implementation has not addressed the needs of protection for the most vulnerable. Israel used the introduction of women into peace negotiations and implementation of 1325 to gain international legitimacy. The engagement of women in peace negotiations such as Minister Tzipi Livni leading the negotiations at Annapolis Conference was pointed out as evidence of implementation of SCR 1325. Israeli Grassroot organizations worked on a National Action Plan (NAP), however, it had not addressed the needs of the most vulnerable population. The focus had been on areas of national consensus while strategic and military issues trumped proposals on gender, peace and security. As noted by Sarai Aharoni, Israeli “[w]omen’s groups were using the newly introduced normative framework to gain support, legitimacy and resource; while the state was using the work done by women’s NGO’s as a means to foster a more positive image in the international arena.”<sup>67</sup> The proposed plan only made one reference to Gaza which suggested providing

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66 Ramesh Thakur, ‘The Responsibility to Protect at 15’, *International Affairs*, 92/2 (2016), p.422.

67 Sarai Aharoni, ‘Internal Variation in Norm Localization: Implementing Security Council Resolution 1325 in Israel’, *Social Politics*, 21/2, (2014), p. 17.

humanitarian aid to women and children.<sup>68</sup> Israel has yet to approve, hitherto implement, any national action plan.

The first Palestinian NAP (2017-2019) was developed through a consultative process and endorsed by the Palestinian Authority. The plan identified priority programs, projects and activities and encouraged allocation of resources. The NAP is aimed at “protecting Palestinian women and girls from violations of the Israeli occupation, holding it accountable internationally while ensuring the participation of women without discrimination both locally and on the international stage”.<sup>69</sup> In Gaza, the NAP focuses on conducting a survey and data base on service providers, activation of a national referral system, the development of projects for women and girls and mainstreaming gender into the reconstruction process.<sup>70</sup> The Palestinian NAP has had little influence on the policies of Israel or Hamas and thus far has only been able to influence protection through civil society or policies of the International Community.

Issues related to gender have largely remained invisible under the larger accusations of wrongdoing by Israel and Palestinian armed groups. Although the reality of women is visibly different for those living in Gaza, the West Bank, East Jerusalem and under Israeli versus Palestinian authority, all civilians are vulnerable to purposeful attacks. Civilians are impacted by terrorism and rocket attacks that target indiscriminately and serve to justify the Israeli military crackdown on the Palestinian population. Rocket fire and terrorism

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68 “A Comprehensive Action Plan for the Application of United Nation Security Council Resolution 1325”, October 31, 2013  
[http://www.vanleer.org.il/sites/files/attachment\\_field/Israeli%20Action%20Plan%201325%2031%2010%202013.pdf](http://www.vanleer.org.il/sites/files/attachment_field/Israeli%20Action%20Plan%201325%2031%2010%202013.pdf).

69 “The National Action Plan for the Implementation of UNSCR 1325, Women, Peace and Security Palestine 2017-2019”, 2015, <http://www.peacewomen.org/action-plan/national-action-plan-palestine>.

70 Ibid.

aimed at civilians and civilian infrastructure infringes on human security and is considered a war crime, though the relatively number of Israeli civilian casualties is low. Escalation of violence has also resulted in Israel using draconian security measures that impact on security of individuals, particularly those who are already part of vulnerable groups.

Many Israeli civilians express personal security fears at the hands of state institutions. In a 2016 survey conducted by the Israeli Knesset on the Status of Women, more than 59 percent of women and 54 percent of men polled were concerned about being harmed by state institutions.<sup>71</sup> Most concerned were Palestinian/Arab women of whom 74 percent worried about damaging behavior by state agencies that would negatively affect their personal security.<sup>72</sup> As noted by MK Dov Khenin (Joint List), "Israeli society lives in fear....Unfortunately, there are those who build their politics on fear. There are different aspects to the Israeli women`s sense of lack of personal security – physical, sectorial, economic, social and more".<sup>73</sup>

