

From negotiation of the peace to implementation of the peace agreement: a gender analysis of the Northern Ireland experience

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The evidence presented in this paper is formed from a number of experiences: as a director of a women's organisation in Northern Ireland engaged in lobbying and advocacy on behalf of the community-based women's sector; as a member of an international research team investigating women's security in post-conflict societies; as a member of the N.I. Women's Coalition from 1999 until its disbandment in 2006. The events of recent weeks are extremely worrying. Northern Ireland is still a society emerging from conflict and that reality makes the necessity for the full implementation of UNSC Resolution 1325 within Northern Ireland as relevant as ever.

The starting point for this paper is a brief examination of the contribution of women to the peace process in Northern Ireland and to 1998 Peace Agreement – also known as the 'Good Friday Agreement' (GFA). It is also important to make a contrast between that involvement and women's frustration today, as a result of their under-representation in political and public life.

The NI Women's Coalition was a women's political party formed in 1996 in order to contest elections to a peace forum. Without this, the voices of women would not have been heard. Through this mechanism women found themselves at the heart of the negotiation of peace and with the ability to make a substantial contribution to the content of the Agreement. The Women's Coalition made history when their representative became the only woman standing alongside the other seven party leaders and the two Prime Ministers of Britain and Ireland as signatories to the Agreement. However, since that time women have been marginalised in political and public life. All the evidence points to one conclusion: at minimum, UNSCR 1325 on 'Women, Peace and Security' should be implemented within Northern Ireland.

The Women's Coalition was formed by women who had been active in a number of women's campaigning organisations. Throughout the decades of conflict women in Northern Ireland were engaged in informal processes of peace-building. The Swedish Kvinna Till Kvinna Foundation is only one of countless organisations to acknowledge the contribution to the maintenance of civic society that was made by Northern Irish women:

Women were actively building bridges between the Catholics and Protestants long before the official peace negotiations began. Instead of focusing on old injustices they discussed solutions and strategies for healthcare and education etc. The women developed a common cause that in time influenced public opinion. By cooperating they became a peaceful alternative which showed that coexistence is possible despite a bloody history.¹

This work had a strategic importance, because it included ‘constructing the conditions of society to foster peace through development and aid, human rights education, reconciliation and the restoration of community life.’² This role has been recognised at the highest level, for example by the Irish government. In December 2003, when briefing the Council of Europe on the role of women in the Northern Ireland peace process, the Irish Department of Foreign Affairs declared that the benefits of involving women in conflict resolution to be ‘clearly evident in Northern Ireland, where women played and continue to play a pivotal role in building peace and are essential contributors to the ongoing process of fostering reconciliation.’³ The Irish government is now building on that recognition of the strategic role played by women with the appointment (announced in the Irish Times on 7 March) of Nuala O’Loan, former Police Ombudsman, as Ireland’s Special Envoy on Women and Peace Making. The appointment is part of Ireland’s action plan on the implementation of 1325. This commitment to giving ‘a voice to women in conflict and post-conflict societies, as voiced by O’Loan, is highly commendable. Representation at an international level is valuable, but the Irish and British governments, joint signatories of the Good Friday Agreement, have done little to implement the pledges made in the Agreement to ensure a greater level of gender parity in public and political life *within* the institutions that have arisen from the GFA. To take one small example, the NGO sector has struggled to have women included on equal terms in European Union Peace Funding. In the Peace 2 funding programme the measure for women was the smallest, and childcare funding was only included after a concerted lobbying effort. In the new round of funding, Peace 3, the situation is even more difficult in terms of recognition of the work of women.

Northern Ireland Women’s Coalition

The formation of the Northern Ireland Women’s Coalition in 1996 was the outcome of intense discussion by women activists from a wide variety of backgrounds and political opinions who, during the exclusively male pre-negotiation phase, had come to a realization that unless women formed themselves into a political party, elections for participants to the multi-party talks on the future of Northern Ireland would result in an overwhelmingly male discussion and outcome.⁴ Political parties had been written to, and none would commit to putting forward women.

