

The intersection of Human Rights and Feminist Foreign Policy

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AFFPC ISSUE PAPER SERIES. ISSUE NUMBER 8. DECEMBER 2022

Introduction

I have a confession to make. When I landed in Kabul in 2005 as a green Human Rights Officer on my first UN peace mission, I didn't understand why the mission had not just a Human Rights Unit, but a separate Gender Unit as well. For me, women's rights were – and are – human rights. For my Gender Officer colleagues, my question was naïve, even if well intentioned. They gave me a whole new perspective on *why* women's rights needed special attention and *how* those rights could be better realised.

A decade later, as Chief of Policy for UN Peacekeeping, I was leading the Gender, Conflict-Related Sexual Violence and Child Protection teams. From my experiences on the ground in Afghanistan and elsewhere, I had a much better understanding of the importance of representation and applying a gender lens to the wicked problems the UN is often faced with (inside and out). I also understood much better the institutional and cultural barriers to putting that approach fully into action.

Since that first mission, I have been in many challenging and engaging debates about the differences between these two overlapping areas of knowledge and practice – human rights and gender. What I hope to do in this paper is:

- examine how a human rights–based approach and feminist foreign policy (FFP) align;
- explore, in the words of US political scientist Valerie Hudson, how 'the womanless world was unmade' through the tireless work of both human rights advocates and feminists; and

- look at the challenges and opportunities that make human rights and FFP the correct frameworks for confronting the consuming problems of our shared future.

As the failure of long-standing institutions and structures leaves nations and multilateral systems running out of options, a new foreign policy model – one that focuses on local and indigenous knowledge; engages civil society; has a commitment to peace, to empathy over sovereignty; and is serious about justice, and inclusion – may be starting to look viable, even for those reluctant to give up their entrenched systemic and institutional power and the associated privileges.

Commonalities of a Human Rights-Based Approach and Feminist Foreign Policy

It was unprecedented disruption and necessary transformative change that saw the modern conception of human rights established amidst the wreckage of WWII. So acknowledged Rene Cassin, French Jurist and one of the drafters of the Universal Declaration of Human Rights, when he said:

'It would be deceiving the peoples of the world to let them think that a legal provision was all that was required ... when in fact an entire social structure had to be transformed.'

This requirement for *transformative change* is just the first characteristic that human rights and FFP have in common. For advocates of FFP the objective is not simply to 'add women and stir'ⁱⁱ but to reframe the principles, the players and the rules of engagement of international engagement.

Principles of International Human Rights Law

Taking a step back, it is worthwhile to examine the principles that underpin international human rights law and the elements of a human rights-based approach alongside FFP principles.

The Universal Declaration of Human Rights establishes that human rights are *universal* (to be enjoyed by all); *inalienable* (can't be given up or unjustifiably taken away); *indivisible* and *interdependent* (one set of rights cannot be enjoyed fully without the other, and they depend on each other – there is no hierarchy of rights). This last principle is particularly poignant when we consider support for and progress made to date towards civil and political rights compared to economic, social and cultural rights.

A further human rights principle establishes both *equality and non-discrimination*. Article 1 of the Universal Declaration states that all human beings are born free and equal in dignity and rights. Freedom from discrimination, set out in Article 2, is what ensures this equality. All human beings are entitled to their human rights without discrimination of any kind, with regard to race, colour, sex, ethnicity, age, language, religion, political or other opinion, national or social origin, disability, property, birth or other status.

The UN system has, since 2003, taken up what has been described as a human rights-based approach to development, which is now one of the guiding principles of the UN Sustainable Development Goalsⁱⁱⁱ. While there is no generic definition, common to this approach are additional elements that support *how* human rights are to be realised:

- **Participation and Inclusion:** Every person and all peoples are entitled to active, free and meaningful participation in, contribution to, and enjoyment of civil, economic, social, cultural and political development in which human rights and fundamental freedoms can be realized. This is especially important for marginalised groups. Recognizing intersectionality – the way that people are marginalized through direct or indirect bias based on combinations of identities – is key to inclusion.
- **Accountability and Rule of Law:** States and other duty-bearers are answerable for the observance of human rights. In this regard, they have to comply with the legal norms and standards enshrined in human rights instruments. Where they fail to do so, aggrieved rights-holders are entitled to seek appropriate redress before a competent court or other adjudicator, in accordance with the rules and procedures provided by law.

