

Women and peace processes, negotiations, and agreements: operational opportunities and challenges

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■ Executive summary

This policy brief addresses the involvement of women in peace processes, negotiations, and agreements and outlines the shape of contemporary peace processes and their resultant agreements, arguing that they exclude women. It stresses the importance of peace processes and agreements to women, because these processes not only aim to institute a ceasefire and end the conflict, but often also define the new structures and constitution of the country, including its political and legal institutions. A peace process raises new opportunities for women to have their concerns and experience of conflict heard and to play a part in their country's reform. If successful, they can influence the entire political and legal framework of the country. For this reason, international legal standards, in particular UN Security Council Resolution 1325 of 2000, provide that women should be involved in peace negotiations and that peace agreements should incorporate a gender perspective.

However, challenges face the translation of these commitments and opportunities into practice. Recommendations for overcoming these challenges revolve around two central points: that women should be included at all levels in negotiations to formulate and implement peace agreements, and that the provisions of peace agreements should be designed with the particular status and situation of women in mind and, where appropriate, include special provisions for women.

Peace processes, negotiations and agreements: the background

Since around 1990 peace processes involving the negotiation of formal peace agreements between the protagonists to conflict have become a predominant way of ending conflict. Since that time over 700 documents that can be seen as peace agreements have been negotiated in nearly 100 jurisdictions (see Bell, 2008: Appendix; UN Peacemaker, 2012). The conflicts in which they are negotiated are primarily intrastate, i.e. conflicts arising mainly within the borders of states and taking place between the states and their armed non-state opponents. Such conflicts often have regional and international dimensions. Some interstate conflicts, such as those in Bosnia, Kosovo, Afghanistan and

Iraq, have also been connected to intrastate conflict and left behind a need for an internal peace process, adding to the peace agreement phenomenon.

What are peace processes and agreements?

There is no formal definition of a peace process or peace agreement. The following definitions aim to provide clarity on how the terms are normally used:

- **A peace process** is an attempt to bring political and/or military elites involved in a conflict to some sort of mutual agreement as to how to end the conflict.
- **Peace agreements** are documents produced after discussion with some or all of a conflict's protagonists with a view to ending violent military conflict.

These are both broad definitions that cover a wide range of processes and agreements produced at different stages of the process.¹ It is useful to consider processes as loosely developing in three stages, although these are rarely distinct in practice: the pre-negotiation stage, the framework/substantive stage and the implementation/renegotiation stage (see Bell, 2008: 20-32). This policy brief will examine the opportunities and challenges for women at each stage of a peace process.

The exclusion of women

Peace processes as conceptually gendered

The definitions outlined above capture what are commonly understood to be peace processes and peace agreements. However, they already indicate a gender bias. Despite the fact that peace initiatives will often have been promoted by civil society and in particular women during a conflict, it is often only at the stage where the main protagonists to a conflict – primarily men – come together in a formal attempt to mediate an end to the conflict that a formal peace process is considered to exist and attracts sustained international support. Clearly, the agreement of those at the heart of waging the conflict is essential to achieving peace in practice. However, civic peace initiatives that have preceded it will often be a valuable resource and constitute an ongoing pressure on the political process.

The formal peace process contains other structural biases in terms of women's participation. If peace is to be achieved in practice the parties to the conflict must compromise on their preferred solutions to the conflict. Often international mediators too must compromise on what they see as the just and fair solution to the conflict. Therefore, justice concerns – including gender justice – are often seen as requiring to be shaped to, or even attenuated by, an over-riding need to stop conflict-related violence (see Anonymous, 2006). Famously, this has given rise to a "justice/peace" debate over whether and under what conditions the obligation to prosecute those responsible for atrocities in the conflict might be tempered by forms of amnesty, in order to achieve peace. However, there are also gender-specific concerns as to how compromises are achieved.

Access. An initial problem for women is how to access processes designed around the participation of politico-military elites who are most often men. Processes to achieve peace between politico-military elites are often fragile. Therefore negotiations tend to begin in secret or take place in non-public forums where parties can sound out each other's positions and explore the possibility of moving away from violence. In cases of extreme conflict and internationalised processes the talks typically take place outside the country concerned. As a result, peace talks can be very difficult for women to access, whether to attend or to influence through interchange with those taking part in the talks. While international mediators may

commit to the inclusion of women, where they perceive the process to be fragile they may be reluctant to open up the process to participants other than those at the heart of the conflict, both because this may upset the parties viewed as crucial to a ceasefire and because the more groups and interests present at a negotiation, the more difficult it can be to reach agreement.

