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**United Nations Division for the Advancement of Women
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**Peace agreements as a means for promoting gender
equality and ensuring participation of women –
A framework of model provisions**

**Report of the Expert Group Meeting
Ottawa, Canada
10-13 November 2003**

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I. INTRODUCTION

Women’s equal participation in all aspects of peace processes has been an important focus of international attention and is clearly addressed in the Beijing Platform for Action. The Platform, adopted at the Fourth World Conference on Women in 1995, defined the need to “increase the participation of women in conflict resolution at decision-making levels” under Strategic Objective E.1, and urged Governments, as well as international and regional international institutions, to integrate gender perspectives in the resolution of armed or other conflicts and foreign occupation.

The outcome document of the twenty-third special session of the General Assembly entitled “Women 2000: gender equality, development and peace for the twenty-first century,” reaffirmed this objective and called on Governments “to ensure and support the full participation of women at all levels of decision-making and implementation in development activities and peace processes, including conflict prevention and resolution, post-conflict reconstruction, peacemaking, peacekeeping and peace-building.”

Security Council resolution 1325 on women, peace and security, adopted in October 2000, calls on all actors to adopt a gender perspective when negotiating and implementing peace agreements and to address the special needs of women and girls during repatriation, resettlement, rehabilitation, reintegration and post-conflict reconstruction. The resolution also calls for measures to ensure the protection of and respect for women’s human rights, particularly as they relate to the constitution, the electoral system, the police and the judiciary, and encouraged all those involved in the planning for disarmament, demobilization and reintegration to consider the different needs of female and male ex-combatants. In addition, the report of the Secretary-General on women, peace and security, presented to the Security Council in 2002 (S/2002/1154), recommended stronger measures to integrate women in all steps of peacekeeping, peacemaking and peace-building and urged that all peace agreements fully and explicitly integrate gender perspectives.

Although various initiatives of Governments, the United Nations and civil society have focused on supporting and increasing the representation of women in peace negotiations and in peacekeeping operations, there is increasing recognition that these efforts must be complemented by steps to broaden the focus from women’s presence at the peace table to consistent and systematic attention to gender issues in all aspects of peace processes, including in post-conflict reconstruction, by all actors.

Peace agreements are crucial components of the peace process as they not only signify the formal cessation of armed conflict but also provide the framework for the reconstruction of political, legal, economic and social structures. As such, peace agreements are the basis for the ensuing institutional arrangements of a State or community. Their content will have a direct bearing on women’s participation – as a reflection of women’s inclusion in formal peace negotiations and as a determinant of their involvement in post-conflict peace-building.

Explicit attention to the participation of women, and reflection of gender perspectives in such agreements is crucial to ensure that the gender-specific consequences of armed conflict, the needs and priorities of women and girls in the aftermath of conflict, and their participation in the reconstruction of post-conflict societies, and thus in the prevention of future conflict are fully addressed. Concrete and practical tools are needed, therefore, to strengthen gender perspectives in peace agreements and in the subsequent institutional development. One such tool is model provisions for inclusion in future peace agreements, which could serve as a valuable reference tool for all actors involved in peace processes. Such model provisions would identify the promotion of gender equality as both, one of the goals of the peace agreement, and a means for creating and maintaining a stable and peaceful society; as well as set standards to be met with respect to the participation of women and incorporation of gender perspectives in reconstruction, and in particular in the development of legislative, judicial, political, electoral, economic and social structures in post-conflict societies.

In accordance with its multi-year programme of work for 2002-2006, the Commission on the Status of Women (CSW) will review the thematic issue of “women’s equal participation in conflict prevention, management and conflict resolution and in post-conflict peace-building” at its forty-eighth session in 2004. In order to contribute to a further understanding of this issue and to assist the Commission in its deliberations, the Division for the Advancement of Women convened an expert group meeting on "Peace agreements as a means for promoting gender equality and ensuring participation of women – A framework of model provisions," in collaboration with the Office of the Special Adviser on Gender Issues and Advancement of Women and the Department of Political Affairs of the United Nations. The expert group meeting was held at the Lester B. Pearson Building in Ottawa, Canada from 10 to 13 November 2003. The expert group discussed and analyzed the gender dimensions of peace agreements, specifically the obstacles, lessons learned and good practices in the negotiation, content and implementation of peace agreements. Based on their discussions, the expert group meeting adopted recommendations for a comprehensive framework of model provisions for inclusion in future peace agreements. The report which follows is the outcome of this meeting.

II. ORGANIZATION OF WORK

A. Participation

The expert group meeting on “Peace agreements as a means for promoting gender equality and ensuring participation of women – A framework of model provisions” was held in Ottawa, Canada, from 10 to 13 November 2003, at the Lester B. Pearson Building. It was organized by the United Nations Division for the Advancement of Women, Department of Economic and Social Affairs (DAW/DESA) in collaboration with the Office of the Special Adviser on Gender Issues and Advancement of Women and the Department of Political Affairs. Hosted by the Government of Canada, the meeting was attended by 10 experts from different regions, 21 observers (3 from the United Nations

system, 5 from the Government of Canada, 13 from civil society), one consultant, and representatives of the organizing entities (see annex I).

B. Documentation

The documentation of the meeting was comprised of:

- One background paper prepared by the consultant
- Nine papers prepared by experts
- Two presentations by experts
- Two papers prepared by observers (see annex II).

This report and all documentation relating to the meeting are available online at the website of the Division for the Advancement of Women:

<http://www.un.org/womenwatch/daw/egm/peace/2003/>

C. Programme of work

At its opening session on 10 November 2003, the meeting adopted the following programme of work (see annex III):

Opening of the meeting

Election of officers

Introduction to the meeting

Adoption of the programme of work

Presentation and discussion of the consultant’s background paper

Presentation and discussion of experts’ papers

Working groups on:

- Obligations of negotiators, facilitators, funding entities, and of process
- Obligations of content of peace agreements with regard to security: legal, political and physical security
- Obligations of content of peace agreements with regard to security: social and economic security
- Obligations in peace agreement implementation

Presentation and discussion of recommendations of working groups in plenary

Drafting and finalization of report and recommendations

Adoption of report and recommendations

Closing session

D. Election of officers

At its opening session, the meeting elected the following officers:

Chairperson: Lois Lewis Bruthus

Vice-Chairperson: Vannath Chea

Rapporteurs: Ilja Luciak and Richard Strickland

E. Opening statements

The meeting was opened by Ms. Carolyn Hannan, Director, Division for the Advancement of Women. In her statement, Ms. Hannan thanked the Government of Canada for hosting the meeting and welcomed the co-sponsors, experts, consultant and observers. She noted that while women and girls bore the burden of war, many had also, usually in informal ways, been instrumental in resolving conflict. The international community had begun to recognize women’s vital role in managing and building peace but it had only just begun to understand that gender equality and the equal participation of women were not simply important goals but also decisive factors in building sustainable and lasting peace.

Ms. Hannan emphasized that peace agreements were crucial to this equation as they not only signified the formal cessation of armed conflict but also provided the framework for the reconstruction of post-conflict societies. Explicit attention to the participation of women, and reflection of gender perspectives in such agreements was vital to ensure that such commitments fully addressed the needs and priorities of women in the aftermath of conflict, and were supportive of women’s equal participation in the reconstruction of post-conflict societies, and thus in the prevention of future conflict. The expert group meeting carried a particularly important responsibility. The experts’ analysis of the gender dimensions of peace agreements would provide the basis for a conceptual and practical blueprint for further action, while their recommendations for a framework of model provisions for future peace agreements would provide the concrete and practical tools to strengthen gender perspectives, as well as women’s participation, in peace agreements and in all subsequent societal and institutional development.

Opening remarks were also made by Ms. Susan Gregson, Director of the Human Rights, Humanitarian Affairs and International Women's Equality Division of the Department of Foreign Affairs and International Trade of Canada. In welcoming the participants, she noted the universal relevance of the theme to a wide spectrum of country situations. Ms. Gregson highlighted the significance of Security Council resolution 1325, which addressed the need for full and equal participation of women in peace processes and peacebuilding activities, marking the culmination of years of intensive work by NGOs, United Nations agencies and governments. Ms. Gregson said that Canada's role in implementing the resolution, both domestically and internationally, had involved collaboration with a wide range of State and NGO partners, including the Human Security Network, a group of 13 member countries committed to human security; and a New York-based coalition of States, NGOs and United Nations agencies chaired by Canada, called "Friends of Women, Peace and Security". At the national level, the Canadian Committee on Women, Peace and Security was a group comprised of parliamentarians, civil society representatives and government officials. Ms. Gregson remarked that three years after the adoption of Security Council resolution 1325, the international community had considerably more knowledge on the differential impact of armed conflict on women and girls, the role of women in peace-building and the gender dimensions of peace processes and conflict resolution. However, it had yet to fully incorporate what had been learned into policies, planning and implementation processes.

