

**MAKING ‘SPACE’ FOR WOMEN IN CANADIAN PEACEKEEPING: THE BATTLE
OF CLOSING THE GAP**

by

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Abstract

Women account for a small percentage of military peacekeepers. In the Canadian context, the lack of gender parity was a concern at the recent United Nations Peacekeeping Defence Ministerial conferences, the most recent one taking place in Vancouver, Canada. This thesis examines the ‘space’ of peacekeeping, its evolution over the years, including a brief history of Canada’s involvement in military peacekeeping and women’s role in it. The research discusses the implications of highlighting benefits of having women in peacekeeping, the major systemic barriers for women in the Canadian Armed Forces and consequently in Canadian military peacekeeping. Using a feminist legal theory lens, the thesis analyzes the United Nations Security Council Resolution (UNSCR) 1325 and its national implementation in Canada. The thesis also remarks on key conceptual issues and possible contradictions in military peacekeeping, acknowledging the gendered ‘space’ of international law, peace and security. Although the study does not provide concrete suggestions for reform, it puts forth considerations for change, new ways of thinking and advocating for systemic transformations for gender equality.

This research study uses mixed methods, drawing from existing literature, relevant documents received through the *Access to Information Request* (ATIR) procedure and through expert interviews. The 22 interview participants consisted of senior officials in the Canadian Armed Forces, policy experts, legal professionals and academics with relevant expertise in peacekeeping and the Canadian military. Thus, the study contributes original insights to the discussion of Canadian peacekeeping, attempting to pave a new way forward as Canada seeks to reestablish its identity as a leader in peacekeeping and international peace and security.

Lay Summary

A small number of peacekeepers, especially military members sent to peacekeeping missions, are women. During the recent United Nations Peacekeeping conference in Vancouver, Canada, the Canadian government and international officials discussed the inequality of women in peacekeeping, making commitments to address women's concerns in conflict situations and to increase the number of female peacekeepers.

My research examines women's involvement in Canadian peacekeeping. The study includes views from experts whom I interviewed and whose insights provide an inside perspective to the world of peacekeeping. Through the use of a critical lens, this research attempts to reveal some of the barriers women may face in the military and peacekeeping and the potential benefits of women's participation in peacekeeping. This thesis explores the impact of United Nations resolution on women, peace and security on women military peacekeepers, arguing for transformative changes towards equality.

Preface

This dissertation is original, unpublished, independent work by the author, Maira Hassan.

This study includes expert interviews conducted by the author under the supervision of Professor Benjamin Perrin as co-investigator. This study received a certificate of approval from UBC's Behavioural Research Ethics Board on January 12, 2017. The approval certificate from the Ethics board indicates the following number assigned to the study: H16-02932.

Table of Contents

Abstract.....	ii
Lay Summary	iii
Preface.....	iv
Table of Contents	v
Acknowledgements	vii
Chapter 1: Introduction	1
1.1 Research Focus and Scope.....	1
1.2 Methodology	10
1.2.1 Research Interviews	11
1.2.2 Qualitative Data Analysis	15
1.2.3 Access to Information Requests (ATIR).....	16
1.2.4 Theoretical Framework	17
1.3 Thesis Overview	18
Chapter 2: Context to Women in Peacekeeping	20
2.1 Defining Peacekeeping	20
2.1.1 The Evolution of Peacekeeping to Peace Support Operations.....	20
2.1.2 Brief History of Canada’s Involvement in Peacekeeping	27
2.2 Discussing Women’s Role in Peacekeeping	36
2.2.1 UNSCR 1325	36
2.2.2 Discrimination Against Women in the CAF.....	50
Chapter 3: Benefits of Women in Peacekeeping	54

3.1	An Instrumentalist Approach	54
3.2	Gender Equality	67
Chapter 4: Barriers for Women in Peacekeeping.....		77
4.1	Deployment and Promotions.....	77
4.2	Military Cultural Values, Justice System and the Chain of Command	88
4.3	Gender Neutrality.....	95
Chapter 5: Considerations for Change		102
5.1	External Input.....	102
5.2	An Ongoing Commitment.....	111
5.3	Legal Action and Reform.....	117
Chapter 6: Conclusion		124
Bibliography		130
Appendices.....		140
Appendix A: ATIR Formal Requests		140
Appendix B: ATIR Formal Requests, Consolidations and Responses		143
Appendix C: ATIR Informal Requests and Documents Received		145
Appendix D: Invitation to Participate in an Interview		147
Appendix E: Subject Consent for Participation in a Research Project		149
Appendix F: Interview Questions		152

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Chapter 1: Introduction

1.1 Research Focus and Scope

The 2017 United Nations Peacekeeping Defence Ministerial took place in Canada, where amongst other issues, “[a] senior UN official, speaking before the Vancouver conference and the news of Canada’s plan [for peacekeeping], said the dearth of women peacekeepers has been a vexing problem.”¹ Low numbers of women peacekeepers was also in the news and under discussion at the previous UN Peacekeeping Defence Ministerial held in London, England, where, according to a news article, Sajjan Harjit, the Canadian Minister of National Defence, recounted being saved multiple times by a female officer while serving in Afghanistan.² Although the Minister’s story is heartening and strives to highlight the ability of women in the Canadian military, it does little to address the potential systemic problems within the military institution and peacekeeping ‘space’ that may hinder the full participation of women in it.

Having conducted previous research in peacekeeping, largely from an international and European perspective, I realized the complexity of the issue, involving identity and gender politics, all within the challenges of a peacekeeping mission. A large part of the issue boils down to the atmosphere constructed in peacekeeping, or the ‘space’ of military peacekeeping, whether in its physical design or socio-cultural dimensions. ‘Space’, in this sense, “is ‘the product, and not the fixed context, of social interactions, ideological conceptions, and of course, legal doctrine

¹ Murray Brewster and Melissa Kent, “Canada to deliver host of initiatives to UN peacekeeping conference including \$15M trust fund”, *CBC news* (14 November 2017) online: <<http://www.cbc.ca/news/politics/un-peacekeeping-conference-women-fund-1.4402572>> accessed December 13, 2017.

² Nahlah Ayed, “World Peacekeeping efforts hampered by shortage of resources — and women”, *CBC news* (8 September 2016), online: <www.cbc.ca/news/world/> accessed 17 December 2017.

and public policy’.”³ This thesis attempts to explore the ‘space’ within which women find themselves in the context of military peacekeeping. In doing so, the thesis reveals how such a ‘space’ may pose as hostile to anyone other than those who fit within or aspire to belong to the hyper-heteronormative masculinity that is not only accepted but prized. As was explored in my previous work, the addition of women in the peacekeeping workspace, at least where they are seen as ‘moral police’ amongst their colleagues, poses further challenges of potentially creating a ‘double-burden’ on women as those who, once added, would create a better ‘morale’ within the peacekeepers.⁴

The idea that adding women would improve the behaviours of the male peacekeepers or ameliorate the socio-cultural ‘space’ of peacekeeping might also have been a response to the alleged sexual assaults being committed on local women by presumably male peacekeepers⁵ who had immunity in their home countries and were never tried for the crimes⁶. This seems to be the impetus for the adoption of the United Nations Security Council Resolution 1325 on Women, Peace and Security (UNSCR 1325), which provides that conflict affects women differently and urges the importance of women’s equal and full participation “in all efforts for the maintenance and promotion of peace and security”.⁷ Although UNSCR 1325 will be analyzed in further detail in chapter two, it suffices to mention here that the framing of UNSCR 1325 poses potential

³ Zoe Pearson, “Feminist Project(s): Spaces of International Law” in Sari Kouvo and Zoe Pearson, eds, *Feminist Perspectives on Contemporary International Law* (Hart Publishing, 2011) 47 at 49 quoting Richard Ford, “The Boundaries of Race: Political Geography in Legal Analysis” (1994) Harvard Law Review 1841, 1859.

⁴ Saskia Hufnagel and Maira Hassan, “Women in International Policing: Revolutionising the ‘Old Boys Club’” (2018) *Salus Journal* (accepted for publication in 2018).

⁵ Donna Bridges and Debbie Horsfall, “Increasing Operational Effectiveness in UN Peacekeeping: Toward a Gender-Balanced Force” (2009) 36:1 *Armed Forces and Society* 120, 125.

⁶ Henry F. Carey, “‘Women and peace and security’: The politics of implementing gender sensitivity norms in peacekeeping” (2001) 8:2 *International Peacekeeping* 49, 62.

⁷ United Nations Security Council. *Resolution 1325*. S/RES/1325, 4213th meeting (adopted by the Security Council on 31 October 2000) at 1.

problems because it seems to essentialize women's role in peacekeeping as those who must be there as symbols of keeping men in check, while simultaneously implying that men are uncontrollable and uncivilized individuals by virtue of being men.

Although my current research stems from my previous co-authored work on women in international peacekeeping, this thesis plants itself squarely within the Canadian context. Since Canada was one of the states spearheading the early phase of the campaign, through the Friends of Women, Peace and Security group for Resolution 1325⁸, it made sense to see how the country matches up today in creating gender parity within Canadian peacekeeping. A recent CBC news article put it this way:

“At a time when UN peacekeepers are grappling with protecting huge civilian populations of mostly women and children affected by war — and when some of those peacekeepers have been accused of sexually assaulting women they're meant to protect — it's hard to believe that of the more than 100,000 of them serving around the world, only four per cent are women.”⁹

The sexual violence on local women, which initiated UNSCR 1325, stretches beyond just that of affecting civilian women. In the Canadian context, the 2015 release of the Deschamps report, an *External Review into Sexual Misconduct and Sexual Harassment in the Canadian Armed Forces*, revealed that the Canadian Armed Forces (CAF) encapsulates “a sexualized environment... that is hostile to women and LGBTQ members, and is conducive to more serious incidents of sexual harassment and assault.”¹⁰

⁸ Torunn L. Tryggestad, “Trick or Treat? The UN and Implementation of Security Council Resolution 1325 on Women, Peace, and Security” (2009) 15:4 Global Governance 539, 547.

⁹ Ayed, *supra* note 2.

¹⁰ Marie Deschamps, “External Review into Sexual Misconduct and Sexual Harassment in the Canadian Armed Forces” (External Review Authority, 2015) at ii.

However, despite the recent promise by the Chief of Defence Staff (CDS) General Vance to implement the Deschamps report recommendations¹¹ through Operation Honour and the ongoing promotion of ‘gender mainstreaming’ through UNSCR 1325, the numbers of women in military peacekeeping have increased at a very slow pace. That is to say that the number of women military members remains low despite the adoption of UNSCR 1325 over sixteen years ago and even longer in Canada, because the Canadian Forces had policies to integrate more women in the military back in the 1970s.¹² According to current statistics from the Department of National Defence (DND) and CAF website, there are 15% women in total, including reserve forces in the Canadian Armed Forces¹³. There are 14.3% women in the regular forces, with much lower numbers of women in the combat arms: 2.5% women in the regular force combat arms and 5.5% reserve force for a total of just under 4%.¹⁴ The percentage of 4% women in the CAF combat arms reflects the reported percentage of women in international peacekeeping in 2016.¹⁵

As for Canadian peacekeeping in particular, a 2006 report noted that “women constituted approximately 1 percent of military personnel and 4 percent of police personnel in UN peacekeeping missions.”¹⁶ The same report does provide much higher numbers of women in the civilian staff. A decade later, according to the 2017 Canadian National Action Plan (CNAP) for the implementation of UNSCR 1325, “[w]omen accounted for 24% of Canadian police deployed

¹¹ Jonathan Vance, “The Chief of the Defence Staff, General Jonathan Vance, Addresses Sexual Misconduct in the Canadian Armed Forces” (2016) 16:3 Canadian Military Journal 6 at 9.

¹² Lynne Gouliquer, *Soldiering in the Canadian Forces: How and Why Gender Counts*, (McGill Department of Sociology, Doctoral Thesis, 2011) 8.

¹³ National Defence and Canadian Armed Forces, “Women in the Canadian Armed Forces”, (2016), online: <<http://www.forces.gc.ca/en/news/article.page?doc=women-in-the-canadian-armed-forces/ildcias0>> accessed 22 February 2017.

¹⁴ *Ibid.*

¹⁵ Ayed, *supra* note 2.

¹⁶ United Nations Association of Canada, *The Canadian Contribution to United Nations Peacekeeping* (Ottawa: United Nations Association of Canada, 2006) at 10.

to peace operations in 2015-2016, exceeding the UN goal of 20%. Meanwhile, women accounted for 13.5% of the Canadian Armed Forces personnel deployed to UN and NATO operations.”¹⁷ These percentages of Canadian women deployed to peace operations, however, do not account for factors such as comparing the percentage with the total number of Canadians sent to peace operations. That is to say that most troop contributing countries are from developing countries, so in stating that for example, women accounted for 20% of Canadians deployed to peace operations, the total number of Canadians on a mission might only be 20. This means that the 20% might actually signify the representation of only 4 women in a contingent of 20.¹⁸ Thus, although the percentages seem promising, they do not account for the already low numbers of Canadian military participating in peace operations.

On the other hand, amongst peace-building literature, including much of what has been written on the benefits of women’s involvement in peace and conflict resolution,¹⁹ the focus is on local women’s participation. Although this is important and arguably essential to maintaining long-term peace in a conflict-ridden region, it ignores the role women peacekeepers play or may contribute to peacekeeping missions. Therefore, this thesis explores the role of Canadian women military peacekeepers in peacekeeping, to shed light on their stories and their significance within the multifaceted arena of peacekeeping missions and operations. Looking at the numbers of Canadian military personnel mentioned earlier, there are clearly factors perpetuating a gender gap in Canadian peacekeeping, particularly pertaining to the distribution of women in certain support roles over operational ones such as combat arms that continues to be dominated by, men.

¹⁷ Global Affairs Canada, *Canada’s National Action Plan 2017-2022: For the implementation of the UN Security Council Resolutions on Women, Peace and Security (CNAP)* (Ottawa: Global Affairs Canada, 2017) at 9.

¹⁸ Pablo Castillo-Diaz, Policy Specialist at UN Women, interview 10 May 2017 gave this example to highlight that currently Canada, overall, does not send that many women military peacekeepers to UN peace operations.

¹⁹ Swanee Hunt and Cristina Posa, “Women Waging Peace” (2001) *Foreign Policy* 38.

Hence, my research attempts to identify and analyze what these barriers may be and how they prevent women, particularly women military peacekeepers, from participating in peacekeeping missions.

In considering what hinders women's participation in Canadian peacekeeping and ways to overcome such barriers, I will also examine the impact of women's participation; whether the involvement of women does increase the chances of long-term peace resolution. In the UK, GAPS (Gender Action for Peace and Security) was created "to promote and hold the UK government to account on its international commitments to women in conflict areas worldwide."²⁰ It works with Non-Governmental Organizations (NGOs) and advises the All-Party Parliamentary Group on Women, Peace and Security (WPS) in the UK. Canada has the Women, Peace and Security Network – Canada (WPSN-Canada), which is somewhat equivalent to GAPS UK. WPSN-Canada is a not-for-profit organization connecting a number of organizations, namely NGOs, "promoting and monitoring the efforts of the Government of Canada to implement and support the United Nation Security Council Resolutions on women, peace and security".²¹ However, most literature as well as initiatives such as GAPS UK and WPSN-Canada, focus on local women's involvement in peace-building. They provide limited information on the benefits, if any, women military peacekeepers contribute to peacekeeping, peace-building and conflict resolution.

In Canada, although various reports have been initiated concerning gender issues in the Canadian Armed Forces, including the Deschamps Report, doctoral theses by Lynne Gouliquer²²

²⁰ Gender Action for Peace and Security, "About", online: <<http://gaps-uk.org/about/>> accessed 26 November 2017.

²¹ Women, Peace and Security Network – Canada, "Who we are", online: <<https://wpsn-canada.org/who-we-are/>> accessed 26 November 2017.

²² Gouliquer, *supra* note 12.

and Karen Davis²³, little is known specifically about women in Canadian peacekeeping.

Although the aforementioned research mentions women in peacekeeping and missions abroad in passing, literature on peacekeeping in the Canadian context is limited. This may be due to the fact that there are no separate or specific peacekeepers in Canada per se; military members, essentially, play the role of peacekeeper when deployed to peacekeeping missions.²⁴

Nevertheless, questions remain as to how Canadian women military members are deployed to peacekeeping missions and peace operations, their experiences within their workspace and how they are seen to contribute to Canadian peacekeeping and peace operations, including the impact of UNSCR 1325 on the integration of women in Canadian peacekeeping. Recognizing that peacekeeping operations and missions (there are a range of units and types of missions with varying aims even within this specific category) differ from the general military context, my research attempts to explore how they may have evolved over time and what efforts may provide the conditions for achieving gender equality.

A majority of the literature and research on peacekeeping, particularly from the early 1990s to the early 2000s, focuses on technical aspects of missions (i.e. resources, strategies) with little to no attention paid to those who are in it – i.e. peacekeepers. Even though UNSCR 1325 explicitly states “the important role of women in the prevention and resolution of conflicts and in peace-building, and stressing the importance of their equal participation and full involvement in all efforts”²⁵, the numbers in peacekeeping do not reflect this principle. For example, a Joint Research Conference in 2004 on *The New World of Robust International Peacekeeping*

²³ Karen Davis, *Negotiating Gender in the Canadian Force, 1970-1999*, (Division of Graduate Studies of the Royal Canadian Military College, Doctoral Thesis, 2013).

²⁴ Dr. Lynne Gouliquer, Professor Laurentian University, interview 22 Feb 2017 expressed that soldiers are usually tasked with peacekeeping, but that peacekeepers themselves do not exist in the Canadian Armed Forces.

²⁵ *Resolution 1325*, *supra* note 7 at 1.

Operations: What Roles for NATO and Canada? did not mention ‘gender’ or women’s involvement even though it took place just four years after the adoption of the Resolution. This is indicative of a general reluctance in discussing gender within the peacekeeping realm. This may also be because of the permeating militaristic influence on peacekeeping missions. Thus, this thesis turns to look within the CAF and its peace operations in order to gain a better understanding of women’s role in peacekeeping, as peacekeepers, which has largely been, either overlooked or simply ignored.

Nevertheless, there has been recent work concerning women in the CAF, which is reassuring and promising. The Deschamps Report in 2015, for one, conducted an extensive review and interviews with CAF personnel, solidifying the need to address the hostile and sexualized culture within the CAF which clearly marginalizes and affects women and LGBTQ members adversely, especially in the context of sexual harassment and sexual assault. A doctoral thesis by Gouliquer on *Soldiering in the Canadian Forces: How and Why Gender Counts* produced an extensive study on the barriers women face within CAF, addressing both the socio-cultural factors that manifest themselves within the institution as well as rules and regulations which effectively hinder women’s participation. However, although Gouliquer makes a few references as to how the situation for women worsens in missions abroad (which can be defined as peacekeeping missions for Canada, although it is not always the case), there is little discussion on the specific context of peacekeeping. This distinction is important primarily because it questions whether peacekeeping provides for a different working space at all, who it involves and whether it does make ‘space’ for women to be a part of it. The focus of the current research is on military peacekeepers, mainly because military peacekeeping tends to have the lowest number of women. The focus on women military peacekeepers is also due to the limited scope of

the thesis, which does not comprehensively or extensively consider local women's roles in conflict-resolutions and peace operations.

The thesis, therefore, after having taken the barriers military women face and potential 'benefits' they may offer into account, attempts to demonstrate the potential challenges a peacekeeping context might provide. The thesis analyzes how women's military status pervades their role as peacekeepers and reveals the necessity of creating an environment that nurtures a diversity of genders and identities. There is some literature on how local women are valuable resources in implementing and maintaining continued peace in conflict-ridden regions,²⁶ including their positions in their particular cultural contexts as well as the potential colonial implications of peacekeeping missions in foreign territories. However, the present research attempts to expand and contribute to the existing literature on the importance of women military peacekeepers, particularly through expert interviews which allow for an inside perspective on Canadian military peacekeeping. In addition, it argues that any of the 'benefits' of women military members' participation in peacekeeping, whether similar or different to those identified for local women's participation, may be problematic if seen through a lens of benefiting the organization. This approach of highlighting women's participation through how they benefit the organization takes away from the necessity of gender parity and gender equality, steering away from identifying deeper systemic and institutional issues of the military and peacekeeping. Consequently, the lack of a critical approach to change disallows transformative solutions to take place, effectively bringing about only superficial changes without ever re-conceptualizing the peacekeeping 'space' with women peacekeepers and their presence in mind.

²⁶ Hunt and Posa, *supra* note 19.

In investigating the ‘space’ of peacekeeping and women’s role in it, my thesis attempts to answer the following research questions: what are the barriers preventing an increase in the proportion of women in Canadian peacekeeping? Why is it important and what are the potential benefits for gender parity in Canadian peacekeeping, particularly in relation to UNSCR 1325? What changes or reforms, if any, should be made in Canadian law and policy or within the Canadian peacekeeping regimen, to better integrate women and men into an environment of gender equality? These questions demark peacekeeping and the environment in which it exists as a space which can be the place of progress, targeting change on a systemic and institutional level, as a microcosm in which to exemplify and influence a cultural change of valuing women where they have long been marginalized.

1.2 Methodology

The research employs mixed methods approach. The first entails a comprehensive understanding of what literature is presently available regarding women’s involvement in Canadian peacekeeping. A contextual analysis of UNSCR 1325 will allow for a foundation to the thesis. It helps establish how the Resolution came about, the discussions before and after its conception, as well as the literature produced afterwards, commenting on its significance and impact thus far. The literature review, which contains the contextual analysis of the Resolution, helps frame the research. It is the initial stepping stone from which the research branches out. It identifies questions about why there are continuing gaps between the number of women in proportion to men in the military and subsequently in Canadian peace operations, despite Canada’s adoption of the Resolution and spearheading of the campaign for UNSCR 1325. The contextual analysis grounds the research and allows for a holistic overview of issues that were

either apparent at the time of the Resolution or were subsequently brought to the forefront in the implementation of it. The literature review also brings a feminist legal theory lens on the issues, looking at the peacekeeping and military ‘space’ with a critical eye and feminist perspective. A feminist legal theory lens exposes the systematic, structural and socio-cultural issues within the military and peacekeeping space, ultimately enabling suggestions for promoting gender equality in Canadian peacekeeping in the fifth chapter.

In addition to the theoretical methodologies mentioned above, I collected empirical data in the form of expert interviews. I also submitted, under the *Access to Information Act*,²⁷ requests for relevant documents through the Access to Information and Privacy Online Request (ATIP) system. The expert interviews consisted of senior officials from the Department of National Defence (DND) and the Canadian Armed Forces (CAF), legal professionals (currently or formerly engaged in litigation against the DND and/ or CAF) and academics who have expertise in the field of peacekeeping, the military or gender studies. A total of 22 interviews were conducted within a four month period. The interviews were semi-structured. This allowed for some discussion as well as some spontaneous responses rather than a structured interview which risks guiding participants too much, influencing and obtaining certain kinds of responses to close-ended questions. The semi-structured method also provided space for clarification and a more extensive understanding of the participants’ respective views and perspectives.

1.2.1 Research Interviews

The 22 interviews were between thirty-five minutes to an hour in length, varying from participants who provided more lengthy responses to the open-ended questions to those who

²⁷ *Access to Information Act*, RSC, 1985, c. A-1.

preferred brevity in their answers. All the interviews were conducted over the phone, whether direct line or through an internet connection such as Skype. Prior to conducting the interviews, I applied for and received Behavioural Research Ethics Board (BREB) approval.²⁸ The interviews were attributed with the informed consent of the interview participants. Attribution of the interviews was due to the fact that these were expert interviews. Interview participants, as is outlined in the inclusion criteria below, were senior officials and leaders in their respective organizations and in academia. Due to their responsibility in those positions, the attribution of their interviews allows accountability for the information they provided regarding their expert knowledge and practices. Nevertheless, as outlined in the consent form, interview participants had the option to have their identity remain confidential by explicitly stating that they wish to do so. The interview participants also retained the right to refuse to participate or withdraw from the study at any time. In addition, quotes relating personal experiences that bore the potential risk of adverse impact were subject to a reconfirmation by interview participants as to whether they preferred to be attributed or anonymized for those excerpts. The following inclusion and exclusion criteria were used for the interview participants:

Inclusion criteria: Since the research concerns the participation of women, especially over the past sixteen years since the implementation of UNSCR 1325, the participants were experts who addressed what policies are in place and to what effect. The participants were fluent and comfortable speaking in English, especially due to their job descriptions. The participants included the following four main groups:

²⁸ Behavioural Research Ethics Board, University of British Columbia (UBC BREB number H16-02932), approved January 12, 2017.

- 1) Senior officials – this included current and former officials from the Department of National Defence and Canadian Armed Forces who may have had experience in or extensive knowledge of the various initiatives that were introduced to create gender parity and their implementation in peacekeeping.
- 2) Policy experts – this included current and former government officials and/ or members of public interest groups that contributed to policies and initiatives in relation to gender parity in peacekeeping and peace building in Canada.
- 3) Legal professionals – this included current and former lawyers and/or other legal professionals who shed light on current and past actions against the Canadian Military, Canadian Military Colleges, and Department of National Defence and Canadian Armed Forces.
- 4) Academics – this included academics who have expert knowledge relevant to the research to provide a theoretical framework concerning gender and the peacekeeping context as to why certain approaches to increasing women's participation work or do not work in peacekeeping.

The exclusion criteria consisted of the following: Due to the limited scope of the research and lack of resources to support interviews with current and former Canadian military peacekeepers, the project excluded such vulnerable participants and focused on those expert interview participants who may be able to provide a larger policy and theoretical framework to the involvement of women in peacekeeping. There was also a narrow focus on Canadian military peacekeeping and peacekeepers, which excluded any non-military participants in peacekeeping missions, including police and RCMP officers. Thus, the following categories helped determine the criteria for which potential participants may be excluded:

- 1) Job description – those who were not senior officials or experts in their area of research (in accordance to the inclusion groups), either in the Department of National Defence and the Canadian Armed Forces, in academia, in government, policy experts, or the legal profession were excluded. This is because the interviews targeted specifically and solely relevant experts to the research.
- 2) English language fluency – this is not a perceived issue, particularly due to the language requirements of the expert participants' jobs from the inclusion criteria. However, it indicated that all interviews were conducted in English.

With these criteria in mind, and accounting for scheduling issues, I interviewed 12 current Canadian Armed Forces (CAF) personnel, all at or above the rank of Major; 4 former serving CAF members with relevant expertise; two lawyers, including one retired justice of the Supreme Court of Canada; and 4 academics who have relevant expertise.

However, it is worth noting that my inquiries generated significant interest within the CAF. Many participants were recommended by other interview participants, including those who were from the lower ranks.²⁹ There was also a junior officer, who had been informed of the study by a senior officer and who wished to participate. Another participant informed me that my study invitation email had been shared widely. Since junior officers were beyond the scope and inclusion criteria for participants, I had to decline the participation of the aforementioned junior officer and one other. Clearly there is an interest among women who have served in peacekeeping and operations abroad to share their personal experiences and insights. A future

²⁹ National Defence and the Canadian Armed Forces, “Rank Appointment Insignia”, online: <<http://www.forces.gc.ca/en/honours-history-badges-insignia/rank.page>> accessed 2 June 2017.

study involving officers of all ranks, especially junior officers, would benefit from hearing from them.

1.2.2 Qualitative Data Analysis

The interviews, which I transcribed, provide a qualitative data set suited to thematic analysis. Crowe et al., in comparing thematic and content analyses, states that “TA [thematic analysis] requires in-depth exploration of the research question and active exploration by the interviewer in order to identify themes; however, CA [content analysis] can be used across all levels of interview and written responses from questionnaires.”³⁰ That is to say that “[a]t a basic level, the main difference between the methods is that CA reduces the data into categories and TA takes this a step further by examining the relationships and meanings in the categories to identify themes.”³¹ Recognizing that semi-structured interviews provide space for the interview participants to give lengthier and in-depth responses, a thematic analysis is better suited for the present data collection. This approach also helps achieve the aim of this thesis to explore larger themes in relation to existing data, academic research, and documents obtained through ATIP requests or available publicly.

Part of conducting a qualitative thematic data analysis requires not only other existing literature to support the interpreted themes but also necessitates excerpts from the participants’ interviews: “The participants’ reflections, conveyed in their own words, strengthen the face validity and credibility of the research³²... [as well as to] ensure that data interpretation remains

³⁰ Marie Crowe et al. “Conducting Qualitative Research in Mental Health: Thematic and content analyses” (2015) Australian & New Zealand Journal of Psychiatry 1 at 3.

³¹ *Ibid* at 4

³² Jennifer Fereday and Eimaer Muir-Cochrane, “Demonstrating Rigor Using Thematic Analysis: A Hybrid Approach of Inductive and Deductive Coding and Theme Development” (2006) 5:1 The International Journal of

directly linked to the words of the participants.”³³ Interview quotes and excerpts have been italicized for clear identification purposes and to distinguish them from secondary source references. I used NVivo software to host the interview transcripts and analyzed the data, identifying categories and themes through nodes. The use of NVivo aided a manual analysis approach of managing the data, involving a close reading and re-reading of transcripts to identify the various themes which emerged in the interviews³⁴ and their inclusion in the final research.

1.2.3 Access to Information Requests (ATIR)

I made a total of twelve formal ATIR requests (see Appendix A) to the Department of National Defence at the beginning of November 2016. Subsequent modifications were proposed by the Tasking Officer under the Directorate Access to Information and Privacy (DAIP) from the Department of National Defence on February 7, 2017 whereby the 12 initial formal requests were reworded and reduced to 11 requests. Further modifications were proposed, reducing and consolidating the requests into 9 separate requests (see Appendix B). Unfortunately, this was not a pleasant and rather challenging process. From the requests submitted and modified nearly a year ago and counting, all the formal requests, except for one, are outstanding and produced no documents. This was a grueling process as it involved constant correspondence in the form of follow-up emails, formal complaints and complaint letters to the Office of the Information Commissioner with little to no avail. Due to delays, a complaint letter was submitted to the Office of the Information Commissioner who found the delay a deemed refusal. One request

Qualitative Methods 1 at 3 citing M. Patton, *Qualitative research & evaluation methods* (3rd ed, Thousand Oaks: Sage, 2002).

³³ *Ibid* at 2.

³⁴ Crowe et al. *supra* note 30 at 3.

received a response of “no records” from the Department of National Defence and the Canadian Armed Forces. A letter of complaint was submitted to the Office of the Information Commissioner regarding this deemed refusal as well. Another request received a null response claiming cabinet confidence in pursuance of section 69 of the *Access to Information Act*. The details of the formal requests, the responses received and complaints submitted are listed in Appendix B.

Aside from the formal requests, a total of eight informal requests (see Appendix C) were submitted through the ATIR system to the Department of National Defence. Informal requests are requests for documents released under previously submitted formal requests. A list of these previous formal requests are listed on the Access to Information and Privacy (ATIP) website with the number of documents released and may be requested as informal requests free of charge. Seven out of the eight requests resulted in a total of 4427 pages of documents which I received. These were reviewed and the relevant documents are referenced accordingly and are used throughout the paper to support and triangulate the qualitative analysis of this study.

