

RESEARCH
PAPER

TEXT AND CONTEXT:
EVALUATING PEACE
AGREEMENTS FOR
THEIR 'GENDER
PERSPECTIVE'



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TEXT AND CONTEXT: EVALUATING PEACE AGREEMENTS FOR THEIR 'GENDER PERSPECTIVE'



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EXECUTIVE SUMMARY

1. This report examines first of all what ‘a gender perspective’ in peace agreements might mean, suggesting that the term has not been fully enough considered.
 2. It also produces data on when women have been specifically mentioned in peace agreements, between 1 January 1990 and 1 January 2015. That data, in summary shows that:
 - Peace agreement references to women have increased over time, apparently partly under the influence of UN Security Council Resolutions on women, peace and security
 - Overall 18% of peace agreements reference ‘women’
 - However, before UNSC 1325, only 11% of peace agreements referenced women, while after UNSC 1325 27% of peace agreements referenced women
 - The increases have been greater in processes in which the UN was a signatory or declaratory to the peace agreements. Before UNSC 1325, 14% of agreements to which the UN was a signatory mentioned women, while after UNSC 1325 38% mentioned women.
- Only very few agreements which reference women provide evidence of a robust ‘gender perspective’ having been adopted
 - Often agreements with the most ‘holistic’ references to women are often highly internationalized agreements in which there is little real ‘agreement’ between the parties to the conflict, and where as a result there is a chronic implementation failure, both of the agreement and of its women provisions
 - Nonetheless some examples of good practice do exist
 - References to substantive measures on equality for women and sexual violence have improved over time, from general references to equality towards firmer commitments to participation, to quotas and to addressing violence against women.

Recommendations

In conclusion, the following recommendations are suggested for how resolution 1325 and its successor resolutions on women, peace and security can be taken forward:

1. The data shows a positive impact of the resolution on peace agreement provision. It is therefore important to re-enforce the need to keep implementing resolution 1325. The data provides evidence of a link between the passing of UN Security Council resolutions on women, peace and security, and increased references to women in peace agreements. In some cases, the connection may be because international actors increasingly insist on clauses on women in internationalised agreements, as the data on the UN-signed agreements suggests. In other cases, it may be because Security Council resolutions have shaped matters more indirectly by underwriting local activism and increasing women’s awareness that peace agreements are ‘about them’ and that there are international standards that support their demands for inclusion.¹ While references to women in peace agreements are not in-and-of-themselves sufficient to improve women’s equality and quality of life, inclusion in a peace agreement agenda for change is often crucial to broader, on-going struggles for inclusion. Where such references to women as are found in peace agreements, they have often been hard-won. They mark a formal commitment to equality on which later commitments will depend, and often control what funding sources flow. Repeating exhortations in successive Security Council resolutions to include women as mediators and parties to peace negotiations and to include a gender perspective in peace agreements can create a feeling of failure. However, if progress is to be sustained and built, there is a need to constantly renew international commitments to equality of women, and to continue to mainstream these commitments throughout international strategies for peace-making and building.
2. It could be useful for UN Security Council resolutions and other policy initiatives to expressly define

what ‘a gender perspective’ in peace processes and agreements means. While the form of words should be subject to consultation, the following provides an example to provoke further consideration:

A gender perspective requires:

- consultation of women regarding peace negotiation structure and modalities;
 - inclusion of women in peace negotiation fora;
 - explicitly addressing women’s needs and demands in the text of any peace agreement and subsequent processes of implementation;
 - a consultative conflict assessment of the power relations at the heart of the conflict, and its relationship with gender power relations, and technical support for women in addressing both sets of inter-woven relationships simultaneously;
 - a consultative assessment of the implications for women and men of draft peace agreement provisions, including provision for legislation, policies or programmes in any area and at all levels. This assessment should aim at addressing women’s as well as men’s concerns and experiences in peace agreement design, so that men and women benefit equally, and inequality is not perpetuated.
3. In addition to requiring the inclusion of women in peace negotiations, and gender perspectives in peace agreements, the Security Council might consider including the following suggested language in a future resolution, requiring **the establishment of multiple pathways to peace, to facilitate the inclusion of views of actors beyond political and military elites, so as to supplement the change agenda of formal peace talks, and respond to a broader civic assessment of social needs.**
4. Necessary support to women in peace processes could include more explicit commitments to:
- Support the inclusion of women at early stages of a peace process, where the processes established can be critical to enabling or disabling the participation and influence of women;
 - Support both formal and informal modes of women’s organising and deliberating with reference to the peace process.
5. Robust monitoring of peace agreement implementation needs to take place, and in particular, monitoring and enforcement provided for any commitments to women or gender equality. Where new institutions are established and gender equality has not been included in the peace agreement, international actors and donors should support initiatives that seek to ensure that new institutions will also provide for gender equality. Particular attention needs to be paid to implementation of measures that have thin consent from the parties in the conflict but are required to ensure forms of equality and inclusion beyond that between the main conflict protagonists.
6. Further consideration should be given to the possibility of a trade-off between securing gender references in peace agreements modelled on good practice, and the need for gender references to be finely attuned to political bargaining processes that will continue to affect their implementation, if they are to be effective, as the examples of Northern Ireland, Colombia, Nepal and the Philippines illustrate.
7. Where international implementation strategies supplement or even replace peace agreements, these plans should be subject to consultation with women affected by conflict, and use a gender perspective. International interveners, including non-governmental organisations, should consider producing public ‘action plans’ on how they propose to integrate a gender perspective throughout their peace implementation programming.

INTRODUCTION

Since approximately 1990, peace processes involving the negotiation of formal peace agreements between the protagonists to conflict have become a predominant way of ending violent conflicts both within and between States. Between 1990 and 2015 1,168 peace agreements have been negotiated in around 102 conflicts, on a wide definition of peace agreements to include agreements at all stages of the negotiations.

These agreements, when they reach a framework stage, seek to end conflict by setting out a governmental road map for the future. They often perform a constitution-like function for the transitional period and sometime beyond, critically shaping domestic political and legal institutions, and creating the agenda for the subsequent efforts and funds of international interveners.

UN Security Council resolution 1325

These difficulties were addressed in UN Security Council resolution 1325 (2000), which aimed to address women, peace and security. Paragraph 8 provided that peace agreements should adopt a 'gender perspective.' This recommendation is affirmed in the subsequent women, peace and security resolutions which follow on from resolution 1325.

In full, paragraph 8 of UN Security Council resolution 1325:

Calls on all actors involved, when negotiating and implementing peace agreements, to adopt a

Peace agreements are therefore important documents with significant capacity to affect women's lives. However, a range of obstacles for women seeking to influence their design and implementation persists. These include difficulties with accessing talks, achieving equal influence at talks, raising issues of concern for women, and achieving material gains for women as an outcome of the peace process.

gender perspective, including, inter alia: (a) The special needs of women and girls during repatriation and resettlement and for rehabilitation, reintegration and post-conflict reconstruction; (b) 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; (c) 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;

Definitions

There is no formal 'official' definition of a peace process or peace agreement, however the following definitions operate in a broad but coherent way so as to cover agreements produced at different stages of the negotiation process across different conflict types.²

Peace Process or Peace Negotiations: an attempt to bring political and/or military elites involved in conflict (defined as having caused more than 25 conflict-related deaths in one calendar year), to some sort of mutual agreement as to how to end the conflict.³

Peace Agreement: Peace Agreement: formal documents publicly produced, after discussion with some or all of the conflict's protagonists and reflecting some agreement between them, which address military violence involving more than 25 battle-related deaths in one year, with a view to ending that violence.

Research indicates that women have been relatively absent from peace processes and their resultant peace agreements. This absence in turn is translated into peace agreement provisions that largely do not

address women's perspectives or concerns. It can be difficult to trace where and when women have been involved in peace negotiations. However, key attempts to quantify the presence of women, indicate low numbers of women in the delegations of the parties to the conflict, and a very low proportion of female negotiators. Negotiating teams drawn from politico-military elites are primarily men. A study in 2008 of 33 peace negotiations found that only 4 per cent (11 out of 280) of negotiators were women, and that the average participation of women on government negotiating delegations of 7 per cent, was higher than on the delegations of non-state armed groups.⁴ Another study in 2012 indicated that out of a representative sample of 31 major peace processes between 1992 and 2011, only 4 per cent of signatories, 2.4 per cent of chief mediators, 3.7 per cent of witnesses and 9 per cent of negotiators were women.⁵ While the United Nations appointed its first female head of peace-keeping operations in 1992 (Margaret Anstee, Angola), it is only very recently that it has appointed its first female UN Chief Mediator (Mary Robinson, UNSG Envoy to the Great Lakes Region of Africa, 2013, on part-time basis), and its first female commander to head a UN peacekeeping force (Major General Kristen Lund, 2014, Cyprus).

