



Can the Women, Peace and Security Agenda and International Humanitarian Law Join Forces?

Emerging findings and promising directions

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1. Introduction

International humanitarian law (IHL) lies at the heart of the women, peace and security (WPS) agenda. The United Nations Security Council (UNSC) resolutions that established the WPS agenda have repeatedly referenced IHL, calling upon Member States to uphold the Geneva Conventions and Additional Protocols, and condemn violence against women and girls as violations of IHL. Yet the potential synergies between IHL and WPS have not been fully explored, by either advocates or scholars.

It is timely to examine potential synergies of the WPS agenda with the IHL framework established decades earlier in the 1949 Geneva Conventions, the 1977 Additional Protocols, and other treaties such as the Rome Statute. WPS and IHL are both live agendas which respond to changing circumstances and evolve to reflect new challenges and demands. While the WPS agenda and IHL are in many ways different in terms of focus, scope and legal force, we argue that specific shared objectives and topics present both opportunities to use WPS to improve compliance with IHL, and ways in which IHL could strengthen WPS implementation efforts.



Figure 1 outlines the key aspects of both IHL and WPS, highlights their respective scope and limitations, and identifies the potential synergies explored in this paper.

Figure 1. Women, peace and security and international humanitarian law: Key elements and contrasts

INTERNATIONAL HUMANITARIAN LAW	WOMEN, PEACE AND SECURITY AGENDA
• Based on the model of formal equality • Principles of distinction, proportionality, and necessity • Protection from sexual assault by enemy forces	• Pillars: participation, conflict prevention, protection, and relief and recovery • Seeks to advance women’s participation in militaries • Protection against gender-based violence and sexual assault
SCOPE AND LIMITATIONS	SCOPE AND LIMITATIONS
• Binding international law—from 1949 Geneva Conventions and 1977 Additional Protocols • Implicitly assumes that men fight and women are vulnerable—women protected when pregnant and mothers • Only applies in armed conflict	• Soft law—expressed in a series of United Nations Security Council Resolutions since 2000—not binding, no full accountability • Applies during peacetime, conflict, and post-conflict

This research paper is the second in a series of outputs of a research program at the Georgetown Institute of Women, Peace and Security, supported by the Government of Liechtenstein, that is exploring the synergies between the WPS agenda and IHL.¹

We begin with overviews of IHL and WPS. We illustrate how IHL’s gendered origins—a body of law largely made by men, for men—have shaped the law’s content, application and interpretation. We then review the WPS agenda, focusing on its pillars of “protection” and “participation,” and discuss the potential synergies resulting from the connections and overlaps with IHL. We explore three country cases—Israel, South Africa and the United States—to examine the conditions under which women’s participation in national militaries might influence compliance with IHL. We conclude with a set of policy implications.

2. International humanitarian law

IHL is the body of law regulating armed conflicts. The trigger for the application of IHL is the existence of an “armed conflict.”² While recognizing that war is undesirable, IHL holds that conflicts must be fought within certain legal bounds and seeks to provide protection to both combatants and civilians from the worst excesses of conflict violence. This involves three **core principles**: distinction, proportionality and necessity.

The **principle of distinction** requires that parties to a conflict must distinguish between civilians and combatants, as well as between civilians who are “directly participating” in hostilities and those who are not. Actors in a conflict may legally target combatants, as well as civilians who are directly participating in hostilities, whereas civilians who are not participating in hostilities and civilian property are legally protected from attacks.

The **principle of proportionality** prohibits attacks when the anticipated harm to civilians by an attack would be excessive relative to the anticipated military gain. This principle can also be framed in the opposite direction as legally allowing for certain numbers of civilian deaths when they are “proportionate” to the military advantage gained. Depending on how this principle is framed, proportionality is either protective or permissive.

The **principle of necessity**, or “military necessity,” condones certain actions and outcomes, including civilian casualties, if they are deemed necessary to realize a legitimate military purpose. Like proportionality, necessity can be looked at in two directions. On the one hand, proportionality can provide grounds of justification for attacks that have high civilian costs, while the principle also places constraints on military actors, by prohibiting attacks that are not militarily necessary.

Today, adherence with these principles is an influential factor in military behavior. For the most part, major militaries seldom conduct strikes with large-scale disproportionate effects on civilians.³ While violations of these principles still occur, including recent aerial bombing and shelling of civilian areas in Ukraine, where both Russia-backed militants and Ukrainian government forces used heavy artillery and mortar to target schools,⁴ the breaches of the principles can be used as a basis for investigation and sanctions. The recent commission of inquiry into the actions of Australian special forces in Afghanistan demonstrates the importance of IHL in providing standards for accepted military behavior.⁵

International humanitarian law and its approach to women

Despite the law being couched in gender-neutral terms, IHL is a deeply gendered body of law.⁶ An examination of the law and its history reveals that the founders of this law, and the drafters of the IHL treaties, held particular views about men and women in conflict: of men being fighters and women being victims of war. This leads to a number of shortcomings, as outlined below.

Hugo Grotius, the foundational voice of IHL, writing in the 17th century, noted that women (and children and old men) should be spared in conflict,⁷ as they lacked the capacity to devise war. Women were portrayed by the early theorists as “innocents,” while men were seen as the opposite.⁸ Whether or not men participated in armed movements, they were seen as presumptive combatants and, therefore, potentially dangerous—and less deserving of the law’s protection.

These gendered ideas influenced the drafting of IHL’s Geneva Conventions (GCs) and their Additional Protocols (APs)—although framed in more nuanced ways. While the GCs and their commentaries recognized women as potential combatants, they are also filled with references to “honor” and “modesty”—reflecting a particular view of women. Throughout the treaties, IHL tends to paint women in one of two ways: as victims or in terms of their relationships with others.⁹ More than half of the 42 provisions that deal with women deal with women as mothers or child-bearers—protecting women because they are playing these roles.¹⁰ Even the provisions pertaining to sexual violence do not treat women as subjects but rather as men’s “property.” The GCs’ provisions about rape are framed in terms of “honor” rather than in terms of violence. This reference to honor speaks to a view of women as “belonging” to their husbands or families. When women are sexually violated, the men to whom they belong are seen as harmed, as their women’s honor—which is the source of their value—is infringed.¹¹ The inclusion of this language in the GCs entrenches a view already prevalent in many parts of the world. It also feeds into a logic behind rape in war—as a tool for men to harm men, using the bodies of their women.¹²