Within Israel, Palestinian women and girls are particularly vulnerable in East Jerusalem where the inadequate security is compounded by institutional isolation and lack of citizenship. Lack of Israeli citizenship for East Jerusalem residents and lack of connection to the Palestinian Authority has left the residents vulnerable to harsh collective security measures, expulsion and abuse by local security authorities. Jerusalem Women's Coalition which includes women NGO's and East Jerusalem Feminists, in October 2015 issued an urgent request for international protection. "We ...call upon the international

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71 Survey, Knesset Committee on the Status of Women, 2016  
[https://www.knesset.gov.il/spokesman/eng/PR\\_eng.asp?PRID=12073](https://www.knesset.gov.il/spokesman/eng/PR_eng.asp?PRID=12073)

72 Ibid.

73 Knesset Press Release, May 24, 2016.  
[https://www.knesset.gov.il/spokesman/eng/PR\\_eng.asp?PRID=12073](https://www.knesset.gov.il/spokesman/eng/PR_eng.asp?PRID=12073)

community to protect our families, community, and children. We are calling for the protection of our bodily safety and security when in our homes, walking in our neighborhood, reaching schools, clinics, work places, and worships venues”.<sup>74</sup>

Palestinian women living in the West Bank and Gaza are impacted by additional factors that negatively affect their lives including the military occupation, external violence (military and settler), internal (domestic violence), sanctions, lack of freedom of movement, lack of adequate access to police and judicial bodies, poverty, evictions, collective punishment, house demolitions, among others. UN Resolution 2010/6 expressed deep concern regarding the “grave situation of Palestinian women in the Occupied Palestinian Territory, including East Jerusalem, resulting from the severe impact of the ongoing illegal Israeli occupation and all of its manifestations...”.<sup>75</sup> Gender issues such as trafficking of girls, forced prostitution, child marriages and femicide (‘honor killings’) are all too common but kept out of the limelight.<sup>76</sup> The protection regime is especially problematic in East Jerusalem and Area C of West Bank where there is no Palestinian authority and Palestinian residents do not trust Israeli police or military. However, when it comes to vulnerability to war crimes and crimes against humanity and the potential application of Pillar III of R2P, Gaza is the most relevant.

The most recent escalation in 2018 stemmed from mass non-violent protest along the security barrier between Gaza and Israel, resulting in death of dozens of young

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74 Jerusalemite Women’s Coalition, ‘Palestinian Women from Occupied East Jerusalem Calling for Protection’, October 30, 2015.

75 ‘Situation of and Assistance to Palestinian women’, United Nations, RES 2010.

76 “Implementation of the Convention on the Elimination of all forms of Discrimination against women under the Palestinian Authority and Hamas”, Jerusalem Institute of Justice, 2016.

Palestinian protesters and shooting injuries of more than 3000. Israel justified the shooting of live ammunition by IDF snipers as security measures against a potential breach into Israel, however, targeting included any individuals who came within 300-meter range of the security barrier including well marked journalists and medical staff. The shootings of the unarmed protesters prompted calls for UN investigation and the creation of an international protection unit.

*Gaza, Gender and Consensus on Protection Tools*

With a population of 1.8 million, Gaza is one of the most densely populated areas of the world, with little law and order, cut off from the outside world and almost entirely dependent on foreign aid. Cycles of violence, including Israeli bombardment campaigns and incursions into Gaza, have affected the majority of population that has nowhere to flee. Economic blockade, severe fuel and water shortages, and Israeli restriction on many items including basic construction materials have left much of the population vulnerable to not only violence but also natural elements. The reality of women in Gaza lies under a layer of harshness of the occupation, militarism, chauvinism, exploitation, political recriminations and opportunism. The 9-year blockade of Gaza has had major implications on women, exacerbating preexisting vulnerabilities and limiting access to basic services.<sup>77</sup> The sensitivity of exposing the situation of women living under multiple layers of oppression by Hamas, Israeli occupation and international blockade has left women particularly vulnerable to atrocities.