How to include women in peace processes, and use peace agreements to address their concerns therefore requires further attention. To that end, this

report considers, first of all, what it might mean to “adopt a gender perspective” in a peace process and peace agreement which I suggest is important to understanding how peace agreement provision might be expected deal with women and gender.⁶ It also provides new data on specific references within peace agreements to women and gender equality, and gender-based or sexual violence. This data provides baseline information on the extent to which a gender perspective is being included in peace agreements. The report also addresses qualitatively the type of provisions relating to women that are emerging, showing how these have changed over time, and the relationship to UN Security Council resolutions on women, peace and security.

The aim is to inform the implementation of UN Security Council resolution 1325 and its successors, with relation to peace processes and agreements. The study has been prepared to inform the High-Level Review of the implementation of UN Security Council resolution 1325 and the Global Study on the Implementation of UN Security Council resolution 1325 to support that review, called for in paragraphs 15 and 16 of UN Security Council Resolution 2122 (2013), and we hope it will continue to inform attempts to implement the findings of that review.

WHAT DOES IT MEAN TO ADOPT A ‘GENDER PERSPECTIVE’ IN PEACE AGREEMENTS?

UN Security Council resolution 1325 in paragraph 8 talks about the need to adopt a ‘gender perspective’ in peace agreements. Although the term ‘gender’ is used in paragraph 8, the surrounding resolution text is focused on ‘women.’ What is meant by adopting a ‘gender perspective’ is not defined and not entirely clear. The term most obviously has a UN lineage in the commitment, going back to the Beijing Declaration and Platform for Action (1995), to gender mainstreaming across UN operations. Gender mainstreaming has been defined and implemented since that time as:

The process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women’s as well as men’s concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetrated. The ultimate goal is to achieve gender equality.⁷

Interestingly, one of the only documents to use the term ‘gender perspective’ in connection with conflict, apart from Paragraph 8 of resolution 1325, is the International Criminal Court, Office of the Prosecutor’s *Policy Paper on Sexual and Gender-based Crimes* of June 2014.⁸ While the term ‘gender perspective’ is defined here with reference to international criminal law, its approach is still informative to broader concepts of a gender perspective in peace processes and agreements. In contrast to the ‘assessment’ approach of the mainstreaming definition, the Office of the Prosecutor’s

approach introduces the idea of “power, roles, and needs between males and females:”

‘Gender perspective’ requires an understanding of differences in status, power, roles, and needs between males and females, and the impact of gender on people’s opportunities and interactions. This will enable the Office to gain a better understanding of the crimes, as well as the experiences of individuals and communities in a particular society.⁹

This definition suggests that a gender perspective goes beyond a mainstreaming approach would involve ‘assessing policy’ for its impact on women, with a focus on integrating women’s concerns into policies and programmes, towards an approach which tries to understand the ways in which policies connect to questions of power relations between men and women.

This second definition conceives of power as relational and dynamic. Rather than requiring ‘gender proofing’ of peace agreements and related initiatives, this approach to adopting a ‘gender perspective’ in

peace negotiations suggests that it requires an attempt to understand how negotiations affect power relations between not just military and political elite groups who are critical to ending the conflict, but also between men and women, and provide better understanding of the relationship between both sets of power dynamics. In practical terms therefore, using a gender perspective from this point of view, involves asking what gender power relations characterise the

political settlement that is being moved from and to in the peace negotiations, so as to understand and address the implications of that settlement for women. Conversely, this power-relations approach would also ideally involve pro-active thinking as to how the process of transition could be used to re-shape gender power relations, in ways that might usefully re-shape power relations more generally.

Adopting a Gender Perspective: A Fourfold Approach

If we use these definitions to assist in defining what a “gender perspective for negotiating and implementing peace agreements” might comprise, four different components which can be understood as involving different levels of gender inclusion, all of which are important.

First, a gender perspective clearly requires input to the peace process and peace agreement negotiations from women, whatever their perspective, and whatever the content of the provisions they seek. Resolution 1325 exhorts the inclusion of women in peace negotiations and the appointment of mediators who are women. The presence and influence of women may therefore be viewed as itself a ‘good,’ and central to a ‘gender perspective.’ It is important to emphasise that while there may be arguments as to the ‘special knowledge and approaches’ that women might bring to the table, their participation should not depend on having to demonstrate these benefits to earn their place at the table. Even if an agreement which ‘looked good’ in its gender provisions could be provided without them, it would not fully adopt a gender perspective if women had not been involved in formulating its provisions.

Second, a gender perspective involves providing for material gains for women based on an assessment of their particular treatment during conflicts, and their particular needs post-conflict. Paragraph 8 of resolution 1325 emphasises some areas where women would seem to be differently positioned from men (demobilisation, refugees, and institutional reform), and to have particular needs that need to be specifically addressed if they are to be treated equally. A gender perspective involves considering how issues such as demobilisation, displacement, or

use of violence is often quite different for women and men, with different costs. A gender perspective would involve thinking through areas where differentiated provision for women needs to be included in the peace agreement, if women’s particular needs are to be adequately addressed.

Thirdly, adopting a gender perspective with regard to peace agreements could be understood to require a more holistic assessment of the different ways in which peace agreement provisions impact on women, even when phrased in neutral terms. So, for example, choices as to: the relationship between rights and traditional laws in the new dispensation; whether and how socio-economic rights are addressed; the choice of electoral system; and modalities of how refugees and displaced persons are dealt with. Each of these issues will have differential impacts on women which cannot be adequately addressed without specific attention to their gender implications. This definition goes well beyond a ‘women-specific measures’ approach to including a gender perspective, to examining how each provision of the agreement implicates the equality and needs of women in a version of a ‘gender mainstreaming’ approach. An early attempt in 2003, to examine how peace agreements could promote gender equality and ensure the participation of women used this approach in setting out model provisions for gender mainstreaming. These measures which remain still timely and useful, were striking for the ways in which they implicated every aspect of the agreement.¹⁰

Fourthly, and perhaps most profoundly, adopting a gender perspective involves analysis of how the on-going political bargaining processes of a particular conflict

context, relate to the power relationships between men and women. This approach builds on the power-analysis dimension outlined above, to question how peace negotiations and peace agreement implementation efforts will affect power relations not just between the parties to the conflict, but between men and women. This ‘political settlement’ approach to gender involves considering how inclusion of women in peace negotiations, provisions on women in peace agreements, and gender mainstreaming approaches to implementation, will impact on existing power relations between politico-military elites. From this point of view, a ‘gender perspective’ involves understanding that both the use of violence and peace negotiations to end violence concern power relations, including gender power relations. A gender perspective understands power to be relational across male/female, elite/non-elite, and even domestic/international actors, in complex ways, and treats delivery of equality and human rights as requiring power

imbalances between men and women to be addressed. In this most holistic sense, a gender perspective would involve attempts to understand the ways in which the new political settlement which will result from the peace negotiations will contain an implicit ‘sexual contract’ and to consider whether the new dispensation is likely to be transformative or regressive for women, and identify possible ways of ensuring that its potential for transformation is maximised.

This last move towards grappling more politically with how peace negotiations and implementation of peace agreements affect the power relations between men and women opens up a much more complicated terrain for what comprises a ‘gender perspective,’ because it requires nuanced political analysis that is smart as to the gender implications of both the formal structures that the peace process is attempting to instantiate, and the informal power structures that will shape how these formal structures operate.

Peace processes and agreements as already structured by gender

This last dimension of the ‘gender perspective’ points to the need to also problematize how we understand resolution 1325’s exhortation to adopt a gender perspective, to include questioning the ways in which the very concept of a peace process and negotiations are themselves already gendered. As noted, women are often absent from peace process talks that typically have limited agendas for change, focusing as they do on moving from violence to some form of cessation of hostilities. This paper suggests that adopting a gender perspective, means **understanding and approaching peace processes and their agreements as gendered from the outset**, and therefore finding ways to mitigate the exclusions that they establish from the outset.

