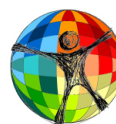


Towards Inclusive Security and Durable Peace: Enabling Space for Women's Formal Participation in Peace Processes

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ABSTRACT

This paper provides a timely and critical response to the concerns expressed in the recent *Global Study on the Implementation of Security Council Resolution 1325*, which was commissioned by UN Women in 2015. Among the numerous gaps in policy implementation identified, addressing the issue of women's formal participation in peace processes could not be more imperative. International peace processes are broadly informed by the negotiation phase, where concrete decisions are made. The legal normative framework, which advocates for women's formal participation is currently failing.

Women's formal participation in peace processes must be conceptualized and addressed beyond the parameters of UN SCR 1325 (the Women, Peace and Security policy initiative). Using site-specific cases, the argument that non-state actors function as crucial mechanisms to enabling women's formal participation, in a variety of contexts, is suggested. Cases include: Burundi, Kenya, Northern Ireland, Yemen, Bougainville, the DRC, the Philippines, Somalia, and Myanmar. This paper also provides a critical examination of the comprehensive normative framework, which supports women's formal participation. A deconstruct of key international human rights instruments, policies, and the rights based approach - which support and inform the implementation of the normative framework, is included. Additionally, an emphasis is placed on delineating the position of the normative framework within the greater context of the Security Council's militarized, patriarchal security agenda. The argument that women's formal participation in peace negotiations provides opportunities for the realization of inclusive security in peace agreements, which may ultimately influence the durability of peace during the implementation phase, is also suggested. This paper concludes with a list of policy recommendations for reform, based on the enabling factors identified in the site-specific cases.

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Dedication

My journey toward the study of law was guided, in many respects, by the stories, actions, and voices of freedom fighters and peacebuilders. Through the sharing and recording of their experiences, I learned first-hand, how deeply the values of freedom, equality, peace and security inform both civil and human rights—though they never mentioned it precisely so. As the stories and conversations with freedom fighters and peacebuilders continued to unfold, I left no stone unturned, and one day found myself in a place called Belfast, Northern Ireland. It was there that I encountered the history defined as “The Troubles”, and witnessed, first-hand a community passing through stages of conflict transformation. Through conversations and storytelling, questions about rights, freedom, conflict resolution, redress, and peace abounded.

This discussion is dedicated to the stories and lessons learned from those who were impacted by “The Troubles” – all of whom yearned for freedom and peace somehow, in their own way.

Introduction: Women's Formal Participation in Peace Processes

Is the current normative framework, which supports the UN Security Council's Women, Peace and Security (WPS) policy initiative enabling and ensuring women's participation in formal peace processes? In general, research coupled with current rhetoric drawn from civil society suggests that since the adoption of UN Security Council Resolution 1325¹ in 2000, the WPS policy initiative has made only marginal progress across issue areas. The WPS policy initiative is a binding resolution, which aims at enabling and supporting the pillars of participation, protection, prevention, rehabilitation and gender mainstreaming, in relation to women, in the context of internal and external armed conflict.² The participation of women in peacebuilding processes is therefore both protected and mandated by the Security Council.

The efficacy of SCR 1325, as a mechanism designated to enable and ensure women's participation in conflict transformation, is currently failing with respect to women's formal participation. The WPS policy initiative is institutionalized within the Security Council's overarching security mission, and operates within the scope of a highly regimented, militarized and patriarchal framework. The pillars of participation, protection, prevention and gender mainstreaming are situated within and confronted by a broader matrix of international law governed by traditional Westphalian diplomacy and contemporary political economies of power. SCR 1325 is only a component to a heavily institutionalized security apparatus, which customarily, prioritizes questions of state sovereignty, territorial integrity, and militarization.

Since the inception of SCR 1325, research shows that only minimal progress has been made with respect to women's formal participation in peace processes, such that "in many conflict-

¹ SC Res 1325, UNSCOR, 4213th Mtg, 55th year, UN Doc S/RES/1325 (2000).

² SCR 1325 specifically affirms "the important role of women in the prevention and resolution of conflicts and in peace-building,...stressing the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, and the need to increase their role in decision-making with regard to conflict prevention and resolution". See SC Res 1325, UNSCOR, 4213th Mtg, 55th year, UN Doc S/RES/1325 (2000) at preamble.

affected contexts, women's official participation may be temporary, their delegated roles may be more symbolic than substantive, and their influential capacity may be directly resisted by cultural norms".³ In contrast to the high degree of influence that women exert in informal peace processes, especially with regard to grassroots initiatives supported by civil society organizations (CSOs), it is here argued that formal participation of women in peace processes may be conceptualized as a phenomenon.⁴

Within the remit of formal peace processes, "meaningful" participation informs decision-making processes, which in turn, determines the scope of the agenda and the nature of agreements. Meaningful participation impacts pre-negotiations, formal negotiations, the drafting of peace agreements, and the implementation phase. This discussion is specifically concerned with providing greater visibility to women's formal and meaningful participation in track one diplomacy. Track one diplomacy engages a multiplicity of actors, including though not limited to: mediators; facilitators; negotiators acting on behalf of conflict parties; government representatives; regional and international third parties; and consultants. In a given peace process, the actors involved in track one diplomacy are subject to a spectrum of variables, including the nature of the conflict, competing political economies of power, and social and cultural norms. The sum of these variables consequently impact women's abilities to access formal peace process fora.

The question of women's formal participation is also integral to greater questions concerning the realization of inclusive security and stabilization of lasting peace, during conflict transformation. The connection between women's formal participation and inclusive security and lasting peace and security, will also be explored.

³ This assertion is supported by recent UN comprehensive study on the implementation of SCR 1325, which identified policy gaps and priorities for action. See Radhika Coomaraswamy et al, Preventing Conflict, Transforming Justice, Securing the Peace: A Global Study on the Implementation of Security Council Resolution 1325 (New York: UN Women, 2015) at 15.

⁴ The term "phenomenon" is used to illustrate the fact that women's participation in formal peace processes is both a rare and often significant event.

Given these arguments, if the WPS policy initiative mandates women's participation in all processes of conflict resolution, and current strategies for enforcement are failing, how can the global agenda for peace and security be realized? If it is accepted that women's formal participation in peace processes positively impacts the substance of peace agreements, which in turn, positively influences the process of implementing inclusive peace and security, the Security Council's true commitments to the WPS policy initiative are called into question. As a phenomenon, the issue of women's formal participation in peace processes is emblematic of deeper issues existing within the Security Council. Moreover, as this discussion will illustrate, case studies of where women have formally participated, reveal that participation is a function of a combination of enabling factors, which reach beyond the invocation of SCR 1325.

The work of legal scholars Dianne Otto and Fionnuala Ni Aolain has been instrumental in formulating the conclusion that the Security Council's incentive to empower women through the WPS policy initiative lacks capacity to truly enable women's formal participation. Otto argues that ritualism has become the anchoring point for international legal and instrumental engagement with women's participation, and mimics the earlier commitments to women's increased participation in promoting and securing international peace, whether in an empowered, protective or instrumental sense.⁵ Additionally, Ni Aolain deconstructs the relationship between the Security Council's institutional infrastructure on terrorism and counter-terrorism to illuminate how the WPS policy initiative sits on the margins of contemporary security planning, and argues that the "WPS resolutions have only minor status and lack a supporting infrastructure of equivalent status or prominence".⁶ The notion of "ritualism" – which speaks to the essentializing of women as a subject matter and the WPS policy initiative's weak institutional infrastructure – underscores the

⁵ Dianne Otto, "Women, Peace and Security: A Critical Analysis of the Security Council's Vision" (2016) LSE Women, Peace and Security, Working Paper, No 2016/1 at 5.

