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Text and Context

Evaluating Peace Agreements for their 'Gender Perspective'

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Report 1

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Text and Context: Evaluating Peace Agreements for their Gender Perspective

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.
 - However, often agreements with the most ‘holistic’ references to women are often highly internationalised 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
 - That nonetheless some examples of good practice do exist
 - And that references to substantive measures on equality for women and sexual violence have improved over time

Recommendations

1. In conclusion the data and analysis lead us to make the following recommendations for how UNSC Resolution and its successors are now developed and taken forward:
2. It is important to re-enforce the need to keep implementing UNSC 1325. There is evidence that it is making a difference. Repeating exhortations 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 need to constantly renew commitments to equality of women, and to continue to mainstream

these commitments through institutions engaged with peace-making and building.

3. It might be useful to further define a gender perspective in peace agreements to include three layered components:
 - a. **the inclusion of women in peace process negotiations, and support to women to participate effectively**
 - b. **the inclusion of provisions designed to address the particular needs of women**
 - c. **an assessment of the implications for women and men of any provision in the peace agreement, including provision for legislation, policies or programmes in any area and at all levels, with a view to ensuring that men and women benefit equally and inequality is not perpetuated.**
4. Given the gendered nature of processes themselves, in addition to requiring the inclusion of women in peace negotiations and gender perspectives in peace agreements, new UNSC resolutions could usefully also require: **‘the establishment of multiple pathways to peace, to facilitate the inclusion of views of include actors beyond political and military elites, and capable of supplementing the change agenda beyond that of formal peace talks, to respond to a broader civic assessment of social needs.’**
5. Robust monitoring of peace agreement implementation needs to take place, and in particular monitoring and enforcement of provisions for women instituted. 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.
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.

Text and Context

Evaluating Peace Agreements for their 'Gender Perspective'

Introduction

Since around 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 around 1168 peace agreements have been negotiated in around 102 conflicts. These agreements centrally seek to end conflict by setting out a governmental road map for the future. They are important documents with significant capacity to affect women's lives. However, a range of obstacles persist for women seeking to influence their design and implementation. These include difficulties with accessing talks fora as well as that of achieving material gains for women, both in the text of an agreement and in practice.

There is no formal definition of a peace process or peace agreement, however the following definitions operate to define the terms in a broad but coherent way so as to cover agreements produced at different stages of the negotiation process across different conflict types.¹

Peace Process: an attempt to bring political and/or military elites involved in conflict to some sort of mutual agreement as to how to end the conflict

Conflict: Politically-related violence causing more than 25 battle-related deaths in at least one calendar year.

Peace Agreement: documents produced after discussion with some or all of the conflict's protagonists that address conflict with a view to ending it.

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 even to trace where and when women have been involved in peace negotiations. Research indicates 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% - 11 out of 280 – negotiators were women, and that the average participation of women on government negotiating delegations of 7%, was higher than on the delegations of non-state armed groups.² Another study in 2012 indicated that out of a representative sample of 31 major peace processes between 1992 and 2011, only 4% of signatories, 2.4% of chief mediators, 3.7% of

¹ Bell, Christine (2008) *On the Law of Peace: Peace Agreements and the Lex Pacificatoria* (Oxford: Oxford University Press) at 46-76.

² Fisas, Vincenz (2008) *Anuario 2008 de Procesos de Paz*, Escola de Cultura de Pau, Barcelona at 20-22.

witnesses and 9% of negotiators were women.³ The United Nations appointed its first female head of peace-keeping operations in 1992 (Margaret Anstee, Angola), however, 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 woman commander to head a UN peace-keeping force (Major General Kristen Lund, 2014, Cyprus).