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<sup>77</sup> UN Women, 'International Legal Accountability', p. 17



The current notion is that responsibility to protect in Gaza is shared between Israel as the occupying power, Palestinian Authority (PA), and Hamas, which runs the defacto government. Whether Gaza is perceived as an occupied territory or as part of an independent state of Palestine, no authority is currently providing protection for the population of Gaza.<sup>78</sup> The triangle of authority means that while the different authorities point fingers at opposing sides for infringements on human rights and war crimes, none protect the population. As noted by Bellamy, ‘the complex governance situation that Gaza finds itself in should not distract us from attributing legal and political responsibilities associated with R2P to the parties concerned’.<sup>79</sup> During the 2014 Gaza war, UN called on Israel, Palestinian Authority and Hamas to take immediate steps to safeguard the protection of the population.<sup>80</sup> Beyond reprehending statements, there has been little consensus on protection and the population remains one of the least protected in the world.

The internal division between Palestinian groups Hamas and Fatah has led to fundamentally different realities for women in the West Bank and those in Gaza living under siege and the de facto Hamas authority.<sup>81</sup> Gender-based crimes are compounded in areas with weakest legal authority without adequate policing where perpetrators can act without impunity. In Gaza, the strict social codes of segregation imply that women and girls are confined to the private sphere and are commonly reliant on male family members for their livelihoods as well as access to critical information about the security situation,

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78 Ercan, 2015, p. 1107.

79 Alex Bellamy, ‘Crisis in Gaza’, International Coalition for the Responsibility to Protect, 2014. <http://www.responsibilitytoprotect.org/index.php/crises/crisis-in-gaza>

80 Alex Bellamy, ‘Crisis in Gaza’.

81 UN Women, ‘International Legal Accountability’, p. 40.

humanitarian assistance and other services.<sup>82</sup> Gaza has one of the highest incidents of violence against women in the world.<sup>83</sup> Sawa, a Palestinian NGO which runs a help-line for women and kids, noted a dramatic increase of cases of violence against women during conflict escalations.<sup>84</sup> The police do not act, domestic violence is not criminalized and the only institutions providing protection for women are civil society organizations, which are also vulnerable to attack.<sup>85</sup> Homosexuality in Gaza remains illegal and is punishable by death. The vulnerability has been exploited by Israel. Although gender based violence is beyond the scope of this paper, there is interconnectedness between the hardship of the occupation, absence of rule of law and lack of security and protection for women and non-heterosexual minorities. The ongoing blockade of Gaza and the lack of recognition of the Hamas authority implies that international community has also been limited in strengthening protection.

The 2008 and 2014 Gaza wars caused many civilian deaths, accusations of war crimes, threats of sanctions, and discussions about bringing those responsible to justice, however, lack of consensus among the key interveners resulted in no intervention beyond investigations and humanitarian assistance. The UN inquiry into the 2008 Gaza war headed by Richard Goldstone accused Israeli defense forces and Hamas of war crimes, crimes

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82 UN Women/UN OCHA, “Needs of women and girls in humanitarian action in Gaza Gender Alert for the 2016 Response Plan”, August 2016.

83 Violence Survey, Palestinian Central Bureau of Statistics, 2011,  
<http://www.pcbs.gov.ps/PCBS-Metadata-en-v4.2/index.php/catalog/141>

84 Documenting Best Practices and Lessons Learned, Operation and Development of a Call Centre supporting Victims of Violence in OPT, Sawa, 2012

85 UN Women, Interview, 2016

against humanity, and serious violations of international law, recommending further investigation and bringing those responsible to justice.<sup>86</sup>

