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RHETORIC VERSUS REALITY:
EXAMINING SOUTH AFRICA'S COMMITMENT TO UNSCR 1820, 1888 AND 1889 ON SEXUAL VIOLENCE IN ARMED CONFLICT.

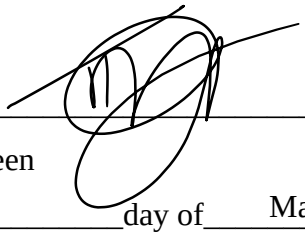
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A research report submitted to the Faculty of Health Sciences, University of the Witwatersrand, Johannesburg, in partial fulfilment of the requirements for the degree of Master of Arts in CW and RR (International Relations)
Supervisor: Dr Michelle Small

Submitted March 2024

Declaration

I , Tshidi Marvina Green, declare that this Research Report is my own, unaided work. It is being submitted for the Degree of Master of Arts (in International Relations) at the University of the Witwatersrand, Johannesburg. I confirm that it has not been submitted for any degree or examination at any other University before.



Tshidi Green

13th day of March 2024 in Paarl, Western Cape

Abstract

The use of brute force and sexually motivated attacks on civilians has been a feature within armed conflicts for millennia. With the rise and popularity of the Women, Peace and Security Agenda in the early 2000s, greater attention has been demanded to address issues of conflict-related sexual violence. Various robust and groundbreaking resolutions have been adopted and ratified by the UN Security Council to combat the use of rape as a weapon of war. These include but are not limited to UNSCR 1820 (2008), 1888 (2009) and 1889 (2009). Through these resolutions the international community has called for individual nation states to action the mandates outlined within the broader WPS Agenda in relation to conflict-related sexual violence. South Africa, having occupied a leading role in the peace process of various states within the African continent, has been one such nation tasked with fulfilling this mandate through its peace diplomacy and foreign policy. This study examines the degree to which South Africa has adopted and implemented the normative obligations contained within UNSCR 1820 (2008), 1888 (2009), and 1889 (2009), within its peace diplomacy on the African continent. The study employs a case-study analysis of South Africa's peace deployments in two African states, namely, the DRC and South Sudan. Process-tracing is used to analyse and ascertain the key junctures within its peace diplomacy to determine how the norms underpinning the WPS agenda, in relation to CRSV, have emerged, been adopted, and implemented within South Africa's peace diplomacy. The study examines these developments through the theoretical framework of norm evolution and norm life cycle theory.

Keywords

Conflict-related sexual violence, violence against women and girls, norms, norm evolution, peace and security, human rights, gender perspectives, gender mainstreaming, peace diplomacy

Abbreviations and Acronyms

AU	-	African Union
CRSV	-	Conflict-related Sexual Violence
CSC	-	Country Specific Configuration
DOD	-	Department Of Defence
DRC	-	the Democratic Republic of Congo
MONUC	-	United Nations Organization Stabilization Mission in the Democratic Republic of the Congo
MONUSCO	-	United Nations Organization Stabilization Mission in the Democratic Republic of the Congo
MoU	-	Memoranda of Understanding
MTT	-	Ministerial Task Team
NEPAD	-	New Partnership for Africa's Development
PMTC	-	Peace Mission Training Centre
PSVI	-	Preventing Sexual Violence in Conflict Initiative
PSVI	-	Preventing Sexual Violence Institute
RISDP	-	Regional Indicative Strategic Development Plan
RSA	-	The Republic of South Africa
SADC	-	Southern African Development Community
SANDF	-	South African Defence Force
SCR	-	Security Council Resolution
SEA	-	Sexual Exploitation and Abuse
TfP	-	Training for Peace in Africa Programme
TRC	-	Truth and Reconciliation Commission
UN	-	United Nations

UNDP	-	United Nations Development Plan
UNMISS	-	United Nations Mission in South Sudan
UNSCR	-	United Nations Security Council Resolution
VAWG	-	Violence Against Women and Girls
WPS	-	Women, Peace, and Security

Acknowledgements

This paper is a declaration of my gratitude to the countless individuals who have shaped my understanding of this life and the intricate roles we all play in building a world that is in constant pursuit of honouring our common humanity.

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Chapter 1

Introduction: South Africa's position on the 'spoils of war'

"When considering increased militarisation in [crises], one needs to consider what this means for women's safety." (Stern, 2020)

Preluding the problem

Conflict-related sexual violence is not a modern or "new phenomena, it has existed for as long as there has been conflict"(United Nations, 1998). The Iliad, an iconic poem written by Homer, speaks of the many quarrels and intricate dynamics between various characters at the end of the Trojan War. In the original poem, the abduction of Helen, daughter of Zeus, acts as the main storyline around which these quarrels emerge. However, in a later rendition and retelling of the story, Pat Barker recentres the narratives perpetuated in the original Iliad, and instead retells the story from the perspective of an enslaved woman who is fought over by two perceived Greek Heroes. In this version, famously titled 'the Silence of the Girls', women and girls are enslaved, victimized, and raped by Greek soldiers (Wilson, 2018). The sentiments expressed in Barker's version, has been displayed and showcased in numerous war stories and movies across the 21st century, such as Yi-Mou Zhang's 2011 movie, titled "Flowers of War". In the movie, the viewers are left deeply disturbed and heavy-hearted as they watch two women being raped brutally by a group of Japanese soldiers. The story is set in Nanjing, China, during the Sino-Japanese war of 1937 and tells the story of 13 schoolgirls and a group of courtesans who take refuge in a church as they attempt to escape the brutality and violence of the invading soldiers. Though both stories are fictional, they highlight the normalcy of violence against women and girls (VAWG), specifically sexual violence, in the context of armed conflict and war. Jacqui True (2021) refers to it as one of the "spoils of war" and discusses how it has been common practice to engage in such violence towards women during and after periods of armed conflict. Sexual violence has been and continues to be used as a weapon of war. In the Battle of Berlin during World War II, much like the Germans, the Red Army engaged in mass rapes of the female population, culminating in the rape of an estimated 2 million women (Deller, 2017). Additionally, hundreds of women were brutally raped, mutilated and murdered during the My Lai massacre of 1968 which took place during the Vietnam War (Theiss, 2018). Cases like the Yugoslavian war in which an estimated 20 000 to 50 000 women were raped as a

means of ethnic cleansing further highlight the gravity of the phenomenon and its prevalence in the later years of the 20th century (The Global Coalition on Women and AIDS, 2004).

In more recent years this form of violence has been brought into mainstream discourse around peace and security and is commonly referred to as "conflict-related sexual violence" or CRSV. This discourse comes in response to the severity, magnitude and prevalence of the crimes and the determination to understand the causal link between sexual violence and the political, socio-economic and cultural factors which breeds it. The current dialogue pertaining to broad-based sexual violence argues that the use of rape, sexual extortion, sex trafficking and forced impregnation is deeply rooted in ideas of power, dominance, and subjugation (National Sexual Violence Resource Centre, 2024). This is particularly relevant in instances of armed conflict and war. Clifford (2008) argues that the use of rape as a weapon of war is not merely an attack on the victim but instead an attempt to use social and gender stigmas to demoralize, destabilize and weaken societies and ethnic communities by stripping victims of their autonomy over their reproductive rights. Furthermore, Nordstrom (1996) argues that:

> *"Rape, as with all terror-warfare, is not exclusively an attack on the body- it is an attack on the 'body-politic'. Its goal is not to maim or kill one person but to control an entire socio-political process by crippling it. It is an attack directed equally against personal identity and cultural integrity".*

Unfortunately, the culture of sexual violence in armed conflict remains a prominent feature in modern day conflicts as demonstrated in Diagram 1 below. The diagram which was provided by the Armed Conflict Location & Event Data Project (ACLED) in June, 2019 demonstrates the prevalence of the of sexual violence and rape globally between January 2018 and May, 2019. The data presented also indicated that Africa is proportionately much more prone to sexually violent events than other global regions (ACLED, 2019).

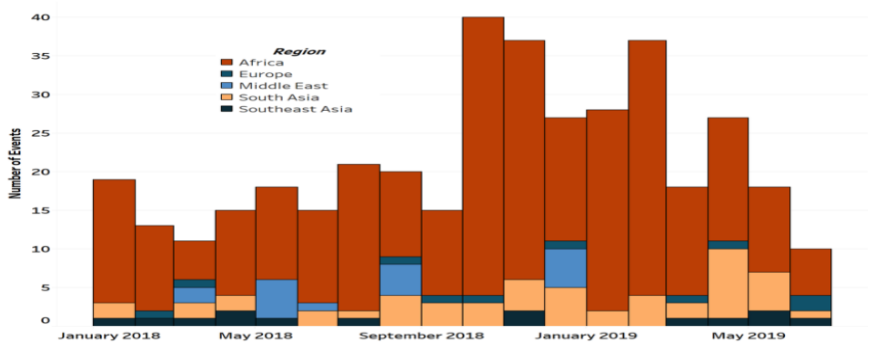


Diagram 1: Sexual Violence Event by Region(ACLED, *2019)*

Considering the growing concern for the safety of women against sexual violence in times of conflict, specifically within the African context in recent years, this study serves to contribute to the discourse on the protection of women by examining South Africa's efforts to combat conflict-related sexual violence within the African continent. The extent of South Africa's efforts to uphold and implement the norms outlined within UNSC Resolutions 1820, 1888 and 1889 which specifically address conflict-related sexual violence is examined.

Positioning the tenants of the study

This paper attempts to move beyond setting out what norms South Africa ascribes to, and instead serves to examine and determine how South Africa has actioned the norms into practice with specific reference to addressing sexual violence during armed conflict. This research paper therefore examines South Africa's implementation of UNSC Resolutions 1820 (2008), 1888 (2009), and 1889 (2009) in its foreign policy and peace diplomacy in the DRC and South Sudan. The research does this by posing the question:

> What are the barriers hindering South Africa's implementation of UNSCR 1820, 1888 and 1889 , specifically efforts to combat the use of sexual violence as a weapon of war, in its peace diplomacy in Africa between 2008 to 2018?

The study adopts norm evolution theory to provide a qualitative analysis of South Africa's implementation of the three respective resolutions and the norms which underpin them. The discussion and arguments presented are divided into 5 chapters which are structured as follows:

Chapter 1 lays the foundation and contextual overview of the study.

Chapter 2 starts with a brief overview of the existing literature and discourse on South Africa's peace efforts and peace diplomacy in Africa with specific reference to how its foreign policy has incorporated gendered perspectives. The literature review also briefly discusses the debates around the effectiveness of the WPS agenda, specifically the implementation of UNSC resolutions 1820, 1888 and 1889 which refer to conflict-related sexual violence. The chapter then provides the methodological framework employed before describing its process of case-study selection and indicator identification.

Chapter 3 assesses and outlines the theoretical lens through which the study is conducted, namely norm evolution theory. A summary is provided which explains the core principles of norm evolution theory before mapping out how the norms related to conflict-related sexual violence laws have emerged, developed, and been adopted both globally and within South Africa's peace diplomacy.

Chapter 4 provides a historical overview of the conflict situation within three selected case studies, namely the DRC and South Sudan. Attention is drawn to how sexual violence motivated by armed conflict has manifested within the three countries.

Chapter 5 delves into the critical analysis of South Africa's peace diplomacy in order to determine if and to what extent South Africa has upheld the norms outlined in UNSCR 1820, 1888 and 1889. The chapter analyses South Africa's peace efforts in relation to the 4 the indicators that are used to measure the implementation and execution of these norm in practice. These indicators have been identified and extracted directly form the three relevant resolutions and are as follows:

(i) the implementation and execution of anti-sexual violence military training and disciplinary measures;

(ii) the development and implementation of educational and training programs for all peacekeeping and humanitarian personnel to help them improve prevention, recognition and response efforts to sexual violence; and

(iii) the inclusion and provision for sexual violence in all peace negotiation agendas.

Chapter 6 finally concludes the report by presenting the final comments and summation of the analysis provided in response to the research question presented in this study.

The chapters serve to address the study's 4 core aims, namely:

1. Examine SA's implementation of the Women, Peace and Security agenda, with specific reference to UNSCRs 1820, 1888 and 1889 on conflict-related sexual violence, in its peace diplomacy and peacekeeping operations.
2. Trace the evolution of gender mainstreaming specifically norms around conflict-related sexual violence vis-à-vis UNSC Resolutions 1820 (2008), 1888 (2009) and 1889 (2009) in SA peace operations from 2008 to 2022.
3. Identify what barriers South Africa has faces vis-à-vis ending sexual violence in its international peace operations and implementing UNSCRs 1820, 1888 and 1889.
4. Generate relevant policy insights towards bettering SA's approach to Women, Peace and Security in its peace diplomacy.

South Africa's position on Conflict-Related Sexual Violence

South Africa has positioned itself as a key role player within the development of a peaceful African continent, and has responded to the call to prevent CRSV and has continually alluded to its commitment to upholding these international norms through its peace diplomacy. South African Minister of International Relations and Cooperation (DIRCO), Dr Naledi Pandoor reaffirmed South Africa's commitment to upholding and implementing the UN Security Council's mandate on combating the use of sexual violence as a weapon of war in conflict in a statement presented to the Special Representative of the Secretary-General on Sexual Violence in Conflict (SRSG) in 2019 (Department of International Relations and Cooperation, 2019). It read:

> *"It is important that we partner globally, regionally and nationally, to assist these countries in building capacity and strengthening their institutions such as security and social services to deal with the perpetrators and provide the necessary support to victims and survivors [of conflict related sexual violence]"* - (Department of International Relations and Cooperation, 2019)

The statement stressed the importance not only of addressing CRSV, but of global cooperation in combating the use of sexual violence in conflict. Furthermore, the minister stated that although South Africa was not prone to armed conflict, it too battles with gender-based violence and sexual violence and therefore empathises with victims and survivors and commits itself to addressing these crimes. This statement came in the wake of recent studies which highlighted the severity of South Africa's own Gender-based violence and sexual violence situation and the complaints brought foreword relating to South African troops' personal sexual misconduct allegations while deployed to peace operations in Africa. A 2020 report by Sonke Gender Justice, found that there were investigations into the sexual misconduct and malpractice of 8 South African troops within the South African Defence Force (SANDF) while deployed on a UN mandated peace operation in the DRC(Sonke Gender Justice, 2023). The sexual transgressions ranged from the misuse of authority to gain sexual favours, to, sexual exploitation and rape. Further, SANDF previously reported a total of 9 cases in 2017 and 4 in 2018 (DefenceWeb, 2018) .The extent of the sexual abuse and violence committed by SANDF troops has, however, not been limited to their deployment in the DRC. An article published in 2021 by the Mail and Guardian reported that there were 41 cases of sexual abuse and sexual related offences committed within the SANDF by male soldiers against female soldiers. The

cases included sexual assault, harassment, rape and crime injuria. 13 of the cases resulted in guilty verdicts while 11 of them were acquitted (Gibson, 2021).

Additionally, a 2020 study conducted by the Department of Defence, in which 2400 hard copy surveys were distributed to soldiers and military personnel within the SANDF across various domestic departments, found that at least 223 respondents had either personally known of an incident of sexual misconduct and/or had been the victim of this form of behaviour. It is important to note that the true number of cases could potentially be much higher as only 918 surveys, a total of 39%, were completed. In addition, 49% of the completed surveys indicated that their supervisors or superiors had been the perpetrators of the violations (Republic of South Africa Department of Defence, 2020). These figures give a very small glimpse into the gap that exists between the advocacy of norms around WPS and the reality of South Africa's implementation of these very norms both within the SANDF and by the SANDF in their peace operations.

Unfortunately, these cases not only compromise the integrity of the SANDF and its capacity to champion human rights and the protection of women within and beyond South Africa, but are also indicative of the existing gender-based violence which engulfs South Africa as a whole. In police minister Bheki Cele's crime statistics report for the second quarter of 2023/2024, 10 516 cases of rape and 14 401 cases of assault on women were reported in three months from July to September 2023. Further, 881 women had been murdered and 1 524 cases of attempted murder had been reported in the same period (South African Crime Registrar Head Office, 2023).The UN's mandate on the protection of women from conflict-related sexual violence therefore resonates deeply with the plight of the South African women, albeit in a situation of **no** armed conflict.

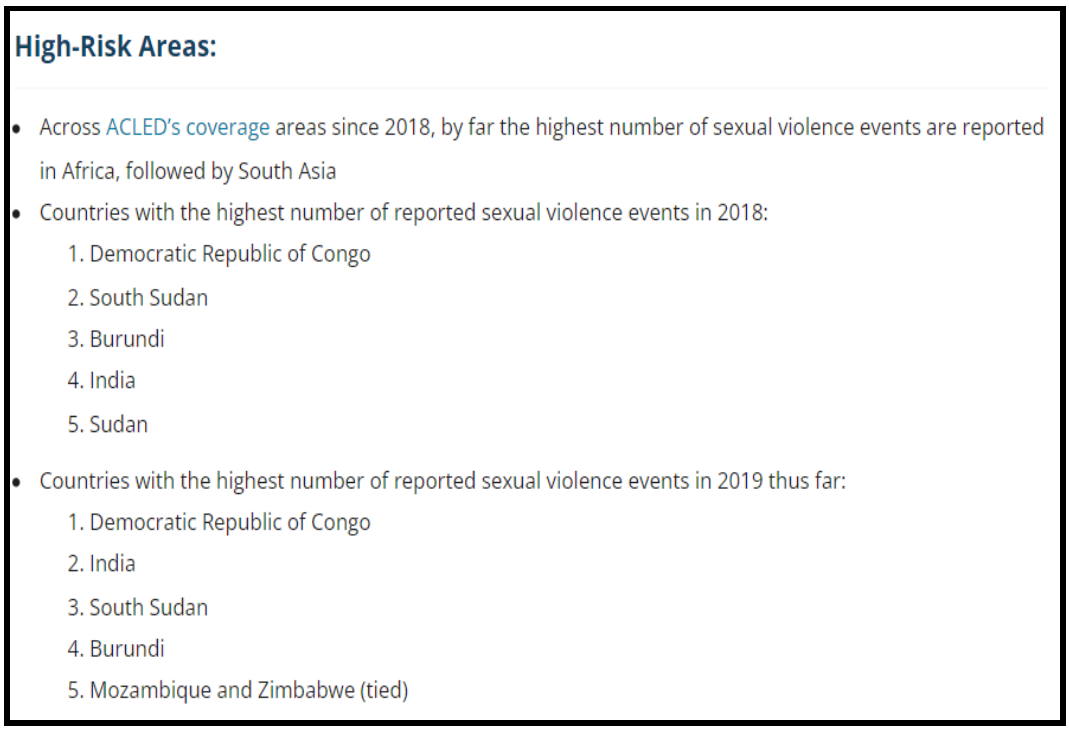
Though Dr Pandor's aforementioned address was powerful, the question arises: to what extent has South Africa actualized its commitments to stopping conflict-related sexual violence?

South Africa has made great strides in promoting the representation of women in its peace and defense processes. It has continuingly appointed women in top defense leadership positions, such as the current Minister of Defence and Military Veterans, Ms Thandie Modise, and former Minister of Defence, Ms Nosiviwe Noluthando Mapisa-Nqakula. South Africa also deploys the sixth largest cohort of female peacekeepers to the United Nations (United Nations, 2020). Furthermore, South Africa has ratified the AU Protocol on the African Charter on Human and Peoples' Rights on the Rights of Women (2003), commonly referred to as the Maputo Protocol

on Women's Rights; Article 28 of the Southern African Development Community (SADC) Protocol on Gender and Development, the Solemn Declaration of Gender Equality in Africa (2004), and Agenda 2063 among others (South African National Government, 2020). Additionally, South Africa prides itself on its proactive gender mainstreaming frameworks and guidelines within its Constitution as well as its adoption of the National Action Plan on Women, Peace and Security for South Africa (Republic of South Africa, 2020). South Africa has also joined the African Union's Network of African Women in Conflict Prevention and Mediation, formally known as 'Femwise-Africa', which was birthed in December 2016 out of a conversation convened at the 4th African Union Pan-African Network of the Wise (PanWise) Workshop held in Algeria (Makan-Lakha and Yvette-Ngandu, 2017). Femwise-Africa seeks to strengthen the position of women in conflict prevention and mediation efforts in the context of the African Peace and Security Architecture.