⁶ Fionnuala Ni Aolain, "The 'War on Terror' and Extremism: Assessing the Relevance of the Women, Peace and Security Agenda" (2016) 92: 2 International Affairs 275 at 284.

obstacles hindering the realization of women's formal participation.

The aim of this discussion is threefold: firstly, to address the question of women's formal participation peace processes beyond the intersection of the WPS policy initiative; secondly, to provide a timely response to the critical gap identified in the Global Study; and thirdly, to broaden the scope of existing research, which specifically addresses women's formal participation in peace processes. This discussion is directed toward audiences that are invested in improving the capacity of peacebuilding processes and open to changing their interworking. Drawing from concrete, site-specific case studies, this discussion argues that the question of women's formal participation in peace processes may be conceptualized in the context of a matrix of enabling factors. The cases capture a diversity of geographies, cultures, theatres of conflict, and political economies of power, and provide insight into how gains and failures result from enabling factors.

While the substance of this discussion focuses on women's formal participation in peace negotiations, the value that women's formal participation holds to the manifestation of inclusive peace agreements and the implementation of durable peace is also explored. Statistical data, drawn from existing research studies, has been integrated to corroborate arguments where possible. Policy recommendations for reform, inspired by pragmatism and optimism, conclude this discussion.

The Normative Framework

The comprehensive normative framework both defines the WPS policy initiative and supports the legal argument for women's formal participation in peace processes. The definition of the term "meaningful" – in relation to women's formal participation – is used to define contexts where women have direct influence on decision-making processes. The idea of meaningful participation is both a philosophical and aspirational goal of the comprehensive normative framework, and takes root in equality, rights and dignity. Human rights instruments, inclusive of the binding WPS policy initiative, inform the normative framework which mandates women's formal participation in conflict transformation.

The efficacy of the normative framework may be measured in relation to success. Although the notion of success does not conjure a uniform response, formal and meaningful participation coupled with the full expression of the rights associated with the WPS policy initiative provide a baseline. Additionally, success must also be qualified by the spectrum of social, economic, cultural, historical, military and political variables which influence and inform the position of women within a given conflict zone.

The normative framework does not function as a “plug-in” to realize successful participation. Rather, it is argued that the rights associated with the normative framework are triggered by, and exercised within, the context of enabling factors that hold the capacity to support and mandate women’s formal participation. Actors operating in formal peace processes and political economics of power together can leverage agency over the effectiveness of the normative framework. Echoing Ni Aolain and Otto, it is imperative to further recognize how the expression of the normative framework is punctuated by the Security Council’s institutional infrastructure and the notion of “ritualism”.

Human Rights Instruments

The normative framework is expressed in the language of rights and obligations, and is composed of human rights instruments, which provide a toolkit for normalizing, advancing, and advocating for women’s rights in conflict transformation. The normative framework embodies an aggregate of achievements, which were made by transnational human rights and women’s peacebuilding movements during the twentieth century. Civil society advocacy for the advancement of international human rights standards during the post-Cold War era has also normalized the applicability of the normative framework. The normative framework is also a creature of security planning, as the collective efforts and aspirations of the UN institutions, the Security Council, and the UN Member States have together recognized the necessity to integrate women’s participation in conflict transformation.

The *Convention on the Elimination of all Forms of Discrimination Against Women*⁷, the *Declaration on the Participation of Women in Promoting International Peace and Cooperation*⁸, the *Beijing Platform for Action*⁹, and the *UN Economic and Social Council Agreed Conclusions*¹⁰ are the core international human rights instruments and statements which provide the legal foundation to the normative framework. Women's rights to participate in peacebuilding and conflict transformation are broadly captured in these instruments and statements.

The normative framework is additionally textured by the WPS policy initiative, which has been delineated in a series of SCRs. The WPS policy initiative is anchored by the cardinal pillars of participation, protection, prevention, recovery and gender mainstreaming, and is expressed in terms of rights and obligations. The WPS policy initiative is a function of the Security Council's institutionalized security planning, and provides the legal basis for the obligatory participation of women in peace processes. The text of SCR 1325 is variously and broadly addressed to UN institutions, UN Member States, and all parties to armed conflicts.

More specifically, the extent of the WPS policy initiative mandates women's formal participation in a spectrum of peace process areas, including: peace negotiations; peace agreements; post-conflict reconstruction; disarmament; demobilization; and reintegration. Since the passing of SCR 1325 in 2000, seven additional resolutions have been made in the name of WPS. While SCRs 1325, 1889, 2122, and 2242 address women's participation in states of conflict and conflict transition and provide the architecture for women's formal participation¹¹, SCRs 1820,

⁷ *Convention on the Elimination of All Forms of Discrimination against Women*, 1 March 1980, 1249 UNTS 13 [CEDAW].

⁸ *Declaration on the Participation of Women in Promoting International Peace and Cooperation*, GA Res 37/63, UNGAOR, 37th Sess, Supp No 51, UN Doc A/RES/37/63 (1982).

⁹ *Beijing Platform for Action, Report of the Fourth World Conference on Women*, 27 October 1995, UN Doc A/CONF 177/20.

¹⁰ *Commission on the Status of Women, ECOSOC Agreed Conclusions*, 18 July 1997, 1997/2.

¹¹ Read together, specific provisions from SCRs 1325, 1889, 2122, and 2242 provide the architecture for women's formal participation. SCR 1325 "urges Member States to ensure increased representation of women at all decision-

1888, 1960, and 2106 focus on the prevention of conflict-related sexual violence.¹²

In sum, the breadth of the SCRs speak to Security Council's aspiration to support and advance women's formal participation. It is important to note however that there are no conclusive statements made by the Security Council in the SCRs which link women's formal participation to the realization of inclusive peace agreements and lasting peace.

The normative framework is further qualified by soft law UN General Assembly Resolutions (GARs) 65/283, 68/303, and 70/304. These resolutions specifically address the matter of mediation, and cross reference content expressed in SCRs 1325,

making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict". See SC Res 1325, UNSCOR, 4213th Mtg, 55th year, UN Doc S/RES/1325 (2000) at para 1. SCR 1889 further affirms the Security Council's support of women's formal leadership in peacemaking and conflict prevention, and brings greater attention to women's exclusion from peacebuilding by requesting the Secretary-General to formally review and develop indicators to measures the implementation of SCR 1325. See SC Res 1889, UNSCOR, 6196th Mtg, 64th year, UN Doc S/RES/1889 (2009) at paras 1, 17, 18, and 19. SCR 2122 explicitly targets UN mediation processes, calling for gender expertise and gender advisors on all UN mediation teams, and for the appointment of women at senior levels, as UN mediators and within the composition of UN mediation teams. See SC Res 2122, UNSCOR, 7044th Mtg, 68th year, UN Doc S/RES/2122 (2013) at para 7 (c). And SCR 2242 calls for greater integration of the WPS policy initiative, across all situations, and formally recognizes the new Global Acceleration Instrument on Women, Peace and Security and Humanitarian Action (GAI). See SC Res 2242, UNSCOR, 7533th Mtg, 70th year, UN Doc S/RES/2242 (2015) at para 5. In the 2015 Global Study, a recommendation was made to establish a dedicated fund to address the financing gaps for the implementation of the WPS agenda. The GAI, officially launched in 2016, applies to gaps in women's participation and engagement in critical stages of peace and security, and is thus, applicable to the discussion on women's formal participation in peace processes.

