

# ASSISTING AND EMPOWERING WOMEN FACING NATURAL DISASTERS: DRAWING FROM SECURITY COUNCIL RESOLUTION 1325

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In the wake of the tsunami that hit the coastal communities of the Indian Ocean, images of women were splashed over the media's reports of the catastrophe. But while sympathy for women has garnered a great deal of aid, "[b]eyond the camera lens in the follow-up policies . . . there is a trend for women to be rendered almost invisible."<sup>1</sup> Reports by women's groups streaming in from all over the region reflect the same message—women were among the hardest hit by the tsunami, and women continue to be the most marginalized in relief efforts.<sup>2</sup>

While the relative lack of women-specific initiatives in the tsunami effort arguably could be attributed to the cultural norms of the region and the particular nature of the disaster there, a broader look at disasters worldwide shows that women's needs and abilities are systemically ignored in rehabilitation and restoration efforts.<sup>3</sup> Although this trend has been

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<sup>1</sup> Rochelle Jones, *Gender and Natural Disasters: Why We Should Be Focusing on a Gender Perspective of the Tsunami Disaster* (Jan. 27, 2005), <http://www.awid.org/go.php?stid=1427>.

<sup>2</sup> See, e.g., *id.*; Press Release, Sri Lanka Women's NGO Forum et al., *Women's Groups Appeal for an Inclusive Framework for Disaster Response* (Jan. 1, 2005), available at <http://tsunamihelpsrilanka.blogspot.com/2005/01/press-release-womens-groups-appeal-for.html>.

<sup>3</sup> See generally Elaine Enarson, *Chapter 2: Gender Issues in Natural Disasters: Talking Points on Research Needs*, in *WORKING PAPER 7: SELECTED ISSUES PAPERS: CRISES, WOMEN, AND OTHER GENDER CONCERNS* 4-10 (2002), available at <http://www.ilo.org/public/english/employment/recon/crisis/download/wp7.pdf> [hereinafter Enarson, *Gender Issues*].

recognized by international organizations ranging from the United Nations (U.N.) General Assembly,<sup>4</sup> the U.N. Population Fund (UNFPA),<sup>5</sup> the Committee for the Elimination of Discrimination Against Women (CEDAW Committee),<sup>6</sup> the U.N. Office for International Strategy for Disaster Reduction (ISDR),<sup>7</sup> the International Labor Organization (ILO),<sup>8</sup>

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<sup>4</sup> G.A. Res. 58/214, U.N. Doc. A/RES/58/214 (Feb. 27, 2004) (The resolution “[a]lso recognizes the importance of integrating a gender perspective as well as of engaging women in the design and implementation of all phases of disaster management, particularly in the disaster reduction stage . . .”).

<sup>5</sup> For a statement of UNFPA’s commitment to women-specific relief efforts, see Thoraya Ahmed Obaid, Exec. Dir., UNFPA, Statement at the Tsunami Ministerial-Level Donors’ Meeting (Jan. 11, 2005), <http://www.unfpa.org/news/news.cfm?ID=544&Language=1>:

UNFPA, as part of a coordinated United Nations response, is committed to keeping survivors of the tsunami alive and supporting their efforts to recover. We are especially focused on making sure that women get the targeted support they need and that gender concerns are factored into the design and delivery of humanitarian efforts. At times like this, women are the pillars of relief because they are often the ones who care for children, the sick and injured, the elderly and other survivors.

*Id.*

<sup>6</sup> For the CEDAW Committee’s statement on the need to integrate women into relief efforts, see Comm’n on the Status of Women, Comm. on the Elimination of Discrimination against Women, *Statement by the Committee on the Elimination of Discrimination against Women in regard to the tsunami disaster that occurred in South-East Asia on 26 December 2004*, Annex II ¶ 2, U.N. Doc E/CN.6/2005/CRP.1 (Feb. 8, 2005) [hereinafter CEDAW Comm.]:

In the wake of the Tsunami, the gender-specific needs and vulnerabilities of women and girls must be identified and addressed in all responses to the humanitarian and recovery needs. There are gender perspectives to be taken into account in relation to impacts on both a long- and short-term basis, including in relation to health, security and livelihoods.

*Id.*

<sup>7</sup> For a statement of the ISDR’s commitment to women-specific relief efforts, see Salvano Briceno, Director, Secretariat of the Int’l Strategy for Disaster Reduction, 46th Sess. of the Comm’n on the Status of Women, Mar. 4-15, 2002, *Panel II: Environmental Management and Mitigation of Natural Disasters: A Gender Perspective 7*, available at <http://www.un.org/womenwatch/daw/csw/csw46/panel-briceno.pdf>:

Although women’s social, economic and political position in many societies makes them more vulnerable to natural hazards, they are not helpless victims. Women are important agents for change and need to be further strengthened as such. Recognising and mobilising their skills and capacities as social force and channelling it to enhance efforts to protect their

and the European Union (EU),<sup>9</sup> there is yet to be a *binding* global initiative that explicitly calls for gender-mainstreaming in disaster prevention and reconstruction efforts. As a result, when the time comes for nations to respond quickly and efficiently to disasters, the lessons learned in gender-sensitivity are lost in the tumult once again.

While gender issues are sidelined in disaster contexts, however, this is not the case in other crisis situations. In 2000, the U.N. Security Council unanimously passed Resolution 1325 (1325), which “stress[es] the importance of [women’s] equal participation and full involvement in all

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safety and that of their communities and dependants is a major task in any disaster reduction strategy.

*Id.*

<sup>8</sup> For the ILO’s statement on women’s role in relief efforts, see Press Release, International Labor Organization, International Women’s Day Focuses on Women in Disasters (Mar. 7, 2005) [hereinafter ILO], *available at* [http://www.ilo.org/public/english/region/asro/bangkok/public/releases/yr2005/pr05\\_04.htm](http://www.ilo.org/public/english/region/asro/bangkok/public/releases/yr2005/pr05_04.htm):

ILO research shows that disasters tend to sharpen existing inequalities . . . . Yet, given the chance women have a crucial role to play in post-tsunami rebuilding. They can drive recovery, not just of physical infrastructure but of families and communities. So, for tsunami recovery programmes to be really effective they must acknowledge the particular needs of women and build on their strengths.

*Id.*

<sup>9</sup> For a statement of the European Union’s recognition of, and commitment to addressing, women’s specific needs in post-disaster situations, see European Union Ministers, *Ministerial Declaration of the Conference of Ministers of Gender Equality*, ¶ 1, *delivered to Ministerial Meeting on Beijing + 10* (Feb. 2, 2005), *available at* [http://europa.eu.int/comm/employment\\_social/events/2005/beijing\\_lux/ministerial\\_declarati\\_on\\_final\\_en.pdf](http://europa.eu.int/comm/employment_social/events/2005/beijing_lux/ministerial_declarati_on_final_en.pdf):

We, the Ministers of the 25 EU Member States responsible for gender equality policy participating in the European Ministerial Conference . . . . [a]gree to . . . . [e]nsure that the needs of women in post-disaster relief and reconstruction situations are properly understood and are addressed in programmes, promote the role of men and women in post-disaster and reconstruction, including in decision making; [e]nsure women’s equal access to information on disaster reduction by means of formal and non-formal education, including through gender sensitive early warning systems and empower women to take related action in timely and appropriate manner.

*Id.*

efforts for the maintenance and promotion of peace and security”<sup>10</sup> and “[r]ecogniz[es] the urgent need to mainstream a gender perspective into peacekeeping operation.”<sup>11</sup> The resolution calls for increased representation of women at all decision-making levels in conflict prevention, management, and resolution; attention to the specific protection of the needs of women in conflict, including refugees; increased support for women peace-builders; refusal to allow impunity for crimes against women, including gender-based violence; and combination of a gender perspective in U.N. operations, post-conflict processes, and Reporting and Security Council Missions.<sup>12</sup> Through the resolution, women must be integrated in reconstruction efforts, and local women’s initiatives in maintaining peace and security must be supported by the U.N. and government officials.<sup>13</sup> Some aid groups have drawn on 1325 in their calls for a gendered perspective in disaster relief post-tsunami, but explicit support for this connection has not yet been articulated.

This Article draws a connection between the interests protected by 1325 and those that would be protected by a similarly binding resolution for women in disaster situations, and argues for the realization of such an international agreement. Part II of this Article urges women’s rights activists to acknowledge the capacity and the desirability of a binding Security Council resolution for gender-mainstreaming and female participation in disaster prevention and aid work. Further, this section argues for the recognition of disasters as a “threat to the peace” that can be reduced through the symbolic and legal powers of a Security Council resolution. Part III then establishes why the Security Council itself should seek such a resolution, based on the centrality of disaster relief in ensuring the success of core Security Council goals, such as resolving conflict and fostering sustainable development. Part V shows how gender-mainstreaming in natural disasters would further the goals of the Security Council; indeed, failing to pursue gender-mainstreaming would actually undermine the Security Council’s objectives, particularly those relating to 1325. Examining the effects of the Asian tsunami on Aceh, Indonesia, this section argues that implementing disaster prevention and disaster aid efforts without considering gender would be contrary to both the purposes of 1325 and the watershed of support for gender-mainstreaming by international

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<sup>10</sup> S.C. Res. 1325, ¶ 5, U.N. Doc. S/RES/1325 (Oct. 31, 2000).

<sup>11</sup> *Id.* ¶ 8.

<sup>12</sup> *Id.* ¶ 11.

<sup>13</sup> *Id.*

organizations in recent years. Part VI concludes by recommending that the Security Council promulgate a binding international resolution on gender-mainstreaming and female decision-making in natural disaster relief efforts.

## I. SEEKING A BINDING RESOLUTION

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Commission on the Status of Women's *Agreed Conclusions on Environmental Management and the Mitigation of Natural Disasters* can be used to show an international consensus on gender-mainstreaming in disaster programming; however, the fact remains that neither are currently binding documents.<sup>14</sup> The CEDAW Committee itself, following the Indian Ocean tsunami in December 2004, made a statement inviting the U.N. to prepare "a comprehensive action-oriented resolution on the gender perspectives of disaster relief and humanitarian assistance, following the example of Security Council Resolution 1325 (2000) on women, peace, and security."<sup>15</sup> As the subsections B and C below will discuss, such a binding resolution would provide legal leverage for women's rights advocates, and would also constitute a symbolic action showing an extraordinarily high level of international consensus that women's needs must be taken seriously in disaster relief.

