

UNSCR 1325 on Women, Peace and Security: Implications, Implementation, and Future Directions for Australia

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For:



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ACRONYMS

| | |
|--------|---|
| AGDM | Age, Gender and Diversity Mainstreaming |
| AusAID | Australian Agency for International Development |
| BCPR | Bureau for Crisis Prevention and Resolution (UNDP) |
| CEDAW | Convention on the Elimination of All Forms of Discrimination Against Women (1978) |
| CFSP | Common Foreign and Security Policy (EU) |
| CHE | Complex Humanitarian Emergency |
| CIG | Conflict Issues Group (UK) |
| CSO | Civil Society Organization |
| DDR | Disarmament, Demobilisation and Reintegration |
| DFID | Department for International Development |
| DPA | Department of Political Affairs (UN) |
| DPKO | Department of Peacekeeping Operations (UN) |
| DRC | Democratic Republic of Congo |
| EU | European Union |
| ESDP | European Security and Defence Policy |
| FCO | Foreign and Commonwealth Office (UK) |
| GA | General Assembly (UN) |
| GAU | Gender Action Unit |
| HMG | Her Majesty's Government |
| ICC | International Criminal Court |
| MOD | Ministry of Defence |
| NAP | National Action Plan |
| NATO | North Atlantic Treaty Organization |
| NGO | Non-government Organization |
| OCHA | Office for the Coordination of Humanitarian Affairs (UN) |
| OGA | Office of the Gender Advisor |
| OSCE | Organization for Security and Co-operation in Europe |
| PBC | Peacebuilding Commission (UN) |
| PFA | Platform for Action |
| PMSC | Private Military and Security Company |
| PNG | Papua New Guinea |
| R2P | Responsibility to Protect |
| SEA | Sexual Exploitation and Abuse |
| SGBV | Sexual- and Gender-Based Violence |
| SSR | Security Sector Reform |
| TCC | Troop Contributing Country |
| UK | United Kingdom |
| UN | United Nations |
| UNDP | United Nations Development Program |
| UNHCR | United Nations High Commissioner for Refugees |
| UNIFEM | United Nations Development Fund for Women |
| UNSC | United Nations Security Council |
| UNSCR | United Nations Security Council Resolution |
| WILPF | Women's International League for Peace and Freedom |

Executive Summary

What makes 1325 unique is not only that it (finally) addresses women, war and security, or that its scope is expansive and its implications radical; what makes 1325 unique is that it is both the product of and the armature for a massive mobilization of women's political energies.¹

As the nature of war has changed over the last half century, with the advent of irregular and asymmetrical warfare, so too has the effect of armed conflict on women. Sexual and gender-based violence have become defining characteristics of modern warfare, and women, often seen as the vessels of cultural identity, are increasingly considered legitimate strategic targets by armed forces, especially where conflicts revolve around identity politics.² In response to the changing nature of war and the growing number of civilian casualties in conflicts, numerous instruments of international law have been developed which aim to protect civilians from the excesses of violent conflict, culminating in 2000 in the adoption of UNSCR 1325. This was the first UN document to explicitly address the role of women in peace-building processes and the particular challenges faced by women during conflict and post-conflict phases. Although states bear primary responsibility for the implementation of UNSCR 1325, the resolution, though binding, lacks enforcement mechanisms, and a number of states have therefore endeavoured to systematise the resolution's implementation through the development and adoption of National Action Plans (NAPs). These plans can guide and ensure the proper implementation of the resolution's mandates by relevant actors, thereby improving coordination, policy coherence and accountability.

UNSCR 1325 has implications in four interrelated areas, namely the participation of women in decision-making and peace-processes, the incorporation of gender perspectives and training in peacekeeping, the protection of women, and gender mainstreaming in UN reporting and implementation mechanisms. The responsibility for the resolution's implementation lies with a collection of actors, including national governments, international organizations, and civil society. These actors have undertaken a range of initiatives to implement the resolution, but much work remains to be done to implement UNSCR 1325 in full.

As a policy with such broad scope and wide ranging implications, it is unsurprising that there are numerous challenges and impediments to the comprehensive implementation of UNSCR

¹ Carol Cohn, "Feminist peacemaking," *The Women's Review of Books*, Vol. XXI, No. 5, Feb 2004, p. 8.

² Such violence takes many forms, including rape, forced impregnation, forced abortion, trafficking, prostitution, sexual slavery and forced marriage-like arrangements, torture and genital mutilation. (see Sanam B. Naraghi-Anderlini, *Women, Peace and Security: A Policy Audit*, International Alert, June 2001, p. 12, and United Nations, *Women, Peace and Security: Study submitted by the Secretary-General pursuant to Security Council resolution 1325 (2000)*, New York, United Nations, 2002, pp.2-3)

1325. A lack of political will to shift the gendered distribution of power is one such impediment, and it is a false security to assume that a resolution alone is enough to effect significant behavioural changes such as those implied by UNSCR 1325.

NAPs can serve to operationalise and ensure adherence to the resolution at the national level, and can also lead to the strengthening of an international normative regime around women, peace and security issues. Such a regime can influence action and compel compliance, making it more difficult for nations to act outside the normative framework without being held to account.

Australia should undertake to develop and adopt an NAP, in line with its public statements calling for practical steps to be taken that give effect to UNSCR 1325. A major benefit of this would be increased comprehensiveness, coordination, policy coherence and consistency, awareness raising, accountability, and monitoring and evaluation of the implementation of UNSCR 1325's mandates by Australian actors and stakeholders.

An analysis of the development and content of existing NAPs, and the benefits and challenges inherent in them, allows us to identify the processes most conducive to the development of robust NAPs, and also the particular components that should be included in NAPs in order to ensure effectiveness.

This paper identifies three distinct elements that should be central to the process by which an Australian NAP is developed.

1. A gender audit should be conducted, and the results used to inform the subsequent process of policy development.
2. Two working groups should be developed to guide and oversee the process: one consisting of relevant government stakeholders, and one consisting of civil society stakeholders.
3. Bottom-up strategies and integrated approaches should be used during the process in order to foster ownership and commitment to the NAP's goals.

It is also possible to identify a number of key components that must be included in an Australian NAP in order to ensure effectiveness and the proper implementation of UNSCR 1325's mandates.

1. The NAP should cover the key issues around which UNSCR 1325 organises its mandates on states' actions, namely the participation of women in decision-making and peace processes, the incorporation of gender perspectives and training in peacekeeping, and the protection of women. Key issues in UNSCR 1820 with implications for Australian actors should also be included in the NAP, under these categories.

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2. The NAP should not be ‘high level,’ but should be detailed, outlining specific actions to be taken, identifying the responsible actors, and emphasizing the importance coordination between actors on these activities.
3. The NAP should establish measurable goals, benchmarks and timeframes, as well as monitoring and evaluation mechanisms.
4. Funding streams should be identified, and appropriate resources should be allocated to the implementation of the NAP.
5. Provisions for review processes should be included in the NAP, and timeframes for these processes established.

The development of a comprehensive Australian NAP on UNSCR 1325 will greatly improve the implementation of the resolution by Australian actors. Nevertheless, there will remain some gaps in the emerging legal and normative regimes around women, peace and security, and these must be addressed if UNSCR 1325’s mandates are to be realised. Australia must complement the development and adoption of an NAP with continued efforts to support the development of international legal and normative frameworks on women, peace and security issues.

Introduction

As the nature of war has changed over the last half century, with the advent of irregular and asymmetrical warfare, so too has the effect of armed conflict on women. Sexual and gender-based violence have become defining characteristics of modern warfare, and women, often seen as the vessels of cultural identity, are increasingly considered legitimate strategic targets by armed forces, especially where conflicts revolve around identity politics.³ In response to the changing nature of war and the growing number of civilian casualties in conflicts (it is estimated that approximately 90 percent of casualties are now civilians, compared to 10 percent during WWI), numerous instruments of international law have been developed which aim to protect civilians from the excesses of violent conflict. Although few of these are dedicated to addressing gender issues specifically, provisions relating to women contained within them do build up a space for women within international law. Increasing awareness of the need to address women's issues within the international legal framework has led to the development of various documents and discussions about the topic, culminating in 2000 in the adoption of UNSCR 1325, the first UN document to explicitly address the role of women in peace-building processes and the particular challenges faced by women during conflict and post-conflict phases. Although states bear primary responsibility for the implementation of UNSCR 1325, the resolution, though binding, lacks enforcement mechanisms, and a number of states have therefore endeavoured to systematise the resolution's implementation through the development and adoption of National Action Plans (NAPs). These plans can guide and ensure the proper implementation of the resolution's mandates by relevant actors, thereby improving coordination, policy coherence and accountability.

Australia has not yet developed an NAP on UNSCR 1325, although it has supported numerous civil society initiatives related to the resolution, and is a member of *Friends of 1325*, the ad hoc group of UN Member States that has been instrumental in advocating for the implementation of UNSCR 1325 at government level. The development and adoption of an Australian NAP would improve the comprehensiveness of Australia's efforts to operationalise the resolution's mandates, and would make gender considerations a priority in security policy.

³ Such violence takes many forms, including rape, forced impregnation, forced abortion, trafficking, prostitution, sexual slavery and forced marriage-like arrangements, torture and genital mutilation. (see Sanam B. Naraghi-Anderlini, *Women, Peace and Security: A Policy Audit*, International Alert, June 2001, p. 12, and United Nations, *Women, Peace and Security: Study submitted by the Secretary-General pursuant to Security Council resolution 1325 (2000)*, New York, United Nations, 2002, pp.2-3)

This paper seeks to identify the opportunities and challenges involved in using NAPs to implement UNSCR 1325 at the national level, with a view to identifying processes and components that have been successful elsewhere, and could be adapted to suit the Australian context. In order to do this, I will first position UNSCR 1325 in relation to the broader human rights and protection frameworks, and explore the resolution's scope and implications, as well as the challenges to its full implementation. I will then look at how governments have sought to systematise UNSCR 1325's implementation through NAPs, using the UK and Sweden as relevant case studies. This section will also analyse the benefits and challenges of using NAPs as tools for implementing UNSCR 1325. Given that states are only one group of actors affected by the resolution's mandates, I will then look briefly at UN and civil society level implementation of UNSCR 1325, including initiatives such as the zero-tolerance policy and the Peacebuilding Commission. Finally, I will explore a major gap in the resolution's implementation, which relates to the proliferation of private military and security companies (PMSCs) in contemporary conflicts. In conclusion, I will outline specific recommendations for the implementation of UNSCR 1325 through an Australian NAP.