What this shows is that South Africa has a normative commitment to gender rights and gender protections. However, attention should be drawn to assessing how these normative commitments have been actioned and implemented beyond their normative frameworks, and specifically within South Africa's peace commitments and engagements in Africa. The Top 5 countries with the highest number of reported sexual violence events in both 2018 and 2019 are all found on the African continent (ACLED, 2019). *See figure 1 below.*

Figure 1: Top 5 countries with the highest reported sexual violence events (2018 – 2019) (ACLED, 2019)



High-Risk Areas:

- Across ACLED's coverage areas since 2018, by far the highest number of sexual violence events are reported in Africa, followed by South Asia
- Countries with the highest number of reported sexual violence events in 2018:
  1. Democratic Republic of Congo
  2. South Sudan
  3. Burundi
  4. India
  5. Sudan
- Countries with the highest number of reported sexual violence events in 2019 thus far:
  1. Democratic Republic of Congo
  2. India
  3. South Sudan
  4. Burundi
  5. Mozambique and Zimbabwe (tied)

More notably South Africa has been actively involved in the peace processes, serving as a champion of peace and human rights advocacy, in three of the listed countries. The Democratic Republic of Congo and South Sudan have both been placed on this Top 5 list for both 2018 and 2019, and have all hosted South African troops and peacekeepers at various points throughout their conflict periods (ACLED, 2019). South Africa has also been instrumental in securing various peace agreements in all three countries, such as the Sun City Agreement of 2002, which sought to end the civil war in the DRC.

South Africa has championed humanitarian calls for peace and stability on the African continent and has been heralded for its pro-women domestic policies and foreign engagements. Yet, the realities of violence against women and the alarming rates of sexual violence both within South Africa and within the countries it has provided diplomatic peace support to tell a different story. An inconsistency therefore appears to be present in relation to South Africa's normative stances on CRSV and its implementation and actions promoting these stances.

The WPS Agenda and international norms on Conflict-Related Sexual Violence

To understand South Africa's position on women in conflict, it is necessary to understand the international frameworks which underpin and determine the norms related to the women in peace and security discourse globally. The international bid to protect women and girls during armed conflict gained momentous traction in 2000 when United Nations Security Council Resolution 1325 was adopted (M.E.H, van Reisen, et al 2010). UNSCR 1325 laid the foundation for what is today known as The Women, Peace and Security Agenda, a global UN-mandated mission that consists of 10 UNSC resolutions dedicated specifically to advancing, promoting, and protecting women's rights in the face of war and conflict (Otto, 2017). Within this agenda, three initial resolutions were adopted which specifically addressed the issue of conflict-related sexual violence. These were UNSC Resolutions 1820 (2008), 1888 (2009) and 1889 (2009). Combined, the three groundbreaking UNSC resolutions, adopted and instituted by the Security Council, drew greater emphasis to the occurrence and impact of conflict-related sexual violence in situations of armed conflict (Republic of South Africa, 2020). Within the broader WPS mandate, conflict-related sexual violence has been defined by the United Nations as:

> *"...[the] rape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, enforced sterilization, forced marriage and any other form of sexual violence of*

> *comparable gravity perpetrated against women, men, girls or boys that is directly or indirectly linked to a conflict*" - (United Nations Security Council, 2018)

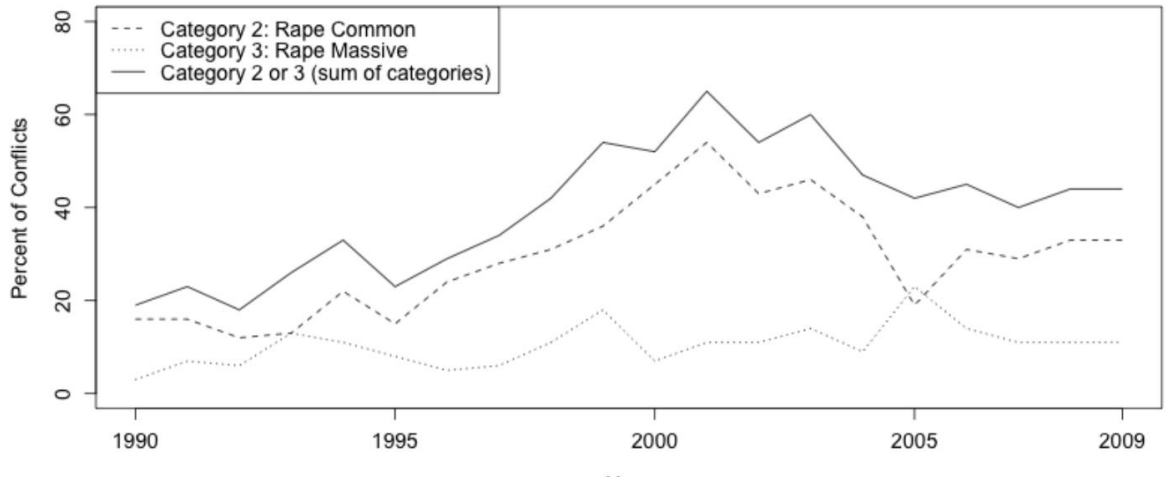
UNSCR 1820 (2008) stands as the first UNSC resolution to categorize sexual violence motivated by conflict as a tool of war and declares that "rape and other forms of sexual violence can constitute war crimes, crimes against humanity and a constitutive act with respect to genocide". The additional 8 WPS-related Security Council resolutions which followed UNSCR 1820 (2008) further demand that parties to armed conflict take urgent and necessary measures to protect civilians from sexual violence (O'Sullivan, 2019). They instruct UN departments and specialized agencies of the UN system to ensure that peacekeeping forces are adequately equipped and trained to protect civilians from conflict-related sexual violence, and call on the UN Peacebuilding Commission to analyse the impact of conflict-related sexual violence on early recovery and long-term peacebuilding projects (Barrow, 2016). This comes in response to the alarming number of conflicted-related sexual violence (CRSV) cases which continue to be reported in countries where UN peace missions and operations are based. Despite great initiatives to drive the WPS agenda, specifically in relation to CRSV, over the past three decades, the implementation has remained rather inconsistent (Years, Dornig and Goede, 2010). In his address at the ministerial meeting on September 25, 2010, former UN Secretary General, Ban Ki-Moon, stated that:

> *"Women are still excluded from peace processes. The security sector in most countries is still dominated by men. When conflicts end, and inter- national aid begins to come in, it is still not geared to the needs of girls and women. And – most tragically and strikingly – women and girls still suffer gender-based violence, including systematic sexual attacks, in and around armed conflict"* (UN News Centre 2010) (Years, Dornig and Goede, 2010)

The UN Secretary General's 2023 Report on Conflict Related Sexual Violence further highlights these shortfalls within the implementation of the resolutions, specifically, UNSCR 1820 (2008), 1888 (2009) and 1889 (2009). The report addressed the 701 cases of CRSV which were reported in the Democratic Republic of Congo during 2022. A staggering 503 of the 701 cases were reported by women while 187 were reported by girls (United Nations Security Council, 2023). Additionally, the UN Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), documented 245 sexual violations by the FPRC and the UPC between December 2022 and March 2022. These violations included

sexual slavery, rape, and attempted rape and were reported by 146 women and 99 girls (United Nations, 2023). In both countries, sexual transgressions and violence were perpetrated by both state and non-state parties to the conflict. The prevalence of rape and war-time sexual violence is present across global trends of armed conflict. Diagram 2 below, demonstrates the percentage of conflicts that included or experienced rape, either on a massive scale or at a general scape. The diagram further highlights that the percentage of conflicts perpetuating conflict-related rapes peaked between 2000 and about 2004, nearly tripling the percentage recorded in 1990 (Mack, 2012).

Diagram 2: Percentage of Conflicts with Reported Wartime Rape by year (Mack, 2012))



There is thus great urgency to accelerate international responses to CSV crimes in order to protect women and children during armed conflict. Additionally, it has become increasingly evident that a more robust gender-sensitive approach to peace and security practices and the protection of women's rights within humanitarian and peace keeping operations is necessary. Nation states are therefore called not only to ratify these agreements and resolutions, but to champion the adoption and implementation of these norms and prescriptive practices into their own national actions plans and foreign policy efforts as is witnessed within the South African context (Buckley, 2022).

Chapter 2

Literature Review and Methodology

2.1. Literature Review

This sub section provides a summary and discussion of the existing literature related to South Africa's implementation of UNSCRs on conflict-related sexual violence and the broader discussion on gender-orientated foreign policy analyses. The review broadly addresses the discourse on foreign policy analysis and its intersection with international feminist theory before engaging with existing discussions related to gender mainstreaming and pro-women gender norms within South Africa's foreign policy and peace diplomacy. The chapter concludes with a summary of the key arguments presented by scholars which address the limitations to implementing these gender norms within South Africa's peace diplomacy in Africa.

'Feminist' Foreign Policies and the WPA agenda

There is a vast pool of resources and literature that speak directly to the development of foreign policies that are restructured to include feminist principles within its frameworks. The literature has largely been occupied by gender mainstreaming theory and feminist theory and their adoption and implementation at the national and international level (Daly 2005; True and Mintrom 2001; Woodward 2003). An Jacobs and Katerina Krulisova (2021) provide a short historical account of the origins of gender mainstreaming. According to the brief, the concept of gender mainstreaming, which they broadly defined as the integration of gender concerns into the policymaking process, originated from discussions at the Nairobi World Conference on Women in 1985. The concept however gained international recognition during the Beijing Declaration and Platform for Action of 1995, when the concept was positioned as an approach to promoting gender equality. They state that the concept and process of gender mainstreaming further advanced and reached a significant milestone in 2000 during the UNDPO seminar held in Windhoek, Namibia, where the call for integrating gender perspectives into peace operations and processes was explicitly emphasized (An Jacobs; Katerina Krulisova, 2021). Hosted by the Namibian Government, this seminar produced two influential documents namely: the strategic Windhoek declaration and the operational Namibia Plan of Action, which notably influenced the UN's approach to gender mainstreaming. Today, gender mainstreaming has become integral to the United Nations Women, Peace and Security (WPS) agenda, which is globally recognized as a comprehensive framework for promoting gender equality in military affairs, conflict resolution, and security governance (An Jacobs; Katerina Krulisova, 2021).

With the promotion and advocacy of gender-mainstreaming in international security discourse, many scholars have undertaken the task of engaging with the data and practices presented within the discourse. One example of this is Jacqui True and Karin Aggestam's (2020) paper titled 'Gendering Foreign Policy: A Comparative Framework for Analysis'. Their paper discusses the inclusion of and challenges to feminist strategies and 'pro-gender' norms within the debate on foreign policies. Their paper draws on the increasing position women's empowerment as well as the protection and promotion of women's rights have taken within international relations (True and Aggestan, 2020). They assert that the security of women is closely linked to concerns of national, regional and international security and present their arguments through the lens of the international security frameworks. They allude to the idea of "women-friendly states" which refers to nation states who have actively absorbed norms on women's rights into their national frameworks. They refer to these absorption practices as having advanced 'pro-gender equality' norms, henceforth referred to as pro-gender norms and determine a states' 'friendliness' to women based on their adoption and implementation of one or more of the four types of feminist commitments, which are listed below, into their foreign policies. According to True and Aggestam (2020), women-friendly states are states that:

1. explicitly mainstream gender within its foreign policy, specifically promoting gender equality and women's rights within its foreign policy mandate and efforts, as well as its internal and external security engagements and economic trade and aid practices.

2. direct a proportionately high percentage of its international development and donor assistance budgets towards addressing gender-related development and women's equality.

3. prioritize and utilizes women's security and women's rights as a means to measure national and international stability and security. This indicator specifically draws on the state's commitment and adherence to the WPS agenda and its adoption of National Action Plans in line with the WPS agenda.

4. commits to developing and actioning gender-inclusive and gender-equality legislative and institutional mechanisms that speak to and support its foreign policy and diplomatic engagements. Examples of these mechanisms include programs which educate and empower young women leaders and ambassadors (Aggestam and True, 2020).

Wallstrom (2016) highlights the importance of these states in advocating for increased women's participation and representation both nationally, regionally and internationally as well as women empowerment, and gender equality as a means to enhance diplomatic and economic practices. These states include but are not limited to Sweden, New Zealand and South Africa, who not only champion these norms within their own domestic policy frameworks but in their foreign diplomacy as well.

One of the many useful contributions True and Aggestam (2020) provide through their paper, is their inclusion of their suggested methods for studying the process of gendering foreign policies. These include:

1. *Gender representation*: assessing how well women are represented and included in diplomacy and diplomatic efforts.

2. *Gender Mainstreaming*: examining the promotion of gender equality, women's rights and norms pertaining to women empowerment within the foreign policy.

3. *Feminist transformative principle*s: critically engaging with structural mechanisms and systems and how they engage with gender relations, and more significantly how they are impacted by patriarchal structures as well as challenge and transform these structures (Aggestam and True, 2020).

Paragraph 8 of UN Security Resolution 1325 refers to the importance of adopting gender-perspectives in peace agreements, however the rest of the resolution centers around women and the protection and safety of women. The concept of gender-perspectives is therefore somewhat unclear as the document fails to indicate explicitly or concisely what is meant by 'gender-perspective'. Bell (2015) suggests that the definition most used in this context has its origins rooted in the Beijing Declaration and Platform for Action of 1995 and the subsequent UN women and peace discourses since then. Against this backdrop, gender-perspectives is broadly understood as:

> *"The process of assessing the implications for women and men of any planned action, including legislation, policies or programs, in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally*

> *and inequality is not perpetrated. The ultimate goal is to achieve gender equality."* (UN Department for Economic and Social Affairs, 1997)

In her later work, written with Kevin McNicholl, Bell (2019) intriguingly notes that the International Criminal Court's Office of the Prosecutor's Policy Paper on Sexual and Gender-based Crimes of June 2014 is one of only two documents that employ the term 'gender perspective' in connection with conflict. The other is Paragraph 8 of resolution 1325 as mentioned above. They further argue that although the term 'gender perspective' is defined within the context of international criminal law in this instance, its application offers valuable insights into broader notions of gender perspectives within peace processes and agreements. They also contrast the conventional 'assessment' approach generally associated with gender mainstreaming, to that of the Office of the Prosecutor. They argue that the latter approach introduces the concept of "power, roles, and needs between males and females." They suggest that this perspective emphasizes understanding the distinctions in status, power dynamics, roles, and requirements between genders, and how gender influences individuals' opportunities and interactions (Bell and Mcnicholl, 2019).

This definition suggests that a gender perspective goes beyond a mainstreaming approach and would involve 'assessing policy' for its impact on women, with a focus on integrating women's concerns into policies and programs, towards an approach which tries to understand the ways in which policies connect to questions of power relations between men and women.

Gendered peace agreements

Peace agreements are positioned as useful documents that provide a platform in which a state's foreign policy can be studied in relation to True and Aggestam's three points of analysis, listed above. Christine Bell (2015) further argues that peace agreements and the frameworks which influence them provide a 'roadmap' for governments that guides them into and through transitionary periods after conflict. In many cases peace agreements temporarily serve a constitution-like function in which they provide the normative frameworks that guide political redress and reform and outline priorities for rebuilding institutional capacities after periods of conflict. They therefore play a significant role in setting the agenda for a country's post-conflict institutional capacity building and play a critical role in advancing the safety and empowerment of women within these post-conflict agendas (Bell, 2015). Scholars such as An Jacobs Katerina Krulisova (2021) have therefore encouraged the inclusion of gender-mainstreaming in the stages of the peacebuilding and peacekeeping process.

Robert Jenkins and Anne-Marie Goetz (2010) draw our attention to the viewpoint that conflicted-related sexual or gender-based violence is often overlooked within peace accords and peace agreements despite having been a key factor in many conflicts, and despite having been prominent in the international discourse on WPS. Laura Wise (2021) argues that despite the progressive frameworks outlined within the WPS resolutions, implementation practices still fail to be executed effectively. Bell (2020) also writes on this shortfall in implementation when she references various studies which addressed the representation of women in the peace negotiation process. She makes mention of a study conducted by UN Women in 2008, which determined that out of 33 peace negotiations studied, women representatives made up only 4 percent (a mere 11 out of 280) of the negotiating panel. The study noted the constraints to data capturing and the factual correctness of the data as no single entity or authority had the sole mandate of tracking and monitoring data of this nature at the time in which the study was conducted. Furthermore, details pertaining to how the data was captured and sample data sets were selected and studied are not clear. However, the 2012 report submitted and published by UN Women noted the study conducted by its team and their findings. Additionally, a later UN study conducted in 2012 examined a representative sample of 31 significant peace processes spanning from 1992 to 2011. This study found that only 4 percent of signatories, 2.4 percent of chief mediators, 3.7 percent of witnesses, and 9 percent of negotiators were women (UN Women, 2012).These proportionately low rates of representation have remained relatively consistent in the years to follow. The proportion of peace agreements which address and include gendered perspectives and account for women, girls and gender made up only 29 per cent of global peace agreements signed in 2020, amounting to a disproportionate 6 out of 21 peace agreements (Wise, 2021). Though incredibly low, this figure was an improvement on the 7 out of 62, or 11%, of peace agreements signed in 2018 as reported in the Peace Agreement Database of the University of Edinburgh (Agathe Christien, 2020). Though Christien (2020) highlights the improvement in the reference and inclusion of gender in peace agreements, it is important to note that these references to gender provisions do not all explicitly refer to sexual violence and protection against such violence. Instead Chrisian (2020) notes that many of them simply include gendered perspectives such as land rights for women and quotas for political representation of women as was seen in the Burundian and Nepalese peace process (Christian, 2020).

This has had devastating consequences on the protection of women and children and peacekeeping in general as is currently witnessed in the Democratic Republic of Congo. In

May 2021 the President of the Democratic Republic of the Congo declared a state of siege in two provinces following widespread violence, mass population displacement and the systematic use of sexual violence by both non-State armed groups and State actors during military operations. 1,016 cases of conflict-related sexual violence affecting 544 women, 459 girls, 7 boys and 6 men were reported by MONUSCO in 2021. 723 of the cases were attributed to non-State armed groups while 293 cases were perpetrated by state forces. 238 of which were perpetrated by the Armed Forces of the Democratic Republic of the Congo while 48 by the Congolese National Police and 7 by other State actors (Office of the Special Representative of the Secretary General, 2022). These alarming figures support Goetze's pessimism about the effectiveness of UNSC resolutions on conflict-related sexual violence. Despite UNSCR Resolution 1820 and 1888's implementation in 2008 and 2009 respectively, little has been done to address the continued use of sexual violence as a strategic weapon of war within the DRC and many other conflict ridden states.

The diagram below demonstrates the results from a study conducted by PA-X Gender Peace Agreement Database in which 1 860 peace agreements between 1990 and 2019 were examined to determine their inclusion and reference to women.