UN Security Council Resolution 1325 (2000) which aimed to address women, peace and security stated in paragraph 8, that peace agreements should adopt a ‘gender perspective’, a provision that is affirmed in the subsequent women, peace and security resolutions which follow on from UNSC 1325.⁴

In full, paragraph 8 on UNSC 1325 (2000):

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

This report considers first of all what it might be mean to ‘adopt a gender perspective’. It also provides new data on specific references to women and equality on grounds of sex, and gender-based or sexual violence in peace agreements, as a mechanism to question when and how ‘a gender perspective’ is now being included in peace agreements. The aim is to inform the High-level Review of the implementation of UNSC 1325 (2000) and the Global Study on the Implementation of UNSC 1325 (2000) to support that review (see further, <http://www.unwomen.org/en/news/in-focus/women-peace-security/1325-review-and-global-study>), called for in paragraphs 15 and 16 of UNSC Resolution 2122 (2013).

The Global Study is to focus on implementation of UNSC 1325 highlighting:

- Good practice examples
- Implementation gaps and challenges, and
- Emerging trends and priorities of action

This report follows this structure in its analysis section.

What does it mean to ‘adopt a gender perspective’ in peace agreements?

³ UN Women, (2012) *Women’s Participation in Peace Negotiations: Connections between Presence and Influence* (New York, UN) available at <http://www.unwomen.org/wp-content/uploads/2012/10/03A-Women-Peace-Neg.pdf>

⁴ See UNSC Resolutions 1612 (2005), 1674 (2006), 1820 (2008), 1882 (2009), 1888 (2009), 1889 (2009) 1894 (2009), 1970 (2010), 2106 (2013), and 2122 (2013).

UN SC Resolution 1325 talks about the need to adopt a 'gender perspective' in peace agreements. Although the term 'gender' is used in paragraph 8, the UNSC Resolution as a whole is focused on 'women'. What is meant by adopting a 'gender perspective' is not entirely clear. It could mean any of three different things.

First, a gender perspective could mean input to the agreement from women, whatever their perspective, and whatever the content of the provisions they seek. UNSC 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'.

Second, 'a gender perspective' could mean input to the peace agreement which attempts to provide for material gains for women based on some sort of assessment of their particular special needs. The provision emphasises areas where women would seem to be differently positioned from men, and to have particular needs that need to be specifically addressed, and to some extent this appears to be what is meant by a 'gender perspective' throughout the resolution: provision specifically addressing women and women's needs.

Thirdly, adopting 'a gender perspective' with regard to peace agreements, could be understood to require a more holistic thinking through of the different ways in which peace agreements are structured by gender at a deeper level in ways that negotiators are unaware of. An attempt as early as 2003, a report attempted to think-through how peace agreements could promote gender equality and ensure the participation of women and even set out model provisions that are still very timely and useful. This report comes close to capturing this deeper approach and a definition of 'a gender perspective', an approach which subsumes and expands the first two. In the 2003 report, Christine Chinkin argued that to adopt a gender perspective peace negotiations it was necessary to give attention both to gender balance in the peace process and gender main-streaming in the negotiation of the substance of the agreement.⁵ She defined gender mainstreaming as:

the process of assessing the implications for women and men of any planned action, including legislation [that might be required by the agreement] policies or programmes in any area and at all levels. It is a strategy for making women's concerns as well as men's concerns and experiences an integral dimension in the design, implementation, monitoring, and evaluation of policies and programmes in all political, economic and social spheres so that women and men benefit equally and inequality is not perpetuated.⁶

This definition goes well beyond a 'women specific measures' approach to a gender perspective to examine try to examine how each provision of the agreement implicates the equality and needs of women.

⁵ Chinkin, Christine, *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, available at <http://www.un.org/womenwatch/daw/egm/peace2003/reports/BPChinkin.PDF>. 31 October 2003

⁶ Ibid at 8, citing, Chinkin, Christine, *Gender Mainstreaming in Legal and Constitutional Affairs*, Commonwealth Secretariat (2001), at 12.