Issues. Secondly, the peace process aims to end what is understood to be the political violence of the conflict. Women will often have experienced forms of violence pre-conflict and different gendered forms of violence during the conflict, and will experience new forms of violence post-conflict. In focusing on political violence, the peace process can fail to understand women's experience of violence and the complex ways in which pre-conflict violence, violence during the conflict and post-conflict violence affect women in a continuous way (see Ní Aoláin et al., 2011). If peace processes and their agreements do not take on board women's concerns, they can both leave key sites of violence in place and create new ones.

The absence of women

The conceptual gendering of peace processes is both reflected in and reinforced by the relative absence of women from these processes. This absence in turn is translated into peace agreement provisions that largely leave women out and do not address their concerns. Research indicates that a very low proportion of negotiators are women, i.e. negotiating teams drawn from politico-military elites are primarily men:

- A study in 2008 of 33 peace negotiations found that only 4-11% out of 280 negotiators were women and that the average participation of women on government negotiating delegations was, at 7%, higher than on the delegations of non-state armed groups (Fisas, 2008: 20-22).

Box 1: Example: Burundi

The peace process in Burundi saw a range of initiatives aimed at the inclusion of women, including UNIFEM convening the All Party Women's Peace Conference with two representatives from each of the warring factions and the seven women observers to the process, and an "equality-friendly" mediator in the form of Nelson Mandela. The resultant Arusha Peace and Reconciliation Agreement for Burundi of August 29th 2008 was signed "in the presence of the representatives of Burundian civil society and women's organizations and Burundian religious leaders" (Arusha Agreement, 2008). More than half the recommendations formulated by the All Party Women's Peace Conference were adopted, including measures on sexual violence and provisions for participation. In the 2005 constitution (art. 34) a quota of 30% women was laid down for the (power-sharing) National Assembly.

¹ For further discussion of the difficulties of definitions, see Bell (2008: 46-76).

- Another study in 2012 indicates that out of a representative sample of 31 major peace processes between 1992 and 2011, only 4% of signatories, 2.4% of chief mediators, 3.7% of witnesses and 9% of negotiators were women (UNIFEM, 2012).
- The UN has never appointed a woman to be the chief mediator of a peace process (UNIFEM, 2012).
- A review in 2010 indicated that only 16% of peace agreements mention women. This has risen from around 11% pre-2000 and the passing of UN Security Council Resolution (UNSCR) 1325 to 27% since then. Not all of these references were favourable to women (Bell & O'Rourke, 2010).
- An updating review in 2012 indicated that only 17 out of the 61 accords signed between August 2008 and April 2012 included gender-related keywords (UNIFEM, 2012).
- References to women and gender in peace agreements are often once-off mentions, worded in very general terms (e.g. broad references to equality on the basis of sex) and are often included in the preamble or annexes of agreements rather than in their main text. They fall far short of a holistic "gender perspective" (UNIFEM, 2012; Bell & O'Rourke, 2010).
- Where there is a "gender-friendly" mediator and support for women's participation, it is reflected in better provision for women, as the example of Burundi (see Box 1) illustrates.

The international legal framework

There is a clear international legal framework underwriting peace negotiations. The first is the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which provides a broad set of provisions to support women's public participation and equality. Of particular relevance are Articles 2 and 6 (equality for women in political and legal institutions), 4 (temporary special measures to ensure women's participation), 5 (to ensure the modification of customary and cultural practices that impact negatively on women), 6 (the suppression of sexual trafficking and the exploitation of women), 8 (to support women to represent governments), 9 (women and citizenship), 12 (women and health equality), and 15 (equality before the law).²

Most notably, however, UNSCR 1325 and its successors include specific provision for peace negotiations and agreements. Paragraph 8:

- Calls on all actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective, including, inter alia:*
- (a) The special needs of women and girls during repatriation and resettlement and for rehabilitation, reintegration and post-conflict reconstruction;
 - (b) Measures that support local women's peace initia-

tives and indigenous processes for conflict resolution, and that involve women in all of the implementation mechanisms of the peace agreements;

(c) Measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary

Opportunities and challenges for women

Despite these provisions, particular challenges and opportunities for women operate at each stage of a peace process.