Peace initiatives are often promoted throughout a conflict by civil society, and particularly by women. In many societies they are disproportionately at the forefront of anti-militaristic, peaceful strategies for change (even where some women support violent action). However, it tends to be only when the main protagonists to conflict – military and political elites who are primarily men—come together in a formal attempt to mediate an end to the conflict and reach

a political settlement, that a formal peace process is considered to exist and attracts sustained international support. **The very idea of a ‘formal peace process’ resulting in a ‘peace agreement,’ is one that is defined to occur at the very point when women are excluded.**

The definition of peace process and peace agreement offered earlier is illustrative. Derived by capturing descriptively, in an empirically defensible way, what are commonly regarded as peace agreements, the definition excludes the often on-going processes of peace-making and proposals and initiatives for conflict termination in which women and wider civil society actors are often continuously involved throughout a conflict. It may therefore be important to consider whether and how formal peace negotiations need to be supplemented with other vehicles for change-agendas to be articulated, and what connections can be drawn between different fora. While resolution 1325 focuses on trying to include women in peace processes, it might be useful for future resolutions to talk of the need to pursue ‘multiple pathways to peace,’ alongside formal peace negotiations.¹¹ This is a point I return to in recommendations.

ASSESSING THE ‘GENDER PERSPECTIVE’ OF PEACE AGREEMENTS

The data in this report focuses on a relatively limited assessment of whether peace agreements have adopted ‘a gender perspective,’ by focusing on the second level of definition, based on examination of the extent to which peace agreements have dealt with women’s specific needs in an explicit way which recognises gender differences. However, the report uses this focus to evaluate whether and when a gender perspective in all four senses outlined above has been adopted. The data examines peace agreements between 1 January 1990 to 1 January 2015, and the extent to which they have made specific reference to women (or girls, or widows, or ‘wives’), to gender equality, to gender, gender-based or sexual violence.

While it is not suggested that finding such references amounts to evidence of a gender perspective having been adopted in a peace agreement, we suggest that reliable data on peace agreement provisions dealing explicitly with women and gender can nonetheless provide a useful starting point from which wider questions as to the perspective adopted can be researched. The data provides both quantitative and qualitative data as to what type of references to women find their way into peace agreements, and the level of mainstreaming which has taken place. Data on references to women in peace agreements also provides a form of baseline assessment of whether it is *likely* that there has been a gender perspective adopted in

negotiations, in that it is difficult to imagine a gender perspective in any of the four senses above having been adopted, in peace agreements which have *no* explicit reference to women or gender or sexual violence.

The data on peace agreement references to women therefore provides interesting baseline statistics regarding inclusion of women and adoption of a gender perspective in peace agreements. Knowing when and how women are mentioned in peace agreements also enables qualitative review of those provisions, and selection of case studies for follow-up research as to how women influenced texts (or not), and what implementation took place.

Methodology

The data draws on a new peace agreement collection and a Peace Agreement Access Tool (PA-X), which operates as a quantitative and qualitative assessment tool for examining peace agreement provisions that are still under construction.¹² PA-X currently includes 1,173 peace agreements from the period 1 January 1990 to present day. The data was compiled using the 25-year period 1 January 1990 to 1 January 2015, in which 1,168 of these agreements were reached. The start date of 1 January 1990 was

taken as a date that correlates as accurately as any, with post-Cold-War changes in the practice of negotiating ends to conflict and using international machinery to support this.¹³ The cut-off date of 1 January 2015 was chosen so that complete years could be dealt with across a complete 15-year period. The methodology largely follows the study of Bell and O’Rourke on women (2010) and on civil society (2008), but with some variations in the data collection methodology.¹⁴

Definition of ‘peace agreements’ and ‘process-tracing’ approach

The list of agreements has been tightly selected against the definition of conflict and peace agreement set out above. Peace agreements are included even when there is a lapse of up to 50 years between the original conflict and the subsequent peace agreement (meaning that the list of relevant ‘conflicts’ is different from those logged in the Uppsala conflict data, which begins in 1975 in the case of war and minor conflict, and 1989 for non-State conflict and one-sided violence).

The concept of ‘agreement’ used in PA-X unlike that of other databases such as the Peace Agreement Matrix,¹⁵ or Uppsala’s peace agreement dataset,¹⁶ does not attempt to isolate a sub-set of agreements in which the parties ‘resolved’ the conflict partially or through comprehensive provision.¹⁷ Rather, the peace agreement collection in which this data is based captures the documentary trail of pre-negotiation agreements, to framework agreements, to implementation agreements. This means that rather than examining discrete ‘moments’ of agreement based on trying to evaluate whether the conflict was ‘resolved,’ PA-X enables a longitudinal ‘process tracing’ assessment of how issues and parties moved in and out of agreements, as conflict issues and parties mutated.¹⁸

The definition of ‘peace agreement’ as set out above, led to the inclusion in the peace agreement collection of a broad range of documents, some of which ‘look like’ peace agreements and some of which take other forms. For example, peace agreements in the collection include:

- Agreements in both interstate and intrastate conflict;
- Agreements at all stages of the process, and all stages of agreement (pre-negotiation, framework, implementation, with ceasefire agreements also separately recorded);
- Agreements by some but not all of the parties to the conflict;
- Agreements essentially imposed after a military victory but whose terms were ‘consented’ to by the ‘defeated’ party;
- Agreements in ‘unusual’ forms, such as declarations and press releases of international mediators which documented in writing agreed commitments of the parties (who sometimes signed these);
- Unilateral statements and proposals of one party, when they operated as part of an agreed ‘choreography’ of agreement or as an implementation matter of an earlier agreement (for example, the four documents released variously by the UK and Irish governments and the IRA on 6 May 2000 which together encompass a set of mutually agreed commitments and actions);
- Regional agreements or agreements of ‘contact groups’ and other similar agreements, which were aimed at underwriting an emerging agreement between the parties; and
- Implementation agreements produced to extend the framework of peace agreements, or open the agreement up to participation by new parties.

Coding definition of ‘women and gender’

The data below analysed peace agreement references to ‘women and gender.’ These included any reference: to ‘gender,’ to ‘women’ or to a similar female noun for example: widow, girl, girl-orphans, mothers, or wives. Also included are references to a women’s organisation (even just as a signatory to

the agreement); to a women’s convention; to resolution 1325 itself; to gender-based violence, or sexual violence, or specific crimes of sexual violence such as ‘rape;’ and to sex or gender equality (but not general references to equality where these terms were not specifically mentioned).

Coding definition of ‘UN as party or third party’

The data also coded whether the UN was a signatory, or some sort of party or third party to the agreement. This included agreements where the

UN signed the agreement in some capacity, or where the agreement was in the form of a declaration, where it was clear that the UN was part of the

group making the declaration, having participated through a specific UN organisation or an individual such as the Special Representative or Envoy of the UN Secretary-General, or head of a peacekeeping mission. This approach to deciding whether the UN

was a party may be under-inclusive as it is not always possible to tell who has signed an agreement, or what the connection of the UN to the agreement was. The data thus only coded cases where this was clear.

REFERENCES TO WOMEN AND GENDER IN PEACE AGREEMENTS

Between 1 January 1990 and 1 January 2015, 1,168 peace agreements were reached in around 102 conflicts.¹⁹ Of these, 664 were reached before 31 October 2000, and 504 after that date (see table one below). Out of these agreements, 211 or 18 per cent, made reference to women or gender (see table two below). If these figures are split into ‘before’ and ‘after’ resolution 1325, the figures show that:

Before resolution 1325, 31 October 2000: 664 peace agreements were produced (table 1), of which 73 (or 11 per cent) included a reference to women.²⁰ See table 2 below.

After resolution 1325 until 1 January 2015: 504 peace agreements were reached (table 1) of which 138 (or 27 per cent) referenced women; again, a statistic that appears in line with earlier data (see table 2 below).

TABLE 1:
Total Peace agreements signed, showing figures for before and after resolution 1325.

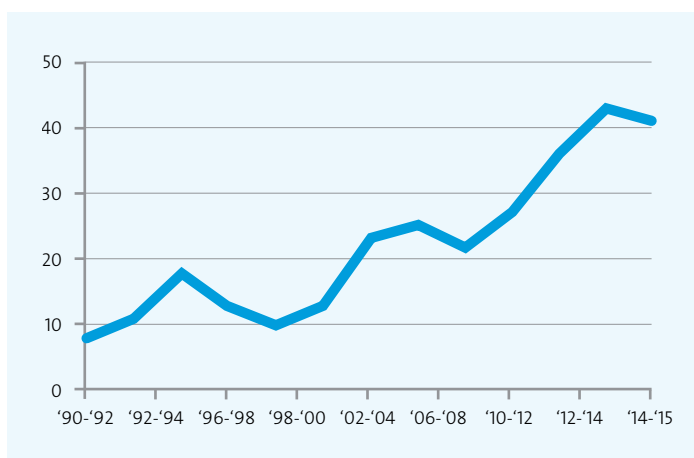
	Peace agreements	Processes producing agreements
Before 1325	664	61
After 1325	504	52
Total	1168	102 (11 processes are double counted as before and after)

TABLE 2:
Peace agreements signed containing a textual reference to women or gender, showing figures for before and after resolution 1325.