Writing to-day, I would suggest that the gender approach to peace agreements now needs to factor in the ways in which the very concept of a peace process and peace agreement is itself gendered. The exclusion of women from peace process talks and the limited agendas for change that peace processes tend to focus on – notably the agenda of moving from violence to some form of cessation of hostilities – point to a need to understand and approach peace processes and their agreements as gendered from the outset. Peace initiatives are often promoted through-out a conflict by civil society, and often particularly women. 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 that a formal peace process is considered to exist and attracts sustained international support. To put it strongly: 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. 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 UNSC 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.⁷

Assessing the ‘gender perspective’ of peace agreements

Against the range of meanings of what comprises a ‘gender perspective’ in peace agreements the data in this report focuses on a relatively limited assessment of whether peace agreements have adopted ‘a gender perspective’. This report 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 sex equality, to gender, gender-based or sexual violence). It is not suggested that finding such references amounts to evidence of ‘a gender perspective’ having been adopted in a peace agreement. Understanding whether these references constitute evidence of ‘a gender perspective’ in any full sense would involve knowing how or why provisions got there, and what other provisions of the peace agreement were influenced by women, or stood to materially improve the lives of women as women.

However, reliable data on peace agreement provision dealing explicitly with women and gender can nonetheless provide a useful starting point from which some of these wider questions can be researched. 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: it is difficult to imagine a gender perspective in any of the three senses above having been adopted, in peace agreements which have *no* explicit reference to women or gender.

⁷ 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, but articulating fifteen elements of ‘alternative pathways to peace’ that create a wider concept of the ‘peace process’. See Ethical Pact for Peace, Conciliation Resources 2014, at <http://www.c-r.org/sites/default/files/pacto%20%C3%A9tico%20Ingles-1.pdf>, and Rosa Emilia Salamanca, ‘Colombia: Legitimacy, Women and the Havana Peace Talks (Conciliation Resources, 2014, available at http://www.cr.org/sites/default/files/Accord25_LegitimacyWomenHavana.pdf).

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 that provision, and selection of case studies for follow up research as to how women influenced texts (or not), and what implementation took place.

Methodology

The methodology largely follows the study of Bell and O'Rourke on women in (2010) and on civil society (2008), but with some variations in the data collected.⁸ The data draws on a new peace agreement collection and a Peace Agreement access tool: PA-X, which operates as quantitative and qualitative assessment tool for examining peace agreement provision, that is still under construction.⁹ PA-X currently includes 1173 peace agreements from the period 1 January 1990 to present day. The data was compiled using the fifteen year period 1/1/1990 to 1/1/2015, in which 1168 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. The cut off date of 01/01/2015 was chosen so that complete years could be dealt with across a complete 15 year period.

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, but peace agreements are included even when there is a lapse of up to 50 years between the original conflict and the subsequent peace agreement.¹⁰ The concept of 'agreement' unlike that of other databases such as the Peace Agreement Matrix¹¹, or Uppsala's peace agreement dataset¹², does not attempt to isolate a sub-set of agreements in which the parties 'resolved' the conflict partially or through comprehensive provision (see PAM's definition of 'comprehensive' agreement). Rather the peace agreement collection on 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

⁸ Bell, Christine and Catherine O'Rourke, (2010) 'Peace Agreements or 'Pieces of Paper'? *The Impact of UNSC Resolution 1325 on Peace Processes and their Agreements* 59 *International & Comparative Law Quarterly* 941-980; Bell, Christine and Catherine O'Rourke, (2007) 'The People's Peace? *Peace Agreements, Civil Society, and Participatory Democracy*' 28 *International Political Science Review* 293-324.

⁹ The gender data will be released in October 2015, at www.peaceagreements.org, and the full data in early 2017. The full data will enable a much more holistic assessment of how and where the gender dimension and wider provisions on inclusion feature in peace agreements.

¹⁰ This means that the list of '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, and also PA-X includes deaths from both 'conflicts' as defined by Uppsala and 'one-sided violence', and 'non-state actor' violence.