“Women shall be treated with all the regard due to their sex”¹³

The GCs were primarily conceived to regulate interstate wars. It is well known that since that time, intrastate conflicts have increasingly outnumbered interstate wars.¹⁴ While men were more commonly deployed as combatants in international conflicts, the proliferation of civil wars has seen an increase in the number of female fighters: some research suggests that women served as combatants in up to two-fifths of rebel groups between 1979 and 2009.¹⁵ National militaries have been slower in opening combat roles to women: only approximately 20 countries currently allow women to serve in combat.¹⁶

The two 1977 Additional Protocols—one designed to regulate international, and one designed to regulate internal conflict—changed the requirements for distinguishing between civilians and combatants toward being based on a person’s acts, rather than the “role status” of the actor, and thereby somewhat shifted the definitions from old gendered ideas. Still, the designation of acts continued to focus on the types of acts typically performed by male actors in war, reinforcing IHL’s gendered nature.¹⁷

The gendered nature of the law is also evident in IHL's targeting rules, as well as in military targeting practices. While "civilian immunity"—the norm that holds that civilians are legally protected from attack—is not an inherently gendered norm, since in theory, it is a gender-neutral norm guaranteeing that *all* civilians are protected, in practice the division of combatants and civilians along gendered lines has equated "civilians" with women and children.¹⁸ This leaves civilian men vulnerable to attacks. For example, in Afghanistan, helicopter assaults and drone strikes have repeatedly targeted and killed "military-aged men" because they were considered combatants. In at least one case, faulty intelligence, mistakenly identifying a civilian convoy as carrying supposedly military-aged men, led to a US assault that killed a total of 27 civilians, including women and children.¹⁹ A journalist investigating the incident revealed that US military personnel "did in fact believe that any military-age male carrying a weapon should be considered a combatant."²⁰

The gendered nature of this norm is entrenched by state actors' use of gendered rhetoric when criticizing civilian attacks, typically condemning the killing of "women and children." Humanitarian evacuations tend to focus on women and children.²¹ Humanitarian organizations, such as the office of the United Nations High Commissioner for Refugees (UNHCR), often also call for the protection of "innocent women and children."²² So too, the Security Council often condemns violence against civilians, "especially women and children."



Airstrike on the Syrian town of Kobani
Photo: Kai Pfaffenbach/REUTERS

Feminist scholars argue that formally equal laws cannot achieve substantively equal results, given pre-existing gender inequalities and the differing ways in which armed conflict affects men and women.²³ In theory, IHL guarantees formal equality between men and women, but in practice, deeply ingrained gender biases in society, and the unequal experiences of men and women in conflict, make it impossible to achieve substantive equality. The treaties' texts state that IHL should be applied without discrimination on the basis of sex, meaning that "adverse" distinction is prohibited—although favorable differentiation is permissible to provide groups with special protections.²⁴ The protective provisions for women, described below, fall in this category.

Women are covered by IHL's broader protections aimed at civilians, and there is extensive evidence to suggest that IHL does play a role in regulating behavior, and that this serves to provide protection.²⁵ Yet those rules do not recognize the differing needs and constraints of female civilians in conflict.²⁶ Alongside the risk of sexual and gender-based violence (SGBV), female civilians are often more limited in their freedom of movement, have more care responsibilities than men, and are more vulnerable to exploitation by armed actors.²⁷ While the law sets out protections for children, it does not adequately differentiate between boys and girls. As noted above, IHL's core principles of "proportionality" and "necessity" allow for *unintentional* harming of civilians, where this is proportional to an anticipated military goal or militarily necessary,²⁸ thereby eroding the potential for civilian protection.²⁹

IHL hardly addresses the specific vulnerabilities of women in conflict, other than to provide certain categories of women with specific protections. These protections are largely reserved for women carrying out particular roles, such as female combatants who are prisoners of war, women who are pregnant, or those nursing small children. The treaties mention special needs of pregnant or lactating women, yet IHL insufficiently addresses other aspects of women's needs, such as reproductive healthcare in detention. For example, it includes requirements for cigarettes, but not for sanitary products. Women's lives obviously go beyond the roles of mothers and/or detainees, and outside these tailored protections, IHL's protections remain inadequate.³⁰

A gendered analysis of IHL reveals that most of the provisions pertaining to women provide for special *protections* for women. Even the rules that prohibit sexual violence focus on the *protection* of women from sexual violence, rather than on the *prohibition* of such acts.³¹ This reinforces the gendered dichotomy in the law, of women as victims and men as perpetrators. IHL also fails to acknowledge that men also experience sexual violence in war.³²

It is notable that IHL's rules which address women are framed as being less important: none of the "gender crimes"—or the sexual and gender-based crimes—in the GCs are designated as "grave breaches," which confer jurisdiction and obligation on all state parties to prosecute.³³ The international criminal tribunals have sought to remedy this omission by reading rape and other violations against women into the existing grave breaches.³⁴ However, the need for this additional interpretative step also confirms that gender crimes were not initially framed as grave breaches in themselves. Moreover, the International Criminal Court and tribunal decisions only apply in its 123 member countries, and not in the many other countries, including the United States, that are bound by IHL.³⁵

IHL's blind spots when it comes to women

The narrow scope of IHL—covering the actions taken by fighting groups against their enemies during armed conflicts—ignores the fact that there are other times when women require legal protection. We argue that IHL has a number of “blind spots” relating to women’s protection, including sexual violence within the military; violence perpetrated by the military in non-conflict situations; the secondary effects of conflict, such as dangers in displacement and refugee camps; and reproductive healthcare needs in detention. Here we highlight two major blind spots.

Sexual harassment and abuse within the military: With its exclusive focus on actions by *enemy* fighters, IHL fails to protect women from men within their own militaries or armed groups. Many state militaries around the world—South Africa and the United States included—have persistent problems of sexual abuse within their ranks.³⁶ And militaries have poor track records of responding to these breaches, with complainants labeled as “unpatriotic” or “traitorous” and accused of undermining unit cohesion.³⁷ Domestic law, state mechanisms and military justice provisions to control violence against women within militaries have also often been inadequate. So, while IHL fails to regulate this, there is no other law that adequately fills the gap.



United Nations provides water to women
Photo: Alberto González Ferran/UN Photo

Military deployment in non-conflict situations: IHL only applies when there is an “armed conflict.” Violence that does not reach the threshold of armed conflict is not regulated by IHL, so IHL does not apply to riots, demonstrations, strikes, or sporadic or isolated actors of violence, even when the military is used to address these incidents.³⁸ Peacekeeping operations, as well as domestic deployments and so-called “black-site” prisons, all fall outside the scope of IHL.