The 2014 hostilities, which was a response to rocket fire and a terrorist incident against Israeli youth, destroyed residential buildings and schools, resulting in many civilian deaths, destruction of infrastructure, and a displacement of close to a third of the population of Gaza. An investigation by the United Nations Human Rights Council (UNHRC) found serious violations of international humanitarian and human rights law by both Israel and Palestinian militants that were investigated as war crimes.<sup>87</sup> The UN report noted that of the 2,251 people killed in Gaza, 1,462 were civilians. Non-governmental organizations have estimated that 241 women and 370 children were killed while inside their homes. The 2014 Gaza war was particularly hard on women with a long-term impact. “This war was different from previous wars, especially for women. Civilians were attacked particularly in their homes. The home is the domain of the women...”.<sup>88</sup> OCHA noted that women and girls in Gaza strip were disproportionately effected by the hostilities due to discrimination, lack of access to basic services, lack of inheritance and property rights and wide scale displacement which in turn increased their exposure to gender-based violence.<sup>89</sup>

Israeli justification for the military campaign was the ongoing rocket fire launched by armed groups from Gaza. Between July and August 2014, Palestinian militants indiscriminately fired 4,881 rockets and 1,753 mortars towards Israel, killing 6 civilians.<sup>90</sup>

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86 UN Fact Finding Mission, Human Rights in Palestine and Other Occupied Arab Territories. Human Rights Council, 2009.

87 Council, UN Human Rights, Report of the Independent Commission of Inquiry established Pursuant to Human Rights Council Resolution S-21/1. United Nations: 2015.

88 Council, UN Human Rights, Report, p. 31.

89 United Nations Office for the Coordination of Humanitarian Affairs (OCHA), ‘The Gaza Strip’, The long-term impact of the 2014 hostilities on women and girls’, December 2015.

90 UN Human Rights Council.

Alarms and safe rooms prevented loss of more Israeli lives. The protection of civilian population was essentially non-existent in Gaza. Israeli Defense Forces (IDF) claimed that measures such as leaflets recommending evacuation and a small blast on the roof served as warnings for people to evacuate buildings targeted for destruction. The warnings were confusing, Hamas recommended to civilians to ignore IDF warnings and IDF considered anyone who remained a voluntary shield. Also, many civilians had nowhere to flee; no location in Gaza was considered safe, and those areas that were designated as “safe” such as UN schools were targeted.

Human rights organizations that investigated the conflict found indiscriminate and not-proportionate targeting of civilians including at UN schools that were sheltering fleeing civilians. The UNHRC report noted; “impunity prevails across the board” and recommended an enquiry into war crimes by the International Criminal Court (ICC).<sup>91</sup> Israel and the US rejected the UN investigative report and remained steadfast against the ICC. Bellamy argued that IDF violated at least four principles of acceptable war crime conduct; targeting of civilians, principle of due care, principle of proportionality and the use of indiscriminate weapons in civilian areas.<sup>92</sup> As noted by Bellamy, ‘Whilst Israel has a right – and a responsibility - to protect its citizens from war crimes against humanity, it also has a responsibility to do the same for the Palestinians in Gaza’.<sup>93</sup>

While Israel and Palestinian armed groups including Hamas have arguably crossed red lines and failed to provide adequate protection for civilians in Gaza, the international community has remained divided over the use of tools that go beyond humanitarian

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91 Ibid.

92 Alex J. Bellamy, *The Responsibility to Protect and the 2014 Conflict in Gaza*, *E-International Relations*, 2014.

93 Alex J. Bellamy, 2014, p. 2.

assistance. Humanitarian response without a political solution or a prioritization of protection has not contributed to creating or strengthening anyone's security in Gaza. Unlike in the West Bank, there is little attempt to address women's rights or well-being, and dire situation is compounded by a lack of training of police or the judiciary. As noted by representative from UN Women: "the missing practice is that we do not work with institutions of the defacto [Gaza] authorities. In other contexts, we would work with the courts, the judges, the prosecutors, the police, the social workers for women's rights but we do not do that in this case."<sup>94</sup>