1.2.4 Theoretical Framework

To analyze and eventually to propose transformations within the organizational and institutional, as well as cultural, structure of Canadian peacekeeping in response to the lack of gender equality, it is useful to use a feminist theory lens and feminist methods. That is to say that “[f]eminists cannot ignore method, because if they seek to challenge existing structures of power with the same methods that have defined what counts within those structures, they may instead

‘recreate the illegitimate power structures [that they are] trying to identify and undermine.’”³⁵

The use of this methodology will consist of a range of feminist perspectives to reveal a variety of different ways in which this particular system may disadvantage or impact women. This brings the more traditional methods, such as ‘asking the woman question’ and consciousness-raising to other perspectives which incorporate different kinds of feminist thought – i.e. radical feminism/ dominance theory, equal treatment theory, critical race feminism and post-modern feminism.³⁶ Feminist legal theory and methodology will be embedded throughout in order to expose the inherent systematic, structural and socio-cultural issues, attempting to start an “excavation”, peeling layer by layer, whereby “[f]eminist analysis must thus explore the unspoken commitments of apparently neutral principles of international law and the ways that male perspectives are institutionalized in it.”³⁷ Perhaps then it can enable room to identify gaps and enable suggestions for transformations and improvements for gender equality in and within Canadian military peacekeepers and peacekeeping.

1.3 Thesis Overview

The following provides an overview of the sections and chapters in this thesis. Chapter 2 sets out the context of women in peacekeeping through discussing how UN peacekeeping has evolved since its conception. It also explores the trajectory of Canada’s involvement in peacekeeping. The second half of chapter two is devoted to a literature review of UNSCR 1325,

³⁵ Katherine T. Bartlett, “Feminist Legal Methods” in Katherine T. Bartlett and Rosanne Kennedy, eds, *Feminist Legal Theory: Readings in Law and Gender* (Boulder: Westview Press, 1991) 370 at 370 citing Singer, “Should Lawyers Care About Philosophy?” 1989 Duke L.J. 1752 at 1753.

³⁶ Nicola Pratt, “Reconceptualizing Gender, Reinscribing Racial–Sexual Boundaries in International Security: The Case of UN Security Council Resolution 1325 on ‘Women, Peace and Security’” (2013) 57 *International Studies Quarterly* 772.

³⁷ Hilary Charlesworth and Christine Chinkin, *The Boundaries of International Law: A Feminist Analysis* (Melland Schill Studies in International Law, Manchester University Press, 2000) at 49-50.

outlining women's role in the context of the resolution and in the arena of international law, peace and security. Chapter 2 also briefly discusses the legal struggles for the integration of women in the Canadian Forces. Chapter 3 outlines some of the benefits of women in peacekeeping, including how the discussion of 'benefits' can be instrumentalist and potentially problematic. The chapter relies on the perspectives of the interview participants and some of the benefits they identified in justifying the inclusion of women in peacekeeping.

Chapter 4 identifies three major barriers to women's participation in Canadian military peacekeeping. The barriers are not mutually exclusive and work in concert to prevent women's full and equal inclusion in the Canadian military and consequently military peacekeeping. Chapter 5 discusses recent policy reforms in the DND and CAF. The chapter includes a brief discussion of class-action lawsuits underway by former CAF members claiming they faced gender-based discrimination. The analysis on current reforms investigates the shortcomings of policy-based initiatives, suggesting alternative ways of thinking and bringing about transformative change. The final chapter, chapter 6, relates concluding thoughts and findings.

Chapter 2: Context to Women in Peacekeeping

In order to understand women's role in peacekeeping, it is essential to define key terms to construct the 'space' of peacekeeping and then the involvement of women in it. This chapter explores the evolution of international peacekeeping, followed by a critical discussion and a brief history of Canada's involvement in peacekeeping. The discussion then leads to an analysis of UNSCR 1325, identifying problems the resolution might pose despite its envisioned innovation. A deeper understanding of UNSCR 1325, its conception, adoption and implementation prompts a brief discussion of the Canadian National Action Plan (CNAP), including Canada's delay in producing its first CNAP and the potential improvements in the one released in 2017. The chapter ends with an identification of some of the major developments and legal battles in Canada against discrimination of women in the Canadian Forces. The history of women's struggles to fully integrate and participate in the CAF demonstrates a glimpse into the long road of women's inclusion in the Canadian military. Such battles for gender equality in the Canadian military help set the stage and inform a similar gender disparity in the world of military peacekeeping and international peace and security.

2.1 Defining Peacekeeping

2.1.1 The Evolution of Peacekeeping to Peace Support Operations

Before we venture into the terrain of analysis on peacekeeping or UNSCR 1325 on women, peace and security, it is worthwhile to understand the evolution and recent changes in peacekeeping. That is to say that what peacekeeping looked like back in the 1990s, or how the public may perceive it, is not the same today. Moreover, there are several terms describing aspects of implementing peace in a conflict-zone which differ from one another. Admittedly,

“[p]eacekeeping was never formally defined by any UN organ or by its Secretariat.”³⁸

Nonetheless, it has changed from one of its first missions in 1956 in the Suez Canal conflict where “[i]t acted under three guiding principles: consent of the parties to the conflict, impartiality, and use of force only in self-defence.”³⁹ Sitkowski further explains the different terms used in UN military interventions which are “obscured by the existing confusion about ‘peacekeeping’ and ‘peace enforcement’” whereby the latter may include force being “used in defense of the mandate”.⁴⁰ There are, thus, a few principal terms used today, and the term ‘peacekeeping’ is used less and less. As per the responses in many interviews, much of the Canadian operations, unless under what they deem as ‘blue beret’ (under the UN flag), are multilateral operations requiring the enforcement of a mandate with sometimes some aspect of ‘peace-making’ or ‘peace-building’ or ‘peace support’:

“To describe better the complex realities new ideas and semantic innovations have been introduced, such as ‘robust,’ ‘wider,’ ‘expanded peacekeeping,’ ‘peace support,’ ‘peace restoration,’ or ‘inducement’ and also ‘humanitarian’ operations – to name a few. As for peace enforcement [which Sitkowski mentions they wish to keep distinct from peacekeeping] a consensus seems emerging in considering it a subdivision of UN operations, falling into a ‘gray area’ between peacekeeping and war fighting.”⁴¹

Stefanie von Hlatky, an Assistant Professor at Queen’s University and current Director of the Centre for International Defence Policy, in her interview explains the following regarding the definition of peacekeeping:

“The definition you speak about, we’ve widened it quite a bit by kinda moving away from peacekeeping and focusing on peace support operations so going from military observers to you know the kind of robust intervention that you see in Mali, so it can look like anything, and it can certainly look like regular war.”⁴²

³⁸ Andrzej Sitkowski, *UN Peacekeeping: Myth and Reality* (Praeger Security International: Westport, 2006) at 2.

³⁹ *Ibid* at 2.

⁴⁰ *Ibid* at 3.

⁴¹ *Ibid* at 4.

⁴² Dr. Stefanie von Hlatky, Assistant Professor in the Department of Political Studies at Queen’s university, interview 9 May 2017.

Most interview participants spoke about how peacekeeping has changed drastically since the early 1990s.

Andrew Cottey in his article describes that “[i]n the 1990s, a series of military interventions, in Iraqi Kurdistan, Somalia, Haiti, Bosnia, Kosovo and East Timor, suggested that a new norm of humanitarian military intervention was emerging in international politics.”⁴³

Unlike the three characteristics mentioned above for UN peacekeeping,

“[t]hese military operations were defined by three characteristics: intervention in the internal affairs of the states concerned (often without the consent of the state’s government), the centrality of humanitarian objectives to the intervention, and the active use of military force to achieve those objectives (which distinguished these interventions from the largely non-forceful model of UN peacekeeping that had emerged after 1945).”⁴⁴

Kevin West, Chief Warrant Officer (CWO) in the Canadian Armed Forces, confirms this idea of a more interventionist approach when talking about his experience in Bosnia:

*“We were involved in multiple missions, including in early 90s in Bosnia. And we can debate till the cows come home if was that peacekeeping or not, but it was a UN peacekeeping mission is what it was called.”*⁴⁵

This shows that even though some missions were labeled or seen at first as strictly ‘keeping the peace’ either changed very quickly or were not peacekeeping at all. Accordingly, Cottey’s analysis above reveals that peacekeeping missions are largely interventionist in nature, with active military force as ‘normal’. It also goes back to Assistant Professor von Hlatky’s

⁴³ Andrew Cottey, “Beyond humanitarian intervention: the new politics of peacekeeping and intervention” (2008) 14:4 Contemporary Politics 429 at 429.

⁴⁴ *Ibid*

⁴⁵ Chief Warrant Officer Kevin West, Canadian Armed Forces, interview 1 March 2017 (Part one) and 7 March 2017 (Part Two).

aforementioned description that the definition of peacekeeping, at least for more contemporary purposes, is wide and can actually include warfare.⁴⁶

Moreover, the blurring in terminology of peacekeeping described by Sitkowski and Cottey points to the following understanding:

“[The] terminology of peacekeeping and intervention is problematic: policymakers and academics use a wide variety of terms – peacekeeping, peace enforcement, peacebuilding, nation-building, humanitarian intervention, peace support operations, and peace operations – to describe a complex and overlapping range of military operations and tasks, and the definitions and boundaries of these various terms are often not clear. The general term ‘peace operations’ is used to describe the wide range of different types of operations which are debated in this field.”⁴⁷

Thus, even in the interviews as well as when academics speak about peacekeeping, there is a mention of a larger overarching category of ‘peace operations’ which may or may not involve the UN and may also refer to multilateral operations or other international military forces such as NATO.

Cottey helpfully portrays how peacekeeping evolved from the post-conflict UN traditional peacekeeping operations where “the role of the peacekeepers was to reinforce and support the ceasefire or peace agreement” and the “fighting had already stopped and there was a reasonable prospect that it would not resume.”⁴⁸ However, “the primary exception to this model was the UN Operation in the Congo (ONUC, 1960–64), which was deployed in a situation of ongoing violence within the Congo, and which saw UN forces drawn into combat, eventually resulting in a humiliating withdrawal by the UN.”⁴⁹ What this implies is that the UN having tried the more interventionist approach actually withdrew and went back to a more traditional sense of

⁴⁶ Dr. Stefanie von Hlatky, Assistant Professor in the Department of Political Studies at Queen’s university, interview 9 May 2017, previous quote discussing the definition of peacekeeping.

⁴⁷ Cottey, *supra* note 43 at 432.

⁴⁸ *Ibid.*

⁴⁹ *Ibid* at 432-433

peacekeeping because this way of operating was “a risky business, best avoided, and the Congo experience reinforced the preference to deploy UN forces only in post-conflict situations.”⁵⁰

This, Cottey expresses, was in contrast to the humanitarian interventions in the 1990s and the 2000s:

“The majority of peace operations in the 2000s – including many of the UN’s more recent missions, the US operation in Iraq since the overthrow of Saddam Hussein in 2003, the US/NATO [North Atlantic Treaty Organization] operation in Afghanistan, and the AU [African Union]/UN missions in Darfur – have been deployed in ambiguous situations somewhere between the relatively clear-cut ceasefires or peace agreements that preceded traditional UN peacekeeping operations and the situations of ongoing, large-scale violence that provided the context for the humanitarian interventions of the 1990s.”⁵¹

Not only does the above illustrate a different lay of the land for operations, it also connotes entirely different rules for the playing field. For example, the UN support for the prime minister in its operation in the Congo seemed to fly in the face of impartiality, a guiding principle of peacekeeping since “peacekeeping forces do not usually overtly favor one side or the other in a conflict.”⁵²

Paul Diehl also observes that “[p]eacekeeping is designed to provide a fruitful environment for negotiations between warring parties... [because] [p]arties engaged in military conflict are thought to be less likely to talk with their enemy, much less offer meaningful concessions at the bargaining table.”⁵³ Peacekeeping and its definition, therefore, are in an ever changing state, where it is unclear what the potential implications are of these presumably ‘neutral’ forces such as the UN peacekeepers, questioning whether and how their engagement through aggressive methods in peace support missions would be conducive to creating peace.

⁵⁰ *Ibid*

⁵¹ *Ibid* at 433

⁵² Paul Diehl, *International Peacekeeping* (Baltimore: Johns Hopkins University Press, 1993) at 8.

⁵³ *Ibid* at 37.

Apparently Diehl favoured ‘active involvement’ providing Congo again as an example where the conflict was settled “only after it [the UN operation in Congo called ONUC] violated peacekeeping practice, specifically supporting one side in the conflict, and became actively involved.”⁵⁴ Although Diehl’s book, *International Peacekeeping*, dates back to the early 1990s, what it states in support of active involvement is that essentially peacekeeping cannot be credited for conflict resolution because the “quasi-military setup and composition of the force favors truce supervision and not diplomacy.”⁵⁵ He thus concludes “that *peacekeeping* is relatively unconcerned with *peacemaking*.”⁵⁶ This certainly supports the notion of peace support operations and what they seem to entail, however, it perhaps takes for granted the depoliticized nature of what peacekeeping was supposedly meant to encapsulate.

On the other hand, there are perhaps consequences to such ‘robust’ peace support operations we see today. Charles Hunt explains that “the robust turn in peacekeeping does dictate that: (1) missions are now deployed in these situations where they would not have been previously; and (2) however force is calibrated, peacekeepers are robustly undergirding a political strategy to stabilize situations in partnership with particular parties to the conflict.”⁵⁷ In addition, Hunt’s article points to a general expectation of the use of force in UN peacekeeping missions which, as well as militaristic strategies, causes issues ranging from creating a vacuum post-mission in the long term, puts civilian unarmed peace members or International Non-Governmental Organizations at risk due to the established norm of violence and ultimately instills an existential crisis for what peacekeeping was meant to be. That is to say that “[t]here is

⁵⁴ *Ibid* at 104-105.

⁵⁵ *Ibid* at 104.

⁵⁶ *Ibid* (original emphasis).

⁵⁷ Charles T Hunt, “All necessary means to what ends? The unintended consequences of the ‘robust turn’ in UN peace operations” (2017) 24:1 *International Peacekeeping* 108 at 118.

consequently a real risk that these developments will *jeopardize the traditional principles of peacekeeping*” which consequently “unsettles the consensus among the wider community of member states who support peace operations as a core part of the UN’s business through the General Assembly, the Special Committee on UN Peacekeeping Operations (C-34) and other relevant forums.”⁵⁸ This of course sheds light on the ‘not-so-peaceful’ realm of peacekeeping and how it skews what were once its very foundations.

There is also another trend identified by Cottey regarding the increased “regionalization” of operations. He explains the concept of regionalization:

“[R]egional organizations – such as NATO, the EU [European Union] and the AU – have taken on the task of peacekeeping and intervention; ad hoc, regionally based coalitions have engaged in peace operations (as with the 1999–2000 intervention in East Timor); UN operations have to some extent become regionalized (with key states from within the region taking the political and military lead – as Brazil has done in Haiti); and leading regional powers have taken up the burden of peacekeeping within their regions (as with Australia in the South Pacific and South Africa within the Southern African region).”⁵⁹

Looking through the current operations on the Canadian Armed Forces website, for example, it is fair to say that most if not nearly all the operations are under NATO or other multilateral or joint-force agreement.⁶⁰ Thus, the trend from the list on the website seems to indicate that Canada is currently participating in operations at large, including what may be labeled as peace support operations.

⁵⁸ *Ibid* at 125 (original emphasis).

⁵⁹ Cottey, *supra* note 43 at 440.

⁶⁰ National Defence and the Canadian Armed Forces, “Current Operations List”, online: <<http://www.forces.gc.ca/en/operations/current-list.page>> accessed 2 November 2017. Other than domestic or North American operations, there are a total of 18 operations listed on the Canadian Armed Forces website between the regions it divides them in (i.e. Central or South America; Europe; Africa; Middle East; Asia Pacific) only 3 are contributions to UN forces. All the other operations are either under NATO (all in Europe or the Middle East except for one UN mission in each of those two regions), Combined Maritime Forces (CMF), US-led or some combination of multinational joint force.

2.1.2 Brief History of Canada's Involvement in Peacekeeping

Similar to the evolution of international peacekeeping, Canada's involvement in peacekeeping has also changed over time. According to Laura Neack, Canada's grand entrance into the world of peacekeeping started at the end of the Second World War where "Canadian statespersons undertook an aggressive campaign to establish a special status for Canada and other 'middle power' states in the new United Nations."⁶¹ Canada, indeed, seemed an eager participant, not only establishing its role in peacekeeping as that of a moral one due to its status as a middle power,⁶² but by also contributing to 8 out of the top 10 peacekeeping observer missions from 1948 to 1990.⁶³ However, "[w]hen Canadians think of their peacekeeping role and history, the normal starting place is the part played by then-Secretary of State for External Affairs Lester B. Pearson in pressing for the creation of UNEF [United Nations Emergency Force] in response to the Suez Canal crisis in 1956."⁶⁴ He was later awarded the Nobel Prize for this work.⁶⁵ Neack discusses the fact that the plan was first rejected by the United Nations to the surprise of Canadians because the initial plan was asking the British and French invaders to become peacekeepers.⁶⁶ Indeed, the contribution of Pearson in putting Canada in the lead during the primacy of peacekeeping seems to contribute to the overall identity of Canada as a peacekeeper. "This noble—or Nobel—approach also helped to differentiate Canadians, at least in their own minds, from their more aggressive neighbours to the south, always a popular

⁶¹ Laura Neack, "UN Peace-Keeping: In the Interest of Community or Self?" (1995) 32:2 *Journal of Peace Research* 181 at 183.

⁶² *Ibid*

⁶³ *Ibid* at 185.

⁶⁴ Alistair D. Edgar, "Canada's changing participation in international peacekeeping and peace enforcement: What, if anything, does it mean?" (2002) 10:1 *Canadian Foreign Policy Journal* 107 at 109.

⁶⁵ *Ibid*

⁶⁶ Neack, *supra* note 61 at 189, quoting J. L. Granatstein, "Peacekeeping: Did Canada Make a Difference? And What Difference did Peace-keeping Make to Canada?" in John English & Norman Hillmer, eds, *Making a Difference: Canada's Foreign Policy in a Changing World Order* (Toronto: Lester Publishing, 1992) at 222 – 236.

subtext. The myth has subsequently taken on a life of its own and peacekeeping, according to one journalist, ‘is in our genetic code as a nation.’”⁶⁷ A similar description of Canada’s peacekeeping identity was put forth by CWO Kevin West during his interview:

“So you know Canada was one of the front runners and one of the leading, I would say leading nations and they, and you know you need to understand this from the aspect of a military member. You know it’s not a political statement or anything like that, we were regarded within the military context, as you know some of the top peacekeepers in the world...And we’re still very much, I think because of our heritage of being so strong on peacekeeping, and this is what helps us so much when we go into places, and I use examples like Afghanistan and where we are in Iraq, and where we potentially may go in the future here, is that we still have, I think it’s in a lot of our DNA.”

From CWO West’s view above, it is interesting to note that the ‘peacekeeper’ identity has a strong presence in the identity of the Canadian military. His clarification in stating the above view “as a military member” further validates that the heritage and history of Canadian peacekeeping is part of how the Canadian military see themselves and wish to be seen.

However, Michael Carroll tries to re-situate the patriotic Canadian to dispel the myth of this innate peacekeeping nature. Carroll discusses the many critics in Canada at the time Pearson and St. Laurent committed Canada to the Suez crisis for having left Britain for the sake of a US foreign policy.⁶⁸ Carroll argues that not only did Pearson not ‘invent’ peacekeeping, the decision to go in 1956 was due to a number of factors, primarily the tension the crisis caused between the US and the UK jeopardizing the collation of the NATO members, the UN and the Commonwealth, “all cornerstones of Canadian foreign policy.”⁶⁹ Indeed it seems the initiative of the Suez was met with much vehemence of the British loyalists in Canada at the time, dispelling or at least re-situating the moral credit we might give ourselves as Canadians.

⁶⁷ Michael Carroll, “Peacekeeping: Canada’s past, but not its present and future?” (2016) 71:1 International Journal 167 at 168.

⁶⁸ *Ibid* at 170-171.

⁶⁹ *Ibid* at 171.

“Cooper cites Professor Jack Granatstein, who points out that *our expertise in peacekeeping has not come from the purity of our souls or our imagined quasi-neutrality, but because we were part and parcel of the western alliance*, and hence were trained, prepared and equipped to be able to undertake such operations when they arose. Granatstein also observes that ... *our peacekeeping efforts almost always supported western interests. Certainly this was true in the Middle East, the Congo, Cyprus, Vietnam and Bosnia too.*”⁷⁰

Thus, what was perhaps the best foreign policy at the time for Canada has now been rendered part of the Canadian national identity. That is to say that peacekeeping, in the mind of the Canadian public, seems as a ‘natural’ component of nationalism devoid of its initial controversy and colonial loyal ties.

Nonetheless, in continuing through the trajectory of Canada’s participation or contribution to peacekeeping, it is important to note that “[i]n 1992 Canada was the largest contributor to UN peacekeeping operations, fielding over 3,300 soldiers, yet since that time—under both Liberal and Conservative governments—Canada’s participation has been in steady decline.”⁷¹ This of course might change with the recent announcement from the Liberal government to commit to more peacekeeping, the details of which fluctuated from the initial announcement of committing 600 troops to the latest news confirming up to 200 ground troops for future UN peacekeeping operations.⁷² The steady decline of UN peacekeeping operations was apparently credited to a “‘second generation’ peacekeeping”.⁷³ This mode of peacekeeping included a number of factors, one of which was the leadership of Minister of Foreign Affairs Lloyd Axworthy in 1996 and his emphasis on “‘human security’”.⁷⁴ Another factor was that of

⁷⁰ Edgar, *supra* note 64 at 110 – 111 (original emphasis).

⁷¹ Carroll, *supra* note 67 at 174.

⁷² Murray Brewster, “Canada offering 200 ground troops for future UN peacekeeping operations” *CBC News* (15 November 2017), online: <<http://www.cbc.ca/news/politics/peacekeeping-plan-trudeau-vancouver-1.4403192>> accessed December 14, 2017.

⁷³ Edgar, *supra* note 64 at 111.

⁷⁴ *Ibid*

the Conservative government's "recognition of the growing need for a more robust and interventionist set of peace support options for the UN and its member states", which was initiated by Prime Minister Brian Mulroney in 1991, where Canada "not only joined, but actively led the ranks of UN member states pressing for more forceful intervention even against formally sovereign states."⁷⁵

Nonetheless, during the supposed peak of peacekeeping in Canada in the 1990s, where troops were involved in Bosnia, Kosovo, and Croatia, to name a few, there was also "ill-fated intervention in Somalia",⁷⁶ where "events transpired... that impugned the reputations of individuals, Canada's military and, indeed, the nation itself."⁷⁷ The events allude to the shooting of individuals in Somalia, "the beating death of a teenager in the custody of soldiers from 2 Commando of the Canadian Airborne Regiment (CAR), an apparent suicide attempt by one of these Canadian soldiers, and, after the mission, alleged episodes of withholding or altering key information."⁷⁸ Without delving into too much detail of one of Canada's infamous military missions, it is evident that Canada's involvement in interventionist peacekeeping has almost never been without controversy. What such controversies also foreshadow is Canada's more recent, and arguably tense, operations in Afghanistan, which have been criticized for using "[t]he liberation of women and girls... as a justification for military invasion... [setting] a dangerous precedent of new wars of humanitarian intervention."⁷⁹

⁷⁵ *Ibid* at 111-112.

⁷⁶ *Ibid* at 112.

⁷⁷ Minister of Public Works and Government Services Canada, *Dishonoured Legacy: The Lessons of the Somalia Affair* (Ottawa: Canadian Government Publishing, 1997) at ES-2.

⁷⁸ *Ibid*

⁷⁹ Dyan Mazurana et al., "Introduction: Gender, Conflict, and Peacekeeping" in Dyan Mazurana et al., eds, *Gender, Conflict, and Peacekeeping* (Lanham: Rowman and Littlefield Publishing, Inc, 2005) 1 at 22.

In keeping with the Canadian image of peacekeepers, David Jeffress provides an interesting perspective on this “Canadian national imaginary” and its status as a ‘myth’, in the way Roland Barthes talks about myth, and how this mythology functions as nostalgia.⁸⁰

“‘Myth does not deny things, on the contrary, its function is to talk about them; simply, it purifies them, it makes them innocent, it gives them a natural and eternal justification, it gives them a clarity which is not that of an explanation but that of a statement of fact’”⁸¹

Although this traverses into the politic of the public in how it views itself and Canada’s image, it is not meant as a judgment on how Canada ought to be viewed, but a reflection of how politically tied Canada’s involvement in peacekeeping really is and always has been throughout history. It also shows the relationship between public opinion and foreign policy and for that matter peacekeeping.⁸² Moreover, it displays the masking that may occur of Canada’s other operations and activities which are in stark contrast to its peacekeeping narrative. For example, “[w]hile the mandate of Canada’s second mission in Afghanistan between 2003 and 2005 quickly shifted from ‘policing’ Kabul to offensive operations in the hillsides, Canada’s intervention in Afghanistan has, nonetheless, officially been represented through the discourse of peacekeeping.”⁸³ This does not even begin to reconcile “the fact that Canada has consistently been among the top fifteen weapons exporters in the world, and in 2006 was ranked sixth in such exports, just behind China” which “is omitted from narratives of Canada’s peacekeeping tradition.”⁸⁴ Again, this is not to take away from the sacrifice of many members from the Canadian Armed Forces, police and civilians over the years who have participated in

⁸⁰ David Jeffress, “Responsibility, Nostalgia, and the Mythology of Canada as a Peacekeeper” (2009) 78:2 University of Toronto Quarterly 709 at 710 – 713.

⁸¹ *Ibid* at 712-713 quoting Roland Barthes, *Mythologies* (Trans Annette Lavers, New York: Noonday, 1972) 143.

⁸² See Pierre Martin and Michel Fortmann, “Canadian public opinion and peacekeeping in a turbulent world” (1995) 50:2 International Journal 370 for a discussion on public opinion being coherent and stable and its relevance as well as importance in foreign policy.

⁸³ Jeffress, *supra* note 80 at 709.

⁸⁴ *Ibid* at 711.

peacekeeping and peace support operations. After all, at the receipt of a medal from the UN in 2002, which was “accepted by Ambassador Heinbecker on the behalf of 108 Canadian service personnel who had been killed – the highest total of any of the 80 states represented at the solemn ceremony”, it was also noted that Canada “had contributed approximately ten percent of all UN peacekeeping personnel deployed since 1945.”⁸⁵ Therefore, in analyzing Canada’s involvement in peacekeeping, it is important to briefly trace its political under belly, which includes how operations changed and became more ‘robust’ as well as how some of these more interventionist missions were painted in a ‘purified’ image for the Canadian public to absorb – i.e. they were seen as and justified in the name of peace. This of course also includes the debate of whether peacekeeping was conducted by its moral underpinnings or were they merely in Canada’s national best interests. The analysis of Canada’s history in peacekeeping also helps provide context to how little to no discussion was afforded to women’s involvement in Canadian peacekeeping.

To bring the brief history closer to a more recent recollection, it is important to consider the shift over the years where once upon a time “Canada had contributed to every UN peacekeeping operation at the turn of the millennium, and several others authorized under other multinational banners. Yet in 2015, with Canada providing only 111 peacekeepers out of a total UN deployment of over 125,000, the mantle of peacekeeper par excellence seems no longer fitting.”⁸⁶ Indeed many participants agreed in a similar tone of talking about peacekeeping as a thing of the past. Stefanie von Hlatky in her interview provides the following explanation on how peacekeeping has evolved:

⁸⁵ Edgar, *supra* note 64 at 107.

⁸⁶ Carroll, *supra* note 67 at 167-168.

“... [P]eacekeeping has fallen a bit out of favour. It’s still used a lot but mostly in a UN context. You have the Department of Peacekeeping Operations, so I think there’s been a lot of criticism with regards to the fact that more – few missions actually now have a stable keys to keep. And that we’re looking at more robust peace enforce type missions as the types of missions that Canada would probably be involved in...I think peacekeeping can be misleading in that sense...peace-support operations is the term that I would use and those would be missions where you deploy civilian, police and military personnel in, to reinforce you know peace but along the various continuation of peace. So it could be, you know, as supporting a peace agreement, it could be supporting a post-conflict settlement, it could be a range of things along that continuance.”⁸⁷

In light of the changing terrain of peacekeeping and what it is today, many participants if not all, urged that I use the term ‘peace support operations’. CWO Kevin West in his interview explains why the preferred term today is ‘peace support operations’ and not ‘peacekeeping’:

“And you know from my perspective, it was kinda recommended the government post, like I’ll use Afghanistan next, like you know we can’t go in there pretending to be peacekeepers when there is no peace to be kept. That’s why, from a military perspective, we don’t call it peacekeeping. I think we were talking about this, we call it peace support operations, which could mean that you actually have to fight or defend to try and bring peace and then you’ll keep the peace. So it’s more of a staged, phases to getting to that actual pure peacekeeping peace right.”⁸⁸

However, this is not to say that traditional peacekeeping does not exist at all anymore.

What it does mean though, is that it is not always under the UN and it is not always identified as peacekeeping or that one has to look a little closer in order to truly understand what a mission or operation may entail; a larger division has occurred where peace support operations can constitute pretty much anything from UN operations merely maintaining or monitoring peace to active combat trying to defeat insurgents as in Afghanistan or the label of ‘observer’ which connotes a certain passivity rendering what may have once been considered a part of peacekeeping. For example, Canada deploys to an on-going observer mission in the Sinai

⁸⁷ Dr. Stefanie von Hlatky, Assistant Professor in the Department of Political Studies at Queen’s university, interview 9 May 2017.

⁸⁸ Chief Warrant Officer Kevin West, Canadian Armed Forces, interview 1 March 2017 (Part one) and 7 March 2017 (Part Two).

Peninsula, Egypt. Colonel Martin Lipcsey on the mission at the time of the interview explains that this is a multinational force as part of a US-led mission and not a UN one, resembling the ‘pure’ or ‘traditional’ realm of peacekeeping.

*“Here in the Sinai, the role for the multinational force and observers, the MFO, is to actually monitor the peace accord between Egypt and Israel in the early 80s. This has been ongoing now for the past, over thirty years now. And, so our role is really observe and verify and report any treaty violations between both parties.”*⁸⁹

Thus, although these observance peacekeeping missions still exist, they are rare. However, perhaps what is important to understand is that the present reality of peacekeeping in Canada has more to do with peace support operations, which can include anything from active warfare to observance missions, and that may require further investigation to unveil hidden state agendas and political intentions.

And this, of course, does not only apply to present missions but to peacekeeping operations throughout history. For example, Whitworth describes the financial and economic reasons for the Suez Canal crisis where “[r]ather than depict them [France and Britain] as invaders, or violators of Egypt’s sovereignty...UNEF I recognized Britain, France, Israel, and Egypt as ‘parties to the dispute,’ whose consent was required before action could be taken by the UN.”⁹⁰ In this sense, the definition by former UN Secretary General Boutros Boutros-Ghali, to which his successor Kofi Annan adopted, on ‘peace-building’ is instructive because it “encompassed sociopolitical and economic reconstruction of society, including power sharing, establishing constitutional, administrative and legal structures and determining resource

⁸⁹ Colonel Martin Lipcsey, Canadian Armed Forces, interview 17 March 2017.

