

Seeing like a Resolution?

UNSC Resolution 1325 and Gender Issues in Liberia

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Summary

Today, one of the most critical tasks for the Liberian government is to create a foundation for legitimacy, accountability, sustainability and putting an end to impunity. Combating violence against women and children is one part of this puzzle. In a study from 2004, the UNDP estimated that between 60 - 70% of Liberian women had been subjected to some form of sexual violence during the war. These acts were committed by soldiers, both from the government and rebel groups. Against all odds these numbers have continued to stay at a very high level after the peace agreement was signed on August 18, 2003 and UNMIL established the same year.

In an attempt to address these issues globally, the UN Security Council in 2008 followed up on resolution 1325 from 2000 with the new resolution 1820 which in addition to promoting gender equality focuses specifically on sexual violence. The resolutions represented a breakthrough in order to recognizing women's roles in conflict, post-conflict and peacekeeping processes. The UN DPKO (The United Nations Department for Peacekeeping Operations) has been working systematically to incorporate women, and the knowledge and experience they can bring to peace processes. However these resolutions have had effects that may undermine their very intention. This brief addresses the implications of these resolutions in Liberia, based on fieldwork in Liberia in January/February 2009.

Since UN Security Council Resolution 1325 was unanimously adopted in 2000, gender issues have become a central concern to peacekeeping operations and they have been highlighted on the political, military, development and humanitarian agenda in order to build peace in war-torn societies. The resolution established women's role as more than merely passive victims and caretakers. The resolution clearly incorporates (i) a gender perspective in training and in peacekeeping operations, (ii) it advocates the full participation of women in decision-making and in conflict resolution and peace processes, (iii) it highlights the protection of human rights of women and girls, and (iv) promotes gender mainstreaming in the UN reporting systems as well as programmatic implementation mechanisms. The resolution points out the necessity of including women as active players in peace processes and in recovery phases.

As a consequence of 1325 and the follow up resolution 1820, gender equality, women's human rights and the importance of mainstreaming gender issues are now brought to the attention of every UN operation. Today, almost nine years after the resolution was passed, one could assume that the implementation of 1325 was systematically and widely incorporated in UN peacekeeping operations. Liberia, with a female president, a female UN SRSG (the only currently serving female SRSG) and the first all female unit of United Nations peacekeepers deployed by India, may give an impression of a post conflict country where the content of 1325 is well taken care of and has had a successful impact. However, the processes initiated through these resolutions have caused unintended effects which may contribute to undermine their very intentions. Mainstreaming Gender Issues through the OGA

As a result of the resolution 1325 the Office of the Gender Advisor (OGA) was established in every UN mission and was given the mandate to support, monitor and coordinate 1325, and later (in 2008) also resolution 1820. But as this office does not have field officers, they have to ensure that other sections have the necessary capacity and knowledge on the content in these resolutions. In Liberia, the OGA has also had an important role in integrating gender issues into other UN and national guidelines, strategies and action plans. The OGA also works with actors outside the UN mission. They promote gender policy recruitment and provide guidelines for training on gender, Gender Based Violence (GBV) and Sexual Violence (SV) for the armed forces of Liberia and the Liberian National Police (LNP). This work has among other things resulted in a gender advisor in LNP based in Monrovia. The OGA also works towards NGOs that are present in Liberia, and are assisting a gender expert network. OGA also works closely with the Government of Liberia (GOL) and the ministry of gender, which has for instance resulted in the Liberian national action plan on 1325 (LNAP).

The LNAP

This national action plan was prepared by the Liberian government as a response to the UNSG, DESA (Department for Economic and Social Affairs) and OSAGI's (UN office of the Special Advisor to the Secretary-General on Gender Issues and Advancement of Women) encouragement for member states to develop national strategies for the implementation of 1325 (see Government of Liberia 2009). President Ellen Johnson Sirleaf launched the plan at the International Women's Colloquium on the International Women's day in 2009. This comprehensive four years plan from 2009-2013 indicates time limits for implementations and it will work as a monitoring tool for the GOL and the UN in order to advance women's equality in the country. The LNAP was a product of collaboration between the UN through the UN International Research and Training Institute for the Advancement of Women (UN-INSTRAW) and the UNMIL OGA, civil society organizations, and the GOL through the Ministry of Gender and Development. LNAP compliments the Poverty Reduction Strategy (PRS) and the UN/GOL Joint programmes. LNAP identifies protection, prevention, participation and empowerment as the four key areas for implementing the goals defined in resolution 1325 and 1820. Each pillar identifies strategic issues and priority areas to be addressed and the plan includes expected outputs and indicators. Monitoring and impact evaluation is highlighted activities and the LNAP promotes the mainstreaming of the plan into other already existing strategies such as the PRS. In order to strengthen these activities the LNAP promotes an "Observatory" with participants from Government Ministries, key women groups, the 1325 National