The trigger for the application of IHL, in both international and intrastate contexts, is the existence of “armed conflict,” but IHL does not define the term. Scholars have developed empirically rooted definitions of armed conflict. For example, the Uppsala Conflict Data Program considers three criteria to establish armed conflict: (1) a stated incompatibility over which belligerents are fighting (control over the government and/or territory); (2) a minimum of two organized groups, of which at least one is the government of a state; and (3) battle activity resulting in at least 25 deaths, all of which must be observed in a given calendar year.³⁹ This definition does not cover one-sided violence by a government or non-state actor—i.e. the targeted killing of civilians by one side (which would be classified as crimes against humanity, not war)—nor does it account for non-state-based conflicts or communal violence—i.e. violence between rebel groups, militias and/or paramilitaries.⁴⁰ These and other academic definitions do not carry any legal force, however.

While legal scholarship and jurisprudence have fleshed out its meaning, in practice there is little clarity on the level of violence that constitutes the lower threshold of the term, or on the precise factors that render fighting an armed conflict.⁴¹ The number of formal declarations of war, which conclusively triggers IHL, has declined substantially.⁴² Some argue that the failure to declare war is a deliberate calculation by conflict parties to avoid accountability for their actions.⁴³ IHL does still apply, however. For example, war was not declared when the Nagorno-Karabakh conflict re-erupted between Azerbaijan and Armenia in September 2020, killing more than 1,000 people. Both sides have been accused of violating IHL by using cluster munition and white phosphorous against civilians.⁴⁴

IHL still applies to undeclared situations, as the commencement of hostilities triggers the duty of parties to apply IHL.⁴⁵ For example, the United Nations International Criminal Tribunal for the former Yugoslavia, which indicted 161 and sentenced 90 individuals for serious violations of IHL, extensively discussed the factors that made it an armed conflict, and formal declarations were not needed.⁴⁶

IHL ceases to apply the moment a formal state of armed conflict ends, even though it might take some time for violence to subside, and militaries might still be deployed for some time longer. Violence against civilians is often a common feature in post-conflict settings,⁴⁷ as demonstrated by Sri Lanka’s security forces kidnapping and torturing Tamils years after the war formally ended in 2009.⁴⁸ Insecurity can remain a significant concern for women after the end of conflict, with women facing heightened levels of violence both outside and inside their homes.⁴⁹

A close examination of the nature of violence, and especially the pervasiveness of intimate partner violence in times of instability, highlights that for too many women in conflict-affected settings there is no clear demarcation between war and peace, or public and private harm. In Peru, experience of the armed conflict between the government and Sendero Luminoso, and specifically exposure to conflict-related

sexual violence (CRSV), increases the risk that women become victims of intimate partner violence. Regions of Peru with higher rates of reported CRSV were also associated with over 4 percent higher rates of risk of intimate partner violence after the end of the conflict.⁵⁰ A global analysis of conflicts between 1989 and 2015 shows that even after formal ceasefires, there continue to be reports of armed groups raping women; and violence against women is often a sign that war is going to return.⁵¹ It has been estimated that the risk of conflict returning doubles from 3 to 6 percent when there are reports of sexual violence by armed groups in post-conflict years.⁵² Indeed, conflict is often “part of a continuum leading from militarism ... through militarization ... to episodes of ‘hot’ war, and thence to cease fire and stand-off, followed perhaps by an unsteady peace ... beset by sporadic violence that prefigures a further round in the spiral.”⁵³ While domestic law is supposed to regulate behaviors after the conflict ends, it can take years before domestic legal and justice systems are fully functioning.

There are various other aspects of conflict with gendered implications—including forced displacement—that are not well covered by IHL.⁵⁴ However, since this is not well addressed by the WPS agenda either,⁵⁵ we do not investigate in detail here.

IHL’s legal protection for women is, therefore, partial at best. It fails to cover all the threats that women face in war, and from militaries. IHL ignores the fact that women also require protection from those who are not their declared “enemy,”⁵⁶ and excludes situations that are outside a formal armed conflict, even amidst widespread insecurity.

3. Women, peace and security

In 2000, the UNSC adopted Resolution 1325, which founded the WPS agenda around four fundamental pillars: participation, prevention, protection, and relief and recovery. In these, it urged Member States to respect international law as it applies to the protection of women and girls. In particular, the UNSC resolutions which established the WPS agenda—as outlined in Table 1—acknowledge and reference IHL.

From the outset, the **protection** of women has been a priority of the WPS agenda. Like IHL, UNSC Resolution 1325 and subsequent resolutions tend to equate civilians and women, and frequently refer to women as victims. Women are generally portrayed as nonviolent, peaceful and in need of protection. In this regard the WPS resolutions echo the gendered protection norms underlying IHL: women in need of protection and men as “natural” combatants.⁵⁷ Later WPS resolutions do, however, include references to women as actors of various types—be they peacekeepers or formal and informal peacemakers

The series of UNSC resolutions on WPS show a continual focus on CRSV and SGBV. While CRSV and SGBV are real and disproportionate threats to women, the focus on sexual violence has been criticized as overly narrow,⁵⁸ neglecting the continuum of violence experienced by women, as well as the broad targeting of civilians which can disproportionately affect women, as in the aerial bombing and shelling in Syria, where it accounted for 75 percent of war-related deaths among civilian women, compared to 49 percent of war-related deaths among civilian men.⁵⁹ Advocates and scholars alike have criticized the focus on CRSV, highlighting that the challenges women and girls in conflict face go far beyond this issue and include the full range of IHL and human rights violations.⁶⁰

The UNSC resolutions have also called for various institutional mechanisms to advance progress. For example, in 2005 all governments were called upon to produce National Action Plans (NAPs) to both implement and demonstrate progress on the agenda. To date, 86 countries have adopted NAPs.⁶¹

