

Letter to the Bureau and Members of the Commission on the Status of Women Concerning "Code of Conduct" Language in the Agreed Conclusions

19 March 2004

Dear Bureau and members of the Commission on the Status of Women,

The member organizations of the NGO Working Group on Women, Peace and Security, as part of our work to promote implementation of UNSC Resolution 1325, recognized the 48th session of the Commission on the Status of Women (CSW) and the Agreed Conclusions outcome document on women's equal participation in conflict prevention, management, resolution and post-conflict peace-building, as an opportunity to advance the implementation of UNSC Resolution 1325.

We would therefore like to express our concern regarding the deletion of the language on "code of conduct" for peacekeeping and humanitarian staff, from the final Agreed Conclusions, adopted by the Commission on 12 March 2004. Given the provisions on gender mainstreaming in peacekeeping operations in UNSC Resolution 1325, the absence of the language on "code of conduct," for peacekeepers and humanitarian staff in the final Agreed Conclusions is a reflection of the weakness of the Agreed Conclusions as a whole.

Noting that sexual exploitation and abuse by peacekeeping and humanitarian personnel remains a serious concern, and one prioritized by the Secretary-General, the failure by Member States to address this issue in the Agreed Conclusions represents a failure to protect women, girls and boys affected by conflict. Furthermore, recognizing that "codes of conduct" are an extremely important aspect of conflict prevention, the absence of this language undermines the establishment of a culture of prevention of armed conflict and protection of women and girls and boys.

Removal of the "code of conduct" language from the final draft of the Agreed Conclusions, is an anomaly in the growing momentum towards action and implementation-focused language on this particular issue, as can be found in: the Action Plan of the Inter-Agency Standing Committee Taskforce on Protection from Sexual Exploitation and Abuse in Humanitarian Crises (June 2002); the Secretary-General's bulletin on "Special measures for protection from sexual exploitation and sexual abuse," (October 2003); more recently, SC Resolution 1460 on Children and Armed Conflict; and in addition, in both the report of the Expert Group Meeting on Peace Agreements and the report of the Secretary-General on this thematic issue. Further, it is also important to note that the CSW Agreed Conclusions from the forty-second session (1998), included language on "codes of conduct" We have compiled examples of agreed and non-agreed existing language on "code of conduct," including from those documents cited above, attached as an Annex, which we hope you might find useful in your future work on issues relating to humanitarian and peacekeeping operations.

It should also be noted that due to the use of 'informal informals' as the principal mechanism for language negotiations during the final days of the 48th Session, NGOs were unable to monitor the negotiations, such as took place on "code of conduct" language, and thus, were unaware of the language changes taking place and unable to proactively respond at the time. As originally proposed by the European Union (EU) in paragraph 6, the language on "code of conduct" was present in all drafts of the Agreed Conclusions, from 5 March to 11 March, with only minor changes proposed, yet was removed in the final hours before the Agreed Conclusions were adopted, during the 'informal informals.'

In order to address the absence of this language in the Agreed Conclusions, the NGO Working Group proposes that the Commission members request that the Economic and Social Council, in its endorsement of the Agreed Conclusions, officially identify and address this gap.

We welcome your responses to the concerns raised above and to the Annex attached, and look forward to continuing the dialogue with you on these issues.

Sincerely,

The NGO Working Group on Women, Peace and Security

Cc:

H.E. Ambassador Marjatta Rasi, Permanent Representative of Finland, President of the Economic and Social Council (ECOSOC);

Mr. Jean-Marie Guehenno, Under-Secretary-General, Department of Peacekeeping Operations (DPKO);

Ms. Angela King, Assistant Secretary-General, Special Advisor on Gender Issues and Advancement of Women (OSAGI);

Ms. Carolyn Hannan, Director of the Division for the Advancement of Women (DAW);

Mr. David Harland, Chief of Peacekeeping Best Practices Unit, Department of Peacekeeping Operations (DPKO);

Ms. Nina Lahoud, Special Advisor to the Executive Director of UNIFEM, on loan from the Department of Peace Keeping Operations (DPKO);

Ms. Anna Shotton, Interim Senior Gender Advisor, Peacekeeping Best Practices Unit, Department of Peacekeeping Operations (DPKO);

Ms. Bani Dugal, Chair of the NGO Committee on the Status of Women