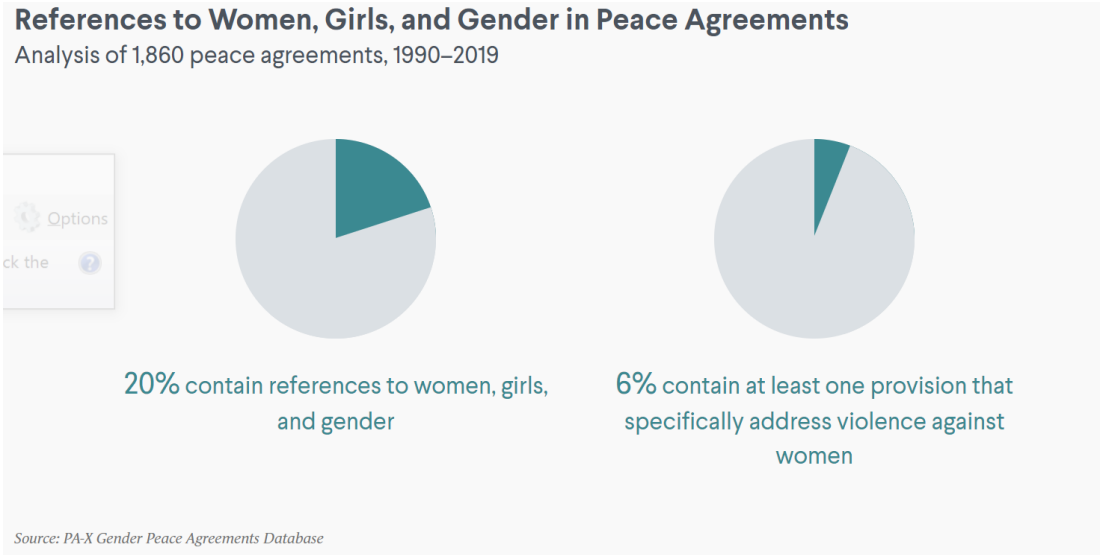


Diagram 3: References to Women, Girls and Gender in Peace Agreements(PA-X Gender Peace Agreements Database)

Defining South Africa's Foreign Policy and its Peace Diplomacy

South Africa's involvement in the promotion of global and regional peace is deeply enshrined in the values and principles outlined within its White Paper on South African Participation in International Peace Missions, which was first approved by South Africa's democratically elected cabinet in 1998. The document outlines and describes the nature of contemporary

peace missions and serves to provide inter-departmental policy guidelines on South Africa's involvement in peace missions (South African Department of Foreign Affairs, 1999). The document highlights South Africa's unique contribution and position within the global and continental peace discourse given its own history and experience of successfully negotiating its peaceful transition from the former apartheid state towards its current democracy in 1994 (Ross, 2008). The document further outlines the core values which underpin South Africa's national interests and its participation and commitment to regional and international peacekeeping. However, though the White Paper includes the protection of human rights, it fails to include any reference to gender, sexual violence, or gender-based violence. The only two values which indirectly relate to gender and women can be observed in their reference to 'human rights' as an umbrella term for all people, including women. namely:

(i) "a commitment to the promotion of human rights

(ii) [and] a commitment to international peace and to internationally agreed upon mechanisms for the resolution of conflicts". (South African White Paper, 1999)

Though the UN resolutions on WPS were only introduced from 2000 onwards, it is evident that White Paper did not and does not have any references to women despite the international dialogues on women's rights which were taking place in the 1990's. The above listed values, however, by extension encompass the protection of victims against war crimes such as conflict-related sexual violence and the commitment to the mechanisms outlined by the UN Security Council (South African Department of Foreign Affairs, 1999). Furthermore, the country's commitment to using its history and its struggle against the former apartheid regime to advocate for the protection and promotion of human rights and human dignity is reflected in its 'Ubuntu diplomacy' Foreign Policy. Ubuntu diplomacy was codified in the 2011 White Paper on South African Foreign Policy, titled 'Building a Better World: The Diplomacy of Ubuntu' is rooted in the notion that we 'affirm our individual humanity by affirming the humanity of others' (Madise and Isike, 2020). The document outlined a 'value-based' approach to South Africa's diplomatic engagements and reinforced the need to learn from the lessons of South Africa's past in order to build and assert its position in Africa. A 2021 statement made by Deputy Minister of International Relations and Cooperation, Mr Alvin Botes, stated that:

> *"The values that inspire and guide South Africa as a nation are deeply rooted in the long years of struggle for liberation. As a beneficiary of many acts of selfless solidarity in the past, South Africa believes strongly that what it wishes for its people should be what it wishes for the citizens of the world"*

-(Department of International Relations and Cooperation, 2021)

The policy draws a great deal of emphasis to the need to build South Africa's international engagements on the principles of equality, dignity, freedom, and Ubuntu. The White Paper on the Ubuntu Foreign Policy states:

> *"[South Africa's greatest asset lies in the power of its example. In an uncertain world, characterised by a competition of values, South Africa's diplomacy of Ubuntu, focusing on our common humanity, provides an inclusive and constructive world view to shape the evolving global order"*

Cheryl Hendricks and Nkululeko Majozi (2021) argue that through its Ubuntu diplomacy, South Africa has emerged as a pillar of hope for the many international actors and has risen as a leader in championing values of peace, human rights and reconciliation globally. Its commitment to global peace is indicated by its deployment of troops and involvement in various UN mandated peace missions and operations as demonstrated in Table 2 below:

Table 1: Number of current SANDF Troops deployed in UN Peace Missions (UN Peacekeeping, 2013)

Country1	Mission Types	Personnel Types (group)	Mission1	Total
South Africa	Current Peacekeeping Missions	Troops	MONUSCO	1,116
South Africa	Current Peacekeeping Missions	Staff Officer	MONUSCO	28
South Africa	Current Peacekeeping Missions	Experts on Mission	MONUSCO	3
South Africa	Current Peacekeeping Missions	Police	UNISFA	3
South Africa	UNITAMS	Police	UNITAMS	1
South Africa	Current Peacekeeping Missions	Police	UNMISS	23

The White Paper outlines the core principles driving South Africa's diplomacy and involvement in the international political and economic arena, namely the promotion of human rights and our common humanity. However, much like the earlier white paper guiding South Africa's involvement in international peace, its policy of ubuntu diplomacy also fails to include any explicit reference to women or sexual violence. Both papers provide detailed and concise frameworks under which their respective government departments should work to promote peace and the international cooperation and emphasize the protection of human rights, however, they fail to include any specific reference to the prohibition and advocacy against the use of sexual violence in conflict settings within South Africa's global peace mandate. Gloria

Gaggioli (2014) argues that protection against gender-based violence and sexual violence, and gender equality is an inherent human right as determined by international humanitarian and human rights laws. Any failure to make explicit provisions against such violations in major foreign policy documents which guide South Africa's peace diplomacy that is rooted in the promotion of human rights is therefore cause for inquiry and concern.

This therefore calls for greater examination of South Africa's foreign policy practices and a re-evaluation of the existing White Papers' relevance to the major shifts within the discourse on global peacekeeping and cooperation. South Africa has endorsed the Women, Peace and Security Agenda through its ratification of UNSCR 1325, 1820, 1888 and many more WPS based resolutions. In a 2014 Parliamentary address, former Director of the National Office for the Coordination of Peace Missions for DIRCO, Nolufefe Dwabayo, outlined the objectives of the White Paper on South Africa's Participation in International Peace Missions. Her address stated that the document would serve as a policy framework guiding South Africa's engagement and involvement in international peacekeeping missions. Additionally she reiterated that the document was founded on South Africa's existing foreign policy goals which are centred around and guided by the principle of "a better South Africa, a better Africa and a better world." (Parliamentary Monitoring Group, 2014). South Africa's participation in international peace missions are executed and exercised at four levels, namely; (i) the United Nations, (ii) the African Union, (iii) the Southern African Development Community and (iv) lastly, at the national level (Parliamentary Monitoring Group, 2014). With regards to the national level, Ms Dwabayo addressed the national mandate, stating that the domestic policy and the foreign policy were mutually reinforcing, and were both informed by the country's national values and norms pertaining to 'a democratic, peaceful, prosperous, non-racist, non-sexist society with respect for human dignity, the achievement of human rights and freedom that contribute to a world that was just and equitable" (Parliamentary Monitoring Group, 2014)

Gender-mainstreaming; friend or foe to South Africa's Foreign Policy?

Many scholars have undertaken the work of interrogating South Africa's foreign policy in relation to the discourse on gender and the WPS agenda. Unfortunately, insufficient work has been produced which specifically assesses the implementation of specific inclusions and representations of conflict-related sexual violence within South Africa's peace keeping efforts in Africa. The analysis of existing literature therefore examines South Africa's foreign policy

at the broader WPS level with the aim of extending the conclusions and deductions made to its assessment of CRSV.

Scholars like Toni Hasstraup have undertaken the task of examining gendered perspectives and the gendering of South Africa's foreign policy. In her recent paper, titled 'Gendering South Africa's Foreign Policy: Toward a Feminist Approach?', Hasstraup (2020) examines and assess the opportunities and constraints of a pro-gender, feminist South African foreign policy in its context outside of the global north. In this study, she highlights that South Africa has advanced its representation of women in mediation and peace bodies and alludes to its various victories in the WPS agenda. Further interrogation of additional literature indicates that these proposed victories include having produced two female leaders to top positions within two separate international bodies, namely one chairperson of the AU, Nkozasana Dlamini-Zuma, and one executive director of UN Women, Phumzile Mlambo-Mgcuka. Additionally, South Africa has also made great strides in its inclusion of women within its defense forces and peace-deployment drives, boasting the sixth largest state deployment of women peacekeepers to the United Nations for 2020, accounting for a total deployment of 230 women in Dec 2020 (United Nations , 2020). This number however decreased to 208 women as of February, 2023 and repositioned South Africa as the fourteenth largest women personnel contributing state (UN Peacekeeping, 2023).

Figure 2: : Gender composition of SANDF Troops deployed in UN Peace Missions 2023 (UN Peacekeeping, 2023)

Uniformed Personnel Contributing Countries by Ranking
Experts on Mission, Formed Police Units, Individual Police, Staff Officer, and Troops
As of: 28/02/2023

Line Number	Rank	Country	Male	Female	Total	Report Date
14	14	South Africa	**963**	**208**	**1171**	28/02/2023

Though the presence of women at the peace table and within peace operations is valuable and instrumental to promoting the broader WPS agenda, scholar Olivera Simic (2010) cautions against relying on representation of women as the sole or key component to combatting sexual violence in armed conflict and promoting gender equality. Simic (2010) makes the argument that merely increasing representation of women in peacekeeping operations (PKOs) is based on two somewhat fallible assumptions. Firstly, it assumes that it would mainstream gender to

promote gender balance and equality in peacekeeping and secondly it assumes that women are more peaceful than men. Both assumptions are cautioned against as they reinforce gender stereotypes such as the pacifying power of women (Simic, 2010). These cautions are shared by scholars Lindy Heinecken (2017) and Amanda Gouws (2017) who argued that processes of 're-gendering' South Africa's military and defense force continue to be undermined by patriarchal values. Heinecken's earlier work, titled 'The Politics of Race and Gender in the South African Armed Forces: Issues, Challenges, Lessons', examined the combination of overlapping racial, gender and national identities which underpin the SANDF and invertedly its contributions to peace-keeping operations in Africa. The study found that the integrity of the SANDF was compromised by the existing feelings of racial prejudice, mistrust and political party affiliations and disagreements. This undermined efforts to promote women's roles and positions within the defense force as it was sidelined in the face of arguable more 'pressing' matters. Furthermore, the study determined that insufficient support was provided to mitigate the hostile environments women were subjected on their deployments and the attacks on them (Heineken, 2009). What becomes evident from the examination of the respective foreign policy documents and the literature which engages on gendered perspectives within these documents is that in as much as South African diplomats promote gender mainstreaming within its diplomatic engagements and its deployment of its peace and security agenda, South Africa does not have an inherently 'gender-sensitive' or pro-gender foreign policy.

Papers on South Africa's history of women's rights advocacy are also limited in their analysis of South Africa's diplomatic efforts to promote and implement these rights and protective measures internationally. Andrea Durbach and Lucy Geddes (2017) provide a historical account of the development of the women's hearings hosted within Truth and Reconciliation Commissions (TRC) of South Africa and Peru. This comparative analysis, though useful in tracing the effectiveness of women's hearings in remedying and reconciling victims of sexual violence, fails to draw on South Africa's involvement in the TRC processes in other countries. It therefore does not aid in providing an account of South Africa's diplomatic efforts to provide support or guidance to addressing CRSV in its peace diplomacy. The paper critiques South Africa's post-apartheid TRC for not explicitly dealing with cases of sexual violence and for failing to include women's right organizations and activists in the legislative drafting process. Durbach and Geddes (2017), however, recount the rise of the three women's hearings which were instituted in 1996 in response to the criticism the TRC received for not including women into its initial framework and mandate. They however, do not provide any explicit examination

of South Africa's peace diplomacy in relation to conflict-related sexual violence, apart from the domestic successes of the women's hearings presented in their study. One key contribution their paper however adds to the discourse, is their emphasis on the role of the state in advancing the rights and protection of women. They state that:

> "*When the state takes responsibility for the sexual violence, it can contribute to the survivor's recovery, and conversely, when it refuses to take responsibility for the crimes, it can impede the survivor's recovery"* (Durbach and Geddes, 2017)

The critiques of South Africa's limited efforts and ability to integrate the WPS's mandate on conflict-related sexual violence into its peace diplomacy efforts have been shared by scholars and critiques of the broader discourse on the founding UN resolutions on CRSV.

Implementation Gap

The discourse on WPS, specifically that of CRSV, consists of a great deal of literature which centers around the feminist analysis of the resolutions, and examines the discursive languages and gender perspectives of the respective resolutions. However, it is argued that policies and their effective implementation into sound and functional practices are largely dependent on the systems within which they function. It is further argued that many policies fail to translate into effective change and are often footnoted as mere paper talk (Hudson, Hunter and Peckham, 2019). The lack of sound evidence supporting the effectiveness of UNSC Resolutions 1820, 1888 and 1889 in practice is indicative of such failures. Calls for the restructuring of policy practices has urged for a renewed view into assessing the factors hindering successful policy implementation and the restructuring of policy development so as to ensure strengthened and supported policy implementation practices.

Dianne Otto (2017) provides an account of why resolution to implementation conversion rates have been so weak. In her paper titled " Women, Peace and Security: A Critical Analysis of the Security Council's Vision" (2016) she states that;

> "feminist arguments have been manipulated to support the [unaccountable power of the UN Security Council and] legitimize its militaristic and carceral approach, in the name of protecting women form sexual violence".

She supports this view by highlighting the disconnect between various UN bodies' commitments to the WPS agenda, and CRSV, and the reality of excluding women's experiences from formalized peace and security processes. She thus argues that women's exclusion is

ritualistic whereby international actors continually subscribe to norms and commitments as a matter of ritual but do not actualize or realize them. Her critique of the feminist contribution to peace and security further rests on the notion that feminists and advocates for women's rights in peace processes have not consolidated one common justification for their efforts. She brunches these divergent justifications into two branches, namely (i) those that defend gender equality as a value within itself, and (ii) those who argue that women are better versed to prevent war and promote peace due to their perceived natural predisposition to peace. These differing justifications, though perceivably significant, ultimately impact the robustness in which objectives are advocated for and implemented (Otto, 2017).

Other scholars, such as Paul Kirby, have directed their critiques towards the feasibility of the mandates and how realistic their objectives are. In his paper titled "Ending sexual violence in conflict: the Preventing Sexual Violence Initiative and its critics" Kirby (2015) assesses the impact of the Preventing Sexual Violence in Armed-Conflict Initiative (PSVI). The initiative was birthed in June 2014, when representatives from more than 120 countries gathered in London for a summit aimed at ending sexual violence in conflict. The majority of the represented governments had endorsed the statement of action, which declared "to end one of the greatest injustices of our time". The PSVI's value lies in its commitment to:

i. improving the practices and implementation of investigations and documentation of conflict-related sexual violences offenses;
ii. providing improved support to survivors
iii. ensuring standardized responses to gender equality and security reforms, and,
iv. improving international coordination of missions and objectives through the United Nations. At a more technical level, the PSVI has compiled standards of best practice, which were launched as the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict. These consist of standards around collecting documents, data and evidence on SV and are necessary in ensuring the successful prosecution of perpetrators, an area of the peace, reconciliation and justice process that needs great attention. Kirby's critiques and the insights it provides becomes useful to this study in understanding some of the challenges South Africa may face in relation to its implementation of the mandates outline within the UNSCR which it subscribes to.

2.2. Research Problem

Current literature on gender and feminist perspectives in South Africa's foreign policy are largely rooted in the gender-mainstreaming of South Africa's defence agenda. These perspectives place a great deal of emphasis on representation of women in peace missions and negotiations as well as the inclusion of normative gendered perspectives, such as women empowerment and gender equality. This highlights a general trend in which existing literature on the topic generally examines the broader WPS agenda, as opposed to addressing the specific impacts and actions related to CRSV. Unfortunately, the current literature examining South Africa's peace diplomacy beyond the representation of women remains somewhat scarce. Little data can be found on the process between norm development and diplomatic and defence implementation with specific reference to combating conflict-related sexual violence. The reports and data sources available are limited to sexual violence offences within the South African National Defence Force. The preliminary review of the current literature on this topic therefore identified a gap within the bank of existing research, that being the lack of comprehensive engagement and assessment of South Africa's implementation of UNSC Resolutions 1820, 1888 and 1889 and by extension, South Africa's efforts to combat CRSV in Africa . Useful insights and development practices to strengthen diplomatic peace efforts in relation to women in armed conflict and the crimes which they are subjected to have therefore not been present within the policy recommendations to South Africa's respective foreign policy constituencies. The study, through its analysis of the research question therefore provides a gateway into filling the existing gap within the literature.

2.5. Methodology

This study adopts qualitative, desk-top case-study analysis to present and examine the data obtained. The study does so by operationalizing process-tracing on a variety of empirical data sets and sources. The section below demonstrates how the research methods employed have been selected while also providing an overview of the case-study selection process as well as the identification of core the indicators which the study assesses.

5.2.1. Process-tracing

The study uses 'outcome explaining' process-tracing to identify the casual mechanisms and links between CRSV norm-life cycles and their implementation within South Africa's peace diplomacy. Derek Beach (2011) defines outcome-explaining process-tracing as a method used

to determine and explain why an outcome within a specific case-study was reached or occurred. He argues that this diverts from theory testing or theory building process-tracing as it merely seeks to explain why a theory had a specific outcome in a specific case as opposed to testing the theory's applicability, effectiveness or constructing a new theory. Process-tracing itself is a distinctive method from other qualitative comparative methods as it hones in on the causes and effects of variables and outcomes and aims to identify the causal links between the them (George, Alexander and Bennett, 2005).The researcher observes the relationship between the variables and their outcomes in order to determine the mechanisms at play. A casual mechanism can be described as a 'complex system, which produces an outcome by the interaction of a number of parts' (Glennan, 1996).This method has been chosen as the study merely aims to analyse how South Africa has implemented the CRSV norms and which barriers it experienced in implementing them. Attention is drawn to assessing how the international norms on CRSV have emerged, developed and eventually been adopted and implemented by South Africa. The study neither aims to test the usefulness or applicability of norm-cycle theories on conflict related sexual violence, nor does it aim to build a new theory thereof.

The various stages of adoption and implementation of the UNSC resolutions are examined through the framework outlined by norm evolution theory as discussed above. Key policy documents, policy and media briefings and the minutes of meetings pertaining to South Africa's involvement in peace operations in the identified case studies are examined to determine how the life-cycle of the CRSV norms have come into effect and implemented into South Africa's peace diplomacy. Emphasis is placed on official statements, peace agreements as well as international and domestic policies as a means of tracing the adoption, and implementation of the norm cycle of conflict-related sexual violence within South Africa's foreign policy. (cf. Hansen, 2006) (True, 2021).