Table 1. Summary of UNSC resolutions on WPS⁶²

RESOLUTION AND YEAR	KEY UNSC RESOLUTION PROVISIONS	REFERENCES TO IHL
1325, 2000	Protects women in conflict and post-conflict situations; calls for the participation of women in conflict resolution and peacebuilding processes	Calls upon states to adhere to the GCs and APs
1820, 2008	Prohibits sexual abuse and exploitation by United Nations peacekeeping forces; protects women from conflict-related sexual violence (CRSV)	Reaffirms the obligation that states have under IHL to protect women and girls
1888, 2009	Creates offices to protect women from CRSV, including the Special Representative of the Secretary-General on Conflict-Related Sexual Violence, UN Action, and Women's Protection Advisers (WPA)	Demands that states vet candidates for national armies and exclude those who have been associated with serious violations of IHL, including sexual violence
1889, 2009	Identifies the need to increase women's participation in peace and security processes; creates a framework to track implementation of Resolution 1325	Condemns violations of international law committed against women and girls
1960, 2010	Develops improved CRSV monitoring, analysis and reporting mechanisms; WPAs and Gender Advisers integrated into field missions	Acknowledges that IHL affords general protection to women and children as civilians
2106, 2013	Recognizes and condemns norms of impunity for CRSV; emphasizes the importance of women's participation in combating sexual violence	Acknowledges that IHL prohibits rape and sexual violence and that the Human Rights Due Diligence Policy is a tool to enhance IHL compliance, including to address CRSV
2122, 2013	Designates UN Women as the key United Nations actor on WPS; calls for an integrated and multisectoral approach to the provision of post-conflict services for women; review of implementation of Resolution 1325 in 2015	Condemns violations of international law committed against women and girls; calls upon Member States to prosecute those who violate IHL
2242, 2015	Calls for the integration of the principles of WPS in all countries on the United Nations Security Council (UNSC) agenda; establishes an informal expert group on WPS; urges United Nations bodies and individual states to redouble efforts to implement WPS, including increased funding; highlights the importance of collaboration with civil society	Welcomes Member States' efforts to develop National Action Plans (NAPs) to support implementation of Resolution 1325 and related IHL provisions
2467, 2019	Identifies structural gender inequality and discrimination as a root cause of sexual violence; promotes a survivor-centered approach; recognizes men and boys as potential victims of sexual violence; responsibility for sexual violence prevention and response placed on Member States	Notes the role of United Nations investigations of IHL violations and secures protection and justice for survivors; recognizes that mistreatment of survivors can violate IHL; recalls principles of international law that give the right to effective remedy for human rights violations, and calls on Member States to apply these principles to victims of CRSV
2493, 2019	Urges Member States to fully implement all WPS resolutions; calls for them to take an active role in promoting women's rights in all areas of life	Not applicable

The **participation** pillar calls for more fully incorporating women at all decision-making levels and institutions relating to security, including in national militaries, in order to improve conflict prevention and resolution. A common argument for increasing women's participation in armed forces is that it will lead to improvements in armed forces' conduct. In particular, it has been argued that women's participation will improve the protection of civilians, especially from SGBV against women and children.⁶³

WPS resolutions have increasingly recognized the intertwined nature of participation and protection. Advocacy groups and scholars have emphasized that protection from SGBV is fundamental to women's participation.⁶⁶ Women are unlikely to participate in political decision-making, peacemaking or activism if they are under constant threat of violence.

The language in UNSC resolutions calls attention to women's participation and agency in peacebuilding. However, a closer look at the framing of the obstacles and challenges tends to reinforce the image of women as passive and dependent on men as protectors. This is indicative of a larger issue within the UNSC resolutions on WPS: participation has focused on women as agents of peace, dependent on protection from others—i.e. men. References in the resolutions to women's engagement as active participants do not include women as combatants and are limited to participants in peace processes and members of United Nations peacekeeping missions—and often in these, as gender advisers and WPAs.⁶⁷ Calls for women's increased participation in peacekeeping operations are often justified with claims of increasing effectiveness and reducing sexual exploitation and abuse by peacekeepers.⁶⁸

While calling for increased women's participation, so far UNSC resolutions have not explicitly called for women's participation in national militaries. However, governments across the globe have seen the increased participation of women in the military as part of the WPS agenda. The 2017–2022 Canadian NAP has set the target of increasing the share of women in the Canadian military from 15 to 25 percent and making women available for international peace operations.⁶⁹ Burundi's 2011 NAP commits to the "initiation and execution of an awareness programme with the objective of recruiting girls into the defence and security corps."⁷⁰

Efforts to boost women's participation in armed forces remain controversial. Those in favor argue that this is part of broader efforts to reach gender equality, breaking down occupational segregation and also having the potential to make the military more compassionate.⁷¹ Duncanson and Woodward advocate for a "regendered military" in which soldiering is no longer associated with traits considered "masculine" or "feminine" and which accords importance to values such as "equality, empathy, care, respect, and recognition of similarities and shared experiences."⁷²

"the importance [of women's] equal participation and full involvement in all efforts for the maintenance and promotion of peace and security"⁶⁴

"the persistent obstacles and challenges to women's participation and full involvement in the prevention and resolution of conflicts as a result of violence, intimidation and discrimination, which erode women's capacity and legitimacy..."⁶⁵

A number of feminists have highlighted the potential negative consequences of increased female participation in militaries. Cynthia Enloe asked, “Is women’s liberation advanced or derailed by women’s active contribution to their country’s war waging?”⁷³ Others have warned that WPS implementation efforts that primarily focus on foreign and defense ministries contribute to a militarization of the WPS agenda that is antithetical to its origins in peace and demilitarization.⁷⁴

Table 2. The differing ways in which IHL and WPS portray key terms and approaches

	INTERNATIONAL HUMANITARIAN LAW	WOMEN, PEACE AND SECURITY
Protection	Protection of people caught up in war—as combatants or civilians. Focuses largely on protection from direct attack by enemy forces. The protection to which a person is entitled is determined by whether they are a civilian, directly participating in hostilities, a combatant or a former combatant.	Seeks to ensure that women’s and girls’ rights are protected and promoted in humanitarian crises and conflicts. This includes protection from sexual and gender-based violence. Emphasizes the specific protection needs of rural women, women with HIV, women with disabilities and displaced women.
Participation	IHL focuses on participation in hostilities as a means of determining the level of protection civilians receive. Civilians who “directly participate” in hostilities lose their protection from attack.	Ensures women’s equal participation and influence with men in decision-making relating to the prevention and resolution of conflicts, and in post-conflict public life. Increases meaningful participation of women as peacemakers, politicians, negotiators, mediators, peacekeepers and humanitarian personnel.
Sexual violence	IHL protects women from rape, enforced prostitution and other forms of indecent assault, largely framed in terms of women’s protection, rather than prohibition of the acts. Sexual violence is also prohibited indirectly in IHL, through prohibitions of torture, cruel, inhuman and degrading treatment, and outrages against personal dignity.	The WPS agenda views sexual violence as an act committed by combatants and non-combatants alike, in both conflict and post-conflict periods. Focuses on sexual violence committed against women and girls. WPS materials use examples of sexual violence that include rape, sexual exploitation and abuse, sex trafficking, abduction, and forced marriage.
Gender neutrality	Couched in gender-neutral language. Aside from a limited set of specific protections for women in specific roles (e.g. mothering or serving as prisoners of war), IHL applies in the same way to men and women.	Focuses largely on women and on violations that specifically target women on the basis of their gender. Recognizes the unique vulnerabilities of women, and their strengths and potential, as negotiators, leaders and agents of peace.