### A. Legal Basis for U.N. Security Council Chapter VII Action

While states and the U.N. administration itself have indicated support for a resolution concerning gender-mainstreaming in disaster situations, the threshold question is whether such a resolution falls within the scope of the Security Council's functions under the U.N. Charter. Under Article 24, the Security Council's "primary responsibility [is] for the maintenance of international peace and security, and [its Members] agree that in carrying out its duties under this responsibility the Security Council acts on their behalf."<sup>16</sup> These resolutions of the Security Council are binding if enacted under Chapter VII of the Charter.<sup>17</sup> However, Chapter

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<sup>14</sup> CEDAW Comm., *supra* note 6; 46th Sess. of the Comm'n on the Status of Women, Mar. 4-15, 2002, *Agreed Conclusions on Environmental Management and the Mitigation of Natural Disasters*, U.N. Doc. E/2002/27, E/CN.6/2002/13 (Mar. 15, 2002).

<sup>15</sup> CEDAW Comm., *supra* note 6, at Annex II ¶ 5.

<sup>16</sup> U.N. Charter art. 24., para. 1.

<sup>17</sup> See PETER MALANCZUK, AKEHURST'S MODERN INTRODUCTION TO INTERNATIONAL LAW 245, 374, 386 (7th rev. ed. 1997).

VII leaves the decision of what constitutes a “threat to the peace” up to the Security Council alone.<sup>18</sup> As Stefan Talmon argues,

[a]n examination of the Council practice and the common understanding of the United Nations membership in general shows that “threat to the peace” is a constantly evolving concept. Since the beginning of the 1990s, the understanding of what constitutes a “threat to the peace” has broadened considerably from the narrow concept of the absence of the use of armed force, to the wider concept of situations that may lead to the use of armed force.<sup>19</sup>

In its final declaration from a 1992 summit meeting, the Council stated that “[t]he absence of war and military conflicts amongst States does not in itself ensure international peace and security. The non-military sources of instability in the economic, humanitarian, and ecological fields may become a threat to peace and security.”<sup>20</sup> As of 1998, however, the Security Council had not exercised any power in promulgating resolutions during natural disasters.<sup>21</sup> By ignoring the opportunity to coordinate initiatives on natural disasters and conflict, the Security Council risks undermining the billions of dollars the U.N. has invested in peace processes in as little time as it takes for natural disaster to strike.

## **B. The Desirability of a Binding Security Council Resolution**

A binding Security Council resolution would be a particularly effective means of ensuring that states comply with their commitment to gender-mainstreaming in disaster situations and fund aid efforts accordingly.<sup>22</sup> First, in natural disaster situations, time is often of the

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<sup>18</sup> U.N. Charter art. 39.

<sup>19</sup> Stefan Talmon, *The Security Council as World Legislature*, 99 AM. J. INT’L L. 175, 180 (2005).

<sup>20</sup> Zama Coursen-Neff, *Preventive Measures Pertaining To Unconventional Threats To The Peace Such As Natural And Humanitarian Disasters*, 30 N.Y.U. J. INT’L L. & POL. 645, 669 (1998).

<sup>21</sup> See generally *id.*

<sup>22</sup> MEDICA MONDIALE, GENDER AND NATURAL DISASTERS/SOUTH-EAST ASIA: THE GENDERED IMPACTS OF NATURAL DISASTERS, AIDE-MEMOIRE TO 61ST SESSION OF THE U.N. COMM’N ON HUMAN RIGHTS, MAR. 14–APR. 27, 2005, available at <http://www.glow->

essence. The relative speed with which the Security Council can act, as well as the binding quality of its decisions, makes its resolutions much more effective than ad hoc diplomatic negotiations of treaties and agreements, which leave advocates with time-consuming challenges, such as confronting hold-out states.<sup>23</sup> A binding resolution would allow the Security Council to impose, under U.N. Charter, Chapter VII, Article 41, measures such as sanctions, imposition of travel restrictions on government officials, freezing of funds, severance of diplomatic ties, and interruption of communications by air, rail, sea, post, and radio.<sup>24</sup> In addition, since the Cold War ended, the Security Council has shown a marked increase in willingness to impose economic sanctions in situations where its binding directives have been disregarded.<sup>25</sup> By contrast, the Security Council's comfort level with invoking Chapter VII measures for violations relating to human rights has developed more slowly; however, a study of the Security Council's action and inaction in situations of human rights violations shows that the Council has grown increasingly willing to use force to address these threats to the peace.<sup>26</sup> The Security Council's unique combination of willingness and capacity to respond to time-sensitive situations makes it an ideal body to handle national crises, such as natural disasters.

Second, even where the Security Council may be unable to impose punitive measures, several scholars have argued that the mere fact that the Security Council has promulgated a binding resolution on a particular issue will significantly increase pressure on and willingness among states to comply with that directive.<sup>27</sup> In terms of increasing pressure, Security

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boell.de/media/en/txt\_rubrik\_2/AIDE\_MEMOIRE.pdf (last visited Mar. 25, 2006) (discussing the need for 1325 protections in the area of natural disasters).

<sup>23</sup> MALANCZUK, *supra* note 17, at 374.

<sup>24</sup> U.N. Charter art. 41.

<sup>25</sup> Robin Geiss, *Humanitarian Safeguards in Economic Sanctions Regimes: A Call for Automatic Suspension Clauses, Periodic Monitoring, and Follow-Up Assessment of Long-Term Effects*, 18 HARV. HUM. RTS. J. 167, 167 (2005).

<sup>26</sup> See Christopher J. Le Mon & Rachel S. Taylor, *Security Council Action in the Name of Human Rights: From Rhodesia to the Congo*, 10 U.C. DAVIS J. INT'L L. & POL'Y 197, 227-28 (2004) (contending that human rights abuses and humanitarian emergencies may result in the Security Council authorizing the use of force).

<sup>27</sup> See INT'L COMM'N ON INTERVENTION & STATE SOVEREIGNTY, THE RESPONSIBILITY TO PROTECT 25 (2001) (stating that "tough threatened direct prevention efforts can be important in eliminating the need to actually resort to coercive measures"); Inger Österdahl, *The Exception as the Rule: Lawmaking on Force and Human Rights by the UN Security Council*, 10 J. CONFLICT & SECURITY L. 1, 17 (2005) (noting that "the practice of

Council resolutions serve as evidence of *opinio juris* by showing international consensus on a legal norm.<sup>28</sup> Further, as the environmental movement has shown, when an issue is linked to state security, states are significantly more inclined to allocate funds and attention than if the problem is viewed as merely social or moral.<sup>29</sup> Thus, even though punitive measures appear unlikely to be implemented in the near future, the Security Council, by invoking its most powerful tool to promulgate a policy, sends a message about both the seriousness of the problem and its confidence in a particular solution.

### C. The Example of Resolution 1325

Even if one argues that the enforcement mechanisms of binding Security Council resolutions are not actually persuasive,<sup>30</sup> the experience of 1325 shows the significant impact that the symbolic implications of such displays of international political consensus can have for women. In recent transitional court cases, for instance, the proliferation of Security Council resolutions condemning sexual violence against women has been used to demonstrate that protection of women from rape during conflict has emerged clearly as a non-derogable norm of international law.<sup>31</sup> Although

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the Security Council may have had an indirect effect on substantive international law on humanitarian intervention because of the content of the resolutions . . . adopted by the Security Council.”).

<sup>28</sup> David S. Mitchell, *The Prohibition of Rape in International Humanitarian Law as a Norm of Jus Cogens: Clarifying the Doctrine*, 15 DUKE J. COMP. & INT’L L. 219, 235-36 (2005).

<sup>29</sup> See Wenche Hauge & Tanja Ellingsen, *Causal Pathways to Conflict*, in ENVIRONMENTAL CONFLICT 36, 37 (Paul F. Diehl & Nils Petter Gleditsch eds., 2001) (arguing that environmental security movement sought to raise the status of and money accorded to environmental threats by linking them to security).

<sup>30</sup> See, e.g., Michla Pomerance, *Agora: ICJ Advisory Opinion on Construction of a Wall in the Occupied Palestinian Territory: The ICJ’s Advisory Jurisdiction and the Crumbling Wall between the Political and the Judicial*, 99 AM. J. INT’L L. 26, 39 (2005) (arguing that there is no basis in the U.N. Charter to believe any Security Council resolutions are legally binding).

<sup>31</sup> See Mitchell, *supra* note 28, at 254-55, for a discussion on the collective force of these resolutions:

Lastly, a number of U.N. General Assembly and Security Council Resolutions have strongly condemned sexual violence regarding atrocities in Rwanda, the former Yugoslavia, Sierra Leone, East Timor, Japan, Haiti, Myanmar (Burma), and Afghanistan. The collective force of these resolutions responding to violations that have occurred validates the important



many of these resolutions were not issued under the Security Council's Chapter VII powers, and thus were not binding, the cumulative effect of repeated non-binding condemnations resulted in the political environment that produced Resolution 1325.<sup>32</sup> The recent increase in international acknowledgement of the need to integrate women into disaster relief is indicative of a positive political environment for a resolution extending 1325's protections to disaster relief. Such a resolution holds the potential to demonstrate the symbolic consensus necessary for effective legal protections of women's rights in disasters.

The potential impact of such a disaster relief resolution can be seen in the already documented success of 1325. Jessica Neuwirth, founder and current president of the women's rights non-governmental organization (NGO) Equality Now, writes extensively about the role that 1325 played even in the nascent stages of rebuilding in Afghanistan.<sup>33</sup> Many women's rights activists called for the international community to seize the opportunity provided by the "war on terrorism" to empower the women of Afghanistan.<sup>34</sup> These efforts led to an international summit of Afghan women from around the world, which was the springboard for several U.S. Congress members to introduce the Access for Afghan Women's Act.<sup>35</sup> Neuwirth argues that the success of these activists in empowering women came in large part from an increased awareness of the opportunities presented by reconstruction stemming from dialogue about Resolution 1325.<sup>36</sup>

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normative development of rape as a peremptory norm. . . . [S]uch documents play an important role in providing a general context for international interests as an indicator of consensus on international issues.

*Id.*

<sup>32</sup> See generally *id.* for the argument that non-binding General Assembly resolutions have collective force. It follows that this collective force resulted in the passage of Resolution 1325.

<sup>33</sup> See Jessica Neuwirth, *Women and Peace and Security: The Implementation of U.N. Security Council Resolution 1325*, 9 DUKE J. GENDER L. & POL'Y 253 (2002).

<sup>34</sup> *Id.* at 254.

<sup>35</sup> *Id.* at 258.

<sup>36</sup> *Id.* at 254 (arguing that 1325, by recognizing "the importance of a central role for women in the political process," was integral in shifting "the focus from Afghan women as victims, as they were initially portrayed, to Afghan women as active participants in a post-Taliban political process.").

