

# Where are the Words?

The Disappearance of the  
Women, Peace and Security  
Agenda in the Language of  
Country-Specific UN Security  
Council Resolutions

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Where are the Words? The Disappearance of the Women, Peace and Security Agenda in the Language of Country-Specific UN Security Council Resolutions

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## I. Introduction

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As the 20th anniversary of the passage of S/RES/1325(2000) approaches, the achievements of the Women, Peace and Security (WPS) Agenda and efforts to carry forward this vision in the context of the United Nations Security Council (UNSC) are rightfully celebrated. However, the transformative potential of the WPS Agenda has not fully materialised. Solutions to problems clearly and consistently articulated in the ten WPS UNSC resolutions (UNSCRs)<sup>1</sup> are not being implemented. In a shifting global context characterised by growing uncertainties and power asymmetries, climate and geopolitical precarity and diminishing political leadership – in which civil society engagement of the UNSC involves increased risks in terms of security and resources – there is a question as to the value, the terms and the goals of continued engagement of the UNSC.

To that end, an examination of the role and place of the WPS Agenda (comprising, inter alia, the ten WPS UNSCRs) in international law exposes the need for a new

strategy. Situating the WPS UNSCRs as critical sources of international commitments that are reflective of legal obligations,<sup>2</sup> this report aims both to identify and examine these commitments. Analysing whether and how these commitments are carried forward into and grounded within the UNSC's work, the report turns its focus to all the resolutions that the UNSC passed in 2018-2019, as well as those of four sample (or focus) countries.

In addressing these issues, the report first outlines the relationship of the UNSC and the WPS UNSCRs to international law. It proceeds to map out the commitments emanating from the WPS UNSCRs. This report then analyses the UNSC's incorporation of these commitments into the 2018-2019 UNSCRs, as well as the UNSCRs adopted around the four focus countries (the Democratic Republic of Congo (DRC), Libya, Syria and Yemen). This is followed by an initial exploration of the implementation of these commitments. The report concludes by offering a path forward for continued engagement with the UNSC.

## II. Understanding the UNSC and the WPS UNSCRS as They Relate to International Law

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In order to understand the UNSC as it relates to international law, it is first necessary to briefly summarise the role of the UNSC within the UN system. The UNSC is tasked with maintenance of international peace and security under article 24 of the UN Charter. To carry out this mandate, the UNSC is exclusively empowered to make decisions for a broad range of actions to ensure the pacific settlement of disputes and to address threats to the peace, breaches of the peace and acts of aggression under articles 24, 25, 103 and chapter VII of the UN Charter. Decisions made surrounding the pacific settlement of disputes fall under Chapter VI (articles 33-38) of the UN Charter. Determinations as to the existence of any threat to the peace, breach of the peace, or act of aggression and decisions as to what measures should be taken to address them fall under Chapter VII (articles 39-51). These determinations and decisions are formalised within UNSCRs and may be binding or non-binding in nature. In short, the UNSC has the authority to make potentially binding decisions.

Binding resolutions may be defined as those decisions that Member States agree to accept and carry out in accordance with articles 25 and 103 of the UN Charter. Binding decisions legally obligate Member States to take the actions set forth within them. Non-binding resolutions, increasingly in the form of thematic resolutions, are recommendations with varying degrees of potential for action. Though they do not obligate action, non-binding resolutions are not without consequence. For example: over time, when referenced repeatedly in other UNSCRs and in formal and informal forums, they can point to, support and reinforce the emergence of legally binding norms. Due to these differing impacts and in line with the International Court of Justice's (ICJ's) 1971 *Namibia* Advisory Opinion, UNSCRs must be carefully analysed before a conclusion can be made as to their legally binding effect.<sup>3</sup>

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1 The ten WPS UNSCRs are: S/RES/1325(2000); S/RES/1820(2008); S/RES/1888(2009); S/RES/1889(2009); S/RES/1960(2010); S/RES/2106(2013); S/RES/2122(2013); S/RES/2242(2015); S/RES/2467(2019) and S/RES/2493(2019). These resolutions are collectively referred to as the WPS Agenda.

2 Chinkin, Christine and Madeleine Rees. 2019. *Commentary on Security Council Resolution 2467: Continued State Obligation and Civil Society Action on Sexual Violence in Conflict*. London: London School of Economics. Referenced throughout as the "Chinkin/Rees commentary."

3 Wood, Sir Michael. 1998. "The Interpretation of Security Council Resolutions." *The Max Planck Yearbook of United Nations Law* (Kluwer Law International Ltd) 2: 73-95.

Decisions falling under Chapter VII are typically considered binding although careful reading of the text is needed to identify the specific legal obligation contained therein and to whom it is addressed. At the same time, resolutions falling under Chapter VI are typically considered non-binding. However, as recently set forth in the Chinkin/Rees commentary, such analysis should also consider some important factors, including:

1. References in resolutions to already existing international legal obligations;
2. Repetition of language that has been given particular normative effect in other instruments;
3. Repetition of resolutions;
4. The language used in the resolutions and in UNSC debates;
5. Repeated references to monitoring, analysis, and reporting arrangements; and
6. The possibility of sanctions.

Applying this analysis to the WPS UNSCRs, Chinkin and Rees conclude that 2 and (2) “the considerable amount of State-based and institutional activity around WPS, as well as the many repeated and strong statements endorsing its principles make it difficult to conclude that all this activity does not represent some form of legal obligation.”<sup>4</sup>

Resolutions adopted by the UNSC are important because of their ability to obligate or catalyse multilateral action by states and other actors and thus support the development of legal norms. As a result, the UNSC plays a significant role both in the operationalisation of practice and the development of international law. Therefore, when considering a potential new strategy for meaningful engagement with the UNSC, general international law, notably international humanitarian law, human rights law, and international criminal law,<sup>5</sup> and the UNSCRs, including the WPS UNSCRs, appear as a practical starting point.

### III. Mapping WPS UNSCR Commitments

In order to hold the UNSC accountable for implementing the commitments emanating from the WPS UNSCRs, it is necessary to understand what these commitments are and what they mean. To that end, this section examines the structure and content of the WPS UNSCRs and the commitments therein.

#### A. Structural Analysis

Structural conventions of the WPS UNSCRs have important implications for their interpretation and implementation. The WPS UNSCRs are thematic, consisting of preamble paragraphs (PPs) and operative paragraphs (OPs). A WPS UNSCR OP<sup>6</sup> will often take as subject matter a specific overarching focus and set forth an overarching aim. The UN system is then operationalised towards achieving the WPS UNSCRs (collectively or individually) or a given OP.

An analysis of the WPS UNSCR OPs finds separate and distinct commitments set out within them. Each WPS UNSCR OP can therefore be understood as housing a single set of varying numbers and kinds commitments. These individual commitments—and the named actors within each of the OPs, to whom each of the individual

commitments may be attributed—must therefore be identified in order to realise and pursue accountability for them.

S/RES/1325(2000), for example, “[u]rges Member States to ensure increased representation of all women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management and resolution of conflict.”<sup>7</sup> Though this is a single OP, it includes at least six commitments applicable to Member States:

1. Member States are urged to ensure increased representation of women at all decision-making levels in national institutions.
2. Member States are urged to ensure increased representation of women at all decision-making levels in regional institutions.
3. Member States are urged to ensure increased representation of women at all decision-making levels in international institutions.
4. Member States are urged to ensure increased representation of women at all decision-making levels in mechanisms for the prevention of conflict.

4 Chinkin/Rees commentary, p.11.

5 Noting, too, the critical role of the Convention on the Elimination of Discrimination Against Women (CEDAW) and the General Recommendations (GRs). (p.5)

6 The UNSCRs' numbered OPs are considered, for the purposes of report, the primary source of legal obligations. The UNSCRs' PPs, while not constitutive of commitments in and of themselves, lend relevant character and context to the OPs.

7 OP1.

5. Member States are urged to ensure increased representation of women at all decision-making levels in mechanisms for the management of conflict.
6. Member States are urged to ensure increased representation of women at all decision-making levels in mechanisms for the resolution of conflict.

Despite some commitments being less readily disassembled and/or applicable to specific actors, this analysis surfaced nearly 2,500 specific commitments emanating from the 210 OPs in the ten WPS UNSCRs. These commitments are applicable to 20+ actors, mechanisms and subsidiary organs across the continuum of peace, conflict and violence. Each of these commitments requires a different approach to realise the stated ends. Accountability for each of these commitments is achieved through different mechanisms and procedures. This analysis not only indicates that a more granular interpretation of the WPS UNSCR OPs is required in thinking about how their aims might be achieved, but also more clearly illustrates the scope of work to be done.

## B. Content Analysis

Evolutions and associations in usage of terms in WPS UNSCRs over time also impact interpretation and strategies for their achievement.