PART 1: UNSCR 1325 and the International Legal Framework

International legal framework

The first major instrument to exclusively focus on women was the powerfully worded and broad reaching Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which was adopted in 1979, came into force in 1981, and has been ratified by 185 out of 192 countries. Interestingly, only the Convention on the Rights of the Child has more ratifications than CEDAW. The Optional Protocol to CEDAW (which was adopted in 1999 and came into force in 2000) recognizes the right of the Committee on the Elimination of Discrimination Against Women to consider complaints of human rights violations within the jurisdiction of ratifying states, and remains one of the only instruments relating to women with an accountability mechanism. It speaks volumes though, that only 90 states have ratified the Optional Protocol, and the fact that women still suffer marginalisation and discrimination further shows that 'many countries feel they can ignore the prescriptions of CEDAW with impunity'.⁴

The General Assembly's Declaration on the Protection of Women and Children in Emergency and Armed Conflicts (1974) was the first document to address the specific

⁴ Stephen Lewis, *Race Against Time: Searching for Hope in AIDS-Ravaged Africa*, Melbourne, The Text Publishing Company, 2005, p. 113.

vulnerabilities of women and children in conflict zones, and the international legal framework has developed this protection over time by including provisions for women and girls within instruments of international humanitarian law, international human rights law, international criminal law, and international refugee law. These include the UN Convention Against Transnational Organized Crime, which covers trafficking, the Convention on the Rights of the Child and its Optional Protocols, and international humanitarian law such as the Geneva Conventions, which regulate the conduct of hostilities and draw distinctions between combatants and non-combatants, and thus, legitimate and illegitimate targets. The definition of war crimes in the Geneva Conventions has also been expanded to encompass sexual and gender-based violence (SGBV), and ‘command responsibility’ has been established as a basis for liability.⁵ International criminal law also addresses crimes of sexual violence against women and girls during armed conflict, and sexual and gender-based violence have been included as crimes in the statutes of the International Tribunals for the former Yugoslavia and Rwanda, the Rome Statute for the ICC and the Statute of the Special Court for Sierra Leone.⁶

Despite the development of these instruments, women were still being targeted during conflicts, and the Fourth World Conference on Women in Beijing in 1995 identified women and armed conflict as a critical area of concern and called for the upholding and reinforcement of international and human rights law in relation to offences against women and the prosecution of all those responsible for such offences.⁷ Another critical area of concern was the inclusion of women in formal peace processes. The Mission Statement stated unequivocally that ‘[e]quality between women and men is a matter of human rights and a condition for social justice and is also a necessary and fundamental prerequisite for equality, development and peace.’⁸ Despite this, progress remained slow and women remained excluded from peace processes, such as that in Bougainville, and continued to suffer disproportionately during conflicts.

In 2000, a UN General Assembly entitled ‘Women 2000: Gender, Equality, Development and Peace for the 21st Century’ called for the full participation of women at all levels of decision making in peace processes, peacekeeping and peace-building, and explicitly addressed the need to

⁵ Geoffrey Robertson QC, *Crimes Against Humanity: The Struggle for Global Justice*, 3rd ed., London, Penguin Books, 2006, pp. 422-38.

⁶ United Nations Division for the Advancement of Women, "Women, Peace and Security: At a Glance," UN, and IANWGE Taskforce on Women, Peace and Security, *From the Charter to the SCR 1325*, available at <http://www.un.org/womenwatch/ianwge/taskforces/wps/history.html> (accessed 17/3/2008).

⁷ See Beijing Platform for Action, available at <http://www.un.org/womenwatch/daw/beijing/platform/index.html> (accessed 7/4/2008).

⁸ ‘Mission Statement’, Para.1, Beijing Platform for Action.

increase the protection of women and girls in situations of armed conflict.⁹ This, combined with the report of the Secretary-General's Panel on UN Peace Operations,¹⁰ led to the development of the Windhoek declaration and the Namibia Plan of Action on Mainstreaming a Gender Perspective in Multidimensional Peace Operations in June 2000, which in turn preceded the adoption on UNSCR 1325 on 31 October 2000. As such, UNSCR 1325 'was the culmination of several decades of growing realisation of the diverse roles that women play both in conflict and building peace, and the result of active involvement and advocacy by women's organizations.'¹¹

UNSCR 1325 was a landmark resolution because the UNSC had never before turned its full attention to the issue of women, peace and security, and also because it represented the first time that the UNSC officially endorsed the participation of civil society, and particularly women, in formal peace processes and operations. As a Security Council Resolution, 1325 is binding on all UN member states, however, it lacks an enforcement or accountability mechanism, and consequently it holds clout primarily as an advocacy tool and in the realm of norm creation. This presents a challenge to the women's movement to keep UNSCR 1325 on the agenda of national governments and international bodies, and to lobby for its full implementation. This is especially important in light of political actors' tendency to pay lip service to the ideals of women's rights and protection and then shy from implementing relevant policies – this tendency is evidenced in the fact that documents relating to women in conflict zones have been passed regularly since 1974, to little effect. The recent adoption of UNSCR 1820 on sexual violence in situations of conflict further illustrates this trend, and may actually undermine the effectiveness of UNSCR 1325 to some extent, by watering down the issues faced by women in conflict contexts to sexual violence and victim-hood.

UNSCR 1820 was unanimously adopted on 19 June 2008 under the presidency of the US, and further adds to the international legal framework around women's rights, particularly in relation to conflict contexts. This resolution represents the first time that the UNSC has acknowledged that sexual violence can have implications for international peace and security, and belongs on the Council's agenda. This potentially paves the way for the mandates of UN peacekeeping forces to be broadened to include protecting civilians from sexual violence. Central to the resolution is a demand that 'all parties to armed conflict immediately take appropriate measures to protect civilians, including women and girls, from all forms of sexual violence,'

⁹ UN General Assembly Resolution S-23/3, 'Further actions and initiatives to implement the Beijing Declaration and Platform for Action', available at <http://www.un.org/womenwatch/daw/followup/reports.htm#GA%20Resolutions> (accessed 5/4/2008).

¹⁰ *Report of the Panel on United Nations Peace Operations, A/55/305, S/2000/809*, August 2000, available at www.un.org/peace/reports/peace_operations/ (accessed 15/3/2006).

¹¹ IANGWE Taskforce on Women, Peace and Security, *From the Charter to the SCR 1325*.

including through debunking the myths that fuel such violence.¹² UNSCR 1820 also notes that rape and other forms of sexual violence can constitute war crimes, crimes against humanity or constitutive acts with respect to genocide, and stresses the need to end impunity for such crimes. This mirrors the clause on impunity in UNSCR 1325, albeit in stronger language. Interestingly, this resolution explicitly makes the connection that sexual violence may undermine and prevent women's full and effective participation in conflict resolution and peace-building processes. It is also important to note UNSCR 1820's provisions for monitoring and reporting mechanisms, which are absent from UNSCR 1325.

Although this resolution was generally welcomed by international civil society as another instrument to support work on women, peace and security issues, there has been widespread criticism that it reduces women to victims in conflict contexts, and may take the focus away from the broad-reaching and more comprehensive implications of UNSCR 1325.¹³ Critics argue that the prevalence of human rights abuses against women in conflict contexts is not for lack of international legal instruments or norms, but rather is the result of a wide spread reluctance of relevant actors to recognise sexual violence as a serious human rights abuse that undermines peace and security. Thus, efforts should focus increasingly on improving the conceptual acceptance of women's rights, and UNSCR 1820 must be seen as an additional tool to support work on implementing UNSCR 1325.

The protection framework

UNSCR 1325 should be understood in the context of the broader protection framework, as distinct from the international legal framework. Protecting civilians from the excesses of violent conflict has long been a central concern of humanitarian actors, although the ICRC and UNHCR were traditionally the two primary actors engaging in protection work in conflict contexts. However, as the understanding of the dynamics of warfare has developed, so too has the role of humanitarian actors in protection work. Consequently, there has been a proliferation of actors engaging in this sector, and responses have shifted from a narrow focus on the provision of relief to longer-term human security issues. Thus, the protection discourse has extended to hold relevance beyond conflict situations, although it is the protection of civilians in conflict contexts that holds relevance for UNSCR 1325, and will be addressed here.

¹² *Security Council Resolution 1820 (2008)*, (19 June 2008) Article 3.

¹³ See for example Sam Cook, "Security Council Resolution 1820: A Move to End Sexual Violence in Conflict," *1325 PeaceWomen E-News*, No. 102, June 2008, and Kathambi Kinoti, *New Security Council resolution on sexual violence in conflict*, available at http://www.choike.org/nuevo_eng/informes/6828.html (accessed 13/8/2008).

Protection work is based on the concept of the rule of law, and is framed within the human rights discourse. It is generally defined as

all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and spirit of the relevant bodies of law (i.e. human rights law, international humanitarian law and refugee law.) Human rights and humanitarian organizations must conduct these activities in an impartial manner (not on the basis of race, national or ethnic origin, language or gender).¹⁴

This is the ICRC definition, and has clear implications for work around women, peace and security issues. It is important to note that while this is accepted as an overarching definition, actors often have their own working definitions, reflecting their particular agendas. A selection of these is presented in Table 1. Providing and ensuring human security is central to the concept of protection, and for protection work to be effective, it must engage three interlinked approaches: humanitarian, human rights, and political. Unfortunately, protection actors can tend to over-emphasize the humanitarian approach (e.g. deployment of humanitarian protection officers) and underemphasize the political approach – which undermines the establishment of sustainable and meaningful human security.¹⁵ This indicates the need for concurrent bottom-up and top-down approaches to protection, with some actors working at the micro level to alleviate and address the causes and consequences of suffering and insecurity, and others working at the meso and macro levels to negotiate diplomatic and international solutions respectively. The recently developed Responsibility to Protect (R2P) framework has significant implications for the protection discourse, and can be used to inform political approaches to protection. R2P principles reconceptualize the international community's 'right to intervene' in civil conflicts (for example through peacekeeping operations) as a 'responsibility to protect' the citizens of other countries when those states are themselves unable or unwilling to provide for the basic human and security needs of their citizenry.¹⁶ As discussed earlier, UNSCR 1820 may pave the way for peacekeeping forces to be mandated to respond to sexual violence in conflicts, indicating that sexual violence may be considered to constitute a violation of basic human and security needs, triggering the R2P to be transferred to the international community. This normative framework can be used to support work on UNSCR 1325. Essentially, civilian security is the object and goal of protection work, but it cannot be achieved through humanitarian work in isolation of higher-level political

¹⁴ Sorcha O'Callaghan and Sara Pantuliano, "Protective action: Incorporating civilian protection into humanitarian response," London, Overseas Development Institute, December 2007, p. 3.

¹⁵ Giuseppe Calandruccio, "Protection in practice: concepts, strategies and dilemmas", presented at the Roundtable on Protection in Practice hosted by the HPG, Geneva, January 2007, pp. 2-3.

¹⁶ This shift in emphasis was initially made by the International Commission on Intervention and State Sovereignty (ICISS), which was sponsored by the Canadian government, and in 2001 produced the report *The Responsibility to Protect*. See International Commission on Intervention and State Sovereignty, *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty*, Ottawa, International Development Research Centre, 2001.

actions designed to promote behaviour and normative change around human rights. Thus, UNSCR 1325 is one element of the broader protection agenda, and action must be taken on all three levels in order to fully implement the resolution. This will become apparent in the analysis of the resolution and its implications, below.