	Peace agreement references to women	Peace agreement references by percentage	Number of processes producing peace agreements which mention women
Before 1325	73/664	11%	33
After 1325	138/504	27%	31
Total	211/1168	18%	56 (7 agreements overlapping)

The graph below shows the proportion of agreements in any one year, across the 15-year period, which include one or more references to women. This gives a sense of the trajectory of peace agreement references to women and gender over time.

FIGURE 1
Percentage of PAs Referencing Women



What is clear from this data is that there has been a rise over time in the number of peace agreements referencing women, and the rise appears to have been sharpest after 2000 and 2008, which are key periods of norm-making through UN Security Council resolutions with regard to the women, peace and security agenda.

However, when the underlying data is examined it reveals that the number of peace agreements has decreased over time. In the period between 1990 and 2000, there was an average of 61 agreements per year, while between 2000 and 2015 there was an average of just 36 agreements per year. This decrease in peace agreement 'rate' raises the question of whether the apparent rise in peace agreement provisions referencing gender reflects a response across new peace processes, or merely the adoption of gender references in a few processes in which there were multiple agreements.

This question was examined in Bell & O'Rourke (2010) by producing figures as to which 'peace processes' included references to women, as well as 'counting peace agreements.' This data was arrived

at by counting how many peace processes had at least one agreement which referenced women. This exercise was repeated with the new coded data. The figures indicate that very similar numbers of peace processes produced agreements before and after resolution 1325. These figures are included in the tables above and again confirm that the rise in peace agreement references to women is due to new peace processes mentioning women and not just to a rise in multiple agreements *within* processes, in which mentions of women are more routine.

It is also important to consider whether the rise in peace agreement references to women had also been distorted by the broad 'process-tracing' approach of PA-X. It could, for example, be argued that the inclusion of many pre-negotiation agreements in some processes, could create a false 'fall' and 'rise' of peace agreement references to women and gender. This could be because the particular documentary patterning of a few processes reduced or increased the overall population of peace agreements serving as the denominator of the calculation, to include even agreements in which a reference to women was not reasonable to expect. For example, particular negotiations processes in the 1990s in Bosnia and Herzegovina, and in Colombia, produced copious amounts of 'failed' agreements or 'pre-negotiation' agreements. These, by and large, did not mention women, and illustrate how different documentary patterns of different processes at different times, have a capacity to skew statistics that simply count references to women in agreements.

To counteract this, a still preliminary and experimental attempt was made to categorise peace agreements as to whether they were 'framework' or 'substantive' or merely 'pre-negotiation' or 'implementation.' Categorising agreements in this way is difficult: peace processes move back as well as forward, and do not fall into neat 'stages.' When exactly a process moves from articulating processes and principles for a negotiation process (making an agreement 'pre-negotiation') or begins to incrementally resolve issues between the parties (making it 'framework'), often does not produce a bright line dividing 'pre-negotiation' agreements from 'framework' ones.

For this study, pre-negotiation agreements were defined to include agreements focused on how to get parties into substantive talks and proposed frameworks which were not formally agreed to but which clarified issues and agreement in later talks. Framework/substantive agreements included all agreements emerging from formal talks processes that dealt with key issues in the conflict. Implementation agreements were those that dealt with implementing a past agreement. Renewal agreements were separately classified as one-page agreements lacking in any substance, but merely ‘renewing’ the parties’ commitment to a ceasefire or talks process.²¹ Using this preliminary categorisation of peace agreements, results show that:

Involvement of the UN and references to women

We also wished to understand whether UN involvement correlated with more or fewer references to women and the relationship between UN-signed agreements, references to women, and new UN Security Council resolutions promoting the involvement of women. In Bell & O’Rourke (2010), the extent to which the UN might have played a role in implementing its own normative standards was questioned, by cross-referencing agreements which mention women with whether the UN was a third party to the agreement. UN third party involvement was defined using the agreement text and documenting whether the UN, a UN agency, or a UN representative was a party or signatory to the agreement or declaration, as a mediator, facilitator, observer, witness, or with no clear status enumerated. UN signature is not definitive as regards whether the UN was involved in the peace negotiations: UN mediators may have had some relationship to mediation efforts but not as signatory, or may have signed in contexts where they had no effective role. However, signature does at least capture some relationship of the UN to the agreement text, from which some capacity to influence can be presumed (because signature can and has been withheld in at least one case of

Before resolution 1325: 180 framework/substantive agreements were reached with 37 references to women; that is 21 per cent of framework agreements referenced women.

After resolution 1325: 177 agreements were reached, with 72 references to women; that is 41 per cent of framework agreements referenced women.

From these figures it can be noted that the proportions of agreements referencing women are larger than the population as a whole, indicating that framework agreements are indeed more likely to include a reference to women than other types of agreement. However, these figures also confirm the general trajectory of ‘increased references to women’ over time, and even accentuate it.

non-conformity with UN norms in Sierra Leone). No secondary literature or further determination of UN involvement was drawn on— purely evidence of signature. This coding was also undertaken in PA-X, which slightly expanded the determination to include declarations made by groups of which the UN was a part (e.g., the London Conference, for Bosnia and Herzegovina).

Before resolution 1325: out of 664 agreements in total, 168 agreements (16 per cent) referenced the UN as some sort of party to the agreement. Out of these, 23 agreements (14 per cent) referenced women or gender.

After resolution 1325: out of 504 agreements in total, 122 agreements (24 per cent) referenced the UN as some sort of party. Out of these, 46 agreements (38 per cent) referenced women or gender.

These results are presented in table three below. **They suggest that agreements both before and after resolution 1325 were more likely to mention women where the UN was a party to the agreement, and also that the rise over time in those agreements mentioning women has been slightly more than in the general population of peace agreements as a whole.**

TABLE 3:

Peace agreements in which the UN had a third party role as compared with those which did not, cross-referenced with references to women showing numbers before and after resolution 1325

	UN as party	Agreements mentioning women (% = of UN party agmts)	UN not party	Agreements mentioning women (%= of UN non-party agmts)
Before 1325	168	23 (14%)	496	50 (10%)
After 1325	122	46 (38%)	382	95 (25%)
Total	290	69 (24%)	878	145 (17%)

Summary of results

In summary, the data shows that:

- Peace agreement references to women and gender have risen over time;
- This includes more peace processes referring to women, and not just more agreements within certain processes;
- International norms appear to have played a role in influencing gender references in peace agreements; and
- Peace processes involving the UN as third party have been more likely to include references to women and gender than those that have not involved the UN as such.

QUALITATIVE ASSESSMENT AND ANALYSIS

Identifying ‘good practice’

It is encouraging that the raw data shows an increase in references to women and gender over time, and a higher increase in peace agreements to which the UN was some sort of third party. All of this might be understood to indicate some measure of ‘success’ for resolution 1325, because it shows at least that gender-awareness in peace agreements has increased as resolutions exhorting such awareness have been passed.

However, this overall pattern of a rise in gender references obscures the huge variation in the scope and depth of those references in terms of whether they indicate any type of ‘gender perspective’ when the references are examined qualitatively. In terms of identifying good practice, in reality, relatively few agreements in a small number of conflicts show any type of comprehensiveness in their provision for women and gender issues. The agreements which contain notably extensive provision on women and gender comprise:

Interstate agreements relating to intrastate conflict

- Peace agreements in the form of agreed provisions and agreed outcomes of international conferences in the post-2001 Afghan reconstruction process, which pay considerable attention to women.²³

Regional agreements to underwrite resolution of a group of conflicts

- The Great Lakes regional agreements in support of the inter-connected conflicts and peace processes in that region, which similarly promote consideration of gender, and issues such as sexual violence, in peace negotiations.²⁴

Intrastate agreements

- The peace process in Burundi, and in particular the Arusha Peace and Reconciliation Agreement of 28

August 2000, which has extensive references to women and indeed other forms of equality, and human rights more broadly, throughout.²⁵

- Very recent agreements signed between the Colombian government and the Fuerzas Armadas Revolucionarias de Colombia (FARC) in 2014, which stand in stark contrast to Colombian peace agreements of the past (with the exception of the 2001 Colombian Constitution, which was a form of peace agreement and was relatively ‘women-friendly’).²⁶
- Agreements in the Democratic Republic of Congo in 2003 and 2009, which have fairly extensive measures for women.²⁷
- Agreements in Sudan, most notably agreements in Darfur and Eastern Sudan, which deal in considerable length with women across a range of issues, with detailed provision.²⁸
- Agreements in Uganda, which were initialled by the government and Lord’s Resistance Army, but never signed, and include some of the most interesting specialized and differentiated provisions on programming for demobilization, disarmament and reintegration (DDR) with respect to women’s needs.²⁹
- Agreements in Guatemala in the mid-1990s, which still stand out for the quality and depth of their gender provisions, in a period in which this was not common.³⁰

Several other intrastate agreements, while not showing comprehensive treatment of women, have persistently included references to women across many of the key agreements signed.