⁹⁰ Sandra Whitworth, *Men, Militarism & UN Peacekeeping: A Gendered Analysis* (Boulder: Lynne Rienner Publishers, 2004) at 30.

allocation.”⁹¹ Rather than become a means through which various states could invade countries, peace-building “was understood to include the physical reconstruction of a society—houses, roads, schools, electricity, sewage, hospitals and other infrastructure.”⁹² Not only do peace support operations not reflect the ideals of social reconstruction where the physical building mirrored the new social fabric, or perhaps they never did, they also were made up of and included only men; after all, “[t]he idea that security can be created through military force does not take account of gendered threats to women’s security. Nor does it investigate or challenge power relations within the state.”⁹³

Nonetheless, for present purposes, this thesis uses the term peacekeeping to describe the overall political and policy ‘space’ of peace operations. Although peacekeeping has evolved in what it may entail, it is still used in international peace and security literature as the overarching political notion of peace efforts. However, I also use the term ‘peace support operations’ for current and contemporary Canadian peace support missions in recognition of the more robust elements involved in Canadian peace operations today. The term ‘peace operations’ or ‘peace support operations’ is more specific to an actual operation or mission involving peace and humanitarian efforts. In this way, I seek to slightly distinguish between the terms peacekeeping and peace support operations, using them in accordance to how they are employed in international peace and security scholarship. The two terms, however, are not truly distinct and are often used interchangeably because they signify very similar concepts. The differentiation of the two terms, as is evident in the discussion above of the evolution of peacekeeping, derives

⁹¹ Christine Chinkin and Hilary Charlesworth, “Building Women into Peace: the international legal framework” (2006) 27:5 Third World Quarterly 937 at 938.

⁹² *Ibid*

⁹³ *Ibid* at 941.

from how peace efforts have changed over time, where once they involved more passive involvement of keeping the peace, today they may include more active and robust mandates.

2.2 Discussing Women's Role in Peacekeeping

2.2.1 UNSCR 1325

The United Nations Security Council Resolution 1325 was the first of its kind: “the first UN Security Council Resolution with a specific focus on the impact of war and conflict on women and girls, and on the importance of women’s involvement in peace processes.”⁹⁴ More specifically, the UNSCR 1325 “stressed two fundamental issues: the first concerned the impact of wars and conflicts on women, the second addressed the need for all UN peacekeeping operations to increase the participation of female personnel.”⁹⁵ In fact, it seems the process leading up to UNSCR 1325, which was unanimously adopted in 2000, was the work of multiple actors ranging from internal UN advocates to NGOs and women’s groups.⁹⁶ And although there is much to be said about the various aspects of the Resolution, the UN often categorizes the provisions within four pillars of “prevention, participation, protection, and peacebuilding and recovery”⁹⁷, while other commentators and scholars choose themes. For example, Torunn Tryggestad, divides the provisions into three groups:

“1. *Representation*. The resolution urges member states to increase the representation and active participation of women at all decision making levels in national, regional, and international institutions and mechanisms for conflict prevention, conflict management, conflict resolution, and peacebuilding.

⁹⁴ Gunilla de Vries Lindestam, “UN Security Council Resolution 1325 (2000) on Women, Peace and Security: Perspectives on its Implementation by Canada, the United Kingdom and the Netherlands” in Rosalind Boyd, ed, *The Search for Lasting Peace: Critical Perspectives on Gender-Responsive Human Security* (Routledge Publishing, 2014) 37 at 37.

⁹⁵ Bridges and Horsfall, *supra* note 5 at 121.

⁹⁶ See Tryggestad, *supra* note 8; Carey, *supra* note 6.

⁹⁷ UN Women, *Preventing Conflict, Transforming Justice, Securing the Peace: A Global Study on the Implementation of United Nations Security Council resolution 1325* (UN Women, 2015) at 20.

2. *Gender Perspective.* A gender perspective should be adopted in the planning and implementation of peace operations and peace negotiations – including gender-sensitive training of personnel, an expanded role for women as peacekeepers, and increased attention to local women's peace initiatives, needs, and interests in mission areas.

3. *Protection.* The resolution emphasizes the need for increased attention to the protection and respect of women's rights, including protection against gender-based violence in situations of armed conflict and initiatives to put an end to impunity for such crimes.”⁹⁸

All three themes are relevant to the present study because women military peacekeepers are affected by all of them. This reality is further affirmed by Chinkin and Charlesworth who identify the following:

“Security Council Resolution 1325 is addressed to ‘all actors involved, when negotiating and implementing peace agreements’. While there are variations, these activities are likely to involve four main sets of players: the post-conflict authority (a national authority or an international administration, or some combination of both and often transitional until the holding of elections and the adoption of a national constitution), international or regional institutional personnel, both civilian and military, members of international non-governmental organizations and the local population.”⁹⁹

Within these actors, this thesis narrows to focus on military participation in peacekeeping, although other elements are briefly explored through a holistic review of scholarly analysis on UNSCR 1325.

UNSCR 1325 received much praise at its initial adoption. This included the formal recognition of women because “[a]lready, universal human rights and humanitarian law institutions prohibit sexual violence and protect women's rights. What is new is the legal requirement to include women in decision-making and implementation in peace missions.”¹⁰⁰ Essentially, “[w]ith the adoption of this resolution, a formal barrier was broken in terms of acknowledging a link between the promotion of women's rights and international peace and

⁹⁸ Tryggestad, *supra* note 8 at 540-541.

⁹⁹ Chinkin and Charlesworth, *supra* note 91 at 983-939.

¹⁰⁰ Carey, *supra* note 6 at 53.

security – between traditionally soft sociopolitical issues and hard security.”¹⁰¹ With this dichotomous barrier seemingly broken, UNSCR 1325 was initially received with much optimism and excitement. And while much of that optimism has since waned, due to a number of factors including an “underlying thread...of disillusionment and impatience” possibly because of “discrepancies between political commitment and actual implementation”, perhaps it is better to perceive it as “a necessary prerequisite for new norms to emerge.”¹⁰²

The work towards the adoption of UNSCR 1325 and the recognition of women’s agency in the discussion of peace and security began awhile back. Concepts of ‘gender’ and ‘equality’ seemed to have been passing around within the UN prior to the 1990s and then with the introduction of ‘gender mainstreaming’ in 1997.¹⁰³ Gender mainstreaming “‘is a strategy for making women’s as well as men’s concerns and experiences an integral dimension’” and “is the second strategy identified by the United Nations to achieve gender equality.”¹⁰⁴ The first strategy by the UN for gender equality is gender balance which consists of having greater representation of women in top positions in UN missions to increase “local population support for equality and non-discrimination against women and girls.”¹⁰⁵ However, the concept of gender mainstreaming is also problematic. Defined by the “ultimate goal...to achieve gender equality”¹⁰⁶, it is seen by

¹⁰¹ Tryggestad, *supra* note 8 at 541.

¹⁰² *Ibid*

¹⁰³ Sari Kouvo, “The United Nations and Gender Mainstreaming: Limits and Possibilities” in Doris Buss and Ambreena Manji, eds, *International Law: Modern Feminist Approaches* (Hart Publishing, 2005) 237 at 238-240.

¹⁰⁴ Mazurama et al., *supra* note 79 at 15 quoting from ECOSOC (United Nations Economic and Social Council) UN Doc. A/52/3/Rev.1 (United Nations, 1997).

¹⁰⁵ *Ibid* at 14-15.

¹⁰⁶ Hilary Charlesworth, “Talking to Ourselves? Feminist Scholarship in International Law” in Sari Kouvo and Zoe Pearson, eds, *Feminist Perspectives on Contemporary International Law* (Hart Publishing, 2011) 17 at 29 quoting United Nations, Platform for Action, ECOSOC Agreed Conclusions 1997/2 (1997).

Charlesworth as “both too broad and too narrow” having “become an almost meaningless term.”¹⁰⁷

Aside from the lucid concept of gender mainstreaming and its use in the UN organization, a number of more formal initiatives took place in the mid-1990s. These include: “[t]he UN Fourth World Conference on Women held in Beijing in 1995 [which] was the largest ever conference organised by the UN, and the parallel forum for non-governmental organisations (NGOs) attracted more than 30,000 women from around the world.”¹⁰⁸ The conference seemed to snowball into other initiatives in the mid to late 1990s until October 31, 2000 when UNSCR 1325 was adopted.¹⁰⁹ However, it is noted that “[a]ccording to observers and participants in the process leading up to the adoption of UNSCR 1325, it was outsiders rather than those working within the UN who saw and acted upon the opportunity to bring about the Resolution.”¹¹⁰ Nonetheless, Canada was one of the countries at the forefront of campaigning for UNSCR 1325: “Canada’s presence on the UN Security Council during the time of the adoption of UNSCR 1325 was particularly critical, as its focus on human security issues was able to influence the discussions in the Council”¹¹¹. Some of the other countries credited as being essential to the realization of UNSCR 1325 included Jamaica, Bangladesh, the Netherlands and the UK.¹¹² In addition, “Britain and Canada presented a new human rights training manual for peacekeepers, which women's NGOs found exemplary in treating gender concerns.”¹¹³

¹⁰⁷ *Ibid* at 29.

¹⁰⁸ Karen Barnes, “Evolution and Implementation of UNSCR 1325” in ‘Funmi Olonisakin et al. (eds) *Women, Peace and Security: Translating policy into practice* (New York: Routledge, 2011) 15 at 16.

¹⁰⁹ *Ibid* at 16-17.

¹¹⁰ *Ibid* at 18-19.

¹¹¹ *Ibid* at 18.

¹¹² *Ibid*

¹¹³ Carey, *supra* note 6 at 52.

However, it seems that the illusion or ‘myth’ of Canada as a leader in peacekeeping pervades into its initial push for UNSCR 1325. That is to say that since the adoption of UNSCR 1325, Canada did not have a National Action Plan (NAP) for implementing UNSCR 1325 for a while – nearly 10 years after, unlike a list of other countries including countries such as Uganda (in 2008), Côte d’Ivoire (in 2007) and the United Kingdom (in 2006).¹¹⁴ Canada did not have its first NAP until 2010. Some of the academic interview participants commented on this lag. Maya Eichler, Canada Research Chair in Social Innovation and Community engagement and Assistant Professor in Political and Canadian studies and Women’s studies at Mount Saint-Vincent University, in her interview, expressed the delay of a CNAP in the following manner:

“Well, Canada’s lagged behind in implementing [UNSCR] 1325. Even though you know Canada played an important role initially in the passing of the resolution. Like Canada was one of the non-permanent members on the Security Council at the time. Of course Canada still chose the...this group called the Friends of 1325 and so Canada’s involved in that way. But you’ll know that it took almost ten years, so I guess it took exactly ten years for Canada to develop its first CNAP. And that CNAP of course expired and is now being, I mean they’re working on a new, a new CNAP.”¹¹⁵

The new CNAP was released in November 2017. The CNAP identifies “the Government of Canada’s specific commitments to advance the WPS [Women, Peace and Security] agenda.”¹¹⁶ The CNAP is the Government of Canada’s response to the “United Nations Security Council (UNSC) Resolution 1325 and subsequent resolutions on Women, Peace and Security (WPS) [that] address women’s challenges in conflict situations and women’s potential to influence global peace and security.”¹¹⁷ The 2017 CNAP provides a list of the lead partners, “Global

¹¹⁴ Barnes, *supra* note 108 at 24

¹¹⁵ Dr. Maya Eichler, Canada Research Chair in Social Innovation and Community engagement and Assistant Professor in Political and Canadian studies and Women’s studies at Mount Saint-Vincent University, interview 10 May 2017.

¹¹⁶ *Canada’s National Action Plan 2017-2022 (CNAP)*, *supra* note 17 at 1.

¹¹⁷ *Ibid* at i.

Affairs Canada, the Department of National Defence and the Canadian Armed Forces, and the Royal Canadian Mounted Police” who maintain “a central role on Canada’s behalf in conflict-affected states”, and the four supporting partners, “Public Safety Canada, Status of Women Canada, Immigration, Refugees and Citizenship Canada, and the Department of Justice”, as they take action on the following three commitments: “[p]olitical leadership and diplomacy, [p]rogramming and [c]apacity to deliver results”.¹¹⁸ In addition to these three commitments, the CNAP provides that “Canada will also for example: Strengthen gender and WPS training, including on gender-based violence, for government personnel [;] Recruit more women to the Canadian Armed Forces [;] Increase the number of women deployed in multilateral peace operations and other stabilization efforts.”¹¹⁹ These goals identify broad commitments by the Government of Canada in its implementation of UNSCR 1325 for the next five years.

Rebecca Tiessen, Associate Professor at the University of Ottawa in the School of International Development and Global Studies, explained in her interview some of the reasons for the delay in producing Canada’s first CNAP.

“Canada was very slow in getting its National Action Plan produced. We thought it was gonna be ready in 2008, but then there was this kind of delay, couldn’t quite figure out why, and rumour has it, informal conversations with people off the record that the reason why it was delayed was because the government had to go through and remove every reference to ‘gender equality’ in the document ‘cause Stephen Harper didn’t like the language of gender equality. And he officially changed the language to ‘equality between women and men’. So that made everybody in the government scramble for several years, so, he finally came around and realized that if Saudi Arabia can talk about gender equality then certainly Canada can.”¹²⁰

The delay and what Tiessen refers to above as the impact of the Conservative government on

¹¹⁸ *Ibid* at 11.

¹¹⁹ *Ibid* at 14.

¹²⁰ Dr. Rebecca Tiessen, Associate Professor at the University of Ottawa in the School of International Development and Global Studies, interview 9 March 2017.

creating and publishing a CNAP is also mentioned in her essay called “Gender essentialism in Canadian foreign aid commitments to women, peace and security”. The article discusses “ongoing debates in Canadian foreign policy, specifically by analyzing the Harper Conservatives' promotion of the ‘equality between women and men’ at the expense of gender equality, and to broader feminist theoretical insights in the international relations and foreign policy fields.”¹²¹ In fact, Tiessen reiterates this in her article:

“[I]nformal discussions with current and former government employees indicate that the slow pace of Canadian action was caused by political demands to remove references to ‘gender equality’ and replace them with ‘equality between women and men.’ There are now only two references to gender in the Canadian national action plan: both are in the section on the multilateral context and refer to specific international agreements that include the term gender in their title, as well as a report about gender.”¹²²

She, of course, is referring to the CNAP at the time, which was the one from 2010, the only one Canada had up until the one recently released in 2017. The 2017 CNAP uses the term gender throughout, except the occasional use of “women and girls” and “men and boys”, which seems to replace the terminology of ‘equality between men and women’ from the Conservative Government mentioned by Tiessen above. Although its true impact is yet to be seen, the change in terminology is certainly more inclusive and attempts to pursue a more intersectional understanding of gender issues.

Prior to diving into the feminist analysis or even the critical discourse analysis Tiessen conducted in her article with regards to Canada’s NAP, it is perhaps appropriate to present some of the feminist analysis on UNSCR 1325 leading into some of the problems identified in the 2010 CNAP. Tryggesstad identifies three observations in the critiques of UNSCR 1325 since its

¹²¹ Rebecca Tiessen, “Gender essentialism in Canadian foreign aid commitments to women, peace and security” (2015) 70:1 International Journal 84 at 86.

¹²² *Ibid* at 90.

adoption. First, she notes that the critiques are written by various women in different organizations ranging from “advocacy network of women's and human rights NGOs, the UN women's machinery, or both”.¹²³ Second, she observes that the critiques are “descriptive reports and anecdotal accounts”.¹²⁴ Finally, Tryggestad notes that they mainly identify “discrepancies between political commitment and actual implementation.”¹²⁵ Karen Barnes confirms some of these issues, namely the use of reports and “anecdotal evidence”¹²⁶ and that of raising concerns of insufficient resources allocated towards the implementation within the UN to “no systemic monitoring of the implementation”.¹²⁷ As well, she states that resources backing NAPs on a national level of implementation “often suffer from what Anderlini terms ‘the Triple-A Syndrome’ of apathy, ad-hoc practice and amnesia.”¹²⁸ The latter point, though, admittedly goes beyond merely descriptive reporting; Barnes’ points occasionally to larger cultural and deeper discourses at play in the realm of peace and security and gender:

“UNSCR 1325 succeeds in raising a number of important issues and highlights the disproportionate effect that conflict can have on women, their right to be involved in decision-making around peace and security issues and the important role they play in peacebuilding, particularly at the community level. But at the same time it fails to challenge some of the more entrenched, fundamental constructs linked to notions of masculinity, military/ised power and gender inequalities that are tied up in the discourse of international peace and security institutions.”¹²⁹

Hilary Charlesworth and Christine Chinkin comment on the gendered space of international law in their book *The Boundaries of International Law: A Feminist Analysis*. They write that “[i]nternational legal discourse rests on a series of distinctions: for example, objective/subjective,

¹²³ Tryggestad, *supra* note 8 at 541.

¹²⁴ *Ibid*

¹²⁵ *Ibid*

¹²⁶ Barnes, *supra* note 108 at 21.

¹²⁷ *Ibid* at 22.

¹²⁸ *Ibid* at 25.

¹²⁹ *Ibid* at 20.

legal/political, logic/emotion, order/anarchy, mind/body, culture/nature, action/passivity, public/private...” and are gendered in these “binary oppositions with the first term signifying ‘male’ characteristics and the second ‘female’.”¹³⁰ They also argue that “theories of international law...are inadequate, albeit in different ways, to an understanding of and a response to the situation of women globally.”¹³¹

Nicola Pratt, using an intersectional feminist lens, unveils some of the problems with UNSCR 1325. She identifies three feminist strands that the Resolution purports to reflect. The first strand she identifies is that of liberal feminism because UNSCR 1325 focuses on increasing “women’s representation in official bodies, from national governments to UN missions, as well as at the peace negotiating table”.¹³² The second strand is that of difference or cultural feminism where “[d]ifference’ or ‘cultural’ feminists argue that women play a key role in opposing war and building peace” whereby “[r]ecognizing women’s ‘special’ peacebuilding roles”¹³³ and that “women’s inclusion in peacebuilding and conflict resolution will not only end conflict but will increase the likelihood that peace agreements are honored”.¹³⁴ The third and final strand Pratt discusses is that of “radical feminism regarding violence against women and girls” where “UNSCR 1325 ‘calls on all parties to armed conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence in situations of armed conflict’.”¹³⁵ Although UNSCR 1325 seems to be

¹³⁰ Hilary Charlesworth and Christine Chinkin, *The Boundaries of International Law: A Feminist Analysis* (Melland Schill Studies in International Law, Manchester University Press, 2000) at 49.

¹³¹ *Ibid* at 38.

¹³² Pratt, *supra* note 36 at 773.

¹³³ *Ibid* at 773-774

¹³⁴ *Ibid* at 774 citing Swanee Hunt and Cristina Posa, “Women Waging Peace: Inclusive Security” (2001) Foreign Policy 38; Gender Action on Peace and Security (GAPS), *UNSCR 1325: The Participation Promise* (London: Gender Action on Peace and Security (GAPS), 2011).

¹³⁵ *Ibid* at 774 citing United Nations Security Council. *Resolution 1325*. S/RES/1325, 4213th meeting (adopted by the Security Council on 31 October 2000), Article 11.

based in liberal and dominance feminism, Pratt notes the following:

“[UNSCR] 1325 privileges gender above race, class, or other significant relations of power in understanding women’s experiences and responses to conflict. This privileging of gender is inextricably linked to a conceptualization of women as agents of peacebuilding, on the one hand, and as particularly vulnerable targets of violence in war, on the other hand.”¹³⁶

Against this observation, Pratt launches a number of issues with UNSCR 1325 particularly discussing critiques by post-colonial feminists including Gayatri Spivak who “describes colonial relations in terms of ‘white men saving brown women from brown men’” and “highlights the hierarchies of race, gender, and sexuality that are central to the political economy of imperialism.”¹³⁷ This includes the idea that UNSCR 1325 essentializes women as peacebuilders whilst other voices chime that at least it gives an entry point to women in a space historically occupied by men.¹³⁸

However, what is perhaps most noteworthy with regards to the present study, in the context of women military peacekeepers and their participation in peacekeeping, is this idea of ‘re-sexing’ gender. Pratt argues that “[b]y encouraging the participation of women in the masculinist protection of women and girls in conflict zones, [UNSCR] 1325 and subsequent resolutions ‘re-sex gender.’”¹³⁹ She also comments on the idea of ‘re-sexing race’ which “silences the voices of women in conflict zones and re-legitimizes ‘white masculinist’ protection” continuing the discourse of the ‘brown man’ being violent to ‘brown women’ that require protection in the form of white masculinity.¹⁴⁰ The two concepts are tied together in the

¹³⁶ *Ibid* at 774.

¹³⁷ *Ibid* at 774 citing Gayatri Spivak, “Can the Subaltern Speak?” in Cary Nelson and Lawrence Grossberg, eds, *Marxism and the Interpretation of Culture* (London: Macmillan, 1988) 92.

¹³⁸ *Ibid* at 775.

¹³⁹ *Ibid* at 776.

¹⁴⁰ *Ibid*

understanding of what female peacekeepers represent within the context of their military status:

“[F]emale peacekeepers enable the reinscription of the racialized hierarchy embedded within a ‘narrative [...] in which international institutions are the bearers of progressive human rights and democratic values to local peoples in need of those rights and values in the post-Cold War era’. The gendered, racialized, and sexed bodies of women peacekeepers are absorbed into the overall narrative of peacekeeping, of ‘white knights’ and of ‘dark threats’, as well as enabling the reproduction of that narrative. Their presence operates to restore the notion of peacekeeping as an act of (white ‘masculinist’ protection of civilians in conflict zones without the threat of peacekeeper sexual aggression (which, instead, becomes a problem of ‘brown men’ in conflict zones).” [sic]¹⁴¹

It should be noted, however, that this idea of ‘white knights’ and ‘dark threats’ may require further analysis in today’s world of peacekeeping because troop contributing countries increasingly involve personnel from developing nations. Nevertheless, UNSCR 1325 and its promotion of women’s participation, especially with regards to women military peacekeepers, seems to reproduce a similar masculinist and racialized rhetoric of international peace and security rather than attempting to deconstruct it or transform it through the supplementation of women or a more intersectional understanding of gender. The consequence of this, Pratt attempts to explain in this way:

“[T]he language of [UNSCR] 1325 and its associated discourses should be taken seriously—not only because it risks constraining or instrumentalizing women’s agency... but because it enables the ‘international’ community to harness women’s agency in the reproduction of global structures of power constituted through gendered, racialized, and sexualized hierarchies.”¹⁴²

Pratt’s analysis also helps dismantle the idea that such an instrument such as UNSCR 1325, despite its positive reception, is not only not ‘neutral’ but that it perpetuates certain meanings re-instilling perhaps the same masculinist structures it was rumoured to redress.

Chinkin and Charlesworth also problematize the language and underlying meanings

¹⁴¹ *Ibid*

¹⁴² *Ibid* at 780.

present in UNSCR 1325. For one, they argue that “[t]he references to ‘gender’ in the international vocabulary of peace-building are almost invariably references to women, circumventing the more radical implications of the concept, which would draw attention to masculine identities that are implicated in conflict and peace-building.”¹⁴³ Indeed, Tiessen in critiquing the omission of the term ‘gender’ in the first CNAP praised the Dutch NAP for not only keeping intact the language of gender but highlighting the importance of “‘securing male understanding and support for UNSCR 1325...for its effective implementation.’”¹⁴⁴ The Dutch NAP identifies that “‘[o]ne way to achieve this [effective implementation of UNSCR 1325] is to broaden the conception of gender by including a masculinities perspective on peace and security.’”¹⁴⁵ Gender usually “refers to the socially constructed differences between men and women and boys and girls.”¹⁴⁶ Such an understanding of gender recognizes that “gender is not natural or biological” and that “it varies over time and across cultures.”¹⁴⁷ The 2017 CNAP provides a similar definition of gender, adding that societal constructs of gender “can result in stereotyping and limited expectations about what women and men can and cannot do (e.g. femininity and masculinity).”¹⁴⁸ However, the complexities of gender are not always captured properly in the discourse of international peace and security. The conflation of ‘women’ with ‘gender’, mentioned by Chinkin and Charlesworth above, is one of the issues in discussing gender within the peace and security context. This improper association of women with gender was also expressed by a few interview participants, especially in the context of initiatives

¹⁴³ Chinkin and Charlesworth, *supra* note 91 at 939.

¹⁴⁴ Tiessen, *supra* note 121 at 91, citing Ministry of Foreign Affairs (Netherlands), *Women: Powerful Agents for Peace and Security-Dutch National Action Plan (2012-2015) for the Implementation of UN Security Council Resolution 1325 on Women, Peace & Security* (The Hague: Ministry of Foreign Affairs, 2012) at 24.

¹⁴⁵ *Ibid*

¹⁴⁶ Mazurama et al., *supra* note 79 at 13.

¹⁴⁷ *Ibid*

¹⁴⁸ *Canada’s National Action Plan 2017-2022 (CNAP)*, *supra* note 17 at 18.

currently underway in the CAF and DND, such as the Gender Based Analysis Plus (GBA+) and the corresponding positions of Gender Advisors. Lieutenant-Colonel Marie-Eve Bégin, the Strategic Gender Advisor for the Canadian Armed Forces, stated the following with regards to current gender advisors:

“Well, one thing I would say is that right now, the three gender advisors, are female. And this is not helping the cause because people think gender is a woman thing.”¹⁴⁹

Similarly, another interview participant, Lieutenant-Colonel Carolyn Lamarre raised similar concerns of referring to ‘gender’ and ‘women’ as if they are synonymous:

“I also like the ‘plus’ [in GBA+] like I told you because sometimes the problem with gender, and I’m sure Marie-Eve told you, is that people think gender means women.”¹⁵⁰

Moreover, another interview participant, Major Lesley Kerckhoff recounted the following when information about gender advisors was being distributed in the CAF:

“In 2015, I received an email from Lieutenant-Colonel about gender advisor training and she’d sent it out to maybe twenty, thirty females. Mostly combat arms. To try to get people to join that initiative I guess there would be [sic]. So I asked her, like there’s nothing in the material that says it has to be a female to do this course. And she said, no it doesn’t it can be a male. I said, well, then why did you send it to only women?”¹⁵¹

The latter example demonstrates the outcome of associating ‘gender’ with ‘women’; it puts the burden on and assumes the responsibility onto women for leading in the resolution of gender-related issues. I have made the argument elsewhere that this absence of men involved in programs to address gender inequality tends to leave the burden on women to ‘fix’ such problems whilst reducing these systemic issues into task-based initiatives.¹⁵²

¹⁴⁹Lieutenant-Colonel Marie-Eve Bégin, Strategic Gender Advisor for the Canadian Armed Forces, interview 29 March 2017.

¹⁵⁰ Lieutenant-Colonel Carolyn Lamarre, Canadian Armed Forces, interview 3 April 2017.

¹⁵¹ Major Lesley Kerckhoff, Canadian Armed Forces, interview 20 March 2017.

¹⁵² Saskia Hufnagel and Maira Hassan, “Women in International Policing: Replacing an ‘Old Boys Club’?” (2018) *Salus Journal* [accepted for publication in 2018].

According to a report on the early days of implementing UNSCR 1325, in Canada, there was “a common feeling... of being unable to take necessary action to move ahead with already far-reaching work, while trying to live up to the international reputation as a lead country when it comes to the implementation of the resolution.”¹⁵³ The report also identified a number of related problems in implementing UNSCR 1325:

“[L]imited gender-awareness training; no specific strategy on how to integrate a gender perspective; lack of time for gender-integrated training because of the pressure to deploy rapidly; difficulties in attracting women to join the forces; and complications in getting a complete picture of who is doing what and how because of the variety of different trainings offered by different actors.”¹⁵⁴

What these problems point to, in combination with the conflation of ‘gender’ with ‘women’ is a larger lack of understanding of gender and what it means. Tiessen hints at this when speaking about the 2010 CNAP and that although it “kept with the goals and recommendations of UNSCR 1325 by identifying several actions and indicators pertaining to contributions from diverse actors, including women and children, on prevention, participation and representation, protection, and relief and recovery. It did not, however, offer an explicit definition of ‘gender.’”¹⁵⁵ The 2017 CNAP, as mentioned above, includes a definition for gender. It also has a separate section for a number of definitions, including that of gender mainstreaming, gender equality and sexual and gender-based violence.¹⁵⁶

¹⁵³ Lindstam, *supra* note 94 at 45.

¹⁵⁴ *Ibid* at 43.

¹⁵⁵ Tiessen, *supra* note 121 at 91.

¹⁵⁶ *Canada’s National Action Plan 2017-2022 (CNAP)*, *supra* note 17 at 24-25.

2.2.2 Discrimination Against Women in the CAF

Recent positive developments such as the release of the long awaited CNAP in 2017, the success of which relates to consultations sought from experts and the feminist community in its creation, and hailed initiatives such as GBA+ certainly give rise for hope of better gender awareness within the CAF and consequently peacekeeping operations. However, it is also important to review some of the challenges the organization has had in including women in the past. This includes, the recent Deschamps report on Sexual Harassment and Misconduct in the Canadian Armed Forces as well as the 1989 Canadian Human Rights Tribunal case against the CAF on discrimination against women in their entry into certain occupations in the military.

In her 2013 dissertation *Negotiating Gender in the Canadian Forces, 1970-1999*, Karen Davis, who served in the Canadian Forces (CF) from 1978-2000, documents the struggles and activities leading up to and following the decision of the Canadian Human Rights Tribunal for gender integration. This included the SWINTER trials (Servicewomen in Non-Traditional Environments and Roles) where “[b]etween November 1979 and October 1985, approximately 280 servicewomen collectively served on a trial basis in roles considered by the military to be ‘near combat’ with the CF”,¹⁵⁷ without any guarantee of how the trials would affect their future in the CF.¹⁵⁸ These trials “formed the core of CF strategy to produce social scientific evidence that would support gender exclusion - that is, to demonstrate that operational effectiveness relied upon physically robust, cohesive, heterosexual, all-male military teams.”¹⁵⁹ In addition, to these trials, which produced “over 50 research documents” and involved the contribution of “over 90

¹⁵⁷ Davis, *supra* note 23 at 114.

¹⁵⁸ *Ibid* at 116-117.

