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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.

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.

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

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.

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