2.5.2. Identifying Indicators

The study operationalizes the process tracing method by identifying 3 key indicators of measurement derived from the three resolutions to determine whether the resolutions have been actioned within South Africa's peace diplomacy. The three indicators were selected as they provided the most tangible measures for assessment in that measuring their application, and effectiveness would be most suitable considering the limitations which the study faces, particularly data acquisition constraints. Accessing data on peace-agreements, military disciplinary practices as well as CRSV training practices is generally easier than more

confidential minutes of meetings, dialogues and raw data relevant to CRSV in armed conflicts. Further, the study examines to what extent these 3 indicators have been implemented. The use of indicators for measuring the rate and degree of implementations is crucial in this study as indicators represent signposts of change.

The 3 identified indicators of measurement which were derived from the UNSC resolutions in question, namely UNSCR 1820 (2008), 1888 (2009) AND 1889 (2009). The indicators were determined by examining the three resolutions and identifying the common themes in the clauses presented in them. A process of elimination was then entered by considering which clauses could provide easily accessible data and could be translated to clear and tangible units of measurement. The indicators have been constructed based on the common clauses across the three resolutions as follows:

i. the inclusion and provision for sexual violence in all peace negotiation agendas from the outset of the peace process [in particular in the areas of pre-ceasefires, humanitarian access and human rights agreements, ceasefires and ceasefire monitoring, DDR and SSR arrangements, vetting of armed and security forces, justice, reparations, and recovery/development]-UNSCR 1888 (2009) (United Nations Security Council , 2009).

ii. the implementation and execution of military disciplinary measures that hold troops accountable and prohibit the use of all forms of sexual violence by troops.

iii. The development and implementation of educational and training programs for all peacekeeping and humanitarian personnel to help them improve prevention, recognition and response efforts to sexual violence and other forms of violence against civilians.

2.5.3. Case Study Selection

The study employs a case study analysis of South Africa's peace diplomacy and intervention into the Democratic Republic of Congo between 2008 to 2018 and Sudan between 2008 to 2018. The cases were selected from a list of countries on the African continent in which South Africa has been actively involved in their peace processes as demonstrated in table 5 below. Furthermore, the study opted to examine cases in which peace operations were entered and sported by South within its capacity as a UN member state and a contributor to UN missions within the selected case studies. This decision was informed by the assumption that the data sets and resources necessary for analysis may be easily accessed due to the accessibility of UN

data sets as opposed to other peace operations outside of the UN mandate. Furthermore, not only has South Africa had strong diplomatic engagements and contributions during the transitional periods of the selected case studies, but both cases have also experienced conflict-related sexual violence in alarming rates. In an online article published by Amnesty International (2022), it was recorded that:

> "*Conflict-related sexual violence (CRSV) has been a persistent feature of the conflict that broke out on 15 December 2013 and that spread to South Sudan's Greater Equatoria region following the collapse of the 2015 peace agreement in July 2016. All parties to the conflict, their allied militias, as well as a non-state armed group… have committed sexual violence that violates international humanitarian law and constitutes war crimes.''*

This has been the case the DRC as well. A 2014 report by the UN High Commission of Human rights indicated that the members of the DRC armed forces (FARDC) were among the main perpetrators of conflict-related sexual violence and that of half the cases reported to the United Nations Joint Human Rights Office in DRC between 2010 and 2013 was attributed to the army and other state agents (European Parliamentary Research Service, 2014). These cases therefore include the scope within which an analysis on South Africa's implementation of UNSC resolutions 1820, 1888 and 1889 can be examined. Table 2 below lists the conflicts to which South Africa has deployed troops and peace personnel.

Table 2:South Africa's intervention on the African continent since 1994

No.	Country	Year(s)	Reason(s)
1	Congo	1996–1997 2003–present	• Peace facilitator between Laurent Desire Kabila and Mobuto • Part of the various UN Peacekeeping operations in the country
2	Lesotho	1998	Restore constitutional democracy after the overthrow of the monarchy
3	Burundi	2001–2010	Part of the AU and UN peace-support operations in the country
4	Sudan	2005–present	Part of various AU and UN peace-support operations in the country
5	Comoros	2004–2010	Part of AU peace-keeping and peace enforcement in the country
6	Central Africa Republic	2006–present	Bilateral security arrangement
7	Côte d'Ivoire	2010	Part of AU mission in the country
8	Mozambique	Continuous	Humanitarian intervention
9	Zimbabwe	2008–present	Facilitator of the SADC peace mission in the country
10	Madagascar	2009–present	Facilitator of the SADC peace mission in the country

As of December 2013, nearly 6 years after the adoption and ratification of the first UNSCR on conflict-related sexual violence, South Africa had a total of 2092 personnel deployed in UN peace missions. Additionally, South Africa had active deployments of military, expert, and police personnel to all two case studies, through its involvement in the below listed UN missions:

1. the United Nations's Intervention Brigade as part of its Organisation Stabilisation Mission Democratic Republic of Congo (MONUSCO)
2. the United Nations Mission in South Sudan (UNMISS).

MONUSCO hosted a total of 1407 South African experts and military troops, while South African deployments to UNOB in 2004 totalled a number of 339 peace personnel. UNMISS, on the other hand hosted 17 South African police officials in 2014, alone, though many more personnel had been deployed prior to this (Parliamentary Monitoring Group, 2014).

A fundamental element necessary to fulfil the process tracing component of the study is the use and analysis of primary data sources. The study will therefore adopt archival research methods to ascertain accounts from various military, diplomatic and peace bodies who were present and involved in the case studies relevant to this study. The study attempts to gain access to official reports, meeting minutes, and any additional archival data from the South African Defence force, the Department of International Relations and the United Nations. Furthermore, the study employs desk top to extract qualitative data from the various online sources available.

2.5.4. Limitations and Ethical Considerations

The research' s reliance on process-tracing results in the need to operationalize data from predominately primary sources to effectively trace the process of policy implementation within each case study. Due to the nature of the topic matter being examined, i.e. Sexual violence, it became challenging to attain data due to the sensitivity of the crimes as well as the state and state officials' reluctance to share true representations of the data in question. This reluctance may have been founded on the notion that international backlash may have been sparked in response to their inefficiency in upholding and protecting human rights. This could potentially have impacted the global community's reception and embrace of the country with regards to trade and diplomatic relations.

Furthermore, the study faced the additional restrictions imposed on the quality of data available, due to; the inconsistent reporting practices across the two case studies as a result of the broad spectrum of sexual violence abuses and a misalignments of the definitive

explanations and categorizations of these crimes; a lack of reporting by victims due to social stigmas and fear of intimidation and harassment; struggles related to tracking perpetrators; and a lack of access to medical help and legal expertise to guide the reporting process; to name a few. These factors play a fundamental role in influencing and determining the willingness and ability to report crimes of this nature and how they are documented and reported. These intrinsic biases, limitations and contexts also influence victim and communities' understanding and awareness of the forms of VAWG as well as conflict-related sexual violence due to the fact that many of these conflicts are deeply rooted in subconscious bias and deep-rooted ethnic, cultural and political discrimination which manifest along gender lines (True, 2021). In an effort to mitigate the restrictions and integrity of the study, the research relied largely on official UN and SANDF reports and accounts and opted to use older data sets that have been cited and vetted by various other scholars.

Chapter 3

Theoretical Framework

This chapter provides an overview of the theoretical framework employed in this study, namely norm life cycle theory. The research aims to determine the outcome of the theory through the use of process-tracing. It is worth noting that the study neither tests the applicability of the theory within the selected case-studies nor does it asses the effectiveness of the theory itself. Instead, it merely uses the theory as a lens through which the specific norm on CRSV can be observed. Additionally, the theory is used as a framework through which the development of the norm and its adoption and implementation at the international and domestic level can be observed. The study therefore has a strong descriptive nature as it provides various accounts of the norm development before engaging with the analysis of its implementation in Chapter 5. The chapter begins with an overview of norm evolution theory and establishes the core tenets within the theory. The chapter then moves onto applying norm evolution theory to South Africa's adoption of CRSV norms contained within the UNSC resolutions on conflict-related sexual violence.

Defining Norm Life Cycles

Norm Evolution theory was introduced by scholars Martha Finnemore and Kathryn Sikkink (1998) and is traditionally situated within social constructivism. Norm evolution theory is employed in this study as it acts as a useful tool to track how ideas and values emerge and are integrated into laws and rules that guide international policy frameworks particularly in the areas of

(i) war (jus ad bellum and jus in bello),
(ii) peace (treatise),
(iii) humanitarianism (e.g. R2P), and
(iv) human rights (e.g. universal suffrage, and gender equality).

Weiner (2009) defines norms as:

> "*...ideas of varying degrees of abstraction and specification with respect to fundamental values, organizing principles or standardized procedures that resonate across many states and global actors, having gained support in multiple forums including official policies, laws, treaties or agreements".*

Norms influence and, in many cases, determine the behaviour and conduct of people, states and international bodies and therefore assist in explaining why states act in particular ways within the international arena, and how state behaviour can be modified. Norms, specifically those adopted at the international level, have a significant influence on domestic as well as international politics due to the interdependence, globalization, and liberal institutionalization of inter-state relations. (True, 2021). It is argued that norms determine structures and frameworks, that guide and shape interactions between states and non-state actors.

Theories around norms are inspired by constructivism and occupy a key role in international politics. Constructivist theories argue that individuals create the social world (Onuf, 1989). These theories hold that powerful socio-economic and political actors, often referred to as norm entrepreneurs, influence and shape the nature and boundaries in which we engage with international relations. Norm evolution theory therefore finds it origins within constructivism as it concerns itself with the evolutionary process that determines how ideas and values experienced by individual actors are adopted and implemented on a global scale (Katzenstein, 1996).

According to Finnemore, norms are taught, advocated for, and internalized at both the domestic and the international level (True, 2021). In this regard, norms are viewed as processes which evolve and encompass various levels of application. Finnemore and Sikkink (1998) however state that although norms are diverse in nature, the boundaries within which they operate generally remain fixed. Norm evolution theory consists of three stages within the "norm life cycle", namely, Norm Emergence, Norm Cascade, and Norm Internalization. The norms life cycle thus refers to the various stages at which ideas are transformed into international law and practice (Romaniuk & Grice, 2018). The stages of the norm life cycle manifest within the normative frameworks of global governance and human rights and are initiated and developed through multilateral diplomacy, culminating into international documents such as the African Charter on Democracy and the Charter of the United Nations which encourage nation states to adhere to and uphold the mandates. These normative frameworks produce agreements and resolutions which provide frameworks that determine when and how external actors may act, such as when to legitimately intervene into fragile contexts. They provide guidelines for determining and assessing actions and behaviours of actors. The UN Security Council's resolutions on conflict-related sexual violence, namely UNSCR 1820, 1888 and 1889 and the six supporting resolutions, represent one of these normative frameworks, and serve to address one particular concern within international peace and security (Forsberg and Marley, 2020).

According to Matthew Hoffman, norm entrepreneurs work to promote ideas and values to agents, such as individual nation states, and encourage them to adopt the values and change their behaviour. Once a significant number of agents adopt the ideas and adapt their behaviour, the norm enters its cascading stage. Those agents initially operating and behaving outside of the norm, are then encouraged to conform to the new norm (Hoffman, 2003). Norm cascades have also been associated with the notion that states 'bandwagon' onto certain norms as the norms become more popular amongst other states and within the international arena (Petrova, 2019). This model maintains that international norms develop and transform in a patterned life cycle, in which the norms emerge, garner acceptance and popularity from a substantive number of states, and eventually spreads across the international community. The popularity and widespread acknowledgment and acceptance of the norms eventually results in states convening and determining a common set of principles, outlined in resolutions and agreements, underpinned by these norms. Once the standard and principles have been set, the norm life cycle generally enters the internalization phase in which actors usually apply and internalize the norms into their policies and domestic affairs, in the form of domestic policies and National Action Plans (NAPs) Finnemore and Sikkink, 1998: 888).

Within the context of the peace and security landscape, resolutions and agreements at the international level are among the strongest tools in the maintenance of international peace and security. International norms, more specifically the normative frameworks which uphold these norms increase the reputational cost of violating or deviating from the accepted legitimate norm. Some realists therefore argue that states are therefore less likely to rebel against or deviate from the direction taken by international agreements out of fear of the fallout and possible ostracization it may cause, politically, socially, and economically. These decisions and agreements, which include norms on governance, international co-operation, and human rights, therefore directly impact the development and individual state responses to armed conflicts in fragile contexts (Fordberg and Marley, 2020). Responses to violations of these international norms may also improve the efficiency and effectiveness of the response by external actors as they collectively endeavour to defend the shared and agreed upon norms and values. It is for this reason that multilateral diplomacy is often more effective in combating certain violations of some universal laws and peace as they are better equipped to rally behind and legitimize efforts to promote peace and security. Unfortunately, international responses to these violations are not exercised consistently and unilaterally across all norm frameworks. Norms around conflict related rape, for example, have not been upheld as robustly as norms around chemical

weapons (Forsberg and Marley, 2020). Herman and Shannon (2001) suggest that states' determination to uphold certain norms as opposed to others are determined by;

(i) their perceived normative obligation, which refers to what is deemed appropriate and acceptable to global norms.
(ii) their personal economic and security interests in some cases and the impact that accountability measures, such as sanctions, could have on those interests;
(iii) the impact and influence of other actors and their perceptions, this is reflected in fears of being ostracised form the internation community should they deviate from the norm (Hermann and Shannon, 2001).

This research therefore adopts the norm cascading model within norm-cycle theory, as it aims to determine how the international norms around conflict-related sexual violence have internalized, adopted, and implemented within the South African context. Norm life cycle theory, or norm evolution theory provides leeway for greater policy analysis in that it accounts for 4 additional instruments of analysis by including a state's legitimacy, prominence, intrinsic qualities and adjacency to the norm within its examination of the adoption of the norm by the relevant state (Finnemore & Sikkink, 1998). This allows for an additional tier of analysis which may aid the study in determining why and how South Africa has or has not been upholding its commitment to the resolutions on sexual violence within its peace diplomacy and whether the inconsistencies identified within the existing literature results from the misalignments between its intrinsic qualities, its desire to secure its legitimacy, and its position within the global peace discourse.

Evolution of the Norms on WPS and CRSV at the International Level

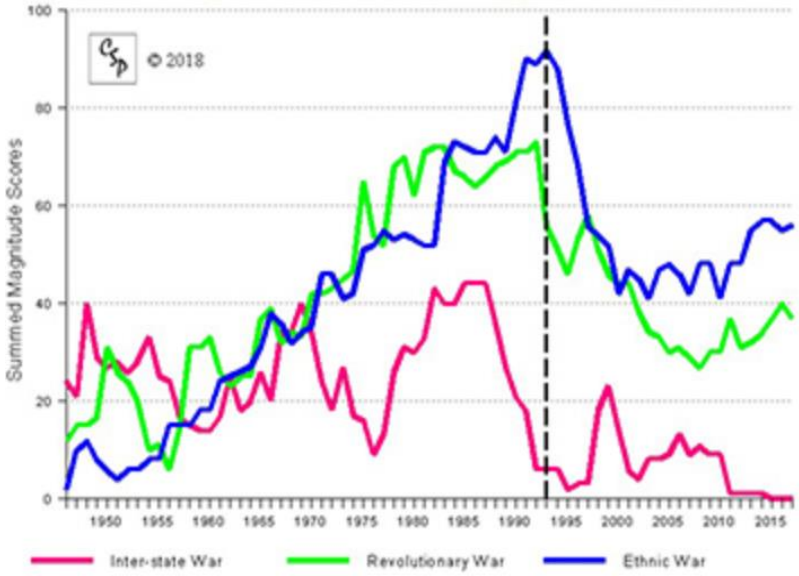
The development and evolution of feminist norms in international law and peace has a rich history with many important catalyst moments. Some of the earliest recorded references to the feminist perspective on peace and security were identified from the 1915 Hague Congress of Women, also referred to as the Hague Congress, that took place during the Great War. The Congress consisted of a consortium of women, and was aimed at establishing strategies that could aid in ending the war. 1 136 women, from 12 countries were in attendance with additional support coming from 10 other countries, including the former British colonies, South Africa and India. The International Committee of Women for Permanent Peace, more recently known as the Women's International League of Peace and Freedom (WILPF) was birthed from this Congress, and was instituted to action and implement the strategies outlined within the

Congress's concluding mandate. Their mandate included promoting norms on the inclusion of women in peace process and asserting them as agents of international peace as it was believed that "it was an area for which women had a special affinity" (Rupp, Worlds of Women, 216–17). Their efforts and practices championed the introduction of feminist and gender specific norms into the security arena. Inspired by the work of WILF, other gender norm entrepreneurs such as the Asian Women's League and the Women's League, furthered the work to diffusion global norms, and have led to policy and practical change such as the eventual adoption of the WPS agenda discussed below (Dersnah, 2019).

The efforts by norm entrepreneurs during the 1900's were extensive and dense in history. This study is unfortunately restricted in its capacity to provide the full extent of that history by their efforts eventually led to the cascading of the norms on women in peace and security discourse and ultimately led the adoption of UN Security Council Resolution 1325 (2000). UNSCR 1325, served as the first of a series of UN resolutions, which constitute and make up the Women, Peace and Security agenda (WPS). It streamlined the promotion of women's rights and the protection and inclusion of women within the UN peace and security landscape. The broader WPS agenda prioritizes the protection of women and children in conflict and brings forth a feminist, women-centric narrative to global peace and security in which women have increased participation within the peace process. The WPS emerged in response to the changing nature of conflicts and the devasting impact they had on women and girls. The wave of anti-colonial movements in the 1960's accompanied with the end of the cold war in the late 1980's marked a period of immense global instability and conflict. More than 80 conflicts had been recorded between the 1960s and 1990s, which ultimately brought about changes within the global discourse on peace and the security agenda (Akokpari, 2016). These conflicts included, but were not limited to ethnically motivated genocides, such as the Bosnian Genocide in former Yugoslavia; anti colonial and ideologically motivated wars, as was witnessed in the Vietnam War in the 1960's; and civil wars and insurgencies such as the Ugandan and Somalian Conflicts (Norwich University Online, 2024). The conflicts had become much more nuanced and complex and saw a shift away from the former inter-state wars over territorial integrity and expansion towards internal civil wars fuelled by racial tensions and the consequences of colonial rule. These internal conflicts are the manifestation of deep rooted identity politics and culminated into violent armed rebellions between state and non-state actors, such as militia groups. Diagram 4 below demonstrates the trend in global conflicts since 1946 and highlights

the increasing prevalence and shift towards ethnically motivated wars (Centre for Systemic Peace, 2022).

Diagram 4: Global Trends by Conflict type (1946 to 2017) (Centre for Systemic Peace, 2022)



This created the perfect arena for extremely violent civil-wars between opposing identity groups, fuelled by decades of oppression and mistrust. Attacks and combatants increasingly targeted civilians and led to mass murders, rapes, sexual abuses and genocidal actions, as was seen within the Rwandan Genocide. The UN reports that an estimated 100 000 to 250 000 were raped within the three months between April 1994 and July 1994 during the Rwandan Genocide (UN Outreach Programme on the 1994 Genocide). Another epidemiological survey hosted by the department of Anthropology at Georgia State University determined that a reported 49% of surveyed women were victims of rape (Bunet, 2015).

In Bosnia, it is estimated that 20 000 to 50 000 ethnically motivated wartime rapes occurred between 1992 to 1995 (Edman, 2008). The plight of Bosnian and Rwandan women marked the first instance in which rape was conceptualised as a weapon of war, as an act of genocide and as a crime against humanity. It ushered in the International Criminal Court's first prosecution and conviction of a politically motivated and conflict-related rape in what is referred to as the Foca verdict of 2001 (Boyle, 2007). Furthermore, the experiences of Bosnia and Rwanda compelled global peace makers and human rights activists to demand that gender issues be mainstreamed within the peace and security agenda of the UN (Years, Dornig and Goede, 2010).