¹² SC Res 1325, UNSCOR, 4213th Mtg, 55th year, UN Doc S/RES/1325 (2000), SC Res 1820, UNSCOR, 5916th Mtg, 63rd year, UN Doc S/RES/1820 (2008), SC Res 1888, UNSCOR, 6195th Mtg, 64th year, UN Doc S/RES/1888 (2009), SC Res 1889, UNSCOR, 6196th Mtg, 64th year, UN Doc S/RES/1889 (2009), SC Res 1960, UNSCOR, 6453th Mtg, 65th year, UN Doc S/RES/1960 (2010), SC Res 2106, UNSCOR, 6984th Mtg, 68th year, UN Doc S/RES/2106 (2013), SC Res 2122, UNSCOR, 7044th Mtg, 68th year, UN Doc S/RES/2122 (2013), SC Res 2242, UNSCOR, 7533th Mtg, 70th year, UN Doc S/RES/2242 (2015).

1889, 2122, and 2242.¹³ In addition to the international human rights instruments, statements, SCRs and GARs here mentioned, the normative framework, which supports women's formal participation, is also reinforced by other, equally relative international human rights instruments.¹⁴

The Rights-Based Approach and the Normative Framework

The normative framework, which supports the argument for women's formal participation in peace processes, is situated in the greater context of international human rights law. The Universal Declaration on Human Rights is the foundational instrument of international human rights law, from which subsequent human rights instruments have been derived. The Universal Declaration establishes the basic parameters of the meaning of "human rights" in contemporary international relations.¹⁵ The rights-based approach aspires to uphold and support the recognition and implementation of universal human rights norms, and it is the approach, which circumscribes the actions and aspirations of the UN. The rights-based approach is buttressed by a lengthy history of international human rights development work, and is contextualized by modalities of interpretation, such as collective solidarity, advocacy, and activism.

¹³ GA Res 65/283, UNGAOR, 65th Sess, Supp No 49, UN Doc A/RES/65/283 (2011), GA Res 68/303, UNGAOR, 68th Sess, Supp No 49, UN Doc A/RES/68/303 (2014), GA Res 70/304, UNGAOR, 70th Sess, Supp No 49, UN Doc A/RES/70/304 (2016). The General Assembly has a lengthy history of recognizing equality and supporting the importance of women's participation in peacebuilding, which well predates that of the Security Council. See the *Declaration on the Participation of Women in Promoting International Peace and Cooperation*, GA Res 37/63, UNGAOR, 37th Sess, Supp No 51, UN Doc A/Res/37/63 (1982).

¹⁴ While this list is not exhaustive, see: *Charter of the United Nations*, 26 June 1945, Can TS 1945 No 7, *Universal Declaration of Human Rights*, GA Res 217(111), UNGAOR, 3d Sess, Supp No 13, UN Doc A/810 (1948), *International Covenant on Civil and Political Rights*, 19 December 1966, 999 UNTS 171, *International Covenant on Economic, Social and Cultural rights*, 16 December 1966, 993 UNTS 3, *Convention on the Elimination of All Forms of Racial Discrimination*, 7 March 1966, 660 UNTS 195, and *Convention on the Rights of the Child*, 20 November 1989, 1577 UNTS 3.

¹⁵ Jack Donnelly, *Universal Human Rights in Theory and Practice* (Ithaca, NY: Cornell University Press, 2013) at 26.

On the matter of women's formal participation in peace processes, the rights-based approach and the actualization of the commitments made in the various human rights instruments - which support the normative framework, are stifled by challenges. For instance, the issue of "ritualism", whereby states subscribe to institutionalized rituals that repeatedly affirm goals, despite having little or no commitment to their substantive realization"¹⁶, coupled with how the WPS policy initiative operates as a function of the Security Council's overarching security plan, impact the efficacy of the rights-based approach. Additionally, in a given conflict zone, the expression of the rights-based approach is secondary to general concerns over security planning, safety, instability, and (de)militarization.

International human rights law together with the rights-based approach function as a basis for accountability, which "can offer women a language recognized by states in which to claim an entitlement to be involved in policy and decision making about peacebuilding."¹⁷ As the normative framework is not institutionalized purely under the rubric of human rights, the question of accountability, as it relates to the Security Council and the actors involved in peace processes is largely collapsed into the domain of security planning. Thus, the implementation of the normative framework is actually subject to the militarized and patriarchal approaches to international law which inform the Security Council, as opposed to a purely rights-based approach. Thus, there is an imperative to consider, in the imagination, how the rights-based approach currently operates within the paradigm of security planning.

Peace Processes: Gaps in the Implementation of the Normative Framework

The current failure to implement the normative framework is well documented, as indicated in the Global Study, which is the most definitive review on SCR 1325. The Global Study concluded that although peace processes are the strategic entry point for the implementation of SCR 1325, "women's participation...remains one of the most unfulfilled aspects of the women, peace and

¹⁶ Otto, *supra* note 5 at 4.

¹⁷ Christine Chinkin & Hilary Charlesworth, "Building Women into Peace: the International Legal Framework" (2006) 27:5 Third World Quarterly 937 at 943.

security agenda".¹⁸ Although the gap is well documented, existing literature on women's formal participation in peace processes is limited. A recent study by the Georgetown Institute for Women, Peace and Security concluded that the absence of women from formal peace processes "underpins (in part) why there exists a large body of scholarship on women's peace activism as compared to the study of how women affect the success or failure of formal peace negotiations".¹⁹ Additionally, the "closed" nature of most peace processes also impacts documentation efforts.

It is also important to note that literature, which addresses the general implementation gap is largely circumscribed by dominant human rights and feminist narratives. Little attention has been given to the notion of examining the gap in women's formal participation in context of either enabling factors or security planning. On this point, it is important to note the impressive body of work, conducted by The Graduate Institute of International and Development Studies (Geneva) over the past decade, within the research cluster on "Participatory Peace Processes and Political Transitions". This research has revealed that although quality participation of women is correlative with positive negotiation outcomes, the inclusion of women as an essential component of the negotiation and implementation of peace agreements remains largely absent from the agendas of mediators and conflict parties.²⁰

¹⁸ Pablo Castillo Diaz & Simon Tordjman, "Women's Participation in Peace Negotiations: Connections between Presence and Influence", (NY: UN Women, 2012) at 1. The conclusion is based on a review of 31 major peace processes, which transpired between 1992 to 2011. Data revealed little appreciable increase in women's participation since the passage of UNSCR 1325; and that only 4 per cent of signatories, 2.4 per cent of chief mediators, 3.7 per cent of witnesses, and 9 per cent of negotiators were women, at 3.

¹⁹ Patty Chang et al, *Women Leading Peace: A Close Examination of Women's Political Participation in Peace Processes in Northern Ireland, Guatemala, Kenya, and the Philippines* (Georgetown: Georgetown Institute for Women, Peace and Security, 2015) at 23.

²⁰ Thania Paffenholz, *Results on Women and Gender From the 'Broader Participation' and 'Civil Society and Peacebuilding' Projects* (Geneva: The Graduate Institute of International and Development Studies, 2015) at 1. The conclusion that positive negotiation outcomes are correlative with quality participation of women is derived from the 'Broader Participation' Project (2011-2015), where the role of "all" actors engaged in peace processes and their implementation, was examined in the context of 40 in-depth case studies.

