



Centre for  
Humanitarian  
Dialogue

*Mediation for peace*

March 2011

# OPINION

UN Security Council 1325  
and Peace Negotiations and  
Agreements

Christine Bell &  
Catherine O'Rourke

The Centre for Humanitarian Dialogue (HD Centre) is an independent mediation organisation dedicated to helping improve the global response to armed conflict. It attempts to achieve this by mediating between warring parties and providing support to the broader mediation community.  
<http://www.hdcentre.org>

The HD Centre publishes this Opinion, as part of a series of five commissioned to leading practitioners and analysts in the fields of mediation and peacemaking, gender relations, international security and peace processes. This series seeks to mark the 10th anniversary of UN Security Council Resolution 1325. It is produced part of the HD Centre's project, 'Women at the Table: Asia

Pacific', which brings together high-level women active in peacemaking across the Asia-Pacific region to identify and employ strategies for improving the contribution of women to, and participation in, peace processes.

# “hd Opinion

## Women at the Peace Table: Asia Pacific Opinion Series - N°4

### Introduction & Background

On the 31 October 2000 United Nations (UN) Security Council Resolution 1325 (SCR 1325) was adopted providing for a range of measures aimed at the inclusion of women in the prevention, management and resolution of violent conflict. In particular, several of the resolution's provisions addressed the role of women and gender in peace negotiations and agreements. Ten years on, it is possible to test the effect that SCR 1325 has had on peace agreement texts by analysing references to women and gender. Paragraph 8 would seem to require specific measures relating to women in peace agreement texts: some change to the content of peace agreements could have been expected post resolution, if this provision was being implemented by all those involved in conflict resolution. It:

*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;

While we acknowledge that references to women and gender do not of themselves indicate that a 'gender perspective' has been adopted in the agreement, it is difficult to imagine a gender perspective which would not include greater references to gender and women. A fuller version of the research and analysis is available at (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; and the women and peace agreement dataset showing the underlying data is available at [www.transitionaljustice.ulster.ac.uk/current%20projects/documents/WomenandPeaceAgreementDataset.htm](http://www.transitionaljustice.ulster.ac.uk/current%20projects/documents/WomenandPeaceAgreementDataset.htm).

### *The Importance of Peace Agreements to Women*

Peace negotiations and agreements have become a focus for feminist intervention for a number of reasons. Resolution 1325's reference to peace agreements responds to the post Cold War proliferation of peace agreements as negotiated settlement has become the key mechanism by which to bring violent social conflict to an end. Peace agreements document agreement between warring parties in an attempt to end the conflict and establish politics as an alternative. Inclusion in peace agreement texts is therefore an important starting point in achieving other political, legal and social gains for women. The scale of the practice is quite overwhelming, with more states having peace processes than not.

The documents in these processes include ceasefire and pre-negotiation agreements; framework agreements which set out the arrangements for substantively settling the conflict; and implementation agreements that address implementation of the framework agreement.

References to women can be important at all three stages. Whether issues such as sexual violence are included in ceasefire agreements will determine what will be regarded as a ceasefire violation, and what monitoring will take place, and perhaps whether the issue will be further addressed in any comprehensive peace settlement. As regards framework and implementation peace agreements, inclusion of references to women are often significant to women's inclusion in post-war peacebuilding strategies. While the terms of a peace agreement do not secure the implementation of its provisions, and the omission of an issue does not mean that it cannot be addressed, in practice issues that are not specifically mentioned in the agreement can be difficult to prioritise post-agreement, and importantly, donor funding tends to flow from the agreement's priorities. In other words, whether gender references further women's equality or not, without gender being mentioned the struggle for inclusion is even more difficult.