Principles of Feminist Foreign Policy

The body of work that has become known as feminist foreign policy (FFP) continues to evolve, and there is still no single definition of FFP among the nations that have adopted it^{iv}. However, as I noted in a 2021 piece for the Lowy Institute^v, feminist foreign policy is essentially about transformational change. It is not a ready-made package,

but a conceptual approach (indeed, a human rights-based approach). It is a declaration of intent to conduct *all* foreign policy framing, planning and implementation from a starting point that is *inclusive* and *participatory*, that dissects and transforms systems of power and that addresses social and cultural barriers and norms. Importantly, this approach is not just applied to foreign aid and diplomatic representation – it is also about trade, defence and security.

In 2019, the International Women's Development Agency, the International Center for Research on Women and New York University brought together 40 participants from 19 countries to distil a set of ambitious principles for FFP^{vi}. They concluded that feminist foreign policy should be:

- *Rights-based* and rooted in universal principles of human rights – expanding rights and supporting the claiming of rights on duty bearers (such as the state)
- *Transformative* – for gender norms/roles and actual policy practice
- *Inclusive* – with intersectional analysis at its centre: not just about women but other marginalised identities such as race and ethnicity, religion, age, rurality, ability, gender identity and sexual orientation
- Comprehensive and demanding of policy coherence – to quote from the conference report, *'It does little good to invest in education and health to expand human capabilities and achieve gender equality through development assistance if trade negotiations permit foreign and nationally owned extractives to pollute rivers and water bodies and deny indigenous peoples their rights to commonly held ancestral lands'*.^{vii}
- Promoting *non-violence* and demilitarization – political dialogue and prevention over conflict and intervention
- *Accountable* – to domestic constituencies and those most affected by the policies

The resemblance to those human rights principles described earlier is plain to see. But regardless whether FFP is seen as an extension of human rights or a separate body of knowledge, these two bodies of work share common principles and are mutually reinforcing.

'How the womanless world was unmade'^{viii} – the contributions of human rights and feminism

It is important to honour the work of those who have come before and to acknowledge how far we have come as a global community. FFP is an evolving and growing body of knowledge and action for change, which grew out of the feminist project of transforming gendered power relations, to which many feminists and human rights activists have contributed, particularly over the last 50 years. FFP can, in some respects, be seen as an expansion of both the human rights and Women, Peace and Security agendas.

At the inaugural World Conference on Women, held in Mexico in 1975 – in which Australia played a prominent role led by Elizabeth Reid, Margaret Whitlam and Susan Ryan – global feminist movements pushed for a new human rights treaty focused on women's rights, leading to the adoption of CEDAW, the Convention on the Elimination of all Forms of Discrimination Against Women in 1979. Momentum then built towards the Beijing Declaration and Platform for Action at the Fourth World Conference on Women in 1995.

The following year, we saw the ground-breaking Security Council resolution 1325 on Women, Peace and Security (WPS), which for the first time recognised the important role of women in the prevention and resolution of conflicts, peace negotiations and peace-building, peacekeeping, humanitarian response and post-conflict reconstruction, as well as the importance of their equal participation and full involvement in all peace and security efforts^{ix}.

There are now over 100 states with National Action Plans on WPS. UN Women was established in 2010 as a dedicated UN entity mandated to lead, promote and coordinate efforts to advance the full realization of women's rights and opportunities. The UN Sustainable Development Goal #5 now sets a 2030 deadline for the achievement of gender equality and the empowerment of all women and girls.

But how has this greater visibility, recognition and rhetoric actually changed the underlying systems and structures of how the world works? Despite these achievements there remains a fundamental power imbalance in how modern human rights discourse emerged and has been implemented that FFP must continue to challenge through intersectional analysis and by transforming the systems of power that continue to shape our world.

The road has been long, and there is much further to go. In my own short journey on this ride, I have witnessed the consequences of ignoring women's needs as a fundamental part of development, humanitarian assistance and international intervention more broadly. I have listened at the door while a woman in rural Afghanistan went through a dangerous birth alone in a filthy barn, instead of at the brand new, purpose-built women's health centre a mile away. Why? Because the foreign military Provincial Reconstruction Team – one of the supposedly cutting-edge provincial reconstruction teams meant to combine weapons-grade security and effective rural development – built the women's health centre without consulting any local women, in a location that wasn't culturally safe for them to travel to.