¹¹ <https://peaceaccords.nd.edu/>

¹² http://www.pcr.uu.se/research/ucdp/datasets/ucdp_peace_agreement_dataset/

‘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.¹³

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; proposed agreements not finally accepted by both sides in the conflict (but satisfying the definition above); 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; 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 suchlike, which were aimed at underwriting 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 provisions making reference to ‘women and gender’. These included any reference: to ‘gender’, to ‘women’ or to a type of woman – for example: widows, girl, girl-orphans, mothers, or wives; to a women’s organisation (even just as a signatory to the agreement); to a women’s convention; or to UNSC 1325 itself; to gender-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 were part of the group making the declaration. UN signature includes signatures on behalf of a specific UN organisation or an individual such as the UNSG representative, or head of a peace-keeping mission. This approach to deciding whether the UN was a party may be under-inclusive of when the UN participated in some form in the negotiations, 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 only coded cases where this was clear and exhibited through an official signature. However, a formal signature also implies a measure of formal commitment.

¹³ 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 to in this research.

References to women and gender in peace agreements

Between 1 January 1990 and 1 January 2014, 1168 peace agreements were reached in around 102 conflicts.¹⁴ Of these, 664 were reached before 31 October 2000, and 504 after that date (see table one below). Out of these agreements, 214 that is 18%, made reference to women or gender (see table two below). If we split down these figures to ‘before’ and after’ UN SC resolution 1325, the figures show that:

Before UNSC Resolution 1325, 31 October 2000: 664 peace agreements were produced of which 73, or 11% included a reference to women.¹⁵ See Tables one and two below.

After UNSC Resolution until 01/01/2015: 504 peace agreements were reached of which 138 or 27% referenced women, again a statistic that appears in line with earlier data. See table two below.

Table one: *Peace agreements signed, showing figures for numbers of peace agreements and peace processes before and after UNSC 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)

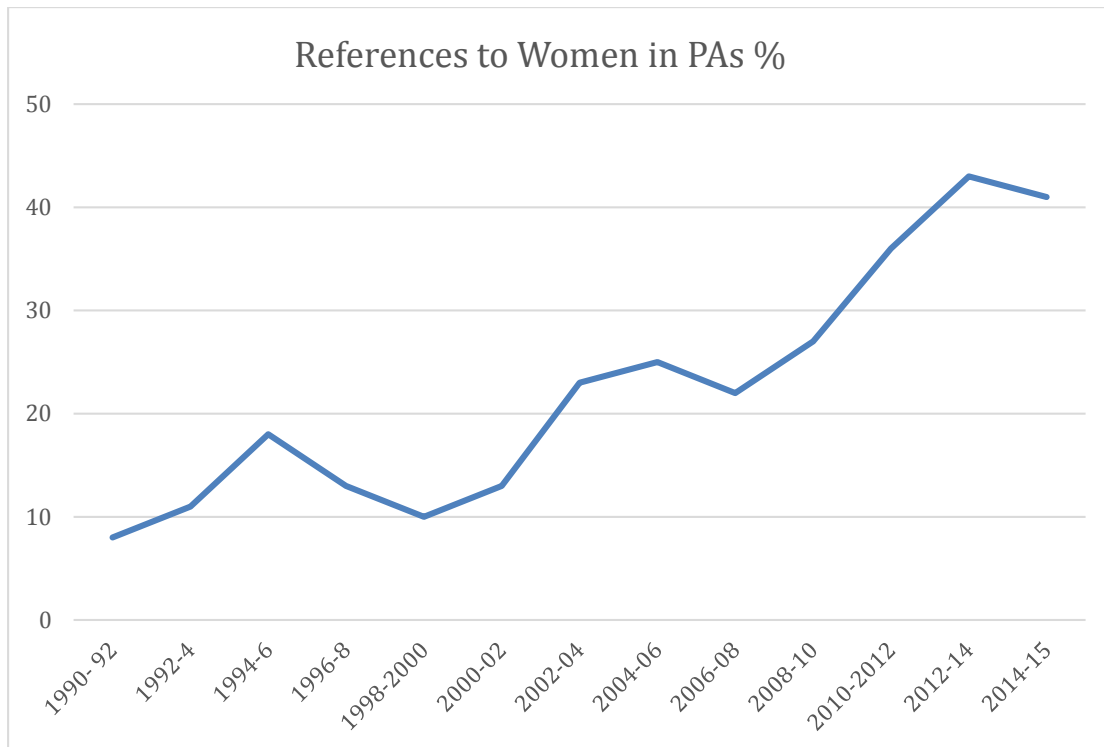
Table two: *Peace agreements signed containing a textual reference to women or gender, showing figures for before and after UNSC 1325.*