Commemoration of 1325 has provided several occasions for the Security Council and NGOs to ratchet up pressure on states to respect the rights of women. For example, on the one-year anniversary of 1325, the Security Council reaffirmed its support, noting the inclusion of women in political decision-making bodies in Burundi, Somalia, and East Timor.<sup>37</sup> During the four-year anniversary, Amnesty International seriously criticized those U.N. member states that failed to fully embrace the protections of 1325, yet cited nascent developments in several countries that addressed issues of sexual violence, impunity for such violence, and peace-keeping—all guarantees under 1325.<sup>38</sup> Some of the success stories include UNICEF camps in South Darfur that give girls a safe space to talk about their abuse, and UNICEF training of police officers in Darfur that focused on handling sexual violence.<sup>39</sup> In addition, 1325 has given rise to new legislation by the U.N. Mission in Kosovo (UNMIK) addressing domestic violence, identification by the U.N. Mission in Liberia (UNMIL) of the need to implement a regular crime reporting system and improve documentation of sexual violence and other serious violations of human rights in Liberia, and the inclusion of a term calling for the end of sexual violence in the original cease-fire agreement in the Democratic Republic of Congo (DRC).<sup>40</sup> These examples show that the existence of the resolution did not just influence the actions of the U.N. and its affiliates; it also provided the rhetorical and political basis from which women's rights advocates could mobilize support for gender-mainstreaming. The experience of 1325 thus reflects the arguments for the potential effects of a binding Security Council resolution in the case of natural disasters. Such a resolution would provide much needed political capital for women's rights activists simply by its promulgation.

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<sup>37</sup> Press Release, Security Council, Security Council Reaffirms Support for Enhanced Women's Role in Conflict Prevention, Resolution, U.N. Doc. SC/7191 (Oct. 31, 2001).

<sup>38</sup> Amnesty Int'l, *Fourth Anniversary of Security Council Resolution 1325*, AI Index: IOR 52/004/2004, Oct. 28, 2004, <http://news.amnesty.org/index/ENGEUR01520420042004> [hereinafter *Fourth Anniversary of 1325*].

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

## II. THE CENTRALITY OF DISASTER RELIEF TO SUCCESSFUL CONFLICT RESOLUTION AND DEVELOPMENT

While the prior section discussed why activists focused on issues of women's welfare and disaster mitigation should seek a binding resolution, the following sections discuss the reasons why the Security Council should be seeking to integrate gender-mainstreaming and women's participation in disaster relief in tandem with their conflict resolution efforts.

### A. Disasters, Conflict and Development

#### *1. The Rising Impact of Natural Disasters on Developing Countries*

Over the past decades, experts have documented the increasing impact of natural disasters on the world's population, with economic losses from natural disasters increasing more than ten times each decade.<sup>41</sup> From floods in Algeria, Bangladesh, Bolivia, Ethiopia, India, Mozambique, Nigeria, Sudan, and Vietnam, to volcanic eruptions in Indonesia, the Philippines, and the Democratic Republic of Congo, and to earthquakes in Indonesia, India, and Peru, many of the world's most unstable places have been thrown into a state of crisis by natural disasters.<sup>42</sup> Salvano Briceno, of the International Strategy for Disaster Reduction—the coordinating body for disaster relief in the U.N. system—stated that “[a]lthough natural hazards may happen anywhere, it is particularly the least developed countries which are most affected due to their higher vulnerability.”<sup>43</sup> For example, a United Nations Development Programme (UNDP) report cites that “24 of the 49 least developed countries face a high level of disaster risk; at least 6 of them have been hit by between 2 and 8 major disasters *per year* in the last 15 years.”<sup>44</sup> Further, as Briceno notes, the figures describing the effect on human development would be higher, perhaps more than

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<sup>41</sup> Briceno, *supra* note 7, at 4.

<sup>42</sup> *Id.*

<sup>43</sup> *Id.*; see also European Comm'n Humanitarian Aid Dep't, ECHO's Disaster Preparedness Policy, [http://europa.eu.int/comm/echo/field/dipecho/index\\_en.htm](http://europa.eu.int/comm/echo/field/dipecho/index_en.htm) (last visited Feb. 4, 2006) [hereinafter ECHO Policy] (“Developing countries bear the bulk of the burden in terms of lives and livelihoods lost. In economic terms, disasters reduce the output of the poorest nations by around 3%, depriving them of resources needed to escape poverty.”).

<sup>44</sup> Briceno, *supra* note 7, at 4.

double, if we were to take into account the consequences of smaller or unrecorded disasters that cause significant losses at the community level.<sup>45</sup>

Currently, ninety-seven percent of disaster victims live in developing countries.<sup>46</sup> Poor, developing nations are less likely to be able to finance disaster mitigation and recovery projects, and are more likely to have the strength of their economies tied to fragile natural resources.<sup>47</sup> As a proportion to GDP, disaster losses in developing countries are more substantial, leading to money being taken away from other rehabilitation programs.<sup>48</sup> For instance, Elaine Enarson, of the International Labor Organization's Recovery and Reconstruction Program, cites Hurricane Mitch as being responsible for setting development in Central America back thirty years.<sup>49</sup> Disaster reduction and mitigation is imperative for sustainable development, both to reduce the level of risk in societies and to ensure that development efforts do not increase vulnerability to these hazards.<sup>50</sup> Further, development efforts which do not incorporate disaster planning may compound risks by breaking down existing warning networks and increasing instability.<sup>51</sup> For example, employment plans which encourage male migration away from their villages may prevent adequate warning where women are illiterate and unable to read newspaper reports about impending disasters.

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<sup>45</sup> *Id.*

<sup>46</sup> ECHO Policy, *supra* note 43.

<sup>47</sup> ELAINE ENARSON, ILO WORKING PAPER 1: GENDER AND NATURAL DISASTERS (2000), available at <http://www.ilo.org/public/english/employment/recon/crisis/publ/wp1.htm> [hereinafter WORKING PAPER 1].

<sup>48</sup> ECHO Policy, *supra* note 43.

<sup>49</sup> WORKING PAPER 1, *supra* note 47, at 3.

<sup>50</sup> Briceno, *supra* note 7, at 3.

<sup>51</sup> See generally *id.* ("Disaster reduction policies and measures aims [sic] enabling societies and communities to be resilient to natural hazards with a two-fold aim: to reduce the level of risk in societies, while ensuring, on the other hand, that development efforts do not increase the vulnerability to these hazards.").

## ***2. Disasters, Development, and Conflict***<sup>52</sup>

When one considers the factors that have prevented certain countries from achieving “first world” status, the links between disaster, development, and conflict are apparent. As Briceno argues, there is a significant connection between man-made emergencies, such as conflict, and natural disasters, as epitomized by the ongoing drought and political movements in Afghanistan.<sup>53</sup> Further, with such large amounts of aid pouring into regions struck by disaster, the potential for diversion by warring factions is high.<sup>54</sup> Lastly, the vulnerability of citizens after disaster creates opportunities for military authorities to ensure that disadvantaged groups stay subjugated.<sup>55</sup> During the post-tsunami efforts, organizations in both Indonesia and Sri Lanka raised concerns about this very problem. In Indonesia, for example, military authorities in Aceh asked foreign troops assisting in the relief effort to leave by the end of March 2005 and required the troops to ask for permission to move out of the city centers of Banda, Aceh, and Meulaboh.<sup>56</sup> Although the reasons for this restriction were said to be security concerns and the need to coordinate humanitarian efforts, in practice this restriction has perpetuated the isolation of villages on the west coast of Aceh and North Sumatra, which are struggling to obtain food and medical assistance.<sup>57</sup> Meanwhile, in Sri Lanka, groups including Human Rights Watch have raised fears about the Tamil Tigers preying on children who are orphaned in their military recruiting efforts.<sup>58</sup> The negative

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<sup>52</sup> Although this is an area that is gaining increasing coverage in practitioners’ literature, there is still an academic gap on this issue. As a result, while the sources cited are quite thorough, the range of sources may appear limited.

<sup>53</sup> Briceno, *supra* note 7, at 4.

<sup>54</sup> See generally ASIAN PACIFIC FORUM ON WOMEN, LAW & DEVELOPMENT, WOMEN’S HUMAN RIGHTS CONCERNS IN TSUNAMI AFFECTED COUNTRIES (2005), [http://www.apwld.org/tsunami\\_humanrights.htm](http://www.apwld.org/tsunami_humanrights.htm) [hereinafter APWLD] (providing several examples, many discussed in this Article, of situations in which an existing conflict has perpetuated subjugation of minority groups).

<sup>55</sup> *Id.*

<sup>56</sup> *Id.*

<sup>57</sup> *Id.*

<sup>58</sup> Human Rights Watch, *Sri Lanka: Child Tsunami Victims Recruited by Tamil Tigers*, HUMAN RIGHTS NEWS, Jan. 14, 2005, <http://hrw.org/english/docs/2005/01/14/slanka10016.htm>.

consequences of such inequitable distribution of relief aid appear particularly problematic in light of the Security Council's charge of "primary responsibility for the maintenance of international peace and security."<sup>59</sup>

This section has argued that the combination of deep-seated conflict and the instability caused by development increases the likelihood that disasters and disaster relief efforts will exacerbate tensions and undermine the peace-building processes initiated by the Security Council. Sustainable development is the long-term goal of all reconstruction and rehabilitation programs.<sup>60</sup> In achieving this goal, unresolved disaster issues, the inability to improve disaster prevention, and weakened peace-building efforts are certainly problematic. For developing countries, particularly those currently experiencing conflict or recently embarking on post-conflict reconstruction, the success or failure of disaster mitigation programs is central.<sup>61</sup> Development goals aside, disasters have the potential to undermine conflict resolution on their own terms by fostering antagonism, increasing poverty, and exposing vulnerabilities.

### III. GENDER AS A DETERMINATIVE FACTOR IN THE SUCCESS OF DISASTER RELIEF AND RESTORATION OF STABILITY

While the success of developing countries in recovering from conflict and attaining sustainable development is dependent in large part on their ability to rebound from disasters, this Article argues that the ability of countries to do so is, in turn, dependent on whether aid efforts can adequately address the needs of women. As the Secretariat of the U.N. International Strategy for Disaster Reduction stated, "[g]ender equality was the single most important goal in the disaster reduction field. It was the sine qua non for the achievement of disaster reduction efforts."<sup>62</sup> Elaine Enarson

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<sup>59</sup> U.N. Charter art. 24, para. 1.

<sup>60</sup> Briceno, *supra* note 7, at 8; see also Zeenat Niazi, *Reconstruction and Rehabilitation: A Response Strategy*, <http://www.devalt.org/newsletter/may01/lead.htm> (last visited Mar. 29, 2006) (discussing ways in which post-disaster strategies can be fashioned to foster long-term sustainable development).

<sup>61</sup> International Federation of Red Cross et al., Code of Conduct for NGOs in Disaster Relief, art. 8 <http://www.gdrc.org/ngo/codesofconduct/ifrc-codeconduct.html> (last visited Mar. 6, 2006) (articulating the necessity for organizations assisting in disaster relief in conflict situations to recognize the significance of their relief work in long term development and reconstruction).