Ms. H el ene Dwyer-Renaud, Director of the Gender-Based Analysis Directorate and Acting Director-General of the Policy and External Relations Directorate at Status of Women Canada (SWC), delivered a statement on behalf of Ms. Florence Ievers, Coordinator, SWC, welcoming the participants. Given the current international context of increased focus on threats to global security and ongoing civil conflicts, she indicated how critical it was that gender equality and women's human rights not fall off the agenda, at either the international or national levels. Women's human rights were integral to peace and security, and women's involvement in reconstruction and reconciliation efforts were essential to their success. Stressing the importance of remaining vigilant in maintaining the strength of international commitments to gender equality and focusing attention on their implementation, Ms. Dwyer-Renaud reiterated Canada's strong support for the international legal framework for the protection and promotion of women's human rights. She wished the experts a successful meeting and noted that their recommendations would be extremely valuable in informing the debate at the upcoming session of the CSW.

In his opening remarks, Mr. Youssef Mahmoud, Director, Africa Division II of the United Nations Department of Political Affairs, noted that peace agreements should aim at not only addressing the immediate consequences of war but also preventing the recurrence of the root causes of conflict. He provided three justifications for mainstreaming a gender perspective in peace agreements: 1) the need to address the special needs of those who suffered most from armed conflict, in particular women, as a means to facilitate the attainment of the intended objective of such agreements; 2) the importance of utilizing the comparative advantage of women in peace-making as women knew what needed to be done to address the immediate consequence of war and to avert the relapse into conflict; 3) the need to formalize the demonstrated ability of women to make peace. Mr. Mahmoud went on to note that women's concerns and perspectives should be reflected in all stages of peace negotiations and in peace agreements to guarantee their full and equal participation in post-conflict societies. He emphasized that the time had come to create a legal framework that would enable women to move from ad hoc/informal peace-making activities to fully participate in informal and formal peace processes. To secure the firm commitment of negotiating parties to mainstreaming a gender perspective in peace agreements, Mr. Mahmoud proposed that general elements as well as specific gender-related provisions be included in such agreements.

The discussions over four days benefited from the diverse expertise brought to the meeting by the experts, who represented a range of activists, practitioners, and academics with direct experience in conflict settings and peace processes in Africa, Asia and the Pacific, Latin America, and Europe. Following a comprehensive analytical background presentation by the consultant, papers presented by the experts provided country case studies exploring the effects on women's lives resulting from failure to address gender equality and to fully include women in past peace negotiations, peace agreements, and related processes. Where possible, the case studies also highlighted instances where creative strategies and interventions have been undertaken to increase women's participation and place gender concerns within the framework of ongoing peace processes. The resulting discussions among the experts, with contributions from the observers also attending the meeting, helped reveal gaps in past peace agreements and

identify common challenges across countries. These became the focal areas of the working groups formed by the meeting to develop recommendations for future peace agreements, and were subsequently adopted by the expert group meeting at its closing session.

III. SUMMARY OF THE DEBATE

Peace agreements commonly have a dual function, namely to end war and to build peace. To that end, they commonly define the political, civil, economic and social structures in post-conflict societies. They aim not only at addressing the immediate consequences of war, but also at preventing the recurrence of the root causes of conflict. Yet while gender equality is not only an important goal but also a decisive factor in building sustainable and lasting peace, the equal participation of women in crafting such agreements, and the role of such agreements in promoting gender equality continue to receive little or insufficient attention. This leads to perpetuation of discrimination against women and their continued marginalization in the post-conflict rebuilding of society.

Explicit attention to the participation of women, and reflection of gender perspectives in such agreements is vital to ensure that such commitments fully address the needs and priorities of women in the aftermath of conflict, and are supportive of women’s equal participation in the reconstruction of post-conflict societies, and thus in the prevention of future conflict.

While each conflict is context specific, as is the position of women in a particular society in conflict, a number of common aspects can nevertheless be identified that represent challenges to the promotion of gender equality and women’s participation in the processes leading up to peace agreements, in peace agreements themselves, as well as in the implementation of such agreements.

The prevailing focus on formal peace processes constitutes a significant challenge for women. While women and women’s groups undertake many informal activities that are supportive of peace processes, these efforts remain less well known, are not well publicized, and are rarely if ever, integrated or reflected in formal processes. Women continue to be largely absent from formal processes preparatory to, as well as in the peace negotiations themselves. Support for women’s efforts, and for capacity building towards their effective engagement in formal peace processes by donors and the international community is often lacking, provided late or not sustained over a sufficiently long period of time to have an impact.

The number of women who participate in formal peace processes remains very small. Even when women participate or are included in formal peace negotiations, their role can be limited to a formal presence without having the capacity, or mandate to contribute to setting or shaping the agenda of such negotiations. Male negotiators may also simply be unwilling to consider gender issues and women’s concerns. Women may also face obstacles due to customs and traditions, as well as stereotypes that limit or narrowly define their roles in public life and decision-making.

Even when women participate, formally or informally, in peace processes and negotiations, they may be hampered in their participation by a lack of an effective mandate to speak on behalf of many, or a majority of women. Lack, or absence, of such a mandate may be due to factors that include lack of time or resources to undertake necessary consultations with women’s groups to consolidate a common agenda, lack of unity among women’s views, or lack of support from civil society and women’s groups for those who do secure involvement, as participants or observers, in peace processes.

Formal or informal requirements or understandings reached for participation in peace processes and at the negotiating table can be such that they exclude women or women’s groups. For example, requirements of membership in a clan, or leadership in warring factions can effectively result in the exclusion of women. There may also be a tendency by donors or the international community to support certain well-known women to participate in such processes without due regard to the degree of support they enjoy from the women of the country in question.

The absence of women from the peace table causes insufficient attention to and reflection of the concerns of women in peace agreements. Key issues, such as protection and promotion of women’s human rights, especially women’s economic and social rights, may be omitted, as may be references to international and regional human rights instruments guaranteeing the rights of women. Absence of such references, or to the role and place of such instruments in the future domestic legal order also constitutes an obstacle to the effectiveness of an agreement as a tool for the promotion of gender equality. Provisions of amnesty or impunity in peace agreements may likewise lead to excluding crimes against women from future prosecution and punishment. The limited range of issues covered in peace agreements, and which are based primarily on male experiences of conflict and their expectations for conflict resolution, result in the exclusion of women’s physical, legal, political and economic security concerns.

Even when peace agreements contain issues of concern to women or gender-related aspects or provisions, these are sometimes phrased in such general terms so as to provide insufficient opportunity and basis for action in the implementation phase. For example, while there may be references in peace agreements with regard to participation of women in executive, legislative or judicial bodies, there is rarely reference to full and equal participation or commitment to 50/50 gender balance in such bodies, within set time frames. While agreements commonly contain provisions concerning security of the population, little if any attention is given to the specific concerns of women for their physical security, including in the home and the family. Agreements also often fall short on providing any means or strategies to ensure implementation, or measures to sanction non-compliance.

Women’s impact on negotiating processes can be reduced or weakened by lack of a common voice or agenda with regard to such negotiations. Development of a common agenda, however, can be hampered by many factors, including lack of time or resources to conduct necessary consultations, the particular geographical constraints of a country, or the fact of having a number of official and many national languages which makes

communications among women and women’s groups difficult. Women’s diversity, including with regard to ethnic, racial or religious affiliations, or their particular experiences during conflict, can also be an obstacle in developing a common agenda. At the same time, women have often been able to build bridges across such divides and to develop a unified vision irrespective of such diversity or differences.

Women’s effectiveness when participating in formal processes may be reduced by their insufficient accountability to women and civil society groups. Such actual or perceived lack of accountability may be due to lack of consultation with women’s groups, and lack of transparency of selection or appointment processes.

Pressures from the international community, or other sponsors of peace negotiations to arrive at a cease-fire or a peace agreement within a proscribed period of time may create constraints for women’s groups to undertake effective consultation processes on a common agenda to be pursued in such processes. Such pressures may also impede the creation of civil space where women can develop effective strategies for conflict prevention and resolution, and may likewise reduce the ability of women’s groups to set their own priorities and time frames for achieving agreed goals.

Efforts to include gender issues in conflict mapping exercises are hampered by lack of data in general, and the absence of gender disaggregated data in particular. In many instances, little or no accurate information may be available on issues of particular concern to women, such as violence against women, women’s property rights or title to land.

The role and functions of mediators of conflicts can also be a challenge with regard to attention to gender issues or women’s effective participation in peace processes. Their lack of understanding of, or interest in, gender issues, of adequate advice on gender issues, of the roles of women in the society in question, or of the informal efforts of women towards peace can lead to an effective exclusion of women from mediated peace processes. A political climate that continues to allow the neglect of gender issues and the associated lack of accountability of mediators and negotiators alike to address gender equality as a goal of peace agreements is likewise a significant challenge.

Donors have a key role in supporting women’s participation in peace processes. Lack of funding for women’s efforts at an early stage precludes their effective participation in setting the agenda for talks. Lack of resources can also constitute a significant challenge to women’s capacity to sustain their involvement. Likewise, when women are not part of official delegations to peace negotiations, they may lack the resources to be present at such negotiations, either as observers or informally. Lastly, lack of resources to ensure sustained implementation of an agreement can lead to a loss of any gains that may have been made during negotiations or are reflected in an agreement.