- Agreements in Nepal from 2005-2007 base their provisions on “progressive restructuring of the state to resolve existing class-based, ethnic, regional and gender problems.” While not perhaps adopting a holistic gender approach, they nonetheless ground

the peace process in a concept of a social equality agenda with respect to a broad range of excluded groups, including women, addressing also matters such as sexual violence.³²

- Agreements in the Philippines from 1998-2014, while not including copious references to women and gender, fairly consistently referenced women. For example, in the peace process with the National Democratic Front, the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law in 1998 directly addressed sexual violence and women's rights.³³
- Agreements in Somalia from 1993-2014, which provided for new power-sharing institutions, often also specified numbers of women to be involved in political institutions, although they had few other provisions on women.
- Agreements in Northern Ireland from 1998 onwards often included references to women, although

these tended to be in the form of discrete once-off references; for example, to a "women's prison."

- Agreements in Mexico between the government and Chiapas in 1995-1996 had considerable references to indigenous women's rights.

Apart from these examples, the remaining references to women in other processes and agreements are fairly unimpressive. They often comprise anti-discrimination provisions, which reference discrimination on the grounds of sex or gender, other vague references to participation, or once-off measures for women, such as that women prisoners or "lactating mothers" be released from detention ahead of men. While all these references are important they fall far short of comprising or pointing to the inclusion of a 'gender perspective' in any of the four senses outlined above.

CHANGING NATURE OF ISSUES ADDRESSED OVER TIME

Have references to women changed over time? Where peace agreements do address women, are they dealing differently with gender after the Security Council resolutions on women, peace and security, in ways that might indicate the effect of the resolutions? To examine this, agreements were reviewed for how they dealt with three issues which are indicators of robust provision for women: quotas in executives or legislatures; general references to equality of participation in political or legal institutions; and violence against women. The results are interesting.

Participation of women and quotas

Between 1 January 1990 and 1 January 2015, 43 agreements made provision in general terms for participation of women. Only 8 (19 per cent) of these agreements were before 31 October 2000, the date of the Security Council's adoption of resolution 1325. The remaining 34 (81 per cent) were

after resolution 1325. In the same period, 28 agreements provided for numerical quotas for women, with only 6 of these (21 per cent) being before 31 October 2000, and 22 (79 per cent) after. So references to participation of women have increased over time.

References to violence against women

Even more striking, perhaps, is the rise in references to violence against women. During the twenty-five year period 1990-2015, 41 agreements included measures addressing violence against women. Only 7 of these agreements (1 per cent of the total agreements signed in the 25-year period) were before 31 October 2000—and here the references to violence against women are fairly oblique. These comprised:

- Two agreements in Guatemala provided that sexual harassment should be made a crime.³⁴
- An agreement in Chiapas, Mexico provided for the updating of the law on sexual crimes.³⁵
- Two agreements relating to Mindanao, Philippines provided for protection from all forms of violence against women, and that amnesty should not be given for “crimes against chastity” (which it

seems was a reference to crimes of sexual violence, although in translation the term is ambiguous).³⁶ In an agreement in the Philippines between the Government and the National Democratic Front (a separate conflict), a right is provided “not to be subject to rape,” and appears to constitute the first prohibition of sexual violence in any peace agreement.³⁷

- One agreement in the Democratic Republic of Congo addressed gender: a ceasefire agreement in 1999 provided that sexual violence was a prohibited act.³⁸

Since the Security Council adopted resolution 1325, 34 agreements (just over 24 per cent of agreements signed) have included references to sexual violence in much more explicit terms. For example, ceasefire

and monitoring agreements now often include sexual violence as a ceasefire violation to be monitored (see agreements in Aceh, Burundi, Central African Republic, and Democratic Republic of Congo, Nepal, and Pakistan).³⁹ Agreements also now provide exception from amnesty for crimes of sexual violence (see, e.g., Democratic Republic of Congo and Mali).⁴⁰ In addition, agreements are now beginning to address particular social, health and reconstruction needs of women who have experienced sexual violence.⁴¹

In summary, this short qualitative assessment of references to women and gender indicates that only very few agreements which reference women provide evidence of a robust 'gender perspective' having been

adopted. However, peace agreements do seem to be improving in the quality of their provisions on gender, from general references to equality towards firmer commitments to participation, to quotas and to addressing violence against women. While we should be careful about drawing a causal line to the Security Council resolutions on women, peace and security, we can say that the resolutions have coincided with a more substantive approach to a 'gender perspective' over time, and it is likely that they have influenced these changes.

A body of research is now emerging which examines when and how gains for women take place and can be supported in terms of the design of peace processes.⁴²

IMPLEMENTATION GAPS AND CHALLENGES

A key implementation gap and challenge relates to **a need to grapple further with the tension between ‘imposing’ gender references on one hand, and engaging with the political economy of military and political actors’ interests and incentives to implement on the other.**

From even a cursory examination and knowledge of context, many of the examples in which a gender perspective most appears to have been adopted involve very difficult conflict situations, with mass violence, extreme violence against women, and a high degree of internationalisation of the peace process, notably: Afghanistan, Burundi, Democratic Republic of Congo, Sudan (Darfur and East Sudan), and Uganda. For the most part, these are cases where peace agreements were agreed by only some of the main parties, or signed and not fully committed to, or reneged on. Many of the armed groups remain active and levels of conflict on-going, and where the situation of women remains extremely precarious.

There is some evidence, backed up by case-study work in Guatemala, that international actors may be able to ensure that robust provision for women finds its way into agreements, but in a context where there is little real ‘agreement’ between the parties to the conflict as to the basis for ending it, and where key parties may have little intention or will to implement either the agreement or its gender provisions in any good faith way.⁴³

Nonetheless, we should not dismiss gender references as irrelevant to these sorts of contexts on this basis alone. They may have an important symbolic and agenda-setting value by reason of their inclusion. Often, gender references will respond to whole-scale abuse of women in conflict, and to the needs of women articulated locally. As noted at the outset, peace agreements set roadmaps for the future, and so it remains important that international actors ensure that issues affecting women are placed on the peace agreement agenda, even if conditions for implementation are less than ideal.

It can also be argued that there is an important symbolic function to including important needs of women that should not be dismissed as purely symbolic. When one looks back two decades to similarly internationalised processes in which sexual violence was a feature—notably that in Bosnia and Herzegovina—it is today extremely shocking to find absolutely no reference to sexual violence in any of the peace agreement history. In Bosnia Herzegovina, use of sexual violence as a tactic of war was widely known and documented at the time, across all the failed and successful agreements (55 in total) there are no references to women at all beyond a general reference to the incorporation of the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Nationality of Married Women. There was absolutely no reference therefore, in any of the agreements, to the sexual violence (against women or men) which characterised the conflict. Whatever might have been provided for, and whatever its effectiveness might have been, it seems now a striking omission that in all the issues merited worthy of consideration and some sort of peace agreement clause, this issue did not feature. Even in terms of posterity and a record of what the ‘agenda for change’ was, it would seem important to have included some sort of reference to sexual violence. However, naming and addressing sexual violence might have meant that resources and attention were focused on this issue more than happened.

Moreover, evidence exists suggesting that international support for gender inclusion is key to enabling women to influence peace process negotiations and outcomes.⁴⁴ Against that backdrop, it

seems important that international conferences on Afghanistan indicate that women's equality is on the minds of negotiators. The conference commitments repeatedly address issues relating to violence against women and women's education, even if the potential for a changed situation for women—or indeed a peaceful Afghanistan—is discouraging.

However, it is also a matter of concern that many of the most comprehensive references to women arise in situations where the drafting of peace agreements is being pushed and controlled by the international community, with little local buy-in. The inclusion of broad women-specific provisions appears to be happening in contexts in which there is little local buy in to the process at all, and therefore little likelihood of implementation. Even if the agreement is successful in stopping fighting (a big 'if'), where gender provisions are seen as internationally required 'add-ons,' they may lack traction on the power pact between elites, meaning that conflict parties have little incentive to implement them. This observation does not mean that gender references are unimportant in such contexts—they may be absolutely crucial to any possibility of change. However, it points to the need for gender provisions to be accompanied by clear implementation plans that understand international pressure are critical to implementations, and address how women are to be empowered and supported to ensure provisions are delivered. The fourth dimension of a 'gender perspective' outlined above requires consideration of the connection between political settlement goals and the power relations between elites on the one hand, and women's aspirations and gendered power relations on the other. This type of approach points to the need to understand implementation as involving power reallocation, and therefore needing the requisite international underwriting and political will to ensure this happens.