And yet I have also seen women included in the conversation from the start, and the difference it makes. When I was part of the planning team for the UN peacekeeping mission in South Sudan (UNMISS), the *only* community engagement organised for the UN Headquarters planners was arranged by the mission's Gender Team. As a result, the planners learned from dozens of women's civil society actors from across the

country about how UNMISS could incorporate local women's knowledge into the mission's early warning systems to prevent conflict. The experience demonstrated, in practical ways, how women's perspectives contribute to broader foreign and security policy goals.

An emerging space for FFP – wicked problems demanding transformative approaches

The women, peace and security agenda has made substantial advances, and may be the sector with the most evident progress towards incorporating a feminist approach in foreign policy. Despite this, many feminists believe that this progress still does not get to the root of the problem or achieve the goals of a truly feminist approach – to shift power dynamics through gender analysis:

'... the adjective feminist underlines the intention to go further than just working towards gender equality: not just to be reformist within existing structures but structurally disruptive and transformative'

In today's geopolitical landscape, with rising and shifting competition for power in our region and globally, it would be easy to forgo FFP approaches in favour of the same old neo-realism, with its narrow focus on national interests and sovereignty^{xi}.

It would also be a missed opportunity, with little chance of meeting the real challenges of today.

A case in point: COVAX. When COVID-19 spread across the globe a multi-pronged alliance of public health actors attempted to coordinate a global solution to the pandemic^{xii}. It brought together governments, global health organisations, manufacturers, scientists, private sector, civil society and philanthropy, with the aim of providing innovative and equitable access to COVID-19 diagnostics, treatments and vaccines. COVAX sought to ensure that people in all corners of the world would get access to COVID-19 vaccines, regardless of their wealth, because they deserved it and because it would make us all safer.

And yet it failed, perhaps for many reasons. In May this year more than a third of the world was yet to have a single vaccine dose. But it seems that at least one reason for failure was our governments' reflexive, tried and true national interest-based response to this global crisis.

'The initiative's backers badly misjudged the desperation and myopia of wealthier countries, which raced to manufacturers to snatch up doses for their own people... That has left a huge gap between rich and poor countries. Experts say the lack of vaccinations in poor countries is not only inequitable but also dangerous, exposing the world to a greater likelihood that more-virulent variants will emerge.'^{xiii}

Would a FFP approach, by more countries, have seen a better global health outcome?

As the outgoing High Commissioner for Human Rights, Dr Michelle Bachelet, noted in June this year:

'The socio-economic consequences of the pandemic, growing poverty and inequalities, debt distress, inflation, climate change, pushbacks against human rights (particularly against women's rights), raging conflict, including – but certainly not only - the war in Ukraine, make it clear that we are at a critical juncture.'^{xiv}

These kind of challenges require new ways of engaging, stronger empathy and collaboration across borders, better understanding of how conflict and crisis affect individuals and groups differently, and an ability to listen to and learn from other ways of knowing, including indigenous knowledge.

Disruption and transformation are generally born out of crises – when entrenched ways of knowing, being and working can no longer meet the moment.

There are glimpses of the transformative vision of FFP emerging in some recent developments – in our efforts to achieve sustainable development through the interconnected 17 global Sustainable Development Goals; in the work towards adoption and ratification of the Treaty on the Prohibition of Nuclear Weapons; in the establishment of the newly adopted Right to a Healthy Environment^{xv} and the work towards the concept of a positive peace^{xvi}. There is also a demonstrated need for more of a transformative approach in others – in the need for better global responses to the next pandemic challenge; in how we support the rights of women in Afghanistan and Iran; and in the urgency surrounding how we might limit the damage of climate change.

In view of the many challenges we face, this could – and should – be FFP's moment.

THE AUSTRALIAN FEMINIST FOREIGN POLICY COALITION

The Australian Feminist Foreign Policy Coalition is diverse network advancing feminist foreign policy in Australia. Convened by IWDA, its members work across a range of sectors including foreign policy, defence, security, women's rights, climate change and migration.

Feminist foreign policy is an approach which places gender equality as the central goal of foreign policy, in recognition that gender equality is a predictor of peaceful and flourishing societies. This Issues Paper Series aims to explore the opportunities and challenges for Australia in applying a feminist lens to a range of foreign policy issues, and provide practical ways forward.

Endnotes

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