4. Joining forces: Leveraging WPS and IHL frameworks for better outcomes

The intertwined nature suggests the potential synergies resulting from the overlap of WPS and IHL. Here we identify *participation* and *protection* as both WPS pillars critical to IHL compliance and where IHL compliance could also advance WPS.

Women's participation in political decision-making: Preventing armed conflict and IHL violations

There have been gains in women's political representation and leadership over time, but only a minority of countries have exceeded the threshold of 40 percent female representation. In most countries, women's share in national parliaments is significantly below parity.⁷⁵ 15 countries now have women in the highest position of political power as national leaders up from five in 1980, but down from the peak of 18 in 2018.⁷⁶

Increased women's participation in political decision-making can potentially mitigate IHL violations in three ways.

- By preventing armed conflict in the first place: Empirical evidence suggests that women are on average less likely to support armed conflict—gender differences in support for war is one of the largest and most consistent results in public opinion polls.⁷⁷ This is also reflected in policymaking. A greater share of women in legislatures has been found to lead to a prioritization of spending on welfare over the military,⁷⁸ and greater participation of women in legislature decreases risks of military escalation.⁷⁹ Preventing armed conflicts would reduce the occurrence of IHL violations.
- By de-escalating and ending armed conflict more quickly: Research suggests that greater levels of gender equality increase the chances of transitioning from war to peace.⁸⁰ A study of 68 countries between 1975 and 2013 found that higher levels of women's participation in public life—i.e. the legislature, judiciary, executive, labor force and education—was associated with higher chances of negotiations occurring in intrastate conflicts.⁸¹ Another study, covering the period 1945–2009, found that higher levels of women's parliamentary representation increased the chances of successfully ending intrastate conflicts through negotiated settlements.⁸² Shortening and de-escalating conflicts also means that there would be fewer opportunities for conflict actors to commit IHL violations.

- By improving military decision-making: Accumulating evidence—from the private sector and the military—about the benefits of diversity in teams and leadership suggest that women’s increased participation in the military could improve decision-making, and thereby IHL compliance. We elaborate on this point below.

Women’s participation in the military: Diversity improves decision-making

Increasing the number of women and their role in military leadership could improve decision-making in ways that would arguably improve IHL compliance. Diverse teams are characterized by differences in thinking styles, knowledge, skills, values and beliefs among team members.⁸³ Research from a variety of private-sector settings shows that diverse leadership teams facilitate innovation and help their companies to outperform less diverse competitors.⁸⁴

Diverse groups have been found to outperform homogeneous groups because they “are more likely to possess a broader range of task-relevant knowledge, skills, and abilities that are distinct and nonredundant and to have different opinions and perspectives on the task at hand.”⁸⁵ For example, one study of the influence of racial composition in small group discussions found that when Black participants presented dissenting opinions to groups of whites, their perspectives were perceived as more novel and led to greater consideration of alternatives, than when white participants presented that same dissenting perspective. This suggests that hearing a dissenting perspective from an out-group member provokes more thought than hearing the same perspective from an in-group member.⁸⁶

Moreover, diverse groups are more likely to be compelled to negotiate conflicting viewpoints, which forces the group to consider alternative perspectives, “to more thoroughly process task-relevant information,” and thus prevents deciding prematurely based on an apparent consensus.⁸⁷ One study of team decision-making found that minority dissent stimulated creativity and divergent thought, leading to innovation.⁸⁸

Appropriate leadership is needed to derive the most from diverse teams.⁸⁹ Innovative and challenging ideas are more likely to be considered—and supported—when employees from differing racial, gender and sexual orientations, as well as diverse professional experiences, have superiors who will both listen to and advocate for them.⁹⁰ Where leaders encourage subordinates to focus on the good of the team and on higher-order values—which would include IHL compliance—teams are more likely to realize the benefits of diversity.

The Military Leadership Diversity Commission report highlights a diverse military leadership is needed to:

- 1. Reflect the forces they lead**
- 2. Increase cultural and linguistic competence**
- 3. Enhance situational awareness, agility, and responsiveness to current and emergent threats.⁹¹**

We argue that better decision-making by militaries would be evidenced by increased IHL compliance, given the clear benefits of IHL compliance. It could help to avoid a public—domestic and

international—condemnation of violations, and other negative ramifications, such as prosecutions. Compliance with IHL can also enhance claims to legitimacy.⁹²

IHL compliance by one side may prompt compliance on the other side—and so states' self-interest in protecting both their militaries and civilian populations can motivate compliance with the law.⁹³ In 2001, during the conflict in South Sudan between the Government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A) (prior to South Sudan's independence), the latter signed a Deed of Commitment to abide by the Anti-Personnel Mine Ban Convention, prompting the government to ratify this two years later, citing the previous commitment made by SPLM/A as a factor in its decision-making.⁹⁴ In contrast, violating IHL exposes a state to potential retaliatory strikes. During the Bosnian civil war, for example, Bosnians were more likely to target Serbian civilians after Serbians committed atrocities against civilian Bosnians.⁹⁵

Given the strategic reasons for conflict actors to comply with IHL, better decision-making could be expected to result in better compliance. The accumulating evidence that diverse teams make better decisions provides further impetus to increase the number of women in leadership and decision-making positions.⁹⁶ Therefore, we argue that greater diversity through women's integration in military leadership has the potential to improve IHL compliance by improving the quality of decision-making.



Soldier in Kandahar, Afghanistan
Photo: ISAF Headquarters Public Affairs Office

One important example of military decision-making relates to the nature and scale of military operations. As outlined above, the IHL principle of proportionality should be among the most important factors shaping such decisions. Proportionality calculations are difficult, however, not least because they require deciding upon the relative values of military targets and civilian lives. Because there is a lack of clarity in law on how proportionality calculations should be made, in practice decisions fall to the discretion of the actors involved.⁹⁷ Many military leaders will perceive targeting civilians as a justified measure to save the lives of their soldiers—meaning that they will consider lower-risk, higher-casualty strikes to be acceptable.⁹⁸ Prevailing military culture and institutional practices play an important role in shaping these types of decisions. How the presence of women and more diverse teams might affect these calculations is not well understood. More research is needed to examine whether more women in leadership positions will make different calculations.⁹⁹

To realize the potential gains for IHL from women's participation in the military, substantial increases in the absolute number and relative share of women is needed, especially in leadership positions. While the numbers of women have increased in many countries, improvements have been small in magnitude, starting from very low baselines—often in the low single digits in terms of percentage share—and generally with very little representation at the senior levels of the hierarchy.¹⁰⁰

As militaries bring more women into the ranks, one key question is whether there is a minimum threshold or “critical mass” of women that is necessary for them to make a difference to military culture and decision-making.¹⁰¹ A critical mass might well be needed to affect the cultural change needed to ensure women are secure enough to challenge decisions, influence processes, and consequently improve IHL compliance.