There is also a need for negotiation of highly internationalised peace processes to pay more attention to how achievement of gains for women interfaces with the political bargain viewed as central to stopping the conflict. Processes with higher levels of local ownership, where references to women appear in

peace agreements more due to domestic bargaining dynamics than international intervention (such as Northern Ireland, Nepal, and Colombia), provide some useful insights. While these agreements produced less comprehensive clauses on women, they addressed women and equality as part of an attempt to re-frame the conflict in terms of gender divisions, as well as the obvious divisions of the conflict. While often not leaving behind the same detailed provisions on women as the international agreements, they were often more significant because they shaped the concept of inclusion and peace at the heart of the agreement, in ways that reframed the limited concepts of inclusion that were on offer in a context where the agreement carried some chance of implementation. These agreements illustrate the possibilities for women to fundamentally re-shape formal settlement terms so as to achieve gains that can sit as part of the central political compromise between elite political-military actors rather than stand as ignored 'add-on,' and can even help create that compromise by providing useful re-framing of questions of inclusion.

To illustrate using our three examples, the case of Colombia is notable because apart from the peace agreement/constitution of the 1991 Colombian constitution, there were no explicit references to women in all peace agreements up until the most recent process with the FARC.⁴⁵ Earlier negotiations focused almost exclusively on demobilisation of guerrilla and paramilitary groups, in exchange for resources to convert into political parties. By contrast, in the current round of negotiations and agreements between the Colombian government and the FARC, women's issues have been included in ways which also begin to reframe what the conflict 'is about' beyond the traditional demands of FARC and the government of each other, for example by reframing concepts such as 'security.' This shift seems to have taken place as a result of women's success in organising and influencing the peace process agenda, not least through lobbying with reference to resolution 1325, although difficult issues lie ahead.

Similarly, despite the lack of comprehensive treatment of women or gender relations in the Belfast

Agreement, women were present ‘as women’ in the negotiations (through the Women’s Coalition), and there are notable equality provisions and evidence of gender equality being used to re-frame elite interests in the implementation stage of the Northern Irish process. For example, women pushing for ‘equality’ in policing to include not just equality between Catholics and Protestants but between men and women, played a small but not insignificant role in re-framing a zero-sum game between a ‘no reform of police’ (unionist/protestant) position and a ‘disband and replace the police’ (nationalist/republican/catholic) position, towards one which worked from what ‘principles’ for ‘representative’ policing might look like.

The provisions on women in peace agreements in Nepal, as part of a rainbow approach to inclusion of ‘the excluded,’ attempted to reframe a conflict that erupted between the ruling elite and the Maoists, as underpinned by wider issues of equality and social exclusion that needed to be addressed. The inclusion of women and other marginalised groups took the peace process project beyond one of simple ‘trade-offs’ towards one of democratic transformation, in ways which built the inclusion of women into the heart of the restructuring the state, although some time on not all of the promise of this process has been realised.

These examples all point to ways in which women’s initiatives worked to take into account and reframe how the political and military elites understood

the political settlement they were crafting. They inserted the issue of gender power relations into the political economy of how such elites understood their interests and incentives to be at stake in the negotiation. They operated not just to promote gender equality but to offer gender equality as a mechanism for bridging divisions over ‘what the conflict was about’ so as to enable the parties to move closer to agreement. In all cases, women achieved a measure of influence by pushing for references that both promoted equality between men and women, but also worked to reframe how the conflict was understood as between elites. They did this by broadening the concept of inclusion and equality on offer beyond the conflict political or ethnic groups to include women, in ways which helped the parties beyond their traditional oppositions over inclusion. This type of shift is the holy grail of peace making.

The examples illustrates the importance—even in internationalised processes—of adopting a gender perspective which focuses less on inserting gender references into an agreement that has little consensus, and more on how gender inclusion and provisions can be used to re-frame and expand narrow conflict resolution compromises—and perhaps even enable compromise—by reframing inclusion as less a ‘them versus us’ zero sum game. Using gender provisions to shift the discourse of peace negotiations can disrupt traditional power-brokering dynamics, and make agreement between traditional power brokers more, rather than less, likely

EMERGING TRENDS AND PRIORITIES FOR ACTION

Based on the data, what then are the emerging trends and consequent priorities for action? There is a first trend towards inclusion of a ‘gender perspective’ in peace agreements, evidenced by increased references to women and gender issues in peace agreement texts over time. This increase correlates with the development and strengthening of international norms on women, peace and security, indicating a positive relationship.

Peace agreements which adopt ‘a gender perspective’ in any comprehensive sense, are still, however, fairly rare. Nonetheless, evidence of good practice in terms of both innovative provisions for women and some examples of fairly comprehensive treatment of women, now exist. This good practice should be shared—in particular, provisions in peace agreements on violence against women, participation of women, equality of women, and quotas in political institutions. To that end, associated with this report is a new Peace Agreement Access Tool (PA-X) (www.peaceagreements.org), which provides fully searchable provisions on women, in all the agreements in which they exist from January 1990 to date (252). Importantly, however, good practice does not only mean extensive provision for women, but effective provision for women. To this end, further research is needed on the types of processes and political negotiation dynamics, which have led to inclusion of gender provisions, the implementation of gender provisions, and the results in terms of a changed situation for women.

A second clear recent trend in peace agreement practice is multiple agreements and multiple rounds of negotiations. Failed agreements would appear to be a current trend, and a critical priority for the future is to understand implementation better—both implementation of peace agreements in general, and their gender provisions in particular. Some of the agreements with the clearest provisions for women have been very poorly implemented, if at all. Where they have been implemented, women’s material situation may have changed little. Robust monitoring of the

implementation of agreements and of their gender components is urgently needed.

A final trend, as noted, is that some of the most far-reaching provisions on women arise in the most difficult of implementation contexts. These contexts often see multiple and competing international interventions, and certainly a move away from any primacy for the United Nations as a negotiator. As pointed out, securing gender gains requires robust international enforcement of the type of power realignment that will enable ‘peace’ to prevail. While there have been some attempts (South Sudan, Sudan, Somalia, Afghanistan) to coordinate implementation and stabilisation initiatives, initial research indicates that the term ‘stabilisation’ is understood very differently by different international interveners.⁴⁶ It is important that implementation efforts include a gender perspective, and that the goals established for peace processes by international interveners through stabilisation plans, and the ‘end-state’ goals now built into intervention mandates have been gender mainstreamed.⁴⁷ Adopting a ‘gender perspective’ for peace agreement implementation also involves understanding how internationalised implementation processes also incorporate and reproduce gender power relations between international interveners (for example, between different UN departments and agencies with different approaches to gender inclusion), and between international implementers and local implementers (for example, through sexual trafficking, or male international leadership models in the post-conflict environment).

RECOMMENDATIONS

In conclusion, the following recommendations are suggested for how resolution 1325 and its successor resolutions on women, peace and security can be taken forward:

1. The data shows a positive impact of the resolution on peace agreement provision. It is therefore important to re-enforce the need to keep implementing resolution 1325. The data provides evidence of a link between the passing of UN Security Council resolutions on women, peace and security, and increased references to women in peace agreements. In some cases, the connection may be because international actors increasingly insist on clauses on women in internationalised agreements, as the data on the UN-signed agreements suggests. In other cases, it may be because Security Council resolutions have shaped matters more indirectly by underwriting local activism and increasing women's awareness that peace agreements are 'about them' and that there are international standards that support their demands for inclusion.⁴⁸ While references to women in peace agreements are not in-and-of-themselves sufficient to improve women's equality and quality of life, inclusion in a peace agreement agenda for change is often crucial to broader, on-going struggles for inclusion. Where such references to women as are found in peace agreements, they have often been hard-won. They mark a formal commitment to equality on which later commitments will depend, and often control what funding sources flow. Repeating exhortations in successive Security Council resolutions to include women as mediators and parties to peace negotiations and to include a gender perspective in peace agreements can create a feeling of failure. However, if progress is to be sustained and built, there is a need to constantly renew international commitments to equality of women, and to continue to mainstream these commitments throughout international strategies for peace-making and building.
2. It could be useful for UN Security Council resolutions and other policy initiatives to expressly define what 'a gender perspective' in peace processes and agreements means. We suggest that any definition should include all four of the dimensions of a gender perspective outlined above. While the form of words should be subject to consultation, the following provides an example to provoke further consideration:

A gender perspective requires:

- Consultation of women regarding peace negotiation structure and modalities;
- Inclusion of women in peace negotiation fora;
- Explicitly addressing women's needs and demands in the text of any peace agreement and subsequent processes of implementation;
- A consultative conflict assessment of the power relations at the heart of the conflict, and their relationship with gender power relations, and technical support for women in simultaneously addressing both sets of inter-woven relationships; and
- A consultative assessment of the implications for women and men of draft peace agreement provisions, including provision for legislation, policies or programmes in any area and at all levels. This assessment should aim at addressing women's as well as men's concerns and experiences in peace agreement design, so that men and women benefit equally, and inequality is not perpetuated.