The divisions within the international community have frozen initiatives that could strengthen protection. Since 2000, the United States has used its veto rights in the UN Security Council to block almost every UNSC resolutions including: sending unarmed monitors to West Bank and Gaza (2001), condemning Israel for acts of terror against civilians in the Occupied Territories (2001), immediate cessation of Israeli settlement activities (2011) and condemning Israel for its massive violations of international law in Gaza and the West Bank (2015).<sup>95</sup> A 2016 report from the Middle East Quartet made several recommendations including for all sides to deescalate tensions, protect lives of civilians, cease incitement to violence, foster a climate of tolerance and invited resumption of meaningful negotiations.<sup>96</sup> However, without rewards or punishment in case of non-compliance, these went largely ignored. R2P has not also been emphasized in any top-level policy paper, security briefing or a peace initiative.

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94 Interview Jerusalem, UN Women, 2017.

95 "Security Council - Veto List". Dag Hammarskjöld Library Research Guide  
<http://research.un.org/en/docs/sc/quick/veto>

96 Report of the Middle East Quartet, 2016

[http://www.un.org/News/dh/infocus/middle\\_east/Report-of-the-Middle-East-Quartet.pdf](http://www.un.org/News/dh/infocus/middle_east/Report-of-the-Middle-East-Quartet.pdf)

The 2016 Allen Plan was a key proposal under Obama administration and an example of traditional military centered solutions that define the discussions on protection in the Israeli/Palestinian conflict. The Allan plan was drafted by US and Israeli military officers; Ilan Goldenberg, Major General Gadi Shamni, Nimrod Novik and Colonel Kris Bauma, focusing on Israeli security needs and failed to conduct consultations with women or civil society.<sup>97</sup> It made no reference to R2P or WPS and highlighted the most important steps as: establishment of a counterterrorism system, security at crossings, airport in the Jordan Valley and Gaza, and an establishment of a broader regional security framework with the support of US military troops.<sup>98</sup> The document made no proposals to address protection of vulnerable civilians or ideas on security and protection arrangements for Gaza. It recommended that under the new plan, Israel would still have the right to defend itself in extreme situations and ‘would receive American diplomatic support in the aftermath.’<sup>99</sup>

There has been little discussion let alone consensus on the appropriate protection tools for civilians most vulnerable to atrocity crimes. Divisive diplomatic intervention has been ineffective in contributing towards a protection regime. Humanitarian intervention has addressed some of the effects of the occupation and not addressed its impact or its source. Coercive tools including sanctions have been employed against Hamas with harsh impact on the suffering of civilian population but with little effect on the Hamas leadership in Gaza. Diplomatic or popular anctions against Israel, including the populist led BDS

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97 Exclusive: Trump Officials Studying Obama's Security Plan in Case Israeli-Palestinian Peace Push Works, *Haaretz*, June 3, 2017

98 Ilan Goldenberg, Major General Gadi Shamni, Nimrod Novik and Colonel Kris Bauma, ‘Advancing the Dialogue; A Security System for the Two State Solution’, May 2016, Centre for a New American Security, p. 6.

99 *Ibid.*, p. 5

movement (Boycotts, Disinvestment, Sanctions) has failed to gain an international consensus. Although Palestinians have joined the International Criminal Court (ICC) in hopes of prosecuting Israel for alleged war crimes and crimes against humanity during the Gaza war, it remains to be seen whether the court will be able to investigate the war atrocities, given the lack of support and cooperation from Israel and the US. Thus there remains a wide divide between international norms under R2P and WPS and protection of the most vulnerable population.

### **Gender and R2P, A Road Map towards a Protection Regime**

There is currently a substantial gap between protection agenda fostered by local and international humanitarian organizations working on issues related to gender and protection, and national security priorities of state representatives within Israel and the Palestinian Authority. Participation of women is limited to those areas not threatening to national or state agenda. Participation has yet to include equal representation in deliberation and expertise. Examining the lack of Israeli women in formal peace process, Aharoni noted that; ‘the dominant framing of peace as a security-related issue and the centrality of militarized masculinity led to a strict identification of ideal-type negotiating skills with masculinity’.<sup>100</sup> In Gaza, there is also limited consultations between women’s civil society groups, women’s NGO’s that focus on protection and national and international protection agencies.