<sup>62</sup> Press Release, As Result of Beijing Conference, World Has Recognized Critical Importance of Gender Equality to Peace, Development, Secretary-General Tells Observance,

describes the relationship as follows: “Far from unmediated ‘natural’ *events* arising from human settlement in an inherently uncertain environment, natural disasters are social *processes* precipitated by environmental events but grounded in social relations and historical development patterns. Gender equality is a significant contributing factor to the social construction of risk.”<sup>63</sup>

Women are pivotal to disaster reduction efforts in two key ways: first, they make up a disproportionate number of those harmed, and second, they can make key contributions to the risk-management efforts in many parts of the world. Subsection A will address the former point, while subsection B will discuss the latter role for women. Gender issues in disaster contexts do negatively impact men as well (such as the value of “heroism,” which may cause men to put themselves at risk in rescue efforts);<sup>64</sup> however, this Article advocates for the 1325 model, which focuses almost exclusively on women. As anecdotes of women’s experience in disasters worldwide will show, it is impossible to essentialize women’s experiences due to a diverse range of backgrounds and socioeconomic circumstances.<sup>65</sup> This Article focuses primarily on identifying and proposing solutions for the commonalities—rather than the differences—in females’ experiences.

## **A. Women as Disproportionately Harmed in Disaster Situations**

### ***1. Harms to Women During the Disaster***

Looking at the first key way in which disaster reduction efforts are pivotal to women, the recent tsunami highlights the disproportionate harms women face in disaster situations. According to a recent Oxfam report, in the four villages of the Indonesian Aceh Besar district, only 189 of the 676 survivors were female.<sup>66</sup> In four villages in Indonesia’s North Aceh district,

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U.N. Doc. WOM/1498 (Mar. 9, 2005), <http://www.unis.unvienna.org/unis/pressrels/2005/wom1498.html> [hereinafter Beijing Conference Press Release].

<sup>63</sup> Enarson, *Gender Issues*, *supra* note 3, at 6.

<sup>64</sup> *Id.* at 6-7.

<sup>65</sup> OXFAM INTERNATIONAL, OXFAM BRIEFING NOTE: THE TSUNAMI’S IMPACT ON WOMEN 1 (2005), available at [http://www.oxfam.org/eng/pdfs/bn050326\\_tsunami\\_women.pdf](http://www.oxfam.org/eng/pdfs/bn050326_tsunami_women.pdf) [hereinafter OXFAM].

<sup>66</sup> *Id.* at 2.

females accounted for over three-quarters of the deaths.<sup>67</sup> In Cuddalore, India, almost three times as many women were killed as men.<sup>68</sup> Indeed, in one entire village, the only people to die were women.<sup>69</sup> Although there is no figure that captures the total global harm to females compared to males from all natural disasters, these statistics are representative of the greater trend of disproportionate harm to women during disasters.<sup>70</sup>

Several reasons account for why women comprise the majority of casualties during disasters. First, women tend to be removed from the early warning systems in place in many communities struck by natural disasters. This phenomenon is illustrated by Cheryl Anderson, of the Social Sciences Research Institute at the University of Hawaii, in her description of the forecasting methods and impacts of climate variability in a Peruvian fishing village.<sup>71</sup> Anderson's study showed that the fishermen—all male—had been warned about an incoming El Niño-Southern Oscillation warm event, which drastically affected the food supply of the village and created poverty, unemployment, and harsh economic conditions.<sup>72</sup> Meanwhile, women in the village did not receive any warning, since the climate forecasters focused only on warning those who would be “directly” impacted.<sup>73</sup> Women in this village managed the budgets of the household and, consequently, were unable to allocate family budgets accordingly.<sup>74</sup> Anderson goes on to say that, for sociocultural reasons, the men never discussed the warnings with their wives and continued to “blow their money in bars” rather than saving.<sup>75</sup> Another example comes from South Africa, where warning systems only made climate forecasts available through the radio at specific

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<sup>67</sup> *Id.*

<sup>68</sup> *Id.*

<sup>69</sup> *Id.*

<sup>70</sup> Beijing Conference Press Release, *supra* note 62 (arguing generally that women are more likely to be harmed in natural disasters and calling for international attention to this phenomenon).

<sup>71</sup> Briceno, *supra* note 7, at 11.

<sup>72</sup> *Id.*

<sup>73</sup> *Id.*

<sup>74</sup> *Id.*

<sup>75</sup> *Id.* at 11-12.



times each day.<sup>76</sup> Since many women were involved in farming on top of their child care and domestic duties, they faced particular difficulty in arranging their schedule such that they could regularly be at home when the reports were set to air.<sup>77</sup> Further, the global increase in women-headed households—due to, among other things, conflict—means that warnings offered only to men will never make it to a large subsection of the population.<sup>78</sup> Lastly, practices such as *purdah* prevent women from being active in existing male-dominated warning systems.<sup>79</sup> The lack of gender sensitivity makes the difference between life and death, since women often do not have sufficient time to prepare for natural disasters, even after authorities have issued warnings.

Beyond the failure of warning systems, women are also more vulnerable during disasters because of the reduced mobility created by their roles as caretakers of children and the elderly.<sup>80</sup> After the Indian Ocean

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<sup>76</sup> Inter-agency Secretariat for the Int'l Strategy for Disaster Reduction, *Women, Disaster Reduction, and Sustainable Development*, Apr. 2003, 5, <http://www.unisdr.org/eng/risk-reduction/gender/Women,%20disaster%20reduction%20and%20SD.pdf> [hereinafter ISDR, *Women, Disaster Reduction*].

<sup>77</sup> *Id.*

<sup>78</sup> Zenaida G. Delica, *Chapter 1: Enhancing Women's Capacity to Manage and Recover from Disasters*, in WORKING PAPER 7: SELECTED ISSUES PAPERS: CRISES, WOMEN, AND OTHER GENDER CONCERNS 2 (2002), available at <http://www.ilo.org/public/english/employment/recon/crisis/download/wp7.pdf> [hereinafter Delica, *Enhancing Women's Capacity*].

<sup>79</sup> *Working Paper 1*, *supra* note 47, at 5. For an explanation of the practice of *purdah*, see OXFAM INTERNATIONAL, WOMEN AND POVERTY IN NIGERIA 58 (2004), available at [http://www.oxfam.org.uk/what\\_we\\_do/resources/downloads/wp\\_nigeria/wp\\_nigeria\\_womenpov.pdf](http://www.oxfam.org.uk/what_we_do/resources/downloads/wp_nigeria/wp_nigeria_womenpov.pdf) [hereinafter OXFAM, NIGERIA]:

The Islamic custom of *purdah*—the seclusion of women from the sight of men . . . generally applies to married women and girls who have reached puberty, although the practice varies from country to country and region to region. *Purdah* takes various forms, but in essence it prohibits women from interaction with strangers inside and outside the home. Although evidence suggests that the practice in its most fundamental form has declined, it nonetheless exists and is being reintroduced under Sharia law in various States in the north. The practice deprives women of their rights to freedom of movement and association, and their access to education and other social services; it impedes their contribution to family income and their ability to care for their families; it excludes them from participation in the wider society, thus adding to their poverty.

*Id.*

<sup>80</sup> SOROPTIMIST INTERNATIONAL OF THE AMERICAS, WHITE PAPER: REACHING OUT TO WOMEN WHEN DISASTER STRIKES 1 (2004), available at <http://www.soroptimist.org/sia/A>

tsunami, local media reported that many women were found dead, holding babies in their arms; this suggests that many were killed because they were carrying their children as they attempted to flee.<sup>81</sup> Further, women who are pregnant are also placed at a unique disadvantage because they are less likely to possess the energy and strength to escape, and because they have an increased need for food and water for basic survival.<sup>82</sup> This vulnerability can lead to particularly tragic results in developing countries, where there is a higher incidence of pregnancy than in developed countries.<sup>83</sup>

Other health factors include the fact that women tend to be encouraged to refrain from intensely physical work and are discouraged from play that would allow them to develop survival skills, such as tree climbing, which was identified as a reason for the high mortality rate of women in the tsunami in Sri Lanka.<sup>84</sup> In addition, sociocultural norms dictate that women often allocate food first to men, then to children, leaving themselves with the least nourishing portions.<sup>85</sup> When it comes to fleeing, therefore, women are already at a physical disadvantage.

Culturally, females are rendered vulnerable by practices of son-preference and instilled norms of modesty. In the book *From Crisis to Development*, Farida Akhter tells the story of a sharecropper in Bangladesh who was trying to save his five daughters and one son from the winds

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M/Template.cfm?Section=White\_Papers&Template=/CM/ContentDisplay.cfm&ContentID=4747 [hereinafter Soroptimist].

<sup>81</sup> Suvendrini Kakuchi, *In Tsunami, Women Put Modesty Above Survival*, WOMEN'S ENEWS, Feb. 23, 2005, <http://www.womensenews.org/article.cfm/dyn/aid/2195/context/archive>; see also OXFAM, *supra* note 65, at 2.

<sup>82</sup> Soroptimist, *supra* note 80, at 1-2.

<sup>83</sup> See Census Bureau, World Population Profile 1998—Highlights, <http://www.census.gov/ipc/www/wp98001.html> (last visited Mar. 6, 2006) (stating that there is a substantial gap in the average number of children born per woman to women in developed countries and women in developing countries); see also UNFPA, Meeting Development Goals: Fast Facts, <http://www.unfpa.org/pds/facts.htm> (last visited Mar. 6, 2006) (showing that from 2000 to 2005, the worldwide average births per woman was 2.65 children, while the average in the fifty least developed countries was five births per woman).

<sup>84</sup> Kakuchi, *supra* note 81; OXFAM, *supra* note 65, at 9.

<sup>85</sup> Delica, *Enhancing Women's Capacity*, *supra* note 78, at 2. Scholars have identified this practice in a range of countries, including India and Bangladesh, and have shown that it has significantly detrimental effects on women's health. See, e.g., INT'L FOOD POL'Y RESEARCH INST., WOMEN: THE KEY TO FOOD SECURITY: LOOKING TO THE HOUSEHOLD 4 (2003), available at <http://www.ifpri.org/PUBS/ib/ib3.pdf>.

during a flood.<sup>86</sup> As the waters rose, he let go of his daughters to protect his son.<sup>87</sup> Concerns of adhering to rules of modesty can also impact females' abilities to survive.<sup>88</sup> Women who observe religious practices of modesty that require them to spend most of their time in the house can have a hard time locating shelter, while women who are concerned about the shame of exposure if clothes are torn or wet will ignore options for survival like climbing trees that may lead to immodestly ripped garments.<sup>89</sup>

As the above factors demonstrate, there are pre-existing conditions that can determine the magnitude of a natural disaster's harm even before the crisis. Addressing these deep-rooted issues in designing disaster warning systems and emergency plans can be a key factor in diminishing the instability caused by the disaster, as well as the need for development and relief funds post-disaster.

