TALKING POINTS TO ACCOMPANY
AGIPP POLICY BRIEF #4

If Half the Population Mattered:
A Critique of the Nationwide Ceasefire Agreement and
Joint Monitoring Committee Framework from a Gender Perspective
1. OVERVIEW OF POLICY BRIEF:

This fourth policy brief of the Alliance for Gender Inclusion in the Peace Process (AGIPP) analyses the NCA text and Joint Ceasefire Monitoring Committee (JMC) Terms of Reference (TOR), showing how both are missing critical opportunities—indeed, obligations—to incorporate international Women, Peace and Security (WPS) norms and standards that have supported the development of other robust peace processes worldwide. We provide an assessment of these missed opportunities and suggest ways to improve the implementation of the NCA and the operationalisation of the JMC. We do this by examining seven concerns within the NCA text and related examples of ‘suggested rewrites’ of NCA clauses that would substantively include language on gender. Following this, we look at the JMC’s TOR, illustrating ways in which it could be ‘rewritten’ to include a gender lens.
2. KEY MESSAGES TO USE IN YOUR ADVOCACY AND DISCUSSIONS:

NCA analysis from a gender perspective

In 2015, a Nationwide Ceasefire Agreement (NCA) between the Government of Myanmar and the NCCT/SD was signed by eight Ethnic Armed Organisations (EAOs). Despite these advances, the NCA leaves out well-established measures on international Women, Peace and Security (WPS) norms that have had demonstrable impact on other peace agreements worldwide.

Seven points of concern identified in the NCA

1. Lack of reference to international standards
   - The NCA leaves out obligating measures on international Women, Peace and Security (WPS) norms and standards that have had demonstrable impact on other peace agreements worldwide.
   - Peace process stakeholders are not incorporating WPS standards, though global evidence-base shows that gender inclusive peace processes are more sustainable.
   - All parties to the NCA and the peace process more broadly are obligated by CEDAW (articles 7 and 8); CEDAW General Recommendation 30 (articles 42-47); UN Security Council Resolution1325 (preamble and article 2); UNSCR 2122 (articles 1, 4, 7, 7. (b), 8, and 14); UNSCR 2106 (articles1, 5, and 16); however, the NCA makes no mention of these.
   - Recommendation: Integrate international standards into NCA text and implementation mechanisms.

2. Implementation mechanisms exclude women
   - Mechanisms such as the Joint Monitoring Committee (JMC); Union Peace Dialogue Joint Committee (UPDJC); and Joint Implementation Coordination Meeting (JICM), as well as JMCs at the State and local levels have not yet made a commitment to 30% women’s inclusion.
   - It is commonly said by those involved in the peace process that there is a lack of ‘capable women’ available to participate in peace process bodies and mechanisms. This claim is false, when one observes the overtly political and non-rigorous criteria and methods for appointing men to such decision-making roles.
   - Recommendation: Peace process stakeholders should consult AGIPP’s Women’s Bio List to identify ‘capable women.’
3. **Inadequate definition of violence and forms of insecurity**
   - The NCA does not adequately define violence nor reference all forms of violence against women. Instead, it narrowly focuses on ‘sexual violence in conflict’.
   - This narrow focus leaves out the critical necessity of holding perpetrators of violence legally accountable for their crimes.
   - Recommendation: Revise text to include comprehensive definitions of violence against women.

4. **Weak justice and accountability mechanisms**
   - The NCA does not include mechanisms that would secure access to justice and accountability for survivors of GBV perpetrated by state and non-state actors.
   - Recommendation: Integrate the efforts towards strengthening legislation for the prevention of, and response to, violence against women underway in Myanmar—most notably the Protection and Prevention of Violence against Women (PoVAW) Bill—into NCA text and implementation mechanisms.

5. **Limited role for civilian participation**
   - The NCA gives no guidance as to the numbers and ratios of the civilian representatives who will sit on the JMC, thereby diminishing its inclusiveness.
   - Women peacebuilders face threats, and acts of violence directed at women—particularly those working in remote and rural areas—continue with impunity.
   - Recommendation: Ensure NCA implementation mechanisms are fully inclusive of civilian participation.