	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 references to women as a proportion of agreements in any one year across the fifteen year period, to give a sense of the trajectory of peace agreement references to women and gender over time.

¹⁴ 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.

¹⁵ Interestingly, this figure is very similar to that in Bell & O’Rourke 2010, on a smaller cross-section of agreements.



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 with regard to the women, peace and security agenda.

However when the underlying data is examined (set out in appendix one) 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 provision reflects a real rise of references across peace processes, or merely the adoption of gender references in a few processes in which there were multiple agreements which then routinely referenced women. We had attempted to respond to this question in Bell & O'Rourke 2010 by producing figures on which 'peace processes' included references to women, as well as 'counting peace agreements'. This was undertaken 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 UNSC 1325 and after UNSC 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* particular processes in which mentions of women are more routine.

Another concern was whether the statistics were 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, because the particular

documentary patterning of a few processes which had multiple pre-negotiation agreements, or implementation agreements, reduced or increased the overall population of peace agreements being evaluated to include 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 indicate the potential for the different documentary patterns of different processes at different times, 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’ (which is being further developed). Categorising agreements in this way is difficult. 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 which dealt with key issues in the conflict. Implementation agreements were those which 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. Using this preliminary categorisation of peace agreements results show that before UNSC 1325, 180 framework/substantive agreements were reached with 37 references to women, that is: 21% of framework agreements referenced women. After 1325, 177 agreements were reached with 72 references to women, that is: 41% of framework agreements referenced women. From these figures it can be noted that the proportions of agreements referencing women are larger than for the peace agreement population as a whole, indicating that framework agreements are indeed more likely to include a reference to women than other types of agreement. However, this figures also confirm the general trajectory of ‘increased references to women’ over time, and even accentuate it indicating that the process-tracing approach of PA-X has not distorted the overall trend of peace agreement references to women.

Involvement of the UN and References to Women

In Bell & O’Rourke 2010, we thought it was interesting to question the extent to which the UN might have played a role in implementing its own normative standards by enabling cross-referencing of agreements which mention women with whether the UN was a third party to the agreement in some sense. 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. No secondary literature was drawn on in making this determination. This coding was also undertaken in PA-X, which slightly expanded the determination of ‘UN signatory’ to include declarations made by groups of which the UN was a part (eg the London Conference, for Bosnia and Herzegovina).

Before UNSC Resolution 1325, out of 664 agreements in total, 168 agreements or 16% referenced the UN as some sort of party to the agreement. Out of these 23, or 14% of the UN-agreements, referenced women or gender. After UNSC Resolution

1325, out of 504 agreements, 122 agreements, or 24%, referenced the UN as some sort of party. Out of these 46, or 38% of UN-agreement referenced women or gender. These results are presented in table three below. They suggest that agreements both before and after UNSC Resolution 1325 were more likely to mention women where the UN was a party to the agreement, but also that the rise over time in those agreements mentioning women has been slightly more than in general.

Table three: Peace Agreement 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 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
- That this includes more processes referring to women, and not just more agreements within certain processes
- That processes involving the UN have been more likely to include references to women and gender than those which have not involved the UN

Analysis and qualitative assessment

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 UNSC Resolution 1325, or at least that gender-awareness in peace agreements has coincided in the same time period. 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 types of ‘gender perspective’.

