

TOWARD INCLUSIVE PEACE: MAPPING GENDER-SENSITIVE PEACE AGREEMENTS 2000-2016

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KEY FINDINGS

1. *Peace agreements are significantly more likely to have gender provisions when women participate in elite peace processes.*
2. *The likelihood of achieving a peace agreement with gender provisions increases when women's representation in national parliaments increases and when women's civil society participation increases.*
3. *The inclusion of strong gender provisions in peace agreements remains the exception rather than the rule. However, strong gender provisions are overwhelmingly more likely to be present in the major agreements within a peace process, especially constitutions, but also final/comprehensive agreements.*

INTRODUCTION

The presence, absence and strength of gender provisions in peace agreements are important factors that both reflect and shape women's experiences of peace processes and post-conflict societies. They have a direct relationship with women's participation in post-conflict societies, and with the likelihood of a post-conflict society moving towards gender equality.

This policy brief examines the circumstances that increase the likelihood of obtaining gender provisions in a peace agreement, and analyses the strength of those provisions across peace agreements and processes.

The purpose of the broader research is to understand *how far and in what ways gender provisions in peace agreements shape women's participation – and the likelihood of gender equality – in societies transitioning out of conflict.*

The findings in this brief are based on an analysis of 110 peace agreements across 55 countries between 2000-2016.¹ Our study begins in 2000 to correspond with the adoption of United Nations' Security Council Resolution 1325. As the landmark resolution of the Women, Peace and Security (WPS) agenda, it advocates for the increased participation of women in peace processes and calls for greater consideration of women's unique experiences and needs in post-conflict relief and recovery activities. However, as noted by the UN Secretary-General, advancement in this area has been slow and mixed. In his most recent annual WPS report, the Secretary-General observed a decline in all areas of establishing gender-sensitive peace processes including the participation of women, the use of gender technical advisors, and the inclusion of gender provisions in peace agreements.²

With the stagnation in progress toward gender-sensitive and inclusive peace processes, this policy brief analyses the necessary first steps involved in ensuring gender provisions are present in peace agreements.

BOX 1: KEY RESEARCH TERMS

GENDER PROVISIONS

This project defines gender provisions as any provision in a peace agreement that references gender, women, and/or issues uniquely, predominantly or specifically affecting women in conflict and peace.

PEACE AGREEMENTS

The project looks at five types of peace agreements:

- *Accords and non-binding agreements*
- *Preliminary agreements*
- *Ceasefire agreements*
- *Final, comprehensive and/or implementation plans*
- *Constitutions*

WOMEN'S PARTICIPATION

We map women's political, economic and civil society participation in post-conflict societies in light of the presence or absence of gender provisions in peace agreements. We establish *meaningful* participation -- ie, to be transformative with the capacity to shape outcomes for gender equality -- as the goal.

WHAT INCREASES THE LIKELIHOOD OF ACHIEVING A GENDER-SENSITIVE PEACE AGREEMENT?

Our research finds that women's participation in peace processes is central to the inclusion of gender provisions in peace agreements. This finding sits alongside existing research that shows that women's participation in peace processes is influential in achieving a peace agreement and in those agreements having longevity.³ We found that women's participation in three areas significantly increases the likelihood of generating gender-sensitive peace agreements:

1. ELITE PEACE PROCESSES

A peace agreement is far more likely to have gender provisions when women participate in elite peace processes. Using UN sources, media reports and peace monitoring data, we searched for the presence of women as signatories or core participants in Track 1 (official and high-level talks) and Track 2 (unofficial dialogues that inform or support the main talks) elements of peace processes.⁴

This finding coheres with the body of evidence in political science showing a demonstrable connection between the rise of women in public life - evident in the increase in decision-making leadership roles - and the inclusion of pro-women policies on government agendas.⁵ Gender-sensitive peace agreements are intended to promote a pro-women policy agenda that transforms existing approaches to conflict prevention and recovery, and national security.

2. NATIONAL PARLIAMENTARY REPRESENTATION

The probability of achieving gender provisions in a peace agreement increases when women's representation in national parliaments increases.