Women's Formal Participation in Practice

Women's formal participation in peace processes may be conceptualized within the context of structural phases, namely: the pre-negotiation phase, the negotiation phase, the drafting of the agreement phase, and the implementation of the agreement phase. The causal connection between achieving inclusive security and durable peace during conflict transformation, in a given society, and women's formal participation is here argued. While proof of this argument requires further research, an important finding from The Graduate Institute's "Broader Participation Project" has indicated that the strength of women's influence is positively correlated with agreements being reached and implemented.²¹ This conclusion also affirms the imperative to evaluate women's formal participation in peace negotiations in connection with the realization of inclusive agreements are their implementation. Understanding the spectrum of "enabling factors" which catalyze women's formal participation is the first step.

Formal Peace Negotiations: The Question of Process

The concept of "enabling factors" has been formulated through the evaluation of case studies. The derivation of these factors have been considered with a consciousness of how the nature and extremity of a given conflict, local cultural mores, the configuration of participant actors, peace process design and the economic status of women affect the notion of formal participation. Additionally, formal participation, in the context of negotiation, circumscribes roles such as: mediator, party negotiator, party delegate, regional and international third-party facilitator, and consultant. It is important to note that of these roles, mediators and party negotiators hold the greatest agency, and that party negotiators or party delegates may represent constituent groups that exist within the ranks of government, civil society, or paramilitary organizations.

²¹ Thania Paffenholz et al, *Making Women Count - Not Just Counting Women: Assessing Women's Inclusion and Influence on Peace Negotiations* (Geneva: The Graduate Institute of International Development and Studies & UN Women, 2016) at 6.

Of the cases examined, the scope of enabling factors which have catalyzed women's formal participation include: motivation; the influence of mediators; participant selection criteria; coalition formation; quotas; pressure from civil society; international and regional third-party advocacy; and culturally accepted leadership. A calculus of skepticism has also been considered with respect to whether the enabling factors yield platforms for meaningful participation. Where the rights-based approach is a function of peace process design, there is a greater probability that gendered knowledge will encourage and support women's formal participation. However, invocation of the rights-based approach may not necessarily engage the full extent of the normative framework, including the WPS policy initiative. The link between women's formal participation and the rights embedded in the normative framework is subject to the knowledge base and will of the participant actors. Additionally, while the use of quotas in peace processes is the "obvious" enabling factor, the quality of women's participation may not be influential. Bearing the normative framework and the rights-based approach in mind, assessing enabling factors provides a valuable platform from which to address the issue of women's formal participation. *Enabling Factors: The Dynamic Between Coalition Formation, Participant Selection Criteria, and Motivation*

Women's formal participation in the peace process, which brought the conflict to an end in Northern Ireland, is among the most profound examples of the agency which rests in coalition formation. As the prime enabling factor, which catalyzed women's formal participation, coalition formation was also textured by the dynamic of motivation, participant selection criteria, and the influence of the mediator. Throughout the duration of "the Troubles" (1968-1998), the women of Northern Ireland actively participated in indirect peacebuilding efforts, in the midst of ongoing sectarian violence - predominantly divided between unionist and nationalist factions. During the formal peace process, women's motivation, the participant selection criteria, and the influence of the mediator informed the opportunity for coalition formation. US Senator George Mitchell - who was tasked as chairman to the peace process, devised a democratic means by which to deal with the issue of multiple parties, sectarianism, disparate viewpoints and exclusion. The strategic entry point into the peace negotiation process was circumscribed by a democratic election procedure, such that admission was limited to the top ten

parties.²² The procedure was designed to address the magnitude of Northern Ireland's conflicting parties whilst safely ensuring the principles of inclusiveness, fairness, transparency and democracy.

The women of Northern Ireland responded by forming the first explicitly women's political party - the Northern Ireland Women's Coalition (NIWC). In addition to its gendered quality, the NIWC was composed of women who united across social, religious, and political lines, representing hundreds of civil society organizations. The election process resulted in the NIWC's gain of a legitimate place at the negotiation table. Throughout the duration of the negotiation process, it is widely accepted that the NIWC advocated for and protected the fragile peace process - which resulted in the eventual signing of the *Northern Ireland Peace Agreement* (1998).²³

The enabling factor of coalition formation, textured by motivation, the influence of the mediator, and participant selection criteria, actualized the NIWC's democratic entry to the peace table. The NIWC's participation was meaningful throughout the negotiation process, which influenced the substantive agreement. With the framework for peace in Northern Ireland circumscribed by the question of equality, the NIWC brought a broader sense of ownership to the equality debate, and pushed the meaning of equality beyond the baselines of religion and nationalism. For instance, the NIWC was solely responsible for raising issues such as gender, race, disability and sexuality.²⁴ The resulting provisions of the *Northern Ireland Peace Agreement* reflect many of the issues proposed and addressed by the NIWC, especially the principles of inclusion and gender-mainstreaming.

In sum, coalition formation legitimated by a fair election procedure in a supportive environment, operated as a mechanism, which enabled the women to transition from indirect to direct participants. The NIWC's ability to meaningfully influence

²² Sanam Anderlini, *Women Building Peace: What they Do, Why it Matters* (Boulder, Colorado: Lynne Reinner, 2004) at 68.

²³ Also known as the "Good Friday Agreement". *Northern Ireland Peace Agreement*, 10 April 1998. The NIWC was especially active in leading the "Yes" campaign in the referendum, which ratified the *Northern Ireland Peace Agreement*.

²⁴ Kate Fearon & Monica McWilliams, "The Good Friday Agreement: A Triumph of Substance Over Style" (1999) 20 *Fordham Intl LJ* 1250 at 1261.

the peace negotiations and the substance of the peace agreement are testaments to the importance of coalition formation.

Examination of the Somalia National Peace Conference (SNPC), held in Arta, Djibouti, in 2000, provides another illustration of how the enabling factors of motivation, participant selection criteria, and coalition formation may coalesce to enable women's formal participation. Given that social and political relationships in Somali society are strongly defined by a patrilineal clan system, which has historically excluded women from any form of political participation, the SNPC is also an exceptional case. The SNPC was one of many peace conferences in a lengthy chronology of attempts, aimed at resolving the conflict in Somalia. Although the SNPC included the participation of 100 female delegates, the decision-making procedure was structured around five traditionally dominant Somali clans, whose all-male leadership sought to distribute power along clan lines.²⁵ The female delegates responded to the exclusion by forming a joint women's coalition on behalf of their constituency.

As a result of coalition formation, the women transcended clan lines, gained access to the peace negotiations as a legitimate party, and raised the issue of gender on the conference agenda. Voting as a single bloc, the women negotiated guarantees to protect the rights of women and children, which ultimately influenced the substance of the *Transitional Federal Charter of the Somali Republic*, including a reservation of 25 per cent of seats for women in the Transitional Federal Assembly.²⁶ In sum, coalition formation in the context of the SNPC functioned as a groundbreaking enabling factor, which resulted in direct and meaningful participation, which influenced the negotiations and a substantive text.

Enabling Factor: The Influence of Mediators

²⁵ Paffenholz et al, *supra* note 21 at 18.

²⁶ *Ibid* at 18. The Somalia National Peace Conference culminated with the *Arta Declaration*, which established the Transitional National Government. In the final iteration of *The Transitional Federal Charter of the Somali Republic*, the 25 per cent women's quota was reduced to 12 per cent. See *The Transitional Federal Charter of the Somali Republic*, 1 February 2004.

The capacity of mediators to influence women's formal peace processes must not be underestimated, and it is here conceptualized as a distinct enabling factor. Where mediators are equipped with gendered knowledge and cognizant of the connection between women's formal participation, inclusive agreements, and the implementation of lasting peace, the influence of mediators may be greater. The degree of influence here suggested reaches beyond enabling a democratic participant selection process, such as in the case in Northern Ireland. Additionally, it is imperative to consider that even when a mediator advocates for women's formal participation, the fragilities and dangers associated with a given peace process may have negative intent.