¹⁵⁹ *Ibid* at 108.

social and behavioural science researchers and practitioners”,¹⁶⁰ Davis documents, upon the enactment of the *Canadian Charter of Rights and Freedoms* in 1982, that a steering committee was investigating “whether the Department of National Defence should request an exemption from compliance in whole or in part from the *Canadian Human Rights Act* and the *Charter of Rights and Freedoms*.”¹⁶¹ She reveals that “[a]s CF leadership accumulated evidence to keep women out of combat, they believed that homosexuals also threatened the cohesion and effectiveness of heterosexual male warriors.”¹⁶² Within this battle of keeping women and homosexuals out of the CF, or rather anyone who did not fit the heterosexual masculine ‘warrior’ identity, is the investigation carried out to exclude lesbians from the Canadian military. Davis describes Lynn Gouliquer’s research on the Special Investigation Unit that interrogated women in the military, noting how “[t]his ‘witch-hunt era,’ as it was described by many of the women involved, illustrates the determination of the military in ensuring that homosexual women were identified and released.”¹⁶³

This discrimination pervaded the peacekeeping arena as well. Around the 1987 review of terms of service for women in the CAF, Davis notes that “[a]t the time, women had also been restricted from participating at the beginning of a peacekeeping mandate, in an area in which a state of war had existed, and in cases in which their duties had been determined to require frequent contact with host country authorities whose cultural practices did not include gender equality.”¹⁶⁴ The tendency to not send women to the frontlines has been expressed in

¹⁶⁰ *Ibid* at 114.

¹⁶¹ *Ibid* at 125, citing James E. Howes, *The Employment of Servicewomen in a Combat Environment* (Ottawa: Paper prepared at the direction of the NDHQ Steering Group for the Employment of Women, 1984) at 1-2.

¹⁶² *Ibid* at 125.

¹⁶³ *Ibid* at 126, citing Lynne Gouliquer, “Negotiating Sexuality: Lesbians in the Canadian Military,” in Baukje Miedema, Janet M. Stoppard and Vivienne Anderson, eds, *Women’s Bodies, Women’s Lives: Health, Well-Being and Body Image* (Toronto: Sumach Press, 2000) 254 at 258-9.

¹⁶⁴ *Ibid* at 180-181.

international peacekeeping, where female Dutch peacekeepers, for example, although trained for combat roles were placed in administrative roles.¹⁶⁵ Such forms of discrimination reflect larger cultural aspects of military hypermasculine culture that pervades the peacekeeping space. The existence of such a culture and its hostility towards women and LGBTQ members was made clear in the 2015 Deschamps report on Sexual Misconduct and Sexual Harassment in the Canadian Armed Forces.¹⁶⁶ However, it is interesting to note that at times such resistance can be flaunted in a protectionist light, which nonetheless retains its gendered character. Ilene Feinman discusses the statement by Commissioner Sarah White in the US on her “opposition to women in combat” describing how “‘men take on that brutal responsibility [in combat roles] out of self-sacrifice; it is because they do respect, and truly care for women.’”¹⁶⁷ One anecdote from Colonel Martin Lipcsey’s interview demonstrates this protectionism of women:

“Once, someone told me, well [that if] one of those women were to be killed in an accident it would be much more of a greater impact on the group is if the female [sic], you know, because the males are supposed to protect the females and all that stuff.”¹⁶⁸

He added that he did not agree with this idea; the loss of any soldier, according to him, is detrimental. He noted that a woman died in the Afghanistan combat mission and that the sentiment he was describing was something from a while ago. Lieutenant-Colonel Eleanor Haevens also expressed a similar strand of protecting women from the frontlines in her interview:

“I mean we still have some of that where...where people... and again ten years ago looking back, but try to protect women and feel like well I don’t want a woman out there facing the

¹⁶⁵ L. Sion, “Peacekeeping and the Gender Regime: Dutch Female Peacekeepers in Bosnia and Kosovo” (2008) 37:5 *Journal of Contemporary Ethnography* 561 at 575.

¹⁶⁶ Deschamps, *supra* note 10 at Executive Summary i.

¹⁶⁷ Ilene Rose Feinman, “Women Warriors/ Women Peacemakers” in Lois Ann Lorentzen and Jennifer Turpin, eds, *The Women & the War Reader* (New York: New York University Press, 1998) at 136, quoting Presidential Commission on Women in the Armed Forces, *Report to the President* (Washington: Government Printing Office, 15 November 1993).

¹⁶⁸ Colonel Martin Lipcsey, Canadian Armed Forces, interview 17 March 2017.

enemy or you being put in danger. Yes, even though she's in the military and I respect her, I, we actually don't necessarily want to put a woman in that position."¹⁶⁹

Such ideologies, even when well-intended, perpetuate the normalcy of men in the military space and subsequently categorize even the women serving alongside them into the 'women and children' bucket that require protection.

Having a better understanding of the evolution of peacekeeping, both internationally and more specifically in Canada, helps visualize the 'space' of peacekeeping today and how it has changed over time. The adoption of UNSCR 1325 and its push for the full involvement and integration of women in peace efforts, reveals that gender equality is a challenging endeavour. For one, the Resolution itself poses problems of re-inscribing similar gender roles, essentializing women and the way they can contribute to peacekeeping. This idea of gender essentialism is discussed further in the following chapter on the benefits of women in peacekeeping. While the discussion above describes past efforts of the Canadian military to hinder the inclusion of women amongst their ranks, particularly in combat roles, the subsequent chapter identifies present discourses of increasing women in the CAF by highlighting the benefits they may offer to the institution and to operations.

¹⁶⁹ Lieutenant-Colonel Eleanor Haevens, Canadian Armed Forces, interview 6 April 2017.

Chapter 3: Benefits of Women in Peacekeeping

The analysis of women's participation in Canadian peacekeeping lends itself to a discussion on the potential benefits they offer within the context of peacekeeping and international peace and security. Such benefits are a common occurrence in women, peace and security literature, internationally in UN documents and nationally in the 2017 Canadian National Action Plan for the implementation of UNSCR 1325. Women military members in the peacekeeping realm are seen to benefit operational effectiveness simply by the nature of their gender because in segregated conflict-ridden societies, women military members are seen to have easy access to local women. This ability to engage with local women was mentioned repeatedly in the expert interviews, especially when recounting the CAF operation in Afghanistan. Other benefits of women's inclusion in peace operations and peacekeeping overall include the promotion of diversity, changing the minds of local populations by role modeling women in leadership positions and boosting the international reputation of Canada through showing its commitment to gender equality. While this is not to take away from some of the ways women do contribute to international peace and security, the analysis below seeks to unveil how only focusing on benefits of women in this manner may be problematic. The chapter considers two overarching approaches to benefits, the instrumentalist approach and the approach of gender equality, which were prevalent in the expert interviews.

3.1 An Instrumentalist Approach

The inclusion of women in peacekeeping is usually backed by highlighting the benefits they offer to missions. UNSCR 1325 hints at the benefit of “[r]ecognizing that an understanding of the impact of armed conflict on women and girls, effective institutional arrangements to

guarantee their protection and full participation in the peace process can significantly contribute to the maintenance and promotion of international peace and security.”¹⁷⁰ The 15 year review of UNSCR 1325’s implementation mentions a number of reasons why women’s inclusion is beneficial for society as a whole. The reasons include an emphasis on women’s presence in public life through politics in post-conflict government and underline the role of women military peacekeepers, who are deemed “a critical factor contributing to mission success, both within the UN normative frameworks on peacekeeping and women, peace and security, as well as by commanders on the ground themselves.”¹⁷¹ It also notes “that not a single female peacekeeper has ever been accused of sexual exploitation and abuse on mission.”¹⁷² This is particularly important in the context of UNSCR 1325 that emerged amidst a number of allegations pertaining to male peacekeepers committing sexual violence on local populations.¹⁷³ Peacekeepers perpetuating sexual violence or Sexual Abuse and Exploitation (SEA) remains a concern for UN peacekeeping missions today.¹⁷⁴ And women, including female peacekeeping personnel, have usually been seen as ameliorating that situation just by their mere presence. Pablo Castillo-Diaz, Policy Specialist with UN Women, stated the following with regards to having more women military peacekeepers amongst their male peers:

“... [T]hey shouldn’t be put in a position of having to police their male peers’ behaviour. I agree completely with that. But if you, you know, but if you, it’s, I find it very hard to believe that a military that is 25[% women], 75[% men], for example, would have the same SEA issues that we’re having today with 98[% men], 2[% women]. Extremely hard to believe.”¹⁷⁵

¹⁷⁰ UNSCR 1325, *supra* note 7 at 2.

¹⁷¹ *A Global Study*, *supra* note 97 at 141.

¹⁷² *Ibid.*

¹⁷³ Carey, *supra* note 6 at 62.

¹⁷⁴ *UN Fact Sheet on Sexual Exploitation and Abuse* (Fact Sheet) (United Nations, last updated 3 September 2015), online: < <http://www.codebluecampaign.com/un-docs/> > at 3, accessed 17 November 2017.

¹⁷⁵ Dr. Pablo Castillo-Diaz, Policy Specialist with UN Women, interview 10 May 2017.

Although reduction in SEA was not particularly discussed at length by other interview participants, the improvement in male behaviour due to the presence of women was noted by Kimberley Unterganschnigg, Senior Policy Analyst with Status of Women Canada and former CAF member, in the following manner:

*“So, one of the things that men have told me in the past, and I don’t know how true they find that any more, but was that women change the tenor of what’s happening. They change the tone of the conversation. Men tend to be, but there’s a little less testosterone flying around, so things tend to be a tiny bit calmer. Maybe a bit more civil. Men tend to behave, just in discourse, a bit more civilly.”*¹⁷⁶

What this ‘moral policing’ points to, ultimately, is the centrality of male participants and the addition of female participants as improving those core male actors. It also functions to essentialize women as the ‘calm’ and ‘polite’ ‘nurturers’ in contrast to the men who are ‘wild’ and ‘brutish’. Sandra Whitworth in her book *Men, Militarism, & UN Peacekeeping* describes this dichotomous way of portraying women and focusing on “women as different from men, both in terms of the particular vulnerabilities they face in situations of armed conflict and in terms of their potential contribution to peacekeeping efforts.”¹⁷⁷ This rhetoric is evident through references including the “1995 study produced by the Division for the Advancement of Women” where it outlines “ways women can ‘make a difference’” and arguing “that when a critical mass of women are present on peacekeeping missions they make a unique contribution, and that they are particularly successful in the diffusion of violence, are perceived to be compassionate, willing to listen, and sometimes employ unorthodox techniques, such as singing, to diffuse potentially violent situations.”¹⁷⁸ Such observations have been noted in a number of studies and

¹⁷⁶ Kimberley Unterganschnigg, Senior Policy Analyst with Status of Women Canada and former CAF member, interview 3 April 2017.

¹⁷⁷ Whitworth, *supra* note 90 at 126.

¹⁷⁸ *Ibid* at 125-126.

literature in peacekeeping,¹⁷⁹ and was mentioned by a number of interview participants who stated the benefit of Canadian women military members who were able to engage with the local population, particularly in places like Afghanistan where society is segregated and male soldiers would not be allowed or able to speak to the female population.

In fact, many interview participants noted how women in peacekeeping operations contribute to the larger diversity of perspectives and enhanced operational effectiveness.

Lieutenant-Colonel Marie-Eve Bégin described the importance of diversity in the following way:

“It’s all about the tool box. If you want to build a house, and you have a tool box and it’s only different size[s] of hammer[s], you at some point, you won’t be able to build your house. You know, there’s some specific task you won’t be able to do. But if you have a tool box with one hammer, one, name a different tool, well, you may be better suited to build that house. And I think diversity is that tool box that will be able to bring you all the tools you need to solve problems and I believe that problems are getting more and more complex as we move along.”¹⁸⁰

Other interview participants talked about the benefits of including women in a similar stance. For example, Leona Alleslev Krofchak, Member of Parliament for Arora-Oak Ridges-Richmond Hill and Chair of the NATO parliamentary assembly and former CAF member, explained, in her interview:

“[That having women] bring[s] something different to the table that adds to the thinking and gives us a better outcome, that is the fundamental value of diversity and in this case of gender diversity because you get a more comprehensive, better thought out and potentially longer lasting solution to whatever problem you’re looking for.”¹⁸¹

These views of women’s increased inclusion in military peacekeeping reflects the CDS’s directive on UNSCR 1325 on how the integration of the resolution “will contribute to operational

¹⁷⁹ Bridges and Horsfall, *supra* note 5.

¹⁸⁰ Lieutenant-Colonel Marie-Eve Bégin, Strategic Gender Advisor for the Canadian Armed Forces, interview 29 March 2017.

¹⁸¹ Leona Alleslev Krofchak, Member of Parliament for Arora-Oak Ridges-Richmond Hill, the Chair of the NATO parliamentary assembly and former CAF member, interview 4 April 2017.

excellence on the part of the CAF.”¹⁸² It goes on to state that this improvement will occur through two initiatives, one of “operational effects” which ensures the incorporation of Gender-Based Analysis Plus (GBA+) in military planning and operations whereby reducing Sexual and Gender-Based Violence (SBGV) and SEA and civilian protection; and two of “institutional effects” seeking to embed the resolution and its requirements as an “approach to command and control, leadership, and management, including but not limited to education, training, policy, programs, materiel acquisition and infrastructure.”¹⁸³ Both, operational and institutional techniques, seem to address exclusively how to enhance operational effectiveness or the betterment of planning as an institution. In other words, the two identified techniques do not seek to look inwardly at how the military institution itself might be problematic, including questioning the use of military in peacekeeping. Whitworth makes this point with regards to “[a]nalyses of women and gender” in the UN at large and how they “become part of the ‘programmatic solutions’ that form the UN repertoire of responding to conflict and insecurity around the world and, in this way, confirm the appropriateness of that repertoire.”¹⁸⁴ In other words, “[g]ender analyses do not seek to supplant or transform existing knowledge about contemporary armed conflict; they privilege effectiveness.”¹⁸⁵

Despite repeated emphasis on benefits of women in Canadian peacekeeping, whether through women’s role in engaging with local populations, especially in Afghanistan, or their contribution in reducing SEA or even improving or ‘civilizing’ behaviours of male military members, these calls for women’s greater participation may be problematic in two specific ways.

¹⁸² Chief of Defence Staff, *Directive for Integrating UNSCR 1325 and Related Resolutions into CAF Planning and Operations* (Ottawa: National Defence Headquarters, 29 January 2016) at 12.

¹⁸³ *Ibid* at 12-13.

¹⁸⁴ Whitworth, *supra* note 90 at 137.

¹⁸⁵ *Ibid*

First, they essentialize women in their ‘unique’ and ‘different’ way of contributing. Second, they apply an instrumentalist approach for women’s involvement through ‘operational effectiveness’. The first critique of essentializing women is problematic because explaining women’s benefit through their ‘difference’ “is unable to address, or even recognize, the variation that exists among both women and men in terms of their attitudes toward, and participation in, acts of violence.”¹⁸⁶ After all, “[t]hroughout Western history, individual men have gone to near suicidal lengths to avoid participating in wars – cutting off limbs or fingers or risking execution by deserting.”¹⁸⁷ And of course, in the same light, “women’s depiction as universally peaceful and nonviolent” is challenged by cases of women who “commit infanticide, abuse and kill children, mutilate the genitals of little girls, and cruelly tyrannize daughters, daughters-in-law, servants, and slaves.”¹⁸⁸

In fact, some women interview participants seemed to pick up on this essentialist approach implicitly and related that there are differences amongst women through different ‘personalities’. Interview participants who were men, however, did not seek to make a distinction between individual women, except to mention that some women were excellent at their jobs, pointing at the overall advantage of diversity of having women amongst their ranks. For example, one interview participant, Major Kathryne Fontaine, related her experience with female soldiers in the Congolese army, describing how women are often perceived as being more approachable than men:

“... [J]ust approaching them [the female soldiers in the Congolese army] was definitely easier for me as a person, even if it was not like part of my job directly. I think that even

¹⁸⁶ *Ibid* at 154

¹⁸⁷ *Ibid* quoting Barbara Ehrenreich, “Fukuyama’s Follies: So What If Women Ruled the World?” (1999) *Foreign Affairs* at 118-119.

¹⁸⁸ *Ibid* quoting Katha Pollitt, “Father Knows Best” (1999) *Foreign Affairs* at 123.

men had an easier time bringing things up to me, but again, you can't really prove that right. It's a matter of personality I think. Some men can be very approachable as well."¹⁸⁹

Another interview participant, Major Ricki Lee Anne Richard, stated the point more directly on how women in the Canadian Forces may be perceived and emphasized the importance of recognizing individual personalities:

*"Because I think that that's also personality-based and I'll elaborate on that by saying, I think that in general, I think that women in the forces are looked at as being the nicer, more gentle, understanding people in the forces. And I think that in general women are probably more approachable. However, in saying that, personalities are definitely at play. And when you have A-type personalities, it also shuts down some of those approachability barriers that might have been down for other women but might be up for others."*¹⁹⁰

Similarly, Lieutenant-Colonel Carolyn Lamarre, in her interview, pointed to how framing women's benefits through certain operational advantages, like those many mentioned with the example of Afghanistan where only women members amongst the military were able to speak to the local women, can lead not only to essentializing women but placing them in rigid jobs.

*"I guess it was different in Afghanistan because the people were closer to the population well they're not that comfortable to talk to...they're not supposed to talk to men. So that's a big reason to have more female personnel, but like I said earlier on, just be careful because we need more female personnel but you don't wanna be to task all your women just dealing with women. If they do, they did join to do the same thing as the guys. So use your female personnel always to talk to women, it's, they're gonna start feeling like they're different you know what I mean. So that's the fear that I would have [sic]."*¹⁹¹

Through highlighting the presence and influence of individual 'personalities', the women interview participants from the CAF seemed to resist being essentialized by their gender. The rhetoric of being seen through different 'personalities', in this way, indirectly captures women's recognition of how they may be perceived through an essentialist lens by male peers and

¹⁸⁹ Major Kathyne Fontaine, Canadian Armed Forces, interview 5 April 2017.

¹⁹⁰ Major Ricki Lee Anne Richard, Canadian Armed Forces, interview 10 May 2017.

¹⁹¹ Lieutenant-Colonel Carolyn Lamarre, Canadian Armed Forces, interview 3 April 2017.

demonstrates how they attempt to navigate away from being seen only for their difference as women.

This essentialism produced by the emphasis given to women's 'unique' contribution plays against the background of needing to justify women's benefits in the military framework of operational effectiveness. In this way, inquiring as to the 'benefits' of women in Canadian peacekeeping is a double-edged sword; although the question is well-intentioned to justify women's inclusion to counter narratives of resistance, it also finds itself within the boundaries of an instrumentalist approach. Assistant Professor Maya Eichler makes note of this by stating the following in her interview:

*"I think of course that the military [is] starting to think of women in those more instrumentalist terms. In terms of you know what particular added value women can bring, but I guess I have a little bit of a problem with that being the starting point."*¹⁹²

Indeed, such a starting point is problematic. Not the least of which is recognizing that negative impacts on operational effectiveness were used in resistance to women's inclusion in the 1980s.¹⁹³ Essentially, the excuse of operational effectiveness is the same; it is just the negative impact switched to a possible positive impact due to rising public concern. This is precisely the way the UN discourse portrays women's inclusion where "the arguments focus directly or indirectly on the promise that taking gender into account will allow UN personnel to perform their already-existing roles more effectively."¹⁹⁴

¹⁹²Dr. Maya Eichler, Canada Research Chair in Social Innovation and Community engagement and Assistant Professor in Political and Canadian studies and Women's studies at Mount Saint-Vincent University, interview 10 May 2017.

¹⁹³ Davis, *supra* note 23 at 132. Maya Eichler also mentioned in her interview that it is important to look at the history and before the 1989 Human Rights case in Canada, how the military portrayed women in combat roles as "detrimental to military effectiveness".

¹⁹⁴ Whitworth, *supra* not 90 at 137.

Despite the essentialist view of women's role in peacekeeping funneled through justifications for enhancing effectiveness of operations, one interview participant pointed out that just because there are women in the field, does not mean that the local population will perceive women military members as approachable or want to engage with them. Associate Professor Rebecca Tiessen pointed out, in her interview, that local women might find it easier to talk to women, but not necessarily women in uniform.

*"... [T]here's a tendency to target women personnel for those kinds of jobs. And there's a strategy to that because of the perceived willingness of women to speak more openly to other women personnel. I think that that's true. I think that most women who experience sexual and gender-based violence are probably more comfortable talking to a woman. But they may not be comfortable talking to a woman in uniform from another country."*¹⁹⁵

The idea above demonstrates, that despite essentialist thinking about women in efforts to underline their potential 'benefits' to operational effectiveness, anyone in uniform, even women, might represent unease for local populations in peacekeeping. In other words, the local populations, seen as the 'other' by military peacekeepers, may find themselves 'othered' by the 'other'. The notion of military peacekeepers in uniform being 'othered' by locals who are usually perceived as the 'other', mirrors the way some interview participants described women in uniform being referred to as the 'third sex'. The term seems to refer to the instrumentalist approach, emphasizing that (white) women in the military are in a 'special' or 'unique' position in peacekeeping, particularly in engaging with the local population. As such, they are seen to transcend, in the eyes of the local population, the position of local women, being closer to, but not exactly the same as, the (white) military men. Kimberley Unterganschnigg, Senior Policy

¹⁹⁵ Dr. Rebecca Tiessen, Associate Professor at the University of Ottawa in the School of International Development and Global Studies, interview 9 March 2017.

Analyst with Status of Women Canada and former CAF member, described this idea of being seen as a ‘third sex’:

“There are times where, y’know, in Afghanistan, they used to call the women who were in the infantry, the ‘third sex’ because the Afghans didn’t equate them as being women necessarily. I mean, that was in one particular community. They didn’t equate them as same as their women right. So that’s why they were kind of a ‘third sex’.”¹⁹⁶

Similarly, Pablo Castillo-Diaz from UN Women, in his interview, noted the different way in which women in uniform are treated by local populations.

“... [D]espite what one may think would be sort of cultural barriers who accept them etcetera, they felt the opposite, they felt a lot of deference, a lot of, you know, they felt it was very easy for them to work with the locals and that the locals, kind of saw them as empowered women and respect them as such, even if they then domestically didn’t treat their wives that way. They treated them as internationals that have power rather than as women.”¹⁹⁷

In this way, the ‘third sex’ label shows how the privilege of race and potentially class of a woman military member from a country in the West, like Canada, intersects with gender to create potentially different effects with local populations than the ‘benefits’ perceived by the rhetoric of international peace and security.

Nonetheless, it seems that women military peacekeepers offer a vantage point in operations. Not only are they able to talk to women, at least theoretically in segregated societies of developing nations, but also the men who may find the (white) women in uniform more approachable than they would a (white) man wearing the same uniform. Despite the perceived ‘benefit’ or advantage of women military personnel in such an instance, especially when peacekeeping or peace operations entail a component of engagement with the local population, the idea of the ‘third sex’ treads on neo-colonial aspects of peacekeeping through “‘re-sexing

¹⁹⁶ Kimberley Unterganschnigg, Senior Policy Analyst with Status of Women Canada and former CAF member, interview 3 April 2017.

¹⁹⁷ Dr. Pablo Castillo-Diaz, Policy Specialist with UN Women, interview 10 May 2017.

race' where the (white) man or woman in this instance, saves the victimized brown woman from the violent brown man."¹⁹⁸ In essence, the participation of women military members in peacekeeping merely re-establishes the international law, peace and security realm rather than change it.¹⁹⁹ The 'tool box' analogy is especially instructive here. The description of the tool box above by Lieutenant-Colonel Marie-Eve Bégin in her interview was used by many interview participants, and if not referred to as a 'tool box' it was alluded to as bringing new perspectives to the table in order to enhance operational effectiveness; that is, having different tools to make a certain house. Anthony D'Amato's advice to feminist scholars, as described by Anne Orford, is reminiscent of the same kind of building analogy:

"He [D'Amato] is particularly scathing of those feminist scholars who go beyond a traditional critique of the content of international law by 'accusing international law itself for having an andocentric nature that privileges a male view of world society'. He challenges that approach on the grounds that it is like 'criticizing a house for having oppressively straight walls that meet each other at 90-degree angles and unnaturally level floors that do not tilt, and then blaming the end product on the fact that the T square was set at 90 degrees instead of 80, the saw was *not* warped, and the nails were excessively straight'. If feminists want to 'use law to transform an oppressive society', they would be better off 'taking law as it is, with all its rationality, objectivity and abstraction'."²⁰⁰

In other words, feminist scholars, in their quest to change and contribute to the world, "are not welcome to develop an alternative practice of reading international law, one that tries 'to effect change by making the genres 'mean' differently (that is, making the genres tell a different story)'. "²⁰¹ Instead, one of the ways they are allowed to contribute is through the use of "women from 'highly industrialized countries'" gaining "access to female 'native informants' and

¹⁹⁸ Pratt, *supra* note 36 at 774.

¹⁹⁹ Whitworth, *supra* note 90 at 133.

²⁰⁰ Anne Orford, "Feminism, Imperialism and the Mission of International Law" (2002) 71 *Nordic Journal of International Law* 275 at 277 quoting Anthony D'Amato, "Book Review: Rebecca Cook (ed.), *Human Rights of Women: National and International Perspectives*" (1995) 89 *American Journal of International Law* 840 (original emphasis).

²⁰¹ *Ibid* at 278 quoting Terry Threadgold, "Book Review: *Law and Literature: Revised and Enlarged Edition* by Richard Posner" (1999) 23 *Melbourne University Law Review* 830 at 838.

produce knowledge about the victimized women of the Third World.”²⁰² Although the ‘tool box’ analogy is meant for internal purposes (i.e. increasing diversity of gender and race in the Canadian Armed Forces), it also permeates into the GBA+ tool, reaffirming this narrative of gaining access to information from the victimized Third World in order to fulfill the peace operations, which in turn, is more effective with the use of women, potentially as a ‘third sex’, who contribute as a tool to build the house (the operation’s success or operational effectiveness) but are not allowed to challenge the foundations it is built on (i.e. militarism and masculine implications of international law, peace and security framework).

This reading of how women contribute to perpetuating the existing framework rather than change it is rebutted by a few interview participants, including Kimberley Unterganschnigg, who stated the following with regards to having women, particularly in leadership positions or at the table:

“... [W]omen change the tenor of what’s happening. They change the tone of the conversation... [whereby] the biggest contribution of having women in an organization is, and similarly a male-dominated organization is, it tends to physically change the dynamic of the organization.”²⁰³

Although there are no specific examples of how this occurs, another interview participant, Dr. Lynne Gouliquer, noted in her interview that women are seen as different and that they inherently change their surroundings by their presence.

“I think increasing the number of women is always going to help change things because you’re putting in something, [which] diffuses, like Barak Obama – you put a black man in power, you put a woman in power, you change things just by the nature of that. The change agent becomes just that. Although there is research that shows that the higher you move

²⁰² *Ibid* at 278.

²⁰³ Kimberley Unterganschnigg, Senior Policy Analyst with Status of Women Canada and former CAF member, interview 3 April 2017.

up an organization, the more conservative you become as well. You become more bought into their, to the organizational views.”²⁰⁴

Another academic interview participant, Assistant Professor Stefanie von Hlatky, commented on how the UN focuses on increasing the presence of women, using an instrumentalist justification:

“And women peacekeepers are going to be better able to identify the needs of women and children in conflict situations, so, because they have better access to that segment of the population and in a lot of countries that’s very much true, there’s a lot of gender based segregation, in terms of where people are in a given place and time and the types of access that a male soldier versus a female soldier might have to different segments of the population can actually change operational outcome. So that’s been the focus of the UN. They’ve also insisted on increasing the number of female mediators and just women in general to be present at peace tables. So they’ve demonstrated increasing the number of women improves the likelihood that a peace agreement will last longer, for instance.”²⁰⁵

The latter claim of a longer lasting peace agreement is also mentioned in the 2017 CNAP, providing statistics claiming “agreements are 20% more likely to last at least two years and 35% more likely to last 15 years” with women’s ‘full’ participation.²⁰⁶ However, the study that is cited also warns of a negative correlation in the duration of peace agreements with women’s rights language in peace agreements, noting that “the inclusion of gender provisions alone will not contribute to sustaining the peace agreement. This finding makes clear that gender provisions in a peace agreement should not be conflated with women’s participation in a peace process.”²⁰⁷ The study further cautions that “[p]eace processes tend to be poorly documented” and “[t]his is particularly true in the case of women’s participation, about which there is little information

²⁰⁴ Dr. Lynne Gouliquer, Professor Laurentian University, interview 22 Feb 2017.

²⁰⁵ Dr. Stefanie von Hlatky, Assistant Professor in the Department of Political Studies at Queen’s university, interview 9 May 2017.

²⁰⁶ *Canada’s National Action Plan 2017-2022 (CNAP)*, *supra* note 17 at 3 citing Laurel Stone, “Annex II, Quantitative Analysis of Women’s participation in Peace Processes” in Marie O’Reilly, Andrea Ó Súilleabháin, and Thania Paffenholz, *Reimagining Peacemaking: Women’s Roles in Peace Processes* (New York: International Peace Institute, 2015).

²⁰⁷ Marie O’Reilly, Andrea Ó Súilleabháin, and Thania Paffenholz, *Reimagining Peacemaking: Women’s Roles in Peace Processes* (New York: International Peace Institute, 2015) at 12-13 discussing Laurel Stone’s qualitative analysis on women’s impact on peace agreements.

concerning the points in the process at which women have engaged, and the terms of their engagement.”²⁰⁸ The study also mentions the positive correlation of democracy on longer lasting peace agreements, which evidently must involve full participation of women. And perhaps that is a positive that can be taken from such statistical claims rather than positing them in an instrumentalist light; “women play a myriad of roles in the face of war and peace, in violence and intervention, in competition and collaboration – and that their roles are hardly monolithic.”²⁰⁹ By seeing the numerous roles which women already play and ways they wish to contribute in peacekeeping rather than listing only the benefits they provide to an existing framework of operational effectiveness, might lead to achieving the dream of gender equality.

3.2 Gender Equality

The notion of gender equality is prevalent in the discourse of international peace and security and in society as we collectively strive to level the playing field for all gender identities. More specifically in the context of international peace and security, “[g]ender equality refers to the equal rights, responsibilities, and opportunities of women, men, girls, and boys. It is a goal that has been accepted, at least rhetorically, by numerous governments and international organizations and is enshrined in international agreements and commitments.”²¹⁰ In a sense, gender equality offers an alternative to using an instrumentalist reasoning for the inclusion of women in peacekeeping. For example, Assistant Professor Maya Eichler, in her interview, stated

²⁰⁸ *Ibid* at 13.

²⁰⁹ Sandra Cheldelin and Maneshka Eliatamby, “Challenging the Dominant Narrative” in Sandra Cheldelin and Maneshka Eliatamby, eds, *Women Waging War and Peace* (New York: Continuum International Publishing Group, 2011) at 284.

²¹⁰ Mazurana et al., *supra* note 79 at 13.

the following in support of gender equality over an instrumentalist approach to the inclusion of women in the CAF:

“The gender equality approach would see some value of creating the conditions for women’s, you know, more complete integration into the Canadian Armed Forces as a goal in itself. And an instrumental approach sort of focuses on this argument that there’s some value for the military through integrating women.”²¹¹

The gender equality approach, therefore, seems a lot more appealing over the instrumentalist approach that seeks to justify why or how women’s inclusion would benefit the organization.

The instrumentalist approach for women’s inclusion in the CAF and peacekeeping is particularly troubling when considering the fact that the inverse question pertaining to how men benefit the organization is rarely, if ever, asked.

