

Issue Brief

Accountability for Implementing Security Council Resolution 1325

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Background

With its adoption of Security Council Resolution 1325 on women, peace, and security (2000) the Security Council recognized that it has an important role in promoting gender equality and protecting women's human rights both in conflict situations and in international efforts to build human security. Based on existing international law and policy frameworks, SCR 1325 addresses the protection of women and girls, the prevention of human rights violations, including sexual and other forms of gender-based violence, and women's participation in peace processes and post-conflict recovery.

The adoption of SCR 1325 has provided an impetus for the Council to address country-specific situations in a manner that responds to the security needs of all citizens and to builds more inclusive peace processes. Much has been achieved in implementing SCR 1325 over the past seven years. Gender advisors have been placed in most multi-dimensional peace support operations; mission mandates and Secretary-General's reports contain enhanced language on gender issues, women's participation, and violations against women and girls; gender-sensitive action plans have been formulated in disarmament, political, and humanitarian affairs; and the UN has made efforts to coordinate and build coherence in its women, peace, and security work. Further, some Member States have domesticated SCR 1325 through the development and enforcement of national action plans and strategies for implementing SCR 1325.

However, Member States have recognized year after year that the rate and means of implementation of SCR 1325 are far from adequate. Women continue to be excluded from, or marginalized in, formal peacemaking and peacebuilding processes. Women are not equally involved in decision-making regarding reconstruction matters, such as transitional justice mechanisms and livelihoods recovery. National and international decision-makers and practitioners still fail to recognize that issues central to women's security, such as protection from gender-based violence, are integral to other priorities, such as disarmament, return and reintegration, and security sector reform. Furthermore, there is no mechanism or system to ensure accountability for these failures in implementation.¹

It is therefore the case that seven years after the adoption of SCR 1325, implementation of the resolution is slow and uneven and, despite continuing efforts, there is still no adequate accountability framework for the implementation of the Resolution. It is essential that effective ways to address challenges to and gaps in implementation are found.

Ongoing Challenges

Despite laudable efforts by many women's groups, Member States and UN actors, many challenges continue to impede the timely and systematic implementation of SCR 1325. These challenges include the lack of political leadership and financial and human resources to sustain implementation, to carry out monitoring and reporting and to establish other accountability mechanisms.² Other persistent challenges to the implementation of SCR 1325 include:

Limited awareness of the importance of a gender perspective to peace and security

In policy and practice, Member States' have not treated women, peace, and security issues as integral to the Security Council's priorities. Oftentimes, Member States speak of SCR 1325 as an agenda item that competes with other Security Council matters. Instead, SCR 1325 can serve as a tool to enhance the

Council's consideration of issues such as disarmament, security sector reform, or transitional justice -- failure to address gender dimensions can diminish the ability of the Council to address the reality of the security situations in the countries on its agenda.

Inadequate understanding of gender dimensions of complex conflict situations

Many of the conflict situations that the Council addresses are changing. Many conflicts are characterized by the breakdown of the rule of law and the influence of non-ideological armed groups that survive on the spoils of warfare. In those countries where there has been a dissolution of rule of law and the collapse of independent judicial institutions, a climate of impunity for all crimes, including those against women and girls, reigns. In many cases, the security situation is aggravated by the exploitation of natural resources and complicated by migration. In these contexts, women's experience of conflict differs from their experience in more conventional conflicts; they engage as members of armed groups, suffer as victims where armed groups prefer to focus on 'soft' targets, and have a range of needs that require a nuanced response. It is essential to apply a gender lens to these complicated social, economic, and political situations. These are not straightforward matters – even for the most expert decision-maker or practitioner.

Inadequate information and limited capacity to collect data and evidence

Another noteworthy challenge is the lack of data and evidence in Secretary-General's reports on violations against women, as well as on women's participation in informal and formal decision-making bodies and processes. The scope and gravity of violations in any specific situation are often not in doubt. It is the case, however, that the collection of data and evidence and the investigation of cases requires expertise, can be time-consuming, and can have great social and political sensitivity. Without investing in the necessary expertise in terms of human and financial resources to uncover the instances and trends of grave violations, such as gender-based violence, there is a risk that the everyday violence against women and communities remains invisible and continues to be perpetrated with impunity.

Compounding these ongoing challenges are the serious gaps in implementation of SCR 1325. These gaps, recognized by Member States in previous Open Debates, relate primarily to the fact that SCR 1325 has not been effectively institutionalized.

Gaps

The Security Council plays a critical role in ensuring that its decisions and consultations are gender-sensitive and promote accountability for SCR 1325. For this to occur on an effective and regular basis, gaps related to the Council's procedures need to be addressed. These gaps cluster in three main areas: lack of an SC monitoring mechanism, inconsistency on invoking 1325 in the directives from the Security Council to the field, and inadequate monitoring and reporting. These gaps are found in and between various levels, including in the Council and Secretariat at Headquarters, in the peace support missions and UN entities, and in the capitals of all Member States.

Lack of SC monitoring mechanism

The Resolution's slow and uneven implementation can be partly attributed to the lack of strong accountability mechanisms to drive and to support effective, timely, and systemic implementation.

This weakness is in contrast to a number of other items on the Security Council agenda, for which accountability measures have been developed. For several years many actors have called for the Council to remedy this situation. At the previous three Open Debates on women, peace, and security, Member States clearly articulated their support for stronger accountability mechanisms to ensure the integration of SCR 1325 into the country-specific and related thematic work of the Council.