Cases where mediators have openly advocated for women's formal participation are rare. The significance of Nelson Mandela in the Burundi peace process provides a landmark reference point.

The armed conflict in Burundi erupted in 1996, as a result of ethnic strife between the Tutsi and Hutu groups. Throughout the conflict, much like the women of Northern Ireland, the women of Burundi were indirectly involved in peacebuilding, in the context of civil society channels. Although guided by motivation, women's formal participation in the Burundi peace process was realized as a result of Mandela's influence and creativity. As women did not formally occupy formal positions at the negotiation table, Mandela ensured that the form of their participation was meaningfully translated.

Prior to Mandela's arrival in 1999, the Burundi peace process had changed leadership several times, and entailed several stages of talks. By 2000, the Burundian negotiators had categorically refused to include women in the peace process.²⁷ Supported by Mandela, along with regional and international third-party convenors (United Nations Development Fund for Women and the Mwalimu Nyerere Foundation), the first All-Party Burundi Women's Peace Conference convened outside the formal talks - where fifty women representatives, who came from across ethnic, political, and class lines, united to formulate gender

²⁷ Carol Cohn, *Women and Wars: Contested Histories, Uncertain Futures* (Cambridge, UK: Polity Press, 2013) at 190.

specific provisions.²⁸ The resulting provisions were presented to Mandela, who formally accepted and integrated more than half of them into the *Arusha Peace and Reconciliation Agreement for Burundi*.²⁹

The substance of the *Arusha Peace and Reconciliation Agreement* strongly reflects the principles of equality, and bears provisions which specifically address the rights of women and children. The rights-based approach is also evidenced by references to a number of human rights instruments, including the *Universal Declaration*, the *CEDAW*, and the *CRC*. More specifically, the text of the *Arusha Peace and Reconciliation Agreement* encompasses an inclusive vision for conflict transformation and lasting peace. The concrete nature of the gender equality provisions – situated in the context of recovery and rehabilitation processes, property rights, rule of law, human security, and education – support this claim.

With respect to mediators, it is also important to note that the participation of female mediators in formal peace processes, continues to remain low - a fact corroborated by UN studies.³⁰ Thus, cases where women have functioned as mediators are rare. In this respect, it is pertinent to mention the critical role played by former South African First Lady Graca Machel, during the Kenya National Dialogue and Reconciliation process. The process resulted in the signing of a highly gender informed agreement - the *Agreement on the Principles of Partnership of the Coalition Government*.³¹

²⁸ Patricia Daley, "The Burundi Peace Negotiations: An African Experience of Peace-making" (2007) 34:112 *Review of African Political Economy* 333 at 343.

²⁹ UNIFEM, *Securing the Peace: Guiding the International Community Towards Women's Effective Participation Throughout Peace Processes* (New York: UNIFEM, 2005) at 13. See also the *Arusha Peace and Reconciliation Agreement for Burundi*, 28 August 2000.

³⁰ Diaz & Tordjman, *supra* note 18 at 3.

³¹ *Agreement on the Principles of Partnership of the Coalition Government*, 28 February 2008. Graca Machel participated as part of a team of mediators, and was influential in raising humanitarian and women's issues on the agenda. Machel also supported the transmission of the Kenya Women's Consultative Group's (KWCG) joint Women's Memorandum - a document which addressed the gender dimension of the conflict, women's rights, property rights, rule of law, and the necessity for mainstreaming gender into the negotiation agenda. Many of the issues raised in the Women's Memorandum were integrated into the negotiation agenda. See Inclusive Peace & Transition Initiative, *Women in Peace*

Enabling Factor: Regional and International Third Parties

The agency wielded by regional and international third parties is also a critical enabling factor to women's formal participation. Third parties often provide a stable context of support, and undertake influential advocacy campaigns during peace processes. The work of third parties, which is circumscribed by the rights-based approach, is especially relative to women's formal participation. The case of the Inter-Congolese Dialogue in the Democratic Republic of the Congo (DCR) illustrates this conclusion.

The war in the DRC, which began in 1998, was epic in scale. By 2001, parties to the conflict agreed to mediation, and announced their intention to hold a national convention on political reform. In addition to the conflict parties, the Inter-Congolese Dialogue (ICD) was to include the participation of civil society groups. Congolese women, who were guided and supported by regional and international third parties, invoked human rights instruments - including SCR 1325, to advocate for their right to participate in the ICD.³²

With the support of the mediator (Sir Ketumile Masire), regional and international third parties, including the then UN Development Fund for Women (UNIFEM), Women as Partners for Peace in Africa, Femmes Africa Solidarité, UNDP, UNHCR, UNESCO, and the Canadian government, provided workshops to prepare the women for negotiations. As part of this process, a women's "Peace Table" was held, which resulted in the inclusion of gender issues on the ICD's agenda.³³ The combined efforts of third parties empowered the women to convene in the context of a national forum, which was composed of 60 women drawn from across civil society and various party lines. It was there that the

and Transition Processes: Kenya (2008 - 2013), Case Study Series (Geneva: The Graduate Institute of International and Development Studies, 2016) at 5 to 6. For further information on the role of Machel see Elisabeth Lindenmayer & Josie Lianna Kaye, *A Choice for Peace? The Story of Forty-One Days of Mediation in Kenya* (New York: International Peace Institute, 2009).

³² UNIFEM, *supra* note 29 at 6.

³³ *Ibid* at 6.

women determined a common platform for peace, expressed in the *Nairobi Declaration*.³⁴

When the ICD resumed in 2003, there were 36 women among the 300 delegates.³⁵ The ICD resulted in the signing of the *Inter-Congolese Political Negotiations: The Final Act*³⁶, which included significant components of the *Nairobi Declaration*, such as: gender specific provisions addressing the rights of families, women, children and vulnerable persons; quotas for women in all decision-making sectors of national life; and the restoration of dignity. The case of the ICD illustrates how third parties may successfully empower women's formal participation by strategically engaging the rights-based approach and the normative framework.

Enabling Factor: Culturally Accepted Leadership

Where women's formal leadership is culturally accepted in a given society, there is an assumption that such women would have greater opportunities to meaningfully participate in formal peace processes. The truth and fallacy embedded in this assumption is illustrated by cases drawn from the Philippines and Papua New Guinea "Bougainville", where a matrilineal clan-based system, to varying degrees, has historically supported the role of women in leadership positions. For decades, the Philippines has been impacted by internal armed conflict and host to a succession of failed peace processes. Although women's formal participation has increased during this time, the influence wielded by Philippine women has been questionable.

The first case addresses the peace negotiations between the Philippine Government and the communist insurgents - the National Democratic Front of the Philippines (NDFP). Following decades of violence and a series of stalled negotiation attempts, the conflicting parties signed the Oslo Joint Statement in 2011.³⁷ The Royal Norwegian Government functioned as the third-party facilitator to the talks, and women's formal participation in the

³⁴ *The Nairobi Declaration*, 19 February 2002.

³⁵ UNIFEM, *supra* note 29 at 6.

³⁶ Also known as the "Sun City Peace Agreement". *Inter-Congolese Political Negotiations: The Final Act*, 2 April 2003.