The inclusion of issues relating to the status of women in peace agreement texts is significant not just for the inclusion of women in peacebuilding strategies, but for their future inclusion in the domestic political and legal order itself. Peace agreements have a distinctive quasi-constitutional quality, and sometimes even constitute or contain constitutions. Comprehensive or framework peace agreements typically set out complex arrangements for new democratic institutions, human rights and minority protections, and reform or overhaul of security and justice sector institutions. They therefore operate as 'power-maps' for how power will be held and exercised between the body politic and its institutions. Constitutions represent a higher legal order, the framework in which political disagreements and institutional reform are played out. In recognition of their importance, the analysis of women and politics is increasingly looking to the development of constitutions as an important site of feminist activism. Peace agreements are important because they "not only formalize political priorities but also articulate a nation's political aspirations and their enduring nature."<sup>1</sup>

*I A Dobrowolsky, 'Shifting States: Women's Constitutional Organizing Across Time and Space' in L A Banaszak, K Beckwith, and D Rucht (eds), Women's Movements Facing the Reconfigured State (CUP: New York, 2005) pg. 114 (referring to constitutions).*

Yet, there can also be objections or concerns about strategies focused on the formal inclusion of women in the text of peace agreements. Peace

agreements tend to revolve primarily around compromises negotiated in secret by political-military elites who are almost exclusively men. For feminists, means and ends are generally viewed as related, raising doubts as to whether provisions capable of delivering substantive change for women can be normatively propelled into agreements produced in contexts that permit neither their involvement nor broader public consultation or democratic input. Requiring the participation of women in negotiations processes (a focus of all the UNSC resolutions) may do little to address how the priorities of peace settlements are defined or peace conceptualised. Even where strong gender provisions are conceded, the relationship between peace agreement text, implementation of its provisions, and durable peace, remains largely unknown and contested.

Two decades into the practice of peace agreements, these debates point to the importance of measuring the impact of SCR 1325 on peace agreement texts. While further research is required to evaluate whether and how any references to women in peace agreements have been implemented, if there is no reference, this absence has immediate significance.

## Assessing the impact of SCR 1325 on peace agreements

Our research draws on an ongoing documenting of peace agreements since 1990, by logging their names and categorising their substance in a database (for the pilot of the database see [www.peaceagreements.ulster.ac.uk/](http://www.peaceagreements.ulster.ac.uk/)). The resultant database includes 585 peace agreements in 102 peace processes (95 jurisdictions, five jurisdictions having more than one conflict producing peace agreements).

### *References to Women*

The texts of the peace agreements were analysed, and provisions making explicit reference to ‘women’ were coded. In addition, any reference to ‘gender’, as in ‘gender balance’ or ‘gender sensitivity’ (for example in new institutions established by the agreement) or ‘gender-based violence’, was also coded. Specific references to ‘widows’ or ‘girls’ and to ‘sexual violence’, or named forms of sexual violence such as ‘rape’, were also coded as references to women (although we note this last is controversial). Where peace agreements included reference to international legal instruments that specifically address women, for example the 1979 Convention to End Discrimination Against Women (CEDAW) and the 1957 Convention on the Nationality of Married Women, this too was recorded. In two agreements the only reference to women was the fact that a women’s organisation had signed the agreement. We coded these agreements as mentioning women for the purposes of the study because SCR 1325 specifically calls for the greater participation of women in peace processes, and this is often the single key demand of women’s organisations in peace processes. Hence, we reasoned that these agreements reflected a specific reference to women as they had been involved in the peace negotiations ‘as’ women. General statements or commitments of equality or human rights were not included unless specific reference was made to gender- or sex-based discrimination. Similarly, provisions addressing generic ‘disadvantage’ or ‘under-represented’ groups did not satisfy the classification unless the terms ‘gender’ or ‘women’ were specifically attached.

### *References to UN Third Party Involvement*

We separately coded whether the UN was involved as some type of third party to the peace agreement. UN involvement was defined using the agreement text and documenting whether the UN, a UN agency, or a UN representative was party or signatory, mediator or facilitator, observer, witness or negotiator of the agreement. Where agreements mentioned the UN but only in terms of proposing, for example, to call on the United Nations with respect to a role in peace agreement implementation, they were not included in the ‘counting’ of UN involvement for the purposes of this study.