Women in parliament do not necessarily serve as voices for women as a group in society. However, this finding suggests that as the numbers of women in parliament increase, the diversity of women's experiences of war, conflict and insecurity are able to be articulated and translated into claims vis-à-vis the state,⁶ in this case with respect to peace agreements and the promotion of gender equality and issues affecting women specifically within them.

3. WOMEN'S CIVIL SOCIETY

The likelihood of achieving gender provisions in peace agreements increases when women's civil society participation increases. One of the most important factors in achieving gender-sensitive peace agreements is women's civil society participation. Civil society participation includes women's freedom of discussion, participation in civil society organisations and representation in the ranks of journalists. This finding concurs with other significant research on women's organising.⁷ The inter-change among international organizations, member states and civil society is a key dynamic of the efforts to integrate gender perspectives into peace agreements and international security policymaking. Case-study research documents the impact of local women's civil society activists and their efforts to lobby for inclusion in peace processes through the UNSCR1325 framework as a way of sharing learning with activists in other countries.

Over and above these three major findings, we found that **where populations work collectively to address poor sanitation, the likelihood of a gender-sensitive agreement is increased.** This result is explained in Elinor Ostrom’s collective action and public goods theory for which she won the Nobel Prize in Economics in 2011.⁹ Ostrom argues that people are more likely to engage in collective action when they need to work together to provide key public goods and services, often when the state is fragile or not present. In the context of conflict-affected societies, where women have borne substantially negative impacts and have often had to sustain households and communities by providing public services themselves, they are primed for collective action. Women as a group thus have a strong interest in advocating for gender provisions in any peace settlement where their access to sanitation, water and other services and resources is poor.

We also found that an **increase of one per cent or more in military expenditure as a percentage of gross domestic product makes it less likely that peace agreements will have gender provisions.** This is an interesting finding, which has implications for the militarisation of the WPS agenda. For instance, resources used to build up the military may lead to reductions in other expenditures, such as in social and economic areas which support women’s participation in peace processes or in civil society. Both of these latter factors are strongly associated with gender-sensitive peace agreements.

HOW SIGNIFICANT ARE THE GENDER PROVISIONS IN PEACE AGREEMENTS?

Gender provisions in peace agreements can range from insignificant to those that – if implemented – provide the foundation for transformative change toward gender equality in a post-conflict society.

In order to distinguish between these, we mapped the gender provisions in peace agreements – i.e., references that somehow acknowledge the gendered experiences of conflict and the need to address such experiences as the country moves toward peace. These may be broad commitments to gender equality or non-discrimination on the basis of sex, they might be commitments to address specific gender-based harms, or the provision of dedicated services and infrastructure to support women’s recovery from conflict. We found that these types of gender provisions in peace agreements usually sit in one of five categories listed in the figure opposite.

However, the strength of the commitment in each provision varied. With this in mind, we coded the provisions – and the agreement as a whole - on a scale of 0-5 (see Table 1 for the three key criteria). The strongest gender provisions

(scoring 5) are those that are gender-specific, offer a binding commitment to address an issue, and propose a concrete plan for implementation.

In many cases, the provision merely made passing reference to the existence of a women’s human rights instrument. Such references fail to provide a persuasive commitment to women’s rights or a plan for implementation. For instance, while the 2005 *Iraqi Constitution* does make provisions for a 25% quota for women’s representation in the Council of Representatives, its provisions are otherwise extremely weak. The references to women’s rights remain general – in language such as, “Iraqis are equal before the law without discrimination based on gender, race, ethnicity...” or “We the people of Iraq...have resolved with determination to...tend to the concerns of women and their rights, and to the elderly and their concerns, and to children and their affairs...” Such statements contain a ‘laundry list’ of demographic groups whose rights are mentioned but the provisions ultimately fail to pursue a consistent approach to ensuring these outcomes. Consequently the Iraqi Constitution provides only a weak women’s rights’ infrastructure to support the quota system.

In other cases, the provision acknowledges the unique experiences or impact of conflict on women in ways that are context specific, but again does not provide a concrete approach to address the issue. For example, the 2008 *Kenyan National Dialogue and Reconciliation* statement promises to “ensure equity and balance are attained in development across all regions including in job creation, poverty reduction, improved income distribution and gender equity.” While this is a reasonably strong commitment, the agreement provides no detail on how such a goal will be resourced or achieved.