The emphasis on security and protection makes women invisible or commonly portrays women as victims presenting them as vulnerable and unable to participate in a

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100 Sarai Aharoni, The gender-culture double bind in the Israeli-Palestinian peace negotiations: A narrative approach, *Security Dialogue*, 45/4 (2014), p. 381

protection regime. International and domestic appeals for donations tend to picture women as the primary civilian victims of slaughter and the vulnerable living in need of relief.<sup>101</sup> The key challenge is the absence of participation of women and the exclusion of local civil society/NGO inclusion in discussion on security. Issues prioritizing security of civilians whether focused on disarmament, demobilization, security measures and judicial reform fall short without meaningful participation of women.

Women and gender issues have played a marginal role in official discussions on peace and security in the Israeli/Palestinian conflict. Final status discussions at Camp David (2005) had no senior female participants, and while Madrid Conference (1991) included Hanan Ashrawi and Annapolis conference (2007) had Tzipy Livni, however, their roles and impact were marginal. In Israel, two ‘gendering forces’ shaping Israeli society hinder the inclusion of women in dialogue on security: strong Jewish familial tradition and ‘a militaristic culture that places national security concerns in the center of public and private life’.<sup>102</sup>

Women are commonly portrayed as the main victims and beneficiaries of aid and serve to assist fundraising to donors, however, the humanitarian assistance neither prevents violence nor addresses the issue of ongoing atrocities. Organizations such as UNWOMEN, OCHA, UNFPA, OHCHR as well as national NGO’s have been engaged in emergency response attempting to address gaps in distribution of humanitarian assistance.<sup>103</sup> Numerous local and international organizations including UN Women, Oxfam, Sawa,

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101 Charli Carpenter, ‘Women, Children and other Vulnerable Groups: Gender, Strategic Frames and the Protection of Civilians as a Transnational Issue’, *International Studies Quarterly*, 49/2: 295-334 (2005), p. 304.

102 Aharoni, ‘Internal Variation in Norm Localization’, p. 7

103 UN Women/UN OCHA, “Needs of Women and Girls” p. 8



provide gender training courses to women to inform them about their rights under 1325, however, these have marginal impact on their level of protection in Gaza. In the West Bank, Palestinian civilian police established a Family Protection Unit through EU support. The protection unit opened branches in 10 districts within West Bank and aspires to build more effective protection from violence against women and children. However, there has been no attempt or plans to extend this effort into Gaza. In Gaza, Palestinian and international NGO's efforts have been limited to offering women legal consultation and assistance under Sharia law.

The current international intervention in Gaza is focused on humanitarian assistance ignoring the protection of civilians. Protection measures such as creation of 'safe areas', including schools where many women and children were herded during 2014 airstrikes, are not appropriate since individuals were not safe as many were erroneously or deliberately targeted. Although Hamas and Israel prioritize security, measures are aimed at destruction of the other and not human protection. Women, girls and gender minorities living in Gaza are particularly vulnerable since they have no one to turn to for protection. Atrocities against sexual minorities are also common but not monitored or investigated due to fear of repercussions. Lack of protection against Israeli incursions affects all residents of Gaza.

In a densely populated setting such as Gaza, envisioning protection that uses traditional military tools is not an option if one prioritizes the protection of the most vulnerable. An international policing mission, training of female and gender sensitive police officers and judges are measures far more likely to enhance protection. As noted by gender scholars, design of security must be part of empowerment and not disempowerment

of individuals. Although local and international non-governmental organizations contain much gender and protection expertise, these are far removed from top-level discussions on security. From the five types of participation: the presence of role models, representation, deliberation, inclusion, and expertise,<sup>104</sup> Israel and Palestine can only claim to have participation as role models due to the brief public participation of Hanan Ashrawi and Tzipi Livni.