For example, the term “civil, political and economic rights” is referenced explicitly in WPS UNSCR OPs for the first time in S/RES/2493(2019), OP5, which “[c]alls on Member States to promote all the rights of women, including civil, political and economic rights.” However, while not explicitly referenced until 2019, the language appertaining to rights has evolved through the WPS resolutions over time. S/RES/1325(2000) references “rights” and “human rights” within its OPs and PPs.<sup>8</sup> S/RES/1820(2008) references human rights in its PPs.<sup>9</sup>

At the same time, specific concepts of “economic” or “political” rights are excluded from both of these UNSCRs. The term “economic” is first introduced in a service-provision context<sup>10</sup> in S/RES/1888(2009), OP13, which “[e]ncourages States... to increase access to... socio economic reintegration services for victims of sexual violence, in particular in rural areas.” The terms and concepts of “political and economic decision-making”<sup>11</sup> and “political and economic empowerment”<sup>12</sup> enter the lexicon amidst broader discussions of women’s socioeconomic marginalisation and exclusion<sup>13</sup> (and the “socio-economic factors”<sup>14</sup> that contribute to it). These include the need for better “socioeconomic conditions,”<sup>15</sup> “social and economic reintegration” of women and survivors of sexual violence,<sup>16</sup> and the “socioeconomic consequences”<sup>17</sup> of the illicit transfer, destabilising accumulation and misuse of small arms and light weapon for women. In this way, the concept of civil, political and economic rights as iterated in S/RES/2493(2019) draws meaning from and reinforces earlier discussions around this topic in previous WPS UNSCRs. While the term “civil, political and economic rights” was only directly introduced in recent years (2019) within the context of WPS UNSCRs, the concept is more deeply rooted in the WPS UNSCRs.

It is also important to note that, at times, meaning is drawn from associations attached to specific terms and phrases across the UNSCRs. In some instances, definitions of terms may be found or connected to the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and other sources of international law. Terms that are not defined in the UNSCRs (but which are used elsewhere) can be assumed to have that same meaning, such as “gender-based violence” and “torture.” In others, the UN has taken steps to more clearly define terms used by the UNSC. All of these factors have implications for the legal weight of the language within the WPS UNSCRs and how it might be used.<sup>18</sup>

Returning to the above example, the concept of “civil, political and economic rights” was not created by the

8 OPs 4, 6, 8(c), 9 and 15; PPs 1, 6 and 9.

9 OPs 3, 5 and 9.

10 See too S/RES/1960(2010), OP13.

11 See S/RES/1889(2009), OPs 1 and 15.

12 See S/RES/2106(2013), PP5; S/RES/2122(2013), PP15; S/RES/2467, PP11.

13 See S/RES/2122(2013), OP7(a); S/RES/2467(2019), OP18.

14 See S/RES/1889(2009), PP8.

15 See S/RES/1889(2009), OP10.

16 See S/RES/2467, OP16(c). Noting the implications for practical application outlined in the Chinkin/Rees commentary. (p.21-2)

17 See S/RES/2467, PP16. See too, in this regard, S/RES/2242, OP15, which notes “the specific impact of conflict and post-conflict environments on women’s and girls’ ... economic activity and opportunities... to mitigate the risk of women from becoming active players in the illicit transfer of small arms and light weapons.”

18 The UNSC’s weight in urging Member States’ behaviour, that the WPS UNSCRs were adopted by consensus and the growing collection of statements of support by the Member States during the WPS debates then indicates the true strength of Member States’ commitments.

UNSC – in fact, its roots extend far beyond it. The term “civil, political and economic rights” is an amalgam of the more commonly used human rights conjunctions of “civil and political rights”<sup>19</sup> and “economic, social and cultural rights.”<sup>20</sup> These terms recall international humanitarian law (IHL) and international human rights law (IHRL), which are sources of legal obligations for all ratifying parties of the relevant treaties and for all States under customary international law. Similarly, “civil, political and economic rights” as referenced in the WPS UNSCRs echoes and reinforces obligations set forth within Article 3 of CEDAW, which obligates ratifying parties to “take in all fields, in particular in the political, social, economic and cultural fields, all

appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.”<sup>21</sup> Furthermore, the UNSC itself repeatedly references treaties and other sources of international law within the preambles of the WPS UNSCRs, including CEDAW which is referenced not only in WPS UNSCRs preambles, but also in the OPs of S/RES/1325(2000) and S/RES/2467(2019). OPs rooted in this language must therefore be understood in light of these associations, assisted by examinations of sources of existing IHL and IHRL,<sup>22</sup> as well as sources aiding in the interpretation of IHL and IHRL.<sup>23</sup>

## IV. Grounding WPS Commitments

In tracing the impact of the commitments emanating from the WPS UNSCRs, it is necessary to examine whether and how the UNSC itself carries forward these commitments in practice. This is important because women’s experiences of gender-related oppression and violence – including through and as manifested by conflict – are as universal and broad as they are context-specific and particular. Therefore, while the WPS Agenda is and must be cross-cutting, and while it does and must relate to the UNSC’s broader mandate of maintaining international peace and security under articles 24 and 25 of the UN Charter, it must also relate to women in a specifically localised way if it is to achieve its aims. Incorporating WPS UNSCR commitments into country-specific mandates serves this purpose.

The UNSC has committed itself to so doing. Nine of the ten WPS UNSCRs speak directly to the UNSC’s commitment to incorporate WPS UNSCRs in country-specific mandates. For instance in UNSCR 2242 (2015) the Council explicitly “[d]ecides to integrate women, peace and security concerns across all country-specific situations on the Security Council’s agenda, taking into account the specific context of each country.” It is noticeable that it “decides” on action for itself, whereas it generally “urges” or “calls

upon” States to undertake particular actions. Accordingly the UNSC is specifically committed to incorporating into its missions components of the WPS agenda: provisions on gender equality, the empowerment of women, prevention of and protection against sexual violence in conflict and the facilitation of women’s “full participation and protection in” election preparation and political processes, disarmament, demobilisation and reintegration programs, security sector and judicial reforms and wider post-conflict reconstruction processes (where these are mandated tasks within the mission).<sup>24</sup> Its missions must take into account gender considerations and the rights of women, including through consultation with local and international women’s groups.”<sup>25</sup> Determinations as to whether this has been done are therefore important as a matter of compliance with the Council’s own commitments and coherence.

These determinations are important, inter alia, because country-specific mandates are typically adopted under Chapter VII of the UN Charter and contain decisions that are legally binding upon Member States. Incorporating WPS UNSCR commitments into country-specific UNSCRs would thereby accord legally binding status to WPS UNSCR commitments.

19 See the Universal Declaration of Human Rights (UDHR), Article 2. See too the International Covenant on Civil and Political Rights, which builds on the UDHR and further defines this concept.

20 See the UDHR, Article 22. See too the International Covenant on Economic, Social and Cultural Rights, which builds on the UDHR and further defines this concept.

21 It is of note that the similar phrasing is used in the CEDAW definition of discrimination, as “any distinction, exclusion or restriction made on the basis of sex...in the political, economic, social, cultural, civil or any other field.”

22 An additional example of how this analysis may be applied is attached hereto in Annex I: Overview of the Use of “Gender” in WPS UNSCRs.

23 Examples of interpretations of IHL and IHRL include general recommendations to relevant treaty bodies, including general recommendations to CEDAW and judgments delivered by the International Court of Justice and International Criminal Court.

24 S/RES/1820(2008) is the exception.

25 Ibid.



To make these determinations, the examination for this report reviewed UNSCRs across time and space. That included an evaluation of (1) the UNSCRs passed in the 2018-2019 period, comprising 106 UNSCRs,<sup>26</sup> and (2) the UNSCRs passed in connection with the UNSC's work around four focus countries.<sup>27</sup> The four focus countries are:

1. **The Democratic Republic of Congo (DRC)**, a long-term mandate in which UN Human Rights Council (UNHRC) resolutions are also involved, for which France has served as penholder since 2016. The UNSC passed 71 UNSCRs on DRC between 2000–2019.
2. **Libya**, a shorter mandate with imposed sanctions, for which the UK has served as penholder since 2016 (with Germany serving as co-penholder on sanctions as of early 2019). The UNSC passed 36 UNSCRs on Libya between 2011–2019.
3. **Syria**,<sup>28</sup> a mandate operating in conjunction with a UNHRC mandate and a commission of inquiry, for which the penholders have varied. The UNSC passed 24 UNSCRs on Syria between 2012–2019.
4. **Yemen**, another UNSC mission operating in conjunction with a UNHRC mandate, commission of inquiry and sanctions, for which the UK has served as penholder since 2016. The UNSC passed 13 UNSCRs on Yemen between 2011–2019.