Pre-negotiation processes/agreements and women

The **pre-negotiation** stage of a peace process typically revolves around how to get the parties into talks, and in particular who is going to negotiate and with what status. Often pre-negotiation agreements are not inclusive of all the parties to the conflict, but involve bilateral agreements between some of the players. For face-to-face or proximity negotiations to take place, each party must be assured that its attempts to engage in dialogue will not be used by the other side to gain military advantage. In order to get everyone to the negotiating table, agreement needs to be reached on matters such as the return of negotiators from exile or their release from prison; safeguards as to their future physical integrity and freedom from imprisonment; and limits on how the war is to be dealt with while negotiations take place, such as through a form of ceasefire – usually temporary and conditional. Pre-negotiation agreements can include mechanisms such as amnesties for negotiators; temporary ceasefire agreements; human rights protections; and the monitoring of violations both of ceasefires and human rights. Pre-negotiation agreements often also typically begin to set the agenda for talks as the parties begin to bargain and sound out each other's positions on substantive issues. Often this takes the form of attempts to impose preconditions on the negotiating agenda. Where international mediation takes place while conflict is ongoing, the pre-negotiation process often involves international attempts to provide blueprints, structure ceasefires and gain the parties' consent.

Opportunities. The start of a formal peace process often holds opportunities for women to be involved. A ceasefire can create a space for mobilisation and women's activism. Women have a strong interest in some sort of ceasefire being achieved: without it, physical integrity, socio-economic goods and justice will not be delivered. If women can influence pre-negotiation agreements they can begin to shape the agenda for substantive talks and future governance structures.

Challenges. However, challenges in accessing peace processes remain. Women tend to have a very limited

² The Committee on the Elimination of All Forms of Discrimination Against Women is currently trying to frame a general recommendation on women in conflict and post-conflict societies that addresses how these articles might be enforced in a conflict and post-conflict environment; see <<http://www2.ohchr.org/english/bodies/cedaw/discussion2011.htm>>. For detailed recommendations relating to this, see Christine Bell and Catherine O'Rourke's submission at <http://www2.ohchr.org/english/bodies/cedaw/docs/Discussion2011/ChristineBell_CatherineORourke.pdf>.

participation in pre-negotiation talks processes due to the secrecy that characterises them. Pre-negotiation talks often culminate in some form of ceasefire and, in cases of international involvement, forms of peacekeeping and international ceasefire monitoring and forms of demobilisation, including temporary or partial amnesties. As these are “military” matters they perhaps do not appear to mediators to be self-evidently important to women.

Yet, for women, it is vital that these mechanisms address violence against women, and women members of armed forces specifically. If ceasefire provisions do not specify, for example, that sexual violence constitutes a ceasefire violation, such violations will not be prohibited and monitored as such. Research has indicated that even where women are present at talks, issues of ongoing sexual or gender-based violence can be difficult for local women to raise, which means that if a provision prohibiting sexual violence is to emerge it must often be suggested and pushed for by the mediator (Jenkins & Goetz, 2010).

Similarly, processes of demobilisation also present women with particular difficulties. Women members of state and non-state forces may be left vulnerable by their reduction in status and the modalities of demobilisation unless attention is paid to this possibility. The separating and quartering of forces in particular areas and the introduction of (mostly male) peacekeepers may also create new problems of violence and trafficking unless they are anticipated and addressed.

Finally, pre-negotiation talks begin to set and circumscribe the agenda for substantive peace agreement issues. While these processes focus on how to get the parties into substantive talks, parties often have to be reassured as to what they will get in talks. Therefore, pre-negotiation agreements will often begin to set out a blueprint or roadmap for both the talks and an ultimate settlement. The exclusion of women cuts them out of processes that are essentially processes of constitution-making that both chart a road out of conflict and put in place the political, legal and economic structures of government; provide for the blueprint of post-conflict reconstruction; circumscribe the role of international organisations; and set in place funding streams. In East Timor, for example, while women were included in the formal negotiation process for the constitution, it has been suggested that the final constitution was based on a 1998 draft document that had been prepared by Fretilin, the dominant political party in the country (see Haynes et al., 2011).