Currently, international community is using protection tools that focus on humanitarian assistance and monitoring that contribute to understanding protection needs but fails in providing them. The shifting of the narrative from a state-centric to a human-centric approach to security can provide a potential normative framework for building a consensus prioritizing the protection of all civilians. However, the protection measures should be inclusive and part of larger peacemaking effort that ends collective punishment against civilians in Gaza and opens a roadmap prioritizing protection of the whole population. Currently, R2P is not on the agenda and the norm have had no impact on prioritizing protection of the population from war atrocities. The gap between international norms on R2P and WPS, and the operationalization of protection in a divisive context like Gaza remain very wide.

The widespread Palestinian demonstrations in Gaza during May/June 2018 resulted in more than 130 deaths and 3000 injuries from shots fired by IDF snipers. The lethal use of force against unarmed Palestinian civilians was condemned by most countries and human rights groups. Human Rights Watch (HRW) noted that lethal force against

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104 O'Rourke, 'Walking the Halls of Power'.

demonstrators who posed no imminent threat to life may amount to war crimes.<sup>105</sup> In addition, according to HRW Palestinians in Gaza are entitled to protection under the Geneva Conventions as an occupied people and any willful killing of them would constitute a war crime.<sup>106</sup> Kuwait on May 30, 2018 circulated a draft SCR condemning Israel's use of force against the civilians, calling for the establishment of a UN protection mission in Gaza. The Kuwaiti-drafted resolution was vetoed by the US. There are fundamental challenges to operationalization of protection. First, such proposals are and will likely continue to be vetoed by the US administration. Second, even if a proposed protection unit was able to pass the SC, it would be challenging to establish a unit with strong enough mandate to influence the behavior of Israel or Hamas. The protection of civilians in Gaza is dependent on Israel to refrain from military attacks on the territory and a complete overhaul of the current legal and national institutions within Gaza.

### Conclusion

International R2P norms and agenda of WPS have provided a normative framework, which has shifted the discussion of intervention policies towards human security and prioritizing protection of civilians vulnerable to war atrocities. Lack of consensus on appropriate measures and tools under Pillar III of R2P, has meant that the norms have remained irrelevant in some of the most difficult conflicts. Vulnerability of women and children is commonly used to hurl accusations at conflicting sides or gain the attention of donors, however, state centric traditional security measures have remained in place and not

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<sup>105</sup> Israel: Apparent War Crimes in Gaza, June 13, 2018, <https://www.hrw.org/news/2018/06/13/israel-apparent-war-crimes-gaza>

<sup>106</sup> Ibid.

contributed towards enhancing protection. Indeed, a more common reality is a myth of protection, where the focus is ostensibly on the protection of women and other vulnerable groups, while efforts and resources go toward security measures that exclude women or humanitarian measures or handouts that fail to address protection.

Given the cycles of violence and lack of protection by any authority, the population in Gaza is vulnerable to ongoing war atrocities. There has been little effort on the part of the national actors or key interveners to prioritize and construct a consensus focused on protection. Likewise, there has been little discussion on R2P in Gaza, within the Security Council, the Quartet or among key interveners. The lack of focus on human security has contributed to a non-existent protection regime and little consultation with primary providers of protection. SCR 1325 and WPS agenda could provide a roadmap toward a more inclusive dialogue on effective protection. Considering the number and the longevity of NGO's working on issues of protection, the expertise on protection issues in the Israeli/Palestinian conflict is not in short supply. Human security and responsibility to protect the most vulnerable population, however, has not been a priority.

This article highlighted two interrelated challenges for R2P in a difficult and a divided context: first, reaching a consensus among international interveners on appropriate protection tools; and second, inclusive participation in the design and implementation of a protection regime. The shift from state centric, to a human centric focus of security under the umbrella of R2P and WPS provides a potential roadmap towards tools that prioritize protection of the population vulnerable to war crimes. In the most difficult and divided context, operationalization of Pillar 3 of R2P is currently far from being on the international agenda.