In terms of identifying good practice, qualitative assessment of the actual references indicates that very few agreements in a very small number of conflicts show any type of comprehensiveness in their provision for women and gender issues.

Some examples of fairly extensive addressing of women include:

- Peace Agreements and agreed outcomes of international conferences in the post 2001 Afghan reconstruction process, which pay considerable attention to women.¹⁶

¹⁶ 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;

- The Great Lakes regional agreements in support of the inter-connected conflicts and peace processes in that region.¹⁷
- The peace process in Burundi, and in particular the Arusha Peace and Reconciliation Agreement of 28/08/2000.¹⁸
- Very recent agreements signed between the Colombian government and the FARC in 2014, which stand in stark contrast to Colombian peace agreements of the past (although the 2001 Colombian Constitution which was a form of peace agreement constitution was relatively ‘women-friendly’).¹⁹
- Agreements in the Democratic Republic of Congo in 2003 and 2009.²⁰
- Agreements in Sudan, most notably agreements in Darfur and Eastern Sudan.²¹

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.

¹⁷ 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 Defence in the Great Lakes Region, 30/11/2006.

¹⁸ Declaration du Directoire Politique du processus de paix au Burundi sur le processus de mise en oeuvre des décisions conjointes prises à 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 Défense de la Démocratie-Forces pour la Défense de la Démocratie, 02/12/2002; Arusha Peace and Reconciliation Agreement for Burundi, 28/08/2000.

¹⁹ Participación política: Apertura democrática para construir la paz, 06/11/2013; Solución al Problema de las Drogas Ilícitas 16/05/2014; Hacia un Nuevo Campo Colombiano : Reforma Rural Integral, 06/06/2014.

²⁰ In particular, Inter-congolese Negotiations: The Final Act (The Sun City Agreement), 02/04/2003.

²¹ 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.

- Agreements in Uganda, which were initialled by the government and Lord's Resistance Army, but never signed.²²
- Agreements in Guatemala in the mid-1990s, which still stand out for the quality and depth of their gender provision, in a period where this was not common.²³

Several other processes while not showing comprehensive treatment of many agreements, have persistent references to women across most of the agreements signed.

- Agreements in Nepal base their provision on 'progressive restructuring of the state to resolve existing class-based, ethnic, regional and gender problems', and while not perhaps adopting a holistic gender approach with agreements across the process consistently having references to women, including to equality, representation, anti-discrimination and gender-based violence.²⁴
- Agreements in the Philippines, similarly, while not having copious reference to women and gender, have fairly consistent consideration of women in the peace process in Mindanao. In the peace process with the National Democratic Front the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law in 1998 had fairly extensive treatment of sexual violence and women's rights.²⁵
- Agreements in Somalia providing for new institutions have fairly consistently specified numbers of women to be involved in political institutions, although have little other provision on women.
- Agreements in Northern Ireland have often had reference to women, although no comprehensive treatment of women.
- Similarly, Agreements in Mexico between the government and Chiapas, have considerable references to indigenous women's rights.

Apart from these examples, references to women in other processes and agreements are often merely in the form of anti-discrimination provisions which reference discrimination on the grounds of sex or gender, other vague references to participation, or once-off references to particular issues such as violence against women. While all potentially important, they fall far short of comprising any sort of 'gender perspective'.

²² 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.

²³ See in particular, Agreement on the Social and Economic Aspects and Agrarian Situation, 06/05/1996.

²⁴ Preamble, Comprehensive Agreement concluded between the Government of Nepal and the Community Party of Nepal (Maoist) 21/11/2006.

²⁵ 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.

Changing Nature of Issues Addressed Over Time

Have references to women changed over time: that is, where peace agreements do address women, are they dealing differently with gender over time? To examine this, agreements were reviewed for how they dealt with three key issues: quotas in executives or legislatures, general references to equality of participation in political or legal institutions, and violence against women. These issues were chosen as indicators of robust provision for women. The results are interesting.