FIGURE 1: BROAD CATEGORIES OF GENDER PROVISIONS



TABLE 1: SCALE FOR WEIGHTING THE STRENGTH OF GENDER PROVISIONS

| | 0 NONE | 1 WEAKEST | 2 WEAK | 3 MINIMAL | 4 MAXIMAL | 5 STRONGEST |
|---|-----------|--------------|-----------|--------------|--------------|----------------|
| IS THE PROVISION GENDER SPECIFIC? | x | x | ✓ | ✓ | ✓ | ✓ |
| DOES THE PROVISION OFFER A BINDING COMMITMENT? | x | x | x | ✓ | ✓ | ✓ |
| DOES THE PROVISION OFFER A PLAN FOR IMPLEMENTATION? | x | x | x | x | x | ✓ |

Finally, there are provisions that provide commitments and implementation plans for advancing gender equality. For instance, the 2016 Colombian *Final Peace Agreement* has over 100 strong gender provisions throughout the document.

As a result, Colombia provides an impressive ‘gold standard’ for the inclusion of gender provisions. The agreement recognises the unique experiences of women during the conflict and places a clear emphasis on women’s participation in all areas of post-conflict recovery. For example, in the area of land rights, the agreement establishes a high-level authority to formulate land use guidelines and notes that it “will have balanced representation of men and women.” Similarly, the agreement notes that “the participation and capacity of farmers’ organisations of rural women will be strengthened by technical, financial and human support.” In particular, there has been strong representation of women inside the peace process with the establishment of a Gender Subcommittee designed to mainstream the gender focus throughout the peace process.⁹ In this sense, the provisions establish a goal, an implementation strategy, and a monitoring framework.

ARE PEACE AGREEMENTS GENDER-SENSITIVE?

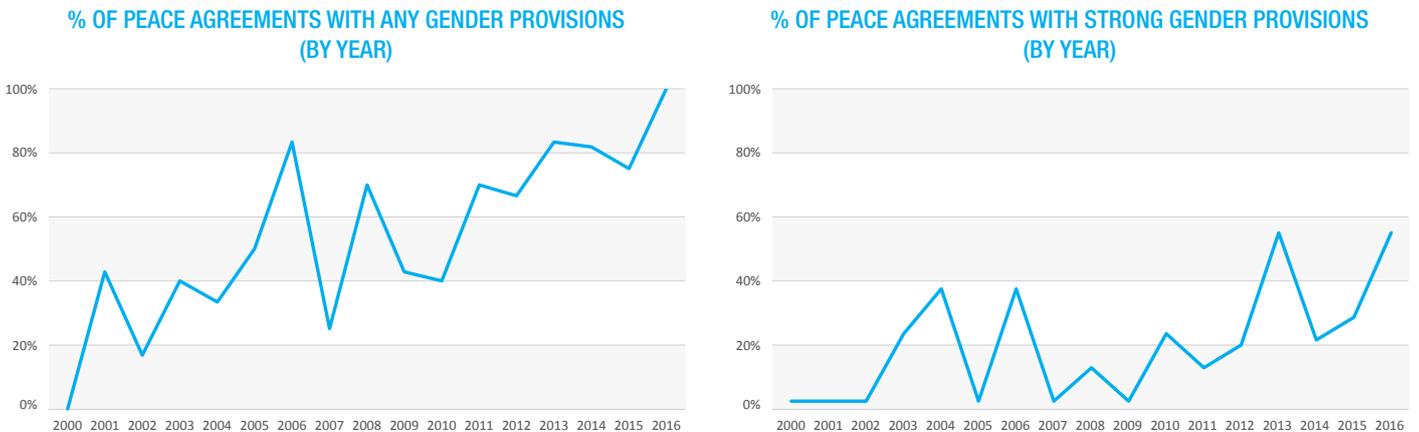
Despite UNSCR 1325 being adopted over a decade and a half ago, **the inclusion of strong gender provisions in peace agreements remains the exception rather than the rule.** In our sample, we found that there were over twice as many peace agreements (43%) with no gender provisions whatsoever, as there are with strong (scoring 4 or 5) gender provisions (16.4%). This means that close to half of all peace agreements have been concluded with no references to gender or women, and where there are gender provisions, they are overwhelming weak in nature.¹⁰