³⁷ *Oslo Joint Statement*, 21 February 2011. Neither the terms "gender" nor "women" appear in the *Oslo Joint Statement*.

process could be hailed as a landmark, as female delegates composed 35 per cent of the negotiating teams and 33 per cent of signatories.³⁸ Although the women were significant in numbers and directly included as negotiators and signatories, their degree of influence was severally limited. The women who participated on behalf of the NDFP constituency were the wives of the NDFP party leaders, and thus, their influence was limited. From the Philippine Government constituency, several prominent peacebuilders participated, including Jurgette Honculada, who stated that “gender was not part of the formal agenda in Oslo, and the NDFP panel was not always receptive to attempts to insert inclusive language”.³⁹ Although the issues which impacted the Oslo peace talks were complex, it is imperative to note that even though a landmark percentage of women were present, women’s participation was largely artificial. The outcome of the Oslo peace talks and the text of the *Oslo Joint Statement* – which is void of gendered terminology – affirm that culturally accepted formal leadership and representation in numbers do not necessarily translate into influential formal participation.

In contrast to the Oslo peace talks, the 2014 peace process between the Philippine Government and the Moro Islamic Liberation Front (MILF) illustrates how culturally accepted leadership may enable women’s formal and meaningful participation. The origins of the conflict in question stems from the Mindanao independence movement, which was instigated by the Moro National Liberation Front in the 1960s – from which the more militant faction – the MILF, arose. Although there were no formal mechanisms in place to ensure women’s formal participation in the Bangsamoro peace process, women delegates from both sides gained access to formal participation as a result of their legal and technical qualifications, coupled with their experience in civil society campaigns.⁴⁰ The combined effects of cultural acceptance leadership, advanced qualifications, and

³⁸ Diaz & Tordjman, *supra* note 18 at 5. This statistical data is drawn from a sample of 31 major peace processes between 1992 and 2011.

³⁹ Marie O’Reilly, Andrea O Suilleabhain & Thania Paffenholz, *Reimagining Peacemaking: Women’s Roles in Peace Processes*, (New York: International Peace Institute, 2015) at 21.

⁴⁰ *Ibid* at 23.

political legitimacy cemented women's formal participation in the peace process.

Much like the women of Northern Ireland, the women who participated in the Bangsamoro peace process were united in their goal to advance the peace process forward, with inclusive values. The substance of the resulting peace agreement - the *Comprehensive Agreement on the Bangsamoro*⁴¹, signed in 2014, is emblematic of the united impact the women had on the procedural and substantive aspects of the negotiation process. The agreement is inclusive, and contains gender specific provisions, which aim to ensure a number of women's social, economic, and political rights, including participation through political power-sharing and protection from violence. Although the language of the agreement is affirmative of the rights-based approach, there is no specific reference to SCR 1325. Although the *Comprehensive Agreement on the Bangsamoro* was signed, implementation efforts have been marred by the continuance of conflict in Mindanao.

In sum, the cases from the Philippines support the conclusion that in addition to the enabling factor of culturally accepted leadership, women's influential participation rests on the ability of women to operate independently or as a bloc. In addition, the high percentage of women participating in the Philippine peace processes and the absence of references to SCR 1325 in the agreements here examined, are further indication of the weak institutionalization of the WPS policy initiative.

The question of culturally accepted leadership as an enabling is further deconstructed by the case of the 1998 Bougainville peace process, where failure to recognize the mechanics of existing cultural mores, limited the existing potential for women's formal participation. The internal armed conflict in Bougainville was fought between the Papua New Guinea Government and various factions of the Bougainville secessionist movement. Although women's formal participation in leadership

⁴¹ *Comprehensive Agreement on the Bangsamoro*, 27 March 2014. Note: The *Comprehensive Agreement on the Bangsamoro*, also encompassed the *Framework Agreement for the Bangsamoro*, 15 October 2012.

roles is culturally accepted in Bougainville, the peace process was negotiated entirely without the formal participation of women.⁴²

In Bougainville society, women's culturally accepted leadership is expressed through matrilineal kinship and inheritance of property rights, coupled with women's traditional roles as facilitators of conflict resolution. More specifically, the peace process design failed to acknowledge the cultural mores of Bougainville society, where women function as primary decision-makers, who communicate their decisions through men, and rarely command public space.⁴³ Thus, it is not surprising that the resulting text of the *Bougainville Peace Agreement*⁴⁴ fails to address gendered issues. Failure to acknowledge women's legitimate cultural and economic roles, coupled with customs at community levels, negated the potential for an inclusive agreement. In sum, the alienation of women in the Bougainville peace process affirms how even in circumstances which are readied to accommodate the full expression of the rights-based approach, male patriarchy and oversight continue to dominate.

Enabling Factor: The Use of Quotas

The use of gender quotas in peace processes is the most direct way to enable women's formal participation. However, the use of quotas as criteria for participant selection is most often subject to the will of the mediator and the negotiation parties. As previously argued, the presence of women in numbers, enabled by quotas, does not necessarily translate into influential participation. Research studies also affirm that women have a greater probability of exercising influence in peace negotiations when they have their own "women-only" delegation, or when they are able to advance common interests by strategically coordinating themselves across formal delegations.⁴⁵

Although mindfulness of the aforementioned traits and shortcomings are imperative to assessing the question of women's formal participation, the use gender quotas may be the only

⁴² Gina Heathcote, "Participation, Gender and Security" in Gina Heathcote & Dianne Otto, eds, *Rethinking peacekeeping, Gender Equality and Collective Security* (Basingstoke: Palgrave Macmillan, 2014) 48 at 61.

⁴³ Heathcote, *supra* note 42 at 62.

⁴⁴ *Bougainville Peace Agreement*, 30 August 2001.

⁴⁵ Paffenholz et al, *supra* note 21 at 30.

enabling factor in societies where the exclusion of women from political participation is normative. Thus, in the context of the Middle East, the use of gender quotas is a particularly favourable enabling factor.

The case of the 2013-2014 Yemeni National Dialogue Conference (YNDC), where the participant selection criteria mandated the use of gender quotas, is a model example of how the use of quotas may result in success. It is also important to note that in the case of the YNDC, success was underscored by the influence of the mediator (Jamal Benomar), the presence of an international third party (UN), women's motivation, and pressures from civil society.

The already complex roots of the longstanding internal and external armed conflict in Yemen was exacerbated by the effects of the Arab Spring in 2011. As a strategy to determine a political settlement, which would stabilize inclusive peace in an intensely fragile environment, the national dialogue format was used. The participant selection criteria for the YNDC was model, in that it specifically allocated 40 seats to youth, women and civil society, to be drawn from independent constituencies, and mandated that a 30 per cent quota for women's representation be imposed.⁴⁶

Although the approach to the YNDC was successful in that it provided for equitable representation of Yemen's demographic, where women's formal participation influenced and effected substantive outcomes - as evidenced in the *Final Communiqué of the NDC*⁴⁷, the gains made were never fully implemented. To date, conflict continues to afflict Yemen.

In sum, although the use of gender quotas functions as an obvious and default enabling factor, the ability of women to exert

⁴⁶ Thania Paffenholz & Nick Ross, "Inclusive Political Settlements: New Insights from Yemen's National Dialogue" (2016) 6:1 Prism 198 at 203.

⁴⁷ *Final Communiqué of the National Dialogue Conference*, 25 January 2014. For instance, the document formally recognizes the pivotal role played by women in the transition process, and formally endorses recommendations for: a 30 per cent quota for representation of women in all state institutions; the necessity to establish a human rights commission and promote a culture of respect for human rights; and the necessity to foster independent bodies that will foster care for women, children, youth and the elderly. Additionally, there is no specific reference made to the WPS policy initiative.

influence in such contexts remains challenged by a multiplicity of variables.⁴⁸ The use of gender quotas must therefore be done strategically and effectively.