## Quantitative assessment of peace agreement references to women

In summary we found that:

- Only 16 per cent of peace agreements contain references to women, but that references to women have increased significantly since the passing of SCR 1325, from 11 to 27 per cent of agreements.
- This rise is more dramatic for agreements in which the UN had a third party role (from 4 to 12 per cent), than for agreements which did not have the UN in such a role (from 7 to 14 per cent).
- However, both before and after SCR 1325, agreements are more likely to reference women in those agreements in which the UN is *not* named as a third party. The more marked increase in references to women in ‘UN’ agreements must therefore be understood in a context where such agreements were *less* likely to reference women prior to SCR 1325.
- Peace agreement references to women are qualitatively often poor, constituting scattered references to women, sometimes contravening CEDAW provisions, and on rare occasions illustrating good practice.

### *Numbers and Spread of Peace Agreements*

The study involved 585 peace agreements signed since between 1 January 1990 and 1 May 2010. This included 529 agreements focused on intrastate conflicts and parties, 34 agreements focused on primarily interstate conflicts and parties, and 22 regional agreements where regional actors addressed the external dimensions to a primarily intrastate conflict. Within that period 399 of these agreements (68 per cent) were signed before Resolution 1325, and 186 (32 per cent) of agreements were signed after Resolution 1325. These agreements took place in 102 processes, of which 82 (80 per cent) were in train before SCR 1325, and 44 were in train after it (43 per cent) (24 of those being processes which started before SCR 1325 and continued past it, and 20 being processes which started after that time). These figures are illustrated in Table 1, with the figures for references to women being shown in Table 2 and References to UN third party involvement in Table 3.

**Table 1: Peace agreements signed, showing figures for before and after SCR 1325**

	Peace agreements	Processes producing agreements
<b>Before 1325</b>	399 (68%)	82 (80%)
<b>After 1325</b>	186 (32%)	44 (43%)
<b>Total</b>	585	102

**Notes:** These peace agreements were signed between 1 January 1990 and 1 May 2010. The figures relating to processes after SCR 1325 include 44 processes which started before that date and continued after. In order to provide for the most accurate of accounting of references to women these processes are included in both the before and the after tallies. Of post-SCR 1325 processes, only 20 were processes starting after that date.

**Table 2: Peace agreements containing a reference to women showing figures for before and after SCR 1325**

	Peace agree-ments references to women	Peace agreement references by percentage	Number of processes producing peace agreements which mention women
<b>Before 1325</b>	42	11%	26 (32%)
<b>After 1325</b>	50	27%	19 (43%)
<b>Total</b>	92	16%	40 (39%)

**Notes:** The percentages relate to the percentage of agreements and processes in the relevant time period. As with Table 1, the processes that were both pre- and post-SCR 1325 are included in both before and after figures to provide for the most accurate reflection of changes.

They indicate that there was a significant increase in references to women in peace agreements after SCR 1325.



**Table 3: Peace agreements in which the UN had a third party role and which did not, cross-referenced with references to women showing numbers before and after SCR 1325**

	<b>UN Third Party Role</b>	<b>Sub-set of agreements mentioning women</b>	<b>No UN Third Party Role</b>	<b>Sub-set of agreements mentioning women</b>
<b>Before 1325</b>	130 (33%)	16 (4%)	269 (67%)	26 (7%)
<b>After 1325</b>	66 (36%)	24 (12%)	120 (65%)	26 (14%)
<b>Total</b>	196 (34%)	40 (7%)	389 (66%)	52 (13%)

**Notes:** The percentages related to the total number of agreements in the relevant time period.

These results indicate that the post-SCR 1325 references to women were more marked in processes in which the UN was a third party. However, this statistic must be understood in a context in which, surprisingly perhaps, agreements prior to SCR 1325 involving the UN as third party were less likely to reference women than agreements in which the UN was not mentioned as third party. In other words, the more dramatic increase in UN involvement in peace agreements must be read in light of the fact that it occurred from a lower baseline. In fact, even after SCR 1325, agreements in which the UN was not involved as a third party were more likely to mention women.