However, it can be difficult to access the formal process, but Box 2 indicates some tactics women have used to access peace processes.

Box 2: Tactics to access peace processes and influence agreements

Sometimes women have organised outside of the process to try to influence and penetrate it. For example, women in Colombia and Liberia organised outside formal processes to try to set their own agenda and influence the talks. A gender adviser has been appointed to some talks processes; e.g. as part of its UNSCR 1325 commitments, Britain supported a gender adviser to the Uganda-Lord’s Resistance Army talks. In Northern Ireland women formed the Women’s Coalition and used a mechanism designed to ensure the participation of small loyalist political groupings to gain access to the talks’ process. In all these processes women’s participation influenced the shape of the final agreement, both in terms of specific women’s issues and more broadly. The peace processes in Sri Lanka had a Women’s Committee made up of women from both sides in the conflict and it also had an (international) human rights adviser. These talks broke down before the process was completed.

Framework/substantive agreements

The second type of peace agreement can be termed framework or substantive agreements. These agreements tend to be inclusive of all the main groups involved in waging the war by military means. Framework/substantive agreements set out a framework agreement or roadmap for resolving the substantive issues of the dispute. The agreement usually reaffirms a commitment to non-violent means for resolving the conflict; acknowledges the status of the parties in the negotiations; begins to address some of the consequences of the conflict (such as prisoners, emergency legislation and ongoing human rights violations); provides for interim arrangements as to how power is to be held and exercised; and sets an agenda, and possibly a timetable, for reaching a more permanent resolution of substantive issues such as self-determination, democratisation, the armed forces/policing, human rights protection and reconstruction.

Opportunities. These processes and agreements tend to provide a constitutional power map for the future of the country, sometimes in the form of actual constitutions and sometimes in constitution-like provisions in the peace agreement itself. These agreements fundamentally restructure political and legal institutions. If women can influence these negotiations they can influence the structures that can enable or prevent their participation in public life for the indefinite future.

Challenges. However, in particular the following challenges remain.

Power sharing. Peace agreements often tend to provide for political, territorial and military forms of power sharing. These forms of power sharing form a compromise between the different contenders to power. Power sharing is a broad term, with arrangements being very varied and different

types of power-sharing arrangements often being overlaid on each other in complex power-sharing models. Traditionally, critics of power sharing have argued that it can be illiberal in giving groups power in ways that can trammel the rights of individuals, e.g. to have their vote weighted equally (e.g. see ECHR, 2009). They have also argued that power-sharing arrangements can reify and entrench the very group identities at the heart of the conflict that the society in question needs to transcend.³ Women might be thought to be particularly concerned about these criticisms. However, they also have national and ethnic identities, and liberal majoritarian constitutional structures and electoral systems have also been problematic with regard to the participation of women. Therefore the critical choice for women may not be between power-sharing and majoritarian systems, but between systems that include “special temporary measures” such as reserve seats and quotas for the inclusion of women in political institutions and systems that do not at present do so. Power-sharing arrangements remain popular because they constitute a form of “principled realism” capable of getting warring parties to consent to new political structures in place of violence. Women have an interest in an end to violence. However, they also have an interest in the design of new political institutions taking into account the need for the effective participation of women. Little has been written or researched as to how best to advocate for and what to advocate as regards how women’s interests can be protected in power-sharing arrangements.⁴

The following matters are critical and any power-sharing mediation should attempt to address them:

- Firstly, **political power sharing** such as consociationalism can provide for quotas for women without disrupting the central power-sharing mechanism. For example, power sharing between Hutus and Tutsis in Burundi also included a provision for 30% of the seats in the legislature to be held by women. Similarly, a peace agreement in Somalia provided that the Transitional National Assembly have at least 12% women representatives. In total, six other peace processes have provided for reserved seats or quotas for women in legislative or executive bodies (Bangladesh/Chittagong Hills Tract, Nepal, Papua New Guinea/Bougainville, Philippines/Mindanao, India/Bodoland, and Djibouti). Where power sharing among ethnic, religious or political groups is provided for, consideration should also be given to the effective participation of women and the use of quotas to ensure their involvement. It can be difficult to anticipate how different voting formulas proposed in talks will affect women or can work alongside temporary special measures for women such as quotas. High-level technical advice is necessary in this regard.
- **Territorial power-sharing** arrangements that involve the devolution of power to territorially based national groupings should ensure that there are both legal provisions and implementation mechanisms that are sufficient to protect the rights of women. In particular, provisions for territorial or cultural autonomy can prioritise local laws and customary practices, which, while seen as a positive alternative to state laws and practices in terms of a minority group, might themselves be negative and discriminatory for women. Where power is devolved to national groupings, either along territorial or conceptual lines, the effective protection of the rights of women should be guaranteed. In South Africa, for example, the constitution provides that rights such as equality are to take precedence over customary law and practices.
- **Military power-sharing** structures can often be assisted by the inclusion of women, and, as a matter of equality, if provision is made to have shared military institutions, consideration should be given to the inclusion of women as part of the broader project of inclusion. In Northern Ireland, for example, while the predominance of the Protestant/Unionist community in the police force was a key driver of reform aimed at the inclusion of Catholics/Nationalists, the issue of equality for women was pressed and viewed as also important. Ultimately – and ironically, perhaps – equality laws operating at the European level prohibited strong quotas for women, while an opt out was able to be achieved as regards similar equality provisions in the areas of race and religion, so as to enable 50/50 recruiting policies for Catholics and Protestants.
- Similarly, the **reform of a range of legal institutions** – criminal justice, the judiciary and the legal profession – while occurring under the impetus of the conflict dynamics, also provide opportunities to further equality for women. While attention is often given to how the main ethnic, religious or political groups in the country are represented in these institutions, institutional reform also provides an opportunity for the inclusion of women.
- Peace agreements often also provide a new **human rights framework**, either in the form of specific new rights or by incorporating international conventions. When rights frameworks are considered, the question of how to specifically protect women’s rights in the new dispensation should be given particular consideration. When international treaties are incorporated in the new structures, CEDAW provisions should be included. Also, specifically mentioning UNSCR 1325 can provide women with an ongoing domestic legal basis for equal treatment and the honouring of its provisions.
- Peace agreements often also provide some mechanism for **dealing with the past**. This can include provisions for international criminal justice or domestic-based truth commissions. Here too gender implications are present in terms of how to deal with the gender-specific needs of women and gender-specific crimes, whether to include socioeconomic violations as well as civil and political

³ For a summary of these criticisms and a powerful response to them, see O’Leary (2005).

⁴ Byrne and McCulloch (2013) give preliminary consideration to this issue.

ones (a decision with gender implications), and how to make reparations mechanisms women friendly.

Implementation/renegotiation agreements

The third category of peace agreements is implementation agreements. These begin to take forward and develop aspects of the framework, fleshing out its detail. By their nature, implementation agreements involve new negotiations and in practice often see a measure of renegotiation as parties test whether they can claw back concessions made at an earlier stage. Implementation agreements may include all the parties to the framework agreement. However, sometimes they involve essentially bilateral negotiations with particular intransigent or even splinter groups who are not complying with the agreement. Sometimes implementation agreements are not documented and agreement takes other forms, such as agreed legislation. If successful, these talks will lead to a formal end to the conflict.

Opportunities. Implementation agreements can take place in a more normalised, open environment with an established ceasefire. This environment can be conducive to broad public consultation. For example, the peace process in Northern Ireland involved post-agreement broad consultations on policing, criminal justice, a bill of rights and dealing with the past. Agreements such as those in Burundi sketched out a large number of development processes to be taken forward by the society in general. Even in processes where women have been excluded, there may be post-agreement opportunities for influence and change.

Challenges. Again, challenges remain. First and foremost is the general challenge that peace agreements are very difficult to implement and seldom move a country away from conflict in a completely non-violent and linear way. Women and other civil society actors who have taken political positions during the peace process may find themselves the targets of renewed threats of violence – and may be even more targeted than before. If the agreement collapses, any gains women have made in the agreement's text collapse. Secondly, sometimes implementation talks focus around bringing in intransigent parties. These talks' processes can sometimes become more exclusive rather than more inclusive, even when the initial talks process was relatively inclusive. A final implementation challenge is that women will be faced with multiple reform processes, social and economic reconstruction, and a range of issues in the home, e.g. dealing with returning partners and sons or relocating as displaced persons. It can be difficult to have enough energy to respond coherently to all these challenges at once. Often external funding sources will view the conflict as being "over" and funding will be depleted just when the new structures need support to become firmly established in their roles.