Table 1: Definitions of Protection

| Agency | Focus of approach to protection |
|---------------------------------|---|
| ICRC | Safety, integrity and dignity. For the ICRC, protection, in its strictest sense, encompasses those activities aimed at obtaining full respect for the rights of the individual and of the obligations of the authorities/arms bearers in accordance with the letter and the spirit of international humanitarian law and other fundamental rules which protect persons in situations of violence. This includes activities aimed at preventing, putting an end to, and avoiding the recurrence of violations and human suffering, as well as activities aimed to mitigate human suffering and help people overcome the consequences of abuses. ¹⁷ |
| UNHCR | A range of concrete activities that ensure that all women, men, girls and boys of concern to UNHCR have equal access to and enjoyment of their rights in accordance with international law. The ultimate goal of these activities is to help them rebuild their lives within a reasonable amount of time. |
| UNICEF | Freedom from violence, injury or abuse, neglect, maltreatment or exploitation. |
| OCHA | All activities aimed at ensuring full respect for the rights of the individual in accordance with international human rights law, international humanitarian law, and refugee law. A concept that encompasses all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and spirit of human rights, refugee and international humanitarian law. Protection involves creating an environment conducive to respect for human beings, preventing and/or alleviating the immediate effects of a specific pattern of abuse, and restoring dignified conditions of life through reparation, restitution and rehabilitation. |
| NRC (Norwegian Refugee Council) | Protection of refugees and IDPs involves protection of rights pursuant to internationally accepted conventions, principles and standards. |
| IRC | All activities aimed at ensuring full respect for the rights of the individual in accordance with the letter and spirit of the relevant bodies of law. |
| WFP | Protection programming is understood in terms of 'safe and dignified programming'. |
| Oxfam | Protection is described as safety from violence, coercion and deliberate deprivation. |
| MSF-H | Protection is described as freedom from violence, abuse and deliberate neglect. |
| Save the Children | Protection is described as freedom from violence, injury or abuse, neglect, maltreatment or exploitation. |

Source: Adapted from O'Callaghan and Pantuliano, "Protective action," p. 13.

Scope and implications of UNSCR 1325

UNSCR 1325 has implications in four interrelated areas, namely the participation of women in decision-making and peace-processes, the incorporation of gender perspectives and training in peacekeeping, the protection of women, and gender mainstreaming in UN reporting and implementation mechanisms.

The first four articles of UNSCR 1325 mandate member states and the Secretary-General to increase and ensure the participation of women at all levels of decision-making and peace-processes. They include an encouragement to 'expand the role and contribution of women in

¹⁷ Angelo Gnaedinger, 'Protection of civilians in conflict – the ICRC perspective', address to the Humanitarian and Resident Coordinators' Retreat, Geneva, 9 May 2007.

United Nations field-based operations, and especially among military observers, civilian police, human rights and humanitarian personnel', and to increase the 'representation of women at all levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict.'¹⁸ Although the implications of this part of the resolution are clear and entail the building of a critical mass of women involved in decision-making and peace-processes, the lack of quotas for women's participation and appointments is problematic. Therefore, women's groups, as well as other NGOs, UN agencies and governments, must take it upon themselves to monitor and lobby to ensure the inclusion and participation of women in these processes. Evidence shows that, in the years since UNSCR 1325 was passed, progress on these matters has been slow. It is clear that women play important roles in peace processes, in part through grass-roots peace initiatives. An example of the involvement of grass-roots women's peace initiatives in peace processes can be found in Columbia, where women's groups 'are leading new efforts since the 2002 collapse of the dialogues to raise awareness of the human costs of the conflict in that country and to call for peace negotiations to include women and civil society.'¹⁹ The involvement of women in formal peace processes also has clear benefits, and Elisabeth Porter argues that these benefits are threefold. Firstly, peace processes ideally both resolve conflicts, and establish the conditions and foundations for just societies that take into account diverse perspectives – women's inclusion is essential to this. Secondly, women's involvement is a vital element of inclusive social justice. Thirdly, the involvement of women generally affects the range of issues addressed in policy and decision-making contexts, with issues of health, education, nutrition, childcare and human security brought to the table when they might otherwise have been overlooked.²⁰ Despite playing these important roles, women often remain excluded from official processes and negotiations.²¹ For instance, women were altogether absent from the Peace Negotiations of Darfur that took place in Abuja, Nigeria, and were only marginally involved in the Sudanese North-South Peace Negotiations in 2005.²² On the other hand, the Afghan Women's Summit was an influential player in the peace and reconstruction process in Afghanistan, and women were included as Observers in the Liberian peace negotiations, illustrating some international commitment to the ideal of ensuring equal

¹⁸ *Security Council Resolution 1325 (2000)*, (31 October 2000), Articles 1-4.

¹⁹ United Nations, "Facts and Figures on Women, Peace and Security," New York, United Nations Department of Public Information, 2005, p. 6

²⁰ Elisabeth Porter, *Women and security: 'You cannot dance if you cannot stand.'* OpenDemocracy, September 2005, available at http://www.opendemocracy.net/democracy-resolution_1325/dance_2937.jsp (accessed 19/5/2008), pp. 2-3.

²¹ Elisabeth Rehn and Ellen Johnson Sirleaf, "Women, War, Peace: The Independent Experts' Assessment on the Impact of Armed Conflict on Women and Women's Role in Peace-Building (Progress of the World's Women 2002, Vol.1, Executive Summary)," New York, United Nations Development Fund for Women, 2002, pp. 19-20.

²² United Nations, "Facts and Figures on Women, Peace and Security," p.6.

participation of the sexes in peace processes.²³ It is also important to note that, although women accounted for 25 percent of the total civilian personnel in UN peacekeeping missions as at June 2005, they constituted only one percent of the military contingents, and 4.4 percent of the civilian police.²⁴ This shows that a great deal of work remains to ensure the full implementation of UNSCR 1325 in relation to the participation of women in decision-making and peace processes.

The second part of the resolution addresses the importance of incorporating gender perspectives and training into peacekeeping operations, expressing UNSC 'willingness to incorporate a gender perspective into peacekeeping operations' and urging 'the Secretary-General to ensure that, where appropriate, field operations include a gender component'.²⁵ 1325 goes on to mandate that the Secretary-General provide training guidelines and materials on gender issues to Member States, and ask that all military, police and civilian personnel in peacekeeping operations receive this training, as well as HIV/AIDS awareness training. It 'urges' Member States to increase their support for gender-sensitive training efforts, and '[c]alls on all actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective'.²⁶

The UNSC's acknowledgement of the importance of incorporating gender perspectives and gender components into peacekeeping operations has significant implications for establishing gender equality as a cornerstone of all interventions, however the weak language may undermine the implementation of this article. It is telling that in 2005, only 6 of the 70 Security Council resolutions adopted made reference to UNSCR 1325, and only 5 mentioned or condemned SGBV.²⁷ On the other hand, 17 resolutions mentioned the UN's zero tolerance policy toward sexual abuse and exploitation by UN personnel.²⁸ There has been progress in terms of establishing gender offices within interventions, and as at September 2005, 10 of the 18 peacekeeping and political missions had a full-time gender advisor. Those that did not, had Gender Focal Points.²⁹ However, some analysts argue that the gender mandates contained in mission mandates are not adequately reflected in the operational directives and ToRs produced by

²³ For a discussion of the role of the Afghan Women's Summit in the Afghan peace and reconstruction process, see Jessica Neuwirth, "Women and Peace and Security: The Implementation of U.N Security Council Resolution 1325," *Duke Journal of Gender Law & Policy*, Vol. 9, Summer 2002, pp. 253-61.

²⁴ United Nations, "Facts and Figures on Women, Peace and Security," p. 3.

²⁵ *Security Council Resolution 1325 (2000)*, Article 5.

²⁶ *Security Council Resolution 1325 (2000)*, Articles 7-8.

²⁷ NGO Working Group on Women, Peace and Security, "Accountability for Implementing Security Council Resolution 1325," New York, NGO Working Group on Women, Peace and Security, October 2007, p. 4.

²⁸ NGO Working Group on Women, Peace and Security, "Accountability for Implementing Security Council Resolution 1325," p. 4.

²⁹ Missions with a full-time gender advisor included UNAMA in Afghanistan, ONUB in Burundi, ONUCI in Côte d'Ivoire, MONUC in the DRC, MINUSTAH in Haiti, UNMIK in Kosovo, MUMIL in Liberia, UNAMSIL in Sierra Leone, UNMIS in Sudan and UNOTIL in Timor-Leste. See United Nations, "Facts and Figures on Women, Peace and Security," p. 3.

the UNSC.³⁰ Another challenge to the implementation of this part of the UNSCR 1325 is the lack of Member State commitment to provide funds for gender and HIV/AIDS awareness training for operation personnel, although some states, such as Canada and the UK, have begun to provide such training to their peacekeepers.³¹

UNSCR 1325 also has major implications for the protection of women in conflict zones and during humanitarian interventions. It '[c]alls upon all parties to armed conflict to respect fully international law applicable to the rights and protection of women and girls, especially as civilians,' and 'to take special measures to protect women and girls from gender-based violence ..., and all other forms of violence in situations of armed conflict'.³² The resolution also calls for Member States to end impunity for genocide, crimes against humanity and war crimes, including those relating to SGBV, and 'stresses the need to exclude these crimes ... from amnesty provisions'.³³ It goes on to encourage actors to take into account the different needs of women and men in refugee camps and during DDR processes, and to commit the UNSC to ensuring that gender considerations are taken into account when mandating peacekeeping missions, in consultation with women's groups.

A major implication of this part of UNSCR 1325 is that all actors can be held accountable for crimes against women during conflicts and peace processes. The concurrent problem is that ensuring accountability is difficult in the absence of an effective monitoring mechanism, which could take a similar form to the Committee on the Elimination of Discrimination Against Women, or the accountability tools established in UNSCR 1612 (2005) on Children and Armed Conflict. These include leadership, mandate reform, incentives, monitoring and reporting mechanisms, and a compliance regime.³⁴ The accountability deficit inherent in UNSCR 1325 can potentially be mitigated at least in part by the full and proper implementation of UNSCR 1820, which has stronger accountability measures, including provisions for regular and systematic reporting on the issue of sexual violence in conflict contexts. Despite the fact that accountability mechanisms are not explicitly set out in UNSCR 1325, some accountability structures have been developed in response to the resolution, such as Gender Focal Points. These have been established in all peacekeeping operations to facilitate the receipt of complaints of sexual abuse and exploitation by peacekeeping forces.³⁵ This is an important move to address the problem of

³⁰ See NGO Working Group on Women, Peace and Security, "Accountability for Implementing Security Council Resolution 1325," p. 4.

³¹ Naraghi-Anderlini, *Women, Peace and Security: A Policy Audit*, p. 41.

³² *Security Council Resolution 1325 (2000)*, Articles 9-10.

³³ *Security Council Resolution 1325 (2000)*, Article 11.

³⁴ UNIFEM, "Progress of the World's Women 2008/08: Who Answers to Women? Gender and Accountability," New York, UNIFEM, 2008, pp. 98-100.

³⁵ United Nations, "Facts and Figures on Women, Peace and Security," p. 3.

organized prostitution that often arises in response to a major military presence in conflict zones. It has been bolstered by the Secretary-General's directive on sexual exploitation and abuse, which established a zero-tolerance policy applying to all personnel in peacekeeping operations,³⁶ and the training on sexual exploitation and abuse that is now compulsory for all operation personnel. Ending impunity for war crimes and SGBV against women is an important step in elevating women's rights to an integral aspect of sustainable peace. As Ellen Johnson Sirleaf argues,

accountability on the part of states and societies for crimes against women means more than just punishing perpetrators. It means establishing the rule of law and a just social and political order. Without this, there can be no lasting peace. Impunity weakens the foundation of societies emerging from conflict by legitimising violence and inequality. It prolongs instability and injustice and exposes women to the threats of renewed conflict.³⁷

The resolution also has significant implications for disarmament, demobilisation and reintegration (DDR) and security sector reform (SSR) processes, which are 'encouraged' to adopt gender-perspectives. Although gender was effectively mainstreamed during the DDR in Liberia, where 24 percent of the demobilized forces were women, it has remained sidelined in many other interventions, such as in Eritrea, where women made up 30 percent of the People's Liberation Front, but constituted only 17 percent of combatants demobilized. Women were similarly overlooked during the DDR in El Salvador.³⁸ The consequences of excluding women from DDR can be severe. As Dan Smith argues, the influx of cash and opportunities for men as a result of gender-blind DDR is coupled with a comparative lack of money and opportunities for women, which can result in increased prostitution, urbanization and criminality.³⁹ A serious repercussion of this may be increased HIV-infection rates. The final implication of this third part of the resolution is that women's groups are recognised as important and legitimate participants in the planning process of UNSC missions, and the UNSC undertakes to consult them as necessary.