## ***2. Harms to Women After the Disaster***

Harms to women are not limited to the deaths suffered by the force of the disaster itself. This section will show that both in the immediate rescue work and the current restoration and rehabilitation efforts, women's lives are held in the balance. Further, relief programs can be undermined by law and policies that prevent women from (re)gaining financial independence. Many of the factors that make women vulnerable during the disasters continue to contribute to women's risk after the fact.

Mortality figures post-disaster are likely to be significantly affected by increased violence against women and by neglect of issues of women's health. From the moment disaster strikes, women face increased vulnerability to violence against them.<sup>90</sup> For example, immediately after the

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<sup>86</sup> *Working Paper 1*, *supra* note 47, at 4.

<sup>87</sup> *Id.*

<sup>88</sup> For a discussion of the detrimental effects of one such practice, *purdah*, on the development important skills in women, including the ability to participate in society outside the home, find and hold a job, and seek out networks of support, see generally OXFAM, NIGERIA, *supra* note 79, at 58. These skills are often necessary for survival post-natural disaster.

<sup>89</sup> Kakuchi, *supra* note 81.

<sup>90</sup> Women's Edge Coalition, Women, Natural Disaster, and Reconstruction, [http://www.womensedge.org/pages/referencematerials/reference\\_material.jsp?id=345](http://www.womensedge.org/pages/referencematerials/reference_material.jsp?id=345) (last visited Mar. 5, 2006) (providing statistics on the increase in violence against women in national disasters in Nicaragua and the Philippines, as well as a 300% increase in sexual assaults following the Loma Prieta earthquake in the United States).

Indian Ocean tsunami, women who were dragged out of the water were raped as “payment” for being saved.<sup>91</sup> Women on their way to rescue camps may also be waylaid and sexually abused; this happened in the early 1990s after the cyclone in Bangladesh.<sup>92</sup>

Once women have entered refugee camps, they face another level of risk. Women who come in without men are particularly vulnerable.<sup>93</sup> In Sri Lanka, Medica Mondiale reported women’s stories of attempts by adult males, some of whom were officials running the camp, to molest and coerce them.<sup>94</sup> Women also reported being sexually assaulted in camp latrines due to inadequate safety precautions.<sup>95</sup> In Indonesia, too, women are being sexually harassed, as well as forced or rushed into marrying much older men.<sup>96</sup> This experience echoes concerns of experts that female children, both inside and outside of refugee camps, who have lost both or one parent in disasters may be forced into child marriage for economic and cultural reasons.<sup>97</sup> Similarly, the World Health Organization (WHO) and the U.N. Division for the Advancement of Women (DAW) have both issued warnings on increased trafficking due to displacement of women and girls.<sup>98</sup> Sexual abuse and exploitation creates a multitude of risks, including sexually transmitted diseases, such as HIV/AIDS, adolescent pregnancies, an increase in (often unsafe) abortions, psychological harm, and immediate and serious physical injuries, such as fistulas and vaginal bleeding.<sup>99</sup>

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<sup>91</sup> APWLD, *supra* note 54.

<sup>92</sup> Delica, *Enhancing Women’s Capacity*, *supra* note 78, at 1-4.

<sup>93</sup> Soroptimist, *supra* note 80, at 2.

<sup>94</sup> Medica Mondiale, *supra* note 22.

<sup>95</sup> *Report: Tsunami Hit Women Hardest*, CNN.COM, Mar. 26, 2005, available at <http://individual.utoronto.ca/swec/117.pdf>.

<sup>96</sup> *Id.*

<sup>97</sup> WORLD HEALTH ORGANIZATION, VIOLENCE & DISASTERS 1 (2005), available at [http://www.who.int/violence\\_injury\\_prevention/publications/violence/en/violence\\_disasters.pdf](http://www.who.int/violence_injury_prevention/publications/violence/en/violence_disasters.pdf) [hereinafter WHO, VIOLENCE & DISASTERS].

<sup>98</sup> *Id.* at 2; see also Division for the Advancement of Women, 2005 News—Tsunami: Policy Guidance on Trafficking in Women and Girls, Feb. 23, 2005, [www.un.org/womenwatch/daw/news/news2005/nat-traf.htm](http://www.un.org/womenwatch/daw/news/news2005/nat-traf.htm).

<sup>99</sup> WORLD HEALTH ORGANIZATION, SEXUAL AND GENDER BASED VIOLENCE IN EMERGENCIES, <http://www.who.int/hac/techguidance/pht/SGBV/en/> (last visited Feb. 25, 2006).

Of course, not all abuse occurs in the camps or is perpetrated by strangers. Disasters are linked to higher risks of domestic abuse and intimate partner violence.<sup>100</sup> Domestic violence may be exacerbated by strains on families, such as loss of men's livelihood and the affect of death on mental health.<sup>101</sup> A WHO report on violence and disasters states:

Increases in intimate partner violence levels have been reported in the Philippines after the Mt. Pinatubo eruption, in Nicaragua after Hurricane Mitch, in the USA after the Loma Prieta earthquake and the eruption of Mt. Saint Helens, and in several refugee camps worldwide. Women who were living in a violent relationship before the disaster may experience violence of increasing severity post-disaster, as they may be separated from family, friends and other support systems that previously offered them some measure of protection.<sup>102</sup>

Ration policies, such as Sri Lanka's practice of registering ration cards only in the husband's name, may contribute to the increase in partner violence by forcing women to tolerate such abuse.<sup>103</sup> Incidents of domestic

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<sup>100</sup> For a discussion of the connections between domestic abuse and natural disasters, see ELAINE ENARSON, *SURVIVING DOMESTIC VIOLENCE AND DISASTER* (1998), available at <http://www.harbour.sfu.ca/freda/reports/dviol.htm>:

Severe weather events like mud slides or blizzards isolate women at home in unsafe environments without working telephones or accessible roads; contact with courts and crisis counselors may be lost when major disasters disrupt or destroy lifeline services, including law enforcement agencies. Relationship stress factors increase when families struggle to replace lost possessions, housing, jobs, and peace of mind . . . . For women and children in shelters, mandatory evacuation following an industrial accident or in advance of wildfires is a second-order evacuation, and designated evacuation or relief centres may not protect their privacy or safety.

*Id.*; see also FRAN H. NORRIS, *DISASTERS AND DOMESTIC VIOLENCE* (2005), [http://www.ncptsd.va.gov/facts/disasters/fs\\_domestic.html](http://www.ncptsd.va.gov/facts/disasters/fs_domestic.html), for the argument that, while there is currently a dearth of statistics on domestic violence pre- and post-natural disasters, existing data does support the existence of an increase in domestic violence following disasters, citing, *inter alia*, a study which reported a forty-six percent increase in police reports of domestic violence after a disaster.

<sup>101</sup> Delica, *Enhancing Women's Capacity*, *supra* note 78, at 2.

<sup>102</sup> WHO, *VIOLENCE & DISASTERS*, *supra* note 97, at 1.

<sup>103</sup> OXFAM, *supra* note 65, at 10.

violence often result in serious injury, death,<sup>104</sup> and depression<sup>105</sup> among women, and can thus negatively impact the ability of women to contribute productively to restoration efforts.

Aside from the harms caused by sexual abuse and violence, women post-disaster face serious health concerns as well. Beyond the normal health concerns of those living as refugees in crowded conditions without adequate sanitation levels, or those trying to make do with diminished resources, women are in a unique place. First, any physical weakness from gendered cultural practices, such as allocating a greater portion of nutritious foods to males and resisting medical attention for women exhibiting signs of malnutrition, could result in decreased immunity.<sup>106</sup> This problem could be compounded if females continue to distribute resources in this way, particularly in light of even leaner financial and agricultural circumstances.<sup>107</sup>

Second, increased sexual violence can lead to the spread of dangerous STDs, which women may not be willing to discuss due to the way in which the disease is contracted. Even if they are willing to come forward, the camps are not always equipped with the resources to treat STDs.<sup>108</sup> Increased sexual violence can also mean more pregnancies, especially if contraceptives are not readily available. At any given time,

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<sup>104</sup> See, e.g., U.N. Children's Fund, *Domestic Violence against Women and Girls*, 6 Innocenti DIGEST 4, 7 (2000) (reporting a link between domestic violence and suicide rates among women, as well the incidence of murder of battered women by their batterers); see also Nat'l Center for Injury Prevention & Control, *Intimate Partner Violence Fact Sheet* (2006), <http://www.cdc.gov/ncipc/factsheets/ipvfacts.htm> (providing national U.S. statistics showing the physical, social, and psychological impact of domestic violence on women).

<sup>105</sup> Norris, *supra* note 100.

<sup>106</sup> Amartya Sen, *Many Faces of Gender Equality*, FRONTLINE, Oct. 27-Nov. 9, 2001, at 12.

<sup>107</sup> Delica, *Enhancing Women's Capacity*, *supra* note 78, at 2.

<sup>108</sup> See Sandra K. Krause, Rachel K. Jones & Susan J. Purdin, *Programmatic Responses to Refugees' Reproductive Health Needs*, 26 INT'L FAM. PLAN. PERSP. 181, 186 (2001) for a discussion of ill-equipped camps in Guinea:

The Guinean health services were the designated provider of health services to Liberian and Sierra Leonean refugees in Guinea's Forest Region. Availability of drugs for the treatment of STDs has been problematic during the entire 10 years of the refugees' residence in the area . . . In Thailand, antiretroviral drugs are only available to people who can pay for them, and hence have been unavailable to the refugees.

*Id.*

eighteen to twenty percent of the female population is pregnant or lactating, which results in increased nutritional needs and decreased immunity.<sup>109</sup> Further, fifteen percent of pregnant women experience unforeseen pregnancy-related complications that necessitate lifesaving emergency care.<sup>110</sup> Under unhygienic conditions and without properly trained doctors, women giving birth are at greater risk. Third, inadequate shower facilities and lack of sanitary napkins can also lead to health problems for women.<sup>111</sup>

The physical effects of violence and health vulnerabilities compound many of the deeper challenges that women face in gaining financial security post-disaster. First, women's labor is often non-remunerated; as such, it is not targeted in development or disaster programs.<sup>112</sup> Men are given most of the remunerated employment post-disaster, disadvantaging women who also need support.<sup>113</sup> The work done by women at home is not considered in damage assessments and is therefore not addressed by aid initiatives.<sup>114</sup> This problem is especially debilitating for female-headed households, who have limited other means of making money and increased caretaking responsibilities.<sup>115</sup> Further, widows often are unable to prove ownership of their homes because they were newly married or not legally registered,<sup>116</sup> or because their house was registered only in the husband's name.<sup>117</sup> Lastly, women often have

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<sup>109</sup> Soroptimist, *supra* note 80, at 1.