Notwithstanding these challenges and constraints, women have played key roles, across all conflict settings, in diverse activities in the midst of conflict, in refugee camps and conflict-affected locales, and in communities rebuilding from war. Consistently, women’s social activism and mobilization for peace have occurred alongside – and often

prior to – officially sanctioned calls for a negotiated peace. Such activities have been crucial to the continuity of civil society and essential components of sustainable post-conflict societies. The issues and priorities identified by women through their activism and deep knowledge of the social context involved are vital to the success of peace agreements, can boost the sense of local ownership of peace agreements and foster more robust and enduring reconstruction plans, particularly where links can be made between central administrative units attending to gender issues and local organizations engaged in promoting gender equality and attention to women’s concerns and priorities.

Women’s participation in peace processes has been promoted by diverse means. In rare cases, a women’s coalition or women’s party has been established to officially participate in formal processes, with significant positive results. In other cases, quotas or reserved seats have been used to enhance women’s representation in existing political bodies, though not always with significant results. Successful efforts to enhance women’s representation have usually been accompanied by capacity building measures for women seeking to participate in peace processes, as well as broader campaigns to change social attitudes towards women’s political activity and equality of participation.

In addition to coalitions, quotas or reserved seats, consultative processes have been employed to increase women’s participation in peace processes and the constitutional development of post-conflict societies. Results of such activities vary from setting to setting, depending upon a host of cultural and institutional variables that support or discourage the process and the kinds of civil space and personal security required. Key to success is an adequate timeframe that accommodates the extended nature of consultations at local levels and the related necessity to feed back findings to all participants involved to ensure accountability.

Sometimes, crucial interventions by key individuals have proven instrumental in gaining attention to gender issues in formal peace processes. Given the context specificity of each conflict setting, this sort of intervention might be difficult to foresee but should never be discounted. Women’s organizations have occasionally enlisted highly visible and respected male officials as their emissaries or advocates, using their influence as a lever to ensure that gender concerns are effectively addressed, thereby increasing women’s participation in the process. Similar leverage has also been wielded through regional networks and international solidarity galvanized through the global women’s and human rights movements.

Over recent years, incremental progress can be discerned in the level of attention to gender as a crosscutting concern in peace processes, as well as the reflection of gender equality issues in peace agreements. Security Council resolution 1325 (2000) has been instrumental in accelerating this progress.

IV. RECOMMENDATIONS ADOPTED BY THE EXPERT GROUP MEETING

Security Council Resolution 1325 (2000) highlights the importance of bringing gender perspectives to the negotiation and implementation of peace agreements. The international obligation for the peaceful settlement of disputes and the threat to international peace and security that is caused by both inter-state and intra-state armed conflict means that there is likely to be international involvement in any peace process. International mediators or facilitators typically seek ways of assisting negotiations between the warring parties and framing the terms for the end of conflict.

The objectives of a peace agreement may go beyond the immediate aim of a ceasefire to establish the foundations for the construction of a modern society and a constitutional framework for sustainable peace. In this sense a peace agreement provides a pivotal moment for the design of a post-conflict society encompassing *inter alia* structures and institutions for a democratic state and the rule of law, reconciling the conflicting expectations of groups identified through race, ethnicity, clan affinity or religion, reflecting human rights guarantees and spelling out measures for economic, physical and social reconstruction.

One issue that is typically excluded from peace agreements concerns gender relations and the position of women within the post-conflict society. Gender relations are rarely perceived as central to the causes of conflict and are therefore not seen as central to its resolution. Women are conspicuously absent from internationally sponsored peace processes, where negotiating teams are dominated by the leaders of warring factions. International facilitators rarely include women. In many instances women within the war torn community have come together and formulated their priorities for peace, but these do not find their way into the formal peace process.

Peace agreements are framed in gender-neutral language, that is, they are assumed to be equally applicable to, and appropriate for, the needs and priorities of both women and men within the society in question. In several of the most recent peace agreements there is some recognition of the gendered harms suffered by women and girls, including sexual and other violence throughout the conflict and the need to end impunity for these crimes. However there is no recognition of the priorities and concerns of women.

Gender equality is an important social goal in itself and a crucial factor for achieving sustainable peace. If gender equality is omitted from the peace agreement a window of opportunity is lost. Silence in a peace agreement about the position of women perpetuates and institutionalizes the marginalization of women in the political processes after the conflict and allows those implementing the peace process, including international agencies, to commence their mandates without reference to how their operations impact differentially upon women and men. Robust language in a peace agreement to promote gender equality and women’s participation, backed by specific allocation of resources and responsibility for its fulfilment can facilitate proactive implementation, including work with local women.

There are numerous variables to conflict and every peace process and peace agreement is context specific. There can be no template applicable to all such agreements. Accordingly what is offered in this report are guidelines to serve as a tool or checklist for all those involved at every stage of a peace process to strengthen their capacity to use that agreement as a means of promoting gender equality and ensuring the participation of women and thus to comply with Security Council resolution 1325 (2000), the Beijing Platform for Action and the outcome document of the twenty-third special session of the General Assembly of 2000. The report offers gendered language that explicitly responds to the needs and priorities of women in place of the gender neutral language typically used in peace agreements. These guidelines can be used in all peace processes as almost all such processes today are gender neutral.

Despite the numerous variables in the nature and context of peace processes, some categorization of peace agreements can be attempted. The report adopts a classification of peace agreements suggested by Christine Bell¹ based upon their timing within the conflict. It distinguishes:

- Pre-negotiation agreements
- Framework-substantive agreements
- Implementation agreements

A pre-negotiation agreement is the ‘upstream’ of the process where negotiators seek to identify the conditions for peace talks, determine the participants, set agendas, and identify substantive issues. A framework-substantive agreement provides the framework for resolution of the substantive issues of the conflict, and an implementation agreement addresses the practical realities on the ground as the issues are taken forward, details are fleshed out and practical measures to ensure their application are sought.

This classification is necessarily fluid. Since there is no guarantee that an intended framework-substantive agreement will not collapse there is no decisive line between it and a pre-negotiation agreement. Rather, both are attempts at finding some common ground around at first preliminary procedural matters and then more substantive issues that may both become subject to renegotiation. Issues relating to implementation may be negotiated along with the substantive issues or may be left until later. The reality of many, if not all, peace processes is that they go through many rounds of negotiation with apparent success followed by impasse or collapse.

Certain over-arching themes must inform peace processes. First is the need for the participation of women from the conflict zone throughout all stages of the peace process and within policy and decision-making bodies in the post-conflict state. A peace process that fails to include women in agenda setting, substantive talks and implementation has no democratic legitimacy and lacks the inclusiveness to generate any sense of ownership among women. This can undermine the prospects for the durability of the agreement and sustainable peace. Second, all involved in the peace process must be accountable for a gendered approach to the agreement, including participation. Accordingly there must be

transparency with respect to who participates in a peace process, who selects those persons and the criteria for their selection.

The following issues must be borne in mind in order to ensure that peace agreements are supportive of gender equality.

As armed conflict is highly gendered and women’s experiences during war differ from those of men, any conflict mapping and tracking exercise undertaken for use in negotiation must also take account of shifting gender relations and women’s activities throughout all phases of conflict and its aftermath.

Effectiveness of peace processes requires that they are built on the widest base of experience. Thus they need to take into account women’s lived experiences before, during and post-conflict. Failure to do so can lead to an impoverished understanding of peace and security that focuses on militarism and power supported by force. Attention also needs to be focused on women’s experiences post-conflict. Collapsed civilian structures may mean continuing and pervasive lawlessness and women’s experiences of violence do not stop with the cessation of hostilities. There must also be studies on the militarization of humanitarian aid and its impact upon women.

Indeed, the term post-conflict is a misnomer from the perspective of women and so, too, may be reconstruction, reintegration and rehabilitation. These concepts all assume an element of going back, restoring people to a position or capacity that previously existed. But this is not necessarily what women seek. The goal is rather societal transformation, that is, not restored dependence and subordination but an enhanced social position that accords full citizenship, social justice and empowerment based upon respect for standards of human dignity that may never have previously existed.

Those negotiating a peace agreement must be careful not to make assumptions about the needs of women within the conflict zone and their priorities. Women’s different experiences during conflict are likely to be central to their determination of their post-conflict priorities and needs and they often articulate very clearly their own priority issues within their own context. However not all women will have shared the same experiences and there can be no assumption that all women will share the same concerns and priorities. Fullest account must be taken of women’s own views and diverse priorities must not become an excuse for failing to do this.

The degree of detail required within the framework agreement must be considered. The greater the detail or specificity in a peace agreement, the more detail on gender equality may also be required. In other agreements it may be sufficient to ensure broad commitment on these points with a requirement that machinery for their implementation is subsequently addressed. Such a general statement is useful in that it mandates special attention to women and could be used by international and local personnel committed to the goals of gender equality and women’s participation to introduce programmes and policies.