UNSCR 1325 addresses gender mainstreaming in UN reporting and implementation mechanisms in its final two articles. Firstly, the Council requested that the Secretary-General carry out a study 'on the impact of armed conflict on women and girls, the role of women in peace-building and the gender dimensions of peace processes and conflict resolution'. This resulted in the publication in 2002 of the 'Report of the Secretary-General on Women, Peace and

³⁶ *Secretary-General's Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse, ST/SGB/2003/13.*

³⁷ Ellen Johnson Sirleaf, "United Nations Security Council Resolution 1325: What are the Challenges?" Paper presented at the Wilton Park Conference, London, May 30, 2006.

³⁸ United Nations, "Facts and Figures on Women, Peace and Security," p. 5.

³⁹ Dan Smith, "Why SCR 1325 and gender matter", in GAPS, *Involving Men in the Implementation of UN Security Council Resolution 1325 on Women, Peace and Security*, London, 2007, pp. 7-8.

Security', and the study *Women, Peace and Security*.⁴⁰ Lastly, UNSCR 1325 mandates that gender be mainstreamed in reports on peacekeeping missions and other issues relating to women and girls. This mainstreaming is largely the Secretary-General's responsibility, and implies that reports on peacekeeping missions will be disaggregated by gender as necessary to track progress on achieving gender equality. This is important, but risks undermining reporting quality unless adequate resources are invested in supporting consultations and data-collection processes.

Challenges to implementation

As a policy with such broad scope and wide ranging implications, it is unsurprising that there are numerous challenges and impediments to the comprehensive implementation of UNSCR 1325. Perhaps the most daunting obstacle to successfully implementing UNSCR 1325 is the lack of political will to do so, given that implementation would 'fundamentally shift the gendered distribution of power'.⁴¹ The history of the women's movement and the development of the international legal regime around women's rights illustrate all too well the fact that nations are often willing to pay lip-service to ideas of women's rights, gender equality, gender mainstreaming and protection, but are loath to commit the financial, human and logistical resources necessary to addressing them. As Stephen Lewis argues, '[t]he paucity of progress following global meetings ... has little to do with the women; it has everything to do with the monolithic walls of male authority, and how indescribably tough it is to bring those walls down.'⁴² Weak political will is especially problematic when coupled with a lack of enforcement or monitoring mechanisms. It is a false security to assume that a resolution alone is enough to achieve behavioural changes such as those implied by UNSCR 1325, and so civil society groups must remain active in their advocacy for relevant changes and implementation. Also, it is possible to influence action and compel compliance through creating norms, and so the more nations develop National Action Plans (NAPs), the harder it is for other nations to act outside the norms created without being held to account. A related challenge is the fact that there remains limited understanding of the importance of gender perspectives in establishing sustainable peace and security, and many actors fail to understand the gender dimensions of CHEs.⁴³

⁴⁰ United Nations, *Women, Peace and Security: Study submitted by the Secretary-General pursuant to Security Council resolution 1325 (2000)*, and United Nations Secretary-General, "Report of the Secretary-General on Women, Peace and Security", S/2002/1154, UN, New York, October 2002.

⁴¹ Cohn, "Feminist peacemaking," p. 8.

⁴² Lewis, *Race Against Time*, p. 115.

⁴³ For a more detailed discussion of this, see NGO Working Group on Women, Peace and Security, "Accountability for Implementing Security Council Resolution 1325," , p. 2.

Another major challenge to the implementation of UNSCR 1325 is poverty, and particularly the feminization of poverty. Sirleaf argues that '[a]s conflict escalates, the patterns of discrimination against women tend to become exacerbated. Consequently, women become more susceptible to the marginalisation and sufferings that are engendered by armed conflict.'⁴⁴ This increases the socio-economic inequities between genders, which is described as the feminization of poverty. To achieve sustainable peace and security, it is therefore necessary to address the social structures that institutionalise asymmetries between men and women. This necessitates an international move to transform structures and conditions resultant of a history of male domination.

Another challenge to the implementation of UNSCR 1325 in its mandate for the protection of women and girls in conflict zones from SGBV by peacekeeping personnel lies in the contradicting legal standards to which military and police personnel are subject. If, for example, prostitution is legal in a soldier's home country, or SGBV is relatively un-stigmatised, it will be difficult to convince that soldier (and potentially his superiors) of its unacceptability in a peacekeeping mission. It is important to note here the overlap with other international legal standards and structures to which parties to armed conflict are subject, particularly the Geneva Conventions and the ICC. In the Rome Statute, war crimes include 'committing rape, sexual slavery, enforced prostitution, forced pregnancy ... enforced sterilization, or any other form of sexual violence also constituting a grave breach of the Geneva Conventions.'⁴⁵

Although UNSCR 1325 is a powerful advocacy tool, partly because of its global consistency and legitimisation of the participation of civil society in peace processes, it remains problematic that many actors remain unaware of its existence.⁴⁶ Surprisingly, in the mainstream literature around humanitarian intervention and peacekeeping, UNSCR 1325 is rarely mentioned. Its advocates are, understandably, concentrated in the international women's movement, but it is imperative that they disseminate information to the wider population and the range civil society and social justice groups, and increase awareness of the importance and implications of the resolution. It is especially vital that men are involved in the advocacy for and implementation of UNSCR 1325. As Margaret Owen argues, the resolution is 'important for all aspects of conflict prevention, peace-building and post-conflict reconstruction, and men in the judiciary, policy making and the armed forces must be convinced of its relevance to their work.'⁴⁷

⁴⁴ Sirleaf, "United Nations Security Council Resolution 1325: What are the Challenges" , pp. 4-5.

⁴⁵ *Rome Statute of the International Criminal Court*, (1998), Article 8.

⁴⁶ Elisabeth Porter, *Peacebuilding: Women in International Perspective*, Routledge, London, 2007, p. 19.

⁴⁷ Margaret Owen, "Chair's Introduction", in GAPS, *Report on Involving Men in the Implementation of UN Security Council Resolution 1325 on Women, Peace and Security*, London, 2007, p. 7.

The responsibility for the implementation of UNSCR 1325 lies with a collection of actors, including national governments, international organizations, and civil society. The seven years since the adoption of UNSCR 1325 have seen moves by various actors to implement the resolution, and it is to these actions that I now turn my attention.

PART 2: National Action Plans

Member States play a critical role in implementing SCR 1325 at the national and local levels. Because national governments participate in peacekeeping and rebuilding efforts and conflict prevention, their commitment to women, peace and security makes the difference between either ensuring that women have agency in survival and reconstruction efforts, or leaving existing structures of discrimination, poverty or violence unchanged.⁴⁸

As UNSCR 1325 is a binding but non-enforceable resolution, national governments can play an important role in ensuring adherence to the resolution by developing National Action Plans (NAPs). However, where governments have not yet developed such plans, UNSCR 1325 provides civil society and other actors with a platform from which they can demand government accountability to the norms and responsibilities set out in UNSCR 1325, and lobby for the development of an NAP.

Friends of 1325 is a voluntary, ad hoc group of UN Member States that has been instrumental in advocating for the implementation of UNSCR 1325 at government level. Indeed, a number of its members have pioneered the development of NAPs on 1325, and all countries with NAPs belong to this group, except Spain, Iceland and Norway. Australia is a member of this group, although it has not yet committed to developing an NAP. Denmark, Canada and Sweden were the first countries to adopt NAPs on 1325 in 2004-05, followed by Norway and the UK in 2006, Switzerland, Austria, the Netherlands and Spain in 2007, and the Côte d'Ivoire, Iceland, Finland and the Philippines in 2008. Liberia is currently in the process of developing an NAP.⁴⁹ It is important to note here that some countries are using alternative strategies to implement

⁴⁸ NGO Working Group on Women Peace and Security, "From Global to Local: Making Peace Work for Women," New York, 2005, p. 48.

⁴⁹ Initiative for Peacebuilding, 'IfP local workshops on women's peacebuilding priorities in Liberia,' June 2008, Available at http://www.initiativeforpeacebuilding.eu/resources/IfP_local_workshops_in_Liberia_on_women.pdf (accessed 2/11/08)

UNSCR 1325 at national level. For example, in place of developing an NAP on 1325, Fiji has opted to integrate the resolution's provisions into a broader gendered framework.⁵⁰

A brief survey of existing NAPs indicates a number of trends in the processes by which they were developed and adopted. These were: (i) the conducting of gender audits to determine both the internal and external contexts of women, peace and security issues, and identify priority areas; (ii) the establishment of broad-based working groups or taskforces to guide and oversee the development of an NAP; (iii) the establishment of monitoring and accountability mechanisms, with defined goals and indicators; and (iv) the allocation of appropriate resources to facilitate the implementation of the plan.⁵¹ These processes benefit from the use of bottom-up strategies and integrated approaches, as the participation of all stakeholders is thereby ensured, thus increasing ownership and commitment to the achievement of the goals set out in the plan.⁵² Despite such trends, and the similarities between the plans themselves, it is important to note that an NAP's effectiveness is contingent on it being tailored to fit its specific country context.

Nevertheless, it is useful to look in detail at the cases of the UK and Sweden in order to inform an understanding of the possibilities and challenges Australia may face when developing and adopting an NAP on UNSCR 1325. The UK is a relevant case study given the similarities between the British and Australian political and legal systems, and the common historical background. Sweden, on the other hand, presents quite a different example, and is relevant to this paper because it is WILPF's preferred model for Australia. Sweden took a more participatory approach to the development of its NAP than the UK, involving a wide range of civil society actors in the official process. While the UK's NAP is 'high level,' Sweden's is a more detailed document that sets out goals, and identifies actors responsible for achieving them.

United Kingdom

The UK has long been a significant actor in the push to develop international standards and regulations around civilian protection issues. It was at the fore of the movement calling for the UNSC to adopt a resolution on women, peace and security, and in October 2004 encouraged Member States to develop NAPs during a UNSC Presidential Statement.⁵³ However, there was a significant delay in support for UNSCR 1325 at the international level translating into a

⁵⁰ For a detailed discussion of this, see NGO Working Group on Women Peace and Security, "From Local to Global," pp. 70-72.

⁵¹ For a detailed study of these trends, see NGO Working Group on Women Peace and Security, "From Local to Global," p. 51-52, and UN-INSTRAW, "Securing Equality, Engendering Peace: A Guide to Policy and Planning on Women, Peace and Security (UNSCR 1325)," Santo Domingo, 2006, pp. 28-51.

⁵² Camilla Sugden, "SCR 1325: National Implementation in Action", paper presented at the Panel Discussion: Inclusive Security, Sustainable Peace: Tools for Action, Brussels, November 29, 2005, pp. 2-3.

⁵³ *Statement by the President of the Security Council, S/PRST/2004/40*, p. 3.

commitment to systematise its implementation at the national level – as evidenced by the fact that the UK NAP was adopted six years after the resolution was passed.