3. In addition to requiring the inclusion of women in peace negotiations, and gender perspectives in peace agreements, the Security Council might consider including the following suggested language in a future resolution, requiring **the establishment of multiple pathways to peace, to facilitate the inclusion of views of actors beyond political and military elites, so as to supplement the change agenda of formal peace talks, and respond to a broader civic assessment of social needs.**
4. Necessary support to women in peace processes could include more explicit commitments to:
 - Support the inclusion of women at early stages of a peace process, where the processes established can be critical to enabling or disabling the participation and influence of women; and
 - Support both formal and informal modes of women’s organising and deliberating with reference to the peace process.
5. Robust monitoring of peace agreement implementation needs to take place, and in particular, monitoring and enforcement provided for any commitments to women or gender equality. Where new institutions are established and gender equality has not been included in the peace agreement, international actors and donors should support initiatives that seek to ensure that new institutions will also provide for gender equality. Particular attention needs to be paid to implementation of measures that have thin consent from the parties in the conflict but are required to ensure forms of equality and inclusion beyond that between the main conflict protagonists.
6. Further consideration should be given to the possibility of a trade-off between securing gender references in peace agreements modelled on good practice, and the need for gender references to be finely attuned to political bargaining processes that will continue to affect their implementation, if they are to be effective, as the examples of Northern Ireland, Colombia, Nepal and the Philippines illustrate.
7. Where international implementation strategies supplement or even replace peace agreements, these plans should be subject to consultation with women affected by conflict, and use a gender perspective. International interveners, including non-governmental organisations, should consider producing public ‘action plans’ on how they propose to integrate a gender perspective throughout their peace implementation programming.

ENDNOTES

- 1 See generally, Catherine O'Rourke, *Gender Politics in Transitional Justice* (Routledge, 2013). See also Thania Paffenholtz, *Beyond the Normative: Can Women's Inclusion Really Make for Better Peace Processes?*, supra note 34.
- 2 Christine Bell, *On the Law of Peace: Peace Agreements and the Lex Pacificatoria* (Oxford: Oxford University Press, 2008), 46-76.
- 3 For further definition of 'conflict,' and also 'battle-related' deaths, and 'one sided violence'—both of which we include as 'conflict-related'—see Uppsala University, Department of Peace and Conflict Research, *Definitions*, <http://www.pcr.uu.se/research/ucdp/definitions/>. A similar definition of peace process and negotiations is provided by the Escola de Cultura de Pau: "By **negotiation** we mean the process through which two or more clashing parties (either countries or internal actors within the same country) agree to discuss their differences in an agreed-upon setting to find a solution that will meet their demands.... By **peace process** we mean the consolidation of a negotiation scheme once the thematic agenda and the procedures to follow have been defined, along with the calendar and the facilitators. Therefore, negotiation is just one stage in a peace process.' See Vicenz Fisas, *Yearbook on Peace Processes* (Escola de Cultura de Pau, Barcelona, 2015), 5-6.
- 4 Vicenz Fisas, *Anuario 2008 de Procesos de Paz* (Escola de Cultura de Pau, Barcelona, 2008), 20-22.
- 5 UN Women, *Women's Participation in Peace Negotiations: Connections between Presence and Influence* (New York, 2012), <http://www.unwomen.org/wp-content/uploads/2012/10/03A-Women-Peace-Neg.pdf>.
- 6 The data is publicly available at PA-X, A Peace Agreement Access Tool, www.peaceagreements.org, a slightly earlier version of which was used for the figures in this article.
- 7 Chapter IV, Report of the Economic and Social Council for 1997 (A/52/3), 198 (September 1997). For background and history of term and impact on UN System, see UN Women, *Gender Mainstreaming*, <http://www.unwomen.org/en/how-we-work/un-system-coordination/gender-mainstreaming>.
- 8 International Criminal Court, Office of the Prosecutor, *Policy Paper on Sexual and Gender-Based Crimes* (The Hague, June 2014), <http://www.icc-cpi.int/iccdocs/otp/OTP-Policy-Paper-on-Sexual-and-Gender-Based-Crimes--June-2014.pdf>.
- 9 Ibid., 3.
- 10 Christine Chinkin, *Peace Agreements as A Means for Promoting Gender Equality and Ensuring Participation of Women* (UN Division for the Advancement of Women, 2003), EGM/PEACE/2003/BP:1, <http://www.un.org/womenwatch/daw/egm/peace2003/reports/BPChinkin.PDF>.
- 11 For example, in Colombia, women have addressed the gender limitations of the formal peace process head-on by acknowledging the importance of government-guerrilla negotiations, and articulating fifteen elements of 'alternative pathways to peace' that create a wider concept of the 'peace process.' See *Ethical Pact for A Country in Peace*, (Collective Thought and Action on Women, Peace and Security, Colombia, 2014), <http://www.c-r.org/sites/default/files/pacto%20%C3%Agtico%20Ingles-1.pdf>; Rosa Emilia Salamanca, *Colombia: Legitimacy, Women and the Havana Peace Talks* (Conciliation Resources, 2014), http://www.cr.org/sites/default/files/accord25_LegitimacyWomenHavana.pdf.
- 12 PA-X will be available at www.peaceagreements.org. Currently the Women and Gender Database is available at that website. The data was drawn from PA-X, March 2015, these figures have since marginally changed due to sourcing new agreements (see PA-X current).
- 13 Some processes had forms of agreement before that date; for example, the Taif Agreement in Lebanon in 1989, and the late 1980s Esquipulas Process in Latin America that was to help underwrite later shifts from authoritarian regimes. However, the general post-Cold War international geopolitical realities, and the new types of international intervention which became possible—for example peace-keeping and its subsequent development into peace-making and peace-building—all point to a distinctive period beginning in 1990 when formal peace agreements between State and non-State actors began to proliferate, which differentiated earlier attempts to negotiate agreements between State and non-State protagonists which often happened more informally and at the domestic level only.
- 14 Christine Bell and Catherine O'Rourke, *Peace Agreements or 'Pieces of Paper'? The Impact of UNSC Resolution 1325 on Peace Processes and their Agreements*, 59 *International & Comparative Law Quarterly* (2010) 941-980; Christine Bell and Catherine O'Rourke, *The People's Peace? Peace Agreements, Civil Society, and Participatory Democracy*, 28 *International Political Science Review* (2007) 293-324.
- 15 University of Notre Dame, *Peace Accord Matrix*, <https://peaceaccords.nd.edu/>.
- 16 Uppsala University, Department of Peace and Conflict Research, *UCDP Peace Agreement Dataset*, http://www.pcr.uu.se/research/ucdp/datasets/ucdp_peace_agreement_dataset/
- 17 We have avoided this because in our view this involves subjective assessment of what the 'incompatibility' was when these matters are often contested between parties, who also often remain disputed on whether the incompatibility has been resolved partially or comprehensively. Also our collection aims to enable 'process tracing' of how issues enter peace processes across all stages of the process, and thus we record pre-negotiation and implementation agreements (all of which often deal with substantive issues in the conflict) as well as what could be termed the 'final' or 'main' peace agreements. Our database also tries to avoid entering an assessment of whether the agreement was 'successful' before recording it: if the agreement was agreed that is sufficient for it to be recorded, even if it was subsequently reneged on in whole or part.
- 18 The increase in historic peace agreements to the data in Bell & O'Rourke, reflects the new availability of better records on the conflict in Bosnia and Herzegovina and Colombia in particular, as well as in some other conflicts. Interestingly, despite expansion of the collection pre-2000, the statistics for that period in Bell & O'Rourke are largely similar in this research.
- 19 This figure of 102 has counted different conflict dyads occurring in the same country (for example, Sudan). However, there can be some dispute as to what comprises distinct dyads, which account for the figures of 'about 102' conflicts. The data in this paper is taken from PA-X, March 2015. Figures are slightly varying over time, as new agreements are unearthed, but these variations do not affect the overall patterning of statistics. At this point, there were 119 agreements which we believe to exist but have no public record of a text