## Qualitative Assessment of Peace Agreement References to Women

Moving behind the figures, when peace agreements do make reference to women, what do they address substantively? To what extent do peace agreement priorities coincide with the priorities of SCR 1325 and its successors? We analysed the content of the 92 peace agreements identified as mentioning women, grouping similar type of provisions together. This produced a list of twenty-three topics or categories, such as ‘quotas for political institutions’, ‘dealing with the past’, ‘DDR’. We then compared these categories with the types of issues which SCR 1325 and its successors specifically mention should be addressed in peace agreements, as set out in the introduction. What follows is a qualitative assessment of peace agreement provision for women, grouped under headings identified by SCR 1325.

*Protection and Respect for Human Rights of Women and Girls with Particular Reference to Formal Political and Legal Institutions – the Constitution, the Electoral System, the Police and the Judiciary (paragraph 8(c))*

Many agreement references to women might be considered to further this resolution requirement with varying degrees of specificity.

**1. Representation of Women in Political Institutions**

A number of agreements provided for the involvement of women in political institutions, although the specificity of what was provided varied. Provision for power-sharing in legislatures and executives is a persistent feature of peace agreements. Interestingly, research on peace agreement implementation indicates power-sharing pacts are, on average, fully implemented and implemented quickly - on average seven months after the signing of the agreement.

At this top end of the spectrum nine agreements provided for reserved seats or quotas for women in legislative or executive bodies (often transitional). In Somalia, for example, the Transitional National Charter (TNC) established a 245 member Transitional National Assembly (TNA), with specified seats for specified clans and a quota of at least 12 per cent for women. Women were subsequently granted 25 seats to be equally divided among the four major clans and a clan ‘Alliance’). An additional 15 agreements provide a much more general type of reference such as to ‘effective participation’ or ‘gender balance in decisions or appointments’ or a strong recommendation that women be nominated to such bodies but without specifying a precise quota. Some of this type of provision was included in agreements which had clearer quotas either for the political or ethnic groupings at the heart of armed conflict. For example, provisions for the participation of Darfur in the Government of Sudan are set out, with specific numbers of Darfurians, the Sudan People’s Liberation Movement/Army (SPLM/A) and the Justice and Equality Movement (JEM,) while the last section states “*Special effort shall be made to ensure that women are represented in these nominations.*” The Protocol on Powersharing which forms part of the Sudanese Comprehensive Peace Agreement also has clearly delimited quotas for the National Government with no quotas for women.

There is also evidence of quotas for women proving difficult to reconcile with ethnic or clan quotas. In the case of Bangladesh and the Chittagong Hills Tract Accord, for example, quotas are provided for the Hill District

Councils which intend to give the Chittagong Hills Tract peoples some form of self-government. These quotas provide for a Council constitution of one “chairman”, 12 tribal males, 2 tribal females, 6 non-tribal males, and 1 non-tribal female. The specific nature of the quotas used here guarantees the participation of women, but also stands to limit this participation as it appears to cap the participation of women at that number. This example indicates the importance of a broader knowledge of the requirements of international and comparative law relating to non-discrimination, which would view a limiting quota as discriminatory against women. Along with the implementation of the TNC in Somalia described above, this example also illustrates the difficulty in splicing gender identity with other forms of identity within peace agreement texts. Quotas for women are sometimes provided as a sub-part of what is assumed to be an overarching ethnic or clan identity, meaning that women may well be viewed as being present as ethnic and clan members first and foremost, and the potential for cross-identity women’s organisations within new government structures is restricted from the outset.

## **2. Indigenous Women**

In conflicts involving indigenous groups, the position of indigenous women is often specifically addressed and specific quotas provided. Agreements in Bangladesh, (Chittagong Hills), India (Bodoland), Guatemala, Mexico, and the Philippines, make specific reference to indigenous women. These references are not always unproblematic as the case of Bangladesh, described above, indicates.