The Foreign and Commonwealth Office (FCO) was the primary actor responsible for the development of the NAP, with its Human Rights Department and Conflict Issues Group (CIG) leading the process. Other key actors were the Ministry of Defence (MOD) and Department for International Development (DFID), which, together with the FCO, formed the Whitehall 1325 Action Plan Working Group and were tasked with developing the NAP. DFID and the MOD have particularly significant roles, in that they act as the interface between the field-level and policy-level in relation to the implementation of UNSCR 1325, given that the FCO is not an implementing actor. NGOs also play an important role in this process. The Associate Parliamentary Group on Women Peace and Security was established mid-2006, and brings actors from the FCO, DFID, and MOD together with NGO actors, including from GAPS, UNIFEM UK, WILPF, Amnesty International and Womankind.⁵⁴ This group is designed to make civil society and academic voices heard at parliamentary level, and advocates for the implementation of UNSCR 1325 across the government. A third influential group is the UK NGO Working Group on Women, Peace and Security, which is made up of representatives from NGOs, women's networks, researchers and the gender section of the Commonwealth Secretariat.⁵⁵ This group was established in 2004 and engaged with the Whitehall 1325 Action Plan Working group during the development process of the draft NAP. However, such NGO engagement in official processes was not systematised, and civil society was entirely excluded from engaging in the gender audit, or accessing the results.⁵⁶ This is problematic, causing a separation between government and non-government actors and processes, which can potentially undermine the effectiveness of the NAP in implementing UNSCR 1325. There is also criticism that the process of cross-departmental communication during the development of the NAP, particularly between the FCO, DFID and MOD, lacked transparency, a factor that could also impact the NAP's effectiveness.⁵⁷

The FCO carried out a gender audit, which identified existing structures, mechanisms, and activities related to gender across government structures, and established whether they could be built upon to facilitate the implementation of UNSCR 1325.⁵⁸ This audit, combined with

⁵⁴ Northern Ireland Women's European Platform, "Wilton Park and Associate Parliamentary Group (NIWEP AGM 12 September 2006: Report on 1325)," available at <http://www.niwep.org.uk/id51.html>, (accessed 20/4/2008).

⁵⁵ NGO Working Group on Women Peace and Security, "From Local to Global," p. 54.

⁵⁶ NGO Working Group on Women Peace and Security, "From Local to Global," p. 54.

⁵⁷ Amy Barrow, "Paying Lip Service? The Application of Gender-Mainstreaming Policies in a Peace and Security Context," paper presented at the ISA's 49th Annual Convention: Bridging Multiple Divides, San Francisco, March 2008, p. 25.

⁵⁸ NGO Working Group on Women Peace and Security, "From Local to Global," pp. 54-55.

consultations with the working groups, informed the development of a twelve-point NAP, which was launched on International Women's Day 2006.

The NAP covers five thematic areas: (i) UK support to the UN; (ii) training and policy within Her Majesty's Government (HMG); (iii) gender justice, including gender-based violence; (iv) disarmament, demobilization and reintegration (DDR); and (v) working with NGOs.⁵⁹ The document itself is quite skeletal, establishing no benchmarks or monitoring mechanisms, nor identifying how the plan will be financed. In the first section, the plan commits the government 'to ensure that gender elements are incorporated in the objectives of [UNSC] missions to areas of conflict, and make recommendations relating to women and girls in any follow up reports', 'to ensure that gender perspectives are reflected in all relevant [UNSC] mandates for peacekeeping/support operations, and to include gender perspectives when negotiating UN peace agreements, ensuring that they are subsequently adopted', 'to continue to incorporate gender perspectives into UN peacekeeping operations; support the requirement to finance gender units; and support gender unit's/specialists' requirement for access to senior level decision makers', and 'to provide financial support to the UNDP/BCPR in support of mainstreaming gender and UNHCR work with Age, Gender and Diversity Mainstreaming (AGDM) and reduction of gender-based violence against refugees.' Next, it commits HMG 'to raise awareness amongst key programme/project stakeholders of the importance of taking into consideration gender issues in programme/project activity', and the MOD 'to undertake an audit of gender content of pre-deployment training, ... develop gender awareness training and raise awareness of the UN Code of Conduct on personal behaviour [where necessary ... and] incorporate gender perspective related training into other military and conflict related personnel doctrines [where appropriate].' The government then undertakes to 'encourage international institutions, civil society, and UN Member States to identify suitably qualified female candidates for positions within their own countries/establishments in an attempt to increase the number of women at senior decision-making levels in conflict resolution and peace-building.' In the last point in the second section, the government commits to 'continue to deploy, where appropriate, female personnel on operations.' In relation to gender justice, the government commits to 'promote justice for women and tackle gender based violence in post-conflict situations', and 'to continue to implement its Sexual Exploitation and Abuse (SEA) Strategy.' Next, the government undertakes to 'address gender issues in UK supported DDR programmes,' and lastly, 'to liaise with NGOs, civil society

⁵⁹ *UK National Action Plan to Implement UNSCR 1325*, (2006), available at http://www.peacewomen.org/national/United_Kingdom.pdf, (accessed 2/4/2008).

and Parliamentarians on the implementation of SCR 1325, continuing regular dialogue on gender related issues.’⁶⁰

Although time frames and gender budgets are not explicitly set out, it has been indicated that the action points can be realised in the short-term.⁶¹ However, the lack of resources available during the development stages of this NAP made broad stakeholder consultations impossible, and may undermine the implementation and ownership of the plan in the short- to medium-term.⁶² Specifically in terms of ownership, it is illustrative that DFID in 2006 presented a draft conflict policy paper that failed to mention gender or UNSCR 1325. After submissions by various groups, including WILPF, which called for the incorporation of a gender perspective into the policy, the report was redrafted to include sections on gender issues and UNSCR 1325.⁶³ In terms of the content of the NAP, it is problematic that the plan focuses on the UK’s engagement in peacekeeping operations, and does not address issues of incorporating local actors into official peace processes, nor of increasing women’s access to decision-making processes in post-conflict situations. In this way, the plan does not do enough to address gender relations on the ground, which is a significant focus area of UNSCR 1325. Another issue that the UK NAP does not address is that of how UNSCR 1325 can be used to address domestic conflict within the UK. Although this issue has not been included in any other NAPs, some of UNSCR 1325’s provisions can be applied to non-violent conflict contexts, especially those relating to women’s access to decision-making processes and the incorporation of local actors into official peace processes. The inclusion of provisions for this domestic application of UNSCR 1325’s mandates in NAPs is more obvious in conflict-affected states, however it is also an important consideration in developed and non-conflict-affected developing states.

Somewhat countering these challenges, the UK’s NAP is often described as a ‘living document’, and as such there are expectations that it will be reviewed and revised regularly. Such an evaluation process provides civil society actors with an opportunity to engage with government to strengthen the NAP in the future. However, the timeframe for such review processes is unclear, and no evaluation has been publicised to date.

⁶⁰ *UK National Action Plan to Implement UNSCR 1325.*

⁶¹ Amy Barrow, "Overview and Analysis of the UK Government's Action Plan for the Implementation of UN Security Council Resolution 1325," paper presented at the Roadmap to 1325 Conference, Berlin, May 2007, p. 2.

⁶² NGO Working Group on Women Peace and Security, "From Local to Global," p. 58.

⁶³ WILPF UK, *WILPF's Response to DFID's Draft Conflict Policy Paper*, November 2006, available at http://www.peacewomen.org/national/WILPF_DFID_06.pdf, (accessed 6/6/2008).

Sweden

Like the UK, Sweden has long been an active participant in the international human rights and gender equality movements, and the movement to protect civilians, and particularly women, from the excesses of conflict. Sweden was among the first countries to ratify CEDAW, has worked to promote the achievement of the Beijing PFA, and was also among the first three countries to adopt national action plans on 1325. Sweden launched its NAP in 2005 as one component of a holistic policy regime which also incorporates a special plan of action to strengthen respect for human rights (2005), a policy for Sweden's international work for sexual and reproductive health and rights (2005), and a plan of action to counter prostitution and human trafficking for sexual purposes, particularly women and children (2006).⁶⁴

An Inter-Ministerial Working Group, under the leadership of the Ministry for Foreign Affairs, was established by the Swedish Government in 2004, and tasked with developing an NAP on 1325. Members of this group included representatives from the Prime Minister's Office, and the Ministries of Defence, Justice, and Industry and Trade.⁶⁵ Civil society was not represented on this working group, however, the development of the NAP was informed by systematic dialogue with stakeholders, including NGOs, researchers, international organizations, and other countries.⁶⁶ This dialogue involved, amongst other things, a seminar on international experience and a consultative seminar.

The NAP development process was informed by a report, commissioned by the Ministry for Foreign Affairs, that explored the ways in which UNSCR 1325 was being implemented by the UK, the Netherlands, and Canada, and made ten key recommendations for implementation in Sweden.⁶⁷ The process was also based on a gender audit, which identified both the ways in which Sweden was already implementing UNSCR 1325, and the gaps in implementation.⁶⁸

Sweden's action plan on UNSCR 1325 is grounded on the premise that '[t]he participation of women and their enjoyment of human rights is a prerequisite for sustainable peace, development and democracy,' and its overarching goal is 'to make visible and strengthen women's participation, power, influence, importance, security and enjoyment of their human

⁶⁴ *The Swedish Government's action plan to implement Security Council Resolution 1325 (2000) on Women, peace and security*, (2005), available at <http://www.frauensicherheitsrat.de/data/1325-nap-sve.pdf> (accessed 20/3/2008), pp. 2-3.

⁶⁵ *The Swedish Government's action plan to implement Security Council Resolution 1325 (2000) on Women, peace and security*, p. 3.

⁶⁶ *The Swedish Government's action plan to implement Security Council Resolution 1325 (2000) on Women, peace and security*, p. 6.

⁶⁷ Gunilla de Vries Lindestam, "Making it Work: Experiences in Canada, the Netherlands and the United Kingdom with Recommendations for Sweden's Implementation of Security Council Resolution 1325," Uppsala, Uppsala University Collegium for Development and Assistance Studies, 2005, pp. 50-52.

⁶⁸ NGO Working Group on Women Peace and Security, "From Local to Global," p. 62.

rights before, during and after conflict.⁶⁹ Especially in comparison to the UK's NAP, Sweden's NAP is a detailed and comprehensive document, which clearly sets out activities to be undertaken and those actors responsible for doing so. The plan was designed to cover a three-year period (2006-2008), during which time there was to be a half-time review, and funding sources were identified.

The action plan gives priority to measures that aim to: (i) ensure the full and equal participation of women in conflict zones in terms of 'conflict prevention, crisis management, peace-building, humanitarian operations and other efforts during a post-conflict phase'; (ii) strengthen the protection of women and girls in connection with conflicts based on a needs assessment undertaken by affected women themselves; and (iii) ensure the increased participation of women in international peace- and security-building processes.⁷⁰

The action plan contains activities for implementation at three levels: national, regional (e.g. EU, OSCE), and international (e.g. UN). The plan stresses that actions at these distinct levels are mutually reinforcing and should be well coordinated.

The NAP sets out a three-tiered approach at national level, identifying actions necessary to implement UNSCR 1325 in relation to: (i) improved forms of national collaboration, development of knowledge, and methods and resources; (ii) Sweden's active commitment to conflict prevention, conflict management, and policy development; and (iii) peace support operations.⁷¹

The NAP grounds the section on EU level actions on Sweden's 'special and obvious interest in, and responsibility for, the full implementation of Resolution 1325 in the [EU's] external relations', which is consequent of membership to the EU.⁷² The action plan commits Sweden to continue to ensure the integration of UNSCR 1325 into European Security and Defence Policy (ESDP), and to intensify measures to integrate UNSCR 1325 into the EU's external relations, including the Common Foreign and Security Policy (CFSP) and development cooperation. In terms of other regional level actions to be taken, such as within the OSCE and

⁶⁹ *The Swedish Government's action plan to implement Security Council Resolution 1325 (2000) on Women, peace and security*, p. 1, and p. 6.