This analysis first focused on how the UN evaluates the UNSC's incorporation of WPS into its resolutions. Replicating the UN's method<sup>29</sup> with some improvements, this examination found that the method assisted in the collection of *all potential* rather than actual or "explicit"<sup>30</sup> references to WPS. As a result, non-WPS references were identified and removed. This produced a smaller data set

which more accurately reflected the UNSC's references to WPS within its UNSCRs. That smaller data set was then analysed to identify WPS references within country-specific UNSCRs that more "strongly"<sup>31</sup> reflected the WPS Agenda. Lastly, the implementation of these WPS references in country-specific contexts was explored.

## A. The UN's Approach to Evaluating the UNSC's Incorporation of WPS into UNSCRs

The UNSC's incorporation of WPS into its UNSCRs is already evaluated by the Secretary-General and UN Women.<sup>32</sup> By their account, in 2018 (the latest year for which these figures are available) the majority of UNSC decisions contained "explicit references to women, peace and security issues, a higher percentage than in any other year except for 2013."<sup>33</sup> As such, the first step of our examination was to evaluate the validity of this account by replicating the UN's methodology.

The UN's methodology aims to track references of WPS into UNSCRs<sup>34</sup> by searching documents for a series of keywords and direct citations of the WPS UNSCRs and counting the number of OPs and PPs in which they appear.<sup>35</sup> UN Women, the Secretary-General and the UNSC suggest that this measure and is reflective of the incorporation of WPS into UNSCRs. Analysing the findings, UN Women and the Secretary-General conclude that the UNSC has been effective in incorporating WPS into UNSCRs.<sup>36</sup> Various UN bodies and actors drawing conclusions from these findings have suggested that, based on the number of technical rollovers which renew or insubstantially amend mandates, it is unlikely for the extent of incorporation of WPS into UNSCRs to be significantly improved.

26 This figure includes 16 (15%) thematic, 16 regional, 2 other (2%) and 72 (68%) country-specific UNSCRs. This figure also includes the country-specific UNSCRs passed on DRC (6), Libya (7), Syria (2) and Yemen (5).

27 This figure takes into account overlap between the UNSCR sets and excludes S/RES/2467(2019) and S/RES/2493(2019). The UNSCR sets are hereinafter referenced as: "2018-2019 UNSCRs," "DRC UNSCRs," "Libya UNSCRs," "Syria UNSCRs," or "Yemen UNSCRs." The country-specific sets of UNSCRs are collectively referred to as the "Focus Country UNSCRs."

28 This examination excluded UNSCRs relating to Golan Heights and those surrounding terrorism based in Syria. For example: S/RES/2170(2014), on foreign fighters in parts of Syria (as well as Iraq), was included.

29 The "UN's method," the "UN's methodology," or the "UN's Approach" refers to the methodology developed and deployed by bodies of the UN, including UN Women, the Secretary-General, and the UNSC. The direct attribution of authority for this method is not possible, as it is not made explicit in publicly available reporting and resources.

30 UN Women. 2019. Facts and figures: Peace and security. Accessed 7 January 2020.

31 Descriptions of references as "strong" or "weak" serve as useful shorthand to indicate the relative readiness of applicability in practice, tending to favour references that are more detailed, supported by direct citations to WPS UNSCRs and/or specific. Descriptions of relative "strength" and "weakness" of references do not necessarily reflect congruous findings on legal force or value.

32 See UN Women. 2019. Facts and figures: Peace and security. Accessed 7 January 2020. See too S/2019/800, the Secretary-General's 2019 report on WPS, para. 108.

33 Ibid.

34 Ibid.

35 The United Nations Security Council. n.d. Women and peace and security: WPS cross-cutting. New York. Accessed 2020.

36 See UN Women. 2019. Facts and figures: Peace and security. Accessed 7 January 2020. See too S/2019/800, para. 108.



Replicating this method, references to the WPS UNSCRs in the 2018-2019 and focus countries' UNSCRs were collected. UNSCRs were searched for the terms: "wom-," "fem-," "girl-," "sex-," "reproductive," "maternal" and "gender," as well as citations to the WPS UNSCRs and CEDAW.

Importantly, this analysis diverged from the UN's approach in five ways. First, the list of keywords used is broader. For example, the UN excludes CEDAW from its search, while this analysis includes it. Second, the UN tracks the number of OPs and PPs in which keywords appear. This review goes further, in order to align more closely with the findings from the structural analysis above. Wherever a numbered or bulleted list was set apart in a free-standing block within an OP, each bulleted item was "counted" separately.<sup>37</sup> Third, OPs are given the primary focus, rather than according OPs and PPs equal weight. Fourth, for the purposes of this review, wherever a UNSCR directly referenced OPs of other UNSCRs, those OPs were searched for the keywords as well. Fifth, the UN's methodology is applied to time-delimited sets of UNSCRs (for example, all the UNSCRs passed between 2018-2019, or all those passed in 2017-2018), possibly to align with or facilitate the Secretary-General's annual reporting on WPS. Our examination, however, extends the UN's methodology to country-specific sets of UNSCRs too.

In this replication of the UN's approach, 104 UNSCRs<sup>38</sup> were reviewed in total, 72 of which were country-specific UNSCRs. Applying the UN's methodology, 62 of all 104 UNSCRs passed in 2018-2019, or 60%, incorporate WPS. While these figures are lower than the UN's figures for 2018 (72%), this data appears to confirm the UN's general findings. An overarching analysis of all country-specific UNSCRs for 2018-2019 appears to reaffirm this conclusion: 43 of all 72 country-specific UNSCRs passed in 2018-2019, or 60%, incorporate WPS. That the remaining 29 country-specific UNSCRs are technical rollovers—with 16 of those 29 consisting of less than 1.5 pages—appears to support the idea that there is little room for improvement.

However, findings from the examination of individual sets of focus countries' UNSCRs suggest otherwise. Analysing the set of DRC UNSCRs, only 36 of all 71 UNSCRs, or 51%, incorporate WPS. Applying this method to Libya, Syria and Yemen, the figures are significantly lower: 14 of all 36 Libya UNSCRs, or 38%; 5 of all 13 Yemen UNSCRs, or 38%, and 5 of all 24 Syria UNSCRs, or 21%, incorporate WPS. While many factors may contribute to an explanation of these figures,

including strained geopolitical contexts within the focus countries, the significance of this difference suggests that the UN's methodology is flawed.

## B. Towards an Improved Methodology

The first step towards an improved methodology involves understanding the assumptions, boundaries and, with that, the limitations of the UN's approach. To that end, this examination first questioned the subject of the UN's attention: time-delimited data sets. As outlined above, language in thematic resolutions evolves over time to reflect changing norms. Language also evolves over time to reflect changing political imperatives amongst the UNSC members and the changing composition of the then non-permanent members. These changes can, in fact, be reflected in non-thematic UNSCRs too, where those include a longer mandate. For instance, the DRC mandate precedes and has evolved alongside the WPS Agenda. As a result, 51% of the DRC UNSCRs incorporate WPS because the language has had the opportunity to evolve. To put it simply, this higher figure reflects the duration of the UNSC's involvement in DRC, rather than its effectiveness in incorporating WPS into UNSCRs.

In practice, non-thematic UNSCRs must respond to situations as they unfold and ensuring they can do so is one of the UNSC's primary job requirements. The UNSC is also seeking to avoid taking on more mandates of the length and complexity of its involvement in the DRC. The figures for the Libya, Syria and Yemen UNSCRs, where there is less allowance for the evolution of language than within longer mandates, suggest that the UNSC is significantly less effective in incorporating WPS into its resolutions in those situations. Therefore, where measurement of effectiveness of UNSC's incorporation of WPS is conducted across time-delimited sets of UNSCRs untethered from a specific country context, the findings are an inaccurate reflection of the UNSC's effectiveness in incorporating WPS into its mandates. Instead, they merely provide a snapshot of the level of incorporation at a given moment in time.

Second, our examination questioned the method used to collect the data. Did the UN's approach measure what it set out to measure, i.e. the extent of incorporation of WPS references into UNSCRs? Does its data reflect the reality of the UN's effectiveness in doing so?<sup>39</sup> In investigating these questions, it became clear that the UN's approach—even when conducted with the alterations outlined above and upon country-specific data sets—

37 See, for example, S/RES/1756(2007), OP2(o) and OP2(p). Whereas the UN would count this OP as one reference, the replicated analysis counts this as two references.

38 This figure excludes S/RES/2493(2019) and S/RES/2467(2019).

39 Referencing N. Westmarland's definition of validity. See Westmarland, Nicole. 2001. "The Quantitative/Qualitative Debate and Feminist Research: A Subjective View of Objectivity." *Forum Qualitative Sozialforschung / Forum: Qualitative Social Research* 2 (1).

was effective in collecting the universe of all potential references to WPS. However, further analysis of the content and context of these references demonstrated that not all references collected were actual or explicit references to the WPS Agenda. To obtain sets of actual references to WPS, it was first necessary to remove the non-WPS references. By reading the UNSCRs in full and analysing the universe of data pooled through the UN's approach, straightforward criteria for identifying a non-WPS reference were surfaced and subsequently applied. As a result, three sets of references were excluded.