While the purpose of this discussion is to address enabling factors in relation to the question of women's formal participation in peace processes, it is important to qualify the arguments here presented, in relation to the substance of peace agreements, and the process of their implementation.

Peace Agreements: The Question of Substance

Peace agreements provide the foundational blueprints for conflict transformation, social recovery, and rehabilitation. While SCR 1325 necessitates the inclusion of a gender perspective in peace processes, it also "calls on all actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective".⁴⁹ It has been here argued that where women's formal participation in peace negotiations is influential, as in the cases of Northern Ireland, Burundi and the DRC, the substance of peace agreements is likely to be impacted by a gender perspective, with specific commitments to inclusive security. Peace agreements that fail to address gender issues, or those that do so at a level of generality, where no specific commitments are made to questions of time, power-sharing, or human rights, are indicative of the deeper systemic issues currently effecting approaches to peace process design and the WPS policy

⁴⁸ The case of Myanmar and the negotiations which concluded the *Nationwide Ceasefire Agreement (The Nationwide Ceasefire Agreement Between the Government of the Republic of the Union of Myanmar and the Ethnic Armed Organizations, 15 October 2015)* further affirm this conclusion, where difficulties associated with implementing commitments to gender quotas, even where agreements indicated an intention to do so, continued to persist. The *Nationwide Ceasefire Agreement* makes specific reference to the inclusion of women in the political dialogue process, but only in terms of a "reasonable number/ratio of women's representatives". In the subsequent draft *Framework for Political Dialogue* which followed, a basic principle to "make efforts" to honour a 30 per cent women's quota in all political dialogues was included. At present, women continue to be excluded from or marginalized in Myanmar's formal peace processes, as mandated are ignored by both the government and the armed opposition. See *Shadow Report on Myanmar for the 64th Session of the Committee on the Elimination of Discrimination Against Women*, (New York: Global Justice Center and Gender Equality Network, 2016) at 18.

⁴⁹ SC Res 1325, UNSCOR, 4213th Mtg, 55th year, UN Doc S/RES/1325 (2000) at para 8.

initiative.⁵⁰ If the substance of peace agreements, whether in the form of ceasefire agreements, framework agreements, or final agreements, is informed by gendered knowledge, the blueprint for conflict transformation is likely to reflect a broader scope of inclusivity. However, evaluating the suggested relationship between women's formal participation and inclusive peace agreements is a complex endeavour, which rests largely on the availability of accurate documentation.

The most comprehensive study on assessing gendered language in peace agreements to date has been conducted by Christine Bell and Catherine O'Rourke. They cite that "there is little evidence of systematic inclusion of women in peace agreement texts, or systematic treatment of issues across peace agreements".⁵¹ Their conclusion affirms the depth of embedded issues which currently face the efficacy of the rights-based approach and the implementation of the normative framework. Bell and O'Rourke also argue that "a specific measure such as the incorporation of the CEDAW may seem like a fairly 'easy' provision to insert, particularly in contexts in which human rights instruments are being incorporated more generally", but conclude that it is by no means routine.⁵²

If the Security Council's aspiration for the achievement of inclusive security is truly a priority, as evidenced by the texts of the WPS policy initiative, the centralization of gender in peace agreements must be normalized. Both the rights-based approach and the normative framework are structured to support the full

⁵⁰ In this regard, it has been argued that these systemic issues stem from: the weak institutionalization of the WPS policy initiative within the Security Council's overarching security plan; political economies of power; patriarchy; ritualism; and gender inequality.

⁵¹ Christine Bell & Catherine O'Rourke, "Peace Agreements or Pieces of Paper? The Impact of UNSC Resolution 1325 on Peace Processes and Their Agreements" (2010) 59:1 ICLQ 941 at 968. Bell & O'Rourke's conclusion is based on the systematic analysis of 585 peace agreements, which resulted from 102 peace processes in the last two decades. Analysis revealed that since 1990, only 92 peace agreements (or 16 per cent) have contained at least one reference to women or gender, though references to women have increased since the adoption of UNSCR 1325 from 11 per cent to 27 per cent. See Bell & O'Rourke 941 at 954 to 955. UN Women also cites that "more than a decade after the adoption of resolution 1325, gender-blind peace agreements are still the norm, rather than the exception". See Castillo Diaz & Tordjman, *supra* note 18 at 17.

⁵² Bell & O'Rourke, *supra* note 51 at 962 to 963.

expression of human rights and inclusive security. If women's formal participation in peace processes increases the use of inclusive language in peace agreements, as research and the case studies suggest, women's formal participation is both integral and imperative to the implementation of inclusive security.

Peace Agreements: Implementing Inclusive Security

The realization of peace agreements occurs during the complex process of conflict transformation. The strength of the commitments codified in the text of peace agreements are actualized during implementation processes, and dependent on financial resources, infrastructure, and enforcement and monitoring mechanisms. Conflict transformation processes in transitional and post-conflict societies are fragile, and subject to unforeseen variables. Where gendered knowledge has informed the substance of peace agreements, it is argued that chances for the implementation of inclusive security are greater.

As the case studies anecdotally illustrate, when women formally and influentially participate in peace processes, there is a greater chance that gendered language will be deployed, and that issues of inclusive security will be raised. If women's formal participation in peace processes is correlative to the iteration of inclusive peace agreements, the link between women's formal participation and the implementation of inclusive security, during conflict transformation, must also be drawn.

While it is a tall order to wholeheartedly prove the aforementioned argument, a recent quantitative study has endeavoured to examine the relationship between women's formal participation in peace processes and the durability of a peace agreements during the implementation stage. Analysis based on a dataset of peace agreements, signed between 1989 and 2011, determined that peace processes which included women as signatories, mediators, and/or negotiators demonstrated a 20 per cent increase in the probability of the agreement lasting at least two years, increasing over time, with a 35 per cent increase in the probability of the agreement lasting 15 years.⁵³ The results of the study provide essential foundational

⁵³ Laurel Stone, "Quantitative Analysis of Women's Participation in Peace Processes", Annex II in Marie O'Reilly, Andrea O Suilleabhain & Thania

proof that women's formal participation in peace processes is likely co-relative with the durability of peace agreements during the implementation phase. Qualification of the relationship between women's formal participation and the implementation of durable peace provides further evidence that the Security Council's current approach to security planning must be revised, and that the impact of women's formal participation on the overarching aspirational goals of the rights-based approach, where peace, security, and equality, are at the forefront, cannot be underestimated.

* * *

The arguments and cases studies presented in this discussion underpin the following policy recommendations for reform.

Policy Recommendations for Reform

The following policy recommendations for reform provide a response to the gaps articulated in the recent UN Global Study, and are aimed at facilitating practical solutions to the current limitations, which continue to obstruct women's formal participation in peace processes. The recommendations are pointed to a broad audience, inclusive of policymakers, governments, grass roots peacebuilders, NGOs and CSOs. The hope is that these recommendations will assist actors engaged in peace processes, in the standardization of protocols, which ensure women's formal participation. Approaching the perennial question of "what is to be done?" requires recognition of "what" is working, and "what" is not. A proactive approach to policy revision not only improves the status quo, but also provides hope for the realization of peace, in the most perplexing theatres of war of our time, such as Syria, Afghanistan, and Ukraine.

Paffenholz, *Reimagining Peacemaking: Women's Roles in Peace Processes*, (New York: International Peace Institute, 2015) at 34. Additionally, Desiree Nilsson has applied quantitative research methods to measure the relationship between civil society's participation in formal peace processes and durable peace. See Nilsson, "Anchoring the Peace: Civil Society Actors in Peace Accords and Durable Peace" (2012) 38:2 *International Interactions* 243. It is also important to note that to date, only few empirical studies specifically address the question of women's formal participation in peace processes, all of which are limited by the availability of existing documentation.