<sup>110</sup> Medica Mondiale, *supra* note 22.

<sup>111</sup> OXFAM, *supra* note 65, at 10.

<sup>112</sup> Angeles Arenas Ferriz, *The Relevance of Considering a Gender Perspective in Damage Assessment and Recovery Strategies: A Case Study from El Salvador, Central America 1-2*, delivered to Expert Group Meeting on Environmental Management and the Mitigation of Natural Disasters: A Gender Perspective, U.N. Doc. EGM/NATDIS/2001/EP9 (Nov. 26 2001), available at [http://www.un.org/womenwatch/daw/csw/env\\_manage/documents/EP9-2001Nov26.pdf](http://www.un.org/womenwatch/daw/csw/env_manage/documents/EP9-2001Nov26.pdf).

<sup>113</sup> *Id.*

<sup>114</sup> *Id.*

<sup>115</sup> Sarah Bradshaw, *Socio-Economic Impacts of Natural Disasters: A Gendered Analysis*, 32 CEPAL – SERIE MANUALES 14-15 (May 2004), available at [http://www.eclac.cl/mujer/reunion/es/conferencia\\_regional/manual.pdf](http://www.eclac.cl/mujer/reunion/es/conferencia_regional/manual.pdf).

<sup>116</sup> Posting of Suriya Women's Development Center to Women's Coalition Batticaloa, <http://www.womenscoalitionbatticaloa.blogspot.com> (Feb. 2, 2005, 22:28 EST).

<sup>117</sup> OXFAM, *supra* note 65, at 7.

difficulty seeking post-crisis justice due to barriers in the legal system.<sup>118</sup> As a result, women are unable to tap into their maximum capacity as producers, and are forced to carry out far less efficient tasks in an effort to support their families.<sup>119</sup> This oversight is fatal for efforts to ensure resilience post-disaster, and allows existing instability to be magnified.

## B. Women as Pivotal Actors in Disaster Mitigation

While the above discussion may seem to paint women solely as victims in disaster efforts, it is important to note that women also tend to be active and resourceful disaster responders. Certainly, addressing the root causes of women's vulnerability is crucial to successful disaster mitigation efforts. However, women have much to add, not only to address their own needs, but also those of their communities. For example, where women have been integrated into warning systems—usually due to men migrating away for work—they are remarkably adept at reading the signs and ensuring that the most vulnerable members of society are warned.<sup>120</sup> With

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<sup>118</sup> See generally Ministerial Meeting of the Non-Aligned Movement on the Advancement of Women, May 7-10, 2005, *Putrajaya Declaration and Programme of Action on the Advancement of Women in Member Countries of the Non-Aligned Movement* (May 10, 2005), available at <http://www.iwraw-ap.org/news/nam.htm> (discussing the need for legal literacy programs for women specifically in natural disaster situations in light of addressing issues of concern with regard to women and the gaps, challenges, and obstacles that obstruct efforts to empower women and achieve gender equality); The Secretary-General, *Report of the Secretary-General on Preparations for the Fourth World Conference on Women: Action for Equality, Development and Peace: Review and Appraisal of Implementation of the Nairobi Forward-Looking Strategies for the Advancement of Women, delivered to the Comm'n on the Status of Women*, U.N. Doc. E/Cn.6/1995/3/Add.9 (Feb. 8, 1995) ("The majority of Governments recognized that, in addition to de jure restrictions in land ownership by women, de facto obstacles existed and poverty associated with legal illiteracy on rights and traditional values were mentioned as two such obstacles."); Women for Int'l Peace & Arbitration, *Remaining Gaps and Challenges*, [http://www.wipa.org/Article\\_7.htm](http://www.wipa.org/Article_7.htm) (last visited Apr. 20, 2006) ("T]here remain legal obstacles to women's access to and participation in power and decision making, in many instances, customs, traditions and stereotypes, embedded in daily routines or codified in laws, constitute the major source of resistance.").

<sup>119</sup> See generally Ferriz, *supra* note 112 (arguing for the need to address obstacles facing women who seek to participate in productive work to ensure successful disaster mitigation and prevention).

<sup>120</sup> See, e.g., MADHAVI ARIYABANDU, *WOMEN: THE RISK MANAGERS IN NATURAL DISASTER* 6 (2004), available at <http://www.ssri.hawaii.edu/research/GDWwebsite/pdf/Ariyabandu.pdf> (providing several examples of women's roles in creating and ensuring the success of warning systems, such as forming watch groups to warn about monsoon-induced rock slides in Sri Lanka and observing water levels to warn for floods in Bangladesh); see



their social role as caretakers in many cultures, women are quick to ensure that children and animals reach safety.<sup>121</sup> In the face of crisis, women rapidly form formal and informal social networks that allow them to efficiently procure foodstuffs, fuel, bedding, and material for makeshift household purposes.<sup>122</sup> Both during and after crises, social norms allow women to ask for help in such ways while barring men from doing so.<sup>123</sup> As a result, unlike men, who often rely on government aid and on strategies that take them away from the community, women are able to solve problems locally.<sup>124</sup>

Women also have the capacity to empower themselves when they are involved in the planning and implementation of disaster relief programs. For instance, women are generally more successful in communicating their own needs and formulating plans to address those needs.<sup>125</sup> Further, women are more likely than men to allocate household resources effectively because men are less likely to correctly assess household needs, and, as experts have argued, men are more inclined to sell or barter aid items for personal activities and benefits.<sup>126</sup>

Finally, including women in the process can serve the function of addressing the very sociocultural norms that leave women vulnerable and

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also ISDR, *Women, Disaster Reduction*, *supra* note 76, at 4 (discussing the role of women in taking over warning systems in the wake of Hurricane Mitch in Nicaragua and Hurricane Fifi in Honduras).

<sup>121</sup> Ariyabandu, *supra* note 120, at 3.

<sup>122</sup> Soroptimist, *supra* note 80, at 1; Ariyabandu, *supra* note 120, at 6 (citing a study on flood relief conducted in Jolpur, Bangladesh that found that, "the social networks of women provide emergency survival support during floods. For instance, food items, fuel, bedding, and material for makeshift household purposes are borrowed on loan or given as charity. Borrowing of food or minor items is not identified as a man's responsibility, asking for help from others is looked down, [sic] as beneath his dignity.").

<sup>123</sup> Ariyabandu, *supra* note 120, at 6.

<sup>124</sup> Soroptimist, *supra* note 80, at 2.

<sup>125</sup> *Id.*

<sup>126</sup> *Id.* at 2-3; see also ISDR, *Women, Disaster Reduction*, *supra* note 76, at 5 (providing the example of a Peruvian fishing village where a warning system targeted at men resulted in unemployment and increased poverty. Men, for some sociocultural reason, did not inform their wives of this warning and did not alter their spending habits. As women controlled much of the household food and fuel budgeting, the failure to warn them meant that they were unable to stock up supplies.).

undermine the restoration of their stability and security.<sup>127</sup> Women's participation can ensure that men realize the power of women to challenge existing gendered norms if they so choose. As such, gender-sensitive disaster mitigation can not only ensure that aid systems address their likely insecurities and harms, but can also uncover the causes of these vulnerabilities.

While there is no one program of action that can protect and empower every woman in every situation, implementing gender-sensitive programs would allow aid workers to assist the overwhelming majority of those harmed in disasters. Through gender-sensitivity and recognition of women's capacity to contribute, disaster efforts are likely to increase exponentially in success.

#### **IV. GENDER MAINSTREAMING IN DISASTER EFFORTS AS KEY TO RESTORATION OF PEACE AND SECURITY**

##### **A. The Domino Effect: How Gender-Blind Disaster Policies Can Undermine Conflict Resolution Efforts**

As argued above, the centrality of gender concerns to disaster mitigation means that any initiative seeking to restore peace and security should attempt to further the response to women's needs in disaster policies.<sup>128</sup> Every Member State of the U.N. has explicitly recognized the significance of addressing harms to women, as well as the need for women's participation, as important to attaining stability through conflict resolution.<sup>129</sup> However, similar attention has not been granted to the harms to women in disasters.

This disparity in attention is especially shocking when one considers the integral role that gender mainstreaming in disasters could play in accomplishing 1325's purposes. The goals of 1325 may be envisioned on three levels: (1) protecting and empowering an especially marginalized

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<sup>127</sup> Soroptimist, *supra* note 80, at 3.

<sup>128</sup> See CEDAW Comm., *supra* note 6; see also NGO Working Group on Women, Peace, and Security, NGOWG Statement on Tsunami Relief Efforts: Include Women in All Relief and Reconstruction Efforts, Jan. 24, 2005, <http://www.peacewomen.org/un/ngo/ngo-statements/tsunamirelief.html>.

<sup>129</sup> Press Release, Security Council, Unanimously Adopting Resolution 1325 (2000), Calls for Broad Participation of Women in Peace-Building, Post-Conflict Reconstruction, U.N. Doc. SC/6942 (Oct. 31 2000), <http://www.un.org/News/Press/docs/2000/20001031.sc6942.doc.html>.

group during conflict, (2) seeking to minimize the effects of current and future conflicts generally by protecting and empowering a significant portion of the population, and (3) by accomplishing the previous two, ensuring that conflict resolution leads to sustainable development. As discussed above, protecting and empowering women in the disaster context can contribute to and is consistent with the latter two goals, respectively. This section focuses on the first goal, showing that 1325 entails awareness of similar vulnerabilities and capacities of women as would gender-sensitive disaster policies.

***1. The Common Vulnerabilities and Capacities of Women in Disaster and Conflict Situations: An Analysis of the Text of 1325***

While it is important not to overstate the similarities between women's experiences in conflicts and in natural disasters, a survey of the text of the resolution and the documents filed in support of 1325 prior to its acceptance demonstrates that the harms that 1325 sought to avoid are quite similar to those faced by women during tsunamis, cyclones, earthquakes, and the like. The text of 1325 emphasizes the need to protect females from gender-based violence and to take into account the particular needs of women and girls in refugee camps and during rehabilitation, reintegration, and reconstruction, just as experts pursuing gender-mainstreaming in natural disaster situations recommend.<sup>130</sup>

Looking at the eighteen articles of 1325, if one replaces "(armed) conflict" with "natural disaster," and either substitutes or includes "disaster rehabilitation" for "peacekeeping," "peace," and "peace-building," then there are only two cited vulnerabilities that do not apply—both relating to the repatriation of male and female ex-combatants.<sup>131</sup> The conventions recognizing conflict as human rights violations, as cited in Article 9 of 1325, may differ from the ones declaring the human rights of women in disaster situations; however, calls for gender-mainstreaming in both conflict and disasters invoke the same rights and the same harms. Throughout the remainder of 1325, the only other vulnerability that does not relate to

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<sup>130</sup> S.C. Res. 1325, *supra* note 10. For examples of similar recommendations made in the context of disaster relief, see generally CEDAW Committee, *supra* note 6; ILO, *supra* note 8; *Working Paper 1*, *supra* note 47; Soroptimist, *supra* note 80.