The first set are condemnations or regrets set forth surrounding deaths of or violence against women without generating commitments directed to addressing these deaths or violence.<sup>40</sup> One such example is S/RES/2014(2011), OP1, whereby the UNSC “[e]xpresses profound regret at the hundreds of deaths, mainly of civilians, including women and children.”

The second set are references that retain the same language within the same contexts within individual country mandates from one year to the next, or which were weakened from one year to the next. They were excluded in order to avoid “double-counting.”<sup>41</sup> For example, in S/RES/2144(2012), OP2, the UNSC “[c]alls upon the Libyan government to promote and protect human rights, **including those of women**, children and people belonging to vulnerable groups, and to comply with its obligations under international law, including human rights law, and *calls for* those responsible for serious violations of international humanitarian law and human rights law, **including sexual violence** and violations and abuses against children, to be held accountable in accordance with international standards, and urges all Member States to cooperate closely with the Libyan government in its efforts to end impunity for such violations [bolded emphasis added].” The language was subsequently weakened in S/RES/2213(2015), OP5, whereby the UNSC “[c]alls upon the Libyan government to promote and protect human rights, **including those of women**, children and people belonging to vulnerable groups, and to comply with its obligations under international law, and *calls for* those responsible for violations of international humanitarian law and violations and abuses of human rights to be held accountable [bolded emphasis added].” As OP5 of S/RES/2213(2015) weakened the language of OP2 of S/RES/2144(2012), it was not counted.

The third and final excluded set are references to UN-related sexual exploitation and abuse (UN SEA), which are reflective of the UN's efforts to resolve a problem which originates with the UN and otherwise would not be present in a given country context.<sup>42</sup> One example is S/RES/2463(2019), OP43, with which the UNSC “[r]equests the Secretary General to implement a zero-tolerance policy on serious misconduct, sexual exploitation and abuse, fraud, corruption, trafficking in natural resources or wildlife, including by making full use of the existing authority of the SRSG to ensure accountability of the Mission's staff and through effective mission support arrangement.”

By excluding these three sets of references, our examination narrowed down the data collected through an adjusted version of the UN's approach and resulted in a smaller dataset, which contained only actual WPS references and therefore more accurately reflected the UNSC's incorporation of WPS into UNSCRs. Both criteria – looking at the incorporation across time and analysing solely actual WPS references – contribute to an improved methodology that can help better understand the reality of the UNSC's effectiveness in integrating WPS commitments into its resolutions, as shown below.

## C. Country-Specific Analyses

Understandings of the UNSC's effectiveness in incorporating WPS into its resolutions fall short where they do not also include an examination of whether and how the WPS references are implemented. To facilitate analysis of the implementation of these WPS references, it was necessary to identify starting points. As such, stronger references to WPS were identified by removing WPS references that were less readily applicable in practice (or which served to couch the point) and favouring references that were more detailed, supported by direct citations to WPS UNSCRs and/or more specific (and which served to centre it). These are the references ultimately examined in-depth in the country-specific analysis in this section. The findings of this analysis are used to guide initial explorations into implementation of examples of stronger references. The analysis conducted surrounding the Libya and Yemen UNSCRs are less in-depth, while analysis conducted around Syria and DRC are more in-depth.

40 See, for example, S/RES/2014(2011), endorsing the Gulf Cooperation Council initiative for a peaceful transition of power in Yemen, OP1.

41 See S/RES/2144(2012), which modifies and extends UNSMIL's mandate, OP2. Later, in S/RES/2213(2015), which serves the same purpose, “sexual violence” is removed. Therefore, S/RES/2213(2015), OP5 was not collected in the second-round data set.

42 See, for example, S/RES/2463(2019), OP43.

## 1. Libya UNSCRs

Eight of 36 Libya UNSCRs, or 22%, were found to incorporate WPS. Four of these references included direct citations to WPS UNSCRs. These four references included three direct citations to S/RES/1325(2000) and one direct citation to S/RES/2242(2015). According to these references, the United Nations Support Mission in Libya's (UNSMIL's) commitments include but are not limited to:

1. Taking into account a gender perspective;
2. Assisting the Government of National Accord (GNA) in ensuring the "full, effective and meaningful participation" of women in democratic transition;
3. Assisting the GNA in ensuring the "full, effective and meaningful participation" of women in reconciliation efforts;
4. Assisting the GNA in ensuring the "full, effective and meaningful participation" of women in the security sector;
5. Assisting the GNA in ensuring the "full, effective and meaningful participation" of women in national institutions; and
6. Assisting the GNA in ensuring the protection of women and girls from sexual and gender-based violence.<sup>43</sup>

Each of the UNSCRs in which these references appear included a provision obligating the Secretary-General to report on their implementation. Between 2018-2020, the Secretary-General submitted six such reports to the UNSC on Libya.<sup>44</sup> Analysing these reports in relation to, for example, UNSMIL's commitment to assist the GNA in ensuring the "full, effective and meaningful participation" of women in the security sector, shows that the Secretary-General has not upheld his commitment to report on the implementation of this commitment. Four of the reports do not reference women at all in the context of the security sector. Two of the reports reference women in connection to the security sector, but not in connection to their participation:

**S/2019/682, para. 64:** *During the reporting period, UNSMIL continued to provide support for security sector reform throughout Libya, both directly and through collaboration with Member States and*

*international organisations, including the provision of advice on: governance and technical support to the police; border management; aviation and airport security; **women's empowerment in the security sector**; the rule of law; and justice. [emphasis added]*

**S/2020/41, para. 60:** *UNSMIL continued to provide support for **security sector reform** throughout Libya, including the provision of advice on governance and technical support to the police, border management, aviation and airport security, **the empowerment of women**, the rule of law and justice. [emphasis added]*

S/2020/41 also notes that:

*"...Consultations were held with civil society groups to identify rule of law priorities, including strengthening oversight mechanisms, supporting a functioning judiciary and **supporting a gender-responsive security sector** [emphasis added]."<sup>45</sup>*

In these reports, the Secretary-General did not meet his commitments to report on the implementation of commitments around participation in the security sector emanating from S/RES/2376(2017), OP4; S/RES/2434(2018), OP4 and S/RES/2486(2019), OP5.

Turning to UNSMIL's publicly available resources in the absence of reporting, it is not clear where responsibility for carrying forward these commitments lies. While there is a Women's Empowerment Section within UNSMIL,<sup>46</sup> it does not note women's participation in the security sector amongst its described activities. There is also a section for Security Institutions Service.<sup>47</sup> The description of this section does not reference women in any context. It is not apparent from an initial review of UNSMIL resources whether a strategy is being executed towards the individual achievement of commitments around participation in the security sector, nor whether its effectiveness is being measured or accountability upheld.

By way of another example, the Secretary-General is to include on the Panel of Experts those with the "necessary sexual and gender-based violence expertise," "in line with paragraph 6 of resolution 2242 (2015)."<sup>48</sup> S/RES/2242(2015), OP6, contains 17 commitments around gender expertise and sanctions designations in the establishment and renewal of sanctions. There

43 S/RES/2376(2017), OP4; S/RES/2434(2018), OP4; S/RES/2486(2019), OP5, noting that sex and gender-based violence is only included in the latter two UNSCRs.

44 S/2018/140; S/2018/429; S/2018/780; S/2019/19; S/2019/682; S/2020/41.

45 Para. 60.

46 UNSMIL. 2020. Women's Empowerment Section. Accessed 13 February 2020.

47 UNSMIL. 2020. Security Institutions Service. Accessed 13 February 2020.

48 S/RES/2441(2018), OP14, outlines, among others, a commitment "to ensuring that the relevant expert groups for sanctions committees have the necessary gender expertise."

has been only one round of appointments since the grounding of these commitments in UNSMIL by way of S/RES/2441(2018). None of those appointed were identified as experts in sex and gender-based violence.<sup>49</sup> The background of these experts, and whether they contained the “necessary” sexual and gender-based violence expertise, was unclear from an initial review. The current Panel of Experts has published one report.<sup>50</sup> This report, 376 pages in length, referenced sex and gender-based violence and exploitation six times. It is of note that this Panel documented the forced disappearance of lawmaker and women’s rights activist, Siham Sergewa, who was taken by force from her home in Benghazi on 17 July 2019.<sup>51</sup> This report did not contain any references to the WPS UNSCRs. It does not appear that the Secretary-General is carrying forward the UNSC’s commitment to including sexual and gender-based violence expertise on the Panel of Experts.

From this preliminary analysis, it does not appear that WPS commitments are being carried forward in practice in the UN’s work in Libya.