⁷⁰ *The Swedish Government's action plan to implement Security Council Resolution 1325 (2000) on Women, peace and security*, p. 6.

⁷¹ *The Swedish Government's action plan to implement Security Council Resolution 1325 (2000) on Women, peace and security*, pp. 8-12.

⁷² *The Swedish Government's action plan to implement Security Council Resolution 1325 (2000) on Women, peace and security*, p. 12.

NATO, Sweden commits to 'strive' to implement UNSCR 1325 within those organisational frameworks.⁷³

In terms of international-level activities, Sweden undertakes to support and hasten the full implementation of UNSCR 1325 in peace support activities, primarily in relation to issues for which the Ministry of Foreign Affairs has responsibility. This involves supporting the Peace-building Commission, and opposing impunity for gender-based violence, amongst other things.⁷⁴

In contrast to the UK's NAP, Sweden's action plan sets out specific goals and activities to be undertaken by the relevant actors, and was based on a more open development process which involved and consulted stakeholder groups in a more comprehensive way. As a consequence, Sweden's NAP has a greater likelihood of facilitating the incorporation of UNSCR 1325 into national policy and the day to day activities of relevant government departments and actors.

Other manners of implementation

It is important to note that governments have identified numerous ways to implement UNSCR 1325 in the absence of developing an action plan. For instance, before developing an NAP, Canada provided funding to the ICC to ensure that a gender component is included in judge-training, and, in partnership with the UK, developed a set of gender-training materials for military and civilian police personnel deployed in peace operations.⁷⁵ In Denmark, the Defence Command has a standing policy of issuing individual gender-based directives for each international military operation. For example, the rules of engagement for the Danish army in Iraq made it obligatory for soldiers to use force 'when confronted with grave criminal acts such as rape and human trafficking.'⁷⁶ Australia is also engaged in activities to implement UNSCR 1325, despite not yet having developed an NAP on the resolution. To date, the Australian government has, at times, deployed female soldiers to peace operations and engaged women in truce monitoring missions. It has also incorporated a gender-training module into the pre-deployment training for peacekeepers, and has supported women's organizations in the Asia-Pacific region.⁷⁷

⁷³ *The Swedish Government's action plan to implement Security Council Resolution 1325 (2000) on Women, peace and security*, pp. 12-15.

⁷⁴ *The Swedish Government's action plan to implement Security Council Resolution 1325 (2000) on Women, peace and security*, pp. 15-17.

⁷⁵ Jackie Kirk and Suzanne Taylor, "Ending Violence Against Women and Girls in Conflict Contexts: Canadian Efforts and Experiences," *Canadian Women's Studies*, Vol. 25, No. 1/2, Winter/Spring 2006, p. 4; and Angela Mackay, "Training the uniforms: gender and peacekeeping operations," *Development in Practice*, Vol. 13, No. 2/3, May 2003, pp. 217-18.

⁷⁶ NGO Working Group on Women Peace and Security, "From Local to Global," p. 61.

⁷⁷ *Towards a Canadian National Action Plan to Implement Security Council Resolution 1325 on Women, Peace and Security (Third Annual Symposium of the Canadian Committee on Women, Peace and Security)*, Department of Foreign Affairs and International Trade, October 2005, available at www.dfaite-maeci.gc.ca/foreign_policy/human_rights/women_peacesecurity3-ed.asp#A6 (accessed 21/4/2008), pp. 13-14.

This has included an AusAID funded program in the Solomon Islands, PNG and Fiji, which was designed to ‘train key civil and governmental representatives on the importance of UNSCR 1325, and translate UNSCR 1325 into local languages.’⁷⁸ However, while this is a promising start for Australia’s implementation of UNSCR 1325 both within Australia and in terms of Australia’s engagements in the international arena, it is problematic that actions are focused primarily on military engagement, and do not address inequitable gender relations on the ground in conflict and peace-building contexts. Further, until an Australian NAP is created to explicitly mandate and guide relevant actors to implement UNSCR 1325 in their every-day activities, the implementation of the resolution will continue on an ad hoc and uncoordinated basis. This is not consistent with Australia’s various public statements of support for the resolution’s comprehensive implementation, which emphasize the ‘need to focus on practical steps to give effect to Resolution 1325’, and reaffirm that ‘Australia stands ready to do its part’ in relation to such steps.⁷⁹

Benefits and challenges of NAPs

National action plans offer numerous benefits in terms of the implementation of UNSCR 1325, including increased comprehensiveness, coordination, policy coherence and consistency, awareness raising, ownership, accountability, and monitoring and evaluation.⁸⁰ An NAP could also act as a tool to facilitate the operationalisation of the Responsibility to Protect principles as they apply to women and girls. These principles reconceptualize the international community’s ‘right to intervene’ in civil conflicts (for example through peacekeeping operations) as a ‘responsibility to protect’ the citizens of other countries when those states are themselves unable or unwilling to provide for the basic human and security needs of their citizenry.⁸¹ A major transformational element of an NAP is that it necessitates a complete gender rethink in relation to foreign and domestic policy. Critically, UNSCR 1325 and any related NAP are not simply ‘add-ons’ to policies addressing women, peace and security, but are themselves policies that require an overhaul of other policy and processes so as to integrate a gender analysis into them. This

⁷⁸ *Statement by H.E. Mr. Robert G. Aisi, Ambassador/Permanent Representative, Permanent Mission of Papua New Guinea to the United Nations at the Security Council, on Behalf of the Pacific Islands Forum Group on Women Peace and Security*, October 26, 2006, available at <http://www.forumsec.org.fj/pages.cfm/newsroom/speeches/speeches-2006/pif-statement-united-nations-on-women-peace-security.html>, (accessed 7/7/2008).

⁷⁹ *Statement by H.E. Mr John Dauth LVO, Ambassador and Permanent Representative of Australia to the United Nations Security Council Open Debate on Women, Peace and Security*, October 29, 2003, available at <http://www.peacewomen.org/un/SCOpenDebate2003/Australia2003.pdf>, (accessed 7/7/2008).

⁸⁰ For a fuller discussion of some of these benefits, see UN-INSTRAW, "Securing Equality, Engendering Peace," pp. 5-7.

⁸¹ This shift in emphasis was initially made by the International Commission on Intervention and State Sovereignty (ICISS), which in 2001 produced the report *The Responsibility to Protect*. See International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*.

involves making gender considerations a priority in security policy. Denmark's experience illustrates this 'rethink', in that its NAP called for a study to be undertaken to examine Ministry of Defence management documents (e.g. Codes of Conduct, Rules of Engagement), education and training within the Defence Force, and gender-related tools, to determine 'the extent to which all three areas take women's role in peace-building and reconstruction processes into consideration. If it is found that women are insufficiently included, the next step is to design new policies to integrate women into all peace and reconstruction processes.'⁸²

Although action plans on women, peace and security can mainstream the implementation of UNSCR 1325, they do entail challenges of their own which, if not addressed, can undermine an NAP's effectiveness. Perhaps the most prominent challenge is that of monitoring the implementation of an NAP, an endeavour made even more difficult by the absence of measurable goals, benchmarks, and defined timeframes in a number of NAPs, including that of the UK. This is especially problematic in 'high-level' NAPs that do not outline specific actions to be taken, and those actors responsible for doing so. As is the challenge with gender mainstreaming more generally, systems must be established to prevent gender becoming everyone's issue, but no one's responsibility. Similarly, where action plans fail to specify funding streams which will support their implementation, there is the possibility that actors will not voluntarily assume responsibility for funding the tasks mandated in the plan, thus undermining implementation.

The lack of political will to ensure the implementation of UNSCR 1325 is another challenging factor. This operates on two levels – firstly, the national level, where states must convert their rhetorical support for women, peace and security principles at the UN level, into concrete actions and policies at the national level, including through developing an NAP. Secondly, once an NAP has been adopted, actors (such as particular ministries or defence forces) may lack the will to comprehensively implement it as it relates to them – a problem compounded when defined goals and monitoring mechanisms are absent. This challenge is linked to the fact that there is a lack of awareness of the importance of gender perspectives in relation to traditionally 'realist' policy arenas, such as security policy. Military actors may not understand the gender dimensions of complex conflicts and humanitarian emergencies, and in such situations, effective implementation of principles such as those enshrined in UNSCR 1325 often comes down to the discretion and commitment of individual military commanders. This presents a particular challenge in relation to women, peace and security principles, as gender training material often presents a more emotional than intellectual challenge to stakeholders. As Mackay argues, gender training 'strikes at the core of everyone's being, male or female, because it is

⁸² NGO Working Group on Women Peace and Security, "From Local to Global," p. 60.

about beliefs, values, practices, expectations and attitudes... [and] long-held assumptions are likely to be challenged.’⁸³ That effective implementation is dependent on individual actors’ commitment to the ideals behind UNSCR 1325 is a challenge not confined to the defence forces. It is again pertinent that DFID’s Draft Conflict Policy Paper of November 2006, which was developed after the adoption of the UK NAP, only referred to gender or UNSCR 1325 after the inclusion of such statements was strongly advocated for by WILPF. These examples show that an NAP’s effectiveness is highly dependent on the use of a participatory, bottom-up process, which engages all stakeholders and fosters ownership of the plan. They also show the limitations of basing NAPs on a narrow interpretation of ‘security,’ as actors consequently may not see the relevance of the plans to actions outside of military and peace operations.

Another issue to be considered is that of coordination between different government actors to ensure policy and programmatic coherence across departments. For example, although the Canadian International Development Agency (CIDA) is mandated to be guided by gender awareness in its development programming, it does not require its contractors to have codes of conduct that address gender-based violence.⁸⁴ This is linked to the issue discussed earlier of UNSCR 1325 and related NAPs being considered ‘add-ons’ to existing policies and processes, and further highlights the importance of situating an NAP within a broader strategy around poverty reduction, human rights, and economic and social sustainability.

One significant concern in the discourse around the effectiveness of NAPs is that such plans may be seen as tools of developed countries, which hold little meaning for developing or conflict-affected states.⁸⁵ This North/South divide may create friction between actors lobbying for the implementation of UNSCR 1325 by national governments, although there have been promising moves by developing and conflict-affected states to create NAPs on UNSCR 1325. For instance, there have been indications that Liberia and Rwanda have begun to develop action plans, and the Democratic Republic of Congo (DRC) has publicly launched a similar process.⁸⁶

This overview of national-level efforts to implement UNSCR 1325 shows that there exist a range of opportunities and challenges presented by the adoption of an NAP. Were Australia to begin to develop an NAP on UNSCR 1325, there are a number of issues that would require

⁸³ Mackay, "Training the uniforms: gender and peacekeeping operations," p. 220.

⁸⁴ Kirk and Taylor, "Ending Violence Against Women and Girls in Conflict Contexts: Canadian Efforts and Experiences," p. 144.

⁸⁵ For a fuller discussion of this, see Barrow, "Paying Lip Service? The Application of Gender-Mainstreaming Policies in a Peace and Security Context," pp. 22-23; and Barrow, "Overview and Analysis of the UK Government's Action Plan for the Implementation of UN Security Council Resolution 1325."