Moreover, we are not seeing a consistent or significant upward trend in the inclusion of *strong* gender provisions

in peace agreements. As demonstrated below, at best, the trend can be described as mixed. Indeed for 2016 we analysed two significant peace agreements: the aforementioned Colombian *Final Peace Agreement* with its strong gender provisions, and the US and Russia’s *Joint Statement on the Cessation of Hostilities in Syria*. The latter had only one gender provision, appearing in its Annex, where parties “commit to work for the early release of detainees, particularly women and children.” In this sense, while both these agreements contained gender provision(s), the latter is considerably weak. Thus, our research shows that while the inclusion of gender provisions in peace agreements is on the rise over the period 2000-2016, these inclusions remain generally weak, and where they are strong, they are not breaking above 50% of the agreements signed in any one year (see Graphs 1 and 2).

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GRAPHS 1 AND 2: % OF PEACE AGREEMENTS WITH GENDER PROVISIONS BY YEAR

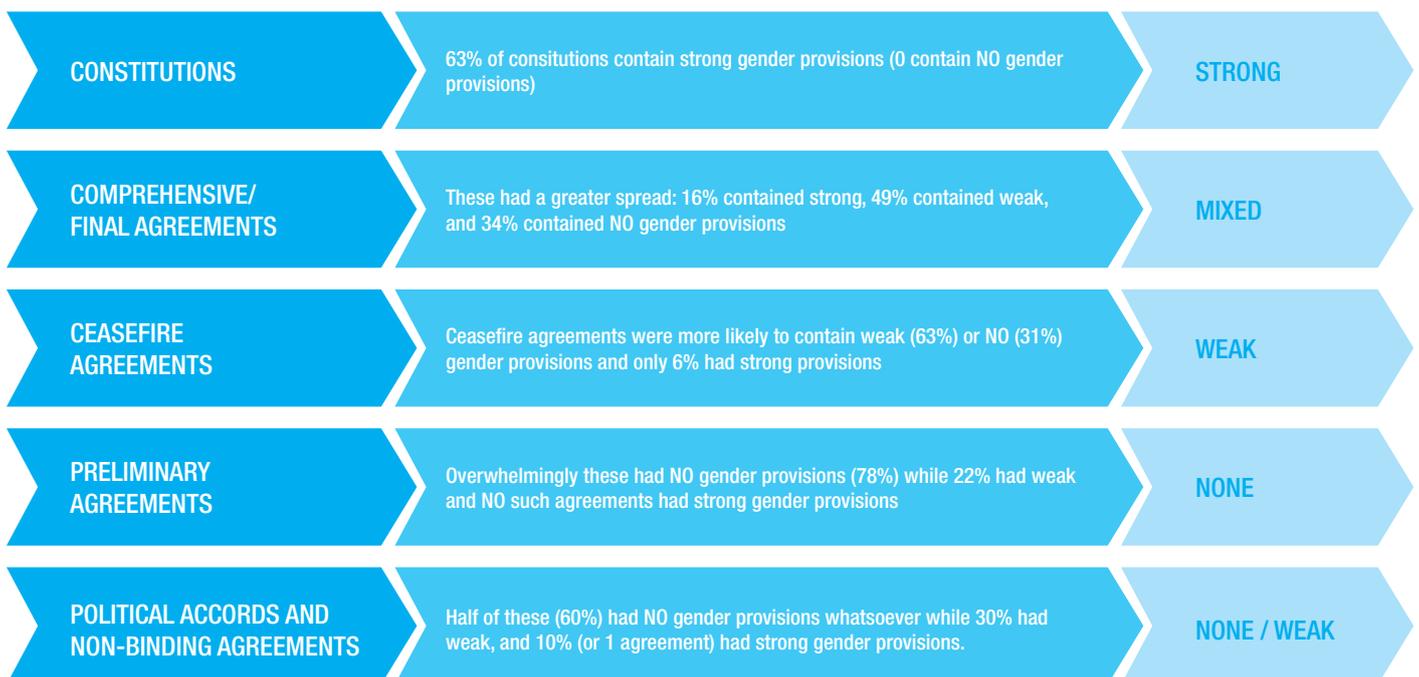


DOES THE TYPE OF PEACE AGREEMENT AFFECT THE CHANCES OF HAVING GENDER PROVISIONS?