## 2. Yemen UNSCRs

Three of 13 Yemen UNSCRs (23%) incorporate WPS within their OPs. Though none of these UNSCRs contain strong references, there are two references which may prove useful to discuss.

For instance, S/RES/2011(2014), OP6, obligates “all concerned parties to ensure the protection of women and children, to improve women’s participation in conflict resolution and encourages all parties to facilitate the equal and full participation of women at decision-making levels.” This creates the following commitments:

1. For “Concerned parties” to ensure the protection of women;
2. For “Concerned parties” to ensure the protection of children;
3. For “Concerned parties” to improve women’s participation in conflict resolution; and
4. For “All parties” to facilitate the equal and full participation of women at decision-making levels.

Later, in S/RES/2051, OP4, the importance of “full” participation of women is “underlined.” This reference is notable for its inclusion alongside a reference to the Special Envoy and his Framework for Negotiations in the context of attempts to “pave the way for the resumption of formal negotiations towards a political solution.”<sup>52</sup> As such, the UNSCR OPs referencing participation will be the focus of this analysis.

Though the language around participation within the Yemen UNSCR OPs lacks a direct reference to WPS UNSCRs, this language is clearly rooted within them. For example, S/RES/1820(2008), OP12:

*“[u]rges the Secretary-General and his Special Envoys to invite women to participate in discussions pertinent to the prevention and resolution of conflict, the maintenance of peace and security, and post-conflict peacebuilding, and encourages all parties to such talks to **facilitate the equal and full participation of women at decision-making levels** [emphasis added].”*

The Secretary-General, in accordance with its commitment to “report on progress regarding implementation of [S/RES/2451(2018)]”,<sup>53</sup> has submitted three reports.<sup>54</sup> However, the Secretary-General did not comply with his commitment to report on women’s participation. In fact, women are not referenced in any context within these reports.

Analysing the Office of the Special Envoy of the Secretary-General to Yemen’s publicly available materials, it notes WPS as a mandate activity and notes the creation of two “mechanisms for women’s inclusion”: Tawafaq or the Yemeni Women’s Pact for Peace and Security (Pact) and Yemeni women’s Technical Advisory Group (TAG). However, the OSESGY did not explicitly connect these mechanisms to the UNSCRs.<sup>55</sup>

From this initial analysis, it does not appear that WPS commitments emanating from the WPS UNSCRs or from the country-specific UNSCRs are being carried forward in practice in the UN’s work in Yemen either.

49 See S/2019/5, a letter dated 2 January 2019 from the Secretary-General addressed to the President of the UNSC.

50 See S/2019/914.

51 See S/2019/914, Annex 26. See S/2019/800, para. 37. See also S/2019/682, the Secretary-General’s report on the United Nations Support Mission in Libya (UNSMIL), para. 57, which states that “UNSMIL deplores enforced disappearance of elected honorary member Ms. Sergewa, calling for her immediate release.”

52 S/RES/2451(2018), OP4.

53 Ibid, OP7.

54 S/2019/69; S/2019/11; S/2018/1173.

55 OSESGY. 2020. Women, Peace and Security. Accessed 13 February 2020.



### 3. Syria UNSCRs

Only one of 24 (4%) of Syria UNSCRs incorporate WPS. This reference was not a strong reference:

**S/RES/2139(2014), OP15:** *Emphasizes that the humanitarian situation will continue to deteriorate in the absence of a political solution, welcomes in this regard the Geneva Conference on Syria launched in Montevideo on 22 January 2014, and demands that all parties work towards the comprehensive implementation of the Geneva Communiqué of 30 June 2012 leading to a genuine political transition that meets the legitimate aspirations of the Syrian people and enables them independently and democratically to determine their own future, and further stresses that rapid progress on a political solution should include full participation by all groups and segments of Syrian society, including women, and represents the only sustainable opportunity to resolve the situation in Syria peacefully, and that the implementation of this resolution is key to meeting the humanitarian needs of the Syrian people.* [emphasis added]

In OP17, the UNSC requests the Secretary-General to submit reports on the “implementation of this resolution by all parties in Syria.” The Secretary-General submitted 19 reports<sup>56</sup> to the UNSC between 2018-2019, seven of which contained a paragraph including at least one sentence on women in the context of participation and/or inclusion. In 300+ pages of reports, women were referenced in this context in fewer than 15 sentences. S/2018/138, para. 44, references the initial decision that the constitutional committee should include “at the very least” women among other members. In S/2018/724, para. 43, the Secretary-General states that the constitutional committee “must bring together representatives of the Government of the Syrian Arab Republic and the Syrian opposition, as well as independents, civil society, experts and women” and provides his “[full] support [to the] Special Envoy’s efforts to ensure that the constitutional committee has a minimum of 30 per cent of seats reserved for women.” There were two more substantive references:

**S/2018/1104, para. 10:** *In Geneva, the Special Envoy consulted with the Syrian Women’s Advisory Board and the Civil Society Support Room. Those groups called for strengthened participation of women in the political process, the establishment*

*of the constitutional committee under the auspices of the United Nations by the end of the year and credible participation in that committee by women and representatives of civil society. They appealed to all parties to protect civil society representatives and humanitarian workers inside and outside the Syrian Arab Republic and called for adherence to and continuity of the memorandum of understanding agreed between the Russian Federation and Turkey in Idlib on 17 September.*

**S/2019/321, para. 11:** *In the context of the emphasis on Syrian women at the Brussels Conference, the Special Envoy of the Secretary-General, the High Representative of the European Union for Foreign Affairs and Security Policy, heads of United Nations agencies and a number of Ministers for Foreign Affairs participated in gatherings with the Syrian Women’s Advisory Board focusing on how to advance the meaningful participation of women and the women’s rights agenda within the political process. On the margins of the Conference, Special Envoy Pedersen and the High Representative of the European Union, Federica Mogherini, also met with Syrian civil society actors, underscoring the importance of including a diversity of voices in the political process.*

In S/2019/949, the Secretary-General stated that “almost 30 percent” of the committee is women.<sup>57</sup> The final two references – S/2019/508, para. 9 and S/2019/674, para. 13 – were the same. The Secretary-General reported that as part of his diplomatic efforts, the Special Envoy also met with communities of refugees and internally displaced persons, members of Syrian civil society and the Syrian Women’s Advisory Board. This reporting does not include information on the relative and/or nature of participation or composition of the Syrian Women’s Advisory Board (i.e. whether it was “full”). Therefore, the Secretary-General did not fulfil his commitment to report on women’s participation in these reports.

The UN Special Envoy currently leads the UN’s efforts to advance the full implementation of Security Council resolution 2254 and the 2012 Geneva Communiqué. There are limited publications emanating from the Special Envoy’s office surrounding the Special Envoy’s work, and none relating to WPS. While the Special Envoy’s efforts were documented within the Secretary-General’s 2018<sup>58</sup> and 2019<sup>59</sup> reports on WPS, the discussions of the Special Envoy’s efforts were either duplicative or ambiguous. For example, the Secretary-General reported that the Special

56 S/2018/60; S/2018/138; S/2018/243; S/2018/369; S/2018/484; S/2018/1104; S/2018/617; S/2018/619; S/2018/724; S/2018/777; S/2018/845; S/2018/947; S/2018/969; S/2018/1041; S/2018/1104; S/2019/157; S/2019/321; S/2019/508; S/2019/674; S/2019/949.

57 S/2019/949, para. 12.

58 S/2018/900, paras. 36.

59 S/2019/800, paras. 16 and 47.

Envoy consulted regularly with the Syrian Women's Advisory Board.<sup>60</sup> The Secretary-General also noted that the Syrian Women's Advisory Board "provided advice to the Special Envoy for Syria to better understand the deteriorating humanitarian conditions and protection concerns of civilians in Idlib."<sup>61</sup> It is of note that it unclear whether the UN Special Envoy has explicitly connected the Syrian Women's Advisory Board to S/RES/2139(2014), OP15. Limited understanding as to how and whether S/RES/2139(2014), OP15 is being fully implemented is gained from these descriptions. The vague descriptions of these interactions within the Secretary-General's report on WPS, the potentially infrequent provision of advice and consultation, inconsistent country-specific reporting on women's participation, lack of information and apparent lack of focus in implementation indicates that there is, at least, a lack of expectation of accountability for the WPS commitment emanating from S/RES/2139(2014), OP15.

From this initial examination, it does not appear that the single WPS commitment on Syria is being carried forward in practice in the UN's work.