Participation of women and quotas

Between 01/01/1990 and 01/01/2015, 43 agreements provided in general terms for participation of women: only 8 (or 19%) of these agreements were before 31/10/2000. In the same period 28 agreements provided for numerical quotas for women, with only 6 of these (21%) being before 31/10/2000. So these type of references have increased over time.

References to Violence Against Women

Even more striking, perhaps, is provision on violence against women. During the fifteen year period 41 agreement provide measures addressed at violence against women. Only 7 (17%) of these were before 31/10/2000, and here the references to violence against women are fairly oblique. In two agreements in Guatemala it was provided that sexual harassment should be made a crime,²⁶ similarly in an agreement in Mexico / Chiapas, provision was made to update the law on sexual crimes.²⁷ Two agreements in Philippines / Mindanao provided for protection from all forms of violence for 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).²⁸ 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’, arguably comprising the first clear reference to sexual violence in a peace agreement globally.²⁹ Only in the Democratic Republic of Congo in 1999 was there an agreement which defined sexual violence as a prohibited act in a ceasefire.³⁰

More recent agreements, particularly those in which sexual violence has been a key feature of the conflict, have included much more specific references to sexual violence, for example, agreements in Democratic Republic of Congo and Darfur, Sudan.

²⁶ 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.

²⁷ Actions and Measures for Chiapas Joint Commitments and Proposals from the State and Federal Governments, and the EZLN, 16/02/1996.

²⁸ 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.

²⁹ Part II, Article 5, Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law, *supra*.

³⁰ Article 1. 3, Ceasefire Agreement (Lusaka Agreement) 10/07/1999.

In summary, this short qualitative assessment of provision on gender indicates that only very few agreements which reference women provide evidence of a 'gender perspective' having been adopted. However, peace agreements do seem to be improving in the substance of their provision, from general references to equality, towards firmer commitments to participation, quotas and to addressing violence against women. Exactly how UN SC council resolutions have affected this provision is impossible to say, but at the very least we can say that the resolutions have coincided with a more substantive approach to a 'gender perspective'.

Implementation gaps and challenges

While evidence that some sets of agreements do adopt a 'gender perspective' in terms of the scope and depth of their provision, clearly more back-up case study work is needed to find out how and why this provision was included, how well it reflected the scope and depth of women's concerns, and whether it was implemented.

However, 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 contexts, with mass violence, extreme violence against women, and a high degree of internationalisation of the peace process, notably: Afghanistan, Burundi, DRC, Sudan (Darfur and East Sudan), and Uganda. For the most part these are also cases – with the partial exception of Burundi and Uganda – where peace agreements have only been very partially implemented, where much conflict is ongoing, where many of the armed groups are still active, and where the situation of women remains extremely precarious.

There is some evidence, backed up also by the case of Guatemala, that international actors may be able to ensure robust provision for women find their way into agreements, but in a context where there is little real 'agreement' between the parties to the conflict as to ending it, and where key parties may have little intention or will to implement either the agreement or its gender provisions.

Nonetheless, we should not entirely dismiss gender references in contexts of forced 'agreement' contexts. Often, gender references will respond to whole-scale abuse of women in conflict testified to by women, and to the needs of women articulated locally. As noted at the outset, peace agreements set road-maps for the future, and it is at least symbolically 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. 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 to-day extremely shocking to find across all the failed and successful agreements (55 in total) there is no reference to women beyond a general reference to the incorporation of CEDAW and the Convention on the Nationality of Married Women, and in particular no reference to the sexual violence (against women and men) which characterised the conflict and was well documented at the time. Against that backdrop, it seems important that international conferences on Afghanistan repeatedly addressed issues relating to violence against women and women's education, even if the results in terms of a changed situation for women are less than encouraging.