This women’s party, its membership gathered from across the political spectrum and founded on the core principles of inclusion, equality and human rights, demonstrated the ability of women to ‘do things differently’ As Ni Aoláin has noted, ‘While numerically small and politically untested their impact on the negotiation process and its outcomes was to be substantive.’⁵ During the talks, the task of the Women’s Coalition was to ensure that women’s voices were heard, despite the sometimes overt hostility of some politicians. The Coalition was also aware of how important issues such as seating arrangements would become and advocated that the parties should be located alphabetically around the table. Many parties had entered the Talks as strangers to each other and the seating arrangements ensured that at least some of them became acquainted during the following two years. The process of how delegates were to negotiate was as important to the Women’s Coalition as the substance of what was to be negotiated.⁶ Unfortunately, when the NI Assembly was established, politicians reverted to traditional seating arrangements, which emphasise differences.

The bi-communal nature of the party, with nationalist women and unionist women amongst its membership, meant that positions adopted had to be acceptable to a diverse range of political views, necessitating a regular process of consultation and feedback for party members. In addition, as part of their commitment to inclusiveness and equality, the party insisted that the process of negotiation should involve delegates from parties who were ex-combatants as well as members of constitutional parties. This approach was to prove critical to the maintenance of the peace process when both republicans and loyalists found themselves excluded from the talks, following breaches of their ceasefires. The Coalition provided briefings for those excluded, ensuring that they remained in touch.

The example of South Africa reinforces the argument that gender parity is essential to the process of peace building. During negotiations with the South African government, the ANC policy was to insist that half of all their negotiating teams had to be female. Cheryl Carolus, former South African High Commissioner in London and former ANC representative believed that if women had not been so heavily involved, ‘The talks would have suffered from what I call “testosterone poisoning”’. Women are used to dealing with conflicts, in the family, in the community. When they find an obstacle, they find a way to overcome it.’ She expressed her astonishment at the few women involved in the Irish negotiations.⁷

Promoting women’s participation

Included in the final peace agreement were provisions relating to policing reform, judicial reform, equality legislation, human rights protection, a civic forum, and measures relating to prisoners, victims and language rights. The Women’s Coalition was central to the process of formulating clauses on equality, human rights, de-commissioning of weapons, and the civic forum. In addition, they proposed wording to affirm ‘the right of women to full and equal political participation’.⁸ The roles of Mo Mowlam, the British Secretary of State and Liz O’Donnell, representing the Irish government – were crucial in persuading the political parties to accept this clause. They fully backed the Women’s Coalition in this and their presence, as the only other women involved in the peace negotiations, demonstrates the importance of having women involved at the most senior levels. However, this clause has remained aspirational only, as no legislation has been enacted to make it a reality. With so few women within the NI Assembly, it is unlikely that legislation will be passed to promote the greater participation of women. This makes the necessity for implementation of 1325 the more urgent. The issue was raised by the CEDAW examining committee in July 2008 when the UK government was undergoing its periodic review. In its concluding remarks the Committee has called for ‘the full implementation of Security Council resolution 1325 in Northern Ireland.’ (para 38)

The N. I. Assembly

Political representation in the Assembly sets the tone for all other representation. There is no quota system. The only mechanism to improve women’s representation is the Sex Discrimination Election of Candidates Act (2002) passed by the Westminster government. But none of the NI political parties have used it for all-female short lists for candidate selection. The Women’s Coalition has two representatives in the Assembly elected in 1999 but they were defeated in the election of 2003 and the party dissolved in 2006. The lack of adequate female representation in the Assembly means that it is difficult for women to influence the agenda in many substantive areas. The

unionist parties in particular remain hostile to all forms of affirmative action. In the elections of 2007 18 women were elected out of 108. The highest number of women is in Sinn Fein but none of the parties have done enough to put women forward in winnable seats. There are no Ulster Unionist women in the Assembly and there are three women in the Democratic Unionist Party, a party which has not demonstrated any sympathy with the case for greater female representation.

Lack of adequate representation has obvious consequences in terms of policy making. For example, N.I. has the lowest daycare provision in West Europe, with only 8/1,000 places for children under 4. (Gingerbread NI: 2009) While there were more recorded crimes with a domestic motivation in 2007/8 than the combined total of nearly all other crimes, domestic violence remains under-reported and judicial procedures are expensive and difficult (Women's Aid Federation NI, 2009). Gender-neutral policy making is also a big issue with obvious repercussions in terms of resources for women. The exclusion of women from the decision making process also affects other rights, particularly reproductive rights.