Recommendations: translating theory into action

To address the above opportunities and challenges for women, two sets of recommendations can be made: firstly, those relating to the processes of negotiating, reaching and implementing peace agreements; and, secondly, those relating to the substance of what is included in peace agreements.⁵

Process issues

Women need to be included at all levels in negotiations. Mechanisms for the effective participation of women need to be creatively designed to take into account the context of women's access in the particular country concerned.

In particular, the following should occur:

- Gender experts should be placed in strategic positions within the formal peace talks, including at the technical level of the mediator's office, and the facilitator and negotiation parties' delegations; or should establish a system by which they can stay informed about the process and feed back women's recommendations to all actors.
- Sectoral meetings with women and civil society actors should also be organised to ensure a broader base of participation in peace discussions.
- Countries and international organisations who play a mediation role should have a standardised protocol or action plan that ensures the engagement of women's civil society groups in formal peace negotiations.
- These protocols/action plans should address two dimensions: the need to enable and facilitate women's groups to frame their concerns and demands; and mechanisms allowing these groups access to the formal negotiating process.
- When performing a support role to a peace process, the UN, groups of friends of member states, or other mediation actors should allocate specific funding aimed at increasing women's participation in parties' delegations and provide incentives for the greater representation of women in negotiating teams.
- Support organisations should ensure that the dynamics of talks enable women participants to raise their concerns, while technical assistance (e.g. around electoral reform) should be provided to help design mechanisms for the peace agreement.
- Women and gender experts should be involved in technical work around every component of peace deals, including ceasefire-monitoring agreements; security sector reform and disarmament, demobilisation and reintegration (DDR); provisions covering justice and reparations; socioeconomic recovery and wealth-sharing agreements; and post-accord governance reform. These mechanisms should ensure both gender balance and gender expertise.
- Both male and female mediators should receive gender-awareness training and briefing packages with ready

5 These recommendations draw on and extend other sources, e.g. UNIFEM (2012) and Bell and O'Rourke (2010).

examples of gender-responsible language, best practice, ways of engaging with women’s civil society and a context-specific analysis of women’s situations.

- Where possible, peace agreements and constitutions should guarantee non-governmental organisations the freedom to operate, including women’s organisations, and provide mechanisms for them to be consulted about relevant public policy.
- Research should be developed dealing with women and constitution making and women and power sharing to support best practice.
- State parties should ensure that national action plans to implement UNSCR 1325 and subsequent resolutions are compliant with CEDAW and aim at achieving the equality of women as contemplated by CEDAW.
- In their periodic reports to CEDAW, state parties should detail their activities to implement UNSCR 1325 in their domestic and foreign policies.

Substantive recommendations

In addition, the following recommendations regarding the substance of what is agreed should be considered. Despite their exhortatory language, these recommendations should not be approached as a blueprint for a “women-friendly” peace agreement, as any peace process will involve multiple trade-offs among parties, interests and issues. Any peace agreement must respond to local contexts to be effectively implemented. However, the following issues should be considered in peace negotiations rather than left out due to lack of consideration. They can be summarised in one recommendation:

The provisions of peace agreements should be designed with the particular status and situation of women in mind and, where appropriate, special provision for women should be made.

More particularly, the following issues should be covered:

Violence against women

- Violence against women should be understood as both a direct and indirect dynamic of the conflict that needs to be specifically addressed. The process should be designed to ensure that the gender dynamics of violence are heard, understood and addressed at all stages of the process.
- Ceasefire agreements should define sexual and gender-based violence as a ceasefire violation.
- Care should be taken around DDR processes and the use of international peacekeeping forces that public violence is not translated into private violence against women.

Peacekeeping

States contributing forces to international peacekeeping operations should ensure that:

- the peacekeeping mandate has adequate sanctions for sexual exploitation of and violence against women; and
- clear disciplinary processes are in place with regard to sexual exploitation.