6. **Lack of reference to female combatants and those supporting fighting forces**
   - Women in Myanmar hold diverse positions in the institutions and processes associated with conflict and peacebuilding. In resistance groups and armed forces, women may serve as soldiers, supporters, and combatants.
   - Female combatants’ contributions to peacebuilding go unrecognized, as power holders within a male dominated political sphere fail to understand their gendered experiences of insecurity.
   - Recommendation: Revise text to include reference to female combatants and those supporting fighting forces.

7. **Lack of gender perspective in reference to initiatives on health, education and livelihoods**
   - Most, if not all armed conflicts lead to the breakdown of public and service provision infrastructure. In Myanmar, women and girls are on the front lines of suffering, as they are forced to bear the brunt of socioeconomic disarray.
   - Recommendation: The NCA should explicitly respond to the demands of this shifting socio-cultural landscape. However, it largely fails to do so.
The JMC TOR from a gender perspective

The Joint Ceasefire Monitoring Terms of Reference were approved at the Second JMC-U meeting held in Naypyidaw on November 17, 2015. The ToR is meant to be used as a guide for the composition, mandate and operations of the still nascent JMC at Union, State and Local levels. The JMC’s Terms of Reference (TOR) is weak, however, in addressing gender inclusion and the contributions women can make to sustainable peace.

Six points of concern identified in the JMC TOR

1. **Lack of attention to quotas on the JMC**
   - All signatories to the 1979 Convention on the Elimination of All Discrimination against Women (CEDAW) agree to institute ‘temporary special measures’, including quotas, to increase women’s participation in public life.
   - Recommendation: The JMC has a rare and important opportunity to institute such measures.

2. **Lack of reference to gender in provision of humanitarian support to IDPs and refugee returnees**
   - In Myanmar, the most vulnerable groups suffering from the absence of educational, health and livelihood access are Internally Displaced Persons (IDPs).
   - Recommendation: The JMC TOR could speak to this issue by including language in its mandate that ensures provisions are made for women facing these precarious situations.

3. **Lack of gender perspective in appointment of international observers and technical support staff**
   - The JMC’s mandate makes mention of the need to include international observers and technical support staff as it becomes operationalized throughout the country at State, Local and Union levels.
   - Details on the work of these international observers and resource persons, however, is lacking in the TOR. Specifically lacking is a gender perspective on the work of international observers.
   - Recommendation: The JMC TOR should include a gender perspective in appointment of international observers and technical support staff.

4. **Lack of specific reference to the inclusion of civilian protection monitoring (CPM)**
   - Recommendation: The JMC TOR should explicitly discuss the inclusion of civilian protection monitoring issues within its mandate, thereby ensuring that women’s needs and experiences of armed conflict do not go un-noticed and un-addressed.
5. Lack of gender perspective in discussion of verification teams

- The mandate section of the JMC TOR includes a discussion of verification teams; their implementation work as well as their make-up. The specific activities and foci of these teams, however, lacks a gender perspective and attention to addressing the needs of women in conflict and post-conflict environments.
- Recommendation: The JMC’s TOR should be amended to include language specifying the importance of this training, and a commitment to ensuring that such training will take place.

6. Lack of gender perspective in discussion of dispute resolution

- Dispute resolution is a contested issue within Myanmar’s conflict environment. One of the reasons for this has to do with the weak legal framework that guides Myanmar’s conflict environment, and the lack of appropriate mechanisms by which to hold perpetrators of sexual and gender-based violence to account.
- Recommendation: The JMC, as the primary mechanism for handling disputes in post-conflict situations, should ensure that women’s needs and experiences are taken into account when working as a mediator to settle disputes.
3. QUESTIONS TO ASK: ETHNIC ARMED ORGANISATIONS, GOVERNMENT OFFICIALS AND OTHER PEACE PROCESS ACTORS

- How will your organisation actively hold peace actors accountable for ensuring that Myanmar’s peace process adhere to the Women, Peace and Security policy agenda?
- What strategies will you use?
- How can organisations work to help the GoM adhere to Myanmar’s obligations under international Convention?
- What can you do to ensure the 30% gender quota is met within Myanmar’s peacebuilding architecture?
- What can your organisation do to ensure that adequate funding, program support and human resources are benchmarked for analysing gender?
- What actions will your organisation take the next 3 months? 6 months? 1 year?
- How can you support the objectives of the Alliance?

Thank you for being an ally of the Alliance, and for championing women’s rights in Myanmar!