Canada, Norway, Sweden, and Australia have each used a critical mass approach as they recruit more women, and some governments have set specific targets and minimum thresholds.¹⁰² The Norwegian military has set a target of 20 percent women, and established compulsory military service for women in 2015; however, as of 2019, the share stood at only 13 percent. In the United States, the Obama administration sought to promote diversity and inclusion in the federal workforce, including in the armed forces,¹⁰³ and in 2018, women constituted 16 percent of enlisted forces and 19 percent of the officer corps,¹⁰⁴ up slightly from around 14 percent in 2000.¹⁰⁵ The Trump administration obstructed efforts to increase diversity, by implementing a ban on transgender people serving in the US military in April 2019.¹⁰⁶

5. Case studies: Progress and challenges

Globally, there has been slow progress toward implementation of the WPS agenda by national militaries in terms of increasing the number of women and opening combat positions to them.

We draw on the cases of South Africa, the United States and Israel to examine progress and challenges around WPS implementation and IHL compliance. These cases were selected because they differ in important ways and, therefore, illustrate variation in the challenges and opportunities for increasing women's participation. South Africa is a case in which the military is engaged in peacekeeping operations, with frequent allegations made against it of sexual assault against civilians. The United States is a case in which women's participation in combat roles has increased significantly in recent years, as well as one in which soldiers are deployed in non-conflict situations (such as partner military training missions and black-site prison facilities) where IHL does not formally apply. Israel has the largest rate of women's participation of any state military in the world. These cases demonstrate persistent shortcomings but also crucial opportunities to better leverage WPS to promote IHL compliance.



South African National Defense Forces soldiers
Photo: US Army Africa

South African National Defence Force (SANDF)

The SANDF comprises serving officers of all races and genders and has affirmative action policies in place to encourage recruitment and promotion of women and non-white recruits. In 2019, Black persons and Indians comprised about 75 percent and 12 percent of the SANDF, respectively.¹⁰⁷ Around 25 percent of the SANDF's full-time forces are women.¹⁰⁸

SANDF compliance with IHL

Like many African countries, South Africa frequently sends troops on peacekeeping deployments: in 2019, it was the 17th largest source in the world.¹⁰⁹ The largest deployment of South African troops is to the United Nations Organization Stabilization Mission (MONUSCO) in the Democratic Republic of the Congo (DRC), in which 1,130 SANDF personnel currently serve.¹¹⁰ The SANDF also contributed troops to, but did not have a battalion in, the hybrid United Nations African Mission in Darfur (UNAMID), where UNAMID's current Head of Mission, the Joint Special Representative, was South African.¹¹¹ South Africans also serve in the United Nations Mission in South Sudan (UNMISS), as police officers.¹¹²

Allegations of sexual violence on deployment, acts prohibited by IHL, have frequently been made against SANDF personnel—most notably against members of the SANDF battalion in MONUSCO in the DRC. Since 2015, some 42 allegations of sexual exploitation and abuse (SEA) by SANDF troops in MONUSCO have been reported to the United Nations,¹¹³ but the real number of incidents is likely

to be far higher.¹¹⁴ South Africans comprise only 6 percent of the MONOSCU mission staff but account for over one third of cases.¹¹⁵ A 2015 United Nations report identified the South African peacekeeping contingent as facing the highest number of SEA allegations.¹¹⁶

The South African government responded by deploying a national investigation team to the DRC, which now operates there on a permanent basis. It has also organized court martials—operating as remote court hearings—in areas of deployment, to investigate and prosecute soldiers accused of SEA. This has reportedly increased cooperation with United Nations investigations teams, as well as on-site investigative capacity.¹¹⁷ However, this does not seem to have reduced the numbers of allegations of cases perpetrated by SANDF troops, which remain high. As of August 2020, of the 42 allegations, 15 cases had been heard and finalized, and 9 people had been dismissed from the SANDF.¹¹⁸

Implementing WPS in South Africa

For many years, few concrete steps were taken in South Africa on the implementation of WPS, despite mounting pressure from women's rights organizations. In 2019, advocates were able to convince the Ministries of International Relations and Cooperation, Defence and Military Veterans, and Women, Youth and People with Disabilities that UNSC Resolution 1325 applied to South Africa, even during peacetime.

A National Task Team was set up and, in October 2019, national consultations were held about the creation of a WPS NAP. Although the plan had not yet been made public at time of writing, reports summarizing the findings of these consultations suggest that the NAP's mandate will be broad—including strategies for combating femicide; community violence; violence against gender non-conforming persons and against sex workers; sexual harassment; and unemployment and low income, as predating factors for the commission of violence—an approach recognizing the structural drivers of inequality and discrimination, yet one which goes beyond the types of considerations normally understood to be a part of WPS, reflecting debate as to the appropriate scope of the NAP.



Women in the US military

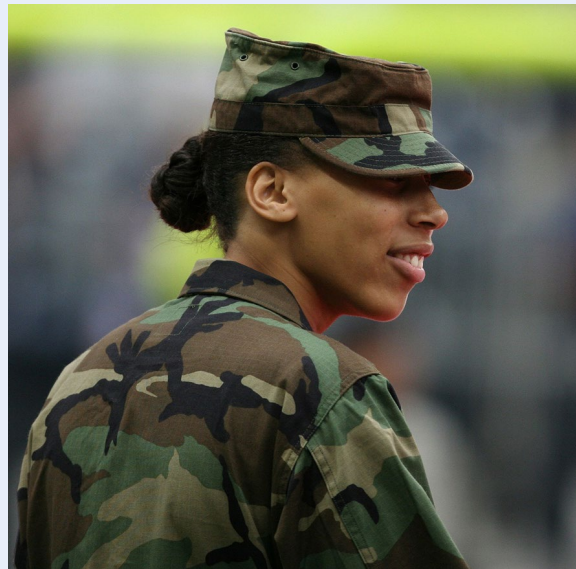
Women have served in supporting roles for the US military since the Revolutionary War, when they worked as nurses, cooks and cleaners, and helped transport supplies.¹¹⁹ However, women did not formally serve in the military until the creation of the Army Nurse Corps in 1901.¹²⁰ By 1914, some 35,000 women were serving in the US military, and their roles had expanded to include driving, and clerical and mechanical work. By World War II, more than 150,000 women were serving, including in jobs that had historically been reserved for men, such as weather forecasting, electrical and sheet metal work, control tower operations, airplane and radio mechanics, and photo-laboratory technicians.¹²¹

Rates of women's participation have continued to rise over time. Today they vary across the five branches of the US military: ranging from only about 8 percent of the Marine Corps to over 19 percent in the Navy and Air Force.