⁸⁶ Barrow, "Paying Lip Service? The Application of Gender-Mainstreaming Policies in a Peace and Security Context", pp. 22-23.

careful consideration, including how the plan would be financed and monitored, and how to establish and foster a sense of ownership and responsibility amongst stakeholders. However, while the existence of an NAP can facilitate the comprehensive and coordinated implementation of UNSCR 1325, there is scope for actors to engage in activities that implement the resolution in the absence of an NAP. Such activities can be undertaken at national level, as discussed above, or at the civil society and international organization levels. Such implementation presents its own challenges and opportunities, and it is these that I will now explore.

PART 3: UN and Civil Society Level Implementation

UNSCR 1325 has significant implications for the day-to-day work of the UN, and particularly for those UN agencies and departments engaged in peace-processes and humanitarian affairs. Many of these have already been discussed in Part 1, along with an analysis of the extent to which they have been implemented to date. This section will look specifically at a number of UN initiatives that have the potential to facilitate and/or contribute to the full implementation of UNSCR 1325, as well as the efforts of key UN agencies related to the resolution.

Zero-tolerance policy

As mentioned earlier, the UN's zero-tolerance policy, which is bolstered and reaffirmed by UNSCR 1820,⁸⁷ is an important way of ensuring the implementation of UNSCR 1325's mandates around the protection of women and the incorporation of gender perspectives and training in peacekeeping. However, this policy has not been effective in preventing UN peacekeeping personnel from engaging in sexual exploitation and abuse within emergencies, and nor has it resulted in the consistent investigation and punishment of perpetrators. This was clearly illustrated with the recent publication of Save the Children UK's report *No One to Turn To*, which showed that not only is the sexual abuse and exploitation of children by peacekeepers and aid workers still widespread in emergency contexts, it is significantly under-reported as a result of inadequate reporting mechanisms and community stigma, among other factors. Save the Children notes that although there have been strong efforts to address this, including through the 'development of codes of conduct, better interagency cooperation, new mechanisms to encourage the reporting of abuse and a proactive response, and the preparation of training, information and guidance material, ... many of these measures are dependent on the willingness and ability of

⁸⁷ *Security Council Resolution 1820 (2008)*, Article 7.

children and carers to report the abuse they experience.’⁸⁸ Thus, it is clear that the UN needs to move beyond rhetoric with its zero-tolerance policy, and strengthen efforts to address this issue. This need has been acknowledged by Member States, such as Costa Rica, which called for UNSC efforts to ensure the enforcement of the policy on all UN staff at the Open Debate on the Protection of Civilians on 27 May 2008.⁸⁹

UN Action Against Sexual Violence in Conflict

Linked to this is the UN Action Against Sexual Violence in Conflict, an initiative launched by twelve UN entities that aims to stop the perpetration of SGBV in conflict. This initiative has the potential to significantly contribute to the implementation of UNSCR 1325, as it represents a ‘concerted effort by the UN to improve coordination and accountability, amplify programming and advocacy, and support national efforts to prevent sexual violence and respond effectively to the needs of survivors.’⁹⁰ This is done through a three-tiered approach – support to UN actors at country level, advocacy through the Stop Rape Now campaign, and the creation of a ‘knowledge hub’ on effective responses to sexual violence in conflict contexts.

The Peacebuilding Commission

The Peacebuilding Commission (PBC) is a new UN intergovernmental advisory body that will also play a major role in the implementation of UNSCR 1325, through mainstreaming gender into peace processes, and engaging women in peacebuilding processes. Indeed, UNSCR 1820 explicitly outlines this, when it

stresses the important role the Peacebuilding Commission can play by including in its advice and recommendations for post-conflict peacebuilding strategies, where appropriate, ways to address sexual violence committed during and in the aftermath of armed conflict, and in ensuring consultation and effective representation of women’s civil society in its country-specific configurations, as part of its wider approach to gender issues.⁹¹

The PBC was established to support peace efforts in conflict-affected countries by ‘(i) bringing together all of the relevant actors, including international donors, the international financial institutions, national governments, troop contributing countries; (ii) marshalling resources; and (iii) advising on and proposing integrated strategies for post conflict peacebuilding and recovery

⁸⁸ Corinna Csáky, "No One to Turn To: The under-reporting of child sexual exploitation and abuse by aid workers and peacekeepers," London, Save the Children Fund, 2008, p. 1.

⁸⁹ Sam Cook, "Editorial," *PeaceWomen E-News*, No. 101, May 2008, p. 2.

⁹⁰ "About UN Action: Working together to stop rape in conflict," available at <http://www.stopratenow.org/about.html>, (accessed 18/8/2008). The UN entities partnering on this initiative are the DPA, DPKO, OCHA, OHCHR, UNAIDS, UNDP, UNFPA, UNHCR, UNICEF, UNIFEM, WFP and WHO.

⁹¹ *Security Council Resolution 1820 (2008)*, Article 11.

and where appropriate, highlighting any gaps that threaten to undermine peace.⁹² The Commission has already successfully advocated for the adoption of laws promoting gender equality in Sierra Leone, which in turn led to laws banning domestic violence and establishing women's inheritance and property ownership rights.⁹³ In Burundi, the PBC ensured women's participation in the peace process, and encouraged the establishment of quotas for women's representation in Government. The Burundi Peacebuilding Strategy Framework also established a system to tracking gender-disaggregated data, which is a significant element of UNSCR 1325.⁹⁴ However, there has been criticism that gender equality was not ensured within the Commission's National Steering Committee in Burundi itself, showing the ongoing difficulty of ensuring women's full and equal participation in traditionally male-dominated processes and structures.⁹⁵ Despite such omissions, the PBC still has significant power to implement UNSCR 1325's mandates around women's involvement and participation in peace processes, so long as the political will to do so exists among participating states. However, civil society actors have an important responsibility to monitor the Commission's actions in order to hold them to account and ensure that their obligations to mainstream gender and promote gender equality are met.

Peacekeeping operations

As discussed earlier, and in terms of actions to be taken by the UN specifically as related to UN peacekeeping operations, the establishment of gender advisors and gender focal points within peacekeeping forces has been a key element of the UN's implementation of UNSCR 1325. The UNTAET mission in Timor Leste was the first UN peacekeeping mission to establish a Gender Affairs Unit (GAU), which focused on mainstreaming gender perspectives into policies, programmes and legislation in the Transitional Administration.⁹⁶ It was also the first time that the UNSC called for the inclusion of personnel with 'appropriate training in international humanitarian, human rights and refugee law, including child and gender related provisions' in a mission mandate.⁹⁷ However, although there was some success in mainstreaming gender during UNTAET, some commentators question the extent to which it can be attributed to the GAU's

⁹² "United Nations Peacebuilding Commission," available at <http://www.un.org/peace/peacebuilding/>, (accessed 18/8/2008).

⁹³ CSW, "Women's full participation in conflict prevention, peacebuilding needed to end use of sexual violence as weapon, ensure legal rights, say commission speakers," *States News Service*, 29 February 2008.

⁹⁴ CSW, "Women's full participation in conflict prevention, peacebuilding needed to end use of sexual violence as weapon, ensure legal rights, say commission speakers".

⁹⁵ See, for example, Gina Torry's comments as quoted in CSW, "Women's full participation in conflict prevention, peacebuilding needed to end use of sexual violence as weapon, ensure legal rights, say commission speakers."

⁹⁶ UNTAET, "Fact Sheet 11: Gender Equality Promotion," Dili, UNTAET Press Office, April 2002, p. 1.

⁹⁷ *Security Council Resolution 1272 on the Situation in East Timor*, (1999), Article 15. See also Hilary Charlesworth and Mary Wood, "Women and Human Rights in the Rebuilding of East Timor," *Nordic Journal of International Law*, No. 71, 2002, p. 329.

efforts. For instance, Hilary Charlesworth and Mary Woods suggest that ‘UNTAET’s achievements relating to gender appear to be largely the products of uncoordinated pressures’, and that its ‘goals and achievements relating to sexual equality do not derive from an overall master plan.’⁹⁸ It is also problematic that, although 33 percent of UNTAET’s civilian personnel were women, women accounted for only 11 percent of East Timorese staff, 4 percent of the civilian police, and 2.4 percent of military peacekeeping personnel.⁹⁹ This shows that the presence of units dedicated to addressing gender issues does not guarantee effective gender mainstreaming, and highlights the importance of maintaining advocacy around gender issues even within UN missions.

The training of all peacekeeping personnel on gender issues is also a major way in which the UN implements UNSCR 1325. However, although training materials exist, such as the training pack *Gender and Peace Support Operations*, developed by Canada and the UK, it remains the prerogative of each TCC to decide whether their troops receive gender training. The issue of uneven training standards across country contingents has undermined the effectiveness of numerous peacekeeping missions, and consequently, there have been calls for ‘lead nations’ in missions to establish a set of minimum training requirements for incoming contingents, of which gender training could be one component.¹⁰⁰ This said, there has been some progress in training personnel on gender issues in peacekeeping operations, and the Office of the Gender Advisor (OGA) or a similar actor generally coordinates this. For instance, the OGA in UNMIL in Liberia developed a strategy for the implementation of UNSCR 1325, at the request of the DPKO. This strategy encompassed the training and capacity building of all UNMIL personnel, monitoring and evaluating the implementation of UNSCR 1325, achieving a gender balance among personnel and beneficiaries, ensuring gender sensitive budgeting, and developing a UN Country Team 1325 Strategy.¹⁰¹ Strategies such as this will be essential in facilitating the implementation of UNSCR 1325 as it relates to the UN’s peacekeeping function. The *Aide Memoire For the Consideration of Issues Pertaining to the Protection of Civilians* is an additional resource that OCHA developed to guide relevant UN actors to ensure that the protection needs and rights of civilians are addressed in resolutions, peacekeeping mandates, and peacekeeping operations.¹⁰² UNSCR 1325 is heavily referenced in this diagnostic tool.

⁹⁸ Charlesworth and Wood, "Women and Human Rights in the Rebuilding of East Timor," p. 342,

⁹⁹ Charlesworth and Wood, "Women and Human Rights in the Rebuilding of East Timor," p. 344.

¹⁰⁰ A number of senior Australian officers in UNTAET suggested this. See Mackay, "Training the uniforms: gender and peacekeeping operations," p. 220.

¹⁰¹ Office of Gender Advisor (UNMIL), *Strategy for the implementation of UNSCR 1325*, available at unmil.org/documents/Strategy_for_Implementation_of_SCR_1325.pdf (accessed 18/8/2008).

¹⁰² OCHA, "Aide Memoire For the Consideration of Issues Pertaining to the Protection of Civilians," New York, Office for the Coordination of Humanitarian Affairs, Policy Development Studies Branch, 2004.

UNIFEM

UNIFEM has also been a key actor in terms of UN-level implementation of UNSCR 1325, and has undertaken wide-ranging macro-level advocacy work around gender mainstreaming, as well as country-level capacity building and training activities. For instance, in Sudan, UNIFEM has undertaken capacity building of women's groups in Darfur, supported national peace consultations with women, and facilitated women's access to peace processes.¹⁰³ In Uganda, UNIFEM worked with the UN's Department of Political Affairs (DPA) to ensure that a gender advisor was included in the UN envoy to the peace talks in Juba.¹⁰⁴ It has also conducted capacity building for women political candidates in conflict-affected states, including Timor Leste, Afghanistan, the DRC, Haiti and Sierra Leone.¹⁰⁵

However, although the UN has made significant progress in implementing UNSCR 1325, there remain numerous challenges to the resolution's full implementation. One issue is that gender mainstreaming policies are often not systematically implemented.¹⁰⁶ This may be because of a lack of resources to fully and effectively implement such policies, given that they often necessitate a major rethink around how a department/unit functions and addresses gender issues, and require an injection of resources, including technical expertise, into planning and programming activities. It may also be because male officials are unconvinced of the importance of such a major rethink, and hostile to its implications. These issues must be addressed if UNSCR 1325 is to be fully implemented by UN actors.

