

ARE ECONOMIC, SOCIAL AND CULTURAL RIGHTS SIDE-LINED IN PEACE AGREEMENTS? INSIGHTS FROM PEACE AGREEMENT DATABASES

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I.	INTRODUCTION	26
II.	THE CONSTRUCTION OF KNOWLEDGE ABOUT ECONOMIC, SOCIAL, AND CULTURAL RIGHTS IN DATABASES.....	28
	A. <i>How Have Economic and Social Issues and Economic, Social and Cultural Rights Been Addressed in Peace Agreements?..</i>	30
	B. <i>ESCR of Women and Girls in Peace Agreements.....</i>	33
	C. <i>Peace Agreements Databases</i>	34
	D. <i>Definition of Peace Agreements in Databases</i>	36
	E. <i>Inclusion of ESCR in Databases.....</i>	39
	F. <i>Re-Construction of Knowledge on ESCR in Peace Agreements.....</i>	42
III.	LESSONS FROM THE DATABASES ON INCLUSION OF ESCR.....	43
	A. <i>Comparison of Databases on Their Findings on Economic, Social, and Cultural Rights.....</i>	43
	B. <i>Issues and not Rights?</i>	45
	C. <i>General or Detailed?</i>	47
	D. <i>Right to Property.....</i>	48
	E. <i>Changes Over Time?</i>	51
	F. <i>Gender and ESCR in Peace Agreements</i>	53
	CONCLUSIONS.....	55

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ABSTRACT

This article addresses the construction of knowledge in peace agreements focused in particular on practices concerning the inclusion of economic, social and cultural rights (ESCR) as an under-researched category in peace agreement databases and as a contested category in the peacebuilding practices. We argue that what appears to be technical cataloguing varies enormously within the construction of databases and, as a result, the construction of peace 'knowledge' within databases shapes subsequent perception and practice of the degree to which peace agreements include and value (or not) ESCR. This article links the apparently technocratic to the highly charged question of which rights are included and which are not in these databases and what difference these hierarchies and the practice of rights inclusion make to the measured success or failure of peace processes. Moreover, given the 'borrowing' that occurs between peace agreements, it matters significantly in practice that ESCR are projected as central (or marginal) to peace agreement practice.

The article also tracks and analyses significant scholarly and practitioner debates about the inclusion of human rights in peace agreements. In Part I, we examine existing databases evaluating how databases use different methodologies and categories to collect and classify such agreements and reflect on the significance of those practices. We also explore economic, social and cultural categories (and rights) contained in these databases, noting the differences in definitions and classification and assessing the consequences of those differences. These divergences are critical to understanding why ESCR continue to be perceived as marginal to the integrity and success of peace agreements. In Part II, we turn from methodological considerations to the substantive issues that can be gleaned from the databases – especially the preeminent PA-X database – regarding the inclusion of ESCR in peace agreements and the provisions related to women's and girls' rights. Comparing the diverse databases, this article finds that ESCR provisions have not been as frequently used as civil and political rights (CPR) provisions in peace agreements around the world. This lack of inclusion demands further interrogation and understanding, not least to better understand if absence signifies lack of attention or methodological fault lines in 'seeing' the socio-economic dimensions of peace agreement practice, a preference for treating these dimensions as matters of 'development', or a complete absence of attention to economic and social issues in the negotiation of peace settlements. We pay particular attention to the gendered implications of excluding ESCR.

I. INTRODUCTION

Knowledge about peace is, in part, constructed by knowledge about peace agreements. During the last decades, conflict ending sequences have increasingly been driven by concluding formal peace agreements between primary protagonists. As well as being the formal legal documents setting out the basis for political settlement between States or between States and non-

state actors, peace agreements illuminate those issues that are essential to ending violence among parties to conflict. Christine Bell and Sanja Badanjak note that since 1990 over 140 peace and transition processes have been concluded involving more than 1,500 peace agreements.¹ These peace agreements are diverse in type, scope, content, geographic location, actors, stage, and type of conflict. Most set out a road map for post-conflict societal reconstruction along legal, political, and administrative lines. Recognising the relevance of peace agreements as transitional and conflict management devices, peace agreement databases, as a set of data classified according to distinct analysis categories, play an outsized role in shaping what we know to be the priorities and practices of peacemakers.