#### 4. DRC UNSCRs

23 of 71 DRC UNSCRs, or 32%, were found to incorporate WPS. 11 of 71 DRC UNSCRs were stronger references. Eight of these UNSCRs specifically cite the WPS UNSCRs.<sup>62</sup> Eight of these UNSCRs reference women protection advisors.<sup>63</sup> Of these references, three include both direct citations to WPS UNSCRs and references to women protection advisors.<sup>64</sup> The commitments flowing from these references include to "employ" or "accelerate the swift deployment of" women protection advisors "as called for in resolution 1960 (2010) and 2106 (2013),

in order to seek commitments on the prevention and response to conflict-related sexual violence."<sup>65</sup>

In each of the UNSCRs in which these references are made, there is a paragraph in which the UNSC requests the Secretary-General to submit reports to the UNSC on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), including on the implementation by MONUSCO of its mandate.<sup>66</sup> As the MONUSCO mandate includes women protection advisors, the Secretary-General is obligated to include in his report information on the work of the women protection advisors. Of ten Secretary-General reports on MONUSCO submitted to the UNSC between 2018-2019, none referenced women protection advisors.<sup>67</sup> Of twelve reports passed between 2015-2016, none referenced women protection advisors.<sup>68</sup> Of eight Secretary-General reports on MONUSCO submitted to the UNSC between 2010-2012, none referenced women protection advisors.<sup>69</sup> None of MONUSCO's five "MONUSCO at a Glance" publications, which summarise MONUSCO's work, contain references to women protection advisors.<sup>70</sup>

Information on women protection advisors, in general, appears in the Secretary-General's thematic reports. The Secretary-General's reports on WPS indicate the total number of women protection advisors across the UN system. In 2017 and 2018, there were 21 women's protection advisors deployed in seven United Nations field missions.<sup>71</sup> The Secretary-General's reports on conflict-related sexual violence restate these numbers, though these reports add that the women protection advisors are "responsible for convening the monitoring, analysis and reporting arrangements on conflict-related sexual violence in the field" and have "significantly improved the availability and quality of information."<sup>72</sup>

60 S/2019/800, para. 16.

61 S/2019/800, para. 47.

62 S/RES/1493(2003); S/RES/1756(2007); S/RES/1906(2009); S/RES/2098(2013); S/RES/2198(2015); S/RES/2211(2015); S/RES/2293(2016); S/RES/2147(2015).

63 S/RES/1906(2009), OP18; S/RES/2098(2013), OP12; S/RES/2147(2014), OP4; S/RES/2211(2015), OP9; S/RES/2348(2017), OP39; S/RES/2409(2018), OP39; S/RES/2463(2019), OP1; S/RES/2502(2019), OP32.

64 S/RES/2098(2013), OP12; S/RES/2147(2014), OP4; S/RES/2211(2015), OP9.

65 Ibid.

66 S/RES/2098(2013), OP34(b)(iii); S/RES/2147(2014), OP40(iii); S/RES/2211(2015), OP43.

67 S/2019/6; S/2019/218; S/2019/575; S/2019/905. S/2018/16; S/2018/128; S/2018/174; S/2018/882; S/2018/655; S/2018/882; S/2018/886.

68 S/2019/6; S/2019/218; S/2019/575; S/2019/905. S/2018/16; S/2018/128; S/2018/174; S/2018/882; S/2018/655; S/2018/882; S/2018/886.

69 S/2010/64; S/2010/512; S/2011/20; S/2011/298; S/2011/656; S/2012/65; S/2012/355; S/2012/838.

70 MONUSCO. 2019. MONUSCO at a Glance: June 2019. United Nations, Strategic Communications & Public Information Division. MONUSCO. 2019. MONUSCO at a Glance: February 2019. United Nations, Strategic Communications & Public Information Division. MONUSCO. 2018. MONUSCO at a Glance: September 2018. United Nations, Strategic Communications & Public Information Division. MONUSCO. 2018. MONUSCO at a Glance: February 2018. United Nations, Strategic Communications & Public Information Division. MONUSCO. 2015. MONUSCO at a Glance: April 2015. United Nations, Strategic Communications & Public Information Division.

71 MINUSCA, MINUSMA, MONUSCO, UNAMID, UNMISS, United Nations Assistance Mission for Iraq and United Nations Assistance Mission in Somalia (UNSOM). See S/2019/800, para. 92. See 2/2018/900, para.22.

72 S/2019/280, para. 6. S/2018/250, para. 4.



Where these commitments are discussed in these thematic reports, they are not tied to the relevant WPS UNSCRs. It is of note that the Secretary-General does not list the number of women protection advisers staffed at each mission.

MONUSCO lists “women, peace and security in peacekeeping” and a “sexual violence unit” amongst its mission activities. The Gender Affairs office, based at MONUSCO headquarters, is staffed by five personnel. There are six personnel tasked with gender affairs across MONUSCO’s six field offices. None of the listed personnel are women protection advisers. Much of the documentation on the sexual violence units has fallen out of date.<sup>73</sup>

The findings surrounding women protection advisers in MONUSCO are set against a backdrop of high expectations for women across peacekeeping missions. Informally, women have shared that they are expected to address a broad range of issues, from sexual exploitation and abuse to maternal health to conflict-affected sexual violence, as well as perform more administrative functions, including making tea.<sup>74</sup>

An initial examination of the implementation of WPS commitments around women protection advisers emanating from the DRC UNSCRs and WPS UNSCRs found absence of information on whether and how women protection advisers have fulfilled the responsibilities. These findings strongly indicate that this commitment is not being carried forward in an intentional way. These findings also suggest a lack of expectation of accountability for carrying forward this commitment.

From an initial analysis, it does not appear that WPS commitments are being carried forward in practice in the UN’s work in DRC.

## D. A Note on CSO Briefers

In conducting initial explorations into why actions to carry forward UNSC commitments appear not to be tracked, reported and/or taken, even though in all ten WPS UNSCRs the UNSC “**decides** to remain actively seized of the matter [emphasis added], it became clear that certain common practices surrounding the drafting of UNSCRs may be a factor. The UN Department of

Political and Peacebuilding Affairs (DPPA) is primarily responsible for producing the initial draft of UNSCRs. The information used by the DPPA in drafting the UNSCRs is taken primarily, if not exclusively, from reports generated by the Secretary-General and other various agencies and organs of the UN involved in the situation the UNSC seeks to address. If the information is absent from these reports, the information is significantly less likely to shape and be reflected within UNSCR decisions and recommendations. However, while the findings above confirm that information on implementation of WPS within the Secretary-General’s reports is absent or lacking, the UNSC has other formal mechanisms for receiving this information.

One such mechanism is through the invitation of women briefers from civil society organisations (CSO) under Rule 39 of the UNSC’s rules of procedure<sup>75</sup> and in accordance with S/RES/2242(2015), OP5(c). The content of these briefings is often deeply rooted in both WPS UNSCRs and country-specific UNSCRs. That the UNSC has received this information, often at significant cost to those who provide it, reinforces the need to reflect this information in their decisions and recommendations.

An initial analysis of points made within statements of women CSO briefers on Syria and DRC, for example, demonstrates how information shared to the UNSC is tied to and furthers WPS and country-specific UNSCR commitments and how the information provided by these briefers fills the gap left by the lack of information on the implementation of WPS commitments within the Secretary-General’s reports.

### 1. *Syria: The Statement of Rajaa Altalli, Co-Founder and Co-Director of the Center for Civil Society and Democracy (20 December 2019)*

The occasion for Ms. Altalli’s briefing, addressed towards achievement of a political solution,<sup>76</sup> was the fourth anniversary of the adoption of S/RES/2254.<sup>77</sup> In her briefing, Ms. Altalli recalled the suffering Syrians have experienced over the course of the conflict, including bombings; starving to death under siege, chemical weapons, forced demographic change, indiscriminate shelling of houses, hospitals, schools, the displacement of more than half of the population either internally or outside the country, and the arrest and torture of tens

73 MONUSCO. 2020. Activities. Accessed 14 February 2020.

74 See Chinkin/Rees commentary, p.20.

75 Security Council Practices and Charter Research Branch. 2014-2015. "Part III: Provisional rules of procedure and related." In *Repertoire of the Practice of the Security Council*. New York: Department of Political Affairs - Security Council Affairs Division.

76 Altalli, Rajaa. 2019. CCSD brief to the Security Council on December, 20th, 2019. New York: Center for Civil Society and Democracy, para. 6.