Some interview participants, however, hinted at a gender equality approach, arguing for at least gender parity where the military should reflect society. If 50% of the population is women, then 50% of the members of the Canadian military (and peacekeepers) should be women. However, this notion was soon rejected as unrealistic. Many interview participants expressed that aiming for 50% women in certain male-dominated trades such as the infantry and combat arms was unrealistic and nonsensical. A number of reasons were provided from the lack of interest to an expectation of 50% being erroneous because the institution should focus on merit not just gender. In discussing increasing the proportion of women, Lieutenant-Colonel Carolyne Lamarre stated the following:

“So I think if we said we want 50% women in combat arms, I seriously think that will be crazy because you want the good person for the job.”²¹²

In a similar light, Lieutenant-Colonel Eleanor Haevens stated the following:

²¹¹ Dr. Maya Eichler, Canada Research Chair in Social Innovation and Community engagement and Assistant Professor in Political and Canadian studies and Women’s studies at Mount Saint-Vincent University, interview 10 May 2017.

²¹² Lieutenant-Colonel Carolyne Lamarre, Canadian Armed Forces, interview 3 April 2017.

*“I don’t know, I mean it would be lovely if we could get to 50% [women], I guess in a way, but again, I think in the end we need people that are interested and that wanna do it. And, again, part of maybe explaining what we do a little bit better, not only focusing on combat, and war and fighting, that might also help more women to become interested.”*²¹³

Similarly, Lieutenant-Colonel Eleanor Taylor, in her interview, stated the following:

*“I think we should be careful about trying to force an unrealistic – I’m not saying the CDS’s 25% is unrealistic, but for people who throw out numbers like 50% in a trade like the infantry, I think that would not be a good idea.”*²¹⁴

The notion of merit over gender parity was a reoccurring theme in many interviews. There seems a need, and understandably for women who have long been ‘othered’ in a male-dominated institution, to not be seen just for one’s difference to the others or being praised for their gender over their ability. The concept of gender neutrality, in this context, is explored in the next chapter as it hinders the recognition of systemic inequality masked behind neutrality.

In considering the benefits of women’s inclusion through gender parity, perhaps as a way to achieve gender equality, it is important to note why this expectation may be perceived as utterly unrealistic. Dr. Lynne Gouliquer related in her interview that there are formulas that are employed. She recounted that these formulas purposefully never aim for 50% women:

*“Setting a goal is different than really what you’re gonna get some times. But if you don’t set higher expectations, you’re not gonna achieve things really. So if you never set your goal at 50%, where women are 50% in the labour force, they’d never set their expectation at 50%. They have these kind of formulas, they say, ‘well, to increase women in the army up to 15% because – it’s just unreasonable to expect women are gonna wanna join the army’.”*²¹⁵

The formulas Dr. Gouliquer refers to above are part of methodologies proposed by the DND and CAF in their legal obligation to comply with the *Employment Equity Act*²¹⁶ which requires

²¹³ Lieutenant-Colonel Eleanor Haevens, Canadian Armed Forces, interview 6 April 2017.

²¹⁴ Lieutenant-Colonel Eleanor Taylor, Canadian Armed Forces, interview 3 April 2017.

²¹⁵ Dr. Lynne Gouliquer, Professor Laurentian University, interview 22 Feb 2017.

²¹⁶ *Employment Equity Act*, S.C. 1995, c. 44.

representation of members from visible minorities in order to achieve equality in the workplace. These methodologies, negotiated with the Canadian Human Rights Commission and other agencies external to CF, were in response to the Order in Council which the CF received in November 2002 to comply with the *Employment Equity Act* because the CF, as a public sector employer, is governed by it.²¹⁷ The report called *The Canadian Forces Workforce Analysis Methodology* considers factors such as interest and propensity of women and men in the Canadian labour market to join the CF and the ‘soldier aspect’, which shows the unique life and work of the military, particularly in trades like combat arms and artillery, that has no civilian equivalent.²¹⁸ Through considering these factors, estimates are produced, which account for interest and propensity of a specific minority to calculate the availability of the said minority group in the Canadian workforce for a given trade in the military. Essentially, the report decided on a methodology that provides different percentage ranges for jobs in the military that have an equivalent in the civilian workforce and a different percentage range for jobs that are deemed ‘unique’ to the military. Such a method allows, as the report states, “to evaluate the external availability estimates” that are “reasonable and realistic for the CF”.²¹⁹

What is particularly of note in the formulas and data estimates produced through the methodologies above, is this narrative of ensuring that expectations for minority group targets in the CF are ‘reasonable’. This idea of reasonableness seems to imply, as Dr. Gouliquer mentions above in her interview, that there is a lack of interest from women to join. Member of Parliament

²¹⁷ Director Military Gender Integration and Employment Equity and Social Science Operational Research Team, “The Canadian Forces Workforce Analysis Methodology,” June 2004 (released by the Department of National Defence under the *Access to Information Act*, informal request procedure, on December 15, 2016, previously released under File No. A-2014-01059, informal request File No. A1-2016-00158 at 3442).

²¹⁸ *Ibid* at 3448 – 3456.

²¹⁹ *Ibid* at 3468.

Leona Alleslev Krofchak, in her interview, noted the following with regards to women's interest in joining the CAF:

*“So, therefore, there's a couple of myths that are out there that we have to dispel and one of them is of course that women aren't interested.”*²²⁰

Dispelling such a myth is particularly important because it dates back to the internal report during the SWINTER trials Karen Davis discusses in her dissertation, where it was “questioned whether women were even interested in expanded roles.”²²¹ It also puts into context why women in the Canadian Armed Forces wish to be seen for their merit and not for their gender as one of the observations in a 1997 internal defence research study was that “men resented women because they believed that women were there because there was a quota that had to be met to satisfy the Canadian human rights agenda”, which was in addition to the “overall belief that women were not interested, motivated, or capable of being in the combat arms.”²²²

Despite the potential resistance to the gender equality approach over the instrumentalist approach to integrating women or aiming to achieve some level of gender parity, a few interview participants mention the necessity of having more women in the military overall. Karen McCrimmon, Member of Parliament for the riding of Kanata-Carlton, Parliamentary Secretary to the Minister of Transport and former CAF member, stated the following with regards how the military institution's legitimacy or as an agency of the government supposedly reflecting Canadian society, its reputation, would be enhanced with the increased number of women and women in leadership positions:

“I think the most important role in my opinion is the example we set. It's leadership. And when you go to other countries that are not used to seeing women in uniform or women in

²²⁰ Leona Alleslev Krofchak, Member of Parliament for Arora-Oak Ridges-Richmond Hill, the Chair of the NATO parliamentary assembly and former CAF member, interview 4 April 2017.

²²¹ Davis, *supra* note 23 at 139.

²²² *Ibid* at 222.

charge, let's say, for them to see this and for them to see women who are – they might have a uniform on and they might carry a weapon and they might be in charge, but they're still humans."²²³

Karen McCrimmon goes on to talk about how despite being in uniform and carrying weapons, it is false to think that that women soldiers lose their “femininity” or “their womanhood”, portraying a certain version of what it means to be a woman and essentializing the gender dichotomies. Nevertheless, her words above underline that women in leadership roles is in Canada's best reputational interest internationally. It also goes back to the myth of Canada being the leader in peacekeeping and women's integration in it. In a similar vein, Major-General Tammy Harris emphasizes the need for role-modeling, the difference, however, being that of focusing on Canadian leadership invisible to gender, bringing about the embedded value given to gender neutrality in the Canadian Armed Forces (discussed in detail in the next chapter).

“I think perhaps for me more importantly, which is optimist[ic], I think any time we can have Canadian leadership, Canadian men and women in uniform going out the door, they are by themselves role models.”²²⁴

Similarly, another interview participant, Lieutenant-Colonel Simon Poudrier in his interview, put it in the following manner:

“However, what I've also witnessed is that, you know the same females [who may not be welcomed by other cultures due to their position of authority] being competent usually changes their [the] perspective [of people from other cultures], like the other parties perspective on you know females in higher responsibility roles, officer roles, technician role that when you see competence, most of the time, it's just amazing to see that how we change their [other people's] minds.”²²⁵

The two responses point to a similar idea that having women in leadership showing competence in roles they are not traditionally seen as being competent in helps change the minds of local

²²³ Karen McCrimmon, Member of Parliament for the riding of Kanata-Carlton, Parliamentary Secretary to the Minister of Transport and former CAF member, interview 28 March 2017.

²²⁴ Major-General Tammy Harris, Canadian Armed Forces, interview 13 March 2017.

²²⁵ Lieutenant-Colonel Simon Poudrier, Canadian Armed Forces, interview 28 March 2017.

populations and personnel who presumably come from cultures where women are not normally seen in the military or in positions of power. Although justifying women's place in leadership roles for the sake of Canada's international reputation seems to reflect an instrumentalist approach, the reasoning behind the justification is noble. This instance is perhaps where an instrumentalist approach is not necessarily consequential. Unlike the emphasis on women's contribution to operational effectiveness, where the framework within which women are included remains unchallenged, the promotion of gender equality in the betterment of Canada's international reputation does not restrict the ways in which women may contribute in these positions of power.

Albeit, having women in leadership positions does not guarantee transformational or structural change in existing frameworks of peacekeeping and international peace and security. In fact, the interview responses above also allude to the imperialistic view in which international law and the discourse of peace and security conceive the Third World as 'other'. As such, the Third World requires not only immediate help through militaristic operations but also 'changing their minds' towards civilization. Pablo Castillo-Diaz from UN Women, in his interview, described why seeing women in leadership positions and their lack of representation in higher roles even in the UN is important:

*"It is a huge wasted opportunity that they're known for this, these scandals of SEA and not for having an interesting gender mix in the military and seeing the locals you know see things they've never seen before. And seeing women in leadership positions and men working with them respectfully. And you know a different mix, different women from different all different countries."*²²⁶

²²⁶ Dr. Pablo Castillo-Diaz, Policy Specialist with UN Women, interview 10 May 2017.

The fact that peacekeeping is associated with SEA allegations is a tragedy. This is particularly the case because those peacekeepers are supposedly there to protect the civilians that become victims of such violence.

In addition to serving as an example to the rest of the world with women in leadership, at the highest echelons of the CAF represented in peace operations, some pointed to the benefit of recruitment. Lieutenant-Colonel Jason Guiney suggested the following in his interview:

“I think to be honest, as we get a lot more females come up the ranks and start occupying like general officer positions or commander positions, I think that would help or that would give females, I think they’d be more comfortable joining, seeing that there’s not an all-male-dominated leadership”²²⁷

In a similar tone, Colonel Martin Lipcsey, in his interview, mentioned the following:

“But I mean, to me, it’s all about leadership at the highest level. And I mean when we do have senior, you know commanders, that are female and they set the example and show others, ‘hey, I got here through hard work and through good leadership and you know I did really well as well so.’”²²⁸

Some participants prefaced this idea with a claim that things are certainly changing and are headed in the right direction. Nonetheless, it is evident from the statements above, particularly the one by Colonel Lipcsey, that well-meaning and well-intentioned pronouncements of women’s accomplishments fall into the trap of gender neutrality. This problem will be discussed in detail in the next chapter.

Despite many pointing out the ‘benefits’ of women in leadership, some participants admitted that there are structural barriers to such representation at the higher levels of the Canadian Armed Forces. Member of Parliament Leona Alleslev Krofchak had the following to say about the struggles of women moving up the ranks:

²²⁷ Lieutenant-Colonel Jason Guiney, Canadian Armed Forces, interview 7 March 2017.

²²⁸ Colonel Martin Lipcsey, Canadian Armed Forces, interview 17 March 2017.

“So, until we change those basic precepts, women assuming in leadership roles and having a position at the peace process table, and being able to contribute her ideas in a framework that is met with the same positive response as perhaps her male counterparts, it’s gonna be challenging.”²²⁹

The basic precepts Leona Alleslev Krofchak mentions above in her interview response allude to studies she encountered that describe a positive association of men with success and likability compared to the negative perception of women who display the same characteristics. Perhaps she is able to note these barriers as someone now outside the military. Nonetheless, the foundational issues she points to relate to the discussion in the following chapter which seeks to unmask and excavate²³⁰ the systemic barriers that work together to perpetuate women’s minority status whilst rendering their success up the ranks as a validation of the existing system rather than a vehicle of transformative change.

The analysis of the two approaches in this chapter, the instrumentalist approach and the gender equality approach, provides a glimpse into the justifications used to include women in peacekeeping and in the Canadian military. Perhaps the use of justifications is problematic in itself since no such justifications are provided in discussing men’s involvement in peacekeeping. Nevertheless, the chapter shows how focusing on benefits of women’s contribution, and the emphasis of their ‘uniqueness’ compared to their male counterparts, serves to essentialize women. This essentialism is also evident in the instrumentalist approach which highlights and validates women’s participation through the benefits they provide to operational effectiveness. The approach of gender equality, therefore, serves as a better way forward because it is not dependent on operational effectiveness for the justification and inclusion of women. However, it

²²⁹ Leona Alleslev Krofchak, Member of Parliament for Arora-Oak Ridges-Richmond Hill, the Chair of the NATO parliamentary assembly and former CAF member, interview 4 April 2017.

²³⁰ Charlesworth and Chinkin, *supra* note 37 at 49.

is also important to consider, as will be discussed in the following chapter on barriers to women in peacekeeping, that gender equality is not gender neutrality. The latter tends to mask systemic barriers by blanketing gendered structures in a light of ‘neutrality’, hindering rather than helping to achieve the dream of gender equality in military peacekeeping.

Chapter 4: Barriers for Women in Peacekeeping

This chapter attempts to identify three major barriers to women's participation in peacekeeping. Although the barriers are categorized in three separate sections, they tend to overlap. The barriers are also systemic in nature because structural procedures in place for deployments and promotions are part and parcel of ongoing military structures as is the presence of gender neutrality that dates back to the integration of women in the Canadian Armed Forces in 1989. The section on Military Cultural Values, Justice System and the Chain of Command investigates some of the concerns raised in the 2015 Deschamps report. The chapter also relates a few personal experiences shared by the interview participants which demonstrate the very real impacts of barriers to women's equal treatment and participation in peacekeeping and the Canadian Armed Forces.

4.1 Deployment and Promotions

The presence of a hypermasculine culture in the military 'space' that is hostile to women and LGBTQ members has been documented by many.²³¹ Even members of CAF have written about how the CAF must do more, identifying gaps of how even profane language, degrading swear words and sexualized language, used by commanders, superiors and subordinates alike must be addressed if cultural change is to be brought, maintained and sustained.²³² This chapter explores some of the discussions by interview participants on the manifestation of a hypermasculine culture in the CAF and in peacekeeping. Their stories show the prevalence of a sexualized and hypermasculine culture perpetuated through the use of excuses which diminish

²³¹ See Deschamps, *supra* note 10; Gouliquer, *supra* note 12; Davis, *supra* note 23; Whitworth, *supra* note 90.

²³² Gerson Flor, "So We Speak: Language and Sexual Misconduct in the Canadian Armed Forces" (2017) 17:3 Canadian Military Journal 75.

such behaviour, sometimes by claiming that such a culture is merely a reflection of patriarchal civilian society at large. The downplaying of systemic problems disallows for structural and cultural change, whereby initiatives, such as Operation Honour on addressing sexual misconduct in the CAF sustains the ideology of compartmentalizing issues without resolving core structural root causes within military cultural foundations. This in turn attempts to show some of the barriers women may face in being part of the military ‘space’, and how these barriers consequently proliferate in their deployment to peace operations, especially since in Canada there is no separate entity for peacekeepers; military members “*can be tasked with*” peacekeeping, but they are trained primarily as military members.²³³

One of the key characteristics of being deployed, including in a peace operation, is that it is a great honour and that it determines promotions. The Honourable Marie Deschamps, former Justice of the Supreme Court of Canada, in her interview, mentioned the following observation with regards to deployments and promotions:

*“What I have heard, during my review, is that, women were very willing to participate ... (I underscore that) participating in a deployment is one way to obtain promotions. So missions are very important in the career of all members and... women are included in the group. Women do want to advance their career within the armed forces so I felt that there was a strong willingness on the part of women to participate.”*²³⁴

Another interview participant, Assistant Professor Eichler, noted the following in her interview:

*“... [O]ne of them just to mention is that promotion is often linked to deployments and combat experience and so...women are less represented in the combat arms, for example, right, they’re minimally represented.”*²³⁵

²³³ Dr. Lynne Gouliquer, Professor Laurentian University, interview 22 Feb 2017: “*The Canadian Armed Forces is set up for the protection of this country using force. It’s not set up to go in, traditionally, and do peacekeeping. We can be tasked with that, we can be given additional training, but the principal underlining training is not that. Never has been.*”

²³⁴ The Honourable Marie Deschamps, former Justice of the Supreme Court of Canada, interview 27 February 2017.

²³⁵ Dr. Maya Eichler, Canada Research Chair in Social Innovation and Community engagement and Assistant Professor in Political and Canadian studies and Women’s studies at Mount Saint-Vincent University, interview 10 May 2017.

Likewise, Lieutenant-Colonel Eleanor Taylor in her interview mentioned the following:

“... [T]here are so few companies that get to deploy and it’s considered a great honour to get to take a company on operations.”²³⁶

It seems, particularly in Assistant Professor Eichler’s comments above, that the low numbers of women in combat arms plays a part in the low representation of women in deployments. In a sense, this hints at a potential camouflaged ceiling where the participation in a male-dominated military trade determines or influences a military member’s consideration for deployment abroad.

In attempting to answer why women’s participation in peacekeeping missions is so low, Madame Deschamps, in her interview, identified two potential barriers preventing the increase in the number of women as well as the success of deployment overall:

“Prejudices and lack of preparation are two barriers for successful deployment and peacekeeping missions.”²³⁷

Madame Deschamps explained further in her interview that preparation in this context has to do with a lack of clarity in whether, for example, there will be segregated accommodations for men and women in a mission or whether they would share the same living space. She described the aspect of preparation in the following manner:

“An example of lack of preparation is that there was not a uniform approach. And I attribute this lack of consensus to a lack of clarity before the troops would leave. So whether in some circumstances, the women were segregated or not, may have resulted from men not being comfortable having women mixed with them or from the expectation that women wanted to be separated. What I found, the end is that this was not really discussed beforehand. So I thought there was a lack of preparation or lack of effort to establish a consensus before the deployment. So...the chain of command did not have a standard established policy as to how they would deal with troops that included both men and women. So this was really one of the – I would go as far as saying it’s a barrier (to a successful deployment and more generally to peacekeeping missions). Because if troops

²³⁶ Lieutenant-Colonel Eleanor Taylor, Canadian Armed Forces, interview 3 April 2017.

²³⁷ The Honourable Marie Deschamps, former Justice of the Supreme Court of Canada, interview 27 February 2017.

end up in deployment and there are tensions resulting from this lack of preparation then the atmosphere and cohesion, which is so important, will suffer from it."²³⁸

The second aspect of prejudice was described more succinctly with a reference to General Lawson's (former Chief of Defence Staff) CBC interview with Peter Mansbridge:

*"... [Y]ou might be aware of this comment CAF CDS General Lawson made during an interview he had with CBC host Peter Mansbridge, where he said, men are 'biologically wired in a certain way'."*²³⁹

The statements of General Lawson from his 2015 CBC news interview reportedly prompted much criticism from a number of critics. He issued an apology for his "awkward characterization" of sexual misconduct in the CAF.²⁴⁰ However, General Lawson's statements reflect this aspect of prejudice which Madame Deschamps mentioned above in her interview, where sexual misconduct may be seen as inevitable in the culture of the CAF, which is consequently hostile to women and LGBTQ members. In the context of deployments and promotions, a number of interview participants shared personal experiences of issues and barriers they personally faced when they attempted to apply or were being considered for deployment. Stories and examples of barriers can be categorized into two strands: the first regards consideration of the applicant's gender as playing a part in their deployment to a particular mission, largely instigated by the "dangerousness" of the mission for a woman or female member, whether 'danger' of operational effectiveness or that of danger to themselves; the second pertains to more practical considerations, such as wanting to be a mother or having children.

²³⁸ The Honourable Marie Deschamps, former Justice of the Supreme Court of Canada, interview 27 February 2017.

²³⁹ *Ibid* referring to "Military sexual misconduct due to 'biological wiring,' Gen. Tom Lawson tells CBC News" *CBC News* (16 June 2015) online: <<http://www.cbc.ca/news/politics/military-sexual-misconduct-due-to-biological-wiring-gen-tom-lawson-tells-cbc-news-1.3115993>> accessed 15 December 2017.

²⁴⁰ "Military sexual misconduct due to 'biological wiring,' Gen. Tom Lawson tells CBC News" *CBC News* (16 June 2015) online: <<http://www.cbc.ca/news/politics/military-sexual-misconduct-due-to-biological-wiring-gen-tom-lawson-tells-cbc-news-1.3115993>> accessed 15 December 2017.

One female member of the CAF, in her interview, related her story and struggle of being deployed to a peacekeeping operation:

“I think what happened is, so I got it when I knew I was going on this mission. I knew who I was going to replace ‘cause it’s a person I had worked with before. So, I got in touch with that Major through email and then I started asking question[s] on how to get prepared and how was the mission, you know, to know how it was on the ground. And then, a few weeks after I found out that the position had, was no longer accepting Captains that were going to be while-still-employed. They wanted an actual Major. But in reality what I think happened is that the person I talked to told the commander, the chain in command down there that commands the nine people that are there, and he didn’t want to have a woman on the mission. And so he changed the parameter so that I would get pulled off of the mission. And then, unlucky for him, I got promoted in the meantime. And then I had to insist and talk to a lot of people I knew in HQ [headquarters] to put my name back and then I was able to deploy.”²⁴¹

The story above is particularly instructive because the interview participant spoke about how she did not have any proof that such discussions regarding her selection occurred. It also points to some of the systemic challenges, especially due to her lower rank at the time of the events that placed her in a particularly vulnerable position. Decisions such as these happen in private discussions by those who are in superior ranks. At the same time, her story reveals how women have to fight for these positions, not based on their qualifications or training but due to an added layer of prejudice. Such prejudice translates into portraying a given mission as ‘too dangerous’ for a woman. Major Kathyne Fontaine related the following with regards to her deployment:

“So, the commander at the time was, who’s a full Colonel, so he’s commanding the operational side of things for the UN but he also kind of, he’s the commander of the contingent of Canadians that deploy, the nine people. So he sent a big letter to CJOC – I don’t know if you’re familiar with CJOC, it’s the Canadian Joint Operation Command who is basically the command that, that overseas, all of Canadian deployments. So, whenever we’re expeditionary, CJOC is the authority. So they arrange everything that pertains to the missions. So that Colonel sent a letter to CJOC saying how difficult the mission was, how the reality on the ground was actually not just peace, like peaceful peacekeeping, but there was actually fighting and how the liaison officers had to deal with higher, with very high profile individuals in with the Congolese army and how you needed to be ready for this. And it was not just a job for a Captain. But, I dunno, I was, I dunno if I could still put

²⁴¹ Major Kathyne Fontaine, Canadian Armed Forces, interview 5 April 2017.

my hand on the letter but it really read like I don't think a small little girl can do this job because, I guess this person that I had reached out to, knew me, knew like had seen me before. And I, I'm absolutely sure they had a big prejudice. And then when I showed up on the mission, that Colonel, like I introduced myself, he wouldn't even look at me. Like he was clearly, clearly angry that he didn't get his way and he...another Colonel that was there told me that I was going to be perceived like a piece of meat and that they would not, the Congolese army would not, not respect me and what not."²⁴²

Lieutenant-Colonel Marie-Eve Bégin related a similar story of superiors deciding not to place a woman in a position in Afghanistan:

*"And just before the deployment she was removed of her position. The reason being, you're a woman. You won't be able to do your job because a commander will ask to go into [a] meeting with Afghan people and you know the aide de camp is one you know who schedule the meeting and carry on the briefing case and you know do all the coordination of the commander. So they told her you won't be able to do your job because you're a woman."*²⁴³

Lieutenant-Colonel Bégin, in recounting the example above, stated that in a sense Canadians put barriers onto themselves because in the instance she relates, the male member they selected to replace the female member did not do his job properly and so was then replaced by that female member who was initially selected to deploy to the mission. She also discounts that this was back in 2004 and so should be put into context. Another interview participant, Lieutenant-Colonel Carolyn Lamarre recalled being warned as part of training and in general that as women, if they get captured, they will get raped:

*"... [I]n the UN either, like I said, the, we thought for a while about not deploying women in certain positions to protect them because like I said the Congo is the capital of rape so you're gonna think twice before putting a woman in certain position like liaison officer."*²⁴⁴

²⁴² Major Kathyne Fontaine, Canadian Armed Forces, interview 5 April 2017.

²⁴³ Lieutenant-Colonel Marie-Eve Bégin, Strategic Gender Advisor for the Canadian Armed Forces, interview 29 March 2017.

²⁴⁴ Lieutenant-Colonel Carolyn Lamarre, Canadian Armed Forces, interview 3 April 2017.

It has been noted by a few scholars that there is a tendency to resist sending women members into combat roles or the frontlines.²⁴⁵ Perhaps the prejudice of seeing women as vulnerable, particularly in the language of international peace and security as those who “need to be rescued and protected”²⁴⁶ bleeds into the way they might be perceived as members of an institutionally masculine force by their male peers.

However, I realized that once women do get deployed to such peacekeeping missions whether under the UN or peace operational deployments with a number of Canadian units and troops, they face discriminatory and misogynistic behaviour from the system they rely on. This behaviour can be found in Canadian Headquarters as well as among members from other countries who may be on the mission with them, including barriers in engaging with local men. In the case of Afghanistan, some interview participants related that they were not addressed or local male elders refused to speak with them and would address their male subordinates. Nevertheless, there were also a few women who said that, despite being warned that they would be discriminated against on the ground by the local men, they did not experience any such differential behaviour. However, one story of sexist behaviour on the ground by CAF members in headquarters is particularly disturbing. One interview participant recalled the following incident:

“Like if you wanna hear the one I was in Afghanistan and I needed, I was a troop commander, an artillery troop commander and I, we had a vehicle that broke down. And I was working, we were supporting an American battalion. And when I asked my chain of command, so I was a lieutenant, I asked the Major that was my battery commander to, how we could get this vehicle replaced. He told me to put on shorts and go see the Americans I was working with...like...I don’t know if you understand my...the bad joke...put on shorts and you’re gonna get whatever you want. And in the end, like obviously, I didn’t do that and, but I didn’t get my vehicle replaced, so it was just a way to kind of brush off, like, for

²⁴⁵ See above Sion, *supra* note 165 at 575; Davis, *supra* note 23 at 24 mentions lack of normalcy in seeing women in the front lines; also see above Lieutenant-Colonel Eleanor Taylor, Canadian Armed Forces, interview 3 April 2017.

²⁴⁶ Whitworth, *supra* note 90 at 135.

him, like my request and what not. But that's just kind of and I, it's anecdotal, it's not, it didn't threaten anyone's life and what not, but...no otherwise, other than to try and be put on the deployment in DRC, I didn't really have any other issues."²⁴⁷

On the other hand, women military members deployed on peace operations may also experience discriminatory behaviour from leaders and officers from the host country. Lieutenant-Colonel Jason Guiney in his interview related the following experience:

*"So, I know in years past, many, many years ago, it was seen as well you know this, when I was in Pakistan, for example, we had a female deputy commander and when we went to the meetings with the Pakistani Generals and what not, I would be with her and my role was as the assistant operations officer. The Generals would shake my hand but they would not shake her hand 'cause she was a female."*²⁴⁸

The examples above, from those that connote prejudice to deployment to the discrimination on the ground by Canadians against female Canadian members and those military personnel from other countries, demonstrate two elements working in concert: one is the existence of systemic resistance to and prejudice towards female members that prevent promotions and deployment of female officers, and two, is that it is continuously downplayed by those who retell these stories, anecdotes and experiences. The first element also seems to suggest that anticipated discrimination against women in host states is being used to justify discrimination against deploying women military members on peace operations by the sending state (i.e. Canada). The second element of giving little weight to incidents of discrimination, especially if they took place in the distant past, is evident in the example below. As one of the interview participants, who wished not to be attributed here, recalled:

"There was only one occasion, so I've been almost 20 years at this, and there was only one occasion where a male warrant officer was totally...just old school, I guess, is the right term. He told me if I wanted to play with the boys, I better start acting like them. ... [It was seen as] a joke – that was – it was not part of the new reality – they did not get on board.

²⁴⁷ Major Kathyne Fontaine, Canadian Armed Forces, interview 5 April 2017.

²⁴⁸ Lieutenant-Colonel Jason Guiney, Canadian Armed Forces, interview 7 March 2017.

But that was in 19...sorry year 2000. So a long time has come and passed and I have not experienced anything since that one individual so I don't think that that would tarnish what the Canadian forces experience that I've had. Yeah, so, I've not had trouble."²⁴⁹

The downplaying of such incidents is in keeping with the narrative of the military where "[r]ecruits come to accept that the rules and regimens into which they are trained have been established to enhance their chances of survival."²⁵⁰ This element is particularly visible in individualizing a problem that is clearly systemic. Many interview participants, especially the highest ranking female officer I interviewed, were adamant that the problem of sexual misconduct in the CAF as per the Deschamps report is a leadership problem, despite, in a contradictory manner, also calling it a cultural problem. Major-General Tammy Harris stated the following in her interview with regards to the findings in the Deschamps report:

*"So I would say that, that in response to the Deschamps report, Madame Deschamps, that is a leadership problem, it's not a policy problem. And we have approached it in that sense. So the CDS, Chief of Defence Staff has made it clear that leadership, you know, will own this problem. And we are working extremely hard to educate all the way through to build confidence in the men and women in uniform that they can come forward and let us know if there're issues going on. We've increased our, talking about the issues, hearing about the issues, you know setting up a response centre for people who have suffered in silence, for a lack of a better word. I guess, so that is a leadership problem and that is a cultural problem and a cultural issue that we need to change, you know through consistent, persistent leadership, good leadership, solid leadership. Issues, as I say to people, you know, if you could really have a voice, if you have a voice, I'm listening. So, if you are afraid to talk, by all means, reach out to me."*²⁵¹

Although there is a willingness to solve the issues plaguing the CAF ever since they were exposed to the Canadian public, the statement above demonstrates how the institution seeks to point at individuals rather than the core systemic issues resulting in the hostile culture the Deschamps report describes. This is likewise evident in General Vance's address on the

²⁴⁹ Interview participant preferred not to be attributed in relation to sharing this personal experience.

²⁵⁰ Whitworth, *supra* note 90 at 158.

²⁵¹ Major-General Tammy Harris, Canadian Armed Forces, interview 13 March 2017.