Policy Point 1: The current political economics of power are the greatest barrier to women's formal participation.

The current political economies of power must be revised to accommodate standardized protocols, which ensure women's formal participation in peace processes. Dominant patriarchal reasoning and values continue to perpetuate unequal power structures, where women remain under-valued and subject to a culture of tokenism. Suggested actions include: ensure the integration of the WPS policy initiative, especially gender mainstreaming and the use of gendered language, in all top-down procedures which inform and delegate the structures of peace process diplomacy, planning and design; ensure that the rights-based approach and normative frameworks, which support gender equality are strategically embedded in all stages of UN administered peace processes; obtain commitments from all UN member states to engage in monitoring and review of domestic implementation of SCR 1325.

Policy Point 2: Restructure the WPS policy initiative's institutions.

The efficacy of the WPS policy initiative is subject to the Security Council's dominant international security paradigm. The Security Council is a function of the political economies of power, and thus, perpetuates a culture of patriarchy and decision-making procedures based on traditional military and political values. If it is accepted that the WPS policy initiative is integral to the realization of Security Council's agenda for inclusive security, the institutionalization of the WPS policy initiative must be restructured to ensure women's formal participation at all stages of security planning.

Suggested actions include: providing greater agency to the substantive value of SCR 1325 mandating its application in all procedures and activities supported by the Security Council; encouraging the use of determinative language, as opposed to aspirational language; setting concrete deadlines wherever SCR 1325 is imposed; recognizing that traditional military frameworks, which inform conflict resolution and security planning may be completely incompatible with the goals of the WPS policy initiative; and following Ni Aolain and Otto, develop international institutional infrastructure which allows the WPS policy initiative to

operate independently, but concomitantly, with the Security Council's security regime.

Policy Point 3: Ensure greater funding for monitoring, evaluating and documenting peace processes.

For many reasons, peace processes are poorly documented. The ability to make informed arguments, in support of policy revisions, requires consistent and accurate documentation of data and evidence. Suggested actions include: allocate financial resources to ensure broad and comprehensive documentation and archiving of all peace processes; allocate financial resources to support short-term and long-term monitoring and evaluation of peace agreements during the implementation phase; ensure that documented materials are made widely available to all relative stakeholders.

Policy Point 4: Ensure adequate training in gendered knowledge for all actors involved in peace processes.

If a gendered perspective is to be integrated into all levels of decision-making in peace processes, adequate training in gendered knowledge is essential for all actors involved in peace processes. Suggested actions include: ensure that all actors have formal training in the WPS policy initiative; mandate that all mediators participating in peace processes have adequate gender training, a proven commitment to inclusive security, and a record of engaging in inclusive peacebuilding; address the current limitations which are preventing the use of a gender perspective in the domains of disarmament, demilitarization and reintegration (DDR); embed gender advisors in all stages of peace process planning.

Policy Point 5: Engage the enabling factors for women's formal participation as tangible mechanisms for change.

This discussion has suggested that certain enabling factors, and combinations thereof, provide platforms and strategic entry points for women's formal participation. Consideration of women's motivation, mediators, participant selection criteria, coalition formation, quotas, pressure from civil society, international and regional third parties, and culturally accepted leadership as mechanisms for change provide an opportunity to assess the current gap in women's formal participation through a new lens. Suggested actions include: recognizing that democratic

and transparent participant selection criteria, coupled with the use of quotas may be the most effective means by which to ensure women's formal participation; developing infrastructure to support women's coalition building in conflict zones; mandating the integration of existing cultural value systems into peace process planning; imposing effective infrastructure for recognizing, transferring, and safeguarding decisions made by women in legitimate parallel discussions, during peace processes; synthesizing the capacity of international, regional, and local actors working within a given conflict zone; continuing to conduct research on factors which catalyze women's formal participation; and exploring the effect of consensus model decision making as a possible enabling factor.

Policy Point 6: Recognize the necessity for education, training and technical support.

Education, knowledge awareness and technical capacity are critical for achieving the standardization of protocols, which support women's formal participation in peace processes. Currently, international and regional third parties, operating at grassroots levels, facilitate the majority of relative educational materials, training, and technical training. Enabling these materials must also be done at the top-down level. Action items include: integration of training in peace processes across diplomatic cores, political organizations, law faculties, and wherever mediation is taught; development of technical infrastructure which supports the drafting of inclusive peace agreements and provisions; streamlining the right-based approach and SCR 1325 into the development of all educational, training, and technical materials; highlight the influential links between women's formal participation and the various stages of process processes; deploy web technology to enable open source materials; merge the efforts of policymakers, NGOs, and academics, so to ensure that valuable industry specific insights are integrated into the calculus which determines education, training, and technical support

Policy Point 7: Application of the normative framework and rights-based approach.

The rights-based approach and the normative framework are situated in the broader discussions of human rights, dignity and legitimacy. It is imperative that international, regional and

local efforts contributing to peace processes and the realization of women's formal participation be subject to the principles of accountability and responsibility. A framework of accountability and responsibility provides legitimacy to the application of the rights-based approach and the localization of the normative framework. Action items include: ensure that the language of international human rights and human rights mechanisms are translated at regional and local levels; recognize and understand how indigenous value systems interact with the normative framework; ensure a forum for legitimate accountability.

Conclusion

This discussion has attempted to provide a timely and optimistic response to the question of women's formal participation in peace processes. Select case studies, coupled with consideration of the rights-based approach and the normative framework, have provoked the basis for a response which argues for the necessity to consider enabling factors which catalyze women's formal participation. The correlation between women's participation in formal peace negotiations and the realization of durable and inclusive peace agreements has also been suggested. Improvement of the current status quo, with respect to women's formal participation, is very much a function of basic human rights aspirations, informed by the principles of equality, inclusive security and peace.

An amalgam of factors, inclusive of the political economies of power, the Security Council's patriarchal approach to leadership and decision-making, the lack of independent institutional infrastructure to support the WPS policy initiative, the practice of ritualism in relation to women's participation, and the continued global struggle for gender equality continue to limit the realization of women's formal participation. In addition, cultural and financial constraints, coupled with dangers and fragilities associated with a given theatre of conflict, impact the abilities of willing actors to fully deploy the normative framework and the rights-based approach. As a result of the aforementioned factors, binding hard law instruments and non-binding soft law instruments, which support women's formal participation, are subject to inconsistent implementation procedures, or even complete oversight.

The examination of case studies provides invaluable insight and evidence for processes of remediation and

reformation. The cases of Northern Ireland and Somalia illustrate the value of coalition building, women's motivation, and strategic argumentation. The cases of Northern Ireland and Yemen especially highlight the value of democratic participant selection criteria. The cases of Northern Ireland, Yemen, Kenya, and Burundi highlight the strategic role of mediators, where the case of Burundi is especially illustrative of a mediator's capacity to integrate recommendations resulting from parallel convenings. The case of the DRC illustrates the influence and agency of regional and international third-party actors. Contrasting cases drawn from the Philippines illustrate the fragility of meaningful and influential participation, in a society where women's leadership is culturally accepted. Bougainville reflects the necessity to understanding local cultural mores, as a bridge to effectively integrating culturally accepted leadership. The use of quotas remains the most effective default strategy, as evidenced in the case of Yemen.

In sum, the ideas presented rest on a balance of optimism and pragmatism, infused by a belief that a comprehensive understanding of peace and security includes women's participation.

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