At the 2004 and 2006 Open Debates on women, peace and security, more than ten Member States spoke in support of the institutionalization of SCR 1325 through the integration of SCR 1325 in the Council's

work, including the development of a monitoring mechanism for SCR 1325.³ Member States have recommended that the mechanism could take the form of a permanent working group, an ad-hoc working group, an expert group, or a Member State “champion/focal point” on women, peace, and security. Such a mechanism could provide oversight on implementation, the integration of SCR 1325 into country-specific mandates and resolutions, the development of indicators, systematic monitoring and reporting, and the appointment of gender advisors and teams at senior levels. There seems to be a growing consensus around the need to take steps to remedy the accountability gap, while at the same time, there is reluctance to establish another subsidiary body of the SC.

It is noteworthy that the Secretary-General has made a recommendation to the Council that reflects the widely-felt need for a specific accountability mechanism – in respect of the establishment of a monitoring mechanism on gender-based violence (2006):

“In particular, it is recommended that the Security Council intensify efforts to address gender-based violence against women and consistently monitor measures taken within the framework of the implementation of Security Council resolution 1325 (2000) on women and peace and security. Towards this end, the Security Council should consider establishing a dedicated monitoring mechanism to increase the effectiveness of the Council’s contribution to preventing and redressing violence against women in armed conflict.”⁴

Inconsistent Appearance of Adequate Language in Mandates, Terms of Reference & other guidelines and directives

The SC has committed to integrating resolution 1325 in all of its daily work, ensuring that mandates for all UN peacekeeping missions and all terms of references of SC missions and visits integrate gender perspectives. Yet, these commitments have only inconsistently been turned into action or invoked in SC documents.

In 2005 alone, out of 70 resolutions adopted by the SC, only 6 resolutions recalled or reaffirmed SCR 1325 and its provisions, 5 resolutions expressed concern over or condemnations of SGBV, and 17 resolutions noted sexual exploitation and abuse by UN personnel, and the UN's zero tolerance policy in this regard.

In the mission mandates that contain adequate language on the integration of a gender perspective or women’s rights, too often the ‘gender mandate’ is not reflected in the directives, guidance, terms of reference, and incentive structures for the mission’s staff, including the Special Representative.

Inadequate Monitoring and Reporting

A critical element which is not consistently incorporated in mandates is that of standard provisions for regular and adequate monitoring and reporting on implementation of SCR 1325 by the field missions.

Further, there is no list of agreed indicators on adequate implementation of SCR 1325 and no mechanism to monitor the performance of practitioners against these. As the situation stands, some field missions have a mandate to monitor and report on grave violations of human rights, but the data and evidence regarding many violations, such as sexual violence, is still lacking.

In most instances, Council members base their assessments of country situations on the Secretary-General’s country-specific reports. These assessments influence the Council’s decision-making on the presence, role, and withdrawal of peacekeeping missions. Therefore, it is significant that the reports currently provide an incomplete picture of the security situation and violence that affects the everyday lives of women. Security Council decisions are being made without the benefit of critical information.

Key Issues to Consider:

1. How might the Security Council provide more effective oversight on the implementation of SCR 1325? The Council might consider the establishment of a Security Council monitoring mechanism with appropriate leadership to ensure its active engagement with all the work of the Council.
2. How might the Security Council ensure the production and receipt of enhanced information on grave violations of women's human rights and women's participation in peace and reconstruction processes? The Security Council might consider a follow up to its request that the Secretary-General incorporate information on gender-based violence in all reports to the Council.⁵ Alternatively, the Council might urge the Secretary General to invite specific reports on sexual violence in conflict or other aspects of SCR 1325 from peace support operations as a means of improving the information basis for Council deliberations.
3. How might the Security Council consistently employ a gender perspective and a focus on women's human rights in all country and region-specific situations and peace and security matters? The Council might consider inviting analytical support on this matter from specialized UN entities. Alternatively, a commitment to consistent consultation with representatives of women's groups in countries on the Council's agenda would ensure input of women's perspectives on conflict and peace-building.
4. How might the Security Council promote leadership for the effective implementation of 1325 by UN personnel, particularly senior personnel, in peace support missions and other UN entities operating at the country level? A review of Terms of reference, job descriptions, work plans, performance reviews, and incentive systems for relevant UN personnel might identify entry-points for building responsibility for implementing 1325 into staff work plans and annual reviews.

¹ Accountability for SCR 1325 requires mechanisms for regular review and assessment of the implementation of SCR 1325, as well as for the correction of inadequacies in implementation of the Resolution.

² Many gaps and shortcomings have been discussed in the Secretary-General's four reports to the Council on women, peace and security and the Women, War and Peace UNIFEM Independent Experts' assessment. Over one hundred concrete recommendations for implementation of 1325 have been put forward in these reports, in addition to the multitudes of recommendations made by civil society organizations.

³ See http://www.peacewomen.org/un/6thAnniversary/Compilation/SC_Mechanism.html#focal and <http://www.peacewomen.org/un/UN1325/SCOpenDebate04Compilation.pdf>. Resistance to the establishment of a monitoring mechanism by some Member States stems from a belief that the Security Council should not be considering thematic issues, but should instead focus its work on country-specific situations. Furthermore, these governments believe that thematic issues such as women, peace, and security should be considered, instead, solely under the purview of the General Assembly. Other Member States feel that the monitoring of SCR 1325 implementation should be done through already existing Security Council working groups, such as the Working Group on Peacekeeping. See NGO Working Group on Women, Peace, and Security's *From Local to Global: Making Peace Work for Women* (2005) accessed at <http://www.womenpeacesecurity.org/media/pdf-fiveyearson.pdf>.

⁴ UN Secretary-General's in-depth study on all forms of violence against women (A/61/122/Add.1)

⁵ S/PRST/2004/40