<sup>131</sup> S.C. Res. 1325, *supra* note 10.

natural disasters is mine clearance, although it seeks to further the same end goal of preventing arbitrary bodily harm.<sup>132</sup>

**2. The Common Vulnerabilities and Capacities of Women in Disaster and Conflict Situations: An Analysis of the Negotiating History of 1325**

Turning to the negotiating history, one can see even more clearly the correlation between the interests sought to be protected and the opportunities sought to be afforded in both contexts. During the NGO meeting of the United Nations Security Council (the Arria Formula meeting) relating to 1325, the NGO Working Group on Women and International Peace and Security (NGOWG) cited the need to recognize that women often shoulder the burden of caretaking, to take into account women's non-remunerated labor, to assist the increasing number of females heading their household, and to advocate for those women who have been sexually exploited by those officials in charge of restoration.<sup>133</sup> It suggested that the Security Council adopt measures to protect women and girls from sexual violence, prostitution, abduction, trafficking, and threats by those whose presence was intended to bring peace.<sup>134</sup> Lastly, NGOWG cited the underrepresentation of women and the special characteristics of women that allow them to form networks despite conflict as reasons why they should be invited to participate.<sup>135</sup>

The statement of the executive director of the United Nations Development Fund for Women (UNIFEM) during the Security Council's "Open Debate on Women and Peace and Security" echoed similar goals as NGOWG. UNIFEM's director recommended that future action be guided by an examination of the consequences for women, and by increased gender

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<sup>132</sup> See, e.g., Expert Group Meeting on Env'tl. Mgmt. and the Mitigation of Natural Disasters: A Gender Perspective, Nov. 6-9, 2001, *Women's Human Rights in Disaster Contexts: How Can CEDAW Help?*, U.N. Doc. EGM/NATDIS/2001/EP.4 (Oct. 25, 2001) (prepared by Feride Acar & Gamze Ege); APWLD, *supra* note 54.

<sup>133</sup> Cora True-Frost, Coordinator, NGO Working Group on Women, Peace & Security, Statement to the Arria Formula Meeting of the Security Council on Women, Peace and Security (Oct. 21, 2004), available at <http://www.peacewomen.org/un/ngo/ngostatements/NGOWGArriaOct04.pdf>.

<sup>134</sup> NGO Working Group on Women, Peace & Security, The Role of Women in Achieving Peace and Maintaining International Security 7, Statement to the Arria Formula Meeting of the Security Council (Oct. 23, 2000).

<sup>135</sup> *Id.* at 2.

sensitivity.<sup>136</sup> She also called for improved protection and assistance, including access to services relating to reproduction and STDs, dangers related to women being forced into sex for safe passage, and for assistance given to widows; support for women's leadership in peace-building, including at the inter-governmental level; and support for gender justice in post-conflict resolution.<sup>137</sup> During the same Council meeting, Kofi Annan, Secretary-General of the U.N., highlighted similar views about the unique capacity of women to preserve social order and create bridges when communities have collapsed, the lack of women in decision-making, the need to protect women from rape and displacement, and the concern about sexual violence by peacekeepers.<sup>138</sup>

Each of the vulnerabilities and potential for women detailed in the text of the law and the statements of support surveyed for this Article mirror those described in the section on natural disasters *supra*. The commonalities indicate the connection between the immediate goal of 1325 and disaster relief, as well as the positive impact such a resolution for natural disasters could have for *both* forms of crisis.

## B. Aceh, Indonesia: Case Study

The argument that disaster and conflict can feed each other is not something noted merely by theorists or solved solely by implementation of 1325. Women's NGO representatives at the Asian Civil Society Consultation on Post Tsunami Challenges in Bangkok conducted an assessment of the ongoing civil emergency situation in Aceh, Indonesia, and its implications for tsunami survivors.<sup>139</sup> Their research shows many of the ways in which conflict can be exacerbated through disasters, with military leaders embracing disasters as yet another tool to gain political power. It also shows that 1325 alone is not always enough. Under the guise of disaster relief, military forces in Aceh have put an increasing number of civilians in danger.

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<sup>136</sup> Noeleen Heyzer, Exec. Dir., U.N. Development Fund for Women (UNIFEM), Statement to the Security Council's Open Debate on Women and Peace and Security 3, 5 (Oct. 24 2000), <http://www.peacewomen.org/un/sc/countrystatements/unifem.pdf>.

<sup>137</sup> *Id.* at 2-5.

<sup>138</sup> Press Release, Security Council, Secretary-General Calls for Council Action to Ensure Women Are Involved in Peace and Security Decisions, U.N. Doc. SG/SM/7598 (Oct. 24, 2000).

<sup>139</sup> APWLD, *supra* note 54.

In 2003, the Indonesian government declared military emergency to combat the armed independence movement in Nanggroe Aceh Darussalam (NAD).<sup>140</sup> Since then, there have been reports of increases in the number of cases of extrajudicial executions, “disappearances,” arbitrary detention, torture, sexual violence, forced displacement, and destruction of property.<sup>141</sup> Prior to the tsunami, there were reports of violence against women during the conflict in Aceh. For instance, the Special Rapporteur noted in her 2001 report that conflict-related rapes had been reported in the village of Alue Lohn in North Aceh.<sup>142</sup> Women’s NGOs participating in the Asian Civil Society Consultation documented the use of rape as a weapon of war, the rise in female headed households due to migration and casualties of war, the incidence of diminished health and increased caretaking responsibility, and the occurrence of rape by peace workers.<sup>143</sup> Thus far, the advocacy surrounding 1325 has been effective in encouraging the Indonesian government itself to at least pay lip service to the rights of women, as can be seen from the statements in favor of gender-mainstreaming by state representatives at a 2004 Security Council meeting.<sup>144</sup> The Resolution has also created a platform for international NGOs to advocate for international punishment of violence against women in Aceh.<sup>145</sup>

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<sup>140</sup> AMNESTY INT’L, INDONESIA: REPORT 2004 (2004), <http://web.amnesty.org/report2004/idn-summary-eng> [hereinafter *Indonesia Report*].

<sup>141</sup> *Id.*

<sup>142</sup> U.N. Econ. & Soc. Council [ECOSOC], Comm’n on Human Rights, *Report of the Special Rapporteur on Violence Against Women, its Causes and Consequences*, U.N. Doc. E/CN.4/2000/68/Add.4 (Mar. 13, 2000) (submitted by Radhika Cooraraswamy in accordance with Commission on Human Rights resolution 1997/44).

<sup>143</sup> Nunuk P. Murniati, *Women in Aceh, and Women’s NGOs*, ASIA PACIFIC FORUM ON WOMEN, LAW AND DEVELOPMENT: FORUM NEWS, Aug-Sept. 2004, <http://www.apwld.org/vol162-03.htm>.

<sup>144</sup> Ambassador Deputy Permanent Representative of the Republic of Indonesia, Statement at open Meeting of the Security Council under the Agenda item: “Women and Peace and Security” (Oct. 28, 2004), <http://www.indonesiamission-ny.org/NewStatements/ps102804.htm> (stating that Indonesia embraces “the principle that women should enjoy equality in all spheres of society” and “supports gender mainstreaming into the peacekeeping and peace-building work of the United Nations system”).

<sup>145</sup> *Indonesia Report*, *supra* note 140. See generally Peace Women, Women, Peace, and Security: Aceh (Indonesia), <http://www.peacewomen.org/WPS/Aceh.html> (last visited Mar. 5, 2006) [hereinafter *Women, Peace & Security*] (quoting Suraiya Kamaruzzaman, executive director of Flower Aceh, as stating: “Women are organising for peace. They are praying, marching in the streets, distributing flowers and the message ‘stop violence against women.’ Women have held discussions with President Gus Dur and even with the army.

Despite the potential for 1325 in Aceh, women are still experiencing the conflict in a particularly gendered way. During more than twenty-five years of civil war, approximately 20,000 people were killed. Data from the provincial government shows there are at least 460,000 female heads of household, 377,000 of whom are widows.<sup>146</sup> The large number of widows is due to the great number of husbands who have been killed or “disappeared.”<sup>147</sup> Women, now approximately seventy percent of the population in Aceh,<sup>148</sup> have suffered at the hands of the state through rape and abuse by the Indonesian army.<sup>149</sup> For instance, the National Commission on Human Rights (*Komisi Nasional Hak Asasi Manusia*, Komnas HAM) reported that, during its investigations of human right violations committed between 1989 and 1998, it received details of 102 cases of rape.<sup>150</sup> Women have been tortured and punished for their husbands’ involvement in the independence movement; moreover, they have been culturally repressed by patriarchy and are victims of domestic violence.<sup>151</sup> The patriarchal norms have meant that in times of sacrifice and conflict, women are pulled out of schools first and their needs are neglected in ad hoc internal displacement programs.<sup>152</sup>

Rather than providing international aid workers with another line of protection for women, the failures of disaster aid have simply perpetuated the instability and violence that has been the mark of Aceh’s military

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They have also proposed to the commander of the Aceh Freedom Movement army that a special zone of peace for women should be set up. They have taken their campaign to the United Nations.”).

<sup>146</sup> Women, Peace & Security, *supra* note 145.

<sup>147</sup> *Indonesia Report*, *supra* note 145.

<sup>148</sup> *Women and Disaster: Resilience Amid Ruin*, PHILIPPINE CENTER FOR INVESTIGATIVE JOURNALISM, Nov. 2005, available at <http://www.pcij.org/i-report/4/aceh-women2.html> (“Ironically, 70 percent of Aceh’s pre-tsunami population consisted of women, because men were either being killed or were fleeing the conflict between the Indonesian military and separatist Free Aceh Movement or GAM.”).

<sup>149</sup> Women, Peace & Security, *supra* note 145.

<sup>150</sup> Amnesty Int’l, *Indonesia: The Impact of Impunity on Women in Aceh* 1, AI Index ASA 21/060/2000, Nov. 23, 2000, available at [http://web.amnesty.org/library/pdf/ASA210602000ENGLISH/\\$File/ASA2106000.pdf](http://web.amnesty.org/library/pdf/ASA210602000ENGLISH/$File/ASA2106000.pdf).

<sup>151</sup> Women, Peace & Security, *supra* note 145.