At the UN Human Rights Conference in Vienna in 1993, victims and survivors of conflict related sexual violence during World War II, provided testimonies of their experiences. One victim, Bok Dong Kim recounted her story of forced sex work while enslaved by the former Japanese imperial army stating that:

> *"...From the second day they forced us into full-scale comfort work, servicing the soldiers. At the beginning, I resisted receiving men. For this, they didn't give me food and beat me. I could not continue to refuse. Thinking, 'even if I resist I am hurt,' I decided to do as I was told. But, good grief, I could not endure this sexual victimization having had no experience of men. My internal sexual organs were torn and swollen. I cannot explain this suffering. Even speaking about this fact is humiliating. My only thought was to escape or die. But I could not escape."*
>
> - (Centre for Women's Global Leadership, 1994)

In addition, women from the former Yugoslavia also provided testimony of the brutalities and violations they were subjected to. during the war. Aida Zaidgiz, a victim from Sarejevo expressed that:

> *"... at least half of the people detained in camps controlled by the Bosnian Serbian army were women and about a third of them were obviously raped ; therefore one can estimate that there were at least 10,000 raped and tortured women until now.."*
>
> - (Centre for Women's Global Leadership, 1994)

The Beijing Declaration and Platform for Action of 1995 presented a progressive blueprint for the protection and empowerment of women. Today, it remains one of the most visionary and comprehensive policy frameworks for actioning and realizing gender equality and promotion and protection of women's rights, globally (Buckley, 2022). During the conference 189 Governments declared their commitment to gender sensitising approaches to UN conflict management and security practices Their commitments were later strengthened in the Windhoek Declaration and the Namibia Plan of Action on Mainstreaming a Gender Perspective in Multidimension- (Years, Dornig and Goede, 2010).

The 1990's therefore marked significant developments for women and women's rights activists across the globe as it ushered in more robust dialogues on the impact of conflict situations on women and children and resulted in unified efforts to combat these abuses and violations. The

Women Peace and Security Agenda, which was first codified with the adoption of the UN Security Council's first gender specific resolution, UNSCR 1325, in 2000, can be defined as:

> *"[a] policy framework that recognizes that women must be critical actors in all efforts to achieve sustainable international peace and security"*
>
> - (United States Institute of Peace, 2023)

The early norms which initially centred on the representation of women in peace processes, developed and cascaded into specific norms which serve to protect women during armed conflicts and against conflict-related sexual violence.

However, despite initial optimism and euphoria around the adoption of UNSCR 1325, developments on the implementation of the mandates outlined in the resolution were slow and underwhelming. (Cohn et al, 2004; Swaine, 2009; Farr, 2011). The resolution represented a victory for the advancement of women's right, however due its normative nature and the lack of UN continuous reporting and the lack of measures ensuring accountability, it became increasingly difficult to operationalise and to implement practically with tangible instruments of measurement (Tryggestad, 2009).

These normative limitations and the vacuums which they created in the implementation process, eventually led to the adoption of a number of subsidiary resolutions which were more robust and tangible in their mandates for implementation, and built on the limitations identified from their former resolutions. These included Resolutions 1820 (2008), 1888 (2009) and 1889 (2009) (South African NSP, 2020). Conflict-related sexual violence emerged as a cornerstone for UN peace and security in 2008, with the adoption of UNSCR 1820 (2008), which built on UNSCR 1325 and represented the first Security Council Resolution to explicitly categorize and label conflict-related sexual violence as a weapon of war (Jenkins and Goetz, 2010). UNSCR 1888 (2009), extended UNSCR 1820's mandate by calling for the appointment of a Special Representative to coordinate efforts on SGBV and urges the inclusion of these issues in demobilisation, demilitarisation and reintegration (DDR) programmes, as well as in peace agreements. While, UNSCR 1889 (2009), introduced calls for the development of more effective monitoring and evaluation systems and the inclusion of gender provisions in all relief and recovery processes which was absent in the previous resolutions (United Nations Security Counil, 2009). The overview of the mandates and objectives within each resolution is presented in the Table 1 below:

Table 1:Summary of the objectives and actors responsiblities as outlines within the UNSC WPS Resolutions (The WPS agenda UNIFEM, 2010)

	Objectives and Actor Roles
UNSCR 1325	The SCR links women's experiences of conflict to the maintenance of international peace and security; asserts women's role in conflict-resolution, peace talks and recovery; requires build-up of gender response capability in peace-keeping missions and gender training for all involved in the maintenance of peace and security. **Secretary General (SG) must**: increase numbers of women in UN decision-making on peace and security and in peace talks; provide information on women and conflict in country reports **States must**: provide training on gender and conflict; address gender issues in Disarmament, Demobilization and Reintegration (DDR) programmes, increase women's participation in decision-making processes **Parties to armed conflict must**: protect women from sexual violence; prevent impunity and avoid amnesty for war crimes against women **SC must**: take into account impact of its actions on women and girls; meet with women's groups on its missions Resolution
UNSCR 1820	The SCR recognizes conflict-related sexual violence as a tactic of warfare and a matter of international peace and security, requiring a peacekeeping, justice, services and peace negotiation response. **SG must**: ensure sexual violence is addressed in all spheres of conflict management, and post conflict recovery efforts; ensure women are represented in peacebuilding institutions
UNSCR 1888	The SCR strengthens tools for implementing 1820 through assigning high-level leadership, building judicial response expertise, strengthening service provision, and building reporting mechanisms. **SG must**: appoint a Special Representative of the SG (SRSG) on sexual violence in conflict; appoint Women Protection Advisers (WPAs) to UN operations; establish a rapid response team of judicial experts; propose ways the SC can improve monitoring and reporting on conflict related sexual violence; provide details to the SC on parties to armed conflict credibly suspected of perpetrating patterns of rape **States must**: improve legal frameworks to prevent impunity; improve support services for sexual violence survivors; ensure traditional leaders prevent stigmatization of victims; support comprehensive strategies to stop sexual violence **SC must**: raise sexual violence in designation criteria for sanctions committees
UNSCR 1889	The SCR addresses women's exclusion from early recovery and peacebuilding as well as the lack of adequate planning and funding for their needs. Requests the formulation of a strategy to increase numbers of women in conflict-resolution decision-making, and of tools to improve implementation: indicators and proposals for a monitoring mechanism. **SG must**: produce a strategy to increase numbers of female peace-making and peace keeping decision-makers; ensure all country reports address gender issues; enable UN entities to collect data on women's post-conflict situation; produce a global set of indicators of implementation of 1325; propose a mechanism for monitoring 1325

-

The resolutions each provide comprehensive mandates for addressing issues of conflict-related sexual violence. Dorning and Goede (2010) make reference to the four core pillars which these mandates are built on and divided into according to the four thematic areas which underpin the WPS agenda, namely:

I. Prevention: advance gender perspective mainstreaming in conflict prevention measures and practices, including gender sensitive early warning mechanisms for sexual and gender based violence, and proactively preventing violence against women;

II. Participation: advance the meaningful participation of women in all peace processes, both formally and informally and within all tiers of the peace and security architecture, especially within senior positions;

III. Protection: Enhance and strengthen all efforts to provide holistic safety to women and children, safeguarding them from violations on their human rights, dignity and personal security;

IV. Relief and Recovery: advance access to humanitarian aid, specifically related to the intrinsic needs of women and girls in all relief and recovery practices and mechanisms.

UNSCR 1820 and the 8 supporting resolutions addressing conflict-related sexual violence. The norms entered the internalization phase with 72 countries enacting national action plans which implement the WPS into their own domestic and foreign policies as of January 2018 (Forsberg and Marley, 2020). South Africa's adoption of its National Action Plan in 2021, is symbolic and representative of its internalization of these norms.

South Africa's journey with CRSV norms

The evolution of the WPS agenda, and by extension CRSV norms in the South Africa context has a life of its own. However, this section will only provide a glimpse into the history, highlighting only a few of the core events within South Africa's adoption of the WPS norms, specifically its efforts vis-a-vis conflict-related sexual violence.

South Africa's earliest introduction to these norms on women's role in peace and their contributions to combating discriminatory and unjust systems can arguably be dated back to 1913 in which women mobilised against the restrictive pass laws in Bloemfontein, South Africa. These norms were echoed 4 decades later, when in the 1950's, a body of approximately 20 000 women marched to the union buildings in Pretoria, South Africa on 9 August 1956

demanding reforms against the unjust apartheid regime (South African History Online, 2011). The norms on women's inclusion in peace and security affairs thus emerged as a result of the efforts of norm entrepreneurs such as the Black Sash, and the earlier Alexandra Women's Council which was established in the 1940s to challenge issues of domestic violence and inequality which women were subjected to (South African History Online, 2024). Women continued to play pivotal roles in mobilising and supporting political parties on both sides of the anti-apartheid struggle. They participated in the political rallying and efforts by joining and supporting organisations such as the ANC Women's League and the IFP's Women's Brigade. Through their affiliation with these organisations they participated in the negotiations and institutional transitional processes which shaped the dawn of South Africa's democracy. Despite supporting opposing sides of the struggle, they united their efforts and formed the Women's National Coalition in 1992 to challenge the poor representation of women in the CODESA negotiations. Their efforts during these talks and negotiations were aimed at promoting women's rights and equality within the newly negotiated constitution (The Graduate Institute Geneva, 2018).

The ideals and norms of women in peace later evolved and developed to include the protection of women from violence when women demanded the inclusion of women's experiences and reparation at the Truth and Reconciliation Commission (TRC) that followed the 1994 democratic election. The initial TRC had not made provisions addressing violence against women committed under the apartheid era. However, due to the efforts of the norm entrepreneurs, the TRC conceded and eventually included 3 hearings which specifically addressed violations of women's rights within its framework and constituency in 1996.

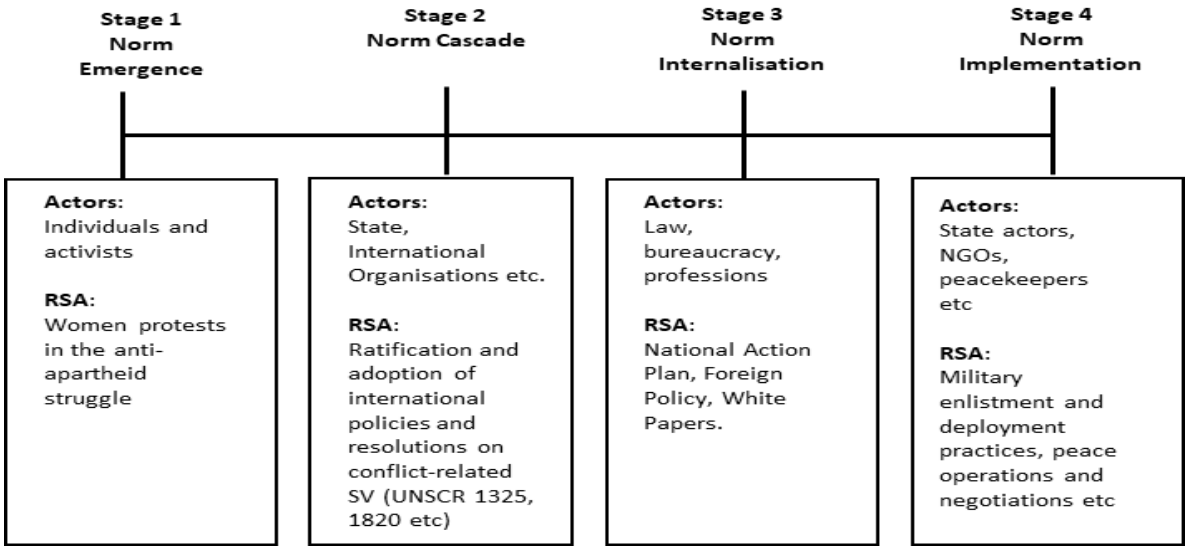
South Africa's adoption and ratification of the various policies and resolutions, such as the Beijing Declaration of 1995, the UNSCR 1325 on WPS among others, alongside other nation states, displays how the norms around WPS have been cascaded within its domestic policy. Furthermore, South Africa's adoption of its National Action Plan on Women, Peace and Security (NAP), released in 2020, serves as the manifestation of its various domestic, regional and international commitments to the WPS agenda. The document provides a comprehensive framework for the implementation and execution of the objectives outlined within the broader WPS agenda. It further demonstrates how the norms around sexual violence, and the protection of women and children from sexual violence, have been reached the internalization phase within the norm life cycle.

The table below provides a list of all the resolutions, legislative policies and frameworks which have informed the NAP and which underpin its foundational mission and mandate.

Table 3: Frameworks guiding South Africa's domestic and peace diplomacy on Women, Peace and Security - (SA National Government, 2020)

Level	Framework
International	1. United Nations Security Council Resolution 1325 (2000) 2. United Nations Security Council Resolution 1820 (2008) 3. United Nations Security Council Resolution 1888 (2009) 4. United Nations Security Council Resolution 1889 (2009) 5. United Nations Security Council Resolution 2106 (2013) 6. United Nations Security Council Resolution 2242 (2015) 7. United Nations Security Council Resolution 2272 (2016) 8. United Nations Security Council Resolution 2467 (2019) 9. United Nations Security Council Resolution 2493 (2019) 10. Recommendation No 30 at the Convention for the Elimination of all forms of Discrimination Against Women (CEDAW) Conference (2013) 11. Sustainable Development Goals (Goal 5 and 16)
Continental	1. Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women's Maputo Protocol (2003) 2. the Solemn Declaration of Gender Equality in Africa (2004) 3. the AU Gender Policy (2009) 4. AU Strategy for Gender Equality and Women's Empowerment (2018)
Regional	*(i)* SADC Protocol on Gender and Development (2008) *(ii)* SADC Strategy for Implementing Women, Peace and Security (2018)
Domestic	1. South African Constitution (1996) 2. White Paper on the Transformation of the Public Service (1995), 3. White Paper on Defence (1996) 4. Defence Reviews (1998 and 2015) 5. White Paper on Safety and Security (1998). 6. The Employment Equity Act (1998),

Diagram 5: Stages of the Norm Life Cycle in South Africa



The tenacity of women's voices has been echoed in various moments throughout South Africa's history and freedom struggle. Though they have not explicitly advocated against sexual violence in armed conflict their history remains symbolic and indicative of the evolution of the initial ideas and norms on women in conflict. The broader themes around human's rights have been refined and adopted to encompass concerns around conflict-related sexual violence. Diagram 3 above demonstrates the norm evolution process within the context of South Africa's adoption of norms related to conflict-related sexual violence.

Chapter 4

Contextualizing the CRSV within the Case Studies

This chapter introduces the relationship the two case studies, namely the DRC and South Sudan, have with conflict-related sexual violence. A brief overview of the dynamics within the case studies in relation to CRSV is provided. This descriptive section is necessary as it lays the context for the analysis which takes place in Chapter 5 below.

4.1. Conflict-Related Sexual Violence in the Democratic Republic of Congo

Understanding the conflict

The armed conflict in the Democratic Republic of Congo has been characterised by a complex and nuanced interplay of interests, actors, economic greed and human rights violations which have all culminated into 'one of the most complex humanitarian crises in the world' to date (UNHCR Refugee Agency, 2018). The political, and socio-economic crisis which persists in the DRC has been further complicated by the presence of an intricate network of UN and AU mandated peace efforts which were established in response to the humanitarian crisis and gross crimes against humanity which are prevalent in the DRC throughout the 3 decades of violence. The initial conflict in the DRC can be best understood in relation to the regional conflicts which surrounded and influenced it, namely the civil wars in Angola, Sudan and Uganda as well as the genocide which occurred in Rwanda in 1994 and the 'spill over' effect these conflicts had on stability in the DRC (Leatherman, 2007). Furthermore, the on-going period of conflict, which dates back to the start of the First Congo War in 1996 and the Second Congo War in 1998, has been labelled as 'Africa's World War' due to its involvement of at least nine African states and the sheer magnitude of the crimes and violence which it had been home to (Meger, 2010). Despite numerous national, regional, and international efforts to restore peace and stability in the DRC, such as the UN mandated MONUC and MONSUCO missions, and numerous peace agreements, such as the Lusaka Ceasefire Agreement of 1999, the armed conflict remains rampant and the brutality and violence which persists continues to haunt the lives of millions of Congolese civilians (Banwell, 2020). In 2024 the UN Refugee Agency (UNHCR), reported that an estimated 6 million people had been internally displaced within the DRC and an additional 1 million Congolese people had been forced to seek asylum in other African states (UNHCR Refugee Agency, 2024). Furthermore, the accumulated conflict-related death toll had reached an estimated 6 million since the inception of the first Congo-war in 1996 (Englebert, 2016). The conflict has also given rise to vast acts of conflict-related sexual violence, with an estimated 32,000 cases of CRSV reported between 2005 and 2007 in the

province of South Kivu alone (Holmes, 2007). Additionally, the violence has given birth to 122 known rebel groups some of which have been fuelled by the quest to attain control over the vast deposits of minerals, such as cobalt and diamonds, found in the DRC while others were birthed in response to the violence and terror their communities and villages were subjected to (Spijkers, 2015). The complexity and history of the violence in the DRC can be studied in great detail due to the vastness, longevity and modification of the conflict over the span of the last 3 decades. However, this section merely attempts to provide a brief overview of the conflict so as to contextualise the conflict in relation to its impact on conflict-related sexual violence in the DRC.

CRSV and Legislative Action In the DRC

The struggles associated with ending the war on women in relation to CRSV in the DRC have deep roots in the legislative and institutional limitations which persist in the country (Banwell, 2020)

The 2012 article by Felicia Wairagu, published on the Institute of Security Studies website, referred to the Democratic Republic of Congo as the ‘ forgotten rape capital of the world’ (Institute of Security Studies, 2012). This title came in response to the growing concern about the prevalence of conflict-related sexual violence in the DRC. Nolen (2005) had highlighted that the DRC, specifically the eastern region, had experienced sexual violence and rape ‘on a scale never seen before’. Additionally, Wairagu (2012) further reported that an estimated 200 000 cases of sexual violence had been reported in the DRC since the inception of the first war in 1996 up until 2012. These staggering figures were supported by the International Rescue Committee, who documented that 40 000 cases of GBV had taken place during the 3 years between 2003 and 2006 (Dallman, 2009), with thousands of women and girls being raped (Shannon, 2011). A study conducted by two organisations, namely The Réseau des Femmes pour un Développement Associatif and the Réseau des Femmes pour la Défense des Droits et la Paix, based in Uvira and Bukavu respectively in the Democratic Republic of Congo was published in 2005. The study interviewed 492 victims from a list of 3,000 rape and sexual violence survivors in the South Kivu region in the DRC. The study determined that women from the most vulnerable communities, particularly farm workers, were the most at risk of sexual violence perpetrated by armed groups in the region. The study also determined that in majority of the cases, the violence had been premediated with the intention to humiliate and degrade the victim (Ohambe et al, 2005):

> "*Rape and sexual abuse, committed with unprecedented violence, include acts aimed at humiliating and degrading the victims. Most of the rapes were committed in public places and in the presence of witnesses."*

Additionally, the study identified four types of rape from the descriptions provided by the victims and interviewees. The reported (Marie Clarie Omanyondo Ohambe, Jean Berckmans Bahananga Muhigwa, 2005) identified the four types as:

> *" (i) individual rape, committed by one attacker on one victim – 21.3% of the interviewees had been subjected to this type of rape; (ii) gang rape, committed by at least two attackers on one victim, either one after the other, or simultaneously – this was experienced by 79% of the informants; (iii) gang rape where the attackers force members of the same family to have sexual relations with each other or to witness the gang rape of a member of the family, usually the mother or the sister, and (iv) rape with the insertion of objects such as sticks, bottles, green bananas, pestles smeared with chilli pepper and rifle barrels into the genitals of the victim."*

Despite the introduction and signing of the Sun City and Lusaka Peace Agreements in 2002, and the subsequent efforts to stabilise the DRC, conflict-related sexual violence persisted, resulting in 27,000 cases of sexual assault being reported in 2006 in South Kivu alone (Wakabi, 2008). The safety and security of women and victims affected by CRSV reached extreme heights and culminated into the introduction of 2 ceasefire agreements, known as the Acts of Engagement in 2008. This agreements was signed by 22 armed groups, across both North and South Kivu and provided specific instructions on the protection of civilians and the observance and respect of international humanitarian law (Branwell, 2020). This, however proved to be relatively fruitless as the sexual violence continued throughout the decade following the signing of the 2008 agreements. A reported 2 200 cases of CRSV had been recorded in Noth Kivu in June of that same, five months after the agreements were signed. The inefficiency of these efforts to prevent CRSV is demonstrated in MONUSCO's 2018 declaration that 1 049 cases of conflict-related sexual violence had been reported to their officials in 2018 (United Nations, 2019).

Much South Sudan, which is discussed below, the DRC has severely struggled to uphold the safety and security of women throughout its many years of armed-conflicts as a result of its legislative struggles and the positions women hold within the broader communities.

4.2. Conflict-Related Sexual Violence in South Sudan

South Sudan's pursuit of its independence started in 1955 when Sudan attained its independence from its shared colonial rule by Britain and Egypt. Southern Sudan contested Khartoum's imposition of an Arab identity and failure to honour an agreement for a federalist governance system. This led to a civil conflict that endured until 1972 (Cheryl Hendricks, 2013). A subsequent civil war ignited in 1983 due to President Jaafar Nimeiri's imposition of Sharia law and his disregard for autonomy pacts. Over 2.5 million casualties and 4 million displaced persons resulted from the 22 year long SPLA-led rebellion under John Garang's leadership. The signing of the Comprehensive Peace Agreement (CPA) in 2005 signalled a ceasefire, promising Southern Sudan regional autonomy from Sudan, as well as participation in the new-found national power-sharing structure. Additionally a referendum was instated which ultimately to Southern Sudanese voting for their independence, which resulted in South Sudan gaining its independence on 9 July, 2011 (Human Rights Division UNMISS, 2022). However, South Sudan encountered a host of challenges, particularly those related to its heavy reliance on oil for revenue. Despite hosting 75% of the region's oil reserves within its borders, South Sudan could not capitalize on these reserves as the infrastructure for oil refinement and transportation were positioned in Sudan. This ultimately led to ongoing tensions between the two states. Various unresolved issues, such as citizenship, cross-border security, border demarcation, and the status of Abyei, persisted between the two nations, with mediation efforts led by the AUHIP, under former South African President Thabo Mbeki (Cheryl Hendricks, 2013).

These tensions were aggravated by South Sudan's grappling with poverty, inadequate services, rapid population growth, institutional fragility, limited human resources, and ongoing instability fuelled by ethnic tensions. Additionally, President Salva Kiir's dismissal of key political figures in July 2013 raised further concerns, with interpretations ranging from anti-corruption measures to a consolidation of power (Lavery, 2020).

As has been the trend with armed-conflicts in the preceding two case-studies, violence against women had also been a feature within the conflict in South Sudan and impacted thousands of women and girls since its outbreak. This was most prevalent in the States of Jonglei, Central Equatoria, Unity and Upper Nile. These acts of VAWG include rape, abduction, sexual slavery, mutilation and forced marriages, amongst others (WhatWorks, 2016). Perpetrators of these heinous crimes, have been combatants from all sides of the conflict and have targeted both, women, girls and boys (Jochemsen, 2022). A disproportionate number of cases have

been reported by minors, with one hospital in Juba reporting that 75% of its cases of sexual assault and rape were from victims below the age of 18. In a reported presented by UNMISS in 2022, an estimated 3 469 civilians were reportedly subjected to violence including conflict-related sexual violence (Human Rights Division UNMISS, 2022). An additional UN report presented to the Security Council referenced 291 cases of conflict related sexual violence against women and girls in South Sudan for 2022; 221 of which affected women, while the remaining 71 impacted girls (UN Security Council Report, 2023).

Both case studies have incredibly nuanced and long histories into their respective conflicts. The extent of the devastation they have each caused, the various limitations peacekeeping efforts have faced and the impact they have had on women can all be explored with great depth. This report, however, is restricted in its scope and emphasis has therefore been placed on positioning these conflicts in relation to their impact and engagement with CRSV.

Chapter 5

Case Study Analysis

Chapter five provides an examination of South Africa's peace diplomacy and national efforts to combat conflict-related sexual violations. It does this by examining the efforts in relation to the 3 indicators identified in methodology in Chapter 2. The indicators are analysed by examining South Africa's involvement within its domestic defence policies as well as its peace efforts within the case studies. For continuity and readability purposes this chapter has been divided into three sub-sections, each representing one of the identified indicators. These sub-sections are,

(i) the inclusion and provision of sexual violence provisions within peace agreements and peace processes,

(ii) the nature and extent of disciplinary action to hold perpetrators of these crimes within the national defence force to account; and lastly,

(iii) the nature of anti-sexual violence training programmes.

By examining each indicator individually, the study was able to draw its conclusions for each area of analysis to provide the outcome of South Africa's efforts to promote the UNSCR norms on CRSV within its peace diplomacy.

5.1. Inclusion and Provision of sexual violence in peace processes

The first indicator states and assesses:

> "the inclusion and provision for sexual violence in all peace negotiation agendas from the outset of the peace process [in particular in the areas of pre-ceasefires, humanitarian access and human rights agreements, ceasefires and ceasefire monitoring, DDR and SSR arrangements, vetting of armed and security forces, justice, reparations, and recovery/development]-UNSCR 1888 (2009) (United Nations Security Council , 2009).

This section examines South Africa's inclusion and promotion of clauses, language, and considerations of conflict-related sexual violence within the peace agreements and peace processes in the two case studies. This study merely looks at the inclusion of these provisions as the indicators derived from the UNSC resolutions merely state that nation states and actors to peace negotiations should make provisions for such clauses. The effectiveness of such inclusion, though equally as important, is not addressed within this study as the study aims not

to asses the effectiveness of the UNSC resolutions on CRSV but rather South Africa's implementation thereof.

Provisions related to conflict-related sexual violence have not consistently featured in peace agreements, despite having been present in both case studies (Jenkins and Goetz, 2010). This inconsistency appears to have held true in number of peace agreements facilitated by South Africa in the DRC and South Sudan. These agreements which failed to address conflict-related sexual violence include documents such as the Declaration of Cessation of Hostilities and Commitment to the Peace Process between the Government of Sudan and the Justice and Equality Movement in Sudan. Many of the various agreements and documents supporting the transitionary post-war periods, mention the crime of conflict related sexual violence, but generally do not include concrete and concise measures to address and provide redress for these crimes. Furthermore, the inclusion of sexual violence into ceasefire and peace agreements was also a relatively slow process despite the introduction of UNSCR 1325 in 2000 (ACLED, 2019). As of 2012, only two ceasefire agreements explicitly referenced sexual violence, these were the Nuba Mountains and Lusaka agreements (UN Department of Political Affairs, 2012).

A desktop search on the Peace Agreement Database, called the PA-X Women, Girls, and Gender (PA-X Gender) Database, by Edinburgh University, examined the inclusion of terms such as 'gender', 'sexual violence' and 'women' in a number of peace-related agreements which were hosted on the African continent. The search determined that South Africa had been mentioned in its capacity as a co-signer, negotiator, host or third-party actor in a total of 29 agreements which included the terms 'women and gender' (PA-X Gender, 2024). Of those 29 agreements, 15 had been entered and negotiated after 2008, following the introduction of UNSCR 1820 in 2008, which listed rape as a weapon of war and war-crime. 7 of those 15 involved conflicts in the two studies relevant to this study. 4 agreements related to Sudan's conflict, 1 related to the conflict in the DRC and 1 addressed the countries as part of a joint regional mandate (PA-X Gender, 2024). The table below lists the 7 agreements in question.

Table 3: List of agreements negotiated or aided by South Africa post 2008 which reference 'women' or 'gender' (Green, 2024)

Country	Agreement
Democratic Republic of the Congo	Outcome Documents from the Conclusion of the Kampala Dialogue between the Government of the Democratic Republic of the Congo and the M23 (2013)
South Sudan	Agreement on Outstanding issues of Governance (2008) Agreement on the Reunification of the Sudan People's Liberation Movement (Arusha Agreement) (2015) Agreement on the Cessation of Hostilities, Protection of Civilians and Humanitarian Access, Republic of South Sudan (2017) Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) (2018)
Regional: Angola, Burundi, Central African Republic, Democratic Republic of Congo, Republic of Congo, Rwanda, South Africa, South Sudan, Tanzania, Uganda, Zambia, (African Great Lakes)	Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the region (2013)

Most notably, only 1 out of the 15 agreements explicitly included the term 'sexual violence' into the agreement, (PA-X Gender, 2024). The former South African President, Jacob Zuma, along with the South Sudanese President, co-signed the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region which was consolidated in Addis Ababa on 24 Feb 2013 (Database, 2016). The document outlined the terms of engagement and cooperation which would facilitate the DRC's rebuilding and democratization process with the aid of the rest its regional partners. However, reference to acts of sexual violence within the framework document is only made once. The Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region (2013) cites that:

Par. 3.

> "*The consequence of this violence have been nothing short of devasting. Acts of sexual violence and serious violations of human rights are used regularly, almost daily as weapons of war..*"

No additional clauses or paragraphs that stipulate any provisional measures for recourse and rehabilitation from these crimes were included in the agreement despite the impact that CSRV has had on women in the DRC.

This omission and exclusion of explicit provisions contrasts the earlier agreements such as the Arusha Peace Agreement of 2000, which explicitly included sexual violence within its ceasefire and amnesty provision framework.

Chapter III, article 25 of the Arusha Agreement (2000) states:

" *1.Ceasefire means the cessation of:*

> *(c) All acts of violence against the civilian population – summary executions, torture, harassment, detention and persecution of civilians on the basis of ethnic origin, religious, beliefs and political affiliations, incitement of ethnic hatred, arming of civilians, use of child soldiers, sexual violence, training of terrorists, genocide and bombing of the civilian population;"*

It is important to note that provisions for sexual violence crimes were included into a number of agreements which did not consist of any South African involvement. The document which outlines the Conclusion of the Kampala Dialogue between the Government of the Democratic Republic of the Congo and the M23 which was signed in 12 December 2013 in Nairobi, Kenya, reflects one of these agreements. The document explicitly denies amnesty for crimes of conflict-related sexual violence and calls for the prosecution of such crimes. The Conclusion of the Kampala Dialogue between the Government of the Democratic Republic of the Congo and the M23 document (2013) reads as follows:

Par. I.i:

> *"In accordance with national and international law, the Amnesty does not cover war crimes, crimes of genocide and crimes against humanity, including sexual violence..."*

Par. 8.4.:

> *"...the Government shall ensure that the prosecution for war crimes, genocide , crimes against humanity and sexual violence [are initated]..."*
>
> -(Democractic Republic of Congo, 2013)

This document's prohibition of amnesty for crimes of sexual violence is a major development from the agreement which was signed 10 months prior in Addis Ababa. Explicit reference is made to prohibiting amnesty and impunity from crimes of sexual violence committed between 2012 and the time of signing the agreement.

Based on the data presented, it is suggested that South Africa's commitment to international and regional laws on CRSV has not been consistent with its actual implementation and advocacy of these principles within its involvement in the peace processes and peace agreements in both case studies. The inclusion of provisions for CRSV crimes in other agreements, outside of South Africa's constituency suggests that the lack of inclusion is not a normative or legislative issues, but perhaps one related to priority and advocacy.

This inconsistency is, however, not restricted to South Africa, but is reflected within the general implementation of the UNSC resolution on conflict-related sexual violence across many agreements. Many peace agreements include clauses of this nature into their mandates, however, direct reference to institutions protecting victims of CRSV and rehabilitative centres, are rarely advocated for within these agreements.

The findings therefore indicate that South Africa's involvement in these peace processes has not been effective in translating norms on CRSV into actionable peace agreement frameworks and challenging the limitations thereof.

5.2. Military disciplinary action against sexual misconduct by troops

The second indicator states:

> "The implementation and execution of military disciplinary measures that hold troops accountable and prohibit the use of all forms of sexual violence by troops"

This section therefore examines the legal and disciplinary action taken against perpetrators, specifically those, who commit sexual violations. It representative of the multiple insertions of this norm into the three WPS resolutions in question, namely UNSCR 1820, 1888 AND 1889. UNSCR 1820 (2008) stresses:

> *".... the need for the exclusion of sexual violence crimes from amnesty provisions in the context of conflict resolution processes, and calls upon Member States to comply with their obligations for prosecuting persons responsible for such acts,"* (United Nations Security Council, 2021).

Strengthening institutional capacity is crucial for combating issues of impunity, deterrence and are essential for upholding justice. The discourse on PSVI, discussed in Chapter 2, has been situated on the premise that violations and infringements on the dignity and human rights of victims through conflict-related sexual violence are enabled in environments where impunity

exists. Impunity refers to exemption or immunity from punishment or accountability for wrongdoing (Hendricks and Hutton, 2008). When individuals or entities act with impunity, they are granted the leeway to engage in harmful or illegal activities without facing consequences or being held responsible for their actions. Preventing and stopping impunity therefore significantly increases the opportunity costs associated with committing crimes of this nature. A great deal of emphases has been placed on the PSVI mandate to convict historic crimes to ensure that perpetrators are not granted impunity. The discourse on PSVI maintains that all survivors are deserving of legal remedy and rehabilitation and eradicating impunity therefore becomes an appropriate priority (Preventing Sexual Violence in Armed Conflict Initiative, 2017).

The hypothesis for this approach holds that increased prosecution rates will reduce and deter future violations and perpetrations of these crimes. However, Kirby (2015) argues that this hypothesis is limited by concerns of efficacy, cost and clarity of purpose. Deterrence on the other hand provides another challenge to PSVI efforts. Environments in which monitoring, investigating and documentation of sexual violence experiences are executed effectively, are less likely to host potential perpetrators. This is premised on the logic that actors are rational beings, and will therefore weigh out the consequences of their actions and the potential risks thereof (Kirby, 2015).

Disciplinary Action within Domestic Constituencies

A report conducted in 2019 by the DoD Ministerial team, titled, '*Ministerial Task Team Report on Sexual Harassment, Sexual Exploitation, Sexual Abuse and Sexual Offences within the Department of Defence' MTT,* under the leadership of Minister of Defence Nosiviwe Mapisa-Nqakula. , highlighted the severity of the situation pertaining to sexual misconduct and gender-based sexual transgressions within SANDF and the DoD based on interviews, workshops, meetings and surveys with both male and female members of the defence force from various structural and organisational levels (Security Women, 2021).

The report indicated that over a third of reported sexual misconduct cases perpetuated by peacekeepers in the Democratic Republic of Congo involved South African troops and personnel. South African troops and deployed personnel had been involved in cases of exploitation of Congolese women, and in certain instances minors, with what is perceived as impunity from legal proceedings. Concerns around paternity disputes in the DRC involving South African troops raised additional alarms when 28 of the 35 cases presented to the MTT,

involved paternity claims (Gibson, 2021). Notably, majority of these cases and the resulting concerns around paternal responsibilities were not addressed or dealt with, and resulted in troops establishing 'second families' in these locations. As of 2021, no official or central register was established to monitor the movements and developments of soldiers and troops who were flagged for their transgressions and misconduct (Gibson, 2021)

The disturbing and discouraging findings from the report highlight the inconsistencies and lack of coordination between the United Nations and South African law with regards to concerns of Sexual Exploitation and Abuse (SEA). The fragility and inefficiency of this dynamic have culminated in the dismissal and overturning of many of the reported cases and have avertedly caused crucial failures within the justice process. The report further illuminated that this is lack of coordination severely severed the reputation and accountability of the South African defence force. The report advocated for the establishment of a Multidisciplinary Committee on Sexual Exploitation and Abuse to combat and address issue of SEA violations and issues of paternity dispute (Security Women, 2021).

These trends in the deployment of SANDF troops have not been isolated to their deployment to the DRC but have been prevalent within the domestic structures and stations as well. Despite having met the nationally stipulated targets for participation and representation of women within the defence force and its senior positions, issues of gender-based violence and sexual misconduct remain a challenge for the department. South Africa's DOD consists of approximately 31% women troops and senior officials, however the patriarchal culture of the department continues to compromise the safety and security of women within the defence force (Republic of South Africa Department of Defence, 2020). An exert from 'Ministerial Task Team Report on Sexual Harassment, Sexual Exploitation, Sexual Abuse and Sexual Offences within the Department of Defence' (2020) reads:

> *"The combination of hyper-masculinity, a sexually charged culture, and an inappropriate exercise of power will lead to a climate in which work relationships become sexualised. Because sexual harassment and assault tend to happen between ranks where there is power asymmetry, rank can be used by some as a free pass to behave inappropriately towards women in junior ranks."*

'Sex for promotions, bribes to silence victims and survivors', and the increasing rates of HIV and pregnancies following sexual interactions with superiors and high-ranking officers have all been common practice and rampant within the South African National Defence Force

(Republic of South Africa Department of Defence, 2020) . Masked by a culture which serves to protect men and invalid the experiences of victims under the old age adages of "Men have needs" and "Don't ruin his career", these transgressions continue to plague women and victims within the force (Gibson, 2021). In another MTT report, conducted in 2016, it was determined that an estimated 12% to 20% women surveyed and represented within the investigation had reported being sexually harassed while deployed. This number had alarmingly increased by 30% between 2017 to 2019, amounting to an increase from 15 to 21 reported cases of sexual misconduct per year (Republic of South Africa Department of Defence, 2020). Despite the prevalence of sexual misconduct and harassment cases, disciplinary action remains a challenge for the defence force. It is important to note that these figures represented the number of cases which were reported to military courts and do not reflect the true figure of all cases of sexual misconduct experienced during this period. Despite the concerningly high number of cases, what becomes most worrisome is that the findings from the report indicated that the perpetrators of these transgressions ranged from junior cadets to military officials ranking as high as a military judge (Choabi, 2022).

The prevalence of these sexual transgressions and the lack of punishment for perpetrators disaffirms the DOD's policy of 'zero tolerance' and enables a culture of sexual misdemeanour and misconduct. The intimidation and silencing of victims, often exercised by the command and control structures, perpetuates, and encourages perpetrators to commit these crimes and transgressions under the protection of the system.

Problematising the Problem

A fundamental attributor to the inefficiency of the legal system within the DOD lies within design of the military's tribunal system. The court system was designed to address cases of scale such as general misconduct and ill-discipline. The court was not equipped to handle cases pertaining to sexual transgressions. The maximum punishment for perpetrators by the military court system therefore did not exceed a fine of R6 000 or the demotion of rank. All cases, including those of a sexual nature were therefore held to this standard at the time of the MTT's investigation and report (Fleischman, 2019). As a result of the incomprehensive nature of the court system, neither judicial officers, prosecutors or military police were equipped or trained to handle cases of sexual wrongdoing. The only guiding document and framework at the time was a 1957 Defence Act code which was grossly outdated (Security Women, 2021). The incapacity to handle cases of this nature resulted in a situation in which victims were encouraged to take action outside the military court system, and within civilian courts instead.

This resulted in delays in disciplinary action within the military structure as the findings from the civil court case would need to be presented before military disciplinary action could be taken. Victims were therefore forced to continue working within the same environments as their perpetrators until the matter was settled both within civilian court and then within the military disciplinary system (Mpumlwana *et al.*, 2020).

This situation was aggravated by the silencing and victimisation tactics employed by the perpetrators and chains of commands within the defence force. Victims were reluctant to report their cases out of fear for the repercussions this could have on their personal safety and their careers. In many of these cases officials in superior and high ranking positions would protect perpetrators and would often be perpetrators of these transgressions and crimes themselves. This further discouraged victims from taking the matters further as their attempts would often have punitive consequences to their own wellbeing (Security Women, 2021).

In 2020 plans to introduce the Military Discipline Bill were withdrawn due to legal inefficiencies. The Bill was intended to replace the Defence Act of 1957 as well as the Military Discipline Supplementary Act of 1999. The Bill was positioned and designed to address the limitations and constraints which the DOD faced with regards to actioning its zero tolerance policy (Defence Web, 2020). The Bill was aimed to provide the DOD with comprehensive legislative frameworks which would aid its development of transparent and accountable disciplinary systems to address criminal offenses comprehensively (Gibson, 2021). In the absence of a comprehensive framework for dealing with sexual misconduct transgressions, the MTT appeals to the leadership within the defence forces to take greater responsibility in cultivating an environment that denounces sexual transgressions and violations. The MTT (2020) calls for the public acknowledgement of the issue and transparency on the nature of the issue and condemns the involvement and implication of the Chains of Commands in these cases. Additionally the report recommended the creation of a civilian led Sexual Misconduct Centre (SMC) run independently from the led SANDF and DOD Chain of Command. The report also stated that a 24/7 emergency hotline should be established which would be managed and run by the SMC (Security Women, 2021).

Central to addressing the shortfalls within the existing structures hindering the effective monitoring, reporting, and punishing of these violations is the DoD's commitment to actioning the recommendations outlined within the MTT's report. The DoD leadership's resolve and commitment to maintaining a secure military environment will determine the course of the

South African Armed Forces in the future. This will entail but is not limited to stringent instruction and training regimens to protect the defence force's security and integrity moving forward (Mpumlwana *et al.*, 2020). This is crucial in ensuring that South Africa upholds its commitment to UNSCR 1820, 1998, and 1999 s' mandate on CRSV.

CRSV disciplinary efforts beyond South Africa's borders

South Africa's contribution to holding military personnel accountable for conflict-related sexual violence transgressions outside of its mandate within the SANDF is quite limited. The review and examination of data does not indicate any explicit contributions from the South African state or its subsidiary institutions and organizations towards actively pursuing judicial or legal recourse or disciplinary action against perpetrators outside of its SANDF constituency. Instead, any efforts by South Africa to address or provide disciplinary counsel against perpetrators has been restricted to its capacity building and advisory role within the case studies, as demonstrated within its support and advisory role in establishing truth and reconciliation practices within the two case studies.

Amnesty and impunity

An opinion piece written in 2014 by former South African President, Thabo Mbeki and Prof Mahmood Mamdani, provides an intriguing argument opposing the universally accepted view that international and domestic judiciary systems should be tasked with ending civil wars. Their paper titled "Courts can't end civil wars' ' rests on the basis that crime committed during periods of political instability and severe civil unrest cannot and should not be measured and weighed against the same standards of those committed during peace times (Mbeki and Mamdani, 2014). They argue that individuals, whether perpetrating the act or victim to the act, are political victims as the political climate breeds a disposition and dissonance from the objective views of crime and result in people acting in ways that they would otherwise not deem as appropriate and just.

This argument brings an interesting perspective to the discourse as it provides an alternative lens through which the perceived success and/or failures of the UNSC resolutions can be examined and understood. Their paper, however, raised many concerns, some of which were highlighted in Alex Obote- Odora's critique of the article. Obote-Odora (2014) challenged the notion that these crimes should be treated as political crimes, by stating that this negates the legal principles which guide the process of discerning guilt from innocence. Additionally, they state that this strips the individual from taking responsibility for the acts which they perpetrated

and absolves them from their actions. Obote-Odora's critique of Mbeki's stance, represents a fundamental component within the push to promote the discourse on CRSV, that being, the need to hold perpetrators accountable for the irreconcilable harm they cause on their victims and to prevent impunity from this violent crime.

Though the necessity to protect victims from war crimes is generally uncontested in international norms many scholars have critiqued the effectiveness and efficiency of the systems responsible for upholding UNSC resolutions on conflict-related sexual violence. A study conducted and published in ACCORD's website in 2011 (Lindgren, 2011), examined the effectiveness of accountability efforts, such as domestic and international tribunals and commissions, in preventing conflict-related sexual violence. The study presented its findings in table form, providing insight from 7 African states. The DRC was included in the study and the findings from the two cases studies can be studied in table 4 below. The table provides the specific periods of conflict, and considers data from rebel and governmental groups. Column 2 provides the year and scope of the negotiated amnesty and indicates whether or not limitations of international law have been applied in relation to crimes of genocide, war crimes and crimes against humanity, in which case these crimes were or were not excluded from the amnesty. Column 3 and 4 indicate whether or not accountability was practiced through tribunals, hybrid courts of commissions at the international level or at the domestic levels through 'truth-telling' such as truth and reconciliation commissions, or other domestic vetting practices. The last column indicates whether CRSV had stopped after the efforts of accountability were exercised and executed (Lindgren, 2011).

Table 4: Amnesty regimes and continued CRSV

Country	Conflict party, active	Negotiated amnesty	International accountability	Domestic accountability	Continued CRSV
2. Democratic Republic of the Congo	APDL (1996–97)	No	No	No	Revenge-based Sporadic >200
	MLC (1998–2001)	02 April 2003 Limited: int. law, not war crimes	No	Limited Trials in 2003 Ineffective TRC	Systematic Revenge-based Sporadic <250
	RCD (1998–2001)	02 April 2003 Limited: int. law, not war crimes	No	Limited Trials in 2003 Ineffective TRC	Systematic Slavery Revenge-based <150
	RCD-ML (1999–2001)	02 April 2003 Limited: int. law, not war crimes	No	No Ineffective TRC	Sporadic <25
	Government 1 (1996–97)	No	No	No	Sporadic
	Government 2 (1997–2001)	02 April 2003 Limited: int. law, not war crimes	No ICC invited to investigate violence in Ituri	Limited Trials in 2006 Ineffective TRC	Systematic Revenge-based Sporadic >300

The data indicates CRSV remained present even after the conflict period had ended regardless if amnesty for crimes committed in war were granted or not. Additionally the data highlights that International accountability efforts were not actioned within any of the identified conflicts within the two case studies, and all but 3 conflicts failed to be met with domestic efforts of accountability after the conflicts had ended. It would therefore be possible to argue that a lack of effective recourse and justice and by default impunity for CRSV crimes leads to the continued perpetuation of CRSV. However, though it would be appealing to make this argument, it is necessary to note, that at the time in which the conflicts had taken place as well as the respective amnesty negotiations, CRSV had not been explicitly introduced into the WPS Agenda or the subsequent UN Security Council mandates within any of its resolutions. The first UNSC resolution to explicitly address conflict-related sexual as a priority and to categorize rape as a war time and crime against humanity was UNSC Resolution 1820 which was only introduced in 2008. Furthermore, this argument fails to consider that we cannot convincingly claim that hosting robust and effective tribunals and commissions would prevent the CRSV as the study does not present any cases to prove or support that notion. The data presented by Lindgren (2011) does, however, provide us with a starting point against which we can comparatively examine the trends and impacts of national and international accountability in relation to CRSV post 2008's introduction of UNSCR 1820.

Since the introduction of UNSCR 1820 and the subsequent supporting resolutions, the international community has seen some successes in the convictions of perpetrators accused of committing CRSV war-crimes. In the South Sudanese context, 26 individuals were convicted for CRSV crimes by UN supported courts in 2020, with a number of other perpetrators convicted prior and after 2020. These convictions and verdicts were handed down by military and civilian courts, including mobile courts in Kuajok, Malalak,Wau, Maridi, and Yambio which were funded and supported by the UN (UN Report of the Secretary General to the Security Council, 2021). Of the 26 persons convicted in 2020, 5 were members of Sudan People's Liberation Movement in Opposition (SPLA-IO/ RM), 16 belonged to the South Sudan People's Defence Forces, and the remaining 5 were members of the South Sudan National Police Services. The UN Secretary General to the Security Council also reported South Sudan People's Defence Forces' conviction of 13 additional soldiers at the district court in Yei in that same year. The perpetrators were handed prison sentences of 7 to 14 years with orders to provide monetary compensation to their victims. Though the convictions and sentencing were reached, victims had as of 2021 still not received compensation and were in some cases

subjected to intimidation and harassment during the court proceedings (UN Report of the Secretary General to the Security Council, 2021). Despite major advances in disciplinary action against perpetrators, CRSV remains a challenge for South Sudan.

The trend seen in South Sudan is also present in the DRC context. Though having ratified the Rome Statute in 2002 and having implemented and applied the Statute within the orders given by military judges from 2006, the DRC only started applying and promulgating the Statute into its domestic laws in December 2015 (Ashiru, 2020). This came in response to growing political dissatisfaction and opposition to Joseph Kabila's perceived failure to address the injustices and human rights violations in the DRC. The frustrations expressed by the Congolese populus were rooted in disgruntlement with low prosecution rates, high impunity rates for war-criminals and the degradation of the state's legal and judicial systems.

Prior to Kabila's decision, the DRC had endorsed several human rights laws, including provisions safeguarding women and girls in both peacetime and conflict situations. These regulations address issues such as rape, forced prostitution, and gender-based discrimination and has attempted to place pressure on armed groups to adhere to these laws and agreements (Dallman, 2009).Additionally, The International Criminal Court (ICC) has had jurisdiction over crimes outlined in the Rome Statute committed in the Democratic Republic of Congo (DRC) since 2002 and has been investigating war crimes and crimes against humanity, including rape and sexual violence, in the DRC since the 1990s. Through these ICC processes a number of convictions have been reached. On 24 March 2012, Thomas Lubanga Dyilo and Germain Katanga, had been convicted of war crimes committed in the DRC. However, the plight against CRSV had not been advanced in this development as rape charges were not explicitly included in either of their convictions (Branwell, 2020).

It is important to note, that in spite of the ICC's efforts, most trials involving conflict-related rape in the DRC are conducted by the military courts of the Armed Forces of the Democratic Republic of the Congo (FARDC). The conviction and imprisonment of Lt. Col. Kibibi Mutware of the FARDC in 2011 for mass rapes committed in South Kivu represents one such case. He, along with 10 other officers in his command brigade were sentenced to 10 - 20 years of imprisonment for committing crimes against humanity, including rape (Advocats Sans Frontiers, 2011). Though this trial resulted in successful convictions, many of the other cases brought before the domestic court do not have the same fate simply because many of the accused are members of the FARDC. This factor raised grave concerns regarding the

effectiveness, legitimacy and true transparency of the legal processes required to successfully convict perpetrators (Stokes, 2014). One such case which demonstrates the shortfalls within this legislative system is the 2014 trial in Goma, in which 39 FARDC members stood trial for rape, yet only two perpetrators were convicted while the rest were acquitted of any charges (Stokes, 2014). Additional contributing factors to the ineffectiveness of these trials has been associated with discrepancy and incompatibility of the court's 2002 Military Code with international law (AfriMap & The Open Society Initiative for Southern Africa, 2009). Furthermore, additional limitations such as fear of victimization and stigmatization, poor evidence collection and storing practices as well as the inability to trace and track perpetrators has hindered victims from seeking meaning justice (Jenkins and Goetz, 2010).

Kabila's decision to push the inclusion of the Statute into domestic laws and his referral of perpetrators of war-crimes and crimes against humanity, especially those related to CRSV, to the International Criminal Court is therefore considered to have been an attempt to neutralize the growing disgruntlement which opposition groups were inciting (Dncy and Montal, 2017). The urgency expressed in 2015, led to the adoption of a number of domestic laws which addressed war-crimes, crimes against humanity and crimes of genocide, which included sexual and gender-based violence. Law 15/022 represents one of these laws. The Law aligns its definitions and categorization of crimes against humanity, war crimes and crimes of genocide with the definitions outlined with the ICC's Articles 221 to 223. Within this framework, Law 12/055 labels rape, sexual slavery, forced impregnation and forced prostitution as crimes against humanity. Furthermore, the Law mandates that the DRC's domestic courts hold individuals liable for committing any of the 3 major crimes (Ashiru, 2020). In addition, the Law aims to address the high rates of impunity given to perpetrators of conflict-related sexual violence by prohibiting amnesty, pardon and other immunities to individuals who have committed acts of CRSV and any other war crimes, or crimes against humanity (ICRC, 2015). Binningsbo and Norda (2020) suggest that this limitation and eradication of amnesty for perpetrators of war time rape could signal to the perpetrators the gravity and seriousness of the legal clampdown for these crimes. Should South Africa champion the end to impunity for CRSV crimes within its peace diplomacy it would reaffirm and strengthen its position and commitment to UNSCR 1820, 1888 and 1998.

It is, however, important to note, that the DRC's bid to incorporate the laws on war-time rape into its domestic legislation and its efforts to prosecute perpetrators came in 2015, nearly 13 years after South Africa had facilitated and asserted itself into the DRC's peace process through

its hosting of the Sun City Peace Dialogues in 2002. South Africa had provided infrastructural and peace support to the DRC since 2003 when it provided support to the DRC's transitional government and towards the DRC's first post-war election process (Dzinesa and Laker, 2011). Yet, despite South Africa's various efforts and contribution to state building and institutional capacity building, it had not contributed to any explicit and robust efforts to address the lack of disciplinary action against perpetrators of CRSV. This applies to South Sudan as well. In both case studies, South Africa was actively involved in providing institutional and peace-keeping support to their respective governments, yet no recourse or affirmative action was taken by South Africa to ensure that victims of CRSV received justice in the form of prosecution.

TRC's and Reparative Justice

South Africa's limited contribution to disciplinary efforts against CRSV perpetrators and retributive efforts for CRSV victims, has been most notable in its support and guidance of the truth and reconciliation commissions and processes within the two case studies. All three countries' truth and reconciliation commissions were influenced and inspired by the Truth and Reconciliation Commission (TRC) that took place in South Africa between 1995 and 2002 following the end of the apartheid regime. The aim of the South African TRC was to provide the South African population with an opportunity to reconcile with the past evils which they were subjected to between 1960 and 1994, by promoting forgiveness and reconciliation for both victims and perpetrators for crimes committed during the apartheid era. Amnesty was offered and granted to perpetrators in cases where they provided 'full disclosure' of their involvement in perpetuating and committing the crimes. This practice of forgiving perpetrators and reconciling with victims was championed by the state as a means to promote national unity and national forgiveness and reconciliation (Sansculotte-Greenidge et al, 2013).

Within the South Sudanese context, South Sudan had not effectively held any TRCs between 2008 and 2018 despite having started the peace and reconciliation process in 2006 with the establishment of the Southern Sudan Peace Commission (SSPC). The SSPC was established after the signing of the Comprehensive Peace Agreement (CPA) in 2005 and facilitated peace and reconciliation up until South Sudan's Independence in 2011. Following the independence, the South Sudanese government established the South Sudan Peace and Reconciliation Commission which would provide a roadmap and framework for reconciliation. In 2012, with the support and guidance of the Commission, former President, Slva Kiir Mayardit, committed the South Sudanese state to a national process of reconciliation, with the establishment of the

National Reconciliation Initiative, which was to be rolled out across all 10 states within the country in 2013. This project would be in fulfilment of the conciliation mandate stipulated in the 2005 Comprehensive Peace Agreement. This national project was however brought to an abrupt stop in April 2013, and despite various efforts to reignite and accelerate the reconciliation process, only proved actionable in 2022. It is only through collaborative efforts in 2022, that tangible efforts were made to bring the TRC process in South Sudan to life. In 2020, a cohort of South Sudanese officials and delegates were accompanied to South Africa to learn and gain insights from the post-apartheid TRC process under the joint efforts of ACCORD and the United Nations Development Plan (UNDP) (Bebington, 2022). Unfortunately, these efforts and their outcomes do not fall within the scope of this paper.

Final remarks

The undermining impact that impunity and deterrence have on the application of justice for victims and their resultant crime enabling traits demonstrate the need to build and strengthen state institutional capacities in order to mitigate and halt the number conflict-related sexual violence crimes. Stronger institutions are better equipped to hold perpetrators efficiently and effectively to account. Despite great efforts to strengthen state institutions and the adoption of normative frameworks such as democracy and truth and reconciliation, efforts to promote and uphold the three norms outlined in the 3 UNSC resolutions on CRSV by means of providing justice to victims has remained relatively poorly executed.

5.3. Training programs on sexual violence prevention, detection and relief measures

The third and final indicator examines:

> "The development and implementation of educational and training programs for all peacekeeping and humanitarian personnel to help them improve prevention, recognition and response efforts to sexual violence and other forms of violence against civilians."

This section therefore examines the development and implementation of military education and training programs aimed at improving prevention, recognition and response efforts to conflict-related sexual violence and other forms of sexual violence against civilians. The premise of the analysis lays within the examination of the presence and role-out of such training programs as opposed to the assessment of the effectivity of thereof. Though the effectively is a valid and necessary element of analysis, it does not serve the research question related to barriers of implementation of the norms outlined within the UNSCRs in question in this study.

Paragraphs 3, 6 and 7 of UN Security Council Resolution 1820 make special reference to the inclusion of special sexual misconduct and sexual violence detection, prevention and accountability training targeted at military troops and peacekeeping personnel. The inclusion of mandates for training programmes of this nature is further reflected in UNSCR 1888 and UNSCR 1889.

> Par 21. UNSCR 1888 reads as follows:
>
> "*...Requests the Secretary-General to continue and strengthen efforts to implement the policy of zero tolerance of sexual exploitation and abuse in United Nations peacekeeping operations; and urges troop and police contributing countries to take appropriate preventative action, including pre-deployment and in-theater awareness training, and other action to ensure full accountability in cases of such conduct involving their personnel*" (UN Security Council, 2009)

Par 3. UNSCR 1888 reads as follows:

> "*...training troops on the categorical prohibition of all forms of sexual violence against civilians, [and] debunking myths that fuel sexual violence*." (UN Security Council, 2009)

Provision for and implementation of comprehensive training curricula and programmes which address issues of sexual violence prevention, detection and mitigation are therefore critical to all efforts to implement UNSC resolutions 1820, 1888 and 18889.

A peace operation's ability to effectively and meaningfully address instability and violence at the ground level is greatly aided by the pre-deployment education, preparation and training provided to peacekeepers and troops. ACCORD (2015), however, notes that training on the issues of gender and gender perspectives in peacekeeping is rarely offered despite the prevalence of violence against women and girls during and after conflicts. In many instances, gender sensitive training, henceforth referred to as gender training, is offered on an ad hoc basis within the national and regional levels of peace support operations. Accord asserts that gender training is the necessary link that bridges the gap between standard peacekeeping practices and the greater protection of women and girls in complex conflict settings and should therefore be implemented more robustly. Gender training not only informs troops and peacekeepers on the complexities of the violence women are exposed to in times of conflict but highlights the importance of integrating women into the post-conflict peace building process as well.

South Africa's role in international CRSV training programme.

The Training for Peace (TfP) in Africa Programme, which was established in 1995 as the Royal Norwegian Ministry of Foreign Affairs' support programme to the African Union Commission, sought to contribute to the development and strengthening of peace support structures deployed and operationalized in African conflicts. The programme, which worked alongside the African Civilian Standby Roster for Humanitarian and Peacebuilding Missions (AFDEM), provided support to policy development and implementation efforts, improved training and research capabilities and enhanced recruitment and deployment processes. The inclusion of gender mainstreaming of peace operations in Africa was a fundamental pillar within the TfP's mandate, and was actioned to support and promote the WPS norms outlined within UNSCR 1325, 1820 and the additional UN resolutions on women in conflict and conflict-related gender based violence. The TfP worked with various national and regional training institutions to develop and execute suitable training courses and programmes which addressed peacekeeping Africa. South African institutions played an important role in co-developing and facilitating these training courses. The African Centre for the Constructive Resolution of Disputes (ACCORD), a South African civil society organization providing solutions to challenges created by conflicts on the continent, and the Institute for Security Studies (ISS), a research institute based in South Africa, worked alongside the Norwegian Institute for International Affairs (NUPI) to develop these training courses and modules.

The courses were provided to civilians, police and military personnel who were deployed or were in the process of being deployed to UN or African peace missions. The TfP course developed in partnership with ISS, consisted of two parts, with the second part focusing on gender mainstreaming and conflict related sexual violence. ACCORD reports that an estimated 7000 police and military officials as well as civilians received training through the TfP Programme. Additionally, the successes of the TfP have inspired its partners to establish training centres such as the Kofi Annan International Peacekeeping Training Centre (KAIPTC). The KAIPTC had trained approximately 12 045 participants on issues of peace and security, gender and peacekeeping since its establishment in 2003 up until 2014 (ACCORD, 2015).

Table 5 below demonstrates the scope, module outlines and objectives for the four modules from the TfP course which specifically address gender and sexual based violence in peacekeeping and conflict.

Table 5: Training for Peace Module Outline

Part Two is on ***Dealing with SGBV in Peace operations*** and consists of the following four modules.

MODULE	LEARNING OBJECTIVES	CONTENT

Module 5: Understanding SGBV and its impact	At the end of the module participants will:
	• Demonstrate a greater understanding of SGBV and its impact
	• Demonstrate an understanding of the regulatory framework on SGBV
	• Demonstrate the ability to analyse SGBV in conflict and post-conflict environments
		• Concept of SGBV
		  ◦ Gender-based violence
		  ◦ Sexual violence
		• Regulatory framework focused on SGBV
		  ◦ Treaty-based regulatory framework
		  ◦ UN resolutions
		  ◦ AU guidance documents
		  ◦ National legal systems
		  ◦ Mission mandates and guiding documents
		• SGBV in conflict situations
		• Forms, effects and consequences of SGBV
		• Stakeholders in prevention of and response to SGBV

MODULE	LEARNING OBJECTIVES	CONTENT

Module 6: Response to SGBV	At the end of the module participants will:
	• Display a greater understanding of the principles and approaches in responding to SGBV incidents
	• Demonstrate the ability to effectively respond to SGBV incidents
	• Demonstrate the ability to write a report on SGBV incidents
		• Considerations for dealing with SGBV in conflict areas
		• First response
		  ◦ First responder – defined
		  ◦ First responder scenarios
		• Victim support
		  ◦ Victim – defined
		  ◦ Concept of victim support
		• Victim and witness protection
		• Interviewing methodology
		  ◦ Preliminary interviews
		  ◦ Qualities of a good interviewer
		  ◦ Considerations for using language assistants
		  ◦ Additional considerations for interviewing victims of SGBV
		  ◦ Interviewing children or people with limited mental ability
		  ◦ Interviewing people with disability/special needs
		• Crime scene and evidence
		  ◦ Crime scene
		  ◦ Evidence
		  ◦ Securing crime/incident scene and evidence
		• Dealing with alleged mass SGBV
		  ◦ Process
		  ◦ Considerations
		  ◦ Dealing with victims who are mission personnel
		• Coordination of mission partners in SGBV
		• Reporting
		  ◦ Types of reports
		  ◦ Writing principles
		  ◦ Elements of information

Module 7: Analysis of SGBV	At the end of the module participants will:
	• Demonstrate a greater understanding of the need and principles for analysis of SGBV
	• Demonstrate the ability to analyse SGBV in conflict and post-conflict environments
		• Rationale for analysis
		• Profiling
		• Information gathering and collation
		• SGBV crime analysis
		  ◦ Analytical questions
		  ◦ Analytical terminology
		  ◦ SGBV crime mapping
		  ◦ Crime Analysis Tree
		  ◦ Linkage analysis

MODULE	LEARNING OBJECTIVES	CONTENT
Module 8: Prevention of SGBV	At the end of the module participants will be able to: • Display a greater understanding of the principles and approaches to the prevention of SGBV • Demonstrate the ability to develop strategies and plans to prevent SGBV in conflict and post-conflict environments	• Concept of SGBV prevention • Prevention of SGBV in conflict and post-conflict areas • Approaches and guidelines for SGBV prevention • The role of mission personnel in preventing SGBV • Stakeholders in preventing SGBV • Planning for SGBV prevention

Domestic efforts to train SA peacekeepers on CRSV

In 2007 the South African National Defence force in partnership with the South African Department of Defence established the Peace Mission Training Centre (PMTC)which was aimed at training South African troops, military and civilian peacekeeping personnel for pre-deployment readiness. The PMTC was the birth child of an agreement between former South African Minister of Defence, Mosiuoa Patrick Lekota and United Kingdom's former Defence Secretary Des Browne. The PMTC was funded by contributions made by Canada, the USA, the UK and the South African government and cost an estimated R30 million to set-up (Helrich, 2013). Kim Helfrich (2013) reported that an estimated 3 000 peacekeepers, civilians and military personnel had been trained by SANDF's Peace Mission Training Centre (PMTC) as of 2013. Unfortunately, out of the 10 peacekeeping training courses offered by the PMTC, only one addressed concerns of gender. This course was titled, 'Gender Advisors and Instructors' and did not explicitly address issues of CRSV or VAWG.

The PMTC provides pre-deployment training in line with the UN Department of Peacekeeping Operations', (UN DPKO's) Standard Training Modules (STM). The STM are made up and divided into three levels; Level 1 being the Standardised Generic Training Modules, aimed pre-deployment training for all personnel; Level 2, Standardised Training Modules Specification for UN Military, Police and Key Personnel; and Level 3, Senior Management Leaders Modules. The three levels amount to a total of 11 modules, with only two modules explicitly dealing with women and gender, namely:

1. Gender Equality in Peacekeeping

2. Behaviour of Peacekeepers (Code of Conduct, Cultural Awareness, Child Protection and Prevention of Sexual Exploitation and Abuse)

As part of the PMTC mandate, SANDF requires all military troops, and personnel to embark on mandatory sexual exploitation and abuse (SEA) guidance training before deployment to peace operations can be executed. The official monthly magazine of the South African Department of Defence, the 'SA Soldier', categorizes SEA and sexual abuse as psychological hazards in mission areas. It further defines SEA as:

> " *[the] actual or attempted abuse of a position of vulnerability, power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. [And] also includes sexual relations with a child, in any context, defined as a human being below the age of 18 years. SEA involves the behaviour of United Nations (UN) staff and collaborators towards third parties, referred to as beneficiary populations" (The SA Soldier, 2021)*

While defining sexual abuse as:

> *" Actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions." (The SA Soldier, 2021)*

Troops and military personnel are required to undergo SEA guidance training at unit level before reporting to the mobilisation centre in Bloemfontein where they are granted their deployment tours. In addition, MONUSCO mandates that individual troop donating nation states are required to provide their own pre-deployment training on sexual conduct and sexual violence prohibition measures. Upon questioning, Lieutenant Colonel Piet Paxton, Staff Officer within the SANDF Joint Operations Division, stated that training, which is conducted at the unit or base level is incorporated into the combat readiness training and that such training continues from the training bases, to the mobilisation centres and throughout the deployment period. According to Lieutenant Colonel Paxton, SEA training and management is handed over to SANDF Human Resources and Legal Services once troops are deployed on their respective missions (Helfrich, 2017). In 2017 820 SANDF officers, cadettes and officials underwent UN sexual violence guidance before being deployed to the DRC under the MONUSCO mandate (Helfrich, 2017). Members from all ranks of the South African cohort were mandated to complete the training in which the crucial role of high ranking officials in maintaining and ensuring discipline and good behaviour was reinforced (Equatoria and Haysom, 2022).

However, despite the advocacy and presence of SEA training, South African troops are continually implicated into cases of sexual misconduct and paternity disputes within the countries to which they have been deployed. These incidents of sexual misconduct include rape, misuse of authority to illicit sex or sexual relationships, and sexual harassment. SANDF received 7 official reports of sexual misconduct from troops in 2016 (Shoke, 2018). In an effort to address the damaging reputational effects these allegations had on the Department of Defence and South Africa's defence force, Former president, Jacob Zuma met with UN Secretary-General, Antionio Guterres at the General Assembly in New York to map out a way to address the pressing issue of sexual abuse amongst peacekeepers. President Zuma also stated that South Africa is committed to stopping the presence of sexual abuse and sexual misconduct by South African troops (Helfrich, 2017). This sentiment was supported by former Minister of International Relations and Cooperation, Maite Nkoana-Mashabane, who reiterated South Africa's zero tolerance policy for sexual violations by peacekeepers and SANDF military personnel (DefenceWeb, 2018).

South Africa's poor implementation of the UN DPKO's Standard Training Modules (STM), specifically the inclusion of the module on peacekeepers' behaviours which includes SEA prevention training, could be indicative of the broader failures of the STM's implementation strategy. A study conducted by the UN DPKO determined that only 10% of 100 troop contributing countries utilized and implemented the full scope of the STM training material into their national training programmes. Though the study was conducted and concluded a year prior to South Africa's establishment of the PMTC, it is plausible to suggest that it, too, partook in the broader trend. Additionally, the South African defence force suffers under the outdated patriarchal systems which it was founded on. Urgent calls have therefore been made to reform the culture within the defence force so as to address and mitigate the sexual violence exercised within the and by officers, troops and officials. The cultural and normative reforms that are needed can only be achieved through improved training capacities and training programmes. The Ministerial Task Team that was set up my Minister Maite Nkoane-Mashabane, determined that training facilities and centres had been established and equipped to provide SEA and gender mainstreaming at the Peace Mission Training Centres. However, the extent to which these training programmes have integrated gender into their curriculums was in reality unclear (Mpumlwana *et al.*, 2020).

The MTT further provided guidelines for addressing the shortfalls within the training capacities and training programmes pertaining to sexual violence. These guidelines included recommendations to (i) incorporate programmes on moral responsibilities and practices of members; and (ii) to fund intensive training programmes that centre around culture, gender equality, healthy and functional working environments, trauma counselling as well as ethical transformative leadership. The MTT also urged that greater attention is given to educating troops and officials on the concept of consent and should be applied across the various defence departments and ranks (Mpumlwana *et al.*, 2020).

Amidst growing concerns around the effectiveness of the SEA training provided by the DoD, the South African Peace Mission Training Centre (PMTC) partnered with the Peace Operations Training Institute to create opportunities for South African troops to gain access to free online (e-learning) courses related to peace keeping and peace operations. Training is offered to NGOs, national training centres, academics, military, peace operational personnel and police services, and other peace and security sector organizations. Five courses are specifically dedicated to gender issues and gender awareness in line with the norms outlined within the WPS agenda. Of the 5 gender-specific courses offered, 3 speak to the training needs of troops deployed to African conflicts and peace missions. The three courses are (Peace Operations Training Institute, 2023):

1. Sexual and Gender-Based Violence and International Peace and Security; aimed at educating trainees on understanding the concept, history and impact of sexual and gender-based violence (SGBV)
2. Preventing Violence Against Women and Promoting Gender Equality in Peace Operations; aimed at equipping trainees with the knowledge on our to promote and protect women's rights and safety
3. Implementation of the UN SC Resolutions on the Women, Peace and Security Agenda in Africa; focuses on the needs of trainees deployed to and working within the African context and provides practical tool which facilitate and support the implementation of UNSC resolutions on WPS in Africa.

It is unfortunately unclear how effective these training efforts have been, as no coherent data exists which divisively compare programme success rates. However, case of CRSV and sexual misconduct by troops remain prevalent in these case studies, despite the training they receive. It is, therefore, plausible to argue that training alone is insufficient, if not accompanied by strong legal processes and anti-impunity laws.

Chapter 6

Concluding Remarks

UNSCR 1888 recall that:

> *"[it is] the responsibilities of States to end impunity and to prosecute those responsible for genocide, crimes against humanity, war crimes and other egregious crimes perpetrated against civilians, and in this regard, noting with concern that only limited numbers of perpetrators of sexual violence have been brought to justice]"* (United Nations Security Council, 2009)

This stipulation alludes to the state centric approach that places onus on individual states' efforts to combat issues of conflict-related sexual violence. This study's examination of South African's diplomatic efforts towards peacekeeping in the DRC, and Sudan therefore served to measure the efficiency of South Africa's efforts at realizing the norms related to conflict-related sexual violence outlined within UNSR Resolutions 1820, 1888 and 1889.

The study examined South Africa's implementation of UNSC Resolutions 1820, 1888 and 1999 within its Peace Diplomacy in South Sudan and the DRC. The report identified three indicators which were derived from the three resolutions in question, and undertook an analytical examination of the implementation of the three indicators within South Africa's peace diplomacy in the case studies. These indicators were broadly defined as (i) the inclusion and provision of sexual violence provisions within peace agreements and peace processes, (ii) the nature and extent of disciplinary action to hold perpetrators of these crimes within the national defence force to account; and lastly, and (iii) the presence of anti-sexual violence training programmes. The study examined these indicators by using a qualitative, case-study analysis and operationalized process-tracing as a method of enquiry and analysis. The research was observed through the lens of norm life-cycle theory. The study endeavoured to examine the outcome of the theory through process-tracing, and did not provide insights into the applicability or effectiveness of the theory. Instead, it merely discussed what the outcome were and identified the causal mechanisms which accounted for the outcomes.

The study determined that despite South Africa taking great normative steps in advocating for the inclusion and promotion of these norms on CRSV in its diplomatic engagements, its true practical implementation of these norms remain sparce.

The findings from this analysis indicate a number of concerning conclusions. Central to these findings has been the limitations on securing and enforcing justice for victims and disciplinary action against perpetrators. The findings determined that this was due to the inefficiencies of the institutional structures and systems responsible for legal and reparative action against sexual misconduct and CRSV, both domestically and in its peacebuilding efforts abroad. It is understood that policies generally fail to translate into effective change and are often footnoted as mere paper talk due to the lack of implementation capacity and the ineffectiveness of state and regional institutions to uphold these policies (Hudson, et al., 2019). The study's examination of the disciplinary actions, and policies related to mitigating and combating CRSV indicates that this has been no exception to South Africa's peace diplomacy and efforts in relation to its commitment CRSV. Neither SANDF nor its diplomatic peace missions in the host countries provides adequate redress and punishment for crimes of sexual violence. The lack of sound evidence demonstrating South Africa's efforts to hold perpetrators accountable to UNSC Resolutions 1820, 1888 and 1889 mandated legal recourse and disciplinary action within its diplomatic efforts in the case studies is indicative of such failures.

The report determined that South Africa's inclusion of women within the peace process represents some of the highest rates of women leaders, officials, peacekeepers and representatives on the African continent. However, these representations have not aided in promoting more robust reforms of the existing structures which enable conflict-related sexual violence and sexual misconduct. Within the examination of the measures employed for monitoring and punishing perpetrators of these offences and crimes, it was determined that South Africa had grossly failed to provide adequate judicial and legal frameworks and structures to address these crimes. Patronage, outdated military legal and disciplinary frameworks and corrupted command chains undermined victims' rights to justice and provided impunity to perpetrators. The findings further indicated that a deep sense of mistrust was expressed towards the DOD and SANDF's ability to address sexual misconduct and abuses. The distrust rests in the fact that a great deal of reported cases implicated various high ranking and superior officials within the chain of command. Furthermore, South African troops have been implicated in various paternity disputes and cases of sexual harassment, sexual misconduct and sexual abuse while deployed on peace keeping operations in the DRC, and South Sudan, further undermining the countries commitment to the resolutions on conflict-related sexual violence.

South Africa's performance in the indicator related to training on SEA has also scored poorly. Despite the DOD's mandatory pre-deployment SEA training, troops and officials still uphold the patriarchal ideologies which underpin these sexual violations of victims. Questions pertaining to the effectivity and comprehensiveness of these training programmes therefore emerge. Additionally, many complaints and cases have been reported at bases which have been allocated and identified as training bases. This is therefore indicative of the shortfalls within the training programme mandates as the bases which are meant to facilitate and promote sound moral practices and the very platforms in which these violations are perpetuated.

The first indicator, which addressed the inclusion of normative language and provisions for CRSV within the peace agreements negotiated within the case studies, highlighted the inconsistency in South Africa's advocacy of the norms within peace processes. In some agreements, which South Africa assisted in negotiating, failed to include any WPS norms, while others were restrictive to representation and inclusion of women. The agreements contrasted the few documents, which explicitly mentioned sexual violence. These realities reflect a common narrative that exists within the discourse on South Africa's foreign policy, that being that despite being instrumental in promoting peace diplomacy, South Africa's peace diplomacy lacks a clear, definitive direction and the shortfalls which this indirection caused has led to inconsistencies within its implementation of its normative policies (Mhlongo, 2015).

Through an analysis of the existing literature on gender perspectives within South Africa's peace diplomacy the study further demonstrated how norms around WPS, specifically in relation to conflict-related sexual violence have been internalised by South African policy maker and how they remain instrumental in shaping gender sensitive policies within the South African landscape. However, the findings demonstrate the need to address the divergence created between norm internalisation and norm implementation. South Africa's diplomacy can arguably be accused of gender mainstreaming. The country's inability to effectively translate these normative frameworks into actionable and effective implementation strategies raises the risk of mainstreaming the WPS agenda and CRSV norms as a mere "tick-boxing" exercise without any substantial drive to advance these norms beyond these frameworks (Shepherd, 2017). the recommendations presented by the Ministerial Task Team's investigative report therefore plays a crucial role in ensuring that implementation of these norms is better actioned and championed within South Africa's peace diplomacy.

Though South Africa has attempted to incorporate SEA training at both the domestic and international level of its defence and peace engagements, it is constrained by its inability to support the training programs with robust legal systems to enforce and reinforce accountability measures necessary for combating CRSV. As demonstrated, impunity for crimes of sexual violence has severely compromised South Africa's commitment to protecting victims. The report therefore suggests that the legal framework which perpetrators are subjected to, be strengthened with greater inclusion of stringent repercussions and measures of accountability.

Furthermore, the report encourages the South African government to invest in monitoring, evaluation and data capturing services provided to victims. The success of the legal system has been limited by the lack of evidence, lack of due diligence in retrieving evidence, and poor identification measures that connect perpetrators to their crimes. It is therefore recommended that greater investment and attention be given to improving state capacity both within the case studies and domestically, but specifically with regards to monitoring, evaluation, data capturing purposes.

Finally, South Africa has supported various initiatives that serve to protect and promote women in peace and security. It has positioned itself has an advocate for the WPS agenda and by extension the fight against CRSV. However, the paper encourages scholars within the discourse to interrogate South Africa's gender mainstreaming within its peace diplomacy and feminist foreign policy beyond its normative constructs to determine the true extent of its impact on for women in war. Meaningful contributions to improving the disposition of women and girls in times of war can only be advanced once we transition from normative principles to actionable, implementable and effective policies that address CRSV at its core.

It is worth noting that the study was limited in its analysis of the effectivity of the implementation of the indicators owing to the fact that the study did not examine the indicators in relation to other case-studies and policy practices. It is noted that this would have allowed for a much richer analysis and more insights into the enhancement of implementation practices. The study therefore encourages future research to expand on these indicators through a critical and comparative lens by juxtaposing the findings against that from other case-studies and more specifically other norm-related policies and diplomatic engagements and processes.

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