Using existing peace agreement databases, this article addresses the construction of knowledge in peace agreements focused in particular on practices concerning the inclusion of economic, social and cultural rights (“ESCR”) as an under-researched category in the studies of peace agreement databases and a contested category in the peacebuilding practices. We argue that what appears to be technical cataloguing varies enormously within databases and as a result the construction of peace ‘knowledge’ within databases shapes subsequent perception and practice of the degree to which peace agreements include and value (or not) ESCR. This article links the apparently technocratic to the highly charged question of which rights are included and which are not in these databases and what difference these hierarchies and the practice of rights inclusion make to the measured success or failure of peace processes. Moreover, given the ‘borrowing’ that occurs between peace agreements, it matters significantly in practice that ESCR are projected as central (or marginal) to peace agreement practice.

The article tracks and analyses significant scholarly and practitioner debates about the inclusion of human rights in peace agreements.² In Part I, we examine existing databases that provide scholars and practitioners with substantive details and analysis of peace agreements. We evaluate how databases use different methodologies and categories to collect and classify such agreements and reflect on the significance of those practices. We also explore economic, social and cultural categories (and rights) contained in these databases, noting the differences in definitions and classification and assessing the consequences of those differences. These divergences are critical in our view, to understanding why ESCR continue to be perceived as marginal to the integrity and success of peace agreements.

In Part II, we turn from methodological considerations to the substantive issues that can be gleaned from the databases – especially the preeminent *PA-X* database – regarding the inclusion of ESCR in peace agreements and the provisions related to women’s and girls’ rights. We compare the databases with respect to the number of peace agreements which have included socio-economic provisions. Using the *PA-X* database, we also explore central debates arising from the controversies over the content of the ESCR, utilizing

1. Christine Bell & Sanja Badanjak, *Introducing PA-X: A New Peace Agreement Database and Dataset*, 56 J. PEACE RSCH. 452 (2019).

2. *See generally* CHRISTINE BELL, PEACE AGREEMENTS AND HUMAN RIGHTS (2000).

the right to property as illustrative of core tensions. Our analysis also contains a timeline tracking notable changes in the inclusion of ESCR provisions over the last decades. Comparing the diverse databases, this article finds that ESCR provisions have not been as frequently used as civil and political rights (CPR) provisions in peace agreements around the world in recent decades. This lack of inclusion demands further interrogation and understanding, not least to better understand if absence signifies lack of attention or methodological fault lines in ‘seeing’ the socio-economic dimensions of peace agreement practice, a preference for treating these dimensions as matters of ‘development’, or a complete absence of attention to economic and social issues in the negotiation of peace settlements.

II. THE CONSTRUCTION OF KNOWLEDGE ABOUT ECONOMIC, SOCIAL, AND CULTURAL RIGHTS IN DATABASES

The analysis provided here is novel given the lack of in-depth study on peace agreements databases specifically addressing the capture and analysis of economic, social and cultural rights (ESCR) inclusion in peace negotiations. In general, and regrettably, ESCR continue to be perceived as marginal to the integrity and success of peace agreements, a glaring challenge identified in critical studies of peacebuilding processes. For example, McAuliffe indicates that the outcome of using the *UN peace agreement database* filtering by the category ‘Socio-economic and development issues’ denotes that ‘interestingly, socio-economic and development issues’ were included in 50 per cent of agreements, but this rubric is too vague to lend much analytical purchase”.³ His observations affirm the gap our article identifies between the generic inclusion of social and economic issues in peace agreement practice and subsequent capture of those practices in peace agreement examination, analysis and scholarship.