The type of peace agreement can shape both the likelihood and strength of the gender provisions. Importantly, peace agreements concluded towards the end of the peace process – that is **constitutions and final or comprehensive agreements** – are more likely to contain strong gender provisions. This is a promising finding. It suggests that we are seeing strong gender-sensitive provisions in those concrete agreements that establish the foundations for the post-conflict society.

As noted in Box 2 below, strong gender provisions are concentrated particularly in constitutions. In fact, every constitution we examined contain at least some gender provisions, and 63% of them had strong provisions. Tamaru and O’Reilly have recently found that the inclusion of women in constitution-making processes can have “specific substantive constitutional outcomes” with “women’s most visible impact on the content of constitutions related to provisions addressing gender equality and women’s rights.”¹¹

BOX 2: DISTRIBUTION OF GENDER PROVISIONS (BY STRENGTH) ACROSS PEACE AGREEMENT TYPE



ARE SOME COUNTRIES BETTER THAN OTHERS IN DESIGNING GENDER-SENSITIVE PEACE AGREEMENTS?

No country's peace process has had a consistently strong approach to implementing gender provisions in their peace agreements.

A number of factors may affect this. For instance, as noted above, the type of peace agreement and its place in the stage of the peace process matters. Also, the involvement of international mediators, and the focus of the agreement may play a role. For instance, we found that in its protracted conflicts and peace process, Sudan has had a mixed record on the inclusion of gender provisions. Several agreements have strong gender provisions – in particular those that were supported or mediated by the UN and the African Union (such as the 2011 *Doha Document for Peace in Darfur* and the 2013 *Ceasefire agreement with the Justice and Equality Movement*), while others have none whatsoever. Similarly, while Colombia's most recent agreement has strong gender provisions across its six chapters, its previous 2012 *General Agreement* had none. However, it is important to note that gender provisions remain relevant to *all* aspects of the peace process and *all* types of peace agreements.

CONCLUSION: WHAT'S NEXT?

The research presented here speaks to the factors that increase the chances that gender provisions will be included in peace agreements. It further analyses the strength of those provisions and global trends towards their inclusion.

However, the inclusion of strong gender provisions in peace agreements is only an initial stage of the process. It is the actual implementation of those gender provisions that provides the real opportunity for advancing gender equality. As noted above, Colombia has been recognised globally for the inclusion of strong gender provisions in its 2016 *Peace Agreement*, however what matters now is that there exist the resources and political will to ensure that the commitments and plans made in the peace agreement are fulfilled.

To this end, the next phase of our research examines 20 country cases in-depth. Through this qualitative research, we seek to understand the impact that the absence, presence and strength of gender provisions has had on societies emerging from conflict. We are uncovering the extent to which gender provisions have been implemented, and highlight the barriers, opportunities and impact this has on women's participation.

RECOMMENDATIONS

1. Support women's participation in all areas of the peace process: elite peace processes, national parliaments, and women's civil society.
2. Support the inclusion of gender provisions across all areas and in all agreements during the peace process.

REFERENCES.

1. We initially drew on the Political Settlements Program, the Women and Peace Agreements Database (PA-X Women) released in 2016. (Christine Bell. 2015. *Text and Context: Evaluating Peace Agreements for their Gender Perspective*. Edinburgh: Political Settlements Research Program). This is a comprehensive dataset on all available peace agreements and their associated gender provisions. Most studies devise criteria to limit the full range of agreements studied because many such agreement, are temporary or not actually peace agreements when reviewed closely. Thus, we refined the PA-X Women database into a dataset of peace agreements 2000-2016 regardless of whether they are lasting or have been implemented yet. We cross checked the dataset with the PA-X Women database, with peacemaker.un.org and with country experts in the Linkage team who read each document for the **four criteria** listed below:

Including up to three agreements per conflict – where the agreement;

 - i. Relates to an actual conflict (cf. land deals, cooperation agreement etc.)
 - ii. Is the most recent pertaining to the conflict;
 - iii. Is the most comprehensive in terms of its substantive provisions;
 - iv. Is the most operational - there are provisions that can be practically implemented and not just a statement in principle.