Steering Committee, NGOs and other relevant actors. The UN will monitor the four year plan, but responsibility for the implementation rests with the GOL.

The importance of the content in 1325 and 1820, which is closely connected, is recognized and well known by both Liberian and UN bureaucrats, but the implementation process is cumbersome and the resolutions poses a dual problem: first, in terms of linking the two resolutions better together and to adapt the content of them to a comprehensive approach to the peacebuilding process in the country, second, in terms of making an impact outside of the international and national bureaucracy elite based in Monrovia.

Justice and the Rule of Law

How the security of women and children in Liberia is addressed both by the UN and GOL provides for a good case in order to examine the implementation of these resolutions on the ground. The justice system is still fragile, and it is important to remember that the problem in Liberia today, rather than being that sexual violence is not addressed by the institutions of justice, is that these institutions barely work at all. However, focusing on the issue of violence towards women, there are still too few female lawyers and police investigators, in order for the justice sector to gain the fundamental trust and confidence necessary for the rule of law sector to handle these cases.

Lack of Local Knowledge

Today Liberia is in a fragile phase in the transition between conflict and peace. The country still needs assistance from the international community to provide security for its people and its women and children. The numbers of Liberian women and children suffering from gender-based and sexual violence has increased the last decade, and caused local and international organization to highlight the problem (Deen 2007). The new awareness culminated in the amendment to the rape law which became effective on January 17 2006. This was by UN staff and several NGOs wrongly believed to be the first law against rape in the country, and was considered to be a great achievement and a milestone in order to provide security for women and children in the country. However, rape had already been criminalized for decades in Liberia. Violence against women and children remains a major problem, the statistics continue to increase and rape continues to be at the top of the crime rates in the country.

One of the most important obstacles to improving the security of women and children in Liberia is to reform the rule of law sector. The transition from conflict to lasting peace in Liberia cannot be achieved without security for the people and justice for the victims. Justice and security can only be provided if criminal acts, such



as sexual violence, are recognized for their devastating effects on women and children and furthermore on the country at large. This means ending the culture of impunity that has dominated during the civil war and its aftermath. But this process has to earn local ownership and initiative from below. As of today the processes initiated by the resolutions 1325 and 1820 are not able to reach out to the regions and to the women who need it most. Illustrative of this point is the situation of the 70 000 people living in the township of West Point in Monrovia, only a short drive from the UN headquarters. Security and basic needs for victims of sexual violence in this area is taken care of by local cooperatives such as the West Point Women For Health and Development Organization. This is a women's group in the township which was started in 2002 with 20 members and now has grown to around 110. Women victims of violence in this township seek the aid of this group for security, treatment and access to the police. Victims are being taken care of, nursed and reintegrated by local cooperatives. The group was started as a local cooperative in order to improve women's situation in the township which was, and still is, not being addressed by the international community. At the four days event for the presentation of the LNAP, there was an expressed goal of working towards women's leadership. The event was organized by the International Women's Colloquium (2009). 400 international VIPs were present, but no one from the group in the township was invited, and the OGA had to put their work on strategies towards rape on hold for two months in order to prepare for the big event. As this case suggests, local knowledge is not the center of gravity, and the ongoing process fits international donors' own agenda rather than paying attention to the needs on the ground.

The LNP (Lack of Resources)

Because UNMIL has focused on providing basic training to the already existing police and to include new recruits, the police reform in Liberia has apparently experienced faster progress than other functions in the security sector and reformed police have been deployed throughout the whole country in all the 15 counties. Still, there are many deficiencies in the Liberian National Police (LNP). The lack of resources such as vehicles, fuel, flashlights, communication systems, together with poor infrastructure makes the police unable to control their area of responsibility. Since women have the main responsibility for running the family and the household, they are often unable to spend the days it will take to walk to the nearest city that has a police station. Staying there the time it takes to finish the report would also entail a loss of income. In addition to lost income because they are prevented to do their daily work, they will most likely have room and board expenses which in most cases are unaffordable. As such the police and thus the justice sector are out of reach

of a majority of the Liberian women living outside of Monrovia. Furthermore, since the police do not have electricity and lack basic equipment, the police are in many cases unable to gather evidence. The police are supposed to have 40 weeks of training, but seldom receive more than a couple of months. Additionally there have been several reports about misconduct in the police. In sum this suggests that the police reform has concentrated more on achieving quantitative goals than building substantive performance. Even though some bilateral projects are being done in order to improve the capacity of the LNP, there is an urgent need to improve the rest of the justice system, the courts and the prisons and for a comprehensive approach to the security sector reconstruction. Only this would entail a fundamental improvement not only for the citizens of Liberia, gender equality, and the security of women and children, which is precisely the point with the connection between the two resolutions 1325 and 1820.

The Justice Systems

Today there are two separate rule of law systems; the statutory law system and the traditional. The new rape law has highlighted the challenges concerning this duality and illustrates the cross-cutting character of the problem. Even though the new awareness around the rape law has had the intentional effect of getting more women to report assaults and abuses, the impunity continues. This is mainly because the statutory law justice sector (police, prosecution, courts, correction) do not have the capacity, nor the resources to follow up on the reports.

Liberia currently has 15 prisons that hold around 1600 prisoners. These prisons suffer from inadequate administration, facilities un-skilled staff, lack of electricity and funding. Additionally the prisons are filled with pre-trial detainees who are being kept in prison for up to 6 months due to the low capacity of the courts. As such, the system keeps people in prison without processing their cases. In the National Palace of Corrections in Zwedru, which was rehabilitated in 2008, 141 of the 174 prisoners were in May 2009 pre-trial detainees (Murray 2009). This situation leads to corruption, riots and sporadic breakouts. In April this year 40 detainees escaped from the correction in Zwedru, and before Christmas around 300 prisoners escaped from the prison in Monrovia. As such the prisons do not work as they should in protecting victims.

The Secretary-General has expressed concerns about the limited progress in the rule of law sector in Liberia and has recommended an increase in the deployment of UNMIL police. But more police and better prisons are only two pieces of the puzzle. There is also a severe shortage on skilled lawyers and magistrates, not to mention female lawyers and magistrates. The American Bar Association (ABA) in Liberia has calculated

that the country needs an additional 350 trained magistrates to meet the needs throughout the country. ABA facilitates the education at the law school in the University of Monrovia. The University can train 50 magistrates a year at most. This means that it will take seven years to meet the needs of the courts in Liberia, at best.

Today the court system is utterly incapable of prosecuting and consuming the reported cases on sexual and gender based violence, which forces victims to turn to the traditional system which is more efficient. Although the trials and the question of justice are based on quite different rationalities, the traditional system is more capable of processing its cases than the statutory system. People's trust to the court system is being reduced to a minimum, and channels many cases to the traditional justice system. There is a great need to look holistically at rule of law in Liberia, and furthermore outline the possibilities of a merge between the two systems giving them different areas of responsibilities.

Conclusion

A repeated problem in many centralized action plans is that they fail to include local customs and practical knowledge (Scott 1998). This phenomenon points to the need for putting the needs on the ground as centre of gravity for the international engagement in Liberia. While this is not possible without the support of international donors, their priorities cannot guide the reconstruction of the institutions of justice. Projects in the development sector have to often been

characterized by too high expectations, unrealistic timelines, too little resources, and lack of local knowledge, culture and institutional change (Jensen 2008). After having conducted several fieldworks in Liberia we share this assessment. In terms of addressing the needs of women and children, international donors and the UN need to question the amount of attention given to the resolutions 1325 and 1820 in Liberia, as this attention can come to put the more fundamental problems in the shadow. Too much attention to resolutions 1325 and 1820 can paradoxically come to threaten the very same issues they seek to promote.

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