

Who said it was simple? Implementing 1325

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UN Photo/Eric Kanalstein

Executive Summary

On 31 October 2000, the United Nations (UN) Security Council passed resolution 1325, which categorically linked violence against women during conflict and their marginalisation during peace processes with the short and long-term challenges of maintaining international peace and security. Based on a review of 1325 debates and literature, I present some of the main obstacles to the resolution's widespread realisation and explore opportunities for its implementation in the decades to come. The analysis in this brief is meant to inform policymakers and practitioners about the overall concepts and framework of 1325, including its limits; but it also points to concrete action in some problematic areas of the 1325 agenda. The brief therefore concludes with a discussion of participation in peace processes;

gender mainstreaming; and protection, followed by three detailed policy recommendations:

1) Creatively bridge the equality gap in participation by:

- Expanding the pool of eligible women peacemakers.
- Broadening the space for negotiators to include women at the grassroots level.

2) Normalise gender mainstreaming by:

- Establishing widespread 1325 performance expectations within peace operations.

3) Meet protection obligations by:

- Expanding and deepening protection activities.
- Creating incentives and establishing dialogue with armed groups.

A short overview of gender concepts

Gender: The general distinctions in behaviour, attitudes, beliefs and actions used to distinguish between female and male human beings. As with race and class, gender is a cross-cutting variable determined by social constructs and systems. Gender roles, which are formed by social and cultural norms dictate the behaviour of women and men. They are learned through socialisation. Gender systems are institutionalised through political, legal and economic structural mechanisms and culture and tradition.

Gender equality: An outcome whereby the human rights, responsibilities and opportunities of women and men are *not* determined by gender. Evenness in representation and participation of women and men is an established strategy for increasing gender equality. This refers to: 1) balancing the number of women and men inside institutions at every level, but also 2) incorporating the perceptions, interests, needs and priorities of women as well as men in analyses, planning, decision-making and activities, in order to produce impacts that are equal. Women's empowerment is viewed as a tactic for increasing gender equality.

Gender mainstreaming: An intensified focus on gender(ed) perspectives in the work of an institution, its governance, objectives, operating culture and its substantive work. The goal of gender mainstreaming is not to create more programmes for women, but to devote more resources to understanding, and then transforming gender inequality in standard-setting, decision-making, implementation, monitoring and evaluation.

Adapted from the UN Office for the Special Advisor for Gender and Women's Advancement, 2001.

Introduction

Resolution 1325 situated a social problem – the inequality of women and the disproportionate hardships they face in contemporary conflict – in the UN Security Council, a body that had never before addressed issues beyond traditional security threats. The resolution came about following a long line of processes and international agreements including the Convention on the Elimination of All Forms of Discrimination Against Women (1979); the Beijing Declaration and Platform for Action (1995); and the Windhoek Declaration and the Namibia Plan of Action on Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations (2000). Decades of difficult work coalesced in a standard-setting framework in 1325 which would at last draw political, economic and security resources to address the way women's inequality intersected with exceptional suffering in war. In this regard, 1325 was *normative* because it established expectations and prescriptions for the international system's response to the problem. Yet, in some ways the normative scale of 1325 surpassed the pace of its practical implementation in the decade that followed.

A review of the principal 1325 debates and literature finds opportunities for enhancing the resolution's future execution. It is however important to note some inter-related observations that have arisen during the course of research and unavoidable in analysis. First, policymakers and practitioners find it difficult to navigate the complex, contradictory demands that have emerged as the 1325 agenda. The resolution is many things, to many people. It has become both a rallying point for women's organisations and a source of frustration due to its slow implementation. Its normative value has been questioned by feminist scholars who do not see how securitizing women's situations in conflict will transform patriarchal structures. Traditional security policymakers have viewed gender and the 1325 agenda as puzzling, unwieldy and tangential to hard threats. Despite these reservations, there is increasing and constant evidence that women's security is indeed part of wider, societal security.

Secondly, 1325 has established a new debate on the subject of women, peace and security. Distilled, this debate is value-laden, making it complex and open to a wide range of contradictory interests and actions. This only confirms that 1325 is similar to other norms in the international system. As such, the resolution's meaning and effect will be widely debated in theory, policy and practice for decades to come. As with other norms, meaningful implementation will be controversial, and require political and financial resources in the long-term, rather than through short-term technical programmes.

This brief does not attempt to resolve all of these contradictions, but acknowledges their respective values and provides a general

overview of 1325's main political and legal framework. And, bearing in mind that it is not that simple, I conclude with a discussion of three key areas for future action: participation in peace processes; gender mainstreaming; and protection.

The Last Decade

The implementation of 1325 has proven quite daunting. The resolution's clauses call for a range of changes in the practice of conflict prevention, resolution and management. These changes include:

- The increased participation of women at decision-making levels in conflict resolution and peace processes such as negotiations and peace agreement implementation;
- The incorporation of a gender perspective into peacekeeping operations and peacebuilding initiatives; and
- Special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse.

Although 1325 was unanimously adopted by the Security Council's members, it is not of a legally binding nature. The resolution, notes Torunn Trygstad, was passed under Chapter VI of the UN Charter. Council resolutions under Chapter VI are meant to induce good behaviour from member states following violations of international peace and security (Trygstad, 2009:544). Unlike Chapter VII resolutions which are coercive instruments used by the Council to address international peace and security violations, or treaties and conventions, 1325 has "no mechanisms for ratification, compliance or verification" (Willett, 2010:142). As such, it is not surprising that 1325 supporters have depicted its implementation as slow and insufficient.

Early on, the UN adopted a code of conduct for its peacekeeping forces and appointed gender advisers to its operations in the field of war. Advocates of the resolution played a partnering role with the UN, and through their work on the ground with humanitarian agencies and non-governmental organisations (NGOs) provided valuable reports on the status of women in conflicts. But the first appointment of a gender adviser to the UN's Department of Peacekeeping took place only in 2004 and by 2005 just ten out of 18 peacekeeping and political missions had staffed these vital positions (CCR, 2005:16). According to Peace Women's *Resolution Watch*, 39.6% of country-specific UN Security Council resolutions contained specific language on women or gender as of November 2009. According to my own preliminary review of PeaceWomen's online record of Security Council resolutions, the percentage by September 2010 had risen to 45%. In Africa, the conflict with the least resolutions addressing women and gender issues is the Democratic Republic of the Congo (DRC). While Darfur ranks at nearly 100% – all 5 resolutions of the Council address issues such as protection from sexual violence and the involvement of women in peacemaking – only about

37.5% of the resolutions for the UN peace support operations in the DRC have clauses of a similar nature (Peacewomen.org, 2010). Still, signaling that gender has become a legitimate security concern at the highest level, the Council now deals with these issues as part of its functions and powers. Most importantly, gender and women are now included in resolutions which do have Chapter VII clauses.

At the continental level, the African Union (AU) has instituted instruments and policies including the Protocol of the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003), the Solemn Declaration on Gender Equality in Africa (2004) and a new AU Gender Policy (2009). A central commitment of the AU Gender Policy is to increase the level of gender equality within peacekeeping operations. The AU Commission will also produce a training manual for AU peacekeepers. Africa's regional economic communities (RECs) such as the Southern African Development Community (SADC) and the Economic Community of West African States (ECOWAS) have followed suit. At the national level, a number of countries have put in place 1325 National Action Plans (NAPs) for the systematic implementation and monitoring of the 1325 agenda. Yet, out of 19 NAPs in existence, 12 are in Europe, 5 in Africa and one each in Latin America and Asia. Because armed violence has been particularly persistent in Africa, the delay in developing and implementing national policies is cause for concern.

Three more resolutions have since joined 1325. In June 2008, the UN Security Council adopted resolution 1820, which, among other key normative claims, recognized sexual violence as a security problem. Two additional UN Security Council Resolutions, 1888 and 1889, went further to deal with the mechanisms for implementation of 1325. These resolutions have led to important steps including the appointment of the UN Secretary-General's first Special Representative on Sexual Violence in Conflict, Margot Wallström. Finally, a critical test for the UN came in late July and early August 2010, when militias¹ in North Kivu, DRC, raped 235 women, 52 girls, 13 men, and 3 boys (UN Joint Human Rights Office, 2010:3). The acts of sexual violence (and theft and assault) took place over a period of four days. Despite the conflict's documented high concentration of sexual violence, the nearby UN Stabilization Mission (MONUSCO) and the DRC government failed to protect these civilians.

1. The Mai Mai Cheka, the *Forces démocratiques de libération du Rwanda*, and a group close to Colonel Emmanuel Nsengiyumva, a DRC army deserter who has also been known to be connected to the *Congrès National pour la Défense du Peuple* armed rebellion.

Recommendations

1325's past shows mixed outcomes. Future 1325 action will also produce a combination of positive and negative contributions to women's security in conflict and peace processes. But the alternative of doing nothing is unacceptable. Three key areas – participation in peace processes; gender mainstreaming; and protection – require special action by future policymakers and practitioners:

1. Creatively bridge the equality gap in participation

The job of increasing women's participation has been particularly difficult at the international level. A UN Development Fund for Women (UNIFEM) study found that only 7% of negotiators in peace talks were women (UN Security Council, 2009:2). Through an enigmatic closed network among member states, positions as the UN Secretary General or the AU Chairperson's special envoy or special representative in peace talks are meted out to senior diplomats and military leaders. In many conflicts, former heads of government, foreign ministers or generals are asked to serve as official mediators. Across the world, women are underrepresented at this level. Five years into the implementation of 1325, Africa only had three women vice presidents and two prime ministers (CCR, 2005:21). The first African female head of state, Ellen Johnson-Sirleaf of Liberia, was elected in that year. Of the foreign ministers sitting in the Executive Council of the African Union in 2006, only six were women; while there were no more than three women members of the Permanent Representatives Council (Byanyima, 2008:324 - 325). Although women leaders have represented their governments across the globe, they remain outnumbered at every level by men. This has allowed peacemaking to continue to be dominated by men.² The way that the UN and other actors identify who is qualified to be a high-level peacemaker leaves out many women who have prestige and legitimacy in other sectors such as the sciences, the arts, education, commerce and national politics, and who could serve as special envoys and special representatives. At the same time, concentrated lobbying for greater participation through high-level designations limits the scope for change, and ignores the need for gender equality and women's

2. In this discussion of women and participation, and their influence on the 1325 agenda, it is important to take note of the appointment of Hilary Rodham Clinton to the position of United States Secretary of State. Bolstered by influential popularity and political assets, Clinton has been able to focus US policy on the problem of sexual violence in conflicts such as the Democratic Republic of the Congo. The Obama administration's US permanent representative to the UN Security Council, Susan Rice, has also appeared to take a more activist stance on these issues. It is equally important to note that in September 2010 UN Secretary-General Ban Ki Moon, appointed Chilean former head of state, Michelle Bachelet as an Under-Secretary-General and the Executive Director of the newly-created agency UN Women, which merges the UN Development Fund for Women (UNIFEM), the Division for the Advancement of Women (DAW), the Office of the Special Adviser on Gender Issues, and the UN International Research and Training Institute for the Advancement of Women (UN-INSTRAW) in a bid to strengthen and streamline the UN's work to advance women's participation and rights. The ability of these women to 'open doors' and intervene in the plight of women in conflicts is unprecedented. Whether or not this will result in the transformation of political situations that cause untold suffering is debatable, but the fact is that Clinton and Bachelet are capable of accessing other leaders at the highest levels.

empowerment at the local level.

Practitioners and policymakers should:

- *Expand the pool of eligible women peacemakers.* The UN, the AU and Africa's RECs should identify prominent women in a range of fields and disciplines for peacemaking roles. Policymakers and 1325 advocates should establish links with associations of prominent women in the arts, sciences, commerce, education and public service. These associations can lobby for appointment of more women special envoys and special representatives at the regional and international levels. At the same time, 1325 advocates must work with influential women and men to break down the barriers of decision-makers who make these appointments. Finally, women and men at the level of special envoy and special representatives and other high-level appointees should undertake gender training.
- *Broaden the space for negotiators* to include women at the grassroots level. Actors and institutions working at the international level should support organisations at the local and national level that build peacemaking capacity among local communities. These organisations should be provided with tools and resources to expand their understanding of resolution 1325, international law and human rights and conflict negotiation and mediation. The application of these skills should be encouraged, tracked and monitored. The UN, the AU, RECs, humanitarian agencies and international NGOs should recognise and involve local and national organisations in peacemaking and peacebuilding strategies, including asking local groups to engage in negotiations and discussions in conflict settings.

2. Normalise gender mainstreaming

Learning from the past, gender advisers in peace operations are another illustration of the mixed success of 1325. These focal points (sometimes offices rather than single individuals) have wide mandates that may include mainstreaming gender into personnel matters; integrating gender into reports; liaising within the mission and with local women's groups; and training troops, police and civilian observers in gender mainstreaming (Nduku-Agwu, 2009; UN-DPKO, 2010). In missions involving hundreds of personnel these tasks require generous funding and committed, knowledgeable staff. Without adequate funding, the capacities of gender focal points are constrained (Mobbek, 2010; Barrow 2009). In-mission achievements appear difficult to measure. In the UN Mission for Liberia (UNMIL) for example, the work of the Office of the Gender Advisor (OGA) has been criticised for a lack of a visible impact. Still, although understaffed, the OGA contributed to policymaking that led to the inclusion of women and girls who were cooks or sexual slaves in disarmament, demobilisation and reintegration (DDR) processes. The programme led to the disarmament and demobilisation of 21,000 women and girls. Otherwise only

active fighters would have been included in the DDR process (Nduka-Agwu 2009:190). Finally, reporting lines influence the efficacy of today's classically positioned gender advisors. Junior officers are relatively powerless to pursue a gender agenda; just as more experienced officials in gender offices with no senior management profile and level of responsibility are less likely to influence the allocation of resources to a I325 framework. Some missions are already correcting this problem. In 2009, the Office of the Force Commander of the UN Mission in Liberia (UNMIL) established a male Military Gender Officer, under the direct supervision of the Force Commander (UNIFEM/UN-DPKO, 2010:43). Regardless of the gender of the appointed person, this decision signalled a high prioritization of gender within the military hierarchy of the operation.