## **3. General References to Political and Legal Equality**

Even more references to women arise at the level of general statements to political or legal equality or non-discrimination. Twenty-five agreements make broad references to political and/or legal equality for women or on the basis of gender; for example the Great Lakes agreements provide for parties to “*adopt deliberate policies and mechanisms for promoting gender equality at all levels and in all sectors, at the national and regional levels.*”<sup>2</sup>

*2 Dar-el Salaam Declaration on Peace, Security Democracy and Development in the Great Lakes Regions, 20 November 2004, paragraph 35.*

## **4. Human Rights Standards**

Seven agreements specifically incorporate or refer to CEDAW or other women-specific international legal measures. Sixteen agreements make more general reference to the need to protect women’s human rights, or ensure the application of humanitarian law to women. These types of reference, as with general references to political and legal equality, often appear to offer little more than ‘equality before the law’ provisions. Even

a specific measure such as incorporation of CEDAW may seem like a fairly ‘easy’ provision to insert, particularly in a context in which human rights instruments are being incorporated more generally. However, whether due to ignorance or resistance to CEDAW, incorporation of CEDAW is by no means routine. In Sudan, for example, although specific human rights conventions are listed to be ratified, CEDAW is not one of them, and later in the agreement references to women’s equality are tied to the International Covenant on Civil and Political Rights rather than CEDAW.

## 5. Representation in Legal Institutions

There are relatively few mentions of women with reference to the institutions of the police, the judiciary, or public administration more generally. Five agreements mention women in relation to representation in the police or women-centred police reform. Four agreements mention women or gender equality in relation to the make-up of the judiciary; while four agreements reference women or gender equality in relation to reform of public administration. These references occur both before and after SCR 1325 with relatively equal (in)frequency.

### *Measures Dealing with the Specific Needs of Women and Girls in Post-conflict Processes such as Repatriation, Resettlement, Rehabilitation and Post-conflict Reconstruction (paragraph 8(a))*

Twelve agreements in ten processes specifically mention women with reference to processes of rehabilitation and/or reconstruction. For example the Public Statement – Kenya National Dialogue and Reconciliation, provided for basic services to women in displaced camps. The Comprehensive Peace Agreement in Liberia provided that the National Transitional Government of Liberia “*shall accord particular attention to the issue of the rehabilitation of vulnerable groups or war victims (children, women, the elderly and the disabled) within Liberia, who have been severely affected by the conflict in Liberia.*” In addition, four agreements specifically mentioned women with reference to ‘development’; for example Article III.8 of the Agreement on the Resettlement of the Population Groups uprooted by the Armed Conflict 1994, in Guatemala, states:

*“The Government undertakes to eliminate any form of de facto or de jure discrimination against women with regard to access to land, housing, credits and participation in development projects. The gender-based approach shall be incorporated into the policies, programmes and activities of the comprehensive development strategy.”*

Seventeen agreements expressly provide for forms of social equality or financial or worker's rights with relation to gender.

*Measures Supporting Local Women's Peace Initiatives and Indigenous Processes for Conflict Resolution, and to Involve Women in all of the Implementation Mechanisms of the Peace Agreement (paragraph 8(b))*

Very few agreements (nine) specifically provided for the promotion of women's organisations and infrastructure. More agreements (13) provided for a role for women in the implementation of the agreement, either in general terms or by insisting on the nomination of women to key peace implementation bodies. Five agreements made specific reference to SCR 1325 itself. Four agreements, two of them operating as constitutions, established a specific institution for women or gender equality.