Deschamps report and resulting initiation of Operation Honour as a means to combat this problem. In admitting the lack of attention given to sexual misconduct in recent years, he expresses that “[t]he first priority was operational, as it must be during such spikes. Amidst the pervasive change, some non-operational imperatives did not receive the level of attention they otherwise would or should have.”²⁵² Justifying the marginalization of gender-based violence within the CAF by prioritizing operations and proclaiming it as a non-operational imperative epitomizes the way gender integration and sexual harassment, assault and misconduct are usually sidelined in military and international peace and security contexts. In the context of UNSCR 1325 and gender equality initiatives in peace missions, this is seen as “[t]he tyranny of the urgent’...where ending the overt violence between primarily male actors is seen as the most important priority.”²⁵³

There are two layers, so to speak, to this marginalization. The first requires individualizing or minimizing who is to blame or accountable where the statement of “*we are all in this together*” is followed by the explanation that “[t]his is not to suggest for a moment that all or most of the members of the Canadian Armed Forces are guilty of thinking or behaving inappropriately. This is simply not the case. There is little doubt that the perpetrators of uniform-on-uniform sexual harassment and sexual violence are a small minority.”²⁵⁴ Despite the fact that this is not true, on the contrary, the number of incidents of sexual misconduct are higher than those in civilian society,²⁵⁵ the notion of ‘a few bad apples’ helps diminish the prevalence whilst

²⁵² Vance, *supra* note 11 at 8.

²⁵³ Karen Barnes and ‘Funmi Olonisakin, “Introduction” in ‘Funmi Olonisakin et al., eds, *Women, Peace and Security: Translating policy into practice* (New York: Routledge, 2011) at 9.

²⁵⁴ Vance, *supra* note 11 at 8 (emphasis in original)

²⁵⁵ Gloria Galloway, “High levels of sexual assault among Canadian military members: survey”, *The Globe and Mail* (28 November 2016), online: <<http://license.icopyright.net/user/viewFreeUse.act?fuid=MjQxODI1Mjg%3D>> accessed 29 November 2016.

keeping the reputation of the institution intact. This tactic has been used before in the context of “Sexual Harassment and Racism Prevention (SHARP) training” in 1998 where in the “internal CF newspaper, *The Maple Leaf*, included a special report featuring messages from the Minister and the Chief of the Defence Staff to CF members” emphasizing their “commitment to Canadians and the Canadian Forces in making the CF a safe place for women as well as men”, expressing his disappointment while adding that “all members of the military had been unfairly painted with the same brush as the result of the behaviour of a very few”.²⁵⁶

The second layer to the marginalization of sexual misconduct in the military and in the CAF has to do with re-establishing the private and public dichotomy, gendered in the context of international law and “the formation of the state” where the private sphere is devalued.²⁵⁷ That is to say that sexual misconduct, largely affecting the female members of the CAF, is seen as ‘non-operational’, even though being deployed on an operation puts a female soldier in a more vulnerable situation due to being isolated from social security networks at home.²⁵⁸ Although the terminology used for resolving sexual misconduct in the CAF is through an ‘operation’, namely Operation Honour, rather than deconstructing the private and public dichotomy, it actually reflects a kind of specialization that enables its marginalization²⁵⁹ – i.e. it becomes task-based and something purely associated with the label of ‘women’ or ‘gender’ without influencing core workings of the organization.

²⁵⁶ Davis, *supra* note 23 at 229-230.

²⁵⁷ Hilary Charlesworth, “Alienating Oscar? Feminist Analysis of International Law” in Dorinda Dallmeyer, ed, *Reconceiving Reality: Women & International Law* (Washington: The American Society of International Law, 1993) at 9.

²⁵⁸ Gouliquer, *supra* note 12 at 201-202.

²⁵⁹ Charlesworth, *supra* note 257 at 6.

4.2 Military Cultural Values, Justice System and the Chain of Command

The fact that systemic changes are not being pursued and blame is being individualized takes away from the recommendations in the Deschamps report, especially those pertaining to separating reporting of instances of sexual misconduct from the chain of command.

Recommendation number three in the Deschamps report emphasizes the requirement of independence and central authority of a center dedicated for reporting of inappropriate sexual misconduct.²⁶⁰ Furthermore, Madame Deschamps, in her interview with me, spoke about the inadequacy with which this center is being established in the CAF and that it is not independent.

“I don’t see this as going at a very sustained pace. It’s more like a turtle. In addition, I am not sure that the centre that they have created is truly the kind of centre that I recommended be created. What I hear is that most responsibilities are still kept very close to the chain of command. Where initially I thought it would be separate from the chain of command.”²⁶¹

Indeed, this was confirmed by one of the highest ranking Non-Commissioned officers in the CAF who admitted that the chain of command is usually involved in the reporting of inappropriate behaviour, particularly while on operations.

“So, if there’s inappropriate behaviour or something happens involving a Canadian it’ll be handled within the Canadian chain of command. Because it becomes legalities and every country has slightly different laws and things like that. So they handle their – if it’s severe enough, it doesn’t actually, severity is quite the, the bar for severity is quite low. If you kinda mess up while you’re deployed, you come home really, really quick. For stuff that back home you’d still get disciplinary action, but over there, like if you’re outside the country, you’re pretty much coming home. Almost instantly. And then usually it’s dealt with back here. But minor stuff can be dealt with – it’s usually done within the Canadian lines. Like you know in Afghanistan for an example, if we had Americans working inside of our lines or Canadians working inside of American lines, and it was an issue, they would be sent back to into the Canadian chain of command to be taken care of.”²⁶²

²⁶⁰ Deschamps, *supra* note 10 at ix.

²⁶¹ The Honourable Marie Deschamps, former Justice of the Supreme Court of Canada, interview 27 February 2017.

²⁶² Chief Warrant Officer Kevin West, Canadian Armed Forces, interview 1 March 2017 (Part one) and 7 March 2017 (Part Two).

It should be noted that CWO West did not clarify whether the above procedures for inappropriate behaviour included specifically sexual misconduct. The above description seems to describe general practice of reporting procedures without mention of the new sexual misconduct reporting centre initiated in response to the Deschamps recommendations. CWO West above claimed that complaints of misconduct are taken seriously, despite the problematic notion of evaluating them according to severity and what that might look like. However, the admission that such complaints still involve the chain of command realize Madame Deschamps' concerns that structurally the reporting procedures remain unchanged. The chain of command is one aspect of the military institution, amongst others that has been criticized for hindering the reporting of sexual misconduct, including sexual assault,²⁶³ as well as being a repeated point of dissatisfaction in the deliverance of justice resulting in amendments to the *National Defence Act* through Bill C-25 for the military justice system to resemble the independent adjudication procedures found in the civilian justice system.²⁶⁴

None of the interview participants related being affected by sexual assault. None of my interview questions directly addressed sexual misconduct and nor did I expect such sensitive information to be shared with me especially as the participants consented to being attributed. Nonetheless, the influence of powerful hierarchical structures such as the chain of command and value given to obedience in the CAF were evident through other examples. For one, Lieutenant-Colonel Jason Guiney shared an incident where he recognized how his own instinctive thinking

²⁶³ Deschamps, *supra* note 10 at ii and iii.

²⁶⁴ Brian Dickson, Special Advisory Group on Military Justice & Military Police Investigation Services, *Report of the Special Advisory Group on Military Justice and Military Police Investigation Services* (Ottawa: Department of National Defence, 1997); Canada, Law and Government Division, *Legislative History of Bill C-25*, Catalogue No LS-311E, prepared by David Goetz (Ottawa: Parliament of Canada, 1998); Antonio Lamer, *The First Independent Review of the provisions and operation of Bill C-25, An Act to amend the National Defence Act and to make consequential amendments to other Acts, as required under section 96 of Statutes of Canada 1998, c.35 report – review of Bill C-25*, (Minister of National Defence, 2003).

was conditioned by gender essentialist notions in solving a particular threat to his team deployed on operation. He recounted that while on deployment in the Ukraine, there was *“kind of a creepy Ukrainian soldier that was stalking some of the female soldiers”* and that he had to deal with the situation. He describes that the base they were on *“wasn’t very well lit”* and that the soldier *“that was harassed, she brought it to her chain of command right away, and so we [him and his team] acted on it fairly swiftly”*, yet admitted that in that process he did something he thought *“was a mistake in that regard.”* Essentially, in dealing with this ‘stalker’ who was harassing the female soldiers in the Canadian team, he, *“as the task force commander said, ‘okay, at night, I want women walking around in pairs’”*, which he thought was a way to protect the female soldiers. His Deputy Commander who is a female major told him that this policy was making the women *“pretty upset”*. She explained that *“there’s that perception that, you know, you’re saying that we’re not capable of protecting ourselves.”* Lieutenant-Colonel Guiney related the following lesson learned:

“I’d never thought of it in that perspective. I thought, I’m doing the right thing. I wanna make sure that you know we’re using the buddy system, but I imposed that only on the female soldiers. And so actually sat down with about five of the female soldiers and I said, ‘hey, listen, here’s my rationale behind that decision, just so you know.’ And they were quite open and they say, ‘hey, we got it, like, you know, we’re not saying that we think women are the weaker sex, but that’s kinda how it comes across as how we sort of feel.’ And so I said, ‘okay, well then, then we’re gonna get rid of that policy if that’s,’ and so I learned a lot. Like, wow, I just, I just treated women like they were the weaker sex. And, to be honest, I felt like an ass. But that’s something that I learnt.”²⁶⁵

He credits this lesson learned to the fact that there was a higher ranking officer, the female major, who the younger and lower ranking female soldiers could confide in because they might not have approached him due to his much higher rank. Lieutenant-Colonel Guiney recounted the following in his interview:

²⁶⁵ Lieutenant-Colonel Jason Guiney, Canadian Armed Forces, interview 7 March 2017.

“If I had not had a senior female officer there, that...the younger soldiers may not have brought that to my attention. Just because you know there is a little bit of you know, rank divide between like a corporal and a lieutenant-colonel.”²⁶⁶

Despite being a great example of where a senior officer and the task force commander employed reflection and admit to the importance of looking at decisions from a “*different angle*”²⁶⁷, which also validates the process of excavation in feminist ways of analyzing, in order to prevent even “*unintended consequences of those decision[s]*”²⁶⁸, the story unveils the difficulty of approaching the chain of command and then relying on them to set things right. It also reaffirms the burden on women to be the ones to point it out.

Consequently, the problem with the rigid structure of the chain of command and its involvement in bringing up issues pertaining to minority members such as women and LGBTQ members, particularly when such issues might be considered by their nature as ‘non-operational’ or deemed less important than the goals of the operation at hand in moments of urgency, is that it becomes unlikely for subordinates to bring it to their attention and even less likely that they will be taken seriously. Despite the positive outcome of the example above, Lieutenant-Colonel Guiney recounted what had occurred prior to coming up with the policy of women walking in pairs and he had just learned of the ‘stalker’ issue:

“But that, that wasn’t really a big issue, I just made it really quite clear that if that soldier kept stalking, you know, my soldiers that he’d be watch[ed], that he was reported to the authorities and he was removed...”²⁶⁹

The implication here is that the stalking had to be persistent to be dealt with and reported to authorities only after it increased in severity. Many of the ways in which the example above

²⁶⁶ Lieutenant-Colonel Jason Guiney, Canadian Armed Forces, interview 7 March 2017.

²⁶⁷ *Ibid*

²⁶⁸ *Ibid*

²⁶⁹ *Ibid*

deals with harassment such as stalking, including its evaluation through thresholds of persistence and particularly prescribing changing behaviours for the victim rather than the perpetrator are also present in the way criminal harassment is managed by the civilian justice system in Canada.²⁷⁰ Nevertheless, the dependency on the chain of command to carry a complaint forward recognizes the reliance on individuals, such as Lieutenant-Colonel Guiney in that instance, on doing something differently. It is also heavily reliant on women to recognize and bring forth such issues, burdening them with the reflection and finding ways to have it addressed.

However, it is not the chain of command in itself and by itself in isolation that may create conditions of underreporting or a culture that may look down on speaking up. It works in concert with other values and cultural norms of obedience, loyalty to military ‘family’ and uniformity through conformity. The Deschamps report notes research that documents “the deep-seated hierarchical nature of military cultures, and the degree to which emphasis on the values of obedience, conformity and respect for superiors can lead to abuses of power, the susceptibility of junior members to negative social influence, and under-reporting of unprofessional behaviour.”²⁷¹ In the context of obeying orders in the CAF, Gouliquer, in her dissertation, describes that “[t]he military’s complete control of soldiers’ lives is treated as a normal and acceptable part of soldiering”.²⁷² She further explains “that all military requests represent orders that soldiers must obey. Failure to obey an order constitutes a military offence punishable under military law”.²⁷³

²⁷⁰ Isabel Grant, “Intimate Partner Criminal Harassment through a Lens of Responsibilization” (2015) Osgoode Legal Studies Research Paper Series 87.

²⁷¹ Deschamps, *supra* note 10 at 19.

²⁷² Gouliquer, *supra* note 12 at 138.

²⁷³ *Ibid* at 140.

In concert with the absolute nature with which orders must be obeyed, there is an additional value given to those who do. Major-General Harris, in describing leadership qualities in her interview, stated the following:

*“... [T]he best leaders are the best followers. And by that I mean, you are not always the leader in any given situation and how I follow and support somebody else is indicative of how well I will lead.”*²⁷⁴

Whitworth describes the totalizing effect of the military institution and how it begins early with recruits where boot camp “is a tightly choreographed process aimed at breaking down the individuality of the recruits and replacing it with a commitment to, and dependence on, the ‘total’ institution of which they are now a part.”²⁷⁵ This ‘totalising’ effect fuses into the aspect of loyalty in the military culture as well in pursuit of being part of and protecting the military ‘family’. Whitworth documents how a sense of cohesion is built in soldiers through the importance given to teamwork, where “[i]ndividuals who fail will bring down their entire squad, platoon, company, or regiment, but those who succeed, succeed together as a team.”²⁷⁶ In turn, such an ““emotional roller coaster...produces dependence on the instructor’s strokes” recasting the instructor as “a parent whom the child wants to please.”²⁷⁷ The impact of such a ‘family’ has been seen to render victims particularly vulnerable to aggressors within that ‘family’.²⁷⁸ Moreover, the recognition that the CAF is a product of European society, namely British colonization, so too is the historical origins of Canadian military law.²⁷⁹ According to Andrea

²⁷⁴ Major-General Tammy Harris, Canadian Armed Forces, interview 13 March 2017.

²⁷⁵ Whitworth, *supra* note 90 at 155.

²⁷⁶ *Ibid* at 157 citing William Arkin and Lynne Dobrofsky, “Military Socialization and Masculinity” (1978) 34:1 *Journal of Social Issues* 151 at 163.

²⁷⁷ *Ibid* quoting Deborah Harrison and Lucie Laliberte, *No Life Like It: Military Wives in Canada* (Toronto: James Lormier, 1994) at 163.

²⁷⁸ Deschamps, *supra* note 10 at 70

²⁷⁹ Jerry S.T. Pitzul and John C. Maguire, “A Perspective on Canada’s Code of Discipline” (2002) 52 *Air Force Law Review* 1.

Smith, “European societies were thoroughly misogynistic. The Christian patriarchy which structured European society was inherently violent”.²⁸⁰ Within the conceptualization of ‘family’, Smith further explains Karen Warren’s argument “that patriarchal society is a dysfunctional system that mirrors the dysfunctional nuclear family... [and is] based on domination and violence. ‘Dysfunctional systems are often maintained through systematic denial, a failure or inability to see the reality of a situation. This denial need not be conscious, intentional, or malicious; it only needs to be pervasive to be effective.’”²⁸¹

The denial by both General Vance and Major-General Harris shows a willingness to bring about positive change, wrapped in the rhetoric of dealing with systemic problems such as sexual misconduct in a categorical and individualized way. However, it is understandable that with such pervasive and effective cultural elements which include a sense or association to ‘family’ within the military institution, those who wish to remain part of it, including those who are advantaged for maintaining it, no matter how dysfunctional, may seek to deny its destructive reality, even unconsciously. An example of this culture manifested itself during the Report of the Commission of Inquiry into the Deployment of Canadian Forces to Somalia which investigated the events that transpired while Canadian troops were deployed in Somalia for a peacekeeping mission. These events included the death of a Somali teenager by fatal beating when in custody of CAF members, shooting of Somali intruders, and an attempted suicide by one of the soldiers involved in the violent aforementioned incidents. The report repeatedly describes how the “blind loyalty to the military institution” and its good name resulted in CAF members and leaders hindering the inquiry by curtailing its due date, not to mention allegations of cover up and

²⁸⁰ Andrea Smith, *Conquest: sexual violence and American Indian genocide* (Cambridge: South End Press, 2005) at 18.

²⁸¹ *Ibid* at 17.

destruction of evidence.²⁸² In this way, the cultural values revered in the military organization can work in concert, including and, I would argue, especially with the chain of command, which creates an imbalance and hierarchal structure of power, creating conditions conducive to and silencing of sexual misconduct.

4.3 Gender Neutrality

Having identified above some of the structural and cultural barriers within the institution that deploys its members to peacekeeping or peace operations, it is also essential to recognize how the ‘totalizing’ effect of the military system and culture affects the individual entering it, particularly if that individual belongs to a minority group. “The sense of the military as a ‘family’ helps to inculcate the conformity expected of soldiers, a conformity new recruits eventually embrace.”²⁸³ This alludes to the notion of conformity and how that may continue to perpetuate gender neutrality in the military. Karen Davis in her dissertation documenting the resistance of the military to the inclusion of women and homosexuals and the reluctant integration of women post-CHRT (Canadian Human Rights Tribunal) era in 1989 dedicates a chapter to how the Canadian military implemented gender neutral policies as a way to satisfy what the CHRT ordered.²⁸⁴ In other words, “[l]eadership replaced a strategy based upon highlighting the essential gender differences that women and homosexuals represented to operational effectiveness with a strategy to neutralize and minimize the visibility of gender difference.”²⁸⁵ She also notes that this order from the CHRT to integrate women came at difficult

²⁸² Minister of Public Works and Government Services Canada, *Dishonoured Legacy: The Lessons of the Somalia Affair* (Ottawa: Canadian Government Publishing, 1997) at ES-36.

²⁸³ Whitworth, *supra* note 90 at 159.

²⁸⁴ Davis, *supra* note 23 at 173.

²⁸⁵ *Ibid* at 174.

time for the CF as “[t]he 1990s were dubbed the ‘decade of darkness’ in reference to the severe fiscal measures that were imposed by the federal government” not to mention the inquiry in 1993 into the Somalia incident, the Persian Gulf War and the dispute pertaining to Indigenous burial land in Oka, Quebec.²⁸⁶ In the face of such operational challenges and those internally of resisting the full integration of women and LGBTQ members, the “CF senior leadership placed their focus on the shared values and experiences of women and men, while placing as little emphasis as possible on the different experiences, needs, and contributions that gender difference represented within the organization.”²⁸⁷

A reflection of the salience of gender neutrality is evident in the examples above with regards to the importance of Canadian leadership in peace operations and peacekeeping over that of it being a woman in leadership. Gender neutrality was also prevalent throughout in most interview participants’ responses where they edited their speech to include men or making it a problem for anyone in the military or even civilians without pointing out how it may be particularly challenging for or affect a woman or a member of the LGBTQ community in comparison to men who may find it easier to conform to the already masculine culture and ethos of the military institution. For example, CWO Kevin West talked about how the CAF has improved its childcare policies and that there have been a lot of single mothers recently entering the forces. Although it was reassuring to hear that the organization was trying to remove the stigma around single fathers and the caring responsibilities they too have and that such a burden should not just be on the mothers, he seemed to slip into, as many interview participants did, ensuring that he was not ‘privileging’ one gender over the other in the following manner:

²⁸⁶ *Ibid* at 175-176.

²⁸⁷ *Ibid* at 237.

*“Now we look at say, single mom or single dad to you’re a single parent. So it doesn’t matter if you’re a man or a woman, you should be entitled and have the same so-called benefits and accessibility to programs, doesn’t matter if you’re a single mom or dad, it’s if you’re a single parent.”*²⁸⁸

Despite being well-intentioned, the gender neutrality in the example above seeks to obliterate any particular struggles one gender might have over the other. As Gouliquer explains in her dissertation, “[o]ne way that gendered processes work is through the notion of the gender-neutral ‘worker’, a concept that obscures and makes invisible the gendered hierarchy that pervades the workplace.”²⁸⁹ Moreover, “[t]he social constructs of ‘job’ and ‘worker’ are typically described as gender-neutral but in fact hide a male-centric image and lifestyle.”²⁹⁰ There was reflection of this realization in CWO West’s interview as he described the committee that was deciding women’s uniform footwear:

*“Now all of a sudden we looked around the room and it was a bunch of 40, 50 year old men, there’s 10 people on this committee, there’s not a single woman but we were gonna determine what women wear under their feet. And so I said, ‘okay, let’s just stop, like how do we get ourselves down these paths?’”*²⁹¹

Part of gender neutrality argues that by treating everyone or painting everyone as the ‘same’ ensures equal treatment. However, “[t]he promise of equality as ‘sameness’ to men only gives women access to a world already constituted by men with the parameters determined by them.”²⁹² This was evident when some, although cautious to label these as justified disadvantages, mentioned practical barriers to women’s participation in peacekeeping missions

²⁸⁸ Chief Warrant Officer Kevin West, Canadian Armed Forces, interview 1 March 2017 (Part one) and 7 March 2017 (Part Two).

²⁸⁹ Gouliquer, *supra* note 12 at 30-31 citing J. Acker, “Hierarchies, jobs, bodies: A theory of gendered organizations” (1990) 4 *Gender & Society* 139.

²⁹⁰ *Ibid* at 31 citing J. Acker, “Gendering organizational theory” in A.J. Mills & P. Tancred, eds, *Gendering organizational analysis* (Newbury Park: Sage, 1992) 248.

²⁹¹ Chief Warrant Officer Kevin West, Canadian Armed Forces, interview 1 March 2017 (Part one) and 7 March 2017 (Part Two).

²⁹² Charlesworth and Chinkin, *supra* note 37 at 39 citing C. Dalton, “Where we Stand: observations on the situation of feminist legal thought” (1987-1988) 3 *Berkeley Women’s Law Journal* 1 at 5.

and peace operations. One was that of hygiene. Colonel Lipcsey recounted that a few of the women mentioned to him that “*hygiene could be an issue for some women*” particularly when they were on operations and out in the field during menstruation.²⁹³ He also described that in deployments in Afghanistan there were “*no you know toilets, there’s no forest, there’s no tree, you know, you just went and did it*” because of “*total integration and because you had to. You know you worry about the enemy not about your buddy, the person beside you.*”²⁹⁴

Accommodation and facilities were mentioned by Madame Deschamps in her interview, highlighting the importance of requiring practical accommodations so that “[f]or example, when in the submarines, they have to build women’s accommodation.”²⁹⁵ She emphasized that she did not think of this as a disadvantage and that she gave the example because “*there was only men’s accommodation*”.²⁹⁶ Similarly, Dr. Castillo-Diaz, from a UN perspective, described the following in his interview:

*“[When] negotiating reimbursement rates, some of the developing countries use the argument of deploying women being more expensive because they would have to, you know there is a cost for you know modifying the uniforms or the facilities that the women in the contingent would bring.”*²⁹⁷

This unveils how the military and peacekeeping ‘space’, whether the physical facilities or socio-cultural values are constructed by and for men. Indeed, J. Ann Tickner claims that “[a]ny discipline that works within an international framework and deals with issues of war, power and foreign policy-making grows out of, and has special affinity with, the experiences of men.”²⁹⁸ In this way, there is an understanding that even the practical considerations seen by some as

²⁹³ Colonel Martin Lipcsey, Canadian Armed Forces, interview 17 March 2017.

²⁹⁴ *Ibid.*

²⁹⁵ The Honourable Marie Deschamps, former Justice of the Supreme Court of Canada, interview 27 February 2017.

²⁹⁶ *Ibid.*

²⁹⁷ Dr. Pablo Castillo-Diaz, Policy Specialist with UN Women, interview 10 May 2017.

²⁹⁸ J. Ann Tickner, “Feminist Approaches to Issues of War and Peace” in Dorinda Dallmeyer, ed, *Reconceiving Reality: Women & International Law* (Washington: The American Society of International Law) at 267.

potential issues actually connote the existence of the structures present with only men in mind where by adding women requires physical changes.

It is difficult to reconcile between these two seemingly opposing notions of gender difference and gender neutrality because where one focuses primarily and only on difference the other seeks to render gender difference invisible. Madame Deschamps in her interview captured this precise battle in two examples. The first describes the lack of consensus with accommodations:

“... [T]here were a few women who had to sleep in the same tent as a large number of men and they did not feel comfortable. In other instances, I heard that some women were offended to have to sleep in a separate tent.”²⁹⁹

She concluded that this did not entail one segregation rule for the entire Canadian Armed Forces – on the contrary, it shows that this is something that requires resolution on the unit level. In a similar strain, she described the following in her interview:

“In some instances, women, for example, have to carry very heavy loads. And some women don’t want to be helped in that effort. Some other women agreed to be helped because which is just reality that there are men who have more physical strength than women. That’s a fact of life. But some women will insist not to be helped. Other women would like some help, but mainly when it is a team effort, don’t want to be the cause for the unit to be left behind.”³⁰⁰

Despite this example also reflecting the pressures of team over individualization in the military discussed above with regards to uniformity requiring conformity, it displays the complexity of the challenges women face in the military ‘space’. Madame Deschamps, in her interview response, noted the following:

“I don’t mean to say that there has to be one systematic rule where all women should be helped or no women should not be helped because this is not how it works in practice. In some groups, some men will not be as strong and will need to be helped also. So it’s just

²⁹⁹ The Honourable Marie Deschamps, former Justice of the Supreme Court of Canada, interview 27 February 2017.

³⁰⁰ *Ibid*

that preparation within the unit should include that they talk about this gender barrier
...³⁰¹

Similarly, Genevieve Painter explains that “[t]he trap lay in framing equality as either sameness or difference and taking men as the standard referent for such difference.”³⁰² Likewise, Madame Deschamps’ advice to ‘prepare’ by discussing issues in an open manner of the potential barriers may serve as a better approach than merely valuing women for their ‘unique’ or ‘different’ contribution or perhaps more damagingly simply force them to conform to a male-dominated organization under the mask of gender neutrality. That is to say, “male dominance’s ‘point of view is the standard for point-of-viewlessness; its particularity the meaning of universality’.”³⁰³ A few interview participants, laughingly, pointed to the fact that there are no policies or barriers on paper, however, this is precisely why ‘neutrality’ or ‘universality’ can be dangerous. It also mirrors what Nancy Fraser refers to as “the ‘justice as distribution’ paradigm” in response to Carol Gilligan’s difference feminism understanding of justice, distinguishing between the supposedly opposing views of ‘ethic of care’ and ‘ethic of justice’ in the context of law and justice.³⁰⁴ Fraser finds that “neither theory of justice emphasizes transformation or makes an effort to ‘restructure the underlying generative framework’”; in other words, “[s]he argued for a transformative understanding of justice, so that the processes that produce injustice, rather than their effects, can be analyzed and tackled.”³⁰⁵ Thus, the focus ought to be on understanding the foundational frameworks of processes within a given organization in order to

³⁰¹ *Ibid*

³⁰² Genevieve Painter, “Feminist Legal Theory” in *International Encyclopedia of the Social & Behavioral Sciences*, 2nd ed, (Elsevier Ltd., 2015) at 919.

³⁰³ *Ibid* at 919 quoting Catharine A. MacKinnon, *Toward a Feminist Theory of the State* (Cambridge: Harvard University Press, 1989).

³⁰⁴ *Ibid* at 919-920.

³⁰⁵ *Ibid* at 920 quoting Nancy Fraser, *Justice Interruptus: Critical Reflections on the “Post-socialist” Condition* (New York: Routledge, 1997).

see how it works, how it is gendered and how it permeates from a place of invisibility while being ubiquitous.

This chapter on barriers for women in peacekeeping is telling, particularly due to some of the personal experiences shared by a few of the interview participants. The range of barriers also demonstrates that the issues are largely systemic and cannot merely be resolved by superficial changes or by blaming ‘a few bad apples’. An analysis of core issues plaguing the CAF are important to identify in an honest and sincere manner. Such an analysis includes recognizing the unconscious and conscious ways in which the military system works against deploying and promoting women military members to peace operations, the potential negative effects of gender neutrality within a gendered organization, and coming to terms with the weaknesses of a hierarchical system such as the chain of command. Some of these barriers have come to light through the Deschamps report. The recommendations and the report itself has since instigated policy changes in the CAF and reforms which will be explored in the next chapter.

Chapter 5: Considerations for Change

In recognition of the systemic and structural barriers in the previous chapter, this chapter considers suggestions for change and reforms in the Canadian Armed Forces and Canadian peacekeeping. The discussion below also briefly investigates the implementation of Gender-Based Analysis Plus (GBA+) as well as the potential issues surrounding Operation Honour, which is the CAF's response to the recommendations in the Deschamps report. Although this chapter does not suggest any concrete policy or legal reforms, it considers some of the interesting views put forth by some of the interview participants who had suggestions for reforms or critiqued existing initiatives. The chapter outlines how core practices such as external input from civilian society is key in ensuring transparency and accountability to the Canadian public and serving members. Further, the chapter considers the importance of an ongoing commitment leading into pending legal actions against the CAF hoping to induce behaviour modification. The last consideration in this chapter discusses the potentially problematic and unquestioned use of military in peacekeeping. Through these conceptual considerations, the discussion below seeks to illuminate first and important steps to creating transformative change in the 'space' of Canadian peacekeeping that is conducive to multiplicity of gender identities.

5.1 External Input

Despite the range of systemic and embedded issues in the military organization that meld into barriers for women, LGBTQ members or anyone who does not fit the preferred masculine ethos of the military to take up 'space', there are recent positive initiatives worth mentioning. According to the Gender-Based Analysis Plus (GBA+) Roundtable Discussion, which was to

inform Defence Policy Review in the use of GBA+, the definition of GBA+ encapsulates the following:

“Gender-based Analysis Plus (GBA+) is an analytical tool the federal government uses to advance gender equality in Canada. The ‘plus’ in the name highlights that Gender-based Analysis goes beyond gender, and includes the examination of a range of other intersecting identity factors (such as age, education, language, geography, culture and income). GBA+ is used to assess the potential impacts of policies, programs or initiatives on diverse groups of women and men, girls and boys, taking into account gender and other identity factors. GBA+ helps recognize and respond to the different situations and needs of the Canadian population.”³⁰⁶

The definition seems to involve extensive review of CAF and DND policies in an analytical lens, leaving the “+” to indicate the intersectional approach of this tool. It seems, however, even from the core areas identified for the focus of the roundtable discussion as well as the interview participants’ general perception of GBA+, that it is largely concerned with utilizing such a lens on operational planning.³⁰⁷ Herein lies the challenge. There is an ‘othering’ effect to the use of GBA+ because there is immense focus on using it when planning operations, “particularly in settings where cultural norms differ widely from our own”.³⁰⁸ However, the takeaways from the roundtable discussion all point inwards and emphasize internal analysis, leaving only the last point to address conflict prevention, including “privilege participation in peace support and humanitarian operations when interventions are required.”³⁰⁹ No doubt such an approach as GBA+, which nearly every interview participant had some idea of, is a reason to rejoice. It seems to promise a dual application of internal and external programs, from policy reviews internally

³⁰⁶ Gender Based Analysis Plus (GBA+) Roundtable Discussion Report, “Defence Policy Review 2016” (Hosted by The Honourable Patricia A. Hajdu, Minister of Status of Women, 19 July 2016), online: <<http://dgpaapp.forces.gc.ca/en/defence-policy-review/gender-based-analysis-roundtable-report.asp>> accessed 23 November 2017 citing Source Status of Women Canada.