- for, which were missing (less than 10 per cent of the whole).
- 20 Interestingly, this figure is very similar to that in Bell & O'Rourke (2010), on a smaller cross-section of agreements.
- 21 Where an agreement renews commitments but also deals with issues of substance, it is coded under a category other than renewal. This category operates to enable the exclusion of agreements which provide nothing but a commitment to renew previous commitments from figures.
- 22 In Sierra Leone, for example, the UN mediator added a 'rider' to the peace agreement to note that the UN did not support the agreement to the extent that it provided for a blanket amnesty and use of the death penalty, indicating the way in which UN mediators can tie signature to the UN's normative commitments if they choose to. See, para 7, Seventh Report of the Secretary-General on the United Nations Observer Mission in Sierra Leone, UN SCOR, UN Doc. S/1999/836 (1999). For a full discussion of the relationship of UN third party to the Peace Agreement between the Republic of Sierra Leone and the Revolutionary United Front of Sierra Leone (RUF/SL) (Lome Accord), 7 July 1999. For further discussion of this example see P Hayner, *Negotiating Peace in Sierra Leone: Confronting the Justice Challenge* (Geneva, Centre for Humanitarian Dialogue, International Centre for Transitional Justice, 2007), 17–18.
- 23 Paras, 7, 9, 12, 20, 22, 23, and Annex II, paras 6, 10, 11, Tokyo Declaration Partnership for Self-reliance in Afghanistan from Transition to Transformation (Tokyo Conference), 08/07/2012; Conference conclusions, paras 3, 6, 7 and 18, Conclusions of the Conference on Afghanistan and the International Community: From Transition to the Transformation Decade (Bonn Conference), 05/12/2011; Para 6, Istanbul Process on Regional Security and Cooperation for a Secure and Stable Afghanistan, 02/11/2011; Paras 6, 10, 13, 14, and 31, Renewed Commitment by the Afghan Government to the Afghan People and the International Community to Afghanistan (Kabul Conference Communiqué), 22/07/2010; paras 8 and 12, The Resolution Adopted at the conclusion of the National Consultative Peace Jirga, 06/06/2010; Paras 5, 22 and 26, Communiqué of the Conference of Afghan Leadership, Regional Cooperation, International Partnership (London Conference Communiqué), 28/01/2010; Statement of the International Conference on Afghanistan (Hague Conference), 31/03/2009; Declaration of the International Conference in Support of Afghanistan (Paris Conference), 12/06/2008; Afghanistan compact Building on Success (London Conference) 01/02/2006; Berlin Declaration (Berlin Conference), 01/04/2004; Communiqué of the International Conference on Reconstruction Assistance to Afghanistan (Tokyo Conference), 22/01/2002; Preamble, III, V.4 and Annex IV, Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions (Bonn Agreement), 05/12/2001.
- 24 Preamble, Chapter I, article 8, article 11 and Chapter IV, article 25, Pact on Security, Stability, and Development in the Great Lakes Region, 15/12/2006; article 3 Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the region, 24/02/2014; Preamble, articles 2, 6, 11, 25, III, articles 27, 33, 35, 48, and 67, IV, articles 76, and 77, Dar-Es-Salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Regions, 20/11/2004; Preamble, article 3, Protocol of Non-aggression and Mutual Defense in the Great Lakes Region, 30/11/2006.
- 25 Declaration du Directoire Politique du processus de paix au Burundi sur le processus de mise en oeuvre des décisions conjointes prises a Pretoria, 08/04/2009; Comprehensive Ceasefire Agreement between the Government of the Republic of Burundi and the Palipehutu-FNL, 07/09/2006; Dar-es Salaam Agreement on Principles Towards lasting Peace, Security and Stability in Burundi, 18/06/2006; Accord de Partage de Pouvoir au Burundi, 06/08/2004; Ceasefire Agreement between the Transitional Government of Burundi and the Conseil National pour la Defense de la Democratie-Forces pour la Defense de la Democratie, 02/12/2002; Arusha Peace and Reconciliation Agreement for Burundi, 28/08/2000.
- 26 Participacion politica: Apertura democratic para construir la paz, 06/11/2013; Solucion al Problema de las Drogas Illicitas 16/05/2014; Hacia un Neuvo Campo Colombiano : Reforma Rural Integral, 06/06/2014.
- 27 In particular, Inter-Congolese Negotiations: The Final Act (The Sun City Agreement), 02/04/2003.
- 28 In particular, Doha Document for Peace in Darfur (DDPD) 31/05/2011; Darfur Peace Agreement, 05/05/2006; and Eastern Sudan Peace Agreement, 19/06/2006.
- 29 See in particular, Agreement on Disarmament, Demobilization and Reintegration, Juba, Sudan, 29/02/2008; Annexure to the Agreement on Accountability and Reconciliation, 19/02/2008.
- 30 See in particular, Agreement on the Social and Economic Aspects and Agrarian Situation, 06/05/1996.
- 31 Article 3.5, Comprehensive Agreement concluded between the Government of Nepal and the Communist Party of Nepal (Maoist), 21 November 2006
- 32 Preamble, Comprehensive Agreement concluded between the Government of Nepal and the Community Party of Nepal (Maoist), 21/11/2006.
- 33 Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law between the Government of the Republic of the Philippines and the National Democratic Front of the Philippines, 16/03/1998.
- 34 IV D. 177. B Agreement on a Firm and Lasting Peace, 29/12/1996; II 1 (a) Agreement on the Identity and Rights of Indigenous Peoples, 31/03/1995.
- 35 Actions and Measures for Chiapas Joint Commitments and Proposals from the State and Federal Governments, and the EZLN, 16/02/1996.
- 36 Article IV.3, Implementing Guidelines on the Security Aspect of the FRP-MILF Tripoli Agreement of Peace 2001, 07/08/2001; Article 1, Agreement on Safety and Security Guarantees, 09/03/2000.
- 37 Part II, Article 5, Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law, supra.
- 38 Article 1.3, Ceasefire Agreement (Lusaka Agreement), 10/07/1999.
- 39 See, e.g., Aceh, Cessation of Hostilities Framework Agreement between the Government of the Republic of Indonesia and the Free Aceh Movement, 08/12/2002, and Agreement reached by both Field Commanders of the RI and the GAM, 10/02/2001; Burundi, Comprehensive Ceasefire Agreement between the Government of the Republic of Burundi and the Palipehutu, 07/09/2006; Central African Republic, Accord des cessation des hostilités en République Centrafricaine, 23/07/2014; DRC, Act D'Engagement Gabarone, 24/08/2001; Nepal, Agreement on the Monitoring of Arms and Armies, 08/12/2006; Pakistan, North West Frontier Province Government's Agreement with the Taliban, 21/05/2008.
- 40 DRC, Intercongolose Negotiations; Eh Final Act (The Sun City Agreement), 02/04/2003; Mali, Accord préliminaire à l'electon présidentielle et aux pourparlers inclusifs de paix au Mali (Accord préliminaire de Ouagadougou), 18/06/2013.
- 41 See, e.g., Dar-Es Salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region, 20/11/2004.
- 42 See, e.g., Georgina Waylen, *A Seat at the Table — Is it Enough? Gender, Multiparty Negotiations, and Institutional Design in South Africa and Northern Ireland*, Politics & Gender 10 (2014), 495–523.
- 43 See further, Marcie Mersky, *Human Rights in Negotiating*

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- 44 See Thania Paffenholtz, *Beyond the Normative: Can Women's Inclusion Really Make for Better Peace Processes?*, Policy Brief (April 2015), and related work from a large-scale project on inclusion and peace processes further information and publications available at [http://graduateinstitute.ch/home/research/
centresandprogrammes/ccdp/
ccdp-research/clusters-and-
projects-1/participatory-peace-
processes-an/broadening-partic-
ipation-in-trac.html](http://graduateinstitute.ch/home/research/centresandprogrammes/ccdp/ccdp-research/clusters-and-projects-1/participatory-peace-processes-an/broadening-participation-in-trac.html).
- 45 Although some had references to 'civilian protection' that might be understood to have implicitly had women particularly in mind.
- 46 See Jenny Brickhill, *Whose Peace is it Anyway? Connecting Somali and International Peacemaking*, Accord Issue 21 (Conciliation Resources, 2010), [http://www.c-r.
org/accord-article/security-and-
stabilization-somalia](http://www.c-r.org/accord-article/security-and-stabilization-somalia).
- 47 See UN Department of Peacekeeping Operations, *Planning Toolkit*, [http://www.
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- 48 See generally, Catherine O'Rourke, *Gender Politics in Transitional Justice* (Routledge, 2013). See also Thania Paffenholtz, *Beyond the Normative: Can Women's Inclusion Really Make for Better Peace Processes?*, supra note 43.

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