*Measures Dealing with Sexual Violence (paragraph 10)*

Seventeen agreements made explicit reference to sexual violence. Again, the nature of the reference varied. A further eight agreements made reference to 'gender-based violence' or violence against women, in more general terms, or by outlawing specific violations of women. As with provision on quotas, some textual provision appears ambiguous in how it speaks of the violation of women. For example, while the provision may have been important in preventing violence against women, there might be some concern at the use of the term 'moral integrity' in an agreement in the Philippines which provides that the parties 'shall provide special attention to women and children to ensure their physical and moral integrity.'

UN SCR 1888 (2009), dealing particularly with sexual violence, in particular targets agreements other than framework agreements such as 'pre-ceasefires'; humanitarian access and human rights agreements; ceasefires and ceasefire monitoring; DDR; vetting, and reparations programmes. Out of the 26 agreements mentioning sexual or other forms of violence against women, ten are in ceasefire agreements, 12 in framework or comprehensive agreements, and three in implementation agreements. Within ceasefire agreements, four agreements define sexual violence as a ceasefire violation, in very similar terms:

*"The acts of violence include summary executions, torture, harassment, detention and execution of civilians based on their ethnic origin; propaganda inciting ethnic and tribal hatred; arming civilians; recruitment and use of child soldiers; sexual violence; training and use of terrorists; massacres, downing of civilian aircraft; and bombing the civilian population."*<sup>3</sup>

*3 Ceasefire Agreement (The Lusaka Agreement), 10 July 1999, art 1, 3(c).*

It is also interesting how some agreements within processes mention sexual violence against women, while others do not. In peace agreements in Sudan, for example, while the Darfur agreement and the Nuba Mountains Ceasefire Agreement mention sexual violence and gender-based violence respectively, many other agreements between the North and the South of Sudan do not. It may be that sexual violence was more a feature of some of the conflict areas and dyads than others; however, it may also be that sexual violence was more highly prioritised at some stages of the process than at others. The inconsistency of references to sexual violence appears to indicate that something other than systematic compliance with SCR 1325 is driving whether or not sexual violence is addressed.

### *Exclusion of Sexual Violence Against Women and Girls From Amnesty Provisions (paragraph 11)*

Partial amnesties, where provided, do not tend to specifically except war crimes including sexual violence, but rather except war crimes in general terms. As regards dealing with mechanisms established to deal with the past, such as truth commissions, seven agreements which provided for some type of mechanism for dealing with the past, specifically noted that sexual violence or crimes against women should be dealt with by this mechanism.

### *Measures Providing for the Different Needs of Women in Planning for Disarmament, Demobilization and Reintegration and Vetting (DDR)*

Seven peace agreements specifically noted the need to address the needs of women and girl combatants. For example, the Ugandan Agreement on Disarmament, Demobilization and Reintegration, 2008, has relatively exemplary provisions focusing on the particular needs of women throughout.

In the case of internal conflicts, non-state actors in particular will often be in prison for their conflict-related acts, often not distinguished from ‘ordinary’ criminals. As a result, peace agreements provide for prisoner release. Where women are particularly mentioned, it is usually in a context of being prioritised for early release. The four different processes mentioning women in relation to prisoner release did so because they prioritised women for release. In Nicaragua, a wonderfully essentialised provision on prisoner release deserves mention: the Managua Protocol on Disarmament, 1999, commits to the release of prisoners “in honour of Mother’s Day.”

### *Miscellaneous / Other*

The only other references to women found in peace agreements (six) are rather random. In two agreements in Bougainville-Papua New Guinea, as noted above, the only mention of women was as signatories of the peace agreement itself. In Côte d'Ivoire, a peace agreement notes that foreign men marrying Ivorian women are entitled to Ivorian citizenship (with no reference to foreign women). In the Israel-PLO Protocol Concerning the Safe Passage between the West Bank and Gaza Strip, women (together with men over 50) are prioritised for receipt of 'safe passage' cards. In Northern Ireland, the latest Hillsborough Agreement 2010 made provision for a 'fit for purpose' women's prison. In Sri Lanka an agreement's only reference to women was that women would be a matter 'reserved' to central government.