Civil society

Given the challenges faced by state actors and international organizations in the implementation of UNSCR 1325, it is apparent that civil society actors can complement and supplement these official-level actions around women, peace and security issues. There are a plethora of women's organizations and networks working to implement UNSCR 1325 globally, through both grassroots programming and advocacy, and macro-level advocacy that raises

¹⁰³ CSW, "Women's full participation in conflict prevention, peacebuilding needed to end use of sexual violence as weapon, ensure legal rights, say commission speakers."

¹⁰⁴ CSW, "Women's full participation in conflict prevention, peacebuilding needed to end use of sexual violence as weapon, ensure legal rights, say commission speakers."

¹⁰⁵ CSW, "Women's full participation in conflict prevention, peacebuilding needed to end use of sexual violence as weapon, ensure legal rights, say commission speakers."

¹⁰⁶ CSW, "Women's full participation in conflict prevention, peacebuilding needed to end use of sexual violence as weapon, ensure legal rights, say commission speakers."

awareness of the resolutions implications and lobbies for action to be taken.¹⁰⁷ It is particularly important to recognise the impact civil society organizations (CSOs) can have in terms of building the capacity of women in conflict contexts to participate meaningfully in official peace processes, and the role CSOs can play in promoting community peace-building through the implementation of effective and gender-sensitive development programming. It is also important not to overlook the grassroots efforts of women in conflict contexts to form networks and groups that advocate for peace within their communities. Unfortunately, the scope of this paper is such that I cannot explore these issues in full.

Major Gaps in the Implementation of UNSCR 1325: Private military and security actors

This analysis of UNSCR 1325 and its implications indicates that there remain a number of gaps in and challenges to the resolution's implementation. One major issue relates to the increasing prominence of private military and security companies (PMSCs) in conflicts worldwide. These actors operate outside regular legal frameworks and accountability structures, giving rise to the question of how to monitor the compliance of such actors with UNSCR 1325 and the international women's rights and protection regimes. PMSC's are increasingly contracted by states to undertake DDR and SSR activities, traditionally carried out by official peacekeeping forces, and which can have severe consequences for women's rights and wellbeing if not gender sensitive. Problematically, there is no guarantee that PMSCs implement such activities in a gender-sensitive way, particularly if they have not received gender training, or if they are hostile to the principles contained therein. UNSCR 1325 has clear implications for the training requirements of personnel involved in peacekeeping operations, and we have already seen the challenges involved in ensuring that such training is conducted by TCCs. PMSC's operate outside these structures, and in a non-transparent corporate fashion, making it even more difficult to monitor training and operational standards. Further, it is difficult for employees of PMSC's to be held accountable for crimes committed in conflict contexts, as they do not fall within the same legal jurisdictions applied to official military forces. Currently, only the US and South Africa have regulatory regimes that apply to PMSCs registered nationally and undertaking operations overseas, and these have been shown to be relatively ineffective in holding PMSC employees accountable to international legal standards.¹⁰⁸

¹⁰⁷ For a discussion of the grassroots implementation of UNSCR 1325, see Carol Cohn et al., "Workshop on Strategies for Grassroots Implementation of Resolution 1325," paper presented at the the Boston Consortium on Gender, Security and Human Rights, Kennedy School of Government, Harvard University, November 4, 2004.

¹⁰⁸ Sabrina Schulz and Christina Yeung, "Private Military and Security Companies and Gender," in *The Gender and SSR Toolkit*, Geneva, UN-INSTRAW & DCAF, 2008, p. 10.

There is significant evidence of PMSC employees being involved in SGBV and escaping prosecution due to gaps in the legal framework. For instance, employees of Titan and CACI, both US-based PMSCs, were implicated in the abuse of prisoners in Abu Ghraib according to the Fay Report, which was the US army's investigation into the Abu Ghraib scandal.¹⁰⁹ Similarly, KBR employees in Iraq were implicated in the rape and imprisonment of a female contractor in Iraq, although they have not been prosecuted due to legal loopholes.¹¹⁰ There is also the well-documented case of the sexual abuse and exploitation of young and underage women in Bosnia by DynCorp employees. There is evidence that contractors were involved in running prostitution rings using under-age girls, purchasing women and illegal weapons, and forging passports.¹¹¹ There are also allegations that DynCorp's site supervisor filmed himself raping two young women.¹¹² Although the employees involved in these crimes were dismissed, none were prosecuted.

This brief analysis shows that there is a need for the international legal framework to be expanded to cover the actions of PMSCs, as it will remain near impossible to ensure their compliance with human rights and protection norms and frameworks in the absence of legal instruments.

Conclusion

This analysis of the implications of UNSCR 1325 and how it has been implemented to date by state actors, international organizations and civil society indicates that while significant progress has been made to address women, peace and security issues, much work remains to be done to implement the resolution in full. The development of National Action Plans greatly improves the implementation of UNSCR 1325, and Australia should undertake to develop and adopt an NAP, in line with its public statements calling for practical steps to be taken that give effect to the resolution. The benefits of this would be twofold. Firstly, it would facilitate the comprehensive implementation of UNSCR 1325 by relevant Australian actors, and secondly, it would contribute to the development of an international normative framework around women, peace and security principles. Such a framework can potentially influence action and compel

¹⁰⁹ George R. Fay (MG), "AR 15-6 Investigation of the Abu Ghraib Detention Facility and 205th Military Intelligence Brigade (U)," 2005, and Fabien Mathieu and Nick Dearden, "Corporate Mercenaries: The threat of private military and security companies," London, War on Want, November 2006, pp. 13-14.

¹¹⁰ Brian Ross et al., "Victim: Gang-Rape Cover-Up by U.S., Haliburton/KGB," *ABC News*, December 10 2007

¹¹¹ Mathieu and Dearden, "Corporate Mercenaries," p. 15.

¹¹² Mathieu and Dearden, "Corporate Mercenaries," p. 15.

compliance by making it harder for nations acting outside the norms created to avoid being held to account.

An analysis of the development and content of existing NAPs, and the benefits and challenges inherent in them, allows us to identify the processes most conducive to the development of robust NAPs, and also the particular components that should be included in NAPs in order to ensure effectiveness. It is important to recognise that Australia has the opportunity to build on the experiences of other states that have developed NAPs on UNSCR 1325, while expanding the scope of the issues covered to include UNSCR 1820's mandates, given that this newer resolution further develops the international legal and normative frameworks around SGBV in conflict contexts.

In terms of the process by which an Australian NAP will be developed, we can identify three distinct elements that should be central. Firstly, it is essential that a gender audit be conducted to identify existing structures, mechanisms, and activities related to women, peace and security issues both within Australia and in relation to Australia's international engagement. The audit should also identify gaps in Australia's implementation UNSCR 1325 and UNSCR 1820. The audit's results should be used to inform all subsequent policy development.

Secondly, working groups or taskforces should be established to guide and oversee the process of developing an NAP. Although there are a number of options, which require further consideration and investigation, I would propose the establishment of two distinct but interrelated working groups, as in Sweden. One working group would bring together relevant government stakeholders, including, for example, the Department of Defence, DFAT, the Attorney-General's Department, representatives from the Prime Minister's Office, and AusAID (given that it is a key implementing actor). The other group would be an NGO working group, which would include representatives from women's networks, NGOs, researchers, and other key civil society actors. These two groups would be complementary, and their interaction and engagement with each other should be systematised. For instance, joint seminars and workshops during the development process would be a productive way to share knowledge and develop a comprehensive NAP. In this process, it will also be important to ensure that all communication and decision-making processes are transparent, and that authority and accountabilities are clearly established. Another option would be to have civil society represented on the government working group, however this poses significant political challenges and may not be an acceptable option to some government actors.

Thirdly, it is vital that bottom up strategies and integrated approaches are used during this process, in order to ensure the participation of all stakeholders and thereby foster ownership of

When women benefit, the whole community benefits.

and commitment to the NAP's goals. The use of such approaches can also raise awareness of the gravity and relevance of women, peace and security issues to mainstream international and domestic security policy, and build political will to address these issues.

These process-related recommendations aside, it is possible to identify a number of key components that must be included in an Australian NAP in order to ensure effectiveness and the proper implementation of UNSCR 1325's mandates. Whether the NAP is organised thematically (as in the UK), or by national-, regional- and international-level actions (as in Sweden), is of little importance so long as it covers the key issues around which UNSCR 1325 organises its mandates on states' actions. These are the participation of women in decision-making and peace processes, the incorporation of gender perspectives and training in peacekeeping, and the protection of women. Key issues in UNSCR 1820 with implications for Australian actors should also be included in the NAP, falling under the three categories listed above. It is important to ensure that the NAP does not concentrate on Australia's engagement in peacekeeping operations, while neglecting the issues of incorporating local women actors into official peace processes and increasing women's access to decision-making processes in post conflict situations. However, if this does occur, there is scope for the UN and CSOs to step in and fill the gap, by implementing development projects that empower women and improve their access to decision-making structures both within communities and at national level. The NAP should also consider how UNSCR 1325 might be used to address domestic and community-level conflicts, both within Australia and internationally. The relationship and cooperation between Australian actors and international bodies and initiatives, such as the ICC and Peacebuilding Commission should therefore also be outlined.

The Australian NAP should not be 'high-level,' as in the UK, but should instead be detailed, outlining specific actions to be taken, identifying the responsible actors, and emphasizing coordination between actors on these activities. It should establish measurable goals, benchmarks and timeframes, and establish monitoring and evaluation mechanisms. It should also identify funding streams, and allocate appropriate resources to the implementation of the NAP. Including these components will subvert the perennial challenge in gender-mainstreaming of gender issues becoming everyone's issue but no one's responsibility, which is important if the NAP is to effectively and comprehensively implement UNSCR 1325.

Lastly, provisions for review processes should be included in the Australian NAP. The NAP should be considered a 'living document,' which can be revised as necessary respond to changing contexts and improve effectiveness. As in Sweden's NAP, the scope and timeframes for such a process should be clearly established in the NAP. Any review processes should adhere

When women benefit, the whole community benefits.

to the same principles of inclusiveness and transparency that should guide the original development process.

Finally, it is important that the adoption of an Australian NAP is understood to entail a major gender rethink in domestic and international policy and processes. An NAP on UNSCR 1325 is not simply an ‘add-on’ to existing policies on women, peace and security issues, but is itself a policy that requires an overhaul of other policies and processes so as to properly integrate a gender analysis into them. For this re-think to be successful, it is essential that all stakeholders be meaningfully engaged in the development of an NAP.

The development of a comprehensive Australian NAP on UNSCR 1325 will greatly improve the implementation of the resolution by Australian actors. Nevertheless, there will remain some gaps in the emerging legal and normative regimes around women, peace and security, one of which is the issue of PMSCs operating outside regular legal and accountability structures. These gaps must be addressed in order for UNSCR 1325 to be implemented in full, and so Australia must complement the development and adoption of an NAP with continued efforts to support the development of international legal and normative frameworks on women, peace and security issues.

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