Sexual assault in the US military

As women's participation in the US military has increased over time, so has the prevalence of sexual assault and rape, which are both classified as crimes under the Uniform Code of Military Justice (UCMJ). Currently, sexual harassment is not criminalized by the UCMJ. In 2013, it was estimated that at least 25 percent of female service members had been sexually assaulted, and up to 80 percent had been sexually harassed.¹²² Although sexual violence is primarily targeted at women, an average of 10,000 male US service members are sexually assaulted every year,¹²³ around 4 percent of all male service members.¹²⁴ Sexual trauma in the military is associated with post-traumatic stress disorder and premature separation from military service.¹²⁵

As in the case of peacekeepers, the true prevalence of sexual assault in the United States military is likely much higher than reported numbers, given systematic under-reporting due to stigmatization, retaliation and fears of discharge. A 2015 survey found that 62 percent of active service members who had reported sexual assault in the past year had experienced retaliation in the form of professional, social and administrative actions or punishments.¹²⁶



US compliance with IHL

Following the declaration of the "Global War on Terror" in 2001, US compliance with IHL was eroded, and the State Department's Office of Legal Counsel worked to justify government efforts to circumvent IHL. When the United States invaded Afghanistan in 2001, the Bush administration argued that IHL did not apply to Taliban fighters or al-Qaeda personnel and that enemy combatants out of uniform were not entitled to IHL protections on the treatment of prisoners.¹²⁷ It also argued that IHL did not apply to captured fighters who were detained in Afghanistan or at the US detention facility at Guantanamo Bay, which was deliberately chosen to avoid the jurisdiction of US courts. Indeed, Guantanamo was designed to be "a legal black hole, where neither IHL nor US law would apply."¹²⁸ Also during the Global War on Terror, the Bush administration established CIA-administered "black-site" prisons and the authorization of "coercive interrogation" policies.¹²⁹ In 2009, President Obama ordered the closure of Central Intelligence Agency- (CIA-) run black sites established by President Bush during the War on Terror,¹³⁰ but reports indicate that US military forces continue to help run such facilities, including in Yemen, where US personnel assist Yemeni and Emirati forces with interrogations and have been accused of torture.¹³¹

The US military and the WPS agenda

The first major step to bring the US military into compliance with UNSC Resolution 1325 was taken a decade later, with the passing of a 2011 Executive Order that directed the implementation of the US NAP,¹³² which had been developed by an interagency working group led by White House National Security Council staff.¹³³ The Department of Defense has since taken various steps, including the incorporation of WPS into professional military educational curricula as a “Special Area of Emphasis,” and working with allies to improve women’s integration into partner national militaries and ministries of defense and in exchange programs with partner militaries. To date, progress has been slow.

It was not until June 2020 that the Department of Defense (DoD) and its interagency partners announced its first Women, Peace and Security Strategic Framework and Implementation Plan in accordance with the Women, Peace and Security Act of 2017 and the US Strategy on Women, Peace and Security.¹³⁴ A core objective in the DoD’s implementation plan is “Women’s meaningful participation across the development, management and employment of the joint force.”¹³⁵ The DoD has also established a WPS Synchronization Group to track progress toward WPS objectives,¹³⁶ but it is too soon to assess any impacts.

Women in the Israel Defense Force (IDF)

Women have served in the IDF since 1948, and today account for approximately 50 percent of the service—the highest proportion in the world. The number of women serving in combat positions has risen to more than 2,500 since 1995, when these roles—which are seen as a path to military and political leadership—were first opened to women. Between 2013 and 2017, the number of women in the infantry more than tripled, to 2,656 women in combat ground forces. Women have now also forged their path up the ranks: in 2018 there were 39 women serving at the rank of colonel,¹³⁷ and the first woman was appointed commander of a flight squadron; in 2019 a woman was appointed Battalion Commander in a regular regiment, and in 2020 the IDF appointed the first woman Battalion Commander in the artillery corps.¹³⁸

However, in Israel, as elsewhere, it is yet to be seen how the increasing number of women in high-ranking positions will have an impact on whether Israel conducts military activities in increased compliance with IHL.

IDF compliance with IHL

According to the fourth GC, to which Israel is party, Israel is classified as an occupying power in the Gaza Strip and the West Bank. Israel's actions in the Occupied Palestinian Territories are also governed by AP 1, which has not been ratified by Israel, although its provisions on civilian protection and the prohibition of indiscriminate attacks are considered norms of customary international law and are, therefore, binding upon all parties to any armed conflict.¹³⁹

Israel is frequently accused of violating IHL rules on proportionality, distinction and targeting. Over the course of the three most recent military offensives in Gaza in 2008, 2009 and 2014, Israel targeted homes and other civilian buildings—often failing to prove that these structures were being used for military purposes, and despite the presence of civilians in them. One medical fact-finding mission in Gaza found that 33 of the 68 civilian patients injured in IDF attacks were injured while in or around their own homes. During Operation Protective Edge, in July and August 2014 alone, 18,000 homes in Gaza were rendered uninhabitable by Israeli strikes. Amnesty International examined 8 specific cases

of Israeli attacks on inhabited homes during this period, and found that they resulted in 111 deaths, 104 of which were civilians. Israel never provided an acceptable military justification for these attacks, suggesting a violation of IHL.¹⁴⁰

Implementing WPS in Israel

In 2005, Israel became the first United Nations Member State to incorporate principles of UNSC Resolution 1325 into national legislation, with the passage of an amendment to the 1951 Equality of Women's Rights law which mandates the inclusion of women in all policymaking committees and teams, including those coordinating peace processes. Israeli law has been applauded for going even further than UNSC Resolution 1325 by mandating that women participating in policymaking come from diverse social groups.¹⁴¹

Yet there remain gaps between law and practice. For example, when Israel briefly began peace talks in Washington, DC in 2010, no women were included on the Israeli negotiating team. And Israel does not have a Resolution 1325 NAP. While the Israeli government may feel that UNSC Resolution 1325 has been addressed through the 2005 amendment, feminist activists and civil society groups argue that more needs to be done to gender mainstream government policies and increase women's participation in decision-making at all political levels and ongoing peace and security processes.¹⁴²



6. Expanding protection and policy implications

There appear to be pathways for both WPS and IHL advocates and practitioners to realize the potential synergies between WPS and IHL to improve women's protection.