However, understanding the limitations of internationally ‘forced’ agreements with internationally-placed provisions on women, is also important. The lack of implementation of these agreements as a whole, and their gender provisions in particular, suggest that it may be that provision that takes into account how the political and military elites understand the political settlement they are crafting, and in particular, the political economy of how they understand their interests and incentives to be affected, could better inform what types of gender provision are likely to be implemented. Where gender provision is seen as an internationally required ‘add-on’, parties may have little incentive to implement and more robust forms of implementation support may be required.

Very recently, there are examples of largely internally driven processes including extensive references to women, notably in Colombia in recent agreements between the Colombian government and the FARC. Thus far, this process has produced agreements that are fairly exemplary in their treatment of women, and largely it would seem as a result of women’s success in organising and influencing the peace process agenda, although many difficult issues lie ahead. These agreements stand in stark contrast to earlier agreements in Colombia, which focused on demobilisation with little to no mention of women (although these had some reference to civilian protection which might be understood to have been a gendered concern).

Emerging trends and priorities for action

There is a trend towards inclusion of more references to women in peace agreements. Peace agreement provision which goes beyond a mere passing reference to ‘adopt a gender perspective’ however, is still, however, fairly patchy, and examples of anything approaching such a perspective remains fairly rare. Nonetheless, evidence of good practice in terms of both of innovative provision for women, and some examples of fairly comprehensive treatment of women now exist. This good practice should be shared: in particular provision in peace agreements on violence against women, participation of women, quality of women, and even quotas in political institutions.

However, good practice does not only mean extensive provision for women, but effective provision for women. To this end, further research should be undertaken as to the types of processes and negotiation dynamics which have led to inclusion of gender provision, and implementation of gender provision.

A clear 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 provision 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 implementation agreements in general, and where they have been implemented, of implementation of the gender component of peace agreements, urgently needs to take place.

Recommendations

In conclusion the data and analysis lead us to make the following recommendations for how UNSC Resolution and its successors are now developed and taken forward:

7. It is important to re-enforce the need to keep implementing UNSC 1325. There is evidence that it is making a difference. Repeating exhortations 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 need to constantly renew commitments to equality of women, and to continue to mainstream these commitments through institutions engaged with peace-making and building.
8. It might be useful to further define a gender perspective in peace agreements to include three layered components:
 - a. **the inclusion of women in peace process negotiations, and support to women to participate effectively**
 - b. **the inclusion of provisions designed to address the particular needs of women**
 - c. **an assessment of the implications for women and men of any provision in the peace agreement, including provision for legislation, policies or programmes in any area and at all levels, with a view to ensuring that men and women benefit equally and inequality is not perpetuated.**
9. Given the gendered nature of processes themselves, in addition to requiring the inclusion of women in peace negotiations and gender perspectives in peace agreements, new UNSC resolutions could usefully also require: **‘the establishment of multiple pathways to peace, to facilitate the inclusion of views of include actors beyond political and military elites, and capable of supplementing the change agenda beyond that of formal peace talks, to respond to a broader civic assessment of social needs.’**
10. Robust monitoring of peace agreement implementation needs to take place, and in particular monitoring and enforcement of provisions for women instituted. 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.
11. 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.

Appendix One: Number of peace agreements and those referencing women by year, 1990-2015

Year	No of Peace Agreements	No referencing women	Percentage of agreements referencing women
1990	45	2	4
1991	62	7	11
1992	50	4	8
1993	45	6	13
1994	72	9	13
1995	59	13	22
1996	67	13	19
1997	77	5	6
1998	66	7	11
1999	77	6	8
2000	50	3	6
2001	42	8	19
2002	45	10	22
2003	44	10	23
2004	44	10	23
2005	19	6	26
2006	56	15	27
2007	30	5	17
2008	48	16	33
2009	30	6	20
2010	25	7	28
2011	23	10	43
2012	43	11	26
2013	27	15	56
2014	22	9	41