## Assessing the Effectiveness of SCR 1325

### *Few References to Women: But Some Impact*

The overall finding that only 16 per cent of peace agreements make any sort of reference to women is somewhat disappointing. Even the higher figure for post-SCR 1325 references to women of 27 per cent indicates a long way to go before peace agreements systematically include references to women. The qualitative review of the nature of the peace agreement references indicates that many of these references are fairly unsubstantial. There is little evidence of systematic inclusion of women in peace agreement texts, or systematic treatment of issues across peace agreements within conflicts. Moreover, some of the references are ambiguous in terms of feminist gains, for example: the use of quotas which not only encourage but limit the participation of women; references to 'moral integrity'; or references to women as mothers to be targeted for early prisoner release, or as victims to be protected from sexual violence. These provisions may well have played an important role in alleviating the situation of some women, however, as lone references in complex political processes the underlying picture of women they present is one which ultimately may also limit effective participation in public life, or limit which women are targeted by measures.

Nonetheless, our data provides evidence of a rise in peace agreement references to women and evidence that this rise is more marked in processes where the UN is involved. This rise indicates that SCR 1325 has had an effect, and in particular an effect on UN intervention in peace agreement texts.



Despite the more dramatic rise in post-SCR 1325 references to women in processes where the UN was a third party, peace agreements are more likely to contain references to women in cases where the UN was not involved as a signatory. It is worth considering whether the dynamics of locally-driven conflict resolution processes may be more conducive to finely balanced compromises in which a broadening out of the issues addressed plays a role in enabling agreement on the military and political divisions originally viewed as central to the conflict.

### *From Mention of Women to Change in their Situation*

While the inclusion of women in peace agreements is often an important starting point to their inclusion in the post-conflict order, it cannot be assumed that inclusion in a peace agreement will necessarily translate into greater equality for women. A danger of focusing on inclusion in legal standards is that such inclusion becomes an end in itself. Indeed the strategy of using UN Security Council resolutions to advance gender equality in negotiations can be seen as potentially very indirect: a strategy of attempting to change one set of legal documents, to produce change in another set of legal documents. Conversely, however, it is also worth remembering that the reach of SCR 1325 is broader than peace agreements, and may serve to enable women to argue for equality in situations where gender is not mentioned in the agreement. Even where women and gender are not specifically mentioned in peace agreements, the UN Secretary-General must report on this aspect of UN peacekeeping missions. Resolution 1325 has also mandated greater gender expertise within UN missions. It may therefore be that even where SCR 1325 remains relatively ineffective in securing the inclusion of women and gender in peace agreement negotiations and provisions, it may still ensure that the exclusion of women from, or lack of consideration of women in, peace agreements is not fatal to providing mechanisms of inclusion at the implementation stage.

## Conclusions

The inclusion of women's needs and priorities in peace agreements is an important goal and in conclusion we suggest that further thought must be given to the strategies and barriers to effective implementation of SCR 1325. Our findings regarding the Resolution's effectiveness with respect to peace negotiations and peace agreement texts suggest the need for further thinking on:



- what constitutes a ‘gender perspective’ in a peace agreement;
- how Resolution 1325 is being taken forward by organisations other than the UN, particularly as their role is increasing;
- whether a ‘gender justice v peace’ dilemma exists where gender-specific concerns of women are left off the table, not due to an oversight, lack of expertise, or lack of commitment, but because of concerns that inclusion would make it more difficult for the parties to reach agreement on other matters or destabilise any agreement reached;
- what constitutes good practice in terms of inserting ‘a gender perspective’ in peace agreement texts;
- and, how to retain space for women to re-envision peace processes in a transformative way, while influencing texts as they arise within the processes in which women are engaged.

## About the authors

*Dr Catherine O’Rourke is a lecturer in Human Rights and International Law, and Prof. Christine Bell is Professor of Public International Law and Associate Director, both at the Transitional Justice Institute, University of Ulster (<http://transitionaljustice.ulster.ac.uk/>).*