First, the WPS agenda's protection pillar's firm roots in IHL offer WPS advocates and practitioners opportunities to draw on IHL principles in expanding women's protection. IHL's civilian protection principles of distinction, proportionality and necessity mean that greater IHL compliance, which generally limits civilian targeting, destruction of infrastructure and internal displacement, would directly improve women's safety and security.

Bringing other aspects of IHL, such as humanitarian organizations' access to detainees and support for tracing displaced and disappeared civilians, more explicitly into the WPS agenda and into future UNSC resolutions could enable WPS to become a more effective advocacy tool to encourage IHL compliance and implicitly improve women's protection.

Second, IHL practitioners and advocates could draw on the WPS resolutions when condemning IHL violations and demanding compliance. For example, despite documenting numerous IHL violations directly and indirectly affecting women, including indiscriminate bombings of civilians, sexual violence, and arbitrary detention and torture, the Panel of Experts on Yemen's 2020 final report only made a single reference to WPS.¹⁴³ Similarly, a 2018 briefing paper by the International Commission of Jurists on IHL violations in Yemen did not make a single reference to WPS resolutions.¹⁴⁴ We would argue that citing WPS resolutions could enable IHL advocates to broaden their coalition in advocating for IHL compliance and the protection of women, buttressing calls for compliance.

The expansion of WPS protection efforts would have greater benefits for all civilians in conflicts. While preventing disparate and disproportionate harm to women and girls should remain the focus and priority of the WPS protection pillar, this does not limit its potential positive effects on civilian populations more broadly. Enlarging the number of potential beneficiaries beyond women and girls does not detract from the value of the WPS agenda; on the contrary, doing so could in fact lead to more widespread support for the agenda.

Leveraging WPS to eradicate IHL blind spots

As outlined above, IHL has gendered blind spots: specifically, violence not conducted by warring enemies, and violence outside of what is considered armed conflict. Unlike IHL, the WPS agenda is broader in scope and is not limited by these boundaries on actors or context. The WPS agenda's references to IHL thus enable advocates to make a case for expanding the application of IHL.

The WPS agenda clearly prohibits threats to security—including sexual harassment and assault—facing women in the military. UNSC Resolution 1888 demands that states vet candidates for national armies and exclude those who have been associated with serious violations of IHL, including sexual violence. IHL advocates and practitioners can use these WPS principles to demand vetting, accountability and, if appropriate, exclusion and criminal persecution of military personnel who have been associated with IHL violations or who have perpetrated other violent crimes.

Feminists have long argued that the dichotomy of war and peace is untenable and does not reflect the lived experience of women.¹⁴⁵ Despite this, IHL is built on a dichotomy between war and peace. Coupling IHL with WPS emerges as a way to ensure that IHL's protections for women continue to operate to some extent even after the moment when the application of IHL formally ends.

IHL advocates could utilize UNSC Resolution 1960 as a tool to call for and ensure increased monitoring and early warning systems in post-conflict situations which might re-escalate into armed conflict. This would increase accountability and help address the gendered blind spot of violence. Similarly, IHL practitioners could draw upon UNSC Resolution 2467 to help policymakers identify and address potentially systemic problems, including racism and gender inequality, that exist outside of war but frequently manifest in IHL violations in war,¹⁴⁶ thereby helping to prevent future violations.

Policy implications and conclusions

WPS and IHL are dynamic agendas which respond and evolve to changing circumstances and opportunities. While the actual laws of IHL are hard to change—requiring treaty amendment processes—development has happened through interpretation, including through the international criminal tribunals, the Interpretive Guidance documents of the International Committee of the Red Cross (ICRC), as well as through advocacy and scholarly writing. For example, the recently issued updated ICRC Commentary to GC3¹⁴⁷ is arguably a step toward development of IHL, although this is not binding, nor a change to the law, but merely an interpretive tool.

WPS is also evolving, with new UNSC resolutions being added and a dynamic community of practitioners and advocates operating both inside and outside of governments, which over time leads to new areas of emphasis and growth of the agenda.

Our review suggests that there is potential to broaden the focus of the protection pillar to ensure women and girls are safe from all forms of violence,

and to use IHL to add binding force to the WPS agenda.

The synergies and connections between IHL and WPS could work at different levels and among different groups of actors. At the international level, the following steps are possible ways forward.

- In formal global arenas, most notably the UNSC, it is important to continue to highlight breaches as well as good practice. The United Nations Secretary-General's annual report to the UNSC on WPS and other occasions can be used to incentivize WPS implementation and IHL compliance.
- International criminal tribunals could be presented with evidence on evolving international norms in relation to protection, by drawing on the UNSC resolutions and debates on WPS.
- Efforts should be increased to meet commitments to increase the share of women in United Nations missions.

- The rate and nature of IHL violations should be explicitly tracked as part of ongoing efforts to gauge the impacts of increased engagement of women.
- Joint military training exercises between partner militaries should be encouraged, to facilitate diffusion/adoption of norms that encourage compliance with IHL, and encourage partner militaries to adopt policies and plans that advance the meaningful participation of women in all peace and security processes and decision-making.

On the national level, while the context varies enormously, some 86 countries now have NAPs in place. These are important instruments to lay out goals and commitments to WPS, including with respect to participation, prevention and protection. NAPs can be instruments to enforce accountability, especially where implementation plans and concrete targets have been laid out.

There are also fronts where both IHL and WPS could be strengthened. For example, contexts of forced displacement—women who have had to flee, who have been displaced or disappeared, or who face adverse gendered dynamics in refugee settings—could potentially be an area for further development.

Last, but certainly not least, civil society and academia, as well as the media, play important roles in highlighting breaches and good practices. Drawing attention to standards laid out in the WPS agenda can help connect IHL with WPS to advance both. It has been argued that there is limited feminist activity dedicated specifically and exclusively to IHL, which suggests another opportunity for advocates to push for women's human rights.¹⁴⁸

Likewise, WPS activists can use IHL to advocate and lobby not only for IHL compliance but also for broader progress in advancing women's rights and freedoms. There are a number of vibrant WPS-focused civil society actors that have successfully advocated for progressive evolution of the agenda on important fronts.¹⁴⁹ It could be useful for civil society to become more oriented toward IHL as a tool to advance progress. This could be supported by tailored IHL training for WPS actors, as well as by the development of gender-focused IHL monitoring tools. In this way, civil society could play an important and practical role in bringing WPS and IHL together.

These preliminary findings point to potential synergies between the WPS agenda and IHL, and a promising agenda for research and practitioners.

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