Abortion remains a criminal offence. The British 1967 Abortion Act does not apply. When the issue was debated in the 1st Assembly and current Assembly there was overwhelming opposition to any reform of the abortion law. When an amendment to a Westminster bill on Human Fertilisation and Embryology was to be put by a Labour MP in July 2008 she was told by Gordon Brown that if she did so she would be jeopardising the peace process because the DUP party (which has 9 seats in the House of Commons and is opposed to abortion) would object. The British government wanted DUP votes to support 42 day detention for terrorist suspects. When another Labour MP attempted to have abortion reform for Northern Ireland raised in October 2008, the government resorted to closing down debate on the Human Fertilisation and Embryology Bill in order to prevent this. Once justice and policing are devolved to the Assembly, responsibility for abortion reform will also be transferred and there is no chance whatsoever for progressive change coming in this area. An estimated 80,000 women with crisis pregnancies have had to travel to Britain since 1967 and we have seen women's needs traded on the pretext of maintaining a 'peace process' in which women have become increasingly marginalised. The British government in 1999 and again in 2008 has been urged by the CEDAW Committee to institute a process of consultation around the issue. But they have yet to take action.

Civic Forum

At the time of the Agreement, the NIWC pushed for a civic forum to be set up. This did happen. It was made up of different interest groups in civil society – trade unions, farmers, business, victims of the troubles, churches, NGO sector. There was 38% female representation. It was not adequately resourced and regarded with suspicion by politicians. It was suspended when the Assembly was suspended in 2003 and has not met again. There has been a public consultation organised by government on whether the Forum should reconvene and in what form, but the executive is reluctant to make any commitment to involve civic society in policy making.

Security Sector Reform

This issue is obviously key to any peace building. Catholic under-representation in the police force has been a serious issue, with important consequences regarding the perceived legitimacy of the state. For that reason, Section 46 of the Police Act (NI)

2000 provides for affirmative action to ensure that appointments would be made on a 50% Catholic/50% Protestant basis until the level of Catholic representation is on a par with their percentage within society. The Independent Commission on Policing for Northern Ireland (Patten Report) upon which the Police Act is largely based, ignored representation from quarters such as the Equal Opportunities Commission to include women within the scope of affirmative action measures – it argued that this would not be legal. There had to be special exemption from equality legislation to enable 50/50 recruiting. But Patten did recommend that ‘Every effort should be made to ensure that the composition of the staff of the Policing Board, and the Northern Ireland Office Police Division (or any successor body) and the Office of the Police Ombudsman should be broadly reflective of the population of Northern Ireland as a whole, particularly in terms of political /religious tradition and gender.’⁹ While efforts have been made to attract more women and to eradicate a ‘canteen culture’ that deters female applicants, women and Catholics remain underrepresented, with 16.9% of women and 14% of Catholics currently in the newly named Police Service of Northern Ireland.¹⁰ However, it must be noted that the proportion of Catholics has increased from a very low base and affirmative action will further improve this figure, while any increase in female representation will be much more gradual. One of the reasons why the number of female police officers, historically, has been low, is that women officers were not permitted to carry guns in Northern Ireland. Having a male armed police force was a response to political instability, preventing women officers from being recruited in larger numbers because unarmed women officers were perceived as a liability. This policy was finally addressed by a successful equal opportunities case in the mid-1980’s. A ‘strength competency test’ used during the recruitment process has also been found to be discriminatory. This legacy of discrimination against women officers should have been sufficient for extending the affirmative action proposal to gender as well as religion. But without some enabling legislation or 1325 implementation, it is reckoned that it will be 2038 before policing will reflect the gender composition of NI society.

The recommendation of Patten that institutions related to policing should be ‘broadly reflective of the population’ was also been disregarded in the appointments made to the Policing Board. Initially only two women out of a total of nineteen members were appointed to the Policing Board set up to monitor the work of the police. Now there are 4 out of 19 – but 2 are independents and 2 are political appointments and political parties, particularly unionist parties, tend not to nominate women. At the same time the Minister responsible for security issues claimed that it was a ‘well balanced board’ because of the ratio of unionist and nationalist representation.¹¹ But what about the gender balance? We need a paradigm shift in how the issue of ‘balance’ is viewed in all areas of public life, so that lack of gender parity is understood to be an important aspect of democratic transformation.