77 Para. 4. Noting that S/RES/2254(2015), OP12, is the only reference to women within that UNSCR and “calls on the parties to immediately allow... release any arbitrarily detained persons, particularly women and children.”

of thousands.<sup>78</sup> Ms. Altalli outlined a number of specific recommendations, including preparation for sustainable development and reconstruction (including by way of a 1325 National Action Plan<sup>79</sup>) and support in reaching a political agreement between the different parties with the direct participation of Syrian women and Syrian civil society.<sup>80</sup> Her calls for women's participation to achieve a political solution reiterate the commitments set forth in UNSCR S/RES/2139(2014), OP15. Her calls are supported are also supported by WPS UNSCRs including, for example:

- **S/RES/1889(2009), OP1**, which obligates “Member States, international and regional organisations to take further measures to improve women’s participation during all stages of peace processes, particularly in conflict resolution, post-conflict planning and peacebuilding, including by enhancing their engagement in political and economic decision-making at early stages of recovery processes, through inter alia promoting women’s leadership and capacity to engage in aid management and planning, supporting women’s organisations, and countering negative societal attitudes about women’s capacity to participate equally.”
- **S/RES/2122(2013), OP4**, which obligates the UNSC to include provisions to facilitate women’s full participation and protection in: election preparation and political processes, disarmament, demobilisation and reintegration programs, security sector and judicial reforms, and wider post-conflict reconstruction processes where these are mandated tasks within the mission.”
- **S/RES/2467(2019), OP23**, which reiterates the UNSC’s commitment “to include provisions to facilitate women’s full and effective participation and protection in: election preparation and political processes, disarmament, demobilisation and reintegration programs, security sector and judicial reforms, and wider post-conflict reconstruction processes where

these are mandated tasks within the mission.”

- **S/RES/2467(2019), OP30**, which obligates parties to conflict “to ensure that ceasefire and peace agreements contain provisions that stipulate sexual violence in conflict and post-conflict situations as a prohibited act, particularly in provisions relating to disengagement, [and] ensure further that women are present and meaningfully participate in political pre-negotiation and negotiation processes.”<sup>81</sup>

Ms. Altalli recommended that criteria for reaching this agreement should include “guarantees of full human rights and women's rights, and safeguarding of all freedoms including religion, expression, and association, enabling formation of political parties and civil society organisations in Syria”<sup>82</sup> and “building a common Syrian identity based on diversity by ensuring the rights of Syrians from all communities, gender, religions, races and ethnicities.”<sup>83</sup> While this language is less deeply rooted in the text of the mandate,<sup>84</sup> it is rooted within the WPS UNSCRs, as well as CEDAW.<sup>85</sup> In sharing with the UNSC the Syrian experience of suffering and recommendations for alleviating that suffering based in international law, Ms. Altalli (1) filled the gap between the absence of discussion of Syrian women’s participation in reporting on Syria, thereby enabling the UNSC to take action and removing justifications for inaction, and (2) furthered the international legal standing of WPS in Syria and other contexts where UNSC inaction persists.

## 2. *DRC: The Statement of Julienne Lusenge, Director of the Congolese Women’s Fund (FFC) and President of SOFEPADI (13 October 2015)*

In her briefing, Ms. Lusenge informed the UNSC of key developments in DRC including the denial of access to North Kivu women to negotiations between M23 and the Government in 2013;<sup>86</sup> that women in Rutsuru and Beni in North Kivu in DRC were being killed, raped and kidnapped

78 Para. 3.

79 Para 7(g), Point 6.

80 Para 7(f), Point 5.

81 Noting that political missions are required to include women protection and/or gender advisors. See, for example, S/RES/2242(2015), OP7. See too S/RES/2106(2013), OPs 7 and 8. Noting, in this regard, the potential for fruitful comparison to DRC UNSCRs which speak to WPAs and women’s political participation. See, for example, S/RES/2502(2019), OP32.

82 Para 7(f)(iii), Point 5.

83 Para 7(f)(iv), Point 5.

84 This is, itself, demonstrative of a failure to uphold WPS UNSCR obligations.

85 See S/RES/1325(2000), OP8(c). See too CEDAW, article 2(c): “States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake: ... (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination.” Noting, however, that Syria’s accession to CEDAW is subject to reservations (including to article 2). See section III(B) of this report for relevant analysis of evolution of political and economic rights in the WPS UNSCRs.

86 Lusenge, Julienne. 2015. Statement by Ms. Julienne Lusenge at the UN Security Council Open Debate on Women, Peace and Security. New York: NGO Working Group on Women, Peace and Security, para. 6.

and forced to become sex slaves;<sup>87</sup> that women working to bring peace do this work (1) under threat of armed groups “who come into our houses and try to physically and sexually attack us,” (2) “without protection” and (3) with “scant resources.”<sup>88</sup> Ms. Lusenge informed the UNSC that they had not implemented their commitments under S/RES/1325(2000), “almost nothing had changed,”<sup>89</sup> and that the UNSC’s “actions were not enough to make a real difference.”<sup>90</sup> Ms. Lusenge offered a number of specific recommendations for concrete action, including for mixed courts “such as those in Sierra Leone and Timor Leste to address serious crimes against humanity that are not being considered by the ICC;”<sup>91</sup> mission leadership to meet regularly with women’s organisations and listen to and investigate allegations put forward by the local population;<sup>92</sup> increased coordination with grassroots organisations to avoid duplicate efforts<sup>93</sup> and “make requisite women’s attendance and participation in all peace talks... to negotiate in the formal processes, not just [from] the sidelines.”<sup>94</sup>

An initial analysis of this last recommendation, for example, finds that women’s participation in peace talks and formal processes is in fact required. This recommendation is rooted in the following DRC UNSCRs:

- **S/RES/2053(2012), OP15**, which “[u]rges the Congolese authorities to ensure that the provincial and local elections are conducted in a timely, credible, peaceful and transparent manner, which includes ensuring respect for human rights and fundamental freedoms, ensuring full and effective participation of women in the electoral process, strengthened engagement and cooperation with the civil society, equitable access to media including State media, safety for all candidates, as well as for election observers and witnesses, journalists, human rights defenders and actors from the civil society including women.”
- **S/RES/2147(2014), OP27**, which obligates “MONUSCO... to assist the Government of the DRC in ensuring the participation, involvement and representation of women at all levels, including ... in the national political dialogue and electoral

processes, through, inter alia, the provision of gender advisers, and further requests enhanced reporting by MONUSCO to the Council on this issue.”

- **OS/RES/2348(2017), OP3**, which “[c]alls on the Government of the DRC and its national partners, including the Independent National Electoral Commission (CENI), to ensure a transparent and credible electoral process, in fulfilment of their primary responsibility to create propitious conditions for the forthcoming elections, as per the 31 December 2016 agreement, including full participation of women at all stages.”
- **S/RES/2502(2019), OP32**, which obligates “MONUSCO... to assist the Government of the DRC and other relevant stakeholders in creating a legal, political and socio-economic environment conducive to ensuring the full, effective and meaningful participation and full involvement and representation of women at all levels, and survivors of sexual and gender-based violence” and “requests MONUSCO support the government in advancing women’s political participation, in particular achieving the 30% constitutional quota and further requests enhanced reporting by MONUSCO to the Council on this issue.”<sup>95</sup>

This recommendation also finds a significant amount of support in WPS UNSCRs, including but not limited to those referenced in connection with the above analysis of Ms. Altalli’s briefing.<sup>96</sup>

In connecting key developments to twenty years of “destruction” in DRC, clearly stating the UN’s failure to implement commitments emanating from S/RES/1325(2000), and outlining specific recommendations for bringing peace to DRC based in international law, Ms. Lusenge (1) filled the gap between the absence of reporting on these commitments, thereby enabling the UNSC to take action and removing justifications for inaction, and (2) furthered the international legal standing of WPS in DRC and other contexts where UNSC inaction persisted.

87 Para. 9.

88 Para. 12.

89 Paras. 3, in the specific context of DRC, and 4, in the context of women’s “common” and universal experiences.

90 Para. 10.

91 Para 16.

92 Para 19.

93 Para. 11.

94 Para 14.

95 The evolution of the language on political participation within these DRC UNSCR OPs exemplifies the point set forward in section IV(B) of this report.

96 S/RES/1889(2009), OP1; S/RES/2122(2013), OP4; S/RES/2467(2019), OP23; S/RES/2467(2019), OP30.

## V. The Path Forward

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The findings within this report demonstrate the magnitude, scope and potential of entitlements emanating from the WPS UNSCRs. We therefore conclude with a brief discussion of how these findings can be used to operationalise and reinforce the international legal standing of the WPS Agenda.

First, on a procedural note, drafting of WPS provisions within UNSCRs should be done with an eye to their disassembly, implementation and legal significance. Drafters should:

- incorporate the commitments emanating from WPS UNSCRs and ensure attribution to relevant actors;
- directly reference the WPS UNSCR from which the commitment flows;
- be consistent in use of terms;
- build on associations and meanings already present within the WPS UNSCRs; and
- publicly assert that this is being done and also publicly identify those preventing this from being done.

Those advocating around the UNSCRs, be it UNSC member states, CSO coalitions or other actors, should aim to hold drafters accountable to this approach.

Second, by placing international law at the heart of diplomatic strategies, diplomats may make more intentional and strategic use of the information provided by women CSO briefers.

Third, where UNSC action is not taken, these findings can contribute to making productive use of the inaction. The most significant implication of these findings and one which may be readily implemented is the need to support formal and informal diplomatic efforts conducted within and around the UNSC with direct references to WPS UNSCRs.

Fourth, this should be done (in particular) when engaging with the statements of women CSO briefers as it would serve as a corrective to the current dynamics within the briefing mechanisms. The current system (1) places outsize burden of responsibility on women CSO briefers for sharing the experiences of their communities in a way that brings about action and leaves them feeling exclusively responsible for UNSC inaction, and (2) defines the purpose and achievement of these statements exclusively in terms of the UNSC action catalysed by them. By explicitly connecting their responses to and engagement around the statements of women CSO briefers with WPS UNSCRs and WPS references within country-specific UNSCRs, diplomats can ensure that the statements of women CSO briefers will take on greater legal purpose.

Finally, more needs to be done to establish connections and accountability across the UN systems. Though this report takes a step in that direction, there are many questions that were outside its scope. The interplay between Human Rights Council resolutions and UNSCRs, for example, must be better understood, as does that of Commissions of Inquiry and UNSCRs. In this way, this report aims to contribute to and calls for broader feminist strategies surrounding UNSC reform, including on veto use and permanent membership.

## ANNEX I: Overview of the Use of “Gender” In WPS UNSCRs

The term “gender” is referenced in 61 WPS SCR OPs<sup>1</sup> across all ten WPS SCRs and in various contexts. Gender was referenced primarily as a descriptor within a compound phrase, such as in: “gender approaches;” “gender component;” “gender considerations;” gender dimension;” “gender issues;” “gender mainstreaming;” “gender perspective;” “gender-responsive;” “gender-sensitive.” An analysis of contexts in which these terms appeared was conducted to capture definitions, associations and patterns in usage. This analysis produced the following results:

| TERM                           | OVERVIEW OF USE IN WPS UNSCRs   |
|--------------------------------|---|
| <b>Gender-based approaches</b> | This term is referenced in the context of the Peacebuilding Commission, the role of which in promoting “gender-based approaches” towards reducing instability in post-conflict situations is “reaffirmed” by the UNSC. <sup>23</sup>  |
| <b>Gender component</b>        | A clear meaning of this term does not arise from a review of WPS UNSCRs. It is used in the context of “field operations” (which are to include a “gender component”). <sup>4</sup>  |
| <b>Gender considerations</b>   | This term is referenced as a commitment for Security Council missions to take into account. <sup>5</sup> The integration of “gender considerations” is listed as an intended outcome of the meaningful participation of civil society in peace and security meetings. <sup>6</sup> It has been loosely defined in relation to humanitarian programming to include: <ol style="list-style-type: none"> <li>1. “the provision of access to protection and the full range of medical, legal and psychosocial and livelihood services, without discrimination,”</li> <li>2. “ensuring women and women’s groups can participate meaningfully,” and</li> <li>3. ensuring women and women’s groups can be “supported to be leaders in humanitarian action.”<sup>7</sup></li> </ol> |
| <b>Gender dimensions</b>       | This term is typically used in the context of the “gender dimensions” of peace processes, peacebuilding, conflict resolution, and situations on the UNSC’s agenda. <sup>8</sup> In the context of a call for increased commitment of counter-terrorism funds towards projects which address “gender dimensions,” “gender dimensions” are defined to include women’s empowerment. <sup>9</sup>   |

1 This number is not reflective of the total number of appearances of the term “gender” within WPS UNSCRs.

2 S/RES/1888(2009), OP18.

3 “Approach” appears in connection to gender, also in connection to the Peacebuilding Commission (PBC), in S/RES/1820(2008), OP11.

4 S/RES/1325(2000), OP5.

5 S/RES/2242(2015), OP5(b): “reiterates its intention to ensure Security Council missions take into account gender considerations and the rights of women, including through consultation with local and international women’s groups.” See too S/RES/1325(2000), OP15.

6 S/RES/2242(2015), OP1: “further encourages the meaningful participation of civil society organisations at international and regional peace and security meetings, as appropriate, including donor conferences to help ensure gender considerations are integrated in the development, prioritization, coordination, and implementation of policies and programmes.”

7 S/RES/2242(2015), OP16.

8 S/RES/1325(2000), OP16; S/RES/2122(2013), OP1; S/RES/2122(2013), OP2; S/RES/2242(2015), OP5; S/RES/2122(2013), OP7.

9 S/RES/2242(2015), OP13.

|                             |   |
|-----------------------------|---|
| <b>Gender issues</b>        | <p>This term is used in a variety of contexts, in connection to CTED,<sup>10</sup> the PBC,<sup>11</sup> “all relevant United Nations entities,”<sup>12</sup> “discussions pertinent to the prevention and resolution of armed conflict, the maintenance of peace and security, and post-conflict peacebuilding”.<sup>13</sup> This term is associated with commitments on how to address or consider gender issues<sup>14</sup> (rather than definitional directions surrounding of what “gender issues” is comprised).</p>  |
| <b>Gender mainstreaming</b> | <p>This term is used in connection to peacekeeping missions, “mission elements,” and “the post-conflict peacebuilding and recovery processes and sectors.” The PBC and gender advisors are also referenced in connection to this term. In relation to “special measures” that “all relevant UN entities” and “their respective institutions” are obligated to take, gender mainstreaming is defined to include the allocation of adequate financial resources within all relevant offices and departments and on the ground, the allocation of adequate human resources within all relevant offices and departments and on the ground and the strengthening of respective mandates’ cooperation and coordination when addressing the issue of sexual violence in armed conflict.<sup>15</sup></p>   |
| <b>Gender perspective</b>   | <p>This term is referenced in connection to the need for “integration” or “mainstreaming” within UN peacekeeping operations,<sup>16</sup> as well as within the former iterations of the Department of Political and Peacebuilding Affairs,<sup>17</sup> and the Secretariat and UN agencies.<sup>18</sup> The UNSC calls for deployment of more gender advisors doing the work of integrating a “gender perspective” in “mission elements” most clearly defined within the UNSCRs in relation to peace agreements.<sup>19</sup> In relation to peace agreements, a gender perspective includes but is not limited to one that puts forward:</p> <ol style="list-style-type: none"> <li>1. the special needs of women and girls during repatriation and resettlement and for rehabilitation, reintegration and post-conflict reconstruction;</li> <li>2. measures that support local women’s peace initiatives and indigenous processes for conflict resolution, and that involve women in all of the implementation mechanisms of the peace agreements; and/or</li> <li>3. measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary.</li> </ol> |

10 S/RES/2242(2015), OP11.

11 S/RES/1820(2008), OP11.

12 S/RES/1888(2009), OP22.

13 S/RES/2122(2013), OP7.

14 See, in this regard, S/RES/1888(2009), OP22; S/RES/2122(2013), OP7; and S/RES/2242(2015), OP11.

15 S/RES/1888(2009), OP22.

16 S/RES/1325(2000), OP5.

17 S/RES/2242(2015), OP4.

18 S/RES/2493(2019), OP2.

19 S/RES/1325(2000), OP8.



|                          |   |
|--------------------------|---|
| <b>Gender responsive</b> | This term appeared twice in connection to discussions of judicial and legal reform, security sector reform, law enforcement and access to justice. <sup>20</sup> It also appeared in connection to UN peacekeeping operations and special political missions, where it is defined to include the provision of “field-based gender advisors and other missions’ sectors with full access to the policy, substantive and technical support of these entities on the implementation of resolution 1325 (2000) and successive resolutions, making full use of respective comparative advantages.” <sup>21</sup> This is a term that the UN has taken steps to define as in, for example, UN Women’s “Guide for Gender-Responsive Implementation of the Global Compact for Migration” (published in early 2019). |
| <b>Gender-sensitive</b>  | This term is typically used in the context of training, <sup>22</sup> data collection and research. <sup>23</sup>   |

This analysis demonstrates that while the WPS UNSCRs do not provide a singular definition of gender or of the compound terms which appear across the WPS UNSCRs, associations attached to these terms can attribute meaning that contributes to legal weight and force.

20 See S/RES/1889(2009), OP10. See also S/RES/2122(2013), OP10.

21 S/RES/2422(2015), OP7.

22 S/RES/1325(2000), OP7.

23 S/RES/2242(2015), OP12.





In 2017, Margot Wallström, Sweden's top diplomat, broke ground at the UN Security Council when she asked: in relation to aspects of security, peace and foreign policies, 'where are the women'? Examining and comparing country-specific UN Security Council resolutions (UNSCRs) and the ten Women, Peace and Security (WPS) UNSCRs, we're similarly driven to ask: where are the words? The UN Security Council has failed to include the hard-won language on WPS where it really matters— in addressing conflict in country-specific UNSCRs.

Words lost. Opportunities lost. An agenda undermined, to the detriment of women's rights. This can be fixed. By exposing the gap, we learn and show how it can be overcome.



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