³⁰⁷ *Ibid* at 1-2.

³⁰⁸ *Ibid* at 2.

³⁰⁹ *Ibid*

on ensuring support and respect for personnel to training and planning informed by the situation of gender and demographics on the ground for operations.

The importance of this dual approach being used properly and equally internally as it is externally (i.e. in operational planning to ‘other’ countries) was highlighted by Maya Eichler in her interview:

“... [T]he Canadian government likes to really separate the international and the domestic efforts around gender mainstreaming when it comes to defence policy. So it usually does not recognise like acknowledge that you know efforts around Operation Honour should be very closely linked to efforts of gender mainstreaming to international planning and operations of the Canadian Armed Forces. Because the Canadian military you know will not be able to successfully gender mainstream its international peacekeeping operations if it doesn’t have, if it hasn’t achieved robust gender mainstreaming of its domestic institutions.”³¹⁰

Gender mainstreaming is one of the strategies “identified by the United Nations to achieve gender equality” and “entails bringing the perceptions, experience, knowledge, and interests of women as well as men to bear on policy making, planning, and decision making.”³¹¹ The definition of GBA+ mirrors the mainstreaming of gender, whereby gender is considered in its impact on policies and processes towards the goal of gender equality. Another related but distinct strategy, the need for distinguishing between the two was also highlighted by Maya Eichler in her interview, is that of gender balance. Gender balance connotes having more women or different gender representation in “top positions” in promoting gender equality.³¹² The distinction between the two is important, for one, because “[t]he presence of more equal numbers of women is no guarantee that gender mainstreaming will be conducted.”³¹³ Of course, gender

³¹⁰ Dr. Maya Eichler, Canada Research Chair in Social Innovation and Community engagement and Assistant Professor in Political and Canadian studies and Women’s studies at Mount Saint-Vincent University, interview 10 May 2017.

³¹¹ Mazurana et al., *supra* note 79 at 15.

³¹² *Ibid* at 14-15.

³¹³ *Ibid* at 15

mainstreaming itself is seen as problematic, as Charlesworth argues, “the story of gender mainstreaming shows, even where feminist concepts are invoked in state-building, their radical edge is often lost in bureaucratic translations.”³¹⁴

Thus, it is important to reflect how bureaucracy loses the sophistication of gender mainstreaming. Eichler’s observation above in her interview shows that the implementation of gender mainstreaming in the CAF is unsuccessful partly because of the separation of concepts, one in the domestic and internal context and the other in the operational deployment planning context, which diffuses the potential power of gender mainstreaming or employing GBA+. This understanding reflects how most interview participants, especially those who are serving members of CAF, knew about GBA+ and how they perceived what it was for – i.e. it was meant for operational planning to help be more conscientious about the gender-based problems in host nations, ‘over there’ and ‘elsewhere’. For example, Lieutenant-Colonel Bégin, the Strategic Gender Advisor for the Canadian Armed Forces at the time of the interview and of writing, described her work in the following manner:

*“So my job is to enable the staff to better understand the country they will operate in. And that’s about by depicting a social picture of the country. Talking about you know their access to resources, their right to vote and devising that and giving numbers to let them know, you know, there’s some regions, there’re some gender groups that are more affected than others and all that. So that’s internally to our own forces but I also look externally to the region that we will operate in with that report for example or how should we engage with people over there.”*³¹⁵

To her credit, Lieutenant-Colonel Bégin expressed in her interview that her role is new and that she had not yet had much experience in using GBA+ with regards to a peace operation, except for the following:

³¹⁴ Charlesworth, *supra* note 106 at 31.

³¹⁵ Lieutenant-Colonel Marie-Eve Bégin, Strategic Gender Advisor for the Canadian Armed Forces, interview 29 March 2017.

“... [T]he only one that I experienced as a gender advisor was planning that we’ve done for the next peace-support operation in Africa somewhere. This mission is not yet approved and we don’t know, the official details are not approved. But still, I’ve been part of the planning process.”

With regards to the implementation of GBA+, Lieutenant-Colonel Bégin described the current situation in the following manner:

“My feeling right now is that we [the CAF] are [is] in an awareness phase. Which means that you know CDS given the direction and now people are trying to understand what that is.”³¹⁶

However, as she continued explaining how GBA+ was being implemented, the conceptual divide Eichler pointed to in her interview of internal and external, is evident, including what internal looks like (i.e. usually training personnel for the operation). Lieutenant-Colonel Bégin explained in her interview:

“And you know people are mixing a couple of different initiatives together. So they think it’s – have you heard about Operation Honour? So they think that GBA+ is mixing with, they’re mixing it with Operation Honour, they’re mixing it with increasing more women in the forces – I mean there’s some link to it, but it’s not the main purpose of that right.”³¹⁷

Indeed, many participants who are serving members of CAF pointed to the understanding that GBA+ is meant for improving operational effectiveness through having a better understanding of the cultural specificities of the ‘other’ country the operation will be in, will look like and entail. Although a few interview participants expressed that it is to apply to the internal workings of the institution, there is clearly some separation as to when GBA+ applies, it’s relation to UNSCR 1325 and how that connects to the work of a gender advisor. Major-General Tammy Harris, one of the GBA+ and women, peace and security champions, explained the various initiatives in her interview in the following way:

³¹⁶ Lieutenant-Colonel Marie-Eve Bégin, Strategic Gender Advisor for the Canadian Armed Forces, interview 29 March 2017.

³¹⁷ *Ibid.*

“I would say [UNSCR] 1325 is separate from GBA+ in a Canadian forces perspective. So, 1325 we implement initially in the sense of with the gender advisers, we implement it more in our operational planning where we work from the onset on prevention in that sense. The GBA+ is more, I see it more kind of looking at a whole wide range of aspects although it does come into our operation planning, it comes more into everything from procurement, which would not necessarily have a women, peace and security side as you can imagine. Procurement, acquisition, that. So although they marry each other nicely, I find women, peace and security and GBA+ in the NATO and the UN context women, peace and security, really had more to do with you know women and children. And where I find GBA+ is more right across the, you know whole spectrum of everybody’s more – a bit more inclusive if that makes sense.”³¹⁸

This divide of how and when an analysis of gender is different from the ‘other’ countries the CF conducts operations in without looking inwards to see the organization’s oppressive structures for women, LGBTQ or non-gender conforming groups and how that is mirrored in these ‘other’ countries is conducive to specialized and compartmentalized implementation of gender-based analysis rather than the reflective approach it seems to advocate.³¹⁹ Such a compartmentalized approach ignores, for example, as Eichler noted above in her interview, the evident connection between addressing gender-based violence and sexual violence in conflict regions and the prevalence of a sexualized and hostile environment in the CAF, which Operation Honour supposedly addresses. And although GBA+ is an inquisitive and critical process, requiring the practice of asking continuous gender questions,³²⁰ it will be interesting to see how it immerses into an organization that is built on following orders, heteronormative masculine ethos and hierarchical structures like the chain of command. The Status of Women Canada policy document on GBA+ from 1996, reprinted in 1998, discusses that “[g]ender sensitive policy may conflict, at times, with the dominant values around which society is organized. Women’s

³¹⁸ Major-General Tammy Harris, Canadian Armed Forces, interview 13 March 2017.

³¹⁹ Status of Women Canada, *Gender-Based Analysis: A Guide for Policy Making* (Policy document) (Ottawa: Status of Women Canada, 1998).

³²⁰ *Ibid* at 8.

experiences and contributions are measured against a male standard rather than in their own right. Those responsible for policy development and analysis must contend with these conflicting and competing values.”³²¹ Thus, the compartmentalization prevents from critically evaluating the internal cultural and systemic issues of the military organization that induce gender-based oppression through the prevalence of sexual violence which also exists in the countries where peacekeeping operations occur.

Moreover, the ‘othering’ of the populations ‘elsewhere’ from the individuals which exist internally hinder internal critical analysis necessary for transformative change whilst also segregating and ‘othering’ populations, looking at them through a Eurocentric lens, potentially stripping local women of their agency and obstructing a path to utilizing empathy. These consequences have been documented in UN gender units and advisors that have been present since the late 1990s, where “serious questions have also been raised about the effectiveness of the gender units once they are in place” particularly being “plagued” of being separate from “other local political actors – the majority of whom will likely be men – deal with UN officials in mainline departments and offices.”³²² It is also important to note that “[a]cknowledging that armed conflict has differential impact on women and men does not demand rethinking how the United Nations [and similarly in the case of the CAF] understands the nature of armed conflict or how to respond to it, it merely adds another ‘dimension’ that should be taken into account by policymakers and workers ‘in the field.’”³²³ When such an added ‘dimension’, as well meaning and hopefully to some extent helpful, is framed within an instrumentalist lens of how to improve operational effectiveness, “a whole series of questions are ruled out of bounds; for example,

³²¹ *Ibid* at 9.

³²² Whitworth, *supra* note 90 at 131.

³²³ *Ibid* at 135-136.

whether peacekeeping is best conducted by militaries; whether peace and humanitarian operations are a form of imperialist practice”.³²⁴ Adding in another layer to planning, in other words, does not question the underlying structures and the justifications behind them as being the ‘best’ approach or solution to a given problem; it acts as a distraction or something on the side to consider in a given set of practices without questioning the possibility of changing them in the first place.

Perhaps a way to ensure that the dual mechanistic approach of GBA+ is being implemented internally as well as in its external international operational planning, may be through being open and transparent to external help and analysis, shifting away from the tradition of keeping everything within the military organization.³²⁵ Associate Professor Tiessen in her interview raised this concern where, although ‘outsiders’ such as academics are allowed at times to attend and observe training sessions, they cannot openly comment on it or provide feedback and critique publically:

*“... [I]t’s really hard to know what that training consists of. So, I would say that, you know my impressions of it are, I have none. I can’t see what their training materials look like. And if I were, and if I did see what they looked like, I don’t think I’d be able to speak about it professionally and publically. That’s my impression.”*³²⁶

She also mentioned why discussing and evaluating the training is so important in the following manner in her interview:

“So we talk about training but many donor countries and Canada included have no clear idea of what impact the training has had. So there’s nothing built-in in terms of finding out

³²⁴ *Ibid* at 121.

³²⁵ Davis, *supra* note 23 at 192-193 regarding the negative sentiments of external advisory board amongst CF leadership and staff. She also comments that this reflects the resistance of the military organisation to ‘outsider’ civilian input in military policies and affairs, “eroding distinction between the military as a unique institution and civilian occupations” at 132.

³²⁶ Dr. Rebecca Tiessen, Associate Professor at the University of Ottawa in the School of International Development and Global Studies, interview 9 March 2017.

how well our military personnel actually using anything that they've learned to improve gender equality in their, in those countries.”³²⁷

The importance of having external input is paramount because not only does it help to erode the ‘insider versus outsider’ paradigm present in the military organization as a way to protect their institution from critique from civil society, but because a lot of the gender related reforms have come about through civil society groups. Maya Eichler, in her interview, credited civil society groups for a great deal of the changes that have come about, including the passing of UNSCR 1325, which was largely supported by and pushed for by informal women’s groups; “it was outsiders rather than those working within the UN who saw and acted upon the opportunity to bring about the Resolution.”³²⁸ Eichler, in her interview, described the years of advocacy from the women, peace and security network of Canada in this manner:

“And of course, even if we think back to the initial passing of resolution 1325, it really happened as a result of the dedication, advocacy of women civil society groups over many, many years. Right, so these changes have really come about because of the work that’s sort of happened from below, from civil society.”³²⁹

Likewise, the Deschamps report, a review from an external authority, and the ripple effect since its release, is another example of how external input can prompt constructive conversations. It is encouraging, nevertheless, to see that in recent initiatives, namely the release of the new CNAP, there were consultations, including publically available online resources and webinars opening the gates to knowledge sharing and transparent learning over the civilian and military divide.³³⁰

³²⁷ *Ibid.*

³²⁸ Barnes, *supra* note 108 at 18.

³²⁹ Dr. Maya Eichler, Canada Research Chair in Social Innovation and Community engagement and Assistant Professor in Political and Canadian studies and Women’s studies at Mount Saint-Vincent University, interview 10 May 2017.

³³⁰ Women, Peace and Security, “Looking Back, Looking Forward: Consultations on Canada’s National Action Plan”, online: <<http://cnapconsult.org/>> accessed 23 November 2017. Mentioned by Dr. Eichler in her interview 10 May 2017.

5.2 An Ongoing Commitment

Another aspect that gives reason for concern, aside from and perhaps in concert with the ‘insider versus outsider’ mentality, is the sidelining of gender analysis when operations are deemed more important. Kimberley Unterganschnigg, in her interview, mentioned these concerns in passing:

“The tricky part is always with they’re going through leaders’ cuts and it’s difficult to be pushing forward new agenda when you don’t have any resources to do it, right. But as long as the Chief of Defence Staff remains committed, which he is, then that, there’s a lot to be said for a military hierarchical organizations. You know, where people are told to do things, they do things. The challenge is just weighing priorities.”³³¹

Critics and feminist scholars have long cried out against the consistent sidelining of gender issues in the presence of other priorities. After all, “[t]he fact that feminists wear a label allows the masculinism of the mainstream to become an unremarked backdrop in our work and lives.”³³² This reflects the very need for ‘gender advisors’ which are seen as ‘specialists’ who can then bring in ‘gender perspectives’ and ‘gender analysis’ to the table. That is not, however, to denounce the work of gender advisors and the critical lens that hopefully they are able to bring; it is rather a recognition of the specialized labels that are put in place allowing the masculine fabric within the structures of an organization’s brick and mortar to pass under the radar undetected.

Nevertheless, it is important to recognize that GBA+ and the roles of gender advisors are still in their early stages, however, part of such prioritization can be seen already in the way GBA+ is being implemented. In speaking about UNSCR 1325 and how well the CAF are aware of it, CWO Kevin West expressed that at the senior levels “[t]hey can probably quote it, by

³³¹ Kimberley Unterganschnigg, Senior Policy Analyst with Status of Women Canada and former CAF member, interview 3 April 2017.

³³² Charlesworth, *supra* note 106 at 23.

verse and page and paragraph, or big parts of it right.”³³³ However, upon being probed as to why the familiarity of UNSCR 1325 is only at the senior levels, CWO West provided the following response in his interview:

*“‘cause [Because] it becomes such a big organization and can’t have everybody knowing everything, ‘cause those we could never get ourselves ready to go. So little things get compartmentalized”.*³³⁴

He further explained the prioritization of issues in the following manner:

*“... [I]f you’re lower kind of on the totem pole, your focus is the actual mission itself. What are we gonna do, what are, we have a thing called the rules of engagement, which, you know, in [UNSCR] 1325 will play a part when we develop those rules of engagement. So from that aspect they’ll know it exists – and some of them, depending on what their job is, right, will know it a little more. Right, if you’re an intelligence operator, or if you work in a targeting chain or anything like that, you know, you’ll know those orders in a lot more depth than somebody else. In some others, you know, they’re aware of it but we need them to focus on what their actual jobs are gonna be. So that’s the focus. And then as they get promoted, they move into different positions, and it’s not that we want to hide it from them, it’s just that we need them to be focused on certain pieces.”*³³⁵

CWO West’s reasoning is familiar. Most organizations, governmental or otherwise, tend to distribute knowledge in a similar manner. However, the problem of sexual violence, for example, is most acute in the lower and younger recruits within the CAF.³³⁶ And considering that they may be the ones on the ground during deployments, their familiarity with UNSCR 1325 is equally important as those in the leadership. It also takes away from the discursive aspect and cultural change GBA+ supposedly aims to create – being inquisitive, reflective and challenging *a priori* knowledge and societal assumptions.³³⁷

³³³ Chief Warrant Officer Kevin West, Canadian Armed Forces, interview 1 March 2017 (Part one) and 7 March 2017 (Part Two). Despite this assertion, there were a few senior officers whom I interviewed who did not know or were not very familiar with UNSCR 1325.

³³⁴ Chief Warrant Officer Kevin West, Canadian Armed Forces, interview 1 March 2017 (Part one) and 7 March 2017 (Part Two).

³³⁵ *Ibid*

³³⁶ Deschamps, *supra* note 10 at 13.

³³⁷ Status of Women Canada, *supra* note 319 at 9-10.

A part of these societal assumptions, especially within CAF, is the underlying instinctive resort to gender neutrality. The concept of gender neutrality gives rise to concern because it takes away from the whole point of gender-based analysis, which supposedly determines the various implications of decisions and policies on different people, whether gender, age, socio-economic status, and hopefully the intersection between them. In fact, the Status of Women Canada policy document states that “[g]ender-based analysis challenges the assumption that everyone is affected by policies, programs and legislation in the same way regardless of gender, a notion often referred to as ‘gender-neutral policy’.”³³⁸ The initial approach to integrating women in the CF was through gender neutral policy.³³⁹ Thus, GBA+ may serve as a true exercise in unlearning before re-learning in the CAF. This recognition leads to the idea, which came up in a lot of the interviews, that there is no ‘quick fix’ and that things will not change overnight. Indeed, very few things change so instantly and when they do, they tend to be rash and not well thought-out.

However, MP Leona Alleslev contemplates how this may be used as a mantra for inaction and explained it in the following manner in her interview:

*“The second myth of course is that it takes time. And so, you’ll hear many, mostly men, say ‘yeah, yeah, yeah, but it’s gonna take time’. And I would argue that that might have been true if we had seen even incremental progress in the last 25 years. But since we have not, and we have over 51% of graduating classes at universities that are women, and have had for any number of years, I think, probably 20 [years] or more, then, the logic doesn’t hold because it’s not changing.”*³⁴⁰

Part of the rhetoric around a ‘quick fix’, however, is due to the bureaucratization of gender analysis. In an organization such as the CAF, which deploys peacekeepers “at the international level, [where] feminist concerns have been translated in a very limited way as simply a head

³³⁸ *Ibid* at 4.

³³⁹ Davis, *supra* note 23 at 18.

³⁴⁰ Leona Alleslev Krofchak, Member of Parliament for Arora-Oak Ridges-Richmond Hill, the Chair of the NATO parliamentary assembly and former CAF member, interview 4 April 2017.

count of women; even so, numerical equality always seems out of women's reach."³⁴¹ The notion of a head count was prevalent in a few interviews, especially to those who felt recruitment should be a priority in thinking about UNSCR 1325 and having increased participation of women in the CAF and consequently peacekeeping missions. One interview participant, Colonel Lipcsey stated it the following way:

*"And I kept on saying that if you wanna bring, you know, women in to the military, you've gotta have a representative at the front door, you know, a recruiting centre that looks the part, is the part and is obviously a female. It's hard to bring in you know females when there's a guy standing at the door, right."*³⁴²

This strategy lends itself to logics of familiarity and representation, particularly when considering the experience of one interview participant who shared her unease in being in the infantry. The lack of female support was one of the reasons amongst others to pursue another trade. Major Richard explained the issue in the following manner in her interview:

*"... [W]hen I was in the infantry, I didn't, I didn't see the female support system there either because there just aren't the numbers of females in the infantry as there are in other trades."*³⁴³

She also expressed her enthusiasm of potentially participating in the 'Women in Forces' program that allows young women to come and see firsthand what a career in the forces may look like, however, more importantly, to learn in *"a supportive environment that they could look forward to"*.³⁴⁴

³⁴¹ Charlesworth, *supra* note 106 at 23.

³⁴² Colonel Martin Lipcsey, Canadian Armed Forces, interview 17 March 2017.

³⁴³ Major Ricki Lee Anne Richard, Canadian Armed Forces, interview 10 May 2017.

³⁴⁴ *Ibid*; also see Department of National Defence and the Canadian Armed Forces, "The Women in Force Program, a new Canadian Armed Forces initiative for women", (News Release) (31 May 2017), online: <https://www.canada.ca/en/departement-national-defence/news/2017/05/the_women_in_forceprogramanewcanadianarmedforcesinitiativeforwom.html> accessed 22 October 2017.

This notion of wanting more women in the military head count, particularly in non-traditional trades for women since many expressed the fact that the supportive trades (i.e. logistics, medical) have a higher ratio of women than do the operational trades (i.e. infantry, combat arms), was put forth with requiring stricter bounds. As one participant put it:

“But I think what would be wrong is just to try to force it too much. Because it just...it waters down the...you know the operational requirements, the abilities of the Canadian forces, if we you know just bring in people because they happen to not to have a penis. So I think we need to think about that – getting the right women not just women.”³⁴⁵

What the above shows is a strong narrative present throughout the interviews. Many participants hinted at not approving of quotas and that it was important to ensure that merit was taken into account. This may derive from the history of the CAF which not only disapproved of quotas in allowing women to join³⁴⁶ but also reflects the lingering effects of gender neutrality; the idea that opening up or being welcoming to women in the organization would somehow render their ability questionable, bringing down the standard of the existent operational effectiveness.³⁴⁷ In a sense, Major Kerckhoff’s statement above is a reflection of the organization in which she is embedded. In an attempt to counter the devaluation of women in the military organization, CWO West, in his interview, reassuringly exclaimed:

“We have more and more women moving up and they’re moving up you know already here, the reason that this person got this leadership job because she’s a woman, well no. The reason they got the job is because they’re best suited. It’s actually a bonus that she’s a woman.”³⁴⁸

However, that is not to say, despite some participants’ suggestions for reform, that women’s inclusion alone is the answer. In other words, “[w]hile increasing women’s participation in

³⁴⁵ Major Lesley Kerckhoff, Canadian Armed Forces, interview 20 March 2017.

³⁴⁶ Davis, *supra* note 23 at 158.

³⁴⁷ *Ibid* at 222.

³⁴⁸ Chief Warrant Officer Kevin West, Canadian Armed Forces, interview 1 March 2017 (Part one) and 7 March 2017 (Part Two).

institutions is important, it does not in itself change institutional agendas.”³⁴⁹ Member of Parliament Alleslev pointed to this in her interview that it is the basic precepts of how women are viewed, the negative correlation for example of success and likeability for women and the positive correlation between the two for men, which must change.³⁵⁰ She further explained:

*“Ultimately it’s about men changing their perspective because if men don’t change their perspective then it’s going to be tough for women because it’s men, at the moment, who promote women into those positions.”*³⁵¹

The recognition of the structural power dynamics in MP Alleslev’s statement above is particularly poignant because it recognizes the disparity women face. This way of perceiving the issues in the structures of the organization are closer to the kind of analysis that is required in order to ensure that the commitment to equality and gender inclusivity will not be compartmentalized. Where “alternatives to discrimination paradigms” may be more helpful, using “the language of ‘undervaluation’ in the context of pay disparities for women rather than that of ‘equal pay’...that of ‘policy neglect’ in the area of resource allocation, which draws attention to groups that end up disadvantaged by apparently neutral policies.”³⁵² It is through these alternative ways of viewing, of rethinking and reimagining the structures that the commitment of supporting women and creating a space conducive to their inclusion can be sustained. Otherwise, initiatives have come and gone in the Canadian military despite being hailed for their progressive edge, “lost its lustre” over time³⁵³. All the more reason to ensure that

³⁴⁹ Charlesworth, *supra* note 106 at 30.

³⁵⁰ See Leona Alleslev Krofchak, Member of Parliament for Arora-Oak Ridges-Richmond Hill, the Chair of the NATO parliamentary assembly and former CAF member, interview 4 April 2017, *supra* note 229.

³⁵¹ Leona Alleslev Krofchak, Member of Parliament for Arora-Oak Ridges-Richmond Hill, the Chair of the NATO parliamentary assembly and former CAF member, interview 4 April 2017.

³⁵² Charlesworth, *supra* note 106 at 28 citing Rosemary Hunter, “Alternatives to Equality” in Rosemary Hunter, ed, *Rethinking Equality Projects in Law: Feminist Challenges* (Oxford and Portland: Hart Publishing, 2008) at 82-83.

³⁵³ Deschamps, *supra* note 10 at 81 mentions the SHARP (Standard for Harassment and Racism Prevention program) training program in 1998, which fizzled out “in part, to the fact that while experts were hired to carry out training in the early years, this did not continue over time.”

what is being addressed reaches its core and root, deep inside the enclaves of systemic patriarchy and not merely “reduced feminist ideas to ritualized incantations.”³⁵⁴

5.3 Legal Action and Reform

In addition to the policy efforts and the apparent willingness of the CAF leadership to integrate women within the organization and mainstream a gender perspective, there are pending legal actions against the organization for discrimination. One of the legal practitioners I had the opportunity to interview described class-action lawsuits across Canada, which were also reported in the media. He described actions commencing in Ontario, British Columbia and Nova Scotia.³⁵⁵ The class action suit associated with the interview participant, Ray Wagner, was in Nova Scotia, with “*a certification hearing scheduled for September of 2018.*”³⁵⁶ Wagner described that the initiatives post-Deschamps report may be seen differently internally and that legal action is a way to induce behavior modification. He stated the following in his interview with regards to Operation Honour, which is the CAF’s response in implementing the recommendations from the Deschamps report:

*“...Operation Honour, which has colloquially been referred to, in the forces, as...as Operation Dishonour. And...I’m sorry, hop honour, as opposed to Operation Honour, hop honour, it’s how it’s been kinda referred to in a humorous, not so nice humorous, rather pejorative way by members of the Canadian Armed Forces.”*³⁵⁷

In light of the above, Ray Wagner, in his interview, suggested that legal action will affect behavior modification in two ways. He explained the first in this way:

³⁵⁴ Charlesworth, *supra* note 106 at 23.

³⁵⁵ Matt D’Amours, “Canadian Forces face human rights complaint over sexual harassment allegations” *CBC News* (14 December 2016) online: <<http://www.cbc.ca/news/canada/montreal/canadian-forces-sexual-harassment-paula-macdonald-1.3895260>> accessed 25 November 2017.

³⁵⁶ Ray Wagner, Wagner’s Law firm in Halifax, Nova Scotia involved in the class action on discrimination and harassment against female members of the Canadian Armed Forces, interview 7 March 2017.

³⁵⁷ *Ibid*

“... [B]ehaviour modification works very well in terms of saying, look, you know you’ve had an opportunity, you’ve had a review, you’ve had the dicta from high above about how serious this is and how it must be eradicated, and little seems to be accomplished as a result of all these interventions.”³⁵⁸

He explained the second effect of behaviour modification in the following manner:

“... [A]s a result of having to pay for significant financial compensation, the attention of those that are the authority and those that finance this, the Canadian tax payer, much more intolerant to the behaviours and demand and so through that behaviour modification, through a class proceeding we are hopeful that behaviour modification will be continued to, will not continue but will take a radical change for the better in terms of eradicating the harassment and abuse against females of the Canadian Armed Forces so that they can feel as if they are equals.”³⁵⁹

Ultimately, Mr. Wagner stated the following with regards to the impact of class action lawsuits:

“... [T]he class action works to kinda bring it to a forefront in a short period of time to, to allow for change that would instill confidence in those that are seeking a career in the forces.”³⁶⁰

The argument that a lawsuit proceeding brings change in a short period of time will stand tested against how long it actually takes for the adjudication of the class action lawsuits across Canada. Class action suits present a number of procedural and managerial challenges, especially because multiple defendants’ may wish to retain their respective legal representatives who may belong to different law firms.³⁶¹ The challenge there is that the lawyers from the various law firms must work together. Wagner expressed, in his interview, that there were indeed a number of clients involved in the lawsuit:

“There’s no shortage of...of clients who’ve experienced very negative experiences in the Canadian Armed Forces. And we have of course a large number of individuals who have contacted us, who are class members, who’ve had those experiences.”³⁶²

³⁵⁸ *Ibid*

³⁵⁹ *Ibid*

³⁶⁰ *Ibid*

³⁶¹ Zakaib, Glenn M; Martin, Jeremy M., “International Class Actions in the Canadian Context: Standing, Funding, Enforceability and Trial” (2012) *Defense Counsel Journal* 296 at 299.

³⁶² Ray Wagner, Wagner’s Law firm in Halifax, Nova Scotia involved in the class action on discrimination and harassment against female members of the Canadian Armed Forces, interview 7 March 2017.

At the time of the interview, the lawsuit under his representation in Nova Scotia was in the stage of collecting information and overcoming the fact that this is part of a multi-jurisdictional class proceeding, where various parties in different jurisdictions must work together for a common interest. Although the argument of behavioral modification stands to be seen in these class-action lawsuits, Karen Davis documents a case, not a class-action, but nevertheless, one in the early 1990s which was for “wrongful discrimination against the CF” and became “the lead case filed in federal court against the CF’s policy”.³⁶³ According to Davis, it made the CF leadership “accept that discrimination against homosexuals was legally indefensible”, settled the case and “[t]he CDS immediately made a public statement indicating that ‘Canadians, regardless of their sexual orientation, will now be able to serve their country in the Canadian Forces without restriction.’”³⁶⁴ Although, this paper does not render a complete or even extensive analysis of the case or that of class-action lawsuits, the example bears a potential avenue for complainants to access justice and perhaps affect the deterrence pillar of class-action lawsuits, including what Wagner proposes as behavior modification.

Aside from the legal strategy of seeking remedies through a lawsuit, one interview participant proposed legal reform as a way to instigate change in the CAF and DND. Since Canadian military peacekeepers are CAF members deployed to peace operations, change must start with the Canadian military organization. To bring about such a change, Dr. Lynne Gouliquer suggested changes in the *National Defence Act*³⁶⁵ (NDA) in order to encapsulate and separate between a peacekeeper and a military member. Dr. Gouliquer, a former CF member, in

³⁶³ Davis, *supra* note 23 at 201.

³⁶⁴ *Ibid* at 201-202.

³⁶⁵ *National Defence Act*, RSC, 1985, c. N-5.

her interview, expressed the following with regards to the relationship between peacekeeping and the NDA:

“I can only preface all my answers as women as Canadian military soldiers, as Canadian soldiers because peacekeeping is just a mission that we go on. We are not peacekeepers, we are soldiers. And I think you have to remember that. When you join the military, you’re trained to be a soldier, you’re not trained to be a peacekeeper. Ever. Our – the principal underlying mission of the military is not peacekeeping. That is something that we can be tasked with but if you look under the National Defence Act, you look at the primary mission of the Canadian Armed Forces, I’m not sure you’ll find peacekeeping in there.”³⁶⁶

In fact, under the NDA, the first sections which indicate the constitution of the Canadian Armed Forces, there is provision for “Special Forces” under s. 16(1). Although the NDA does mention and define ‘peace officers’, their powers under the rank and situations in which those powers may be used, s. 16(1) is particularly interesting for a few reasons. First, it is labelled as “Special” which might suggest the idea of compartmentalization and the discussion by Hilary Charlesworth of the ‘special’ label usually implying that is something not in the mainstream.³⁶⁷ Accordingly, s. 16(1) states the following:

“In an emergency, or if considered desirable in consequence of any action undertaken by Canada under the United Nations Charter or the North Atlantic Treaty, the North American Aerospace Defence Command Agreement or any other similar instrument to which Canada is a party, the Governor in Council may establish and authorize the maintenance of a component of the Canadian Forces”³⁶⁸

Thus, being a ‘special force’ is not the primary mandate of the Canadian Armed Forces, although being deployed to or becoming a member allocated to the ‘special force’ may consist of CAF members. This idea of the ‘Special Force’ in the NDA, however, is unclear because in documents released by the Department of National Defence through the informal Access to Information Request process (ATIR), the third category of ‘Special Force’ has a simplified

³⁶⁶ Dr. Lynne Gouliquer, Professor Laurentian University, interview 22 Feb 2017.