The following sections address the obligations of various actors, at the three stages of peace processes, to enhance attention to gender equality and the participation of women. These are: obligations of negotiators, facilitators, mediators and funding entities, and of process; obligations of content of peace agreements with regard to women’s legal, political, physical, social and economic security in all plans for community and state reconstruction; and obligations with regard to implementation of peace agreements. In regard to each of these obligations, specific steps, measures and/or language are identified to ensure such enhanced attention to gender equality and the participation of women in peace processes.

It must, however, also be emphasized that participants must ensure that some issues do not become labelled as ‘women’s issues’ and others as ‘more important’ issues. There are gendered dimensions to all aspects of political, economic and social reordering and in this sense, attention to gender equality and women’s participation is required throughout all substantive discussions and operational measures in relation to peace agreements.

A. OBLIGATIONS OF NEGOTIATORS, FACILITATORS, FUNDING ENTITIES, AND OF PROCESS

The equal participation of women and men in peace processes is essential for the attainment of sustainable peace and democracy. Peace negotiations and the formal and informal processes leading up to them constitute an important opportunity for promoting gender equality and ensuring women’s participation. Additionally, with the Beijing Platform for Action (section E, women and armed conflict) adopted at the Fourth World Conference on Women (Beijing, 1995), the outcome document of the twenty-third special session of the General Assembly entitled “Women 2000: gender equality, development and peace for the twenty-first century”, and Security Council resolution 1325 (2000) on women, peace and security, we now have an international norm that requires all parties involved in the peace negotiations to ensure that the promotion of gender equality is an integral part of the process and that women are full participants in the process. In order to guarantee women’s full participation, capacity building for all actors, men and women, in the pre-negotiation phase is a requirement, and an active search must be undertaken to reach out to current and potential women leaders.

The quality of the preparatory stages leading up to the mediation and of the mediation itself is central to the sustainability of the ensuing peace agreement. In this initial stage, efforts to advance the goals of Security Council resolution 1325 (2000) in promoting gender equality and greater participation by women should proceed on two parallel tracks. First, all efforts should be made to enable women’s associations to prepare themselves to participate in the various formal and informal negotiation stages—through activities such as national consultations, formation of networks, and capacity building. Second, all parties to the process, including international actors, should ensure the participation of women in their delegations, the integration of gender equality initiatives throughout and their own awareness and capacity to address the gender dimensions of all aspects of the peace process.

Mediators and their teams play a critical role in the negotiation process and should guarantee women’s effective and qualitative participation. All negotiators, mediators, facilitators, irrespective of the designation used, or whether they derive their authority from an international, regional or bilateral mandate, must adhere to these obligations. In addition to the mediators and their teams, the key actors involved in this first stage of the peace process include the parties to the conflict, funding entities, international and regional organizations, political parties, and civil society organizations, particularly women’s associations. All of these parties have obligations to ensure that Security Council resolution 1325 (2000) is being adhered to throughout the preparatory phases, up to and during the negotiation phase itself. As regards the funding entities, they also have a particular leverage in demanding that the mediator and the negotiating parties integrate the objectives sought by Security Council resolution 1325 (2000).

1. The mediator

In order to successfully implement her/his mandate, the mediator will acquire and use background information and take steps as provided by the checklist below.

Required background information for the mediator

- ✓ Data on the gender composition of the various fighting forces at the table, especially at the leadership level.
- ✓ Historical background, mapping of the conflict incorporating gender-specific data and information, and oral and written briefings on the experiences of women in the conflict.
- ✓ Identification of existing civil society groups and networks, including regional networks, from a cross-section of society.
- ✓ Information kit with all international and relevant regional legal instruments pertaining to the promotion of gender equality and women’s participation.

Obligations and responsibilities of the mediator, to be implemented with the active support of regional and international stakeholders

- ✓ Takes primary responsibility for ensuring that the team includes from the start a high-level gender adviser.
- ✓ Ensures that the composition of her/his team is gender balanced, and that all members have awareness and general knowledge and skills of how gender equality is relevant to the conflict in question.
- ✓ Initiates a training and briefing programme for the mediation team, the co-facilitators and other international stakeholders on how to integrate the obligations of the relevant sections of Beijing Platform for Action and the outcome document

of the twenty-third special session of the General Assembly (2000), and of Security Council resolution 1325 (2000) into formal and informal mediation processes.

- ✓ Ensures the development and implementation of a plan of action on gender equality aimed at ensuring women’s effective participation in the negotiation process, and at incorporating a gender sensitive approach and the promotion of gender equality in that process.
- ✓ As part of the preparations, ensures that the parties to the negotiations are made aware of their obligations under Security Council resolution 1325 (2000) and of relevant provisions of international legal and policy instruments.
- ✓ In the initial consultations with the parties to the conflict, invites parties to include women with decision-making power in negotiating teams.
- ✓ In the initial consultations with the parties to the conflict, ensures that a significant number of representatives of independent women’s civil society organizations, duly elected in transparent processes, are a party to the negotiations.
- ✓ In the conduct of the pre-negotiations and negotiations, creates the necessary logistical and framework conditions for the active participation of women, including those representing women’s civil society organizations.
- ✓ Undertakes periodic reviews of the process to ensure compliance with the plan of action on gender equality and takes necessary corrective actions.
- ✓ Ensures gender balance in the composition of mechanisms and processes established to monitor the effective implementation of the peace agreement.

2. Parties to the conflict

Parties to the conflict are likewise expected to take specific action in support of gender equality and the participation of women, as indicated below.

- ✓ Participate in a training/briefing on how to integrate the obligations of Security Council resolution 1325 (2000) in formal and informal mediation processes.
- ✓ Ensure gender balance in the composition of their delegations.

3. Funding entities

Funding entities can contribute to enhanced attention to gender perspectives and the participation of women in a number of ways.

- ✓ Ensure funding for the high-level gender adviser to the mediator and allocate resources for the adviser’s activities.
- ✓ For peace negotiations already underway, support corrective actions that the mediation team and/or other stakeholders in the negotiations may take to ensure integration of a gender perspective and strengthen women’s participation.
- ✓ In any aspect of the peace process being supported:
 - a) Make the inclusion of initiatives aimed at promoting gender equality and women’s participation a prerequisite for project funding
 - b) Create an appropriate mechanism to ensure accountability of funding recipients for the implementation of the gender-specific elements of projects.
- ✓ Give equal priority to projects aimed at empowering women’s civil society organizations in conflict situations to prepare themselves for effective participation in peace negotiations through a national consultative process, the creation of national level networks, capacity building and other preparatory steps. To this end, create and sustain a dedicated Fund.

4. Regional and international organizations

International, regional and sub-regional organizations and their representatives on the ground play a significant role in peace processes. This increases their responsibility for giving attention to gender equality issues. Consequently, they should take the following steps:

- ✓ Support women’s associations in their efforts to organize themselves so as to ensure their effective participation in peace negotiations.
- ✓ Participate in a training/briefing on how to integrate the obligations of Security Council resolution 1325 (2000) in formal and informal mediation processes.
- ✓ Support the mediator in the effective performance of the tasks assigned to her/him under section 1 above.
- ✓ Take corrective action to include promotion of gender equality and women’s participation in all stages of negotiation processes, both formal and informal, already underway, in compliance with the present guidelines.
- ✓ Set an example of excellence in regard to the gender-balanced composition of their staff.

B. OBLIGATIONS OF CONTENT OF PEACE AGREEMENTS WITH REGARD TO SECURITY – LEGAL, POLITICAL AND PHYSICAL SECURITY

We see a peace agreement as providing for ceasefire, conflict resolution and, looking ahead, also as part of conflict prevention. Rather than attempting to write a peace agreement, what follows below provides guidelines for provisions with respect to women’s rights, concerns and priorities, and appropriate gender-specific language, especially in areas where the lack of such language or gender neutrality would seriously harm the active participation of women in the post-conflict transformation of society and reduce opportunities for promotion of gender equality and thus achievement of substantive equality.

Our overall objective is to ensure that gender equality is actively pursued as one of the goals of a peace agreement. While the full and equal participation of women at all stages and in all aspects of peace processes enhances the achievement of gender equality in the post-conflict society, it is not solely a responsibility of women, but of all actors involved, to work towards that goal.

The basis for the requirement of attention to gender perspectives and women’s equal participation are Security Council resolution 1325 (2000), the relevant provisions of the Beijing Platform for Action and the outcome document of the twenty-third special session of the General Assembly, as well as the Convention on the Elimination of All Forms of Discrimination against Women.

1. Guarantor body

- ✓ The peace agreement shall designate a Guarantor Body. The Guarantor Body shall monitor and evaluate the implementation of the peace agreement, in particular conformity with the constitutional process outlined in the agreement and inclusion in the constitution of all the provisions required by the framework contained in the agreement.
- ✓ The designated Guarantor Body shall comprise equal numbers of women and men.

2. Human rights

Provision shall be made in the peace agreement that:

- ✓ The parties shall accept or confirm their acceptance of all United Nations and applicable regional instruments for the protection and promotion of human rights and fundamental freedoms, in particular those that specifically guarantee the rights of women and girls (Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, Convention on the Rights of the Child and its Protocols, Beijing Declaration and Platform for Action (1995), outcome documents of the twenty-third special session of the General

Assembly entitled “Women 2000: gender equality, development and peace for the twenty-first century” (2000), General Assembly Declaration on the Elimination of Violence against Women (1993)).