<sup>152</sup> *Indonesia Report*, *supra* note 140.

rule.<sup>153</sup> As a result of the tsunami, about 300,000 people have been reported killed or missing, and about 700,000 are internally displaced.<sup>154</sup> One of the most comprehensive reports on the situation in Indonesia came from representatives of women's organizations attending the Asian Civil Society Consultation on Post-Tsunami Aid. According to a report issued by this coalition of seventy NGOs in tsunami-affected areas, the Indonesian government has restricted the movement of NGOs to the two city centers and has allowed foreign troops to stay for only about two months.<sup>155</sup> Beyond this, the Indonesian government's recovery plan involves a "resettlement programme," which requires the internally displaced persons to move to large barrack-style camps.<sup>156</sup> There are allegations that the intent of the program is to allow the Indonesian government to take over the "coastal" land and control the Acehnese people without international documentation of human rights violations.<sup>157</sup> Moreover, the lack of transparency with relation to aid money means that there is no way to know whether the money is going to national NGOs, international NGOs, or others; in fact, the military prohibited local NGOs from participating in the aid-distribution process.<sup>158</sup>

Essentially, the slow implementation of 1325 means that women are already vulnerable to the health and economic risks that come with sexual violence, financial stress, and increased caretaking responsibility. The tsunami has further deprived women of resources and created a deeper sense of vulnerability among women.<sup>159</sup> In Aceh, the number of women who died in every village exceeded the number of men who died.<sup>160</sup> The following charts from Oxfam's report on the tsunami's effect on women illustrate the numbers.

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<sup>153</sup> APWLD, *supra* note 54.

<sup>154</sup> *Id.*

<sup>155</sup> *Id.*

<sup>156</sup> *Id.*

<sup>157</sup> *Id.* (stating that these laws are said to "isolate communities from much needed outside assistance and prevent[] . . . independent human rights monitoring of the ongoing conflict and its impact on the civilian population").

<sup>158</sup> *Id.*

<sup>159</sup> *See generally id.*

<sup>160</sup> OXFAM, *supra* note 65, at 4.



**Aceh Besar District**

<i>Village</i>	<i>Population pre-tsunami</i>	<i>Survivors</i>	<i>Surviving Females</i>	<i>Surviving Males</i>
Gampong Baru	242	123	39	84
Meunasah Masjid	1,110	159	45	114
Lamsenia	220	124	26	98
Dayeuh Mapplam	4,500	270	79	191

**North Aceh District**

<i>Village</i>	<i>Population pre-tsunami</i>	<i>Total Dead</i>	<i>Fatalities: female</i>	<i>Fatalities: male</i>
Sawang	N/A	93	70	23
Kuala Keureutou	N/A	85	68	17
Kuala Cangkoy	N/A	146	117	29
Matang Baroh	N/A	42	29	13

The practice of excluding women from decision-making during conflicts has carried over to the disaster relief effort.<sup>161</sup> Since sixty percent of the

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<sup>161</sup> See *id.* at 6. For a discussion of women's lack of involvement in relief efforts, see also APWLD, *supra* note 54:

Women are not involved in the governance of the camps, in particular on the allocation of shelters and supplies. They are excluded from the negotiation processes with parties outside the camps including national and international aid organisations and government institutions that provide supplies . . . . Aceh is a province with predominantly Muslim population and strong patriarchal culture where Shariah (Islamic) law is practiced. Women are represented by male family members in the public life, therefore at IDPs camps women are not involved in management of the camps.

current internally displaced persons are female, this means a significant portion of the population is not represented.<sup>162</sup> The new barracks have open bathrooms, which deter women from appropriate hygiene and put women at risk of assault or rape.<sup>163</sup> Resources are distributed on the basis of single adults, meaning that single mothers are more likely to be malnourished.<sup>164</sup> The reproductive needs of women, such as tools for the safe deliveries of babies, are almost completely ignored.<sup>165</sup>

As argued above, the cultural norms that advocate for women's representation in public life by male family members constitute the root cause of women's disempowerment in both disaster and conflict situations. Because of social and precautionary restrictions on movement, women are precluded from participating in the management of camps or seeking other housing.<sup>166</sup> As such, the Acehnese women and their children are forced to live in conditions that undermine any hope they may have of personal economic self-sufficiency as well as Acehnese political independence.

Through this examination of Aceh, Indonesia, one can see how a successful effort to protect women from harms in either disaster or conflict could have had extremely positive spillover effects into the other. The root

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*Id.*

<sup>162</sup> OXFAM, *supra* note 65, at 4.

<sup>163</sup> See APWLD, *supra* note 54; see also OXFAM, *supra* note 65, at 10.

<sup>164</sup> See APWLD, *supra* note 54 ("Distribution of food, mattresses, sheets and blankets is mainly based on the needs of single adults with no consideration of their children. As a result, mothers go hungry after sharing with their children and have to sleep on the ground during rainy season in Indonesia.").

<sup>165</sup> *Id.*

<sup>166</sup> See Joint Press Release, Joint Action Group Against Violence Against Women et al., Tsunami Disaster: Gendered Aid Is Also Important (Jan. 21, 2005), <http://www.wao.org.my/news/20050101tsunami.htm>. For a discussion of the various restraints on women, see also Janice Duddy, *What is the Role of Women in Disasters?*, <http://www.awid.org/go.php?std=1337> (last visited Mar. 6, 2006):

There are many casualties among women in disasters, in particular, if women['s] . . . mobility is restricted or otherwise affected due to cultural and social constraints. . . . Women's . . . reproductive roles can create mobility and health constraints. It is older women, in particular the very old, women with disabilities and pregnant and nursing women, and those with small children who are often most at risk, left behind or left out, or the last to leave in cases of emergency because they lack knowledge, mobility and resources.

*Id.*

causes are similar—a lack of accountability for peace keepers and military concerning sexual violence, sociocultural norms among women that discourage reporting incidences of sexual violence and prevent participation in governance structures, and refusal to acknowledge the care of children as a joint responsibility, rather than the province solely of women.<sup>167</sup> In either case, if the vulnerabilities of women had been addressed by U.N. workers at its root (placing women in positions of power, encouraging comfort when discussing sexual violence, and training men to share child-care responsibilities) or in relation to the effects (providing treatment for STDs, counseling for rape victims, extra food for women, and job opportunities for women), the resilience of Aceh may have been enhanced in both situations. Particularly because women are pivotal to the success of disaster and conflict rehabilitation processes, having two resolutions would at least double the guarantees that international law offers to women.

## V. CONCLUSION: THE POTENTIAL FOR A SECURITY COUNCIL RESOLUTION ON GENDER IN DISASTERS

As the Indonesian example shows, the intersections between disaster and conflict are intricate, complex, and reciprocal. For many practitioners writing guides on these issues through the lens of gender, including the ILO and UNDP, it is useful and efficient to write a “crisis” management manual that can encompass both disaster and conflict. The U.N. Security Council, however, remains unwilling or unable to recognize the ability of these two aid programs to further each others’ goals and to achieve the ultimate goal of sustainable development.

Looking at the U.N. Charter, it does not seem that the U.N. Security Council would be acting *ultra vires* in putting forth such an initiative. “Threat to peace” in Article 24 is not a term of art, and as such, the Security Council is free to define it as it pleases. Indeed, the Council has explicitly reserved the power to regulate emergencies created by the eco-system. The only external limit on the Council’s ability to act is political will. As shown above, however, nations have overwhelmingly supported non-Security Council based conventions that have called for similar protections for women. The consensus that women should be protected and empowered in disaster situations is clear.

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<sup>167</sup> See generally OXFAM, *supra* note 65 at 2, 9, 14 (explaining that women are especially vulnerable to natural disasters because childcare keeps them around the home, and calling for better reporting of sexual violence).

The existence of such power and such consensus seems to lead to one conclusion—that the Security Council has yet to recognize the link between disaster relief and conflict and thus is unwilling to expend the political capital on such a resolution. This Article has shown that the goals of a gender-sensitive disaster relief program are consistent with 1325's goals on every level. First, except for the need for gender-sensitive repatriation efforts and mine clearance, every one of the interests protected in 1325 is present in the disaster context. Of the supporting reasons cited by the Secretary-General, UNIFEM's Executive Director, and the NGO Working Group on International Peace and Security for gender-mainstreaming in conflict situations, not one is inconsistent with of the need for gender-mainstreaming in disaster relief situations. If it were not for the fact that "natural disasters" are not discussed in the negotiating history or the text, one might even interpret 1325 to include disasters. Just like 1325, a resolution calling for gender-mainstreaming in natural disaster situations would serve the goal of diminishing the risk of harm to females.

Second, a disaster-focused 1325 would be just as powerful, if not more so, in saving lives and empowering potential victims. While conflicts usually kill more men than women, disasters themselves statistically kill more women than men—as many as eighty percent more in the tsunami, based on the statistics provided by Oxfam.<sup>168</sup> In achieving the goal of minimizing the total damage of a crisis, gender-aware disaster policies are central. For areas hit by conflict, it is likely that women comprise more than half of the population.<sup>169</sup> Targeting the majority of the population—especially when that population is statistically the hardest hit—even in countries without domestic conflicts in recent history, just makes practical sense.

Finally, a disaster-specific 1325 would contribute to the efforts of peacekeepers and peace-builders by furthering the goal of peace and security. Disasters create chaos, violence, desperation, and discontent while revealing internal tensions, such as racism<sup>170</sup>—the conditions in which

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<sup>168</sup> OXFAM, *supra* note 65.

<sup>169</sup> See, e.g., WORLD HEALTH ORGANIZATION, VIOLENCE AGAINST WOMEN LIVING IN SITUATIONS OF ARMED CONFLICT 9 (2001), available at <http://www.who.dk/document/e74469.pdf> (discussing the feminization of populations in conflict-afflicted countries due to a disproportionate number of male casualties).

<sup>170</sup> The racial tensions stirred up by Hurricane Katrina exemplify the role of natural disasters in exacerbating existing conflict. See, e.g., *Reactions to Katrina Split on Racial Lines*, CNN.COM, Sept. 13, 2005, <http://www.cnn.com/2005/US/09/12/katrina.race.poll/>; Editorial, *Katrina's Racial Storm*, CHICAGO TRIB., Sept. 8, 2005, available at [http://obama.senate.gov/news/050908-katrinass\\_racial\\_storm/index.html](http://obama.senate.gov/news/050908-katrinass_racial_storm/index.html).

conflict is bred. As the Indonesia example shows, it is quite simple for a military government to commandeer disaster efforts to perpetuate cycles of disadvantage. However, the effect is not lost on those who are being disempowered. To create peace and security is to ensure that resources are distributed fairly and that vulnerabilities are addressed. Empowering women in relief efforts has been shown to further exactly these goals. The recognition of this fact brought about the political drive for 1325. It is time for the Security Council to realize that the women facing tragedy by natural disasters can and should be empowered to tap into the same skills as their female counterparts confronting man-made crises.