PA-X Women includes 11 categories of gender provisions. Our Linkage project uses 5 categories which we experimented with but did not include our final models due to small numbers on which statistical significance is not robust: **1) participation of women** (i.e. gender quotas, national women's machineries, in governmental bodies, security sector reform (SSR), and disarmament, demobilisation and reintegration (DDR); **2) protection of women** and women's human rights (i.e. in relation to GBV and VAW, physical security, protection of women IDPs and refugees); **3) SGBV** (i.e. sexual violence as a violation of ceasefire; justice, accountability and reconciliation; reparations); **4) Economic empowerment and socio-economic recovery** (i.e. land and inheritance rights, women's roles in implementation, education, capacity-building, special attention to female heads of households, consideration of the special needs of women during repatriation, rehabilitation, reintegration and post-conflict recovery); and lastly, any reference to **international women-specific legal mechanisms or documents** (such as CEDAW or UNSCR 1325 and WPS National Action Plans).
2. "After consistent increases between 2010 and 2015, the percentage of signed peace agreements containing gender-specific provisions declined in 2016, when only half of the six signed agreements contained such provisions (Afghanistan, Colombia, Democratic Republic of the Congo), and as compared with 70 per cent in 2015." Report of the UN Secretary-General on Women and Peace and Security. S/2017/861, 16 October (New York: United Nations, para 16).
3. L. Stone. 2015. "Study of 156 peace agreements, controlling for other variables" (Annex II). In O'Reilly, M., Suilleabhain, A. and Paffenholz, T. *Reimagining Peacemaking Women's Roles in Peace Processes*. New York: International Peace Institute.
4. Women's participation in elite peace processes (i.e. track 1 or 2) was coded as 1 when the peace agreement includes Women's Participation in the Process, 0 otherwise. This variable was constructed from checked agreements for signatures by women or names of women where listed. Where no female names were present, or no knowledge sourced from relevant literature including media reports on women's inclusion in specific cases, the variable was mark as 0 or 1 otherwise. (UN Women. 2012. Women's Participation in Peace Negotiations: Connections between Presence and Influence. (2ed). New York: UN Women. Located at <http://www.unwomen.org/~media/headquarters/attachments/sections/library/publications/2012/10/wpssourcebook-03a-womenpeacenegotiations-en.pdf>; T. Paffenholz, N. Ross, S. Dixon, A-L Schluchter and J. True. 2016. *Making Women Count - Not Just Counting Women: Assessing Women's Inclusion and Influence on Peace Negotiations*. Geneva: Inclusive Peace and Transition Initiative. The Graduate Institute of International and Development Studies and UN Women).
5. See S. Bashevkin. 2014. "Numerical and policy representation on the international stage: Women foreign policy leaders in Western industrialised systems." *International Political Science Review* 35 (4): 409–429.
6. J. True, 2016. "Explaining the Global Diffusion of the Women, Peace and Security Agenda." *International Political Science Review* 37, 3: 317-8.
7. See M. Htun and S. L. Weldon. 2012. "The Civic Origins of Progressive Policy Change: Combating Violence Against Women in Global Perspective." *American Political Science Review* 106 (3): 548-56
8. E. Ostrom, 2015. *Governing the Commons: The Evolutions of Institutions for Collective Action*. Cambridge: Cambridge University Press, reissued.
9. H. Salvesen and D. Nylander. 2017. "Toward an inclusive peace: women and the approach in the Colombian peace process." NOREF, 10 July, <https://noref.no/Publications/Regions/Colombia/Towards-an-inclusive-peace-women-and-the-gender-approach-in-the-Colombian-peace-process>
10. We found that 41% of all peace agreements in our sample had weak gender provisions.
11. Nanako Tamaru and Marie O'Reilly, *How women influence constitution making after conflict and unrest*, <https://www.inclusivesecurity.org/wp-content/uploads/2018/02/How-Women-Influence-Constitution-Making.pdf> January 2018, pp. 23-24.

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Monash Gender, Peace & Security is a group of policy and community engaged scholars whose research is focused in the field of gender, peace and security. We seek to use our research to inform scholarly debate, policy development and implementation, public understanding about the gendered politics of armed conflict and the search for peace.

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