Practitioners and policymakers should:

- *Establish performance expectations for total ownership of I325 within peace operations.* With the increasing demands to report on I325 to the Secretary General and the Security Council, total accountability for gender mainstreaming should sit with the special representative of the Secretary General, Head of Mission or Force Commander. Also, peace support operation mandates should place gender advisers at the level of senior management within the civilian and military leadership of missions. The cross-cutting aspect of gender should continue to be enhanced by deepening its practice in the rule of law, policing, human rights and humanitarian affairs, quick-impact projects, electoral assistance, child protection, DDR and security sector reform (SSR). But rather than position gender advising as a service to the mission, these other units should report on gender mainstreaming to the advisor who would sit at the level of senior management. The onus of gender mainstreaming should thus shift from that of a few people, to the entire operation and its leadership.

3. Meet protection obligations

The UN's preliminary report on the rapes and assaults in July/August 2010, in North Kivu, clearly highlight several mistakes made by leadership of MONUSCO. Although MONUSCO carried out weekly meetings in the area, and market patrols, it had no regular, daily communication with locals or their representatives. The mission's leadership seemed unable to establish how to gather information on sexual violence as a whole (UN Department of Public Information, 2010). Even though the conflict in North Kivu had already been permeated by sexual violence and the number of rapes reached high levels before the August violence, MONUSCO was ill-equipped to interact with the local community and thus establish relationships with local women or men, who might have been able to speak of the crimes being committed in their midst. The record of sexual violence in conflict in Africa suggests that this incident and the manner it was handled are not isolated examples of the failure to protect women from

sexual violence during war.

There is a need to reclaim the protection norms of I325, and to see how the security of women is part of a corpus of humanitarian values. First, the struggle for gender equality is enshrined in a range of legal instruments not exclusive to I325 and the gender equality body of normative documents, but part of universal values. Second, protection of women in conflict is part of the same body of norms as the protection of *all* civilians in interstate and intrastate conflict. These include regional legal instruments such as the African Charter on Human and People's Rights (1981) and the AU's Constitutive Act (2002), but also global customary law and legal instruments in the form of the Universal Declaration of Human Rights (1948); the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights (1966); the Geneva Conventions (1949) and particularly their additional protocols³; the Refugee Convention (1951); and the 1998 Rome Statute of the International Criminal Court, which entered into force in 2002. The journey to realise greater gender equality, even in the midst of war, and to protect women and men from gender-based humanitarian and human rights crimes should not forego this legacy, the precedents that exist in international law, or the lessons learned in protecting civilians in conflicts by bodies such as the International Committee of the Red Cross (ICRC). In this regard, relating I325 to the protection of *all* civilians will increase normative relevance and coherence.

Practitioners and policymakers should:

- *Expand and deepen protection activities:* There are lessons from peace support operations which show that patrolling, together with stronger communication and ties with local communities, will abate violent attacks against civilians. These lessons apply to protecting civilians from sexual violence, and include practices such as armed patrols; firewood, water, foot and market patrols; and joint patrolling. Whether or not a mission's mandate includes the use of force, these activities establish a regular presence that mitigates against violence. Increased patrolling must be based on deeper links to local communities, which would involve establishing regular, daily contact with women and men focal points. Peace operations personnel should thus develop a rapport with local communities, working with women and men in order to establish access to markets, schools, fuel and food, rural clinics and other services.
- *Create incentives and establish dialogue with armed groups.* The experience of the ICRC and other humanitarian actors should be used to find ways to get armed groups to comply with I325. The lessons from other normative processes, such as the reduction in the number of child soldiers or the banning of landmines, should also be helpful. The UN, the AU and RECs can engage in, and encourage the dissemination of information to educate

3. Protocol II (1977) of the Geneva Conventions relates to the protection of victims of non-international armed conflicts.

armed groups about 1325 and international law and standards. But these groups will need incentives and monitoring. Here, the chances of reciprocal respect from the international community, or amnesty on the part of the government, can be used to induce good behaviour from the armed groups. Concrete, visible steps such as codes of conduct, declarations, instructions to members of the armed group, and self-enforcement should be encouraged. Engagement should also include joint visits by neutral, credible third parties to observe compliance.

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