One area where change on the scale envisaged by Patten and in the spirit of the Agreement has been carried out, has been in the appointments made to the twenty six District Policing Partnerships, based in each local government area, which were set up to provide for community-based participation in the policing process. The Policing Board devised an appointment process which used an independent recruitment agency to establish selection panels. These used census data to ensure that the independent member appointments to these Partnerships were truly representative of the age, gender and community background profile of each district council area. Of the 207

independent DPP members appointed, 127 were women. The report of the Independent Assessors concluded that the appointment process was 'fair, robust, open and transparent.'¹² The problem is that political parties are not compelled to gender proof appointments- DPPs currently have 38% women – 60% independents and 18% political appointments. It is much more difficult for independents to influence policy.

One success story was the appointment of a woman as Police Ombudsman – Nuala O'Loan – who proved that being a woman was no hindrance to being able to tackle the big issues. She publicly challenged the Chief Constable over police handling of Omagh investigation (29 people blown up in 1998) and provided devastating evidence of police incompetence. O'Loan is living proof of the need for the greater involvement of women in all areas of security in post-conflict transformation.

Judiciary

The implementation plan of the Criminal Justice Review acknowledges gender within its recognition of sectors that have been 'historically under represented'. It recommends a programme of action 'to secure the development of a judiciary that is as reflective of Northern Ireland society, in particular by community background and gender, as can be achieved consistent with the overriding requirement of merit.'¹³ In research in which I participated, *Reimagining Women's Security in Societies in Transition*¹⁴, a senior judge who was interviewed insisted that this had to be on merit and we had to wait for women to rise through the ranks. There is not one female judge on the Northern Ireland High Court. We are still waiting for the review findings to be translated into action.

Bill of Rights

A current important issue is the Bill of Rights. It is another issue written into the GFA and pressed for by the NI Women's Coalition, but not yet implemented because of hostility on the part of unionist parties. A Bill of Rights is supposed to address 'the particular circumstances of NI'. How do women define 'particular circumstances'? Unionists have narrowed it to security issues, the Irish language and the competing rights of Ulster Scots, rights for victims of Troubles, employment discrimination, etc. Women's particular needs, particularly with regards to political and public representation, reproductive rights and gender-based violence, do not figure. The experience of the Bill of Rights Forum, which consisted of equal numbers of politicians and members of civil society (and on which I was a representative for the women's sector) revealed the difficulty in obtaining any unionist commitment to socio-economic issues, a difficulty which was also experienced by the NI Human Rights Commission when it made its final report to the UJ government.

Reform of Public Administration

Reform of Public Administration aimed at reducing an over-provision of local government structures will reduce the number of district councils from 26 to 11, with a concomitant reduction in the numbers of councillors, 78% of whom are men. Many fear that women will be the main casualties. As Hinds and Gray describe, 'In Northern Ireland no party has developed a sound strategy to redress gender imbalance among their representatives...'¹⁵ Unless positive action measures are taken it is unlikely that women will be the beneficiaries. While there is an opportunity to ensure the mainstreaming of equality within a reformed system of public administration, including public appointments and political representation, this can only come about

if positive action measures, including quotas for gender balanced representation, are implemented.

The consequences of lack of gender parity

It was hoped, when the Agreement was signed in 1998, that the issues of everyday life, as opposed to constitutional issues, would come to dominate the political discourse as Northern Ireland moved away from communal conflict. While there have been significant changes in some areas since then, there has not yet been that 'paradigm shift' towards a true parity democracy. The feminist academic Cynthia Cockburn has summarised the consequences in stark terms, in words which reflect the fears of many in Northern Ireland:

...the civil society rebuilt after war or tyranny seldom reflects women's visions or rewards their energies. The space that momentarily opens up for change is not often used to secure genuine and lasting gender transformations. Effort may be put into healing enmity by reshaping ethnic and national relations, but gender and class relations are usually allowed to revert to the status quo ante. Old privileges may be in eclipse, but a new business elite, a new criminal underworld, a reformed police service come into being as the familiar masculinity hierarchies....Instead of the skills and confidence forged by some women by the furnace of war being turned to advantage, the old sexual division of labour is reconstituted, in the family, in the labour force.¹⁶

Concluding remarks

The scenario described by Cockburn is one that women in Northern Ireland are unfortunately all too familiar with. It describes their daily reality. In looking at structures emanating from peace agreements women's security discourse has to be included. This must be a positive definition of security, conceptualised in terms of empowerment and participation, where women are recognised as important agents of change. Women identify security as a holistic concept which cannot be approached purely in terms of conventional concerns, such as armed conflict and crime. Therefore there has to be recognition of the need to eliminate discrimination against women in all areas of life as well as the need to ensure women's equal participation at all levels of policy-making and provision. The hope is that UNSCR 1325, if it was implemented in all aspects within Northern Ireland, could help to support structures to improve women's equality in decision-making and support the achievement of a sustainable peace. However, much has still to be done, not only with regards Northern Ireland but also in terms of an increased support to gender parity in OSCE structures. The 2008 Annual Evaluation Report produced by the OSCE Secretary General's office reveals that the UK nominated at the very senior S3 and S4 level, ten men and no women.¹⁷ The UK is not alone in this regard. On average, OSCE participating states nominate for more men than women and end up seconding four men for each women for senior positions. I thank you for this opportunity to address the OSCE and I sincerely hope that the vital issue of gender parity in peace making and post-conflict resolution receives the attention that is so urgently needed.

¹ Kvinna Till Kvinna, *Rethink*, 15

² Elisabeth Porter, 'Women, Political Decision-Making and Peace-Building', *Global Change, Peace & Security*, 15:3 (October 2003), 250.

³ Anglo-Irish Division, Department of Foreign Affairs, 'The role of women in the NI Peace Process', paper presented to the Council of Europe (December 1 2003). With thanks to Éimear Farrell for alerting me to its existence.

⁴ There are many accounts of the formation of the NIWC and the subsequent internal debate amongst dissenting voices within republican feminism. There is not the space to consider these issues in the space of this article. See Kate Fearon, *Women's Work, the story of the Northern Ireland Women's Coalition*. (Blackstaff Press, Belfast, 1999); Kate Fearon and Monica McWilliams, 'Swimming Against the Mainstream: the Northern Ireland Women's Coalition' in Carmel Roulston and Celia Davies, Eds. *Gender, Democracy and Inclusion in Northern Ireland*, York: Palgrave, 2000, 117-137; Margaret Ward, 'Times of transition, republican women, feminism and political representation' in Louise Ryan and Margaret Ward Eds. *Irish Women and Nationalism: soldiers, new women and wicked hags*, Dublin: Irish Academic Press, 2004, 184-201.

⁵ Fionnuala ni Aoláin, *Peace Agreements as a Means for Promoting Gender Equality and Ensuring Participation of Women*, UNDAW, Expert Group Meeting on 'Peace Agreements as a means for promoting gender equality and ensuring participation of women –a framework of model provisions', 10-13 November 2003, Ottawa, Canada.

⁶ When the New Assembly was formed after the Peace Talks this alphabetical arrangement was dropped because the larger parties wished to be seated on opposing sides of the Parliamentary Chamber, following traditional practice. This was seen by many as a step backwards and indeed proved to be the case when it led to adversarial shouting matches between the opposing sides. Information on seating arrangements provided by Monica McWilliams, NIWC leader during the Talks and elected Member to the Assembly, 1998-2003.

⁷ *Irish Times*, March 5 2001.

⁸ *The Agreement: agreement reached in the multi-party negotiations*, 16.

⁹ *A New beginning: Policing in Northern Ireland: The report of the Independent Commission on Policing for Northern Ireland*, Belfast, HMSO The Stationary Office, September 1999, recommendation 112.

¹⁰ Northern Ireland Policing Board, *Annual Report*, 2004.

¹¹ *Irish Times*, Tuesday 9 October 2001.

¹² Judith Eve, John Keanie, Patricia Weir, *Report of Impartial Assessors to appointment of independent members to Northern Ireland District Policing Partnerships*, Northern Ireland Policing Board, 2003.

¹³ Criminal Justice Review, *Implementation Plan*, November 2001, Northern Ireland Office, recommendation 69, p.40.

¹⁴ For more details of the project and for published papers, see <http://www.incore.ulst.ac.uk/research/projects/rwss/>

¹⁵ Hinds and Gray, 11.

¹⁶ Cynthia Cockburn, 'Gender, Armed Conflict and Political Violence', background paper prepared for the World Bank, (Washington DC, June 10/11, 1999) 17. A later version of this paper can be found in Caroline Moser and Fiona Clark, eds, *Victims, Perpetrators or Actors? Gender, armed conflict and political violence* (London, Zed Books, 2001), 13-29.

¹⁷ OSCE Secretary General, *Annual Evaluation Report on the Implementation of the Action Plan for the Promotion of Gender Equality*, 2008.