- ✓ The state shall become party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2000), supplementing the United Nations Convention against Transnational Organized Crime (2000), and accept the Recommended Principles and Guidelines on Human Rights and Human Trafficking (2002) developed by the High Commissioner for Human Rights.
- ✓ The state shall become party to the Rome Statute for the International Criminal Court (1998), and pass national legislation to implement its provisions.
- ✓ There shall be established a National Human Rights Commission with gender parity among the commissioners, and its mandate shall include the promotion of gender equality and women’s human rights in accordance with the peace agreement.
- ✓ Technical assistance for human rights training, especially the implementation of women’s human rights, shall be sought from relevant United Nations entities and donors.

3. Legal regime for transitional period

The peace agreement must provide for a transitional period while the state starts to function. The task of the legal regime in the transitional period is to build security and trust, a framework that has the potential to address and deliver equality for women. Within the transition, certain activities must be undertaken immediately, for example, those related to physical security, while others require medium- and long-term planning. There should be caution against setting out arbitrary deadlines and due regard given to particular and changing circumstances.

- ✓ Whatever the form of government during the transitional period (e.g national transitional government or international administration such as UNTAET), it must have a gender-balanced composition and work under the principles of the rule of law and of international human rights, including the human rights of women.
- ✓ Immediately upon the installation of the transitional government, all senior judges shall be deemed to have resigned. Nomination for such appointments must include an equal number of women.

Important issues in the transitional period that have gender dimensions include the role and organization of security forces, the international civilian police force, the national civilian police force, the national armed forces, measures of transitional justice, and preparations for elections, dealt with below. There are obviously many other issues that

are context specific and must be provided for in accordance with the principles of gender equality and women’s equal participation.

3.1 Security forces

Where provisions are made in peace agreements for the deployment of international/regional peacekeeping forces, compliance with the following principles and indicated actions must be spelled out.

Gender preparedness

Ensure that all troop contributing states:

- ✓ Recruit and hire a minimum of 30 per cent women, including in higher-level positions, for deployment.
- ✓ Have and comply with a code of conduct that has a significant gender component.
- ✓ Implement ongoing in-country training in human rights, gender equality, and the code of conduct before deployment.
- ✓ Have accountability mechanisms for violations of the code of conduct/human rights of women and report to a designated monitoring body with respect to action taken in response to such violations.

Ensure that peacekeeping forces:

- ✓ Include a Gender Unit within the headquarters of the military operation that reports to military mission command, and has access to the highest level of decision-making.
- ✓ Mandate the Gender Unit to ensure day-to-day compliance with the code of conduct and report to mission command thereon.
- ✓ Mandate the Gender Unit to undertake an audit of the physical spaces where women require protection/access, such as schools and refugee camps.
- ✓ Also mandate the Gender Unit to audit areas requiring mine clearance to assess particular risks faced by women.
- ✓ Receive training during deployment on mission-specific gender issues, for which the Gender Unit has responsibility.

Gender action for security forces

Ensure that all security forces take the following actions:

- ✓ Provide, whenever the need arises, ongoing protection for women and girls under threat of physical violence and ensure freedom of secure movement of women and girls.
- ✓ Provide security to ensure that women and girls can be active members of the society (e.g. access to education/health facilities, markets etc.).
- ✓ During mine clearance, give priority to areas used for agriculture, or in proximity to health clinics or schools, where predominantly women seek access.
- ✓ Secure safe passage for women who are internally displaced or refugees and are returning to their homes.

Disarmament, demobilization, reintegration, rehabilitation and reinsertion activities by security forces

In relation to disarmament, demobilization, reintegration, rehabilitation and reinsertion (DDRRR), provisions governing the activities of security forces must be guided by the following principles and priorities:

- ✓ Disarmament must aim to secure freedom of movement of women and girls, including dismantling and removal of all road blocks, bunkers and military camps.
- ✓ Disarmament programmes need to include measures that prevent possibilities of rearmament.
- ✓ Stockpiles of collected arms/munitions need to be secured and not be located in or near areas that are needed/utilized by women.
- ✓ DDRRR planning has to consider the different needs of female and male members of fighting forces and their dependents.
- ✓ An organ needs to be established to deal with the socio-professional, psychosocial and educational needs and the reintegration of demobilized troops, taking into account the special needs of families, widows and widowers of soldiers, child soldiers and male and female members of fighting forces.
- ✓ Particular attention is required to address the situation of women with children borne as a result of rape or sexual slavery during conflict, and awareness raising must be undertaken to sensitize the community to prevent ostracism of such women and their children.

Reconstitution of national security/armed forces

Provisions aiming at the reconstitution of national security/armed forces must reflect the following considerations:

- ✓ Ensure that such forces are bound to respect international law and human rights law including women’s human rights.
- ✓ Screening incoming personnel shall include their prior history with regard to human rights abuses and violence against women, including domestic violence, and persons with such histories are to be excluded from service.
- ✓ In establishing territorial and border security, the protection needs of women from attacks by remnants of warring factions must be explicitly addressed.

3.2 International civilian police force

Where provisions are made in peace agreements for the deployment of international civilian police forces, compliance with the following principles and actions must be spelled out:

- ✓ Ensure that the international civilian police force is comprised with due regard to gender balance.
- ✓ Ensure that the international police force receives induction training on codes of conduct, gender sensitivity and awareness, especially concerning domestic violence, trafficking in women and girls, and sexual violence.
- ✓ Provide security to ensure women’s and girls’ possibilities to be active members of the society, including their safe and unhindered access to education and health facilities, to markets, and their participation in women’s groups. This function should be transferred from the military to the civilian police force as soon as feasible, so as not to further militarize the society and women’s surroundings.

3.3 (Re)Construction of national police force

Basic elements for the (re)construction of a national police force shall be provided in peace agreements, including compliance with the following principles and actions:

- ✓ In construction of a new, or the restructuring of previously existing police forces, due regard shall be given to gender balance. Women police officers shall be assigned to all levels of active duty.
- ✓ Screening incoming personnel shall include their prior history with regard to human rights abuses and violence against women, including domestic violence,

with specific attention to their conduct throughout the conflict. Persons with such histories are to be excluded.

- ✓ Training for the new police force shall be provided and shall include training with regard to human rights and gender-based violence, including domestic violence. This training shall draw upon the expertise of women’s NGOs. Gender units shall be established in police posts as soon as feasible.
- ✓ An academy for the creation of a professional police force shall be established. The curriculum shall be established in accordance with human rights and gender equality commitments. Due regard shall be given to gender balance in the appointment of the teaching staff, and affirmative action taken to recruit women into the police force at all levels and in all roles.

3.4 Transitional justice

Peace agreements shall address transitional justice issues, and in so doing, comply with the following principles and include the following actions:

- ✓ No amnesty shall be granted for genocide, war crimes, or crimes against humanity, especially those committed against women and girls.
- ✓ Impunity is to be addressed through prosecution of perpetrators of genocide, war crimes, or crimes against humanity, including violations against women and girls.
- ✓ Establish that the definitions of international humanitarian law and human rights law from the Rome Statute for an International Criminal Court, 1998 and the jurisprudence of the international criminal tribunals, including that related to victims and witness protection, are to be incorporated into domestic law.
- ✓ Establish an appropriate national mechanism for reconciliation, such as a Truth and Reconciliation Commission with due regard to gender balance in the appointment of commissioners and with a mandate to address past violations of human rights and humanitarian law, specifically such violations against women and gender-specific crimes and without distinction between the parties to the conflict; determine that the Commission shall apply the definitions of international humanitarian law and human rights law from the Rome Statute for an International Criminal Court, 1998 and the jurisprudence of the international criminal tribunals; determine that the Commission shall recommend measures to be taken for the rehabilitation of victims of human rights violations, in particular women and that programmes shall be established in accordance with the Commission’s recommendations and reparations paid.

3.5 Preparations for elections

A peace agreement should not spell out a time frame for the conduct of elections. The elections should not be held until the following conditions have been met and when the National Electoral Commission deems it appropriate and safe in all parts of the territory of the country:

- ✓ A National Electoral Commission shall be (re)constituted by the Transitional Government. The Transitional Government shall consult civil society groups, including women’s organizations, to determine the membership and terms of reference of the National Electoral Commission. It shall consist of women and men of integrity and in equal numbers.
- ✓ The National Electoral Commission shall be independent and neutral.
- ✓ All women and men over 18 years of age shall have the right to vote.
- ✓ All women over 18 years of age shall have separate voter identification cards.
- ✓ Voter education and registration programmes shall be organized by the National Electoral Commission. These programmes shall be readily available and accessible for all women voters and appropriate to them. Where appropriate, voter education classes should be available for women alone, and security must be provided for their attendance by international and/or national security/police forces.
- ✓ Political parties shall apply the principles of democracy and good governance, and commit to women’s full and equal participation and the promotion of gender equality.

4. Framework for a new or revised constitution

A peace agreement should not spell out a constitution because drafting a constitution within a peace process means that there is no local ownership and it makes the peace agreement excessively detailed. Including a constitution in a peace agreement might also preserve the identity and status of the different warring parties and in so doing exclude women and make them invisible.

Instead, a peace agreement should provide for a constitutional process such as the following:

- ✓ A Constitutional Commission, comprising equal numbers of women and men shall make proposals for a constitution.
- ✓ The Constitutional Commission shall consult widely with women and men of the state to understand their views and priorities.

- ✓ The Constitutional Commission shall inform the Guarantor Body as to who has been consulted, and the weight that has been given to the views expressed.

The Constitution must conform with the following requirements to be stipulated in a peace agreement:

- ✓ The Constitution is the supreme law of the land.
- ✓ Discrimination on the basis of, *inter alia*, sex/gender must be prohibited and a clause guaranteeing the equality of women and men before the law included. A good model is the South African Constitution of 1996.
- ✓ The Constitution must define the meaning of discrimination against women, in accordance with article 1 of the Convention on the Elimination of all Forms of Discrimination against Women.
- ✓ The Constitution must allow affirmative action for women, in particular to redress *de facto* discrimination.
- ✓ The Constitution must explicitly state that the gender equality clause overrides conflicting legislation and customary law.
- ✓ International and applicable regional instruments for the protection and promotion of human rights and fundamental freedoms, especially those that guarantee the rights of women and girls (Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, Convention on the Rights of the Child and its Protocols, Beijing Platform for Action, the outcome document of the twenty-third special session of the General Assembly (2000), the Declaration on the Elimination of Violence against Women of the General Assembly) shall form an integral part of the Constitution and be incorporated as directly applicable law within the state.
- ✓ The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2000) supplementing the United Nations Convention against Transnational Organized Crime (2000) and the Recommended Principles and Guidelines on Human Rights and Human Trafficking (2002), developed by the High Commissioner for Human Rights, shall form an integral part of the Constitution and be incorporated as directly applicable law within the state.
- ✓ The draft constitution shall be submitted to a duly designated national body for endorsement. If the duly designated national body considers that the draft constitution does not comply with the requirements of the peace agreement, it shall have the right to refuse its acceptance until such compliance is achieved.
- ✓ Measures, and mechanisms to ensure transparency and accountability of all government institutions and activities shall be spelled out.

- ✓ Legislative, executive and administrative measures shall be directed at all branches of government to ensure women’s equal access to and full participation in power structures and decision-making.
- ✓ The judiciary shall be independent, impartial and gender-balanced. Judiciary training shall be provided including on international and regional human rights and women’s rights instruments, and on gender awareness.

5. Physical security for women

Security is central to the success and full implementation of peace agreements. While such security has to begin at the transitional period, it needs to continue and take into account post-conflict threats to women’s security, including gender-based violence. Increased domestic violence and crime in the private sphere is a direct and continuing result of conflict and accompanying social upheaval.

Peace agreements must contain guarantees for the physical security of women and provide for:

- ✓ Consultations with women and women’s groups on effective measures to address women’s security concerns in the public and private sphere.
- ✓ The adoption of a comprehensive law on domestic violence.
- ✓ The adoption and implementation of legislation to eliminate trafficking and exploitation of women.
- ✓ Measures to secure the release and return of female captive wives.
- ✓ The adoption of legislation prohibiting early and forced marriages, harmful practices which negatively affect the human rights of women, and guaranteeing women’s right to freely choose their spouse, including their right to divorce and to remarry.
- ✓ Prosecution of domestic violence and gender-based violence, including that committed in the community.
- ✓ Gender training and added resources for police.
- ✓ Demilitarization of the society.
- ✓ Support to community networks, including security networks.
- ✓ Measures to eliminate small arms.

C. OBLIGATIONS OF CONTENT OF PEACE AGREEMENTS WITH REGARD TO SECURITY – SOCIAL AND ECONOMIC SECURITY

Peace agreements commonly include provisions with regard to political and legal security and the civil and political rights that underpin such security, albeit mostly without attention to their gender dimensions. Such agreements, however, rarely cover economic, social and cultural rights that underpin women’s economic security and are especially significant for women in their pursuit of citizenship on equal terms with men. These rights are the focus of the following section.

1. Economic, social and cultural rights – general aspects

Peace agreements should aim at obtaining a just and equal society with equal rights, security, and protection under the law for women and men. They should ensure substantive equality for women, and end discriminatory practices against them, including through temporary special measures. They should also commit to ensuring that women fully participate at decision-making levels in the formulation, development, implementation and monitoring of post conflict development and democracy, and to significant increases in resources allocated to the attainment of economic, social and cultural rights for women.

Peace agreements tend to articulate provisions concerning specific civil and political rights while giving little attention to economic, social and cultural rights. However, as noted in the Vienna Declaration and Programme of Action (1993), all human rights are universal, indivisible and interdependent and interrelated and should be treated on the same footing and with the same emphasis. Failure of enjoyment by women of economic and social rights contributes to economic dependence, denial of personal autonomy, and lack of empowerment. These limit women’s participation in public life, including in fora for economic, social, political and legal policy- and decision-making, and undercut the development potential of reconstruction processes. As women’s vulnerability to social and economic deprivation is deepened further in conflict and post-conflict situations, a peace agreement should emphasize the state’s obligation to promote the enjoyment of economic, social and cultural rights, prevent processes of social exclusion, and ensure that women can participate fully and equally in the post-conflict society. Mediators and donors have a particular responsibility as well as opportunity to support such a gender-sensitive approach to post-conflict socio-economic development.

It is therefore essential that every peace agreement addresses directly and specifically the socio-economic issues relating to the enjoyment of economic, social and cultural rights by women. In order to do this, all actors involved in the peace process and negotiations of a peace agreement must insist on the preparation of a national socio-economic profile with sex disaggregated data. Such a profile should serve as the basis for the development of socio-economic policies and programmes in the areas of health; education; adequate standard of living; land and property; economic aspects including work, labour and social security; and nationality. The issues that would need to be addressed in peace agreements are outlined below.

2. Health

Social upheaval, poverty, gender-based and sexual violence and inaccessibility / loss of the health infrastructure during and after conflict deny women equal rights to the highest attainable standard of physical and mental health. Peace agreements must recognize and address women’s specific health needs and pay special attention to:

- ✓ Provision of adequate health services for women, including reproductive and sexual health.
- ✓ Provision of adequate mental and psycho-social health services, including counseling for post-conflict trauma, victims of sexual slavery, rape, sexual exploitation, trafficking.
- ✓ Provision for the prevention, treatment and care for women affected by HIV/AIDS bearing in mind the potential adverse economic impact of the spread of the pandemic, and the economic causes of women’s vulnerability.

3. Education and training

Education is central to the reconstruction of society, including of gender relations. Education is a human right and an essential tool for achieving the goals of equality, development and peace. As women remain disproportionately disadvantaged by lack of educational opportunities, a situation that is usually aggravated in conflict situations, peace agreements need to guarantee that women and girls have equal access to education at all levels. Special attention therefore needs to be paid in peace agreements to:

- ✓ Provision of free and compulsory universal primary and secondary education for all children.
- ✓ Appropriate accelerated access to education for women and girls to reduce their higher rates of illiteracy.
- ✓ Equal standards of education for girls and boys and development of unified and gender sensitive national educational curricula.
- ✓ Curriculum appraisal to eliminate materials that present discriminatory or stereotyped views of women, omit salient facts, or which foster national, ethnic or religious hatred.
- ✓ Provision of adult literacy programmes for women and men.
- ✓ Introduction of human rights education with a clear focus on gender equality.
- ✓ Recognition and acceptance of education attained outside of country and in refugee camps.

- ✓ Provision of special education and skills training for women to deal with new social status and responsibilities, for example as single heads of households, and for women and girls whose education was interrupted by conflict.

4. Inheritance and ownership of land and property

Ownership of land and property should be enjoyed by all and is an essential component of economic advancement. Deprivation of this right contributes to women’s increased poverty and vulnerability. Conflict further exacerbates this condition by destroying social structures (already prejudicial to women) and causing massive displacement. Women whose male relatives have died or disappeared and have no recognized capacity to inherit remain permanently dispossessed. Peace agreements should therefore pay special attention to:

- ✓ Secure access to land for female-headed households.
- ✓ Guarantee non-discrimination on the basis of sex in land allocation and land reform schemes.
- ✓ Guarantee rights to land and property for female returnees.
- ✓ Repeal laws, which discriminate against women with regard to inheritance and ownership of land and property and guarantee women the right to inherit, including their deceased husband’s land and property.

5. Adequate standard of living

All persons must have access to an adequate standard of living, which shall include housing and freedom from forced eviction, sanitation, water, food and freedom from hunger, and continuous improvement of living conditions. Peace agreements should guarantee women equal treatment in reconstruction programmes towards the fulfilment of this right. Peace agreements should therefore pay special attention to:

- ✓ Ensure the provision of adequate, available, accessible, affordable and appropriate shelter and housing for women.
- ✓ Ensure protection of women and their families from forced eviction.
- ✓ Develop housing policies that respond to the needs of the conflict-related increased number of female-headed households.

6. Economic security

Economic growth and viability, through which poverty and marginalization can be addressed, are essential for lasting peace. Since during and after conflict women are disproportionately affected by poverty and marginalization, peace agreements should lay

the foundation for women’s equal right to participate in and benefit fully from measures directed at the economic development of the country, and highlight the gender dimensions of the country’s future economic orientation. In particular, women may not be barred, or excluded from certain types of work by reserving it for returning male war veterans. The economic aspects of arms trafficking, and women’s role therein, must be addressed. Guarantees need to be contained in the peace agreement for women’s:

- ✓ Equal and adequate protection from economic exploitation and forced labour.
- ✓ Equal and fair hiring and employment practices.
- ✓ Equal pay for equal work and work of equal value.
- ✓ Equal access to social security benefits.
- ✓ Safe work conditions.
- ✓ Protection from underemployment.
- ✓ Maternity leave.
- ✓ Provision of childcare services.

Accordingly, peace agreements should indicate the types of steps to be taken in post-conflict development to provide for:

- ✓ The rehabilitation of women’s livelihood and income generating activities.
- ✓ Public policies and programmes to increase women’s participation in the formal and informal sectors of the economy.
- ✓ Economic empowerment of all women through training programmes, credit schemes and temporary special measures.
- ✓ Programmes that ensure that economic benefits are enjoyed by female-headed households.

7. Nationality and citizenship

Nationality and citizenship remain the legal basis for access to, the exercise and enjoyment by women of all human rights, especially economic, social and cultural rights. Given that women are disproportionately represented among the displaced and may find themselves stateless as a consequence of the creation of a new state, the dissolution of a state or redrawn borders, issues of nationality take on added significance with regard to women’s right of return and right to claim property. Women may also encounter particular constraints with regard to the right of conferring nationality to children born in

transit, in refugee camps, children born to non-citizen or unknown fathers, and children born during conflict that were not registered, including for lack of documentation.

Peace agreements should address the special situation of women whose legal status of nationality and citizenship may be adversely impacted by displacement in conflict.

D. OBLIGATIONS IN PEACE AGREEMENT IMPLEMENTATION

The long-term goal of a peace agreement is its national implementation. Implementation involves allocation of roles and responsibilities as well as resources, and those need to be secured in both urban and rural areas.

Unlike the relatively closed negotiation process of peace agreements, the process of implementation involves a large range of actors, civilian and military, and including United Nations entities, regional and sub-regional organizations, international financial institutions, as well as governmental bodies, international NGOs and humanitarian organizations that have an obligation and responsibility to ensure implementation of the provisions of a peace agreement. While the section below addresses these actors in general, there is value in clearly identifying those responsible for action in peace agreements as this contributes to accountability, transparency and clarity. Where an international administration is established (such as in Bosnia and Herzegovina, Kosovo, or East Timor), the obligation to act in full compliance with the Beijing Platform for Action and the outcome document of the twenty-third special session of the General Assembly, and Security Council resolution 1325 (2000) in regard to gender equality and women’s full and equal participation must be affirmed and implemented.

The international community must incorporate gender considerations in the structures of its organizations from the very beginning of a mission to avoid the possibility that gender-oriented issues get trapped in a special branch without possibility to influence the overall work of the organization. The work on gender mainstreaming should be coordinated by a senior-level expert with a strong mandate. A network of gender focal points at all levels should be affiliated with the coordinator. Gender mainstreaming needs to be complemented with targeted efforts such as special women’s forums, gender task forces, and quota mechanisms. Work for gender awareness can be strengthened by activities at both levels, supporting and challenging each other to develop. Financial and human resources must be provided for gender mainstreaming as well as for targeted projects for women and girls as part of approved and allocated budgets. A gendered budget audit of implementation needs to be included in monitoring mechanisms of peace agreements. A gendered budget audit would need to be tied to donors’ conferences.

1. General obligations for the implementation of the peace agreement

The most important part of implementation of a peace agreement is to ensure that provisions concerning gender equality and women’s participation are carried forward in a comprehensive and sustained manner into the implementation phase, and furthermore, that all other provisions of the agreement are also implemented with full regard to their gender specific implications and, therefore, for the particular benefit of women and of society as a

whole. The whole society has to be actively involved; thus, women and women’s groups are crucial in this task. To enable them to be active in the implementation of the peace agreement, they have to have the tools and conditions that make it possible to work. In all implementation, effective consultation must be undertaken between the international agencies, the transitional government, regional organizations and local women and women’s NGOs.

To that end, particular attention needs to be given to the legal obligations contained in the agreement. Other aspects that flow from these and that require attention are:

- ✓ Creation of free and secure spaces where women can meet.
- ✓ Ensuring safe and affordable transportation for women to meet with each other.
- ✓ Protection and promotion of freedom of speech and mobility for women.
- ✓ Provision of spiritual/healing services.
- ✓ Promoting capacity development for women’s organizations.
- ✓ Total destruction of all arms and ammunition, including but not limited to small arms and light weapons.
- ✓ Creation of monitoring and accountability structures to ensure gender-sensitive implementation.

The following areas require particular attention in implementation.

2. Dissemination of the peace agreement

Immediately upon the signing of the peace agreement, the parties as well as other stakeholders shall take all necessary measures to ensure that the content of the agreement is effectively translated and disseminated to the population. The rationale for such action is to promote local ownership and to facilitate discussion of the peace agreement. Local ownership ensures transparency and accountability, and is essential for its sustainability. Measures need to be put in place to effectively reach women in the dissemination and discussion of the agreement.

To that end, the following steps are required:

- ✓ Translate the peace agreement into national and local languages.
- ✓ Create and mass produce a popularized version of the agreement which clearly highlights provisions that are specific to the participation of women and the gender dimensions of the agreement.

- ✓ Disseminate the peace agreement to educators, religious communities, women’s organizations, peacekeepers, new legislators, media, market women, barbers, shoeshine boys and other workers in the informal economy, through workshops, town meetings and theatre, and also use media/press, including community and women’s radio and other means.
- ✓ Work with provincial and local government to secure full recognition and implementation of the peace agreement and its gender dimensions.

3. Women’s full and equal participation

Women’s full, equal and meaningful participation must be promoted at all levels of policy and decision-making, including in public service in the implementation of the peace agreement and subsequently in the post-conflict state. Institutionalization of democratic processes is supportive of this goal.

Building on the peace agreement, steps to achieve this need to include:

- ✓ Adoption of proactive special measures targeted at women to ensure their full and equal participation at all levels of policy and decision-making.
- ✓ Institutionalization of gender-sensitive criteria of merit in all decisions on hiring, promotion and appointments in the public sector.
- ✓ Reform of the public service sector to ensure women’s participation in public service, including by using special measures, and appointment of women to high-level positions.
- ✓ Training of women for employment in public service.
- ✓ Appointment of gender experts in line ministries and public bodies.
- ✓ Presentation of women as candidates for elected positions, including in local, regional and national level elections.
- ✓ Provision of sufficient resources to cover the recurrent costs of the ministry of women’s affairs/gender equality and development, as well as for an ombudsperson’s office and for gender units/focal points within all national ministries.
- ✓ Provision of financial support and resources for women candidates, including for leadership training, capacity building, including by bilateral and multilateral donors and NGOs.
- ✓ Inclusion, in legislation or terms of reference governing electoral funds, of explicit provisions to ensure to women full and equal access to such resources.

4. Peacekeeping operations

It is of great importance that all actors that work under the authority of a peace agreement be aware of and incorporate gender dimensions in all their activities, and thus give effect to the training that they will have received before deployment. Monitoring and accountability, as well as reporting obligations on the implementation of a peace agreement need to reflect specifically on the contribution of such actors to the promotion of gender equality and the participation of women, as well as pay attention to the gender dimensions of all aspects of the agreement. Such actors also need to be held accountable to those standards in their own behaviour and actions. It is of particular importance that the Secretary-General of the United Nations complies with the relevant provisions of Security Council resolution 1325 (2000), including by appointing women to the highest-level positions in peace operations, and by discussing implementation of the gender dimensions of an agreement in his reports to the Security Council. Such accountability also applies to other, non-United Nations bodies that are responsible for peace operations.

Coordination among all stakeholders involved in peace operations needs to include women’s organizations, and also needs to cover coordination on gender equality issues.

Accountability and reporting on the implementation of peace agreements needs to include that all those deployed under the authority of an agreement:

- ✓ Are deployed under a code of conduct with gender equality as a core component and directives for sanctions in cases of violations of such codes. There must be clarity on the establishment and mandate of the body responsible for ensuring that such codes of conduct exist, are adhered to and that violations are fully investigated and punished, and that necessary corrective measures are taken to prevent recurrences.
- ✓ Collect data disaggregated by sex and gender-specific information in relation to all their activities and use such information systematically when reporting, especially to the Security Council, to show the differential impact on women and men of the implementation.
- ✓ Monitor and report on gender issues in peacekeeping, including on all forms of violence against women and girls including trafficking, as an integral part of mission reporting, and on corrective measures taken.
- ✓ Ensure the inclusion of women at the highest levels of peace operations.

5. Mechanisms for women’s access to and participation in peace agreement implementation processes

An absolute must for the implementing process is the creation of accountability and transparency mechanisms. Donors are expected to ensure that women have equal access to the resources of reconstruction, and participate equally in the development of

national/local rebuilding and reconstruction plans and strategies. During the transition period, high priority needs to be given to the establishment of and funding for a national women’s rights commission as a precursor to a national machinery for the advancement of women.

To that end, any transitional government, with the support of other actors involved in implementation is expected to:

- ✓ Create a national women’s rights monitoring commission that will oversee and promote gender equality in the implementation of all aspects of the peace agreement by all national, regional and international participants in the implementation, and advocate for the equal participation of women. This commission will be operative until a national machinery for the advancement of women is established and functional. The commission will be comprised of representatives of national women’s groups and independent experts, with a mandate to serve as a watchdog so that women’s rights are not violated or marginalized in the early stages of implementation of the agreement.
- ✓ Ensure that this commission has access to the heads of the transitional government and the peacekeeping operations. They, in turn, will be responsible to take remedial action for any violations of, or shortcomings in the implementation of the peace agreement identified by the commission.

In order to execute its duties, the commission will:

- ✓ Collect sex-disaggregated data.
- ✓ Monitor, investigate and issue reports on the rapid and full implementation of all obligations of the agreement from a gender perspective.
- ✓ Conduct gender audits, including gender budget audits.
- ✓ Issue its findings publicly, including to the government and the media.
- ✓ Lobby decision-makers on the protection and promotion of all the human rights of women as articulated in the peace agreement.
- ✓ Identify any security problems women and women’s organizations may face in participating in the work of the commission, and call on responsible officials to remedy such problems.
- ✓ Create a cooperation/coordination body with peacekeeping forces, whether serving under the auspices of the United Nations or any other arrangement, to assess gender mainstreaming in the implementation of the peace agreement, and consult with women’s organizations on such implementation.

E. CONCLUDING COMMENTS

The experts were very aware that this meeting was held while there are deep concerns about the erosion of the international legal norms prohibiting the use of force in international relations and the lack of any peace process, for example in Iraq. In a situation where there is no peace process, merely an imposed occupation, there is no framework for the explicit guarantee of women’s equality and participation in the post-conflict period. However women’s human rights are also used as an additional justification for the use of force when it is considered instrumental to do so, as was the case with the war against Afghanistan in October 2001. This situation where women’s human rights are both discounted and cynically promoted and used to further foreign policy objectives disconnected from women’s human rights was deeply worrying to the expert group meeting.

¹ Christine Bell, *Peace Agreements and Human Rights*, Oxford University Press, 2000.

ANNEX I

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Report of the expert group meeting on “Peace agreements as a means for promoting gender equality and ensuring participation of women – A framework of model provisions”

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ANNEX II

LIST OF DOCUMENTS

Background Paper

EGM/PEACE/2003/BP.1 *Peace agreements as a means for promoting gender equality and ensuring participation of women*
Prepared by Christine Chinkin

Papers by Experts

EGM/PEACE/2003/EP.1 *Case study on the comprehensive peace agreement of Liberia signed in Accra, Ghana on August 18, 2003.*
Prepared by Lois Lewis Bruthus

EGM/PEACE/2003/EP.2 *Engendering the Peace Process: A Study on the Dayton Peace Accords of 1995.*
Prepared by Kerstin Grebäck and Eva Zillén

EGM/PEACE/2003/EP.3 *Case study on the peace agreements of Cambodia.*
Prepared by Vannath Chea

EGM/PEACE/2003/EP.4 *Case study on the peace agreement of Northern Ireland.*
Prepared by Fionnuala Ni Aoláin

EGM/PEACE/2003/EP.5 *Case study on the Lome peace agreement of Sierra Leone.*
Prepared by Isha Dyfan

EGM/PEACE/2003/EP.6 *Case study on the peace agreement of South Africa.*
Prepared by Baleka Mbete

EGM/PEACE/2003/EP.7 *Gender Equality and the Central American Peace Accords: The Cases of El Salvador and Guatemala.*
Prepared by Ilja A. Luciak

Report of the expert group meeting on “Peace agreements as a means for promoting gender equality and ensuring participation of women – A framework of model provisions”

EGM/PEACE/2003/EP.8 *Are Women Included or Excluded in Post-Conflict Reconstruction: A Case Study from Timor-Leste.*
Prepared by Emily Roynestad

EGM/PEACE/2003/EP.9 *Gender, Human Security and Peacebuilding: Finding Links Between Policy and Practice.*
Prepared by Richard Strickland

Presentations by Experts

Presentation on the peace agreement of the Democratic Republic of Congo.
By Claudine Muyala Tayaye Bibi

Presentation on the peace agreement of Afghanistan.
By Suraya Paikan

Papers by Observers

EGM/PEACE/2003/OP.1 *Peace agreements as a means for promoting gender equality and ensuring participation of women – A framework of model provisions.*
Prepared by Femmes Africa Solidarité

EGM/PEACE/2003/OP.2 *Peace agreements as a means for promoting gender equality and ensuring participation of women: The cases of DRC and Liberia.*
Prepared by United Nations Development Fund for Women (UNIFEM)

ANNEX III

PROGRAMME OF WORK

Sunday, 9 November 2003

7.00 p.m. Registration and orientation of experts

Monday, 10 November 2003

Plenary Session

8.00 - 9.00 a.m. Registration of participants

9.00 – 9.45 a.m. Opening Statements

Ms. Carolyn Hannan, Director, Division for the Advancement of Women

Ms. Susan Gregson, Director, Human Rights, Humanitarian Affairs and International Women’s Equality Division, Department of Foreign Affairs and International Trade

Ms. Hélène Dwyer-Renaud, Director General, Gender-Based Analysis Directorate, Status of Women Canada

Mr. Yous sef Mahmoud, Director, Africa Division II, United Nations Department of Political Affairs

9.45 – 10.15 a.m. Break

10.15 – 10.45 a.m. Election of Officers
Introduction to the meeting
Adoption of programme of work

10.45 – 12.00 p.m. Presentation by Ms. Christine Chinkin, Consultant, Division for the Advancement of Women

Discussion

12.00 – 2.00 p.m. Lunch

2.00 – 4.00 p.m. Presentation by experts
Panel III: Case studies – Asia
Ms. Vannath Chea
Ms. Suraya Paikan
Ms. Ariane Brunet
Ms. Emily Roynestad

- Cambodia
- Afghanistan
- Afghanistan
- Timor-Leste

Report of the expert group meeting on “Peace agreements as a means for promoting gender equality and ensuring participation of women – A framework of model provisions”

Discussion

4.00 – 4.30 p.m. Break

4.30 – 5.30 Presentation by observers:
Women’s International League for Peace and Freedom

Tuesday, 11 November 2003

Plenary Session

8.30-10.30 a.m. Presentation by experts
Panel II: Case studies - Africa
Ms. Lois Lewis Bruthus - Liberia
Ms. Claudine Muyala Tayaye Bibi - Democratic Rep. of Congo
Ms. Isha Dyfan - Sierra Leone

Discussion

10.30 – 11.00 Break

11.00 – 1.00 Presentation by experts
Panel IV: Case studies – Europe and Latin America
Ms. Kerstin Grebäck - Bosnia-Herzegovina
Ms. Fionnuala Ni Aoláin - Northern Ireland
Mr. Ilja Luciak - Guatemala/ El Salvador
Mr. Richard Strickland - Gender, Human Security and
Peacebuilding

Discussion

1.00 – 2.30 p.m. Lunch

2.30 – 3.00 p.m. Establishment of working groups

3.00 – 5.30 Working groups

5.30 p.m. Meeting adjourned

Wednesday, 12 November 2003

Working Groups

9.00 – 11.30 a.m. Working groups

11.30 – 12.30 p.m. Plenary: feedback and status report from working groups

Report of the expert group meeting on “Peace agreements as a means for promoting gender equality and ensuring participation of women – A framework of model provisions”

- | | |
|-------------------|---|
| 12.30 – 2.00 p.m. | Lunch |
| 2.00 – 4.00 p.m. | Working groups to complete draft recommendations for submission to the drafting committee |
| 4.00 – 5.30 p.m. | Plenary: discussion and presentation of recommendations of working groups |
| 5.30 p.m. | Meeting adjourned |

Thursday, 13 November 2003

Plenary Session

- | | |
|--------------------|---|
| 9.00 – 11.00 a.m. | Drafting of final report and recommendations |
| 11.00 – 11.15 a.m. | Break |
| 11.15 – 12.30 p.m. | Finalization of draft report |
| 12.30 – 2.00 p.m. | Lunch (Drafting of report) |
| 2.00 – 3.00 p.m. | Presentation of final report |
| 3.00 – 3.15 p.m. | Break |
| 3.15 - 4.00 p.m. | Adoption of report and closing session |
| 4.00 p.m. | End of Meeting |
| 5.00 – 7.00 p.m. | Reception hosted by the Government of Canada
9 th Floor |
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