³⁶⁷ Charlesworth, *supra* note 106 at 23.

³⁶⁸ NDA, *supra* note 365 at 12, s. 16(1)

description of “established only in an emergency”.³⁶⁹ Nevertheless, in the same document report, one component of the Canadian Armed Forces’ mission, aside from “defend[ing] Canada, its interests and values”, is “contributing to international peace and security”.³⁷⁰ However, the problem is not necessarily in the technicality of whether the idea of peacekeeping is within the NDA, (peacekeeping and peace support are not terms that appear in the NDA), it is that the military organization is largely responsible for and may establish “a component of”³⁷¹ the CF for missions under the various international and multi-national organizations such as the UN and NATO. It is with this understanding and the pre-condition of a military peacekeeper’s military indoctrination that necessitates an analysis of the CAF, as per the discussion above, because those are also the ones who go to peacekeeping or peace support missions as military peacekeepers. Such an analysis also allows a window into the ‘space’ of peacekeeping and its increased militarization and use of force over the years.

The uncertainty of peacekeeping’s place in the NDA and its importance for the DND and CAF illustrates gaps in Canada’s understanding of and commitment to peacekeeping. In relation to this point of peacekeeping and its role within the Canadian military organization, Dr. Gouliquer made the following observation in her interview:

“... [W]e’re not peacekeepers, essentially. We’ve never been trained to be peacekeepers. We might get sideline training to be peacekeepers, but a soldier is a soldier is a soldier. Whether you’re in the air force, the navy or the army, that’s the underlying thing. And I think the National Defence Act really clearly states that.”³⁷²

³⁶⁹ Department of National Defence and the Canadian Armed Forces, “Canadian Forces Employment Equity Report,” December 2006 (released by the Department of National Defence under the *Access to Information Act*, informal request procedure, on December 15, 2016, previously released under File No. A-2014-01059, informal request File No. A1-2016-00158 at 3760).

³⁷⁰ *Ibid* at 3759.

³⁷¹ NDA, *supra* note 365 at 12 s.16(1)

³⁷² Dr. Lynne Gouliquer, Professor Laurentian University, interview 22 Feb 2017.

Recognizing that Canadian military peacekeepers are military members or soldiers first before peacekeepers, brings forth an inherent contradiction in the conceptualization of a military peacekeeper. Dr. Gouliquer, in her interview, explained it in the following manner:

*“[I]t’s a contradiction for me, and it always has been a contradiction to me of sending military on a peacekeeping mission. Just because of the idea that you’re sending killers, sending trained killers to peace-keep. And that’s whether or not, regardless of whether or not you’re a man or a woman...”*³⁷³

Recognizing the background and training of a military peacekeeper is difficult to reconcile with. Whitworth notes, in discussing the impact on the Canadian public post-Somalia incident, that “[t]he extent to which the notion of a soldier as altruistic and morally superior is, quite simply, a contradiction [that] had never before been confronted.”³⁷⁴ She also adds that “[o]nce the contradiction was confronted, it had to be silenced, made invisible.”³⁷⁵ In addition, it is important to consider that “[m]ost people involved in peacekeeping...argue that soldiers make the best peacekeepers, that the foundation for effective peacekeeping is general purpose combat training.”³⁷⁶ However, what Whitworth in her book and Gouliquer in her interview unveil is that “we have not spent nearly enough energy asking whether the attitudes and skills associated with soldiering are appropriate to missions dubbed ‘peacekeeping’.”³⁷⁷ With this in mind, perhaps the separate body of peacekeepers, away from their military training would pose as a better way to breed peacekeepers and potentially re-consider the *de facto* use of military in peace operations.

The idea of separating peacekeeping from soldiering is a possible first step to reconceptualizing the ‘space’ of peacekeeping and women’s presence in it. This conceptual

³⁷³ *Ibid*

³⁷⁴ Whitworth, *supra* note 90 at 108.

³⁷⁵ *Ibid*

³⁷⁶ *Ibid* at 152.

³⁷⁷ *Ibid* (original emphasis).

change and the suggestion of enshrining it in the NDA emulates the conversation surrounding the creation and adoption of UNSCR 1325. Despite the contested nature of Security Council resolutions in UN literature³⁷⁸, UNSCR 1325 brought women's issues and the importance of their integration within a legal framework through a Security Council Resolution. In a similar tone, the suggestion of changing or including a separate entity for peacekeeping or provide guidance for peacekeeping specifically in the guiding document of the NDA or other legislation may serve to make the much needed distinction between a peacekeeper and a soldier. This chapter also shows the multiple actors working through different approaches to bring about positive change for gender equality in the CAF and consequently in the realm of peacekeeping.

³⁷⁸ Tryggestad, *supra* note 8 at 544.

Chapter 6: Conclusion

The realm of Canadian peacekeeping is hard fought. The evolution of peacekeeping from its initial use in the mid-1900s to its practical and conceptual changes today as peace support operations urge a reconsideration of what peacekeeping should look like for Canada and whether it involves the other half of the world's population – i.e. women. Recently, Prime Minister Justin Trudeau recognized this re-conceptualization of peacekeeping, stating that “peacekeeping in the Canadian imagination has become rooted in a kind of nostalgia, but it is no longer what it used to be, and there must be a new vision.”³⁷⁹ Despite back tracking from an initial commitment of 600 troops and additional funding for UN peacekeeping,³⁸⁰ the Canadian government is nevertheless looking to invest in UN peace operations in the future, promising 200 troops instead of the original 600. However, with this promise of a renewal in UN peacekeeping commitment and an explicit recognition of the changed terrain and ‘space’ of peacekeeping, I hope the ‘new vision’ will not merely be a reformulation of old ways, dominated by men making policies with men in mind. That is to say that the ‘space’ of international law, peace and security has been dominated, historically, by men. In this light, according to Hilary Charlesworth, “the feminist critique of international law is fundamentally a normative one, one that highlights the limitations of an international legal structure that excludes women and seeks to reconstruct a framework that challenges the unequal position and legal treatment of women and women's concerns.”³⁸¹

UNSCR 1325, in spite of its shortcomings, was perhaps a first step towards bringing women into the male-dominated structure of international peace and security. However, despite

³⁷⁹ Brewster, *supra* note 72.

³⁸⁰ Murray Brewster, “Liberals commit \$450M, up to 600 troops to UN peacekeeping missions” *CBC News* (16 August 2016), online: <<http://www.cbc.ca/news/politics/canada-peacekeeping-announcement-1.3736593>> accessed 16 December 2017.

³⁸¹ Pearson, *supra* note 3 at 48.

initiatives such as UNSCR 1325, the introduction of concepts such as gender mainstreaming for the promotion of gender equality, and gender advisor roles, equality still seems far in the horizon. This study, bringing a feminist legal theory lens to empirical data collection through interviews, grappled with the challenging and deep rooted difficulties of the low number of women in Canadian military peacekeeping, whilst challenging the ‘space’ of peacekeeping itself.

There is limited literature on Canadian peacekeeping that addresses aspects of inequality and concerns of how this impacts women’s participation in military peacekeeping. Much of the research on UNSCR 1325 and women, peace and security focuses on local women’s participation and the key role of informal women’s groups and networks, which are indeed essential to peace building efforts. Nevertheless, this study contributes original research and insights on the challenges and issues prevalent in the experiences of Canadian women military peacekeepers, drawing on expert interviews, which I conducted and transcribed, relevant ATIP documents from the few I received and existing academic scholarship. The added feminist legal theory lens employed throughout this thesis, revealed structural elements in current military and international peace and security systems that create particular barriers for women’s participation in peacekeeping.

However, the key findings in this thesis demonstrate that mere participation or women’s inclusion through gender parity is not enough. In fact, it simply adds women into a system that they did not help create. Instead, this thesis advocates for a deeper and systemic analysis of issues that hinder gender equality in the Canadian military and in Canadian peacekeeping. The chapter on barriers for women in peacekeeping is particularly telling in this regard. Personal experiences shared by some of the interview participants highlight that the resistance to integration in the Canadian Forces before the Canadian Human Rights Tribunal in 1989, still

manifests in the organization through more salient and hidden ways. Even new initiatives such as Operation Honour and the new centre for sexual misconduct in response to the Deschamps report are not implemented according to the report's recommendation. A recent news story illustrates how the system's discrimination against those who are not fit to deploy intersects with the encouragement of coming forward to report sexual misconduct. The news story documents that a victim of sexual misconduct, who suffered from Post-Traumatic Stress Disorder, spoke up and reported the misconduct, only to find herself losing her job in the CAF because of the PTSD diagnosis.³⁸² Such stories and instances require that the CAF, in its obligations under the *Employment Equity Act* and s. 15 of the *Canadian Charter of Rights and Freedoms*, guarantees the protection of equal rights for all Canadians. These legal rights and initiatives also highlight the notion discussed in chapter five that conceptual change usually comes in legal forms. In this light, it might be worth considering amending the NDA to include peacekeeping or consider separating peacekeeping from the military as a step towards confronting the contradiction in military peacekeeping.

Peacekeeping's relation to and necessary pre-condition of military and combat training comes up as particularly problematic. The issues pervading the military organization at large as a male-dominated institution and that which adheres to and revers its heteronormative masculine ethos throughout history, consequently plagues the realm of peacekeeping too. One is necessary joined to the other. And within this relationship, often, "[m]ilitary necessity assumes a hierarchy of values. It assumes that the military victory of the state is pre-eminent. From this flows the seemingly logical value judgment that the life of the combatant is more important than the

³⁸² "Victim of sexual misconduct facing loss of military career" *CBC News* (15 November 2017), online: <<http://www.cbc.ca/news/canada/ottawa/ottawa-soldier-sexual-assault-harassment-operation-honour-1.4401383>> accessed 29 November 2017.

civilian and particularly when the civilian belongs to the opposing state.”³⁸³ These conceptualizations and ideologies of a military system play out even in the reforms within the military organization. The separation between operational planning and internal issues of sexual misconduct and discrimination apply tools of gender analysis differently, compartmentalizing and diffusing their connection, ultimately shying away from a systemic and in-depth analysis of the structures in which they are placed. Such an employment of analysis also exaggerate the ‘othering’ of populations being ‘helped’ and ‘protected’ by those who are deployed to aide them.

Through the identification of barriers and the problematic conception of ‘benefits’ of women in Canadian military peacekeeping, this thesis underlines the importance of engaging in analysis that goes deeper than merely an added ‘dimension’ or check box. In a sense, it hopes to change the conversation to shed light on the issues buried within longstanding colonial institutions that have been resistant to change through time. In engaging in this conversation, excavating layer by layer the various issues that permeate in conversations of women in peacekeeping and particularly those in Canadian military peacekeeping, I hope to bring the differing and helpful insights of feminism – acknowledging their partiality and imperfection.³⁸⁴ Such a conversation involves adopting the notion of “respectful dissensus” amongst feminist thought and analysis over that of consensus³⁸⁵ in seeking to address deep-seated issues. This means that, in the context of Canadian peacekeeping and international law, peace and security at large, new ways of conducting practices must be explored through the recognition of the historical prioritization of masculine actors and opinions over those of other gender and racial

³⁸³ Judith Gail Gardam, “The Law of Armed Conflict: A Gendered Regime?” in in Dorinda Dallmeyer, ed, *Reconceiving Reality: Women & International Law* (Washington: The American Society of International Law, 1993) 171 at 177.

³⁸⁴ Charlesworth, *supra* note 106 at 24.

³⁸⁵ Suzanne Bouclin, “Reorienting Feminist Strategies Relating to Adult Transactional Sex” (2011) *ExpressO* at 23.

identities. It is not enough, for example, to project ‘reasonable’ estimates for including women based on interest and propensity to satisfy the minimum requirements of the *Employment Equity Act*. It means coming to terms with and reflecting upon long established concepts carrying such patriarchal and imperialistic agendas under the mask and language of neutrality, objectivity and rationality.

However, the identification of barriers and issues even in the approaches to benefits of increasing women in the CAF, should not take away from the general willingness conveyed by many interview participants to support gender equality. These efforts, including the use of GBA+, UNSCR 1325, as well as recommendations from the Deschamps report in addressing sexual harassment and misconduct in the CAF, deserve due recognition. However, for those who are making such efforts, as well as those who are not, this study suggests the need for critical thinking and reflection even in implementing international instruments such as UNSCR 1325 and its related resolutions. I also recognize that the insights present here are not the whole story; this thesis excludes a number of perspectives and views due to its limited scope. The perspectives of local women that participate and contribute to peacekeeping but also lower ranking officers in the CAF, police and civilian peacekeepers, to name a few of the actors involved in the enterprise of peace support operations, would benefit from future research. These limitations to the study also include focusing on women over other gender identities, LGBTQ members, would benefit from further investigation and future research to examine the impact on their treatment and participation in peacekeeping and the Canadian military. Moreover, I acknowledge the focus on women, even in contending that no such homogenous group exists, whilst not being able to address the experiences and impact on gender identities including LGBTQ members. In this

sense, perhaps I too am guilty of conflating women with gender in speaking about women in the context of international peace and security.

Nevertheless, the hope is that the present analysis is able to shed light on the “Big Picture” questions Cynthia Enloe raises. She asks, “what if a principal engine of causality in societal conflict – and its chances for long-term resolution – *is* the contested, interlocking constructions of public and private masculinized privilege?”³⁸⁶ She adds: “What if the only way to throw these workings of masculinities into sharp relief *is* to take the lives of women seriously?”³⁸⁷ Through taking women’s lives seriously, not only through some perverse and partial lens of protecting them as vulnerable entities, but as individuals with agency who have been neglected in a patriarchal society, even more so in institutions that exhibit the emblems of colonial patriarchy such as the military, can we begin a conversation and make ‘space’ for women in Canadian peacekeeping.

³⁸⁶ Cynthia Enloe, “What if Patriarchy *Is* ‘the Big Picture’? An Afterword” in Dyan Mazurana et al., eds, *Gender, Conflict, and Peacekeeping* (Lanham: Rowman and Littlefield Publishing, Inc, 2005) at 282 (original emphasis).

³⁸⁷ *Ibid* (original emphasis).

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Appendices

Appendix A

ATIR Formal Requests

The ATIR Formal Requests submitted November 2, 2016 to the Department of National Defence and the Canadian Armed Forces through the Access to Information Request Online:

1. All memoranda to the Minister and Deputy Minister, reports, audits, reviews, investigation findings, plans, policies, procedures and documents related to barriers facing women as peacekeepers and/ or reasons for the incremental increase of women's participation as peacekeepers – (Assigned ID: A-2016-01669)
2. All memoranda to the Minister and Deputy Minister, reports, audits, reviews, investigation findings, plans, policies, procedures and documents related to the potential benefits for gender parity and/or increased participation of women in Canadian peacekeeping, in particular to achieving the mandates of the Security Council UN Resolution 1325 – (Assigned ID: A-2016-01670)
3. All memoranda to the Minister and Deputy Minister, reports, audits, reviews, investigation findings, plans, policies, procedures and documents regarding the number or proportion of women in the Canadian Forces – (Assigned ID: A-2016-01671)
4. All memoranda to the Minister and Deputy Minister, reports, audits, reviews, investigation findings, plans, policies, procedures, and documents regarding the number or proportion of women, their rank, position and job description in the Canadian Forces – (Assigned ID: A-2016-01672)

5. All memoranda to the Minister and Deputy Minister, reports, audits, reviews, investigation findings, plans, policies and procedures regarding the appointment and hiring of all Canadian Forces personnel and officers, including uniform and non-uniform employees – (Assigned ID: A-2016-01673)
6. All memoranda to the Minister and Deputy Minister, reports, audits, reviews, investigation findings, plans, policies and procedures regarding affirmative actions for minorities, including but not limited to women, LGBTQ and racial minorities – (Assigned ID: A-2016-01675)
7. All memoranda to the Minister and Deputy Minister, reports, audits, reviews, investigation findings, plans, policies and procedures regarding parental, maternity, paternity leave for Canadian Forces – (Assigned ID: A-2016-01676)
8. All memoranda to the Minister and Deputy Minister, reports, audits, reviews, investigation findings, plans, policies and procedures regarding the code of conduct for Canadian Forces during missions at home and abroad – (Assigned ID: A-2016-01677)
9. All memoranda to the Minister and Deputy Minister, reports, audits, reviews, investigation findings, plans, policies and procedures regarding Bill C-25, *An Act to amend the National Defence Act*, SC 1998 – (Assigned ID: A-2016-01678)
10. All memoranda to the Minister and Deputy Minister, reports, audits, reviews, investigation findings, plans, policies and procedures regarding Bill S-3, *An Act to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act*, 2007 – (Assigned ID: A-2016-01679).
11. All memoranda to the Minister and Deputy Minister, reports, audits, reviews, investigation findings, plans, policies and procedures regarding the implementation of the UN Security

Council Resolution 1325 on Women, Peace and Security, including gender-mainstreaming and achieving gender equality – (Assigned ID: A-2016-01680).

12. All memoranda to the Minister and Deputy Minister, reports, audits, reviews, investigation findings, plans, policies and procedures regarding women's role and participation in the Canadian Forces, in particular in peacekeeping, peacekeeping missions and conflict-resolution – (Assigned ID: A-2016-01681).

Appendix B

ATIR Formal Requests, Consolidations and Responses

- 1) File reference: A-2016-01669 – request submitted 2 Nov. 2016; letter acknowledging receipt of request dated 21 Nov. 2016 (23 pages of documents received on 21 Feb. 2017).
- 2) File reference: A-2016-01671 – request submitted 2 Nov. 2016; letter acknowledging receipt of request dated 8 Dec. 2016 (consolidated with A-2016-01672 – letter dated 27 March 2017) – no records or documents received.
- 3) File reference: A-2016-01673 – request submitted 2 Nov. 2016; letter acknowledging receipt of request dated 8 Dec. 2016 – no records or documents received.
- 4) File reference: A-2016-01675 – request submitted 2 Nov. 2016; letter acknowledging receipt of request dated 8 Dec. 2016 – no records or documents received
- 5) File reference: A-2016-01676 – request submitted 2 Nov. 2016; letter acknowledging receipt of request dated 8 Dec. 2016 – no records or documents received
- 6) File reference: A-2016-01677 – request submitted 2 Nov. 2016; letter acknowledging receipt of request dated 8 Dec. 2016 (letter dated 12 Oct. 2017 “no records” response; a complaint letter was sent on 1 Nov. 2017)
- 7) File reference: A-2016-01678 – request submitted 2 Nov. 2016; letter acknowledging receipt of request dated 8 Dec. 2016 – no records or documents received
- 8) File reference: A-2016-01679 – request submitted 2 Nov. 2016; letter acknowledging receipt of request dated 8 Dec. 2016 (letter dated 4 Dec. 2017 stated that information requested “may not be disclosed as it is excluded in its entirety pursuant to section 69 of the Act”).

- 9) File reference: A-2016-01681 – request submitted 2 Nov. 2016; letter acknowledging receipt of request dated 8 Dec. 2016 (consolidated with A-2016-01680 and A-2016-01670 – letter dated 27 June 2017) – no records or documents received

A complaint letter was submitted to the Office of the Information Commissioner on 14 July 2017 regarding the deemed refusal by the Department of National Defence and the Canadian Armed Forces due to the delay in responding to the outstanding requests, having received no records or documents to 11 of the 12 ATIP formal requests since their submission on 2 November 2016. An acknowledgement of the delay (deemed refusal) complaint from the Office of the Information Commissioner dated 31 July 2017 was received. Further email correspondence was received on 1 November 2017 outlining disclosure dates in 2018 for some of the outstanding requests.

A second complaint letter was submitted to the Office of the Information Commissioner on 1 November 2017 regarding the deemed refusal by the Department of National Defence and the Canadian Armed Forces in their “no records” response for file number A-2016-01677.

Appendix C

ATIR Informal Requests and Documents Received

- 1) AI-2016-00162 (Date Submitted: 31 Oct. 2016) Request summary: For the years 2005 to 2015 inclusively, the number of women who have left the Canadian Armed Forces, along with their positions, their workplace and the reason for their departure. [15 December 2016; pages received: 473].
- 2) (Date Submitted: 31 Oct. 2016) Request summary: Specific policies, studies and records on the recruitment and retention of Aboriginals in the JAG Regular Force and CAF generally. The same for visible minorities and women. [No records received].
- 3) AI-2016-00158 (Date Submitted: 31 Oct. 2016) Request summary: Target and actual recruitment and retention numbers by CAF and OJAG (separately) for women, visible minorities and aboriginals (separately) by year for 10 years. [15 December 2016; pages received: 3947].
- 4) AI-2016-00157 (Date Submitted: 31 Oct. 2016) Request summary: All documents including statistics or data or reports held by National Defence Canada regarding the annual number of complaints of sexual harassment committed against women members of the CAF 2006-7 October 2015. [15 December 2016; pages received: 1].
- 5) AI-2016-00160 (Date Submitted: 31 Oct. 2016) Request summary: The number of members involuntarily released from OJAG or whose terms of service were not renewed despite not reaching normal pension eligibility by year for the past 10 years. Of those members, how many were aboriginals, visible minorities or women... [15 December 2016; pages received: 1].

- 6) AI-2016-00184 (Date Submitted: 31 Oct. 2016) Request summary: The total number of promotions from Major to LCol, to Colonel and General (separately) within the OJAG for the regular force and also within the CAF regular force over the past 10 years by year along with the total number of aboriginals, women and... [23 December 2016; pages received: 1].
- 7) AI-2016-00167 (Date Submitted: 31 Oct. 2016) Request summary: All Department of National Defence documents indicating the quantities and amount spent, by year, on the purchase of women's birth control pills for Canadian soldiers, for the period of 1 Jan 10 to 17 Sep 14. [16 December 2016; pages received: 1].
- 8) AI-2016-00166 (Date Submitted: 31 Oct. 2016) Request summary: Public Affairs statistics, 2001–2011 All Canadian Forces (all components): 2001–2011 Number of men, number of women, average age, age of oldest, age of youngest. [16 December 2016; pages received: 3].

Appendix D



**PETER A. ALLARD
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Primary Contact:

Maira Hassan, LL.M. Graduate Student, Peter A. Allard School of Law, University of British Columbia

Principal Investigator:

Benjamin Perrin, Associate Professor, Peter A. Allard School of Law, University of British Columbia

[Date]

[Participant name]

[Address]

[Postal Code]

Re: Women in Canadian Peacekeeping Invitation to Participate in an Interview

Dear [Participant name],

I am writing to inquire if you would be interested in participating in a research project on “Women in Canadian Peacekeeping”. This research is my LL.M. Thesis at the University of British Columbia in Vancouver, British Columbia, supervised by Professor Benjamin Perrin.

This project will provide one of the first studies addressing specifically women’s involvement in Canadian peacekeeping. It investigates the barriers which may hinder women’s participation within military peacekeeping, the benefits they bring to peacekeeping missions and operations, and propose recommendations to help create gender equality within the military peacekeeping workspace. The project is situated within the context of the United Nations Resolution 1325 on Women, Peace and Security in 2000 regarding the full and equal participation of women in peacekeeping and its implementation in the Canadian context. Despite being adopted sixteen years ago, the percentage of women military peacekeepers is still quite low. This project seeks to explore as to why that may be and ways in which Canada can improve its peacekeeping force, being a leader as it was in spearheading the campaign for the UN Resolution, towards a future of equal representation and gender parity.

I would very much appreciate an opportunity to interview you because of your expertise and knowledge of aspects related to this issue. The interview would last for up to 60 minutes, with the possibility of a 30 minute follow-up interview at a later date, if necessary. Your participation is entirely voluntary, and you may refuse to participate or withdraw from the study at any time. With your consent, the interview will be audio-taped.

A written or oral presentation of research findings will be provided to interested participants.

Please contact me by email at [] or by telephone at [] if you are interested in participating in this study, and if you have any questions or concerns. If you are interested, I will provide a copy of a consent form and we can arrange a mutually convenient time and location for the interview to take place.

Thank you very much for considering contributing your insights and knowledge to this important project.

We would greatly appreciate your reply by []

Sincerely,

Maira Hassan

Appendix E



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SUBJECT CONSENT FOR PARTICIPATION IN A RESEARCH PROJECT

Women in Canadian Peacekeeping

Primary Contact:

Maira Hassan, LL.M. Graduate Student, Peter A. Allard School of Law, University of British Columbia

Principal Investigator:

Benjamin Perrin, Associate Professor, Peter A. Allard School of Law, University of British Columbia

Purpose:

This project will provide one of the first studies addressing specifically women's involvement in Canadian peacekeeping. It investigates the barriers which may hinder women's participation within military peacekeeping, the benefits they bring to peacekeeping missions and operations, and proposes recommendations to help create gender equality within the military peacekeeping workspace. The project is situated within the context of the United Nations Resolution 1325 on Women, Peace and Security in 2000 regarding the full and equal participation of women in peacekeeping and its implementation in the Canadian context. Despite being adopted sixteen years ago, the percentage of women military peacekeepers is still quite low. This project seeks to explore as to why that may be and ways in which Canada can improve its peacekeeping force, being a leader as it was in spearheading the campaign for the UN Resolution, towards a future of equal representation and gender parity.

Study Procedures:

The study will involve an interview of up to 60 minutes in length, with the possibility of a 30 minute follow-up interview at a later date, if required. The interview can take place by telephone or in-person at a UBC facility, at the participant's place of work, or other location where he or she will be comfortable. With the consent of the participant, the interview will be audio-recorded. If audio-recording causes any discomfort to the respondent, the interviewer will take handwritten notes instead. The participant may also be asked to provide documentation where relevant in

respect to interview questions. The research findings will become part of the graduate thesis, which may subsequently be published.

Potential Risks:

What is discussed during the interview may be attributable to the interviewee. This should be clear to the interviewee in order to mitigate any negative consequences that may arise from critical comments they choose to make. Nonetheless, the interviewee has the option to have their identity remain confidential by explicitly stating that they wish to do so. The interviewee retains the right at all times during the interview to not respond to a question they feel uncomfortable answering.

Potential Benefits:

A written or oral presentation of research findings will be provided to interested participants.

Confidentiality:

Interview notes and audio-recorded files will be kept on an external hard drive that will be kept in a locked filing cabinet for at least 5 years within a UBC facility. After that date, the data files will be deleted. Only the principal investigator and primary contact will have access to those files. The audio-recorded files will be transferred promptly after the interview onto an external hard drive, and subsequently erased from the audio-recording device to ensure security of data. The digital files kept in an external hard drive including those on a password protected laptop belonging to the primary contact will be encrypted for further protection. The external hard drive and laptop will also be encrypted, as per UBC Security Standards.

Contact:

If you have any questions or desire further information with respect to this study, you may contact the Primary Contact using the contact number or email address above.

If you have any concerns or complaints about your rights as a research participant and/or your experiences while participating in this study, contact the Research Participant Complaint Line in the UBC Office of Research Ethics at 604-822-8598 or if long distance e-mail RSIL@ors.ubc.ca or call toll free 1-877-822-8598.

Consent:

Your participation in this study is entirely voluntary and you may refuse to participate or withdraw from the study at any time without jeopardy. Your signature below indicates that you have received a copy of this consent form for your own records.

Your signature indicates that you consent to participate in this study.

Subject Signature

Date

Printed Name of the Subject

Appendix F

INTERVIEW QUESTIONS

Women in Canadian Peacekeeping

Primary Contact:

Maira Hassan, LL.M. Graduate Student, Peter A. Allard School of Law, University of British Columbia

Principal Investigator:

Benjamin Perrin, Associate Professor, Peter A. Allard School of Law, University of British Columbia

The interviews that will be conducted as part of this research project will focus on various aspects of women's participation in Canadian peacekeeping.

Questions are organized around specific modules or topics. Depending on the area of expertise or knowledge of the interviewee, questions from the relevant modules will be asked. An iterative process will be used for follow-up questions, as appropriate.

MODULE 1: INTRODUCTORY QUESTIONS

All interviewees will be asked the following introductory questions, after the date and location of the interview is recorded.

- | |
|--|
| <ol style="list-style-type: none">1. What is your full name?2. What is your current position?3. What organization or institution are you affiliated with?4. Can you describe your background, experience and/ or expertise on peacekeeping?5. What interaction have you had with women peacekeepers? |
|--|

MODULE 2: WOMEN IN PEACEKEEPING – BENEFITS

- | |
|--|
| <ol style="list-style-type: none">1. What role can women play in Canadian peacekeeping?2. What are some advantages of having women peacekeepers?3. What are some disadvantages of having women peacekeepers?4. What can women peacekeepers contribute to Canadian peacekeeping? |
|--|

MODULE 3: WOMEN IN PEACEKEEPING – BARRIERS

1. What tasks or jobs are associated with Canadian peacekeeping missions?
2. What experience or training is required for a Canadian peacekeeper?
3. What is the selection process in Canada for peacekeepers?
4. What proportion of Canadian peacekeepers are members of the Canadian Armed Forces?
5. How are Canadian peacekeepers deployed to peacekeeping missions?
6. Within what time frame does Canada commit to a peacekeeping mission prior to deploying peacekeepers?
7. What protections are offered to Canadian peacekeepers during a peacekeeping mission or operation?
8. What support mechanisms are offered to Canadian peacekeepers?
9. What are the reporting procedures in Canadian peacekeeping missions or operations?
10. What proportion of current Canadian peacekeepers are women?
11. What policies are in place to increase the proportion of women peacekeepers in Canada?
12. What legislation is in place to increase the proportion of women peacekeepers in Canada?
13. What barriers do women in particular face as Canadian peacekeepers?

MODULE 4: WOMEN IN PEACEKEEPING – REFORMS

1. How has Canada implemented the UN Security Council Resolution 1325 on women, peace and security?
(a) In terms of increasing women's participation in conflict resolution and peacekeeping?
2. What has been done to promote women's involvement in Canadian peacekeeping missions?
3. What role do you see women peacekeepers playing in the future of peacekeeping?

MODULE 5: HUMAN RIGHTS COMPLAINTS AND LITIGATION

1. What experience have you had in human rights complaints and/or litigation related to the Department of National Defence and Canadian Armed Forces or any of the affiliated military colleges/ institutions?
2. What kind of issues usually come up in cases pertaining to Canadian Forces personnel?
3. How have these cases changed or differ over time?
4. What are some of the challenges you have faced in dealing with such cases?
5. In your opinion, what is the most effective way of bringing positive change

within the Department of National Defence and the Canadian Armed Forces?

MODULE 6: CLOSING QUESTIONS

6. How do you define peacekeeping missions?
7. How would you describe Canada's involvement in peacekeeping?
8. What role do you see Canada playing in the future of peacekeeping?

MODULE 6: FINAL COMMENTS

1. Is there anyone else you recommend or think I should contact?
2. Do you have any final comments you would like to make before we conclude the interview?