Constitutional reform

- Governments, parties and mediators should recognise that framework peace agreements operate as broad political constitutional documents, whether they contain legal constitutions or not, and states should ensure that peace agreements include a commitment to the principle of the equality of men and women within their text.
- Where a human rights framework is included – and even where it is not – the peace agreement should acknowledge the state’s commitment to CEDAW and its optional protocol, and commit to ensuring that future legislative and constitutional processes contemplated in the peace agreement are compliant with CEDAW.
- Where the peace agreement includes a legal constitution or sets out a constitutional reform process, all the necessary steps should be taken to ensure that the effective participation of women is provided for in the design of the process and enshrined in any legal constitution that results.
- Where an institutional framework for implementing peace agreement commitments is provided, this framework should include a clearly resourced mechanism to ensure that the equality provisions of the peace agreement are implemented.
- Peace agreements and post-conflict reconstruction processes should ensure that constitutional reform that gives place to traditional laws or local justice practices is compliant with CEDAW equality provisions and ensures that traditional or local practices are not discriminatory against women and are to be implemented within a wider framework for equality.

Political participation: power sharing

Where peace agreements provide for power-sharing arrangements on grounds of political affiliation or ethnicity, they should also include measures to ensure the representation of women, including gender quotas.

New democratic institutions established by peace agreements should include gender quotas to ensure the presence of women at the local, regional and national levels of government. In particular, states should ensure the following:

- New electoral systems aimed at proportional representation should consider how the representation of women can be improved through the use of quotas or other special measures.
- Arrangements for power sharing in the executive through the proportional representation of different ethnic or political groups should include specific provisions ensuring the representation of women within ethnic or political group representation that is additional to ethnic or political representation.
- Quotas designed to give effective participation to minority or indigenous groups should be designed so as not to discriminate against women members of these groups.

Institutional reform

- Reform of the state's legislation and national tribunals, courts and public institutions should include specific measures to protect women against any act of discrimination.
- In particular, post-agreement security sector reform of the police, army and judiciary should take place in accordance with the principle of the equality of women and men. Peace agreement provision for security sector reform should ensure that recruitment and promotion procedures respect the principle of equality.
- Peace agreements that provide for institutional reform should establish a national women's machinery to ensure the promotion and protection of equality for women.

Dealing with the past

- Ad hoc or temporary justice institutions established by peace agreements, including but not limited to:
 - transitional justice mechanisms;
 - commissions of inquiry;
 - bodies to ensure the release of prisoners; and
 - bodies to ensure the return of refugees and displaced persons

should:

- include commitments to gender equality in their mandates;
- guarantee equal access to women;
- address the particular barriers to women's access that exist;
- take particular steps to prevent and address gender-based violence against women; and
- include staffing provisions and procedures appropriate to ensuring the effective implementation of these commitments.
- States should ensure that reparations laws, policies and programmes respect the principle of non-discrimination and pay due regard to the possible equality impact on women of any particular reparation mechanism chosen.
- Transitional justice processes that draw on traditional or restorative practices should not be implemented without adequate consultation with women and should be designed not to be discriminatory against women, but to be implemented in accordance with CEDAW equality obligations.
- The concept of reparations should be separated from the concept of relief for victims so as to ensure that victims receive financial and material support at the same time that ex-combatants receive such support as part of demobilisation packages, rather than await reparations processes.

Implementation

International oversight bodies should include appropriate gender representation, have access to gender advice, have mechanisms for dealing with complaints on grounds of discrimination, and generally take steps to ensure that women have equal access to their oversight mechanisms.

Disarmament, demobilisation and reintegration

DDR and DDR implementation processes should include robust measures to protect women from sexual exploitation, including:

- specific protection for women combatants being demobilised;
- specific protection for girls being demobilised;
- specific protection for women in close proximity to where demobilised troops are quartered; and
- specialised complaint mechanisms staffed by trained staff appropriate to enabling the raising of issues of sexual violence, trafficking, exploitation and prostitution.

Refugees and displaced persons

- Peace agreements should include provisions for the return or resettlement of refugees and displaced persons that ensure their physical and legal security.
- Processes for the return or resettlement of refugees should make special provision for the needs of women.
- Peace agreements providing for humanitarian aid and the resettlement of displaced populations should make provision for the gender-specific post-conflict health needs of women, such as anti-retroviral drugs and fistula repair surgery for women victims of sexual violence.

Access to health care

- Peace agreements should provide for socioeconomic rights, including the right to health care.
- The particular health-care needs of demobilising female combatants should be provided for.

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