The scholarly literature examining the construction and significance of peace agreement databases is limited with some notable exceptions. For example, Mallinder and O’Rourke have benchmarked the considerable growth of databases in studies on peacebuilding and transitional justice over the last decade.⁴ Their research confirms that databases have facilitated the analysis, comparison and use of data for addressing large cross-national cases and have the potential to fill significant information gaps in the field.⁵ Thus, databases have evidenced and brought order to a broader panorama of selecting, designing, adopting, and implementing peace provisions and

3. PADRAIG MCAULIFFE, “ Transitional Opportunity? How Peace Negotiations and Power-Sharing Impede Root Cause Approaches” in TRANSFORMATIVE TRANSITIONAL JUSTICE AND THE MALLEABILITY OF POST-CONFLICT STATES 19, 129 (2017).

4. See Louise Mallinder & Catherine O’Rourke, *Databases of transitional justice mechanisms and contexts: Comparing research purposes and design*, 10 INT’L J. OF TRANSITIONAL JUST. 492-515 (2016).

5. *Id.* at 493-94 (2016).

transitional justice mechanisms.⁶ They have revealed patterns and trends in how political contexts shape these processes across regions and time.⁷ They have also enabled hypotheses used in a small subset of cases to be tested on a large scale.⁸ Databases have also provided access to practitioners and policymakers, enabling knowledge exchange and comparison of good (and bad) practice.⁹ These insights provide a basis for peace agreement databases to function as a valuable tool measuring the use of socio-economic and cultural clauses on a large scale.

We have relied upon existing peace agreement databases to analyse the construction of knowledge of economic, social, and cultural rights as they are represented in peace agreements. The construction of knowledge implies a process of evaluation, re-evaluation and debate of knowledge taken for granted, probing how different aspects of our understanding about conflict resolution might be reappraised and altered towards different perspectives, allowing for fresh and complex rethinking of practices we think we know well. This curiosity and determination to explore beyond the mainstream often reveals a transformative potential. Thus, the “possession [of knowledge] is empowering, its deprivation enervating and disabling.”¹⁰ In Audre Lorde’s words “divide and conquer must become define and empower.”¹¹

Part I of this article re-thinks the methodologies that scholars have used to understand and codify the economic, social, and cultural concerns that emerge in peace processes. Drawing on feminist critical analysis to epistemology, Lorraine Code has remarked on the relevance of re-thinking

6. See, e.g. SEAN MOLLOY, EXPLORING POTENTIAL CONNECTIONS BETWEEN PEACE AGREEMENTS AND HUMAN RIGHTS TREATY RATIFICATION (Christine Bell, ed., Political Settlements Research Program, 2020), <https://www.politicalsettlements.org/wp-content/uploads/2020/06/IHRT-Report-DIGITAL.pdf> (last visited 27 June 2022).

7. See R. FORSTER & CHRISTINE BELL, GENDER MAINSTREAMING IN CEASEFIRES: COMPARATIVE DATA AND EXAMPLES (Political Settlements Research Program, 2019), <https://www.politicalsettlements.org/wp-content/uploads/2019/08/PA-X-Spotlight-Interim-Power-Sharing-Digital.pdf> (last visited 27 June 2022).

8. See, e.g., ANDREW ELLIS, THE INTERPLAY BETWEEN POLITICAL AND TECHNICAL FACTORS IN DEMOCRATIC TRANSITION ELECTORAL PROCESSES (Political Settlements Research Program, 2020), <https://www.politicalsettlements.org/wp-content/uploads/2020/04/PA-X-Spotlight-A-Ellis-Policy-Paper-PRINT4-002.pdf> (last visited 27 June 2022).

9. For example, the research team for the Legal Tools for Peace-Making Project (project between academic researchers and the UN) launched the *Language of Peace database* at the United Nations Headquarters in New York on 6 December 2016. According to its creators the database was “designed with the needs of mediators, negotiating parties and researchers in mind, *Language of Peace* is an innovative search engine providing instant access to a rich collection of peace agreements concluded since World War II.” *Language of Peace Database Launched at the United Nations*, UNIV. OF CAMBRIDGE (Dec. 7, 2016) <https://www.law.cam.ac.uk/press/news/2016/12/language-peace-database-launched-united-nations>.

10. LORRAINE CODE, WHAT CAN SHE KNOW?: FEMINIST THEORY AND THE CONSTRUCTION OF KNOWLEDGE, xii (2018).

11. AUDRE LORDE, *The Master’s Tools Will Never Dismantle the Master’s House*, SISTER OUTSIDER: ESSAYS AND SPEECHES, (1979, reprinted 2007).

the construction and growth of knowledge as a transformative process to every aspect of human lives.¹² What “types” of ESCR have been or may be integrated into peace agreements to satisfy ESC demands and needs? Does the incorporation of a language of rights guarantee an adequate framework for the protection and promotion of the needs and claims of social justice, and these rights for women? Has the inclusion of these rights in agreements contributed to transforming ESCR conditions in post-conflict scenarios? These questions require a detailed study on the use and handling of ESCR provisions. Our approach requires an initial characterisation of the differences between the clauses related to certain kinds of rights and an enhanced understanding of their usage in peace agreements and their transformative potential.

This perspective calls for a reengineering process to reveal the lack of due inclusion of ESCR peace provisions as well as the inability to fully ‘see’ their use even when the texts and preoccupations of negotiators bring them (often obliquely) into the text. The approach necessitates promoting these clauses as a critical tool to redress in a myriad of ways the totality of civil, cultural, economic, political, and social injustices of the past influence peace agreements and peace enforcement. As a first step we must know whether ESCR are included or not in peace agreements; but furthermore, we need deeper understanding of how precisely they are included, hidden, or coded in the text. Understanding the complexity and the nature of knowledge production about ESCR in conflicted and transitional spaces is essential to advance deeper engagement with this normative framework in peace negotiations, agreements, and practices.

A. *How Have Economic and Social Issues and Economic, Social and Cultural Rights Been Addressed in Peace Agreements?*

The inclusion of ESCR provisions in peace agreements and their implementation in conflict and post-conflict settings as well as the fundamental transformations of social and economic structures in post-conflict societies remains broadly under-researched.¹³ This lacuna may relate to a ‘chicken and egg’ phenomena – did the deficit of literature come from a lack of inclusion in peace agreements? Or does the insufficiency of literature in part point to a sense that these are less critical rights and political actors feel less pressure to produce them? Historically, human rights and international law scholarship has been dominated by civil and political rights analysis and this has a seepage to other specialized fields including peace

12. Code, *supra* note 10, at 305-313.

13. Wennmann Achim, *Economic Provisions in Peace Agreements and Sustainable Peacebuilding*, 11 *Negotiations* 43-61 (2009). Available at <https://www.cairn.info/revue-negotiations-2009-1-page-43.htm>. See also, PADRAIG MCAULIFFE, “*Transitional justice’s transformative turn: how we got here, what we know and what we don’t*” in TRANSFORMATIVE TRANSITIONAL JUSTICE AND THE MALLEABILITY OF POST-CONFLICT STATES (2017).

treaty and conflict analysis.¹⁴ In turn, civil and political rights related to life, integrity and freedom have been considered as essential aspects to redress the atrocities of the past.¹⁵ Despite the principle of the indivisibility of human rights and the undeniable impact on the enjoyment of all rights in times of conflict, scholars and practitioners in peacebuilding and transitional justice studies have historically downplayed ESCR as appropriate mechanisms and achievable goals in transitions.¹⁶

Mainstream scholarly preoccupations coincide with literature addressing how peacebuilding has been dominated by a liberal peace approach which preferences a particular set of institutions, goals, and practices involved in war-endings.¹⁷ Within this model of peacebuilding, the inclusion of ESCR has been restricted to a liberal conception of human rights signifying civil and political rights as the central focus of negotiations and peace enforcement.¹⁸ In the framework of the analysis about the configuration of peace agreements, diverse studies have identified how peace agreements have been widely characterised as seeking the stabilization of economic markets and economic growth by enabling elite bargaining for the rule of law to be premised upon providing stability and security to foreign investors and powerful diverse actors.¹⁹ Incisive critiques of the inclusion of economic and political issues in multiple peace accords illustrate that transitions have been primarily undertaken to guarantee security measures, power-sharing or bringing an end to the physical violence of armed conflict.²⁰ In a comprehensive study on the protection of economic, social and cultural rights post-conflict, Chinkin remarks how “economic and social rights are perceived as appertaining to development rather than as being central to establishing political stability and security”.²¹ Few peace agreements commit states to addressing the root

14. The Office of the United Nations High Commissioner for Human Rights, *Key Concepts on ESCRs—Are Economic, Social and Cultural Rights Fundamentally Different from Civil and Political Rights?* <https://www.ohchr.org/en/issues/escr/pages/areescrfundamentallydifferentfromcivilandpoliticalrights.aspx>

15. See RUTI G. TEITEL, *TRANSITIONAL JUSTICE* (2000); NEIL J. KRITZ, *TRANSITIONAL JUSTICE: HOW EMERGING DEMOCRACIES RECKON WITH FORMER REGIMES* (1995).

16. Evelyne Schmid & Aoife Nolan, ‘Do No Harm’? *Exploring the Scope of Economic and Social Rights in Transitional Justice*, 8 INT’L J. OF TRANSITIONAL JUST. 362 (2014).

17. Jan Selby, *The myth of liberal peace-building*, 13 CONFLICT, SEC. & DEV. 57 (2013).

18. Amanda Cahill-Ripley, *Reclaiming the Peacebuilding Agenda: Economic and Social Rights as a Legal Framework for Building Positive Peace—A Human Security Plus Approach to Peacebuilding*, 16 HUM. RTS. L. REV. 223 (2016).

19. Chandra Lekha Sriram, *Liberal Peacebuilding and Transitional Justice: What Place for Socioeconomic Concerns?*, 21 GLOB. SOC’Y 579 (2007).

20. McAuliffe, *supra* note 3.

21. Christine Chinkin, *The Protection of Economic, Social and Cultural Rights Post-Conflict*, REPORT COMMISSIONED BY THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS (2008) https://www2.ohchr.org/english/issues/women/docs/Paper_Protection_ESCR.pdf.

causes of conflicts which predominantly include socio-economic deprivations and inequalities.²²

In parallel, peacebuilding studies have demonstrated how peace processes face profound shortcomings in addressing the deep roots of conflicts.²³ Most peace agreements involve elite negotiations driven by privileged economic and political actors and considerations²⁴ rather than being grounded in addressing the underlying causes of the conflicts including structural inequality, inadequate distribution of wealth or land, among other socio-economic causes.²⁵ In response, some scholars and international organisations have re-emphasised the need to address ESCR in peacebuilding and transitional justice.²⁶ Those preoccupations have been reflected in the negotiations ending conflict, with some greater inclusion of rights in the social economic and cultural realm in recent agreements.²⁷

The studies and databases indicate an increasing interest in the inclusion of comprehensive clauses addressing both economic and political aspects as part of numerous peace agreements.²⁸ Despite these shifts, a global understanding of the scope, scale, and inclusion of ESCR remains lacking. The agreements reached are generally not expressed in rights language but are presented as a product of the top-down negotiation tactics used in contemporary peace-making.²⁹ When socio-economic clauses are addressed

22. See LARS-ERIK CEDERMAN, KRISTIAN SKREDE GLEDITSCH AND HALVARD BUHAUG, *INEQUALITY, GRIEVANCES, AND CIVIL WAR* (2013).

23. GLOBAL LAND TOOL NETWORK, *HOW TO DO A ROOT CAUSE ANALYSIS OF LAND AND CONFLICT FOR PEACE BUILDING* (2018) <https://www.landportal.org/library/resources/how-do-root-cause-analysis-land-and-conflict-peace-building> (last visited 27 June 2022).

24. Cristine Bell, “*What we talk about when we talk about Political Settlements Towards Inclusive and Open Political Settlements in an Era of Disillusionment*”, POLITICAL SETTLEMENTS RESEARCH PROGRAMME, PAPER 1 (Sept. 2015). https://www.politicalsettlements.org/wp-content/uploads/2017/09/201509_WP_1_Bell_What-We-Talk-About.pdf (last visited 27 June 2022).

25. Graham K. Brown and Frances Stewart, “*Economic and Political Causes of Conflict: An Overview and Some Policy Implications*” CRISE WORKING PAPER NO. 81 (Feb. 2015). <https://www.almendron.com/tribuna/wp-content/uploads/2016/06/workingpaper81.pdf> (last visited 27 June 2022).

26. Cahill-Ripley, *supra* note 19; Sriram, *supra* note 20.

27. See, e.g., The Juba Agreement for Peace in Sudan between the Transitional Government of Sudan and the Parties to Peace Process (Oct. 2020) (includes the rights of voluntary return, citizenship, identity, participation, ownership, housing and compensation rights for refugees.)

28. UNIVERSITY OF EDINBURGH, PEACE AGREEMENTS DATABASE, <https://www.peaceagreements.org/search> (last visited 16 Oct. 2022) (The *PA-X* database records that 79.31% of the peace agreements between 1990 and mid-2021 have included socio-economic clauses under the categories ‘Socio-economic reconstruction’ and ‘Land Property and Environment’. Similarly, *Language of Peace* database under the category ‘Socio-economic and development issues’ has more than 581 peace agreements with respect to a universe of more than 1,000 peace agreement worldwide).

29. See, e.g., the Belfast/Good Friday Agreement 1998, signed between the British and Irish governments and most of the political parties in Northern Ireland to end the conflict in Northern Ireland, established a section called “Rights, safeguards and equality of opportunity”.

as a negotiation imperative there is a preponderance of focus on humanitarian assistance in the context of humanitarian crisis. More broadly, the mechanisms for transition are often designed to respond to the immediate violent manifestations of the conflict, and legislative and judicial reforms are provided to implement “physical security or electoral machinery rather than to social and economic security”.³⁰ The lack of a comprehensive approach is evidenced in the databases assessed here that track the provisions of peace agreements. Moreover, there is an equal lacuna concerning the relationship between gender and ESCR provisions notwithstanding the greater interest in gender inclusion that has pervaded peace agreement analysis since the inception of the Women, Peace and Security (WPS) agenda in 2000.

B. *ESCR of Women and Girls in Peace Agreements*

As Christine Bell and Catherine O’Rourke indicate, the WPS agenda contained in Resolution 1325 coincides with the post-Cold War period, which has been characterised by a steady growth of peace processes and peace agreements as mechanisms to address violent social conflict worldwide.³¹ Resolution 1325 is the result of women’s transnational mobilization to reaffirm the important role of women in the prevention and resolution of conflicts, peace negotiations, peace-building, peacekeeping, humanitarian response and in post-conflict reconstruction; to stress the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security; and to implement international humanitarian and human rights law to protect women and girls from human rights abuses, including gender-based violence.³² Resolution 1325 has been a crucial tool for women peace activists around the world, seen as a benchmark to assess the inclusion/exclusion of women in conflict resolution, as well as the impact of their participation at different levels, and the outcomes of the strategy in terms of real transformation.³³

Academic and practical assessments of Resolution 1325 have established the unsatisfactory inclusion of women and gender perspective in peace agreements despite references to women rising after the signing of

However, the agreement used the term “economic, social and cultural issues” to refer to socio-economic rights.

30. Chinkin, *supra* note 21, at 8.

31. Christine Bell & Catherine O’Rourke, *Peace Agreements or Pieces of Paper? The Impact of UNSC Resolution 1325 on Peace Processes and Their Agreements*, 59 INT’L & COMP. L. Q. 941, 941 (2010); *see also* S.C. Res. 1325 (Oct. 31, 2000).

32. *See* Fionnuala Ní Aoláin & Nahla Valji, *Scholarly Debates and Contested Meanings of WPS*, in THE OXFORD HANDBOOK OF WOMEN, PEACE AND SECURITY 53, 53-66 (Sara E. Davies and Jacqui True eds., New York: Oxford Univ. Press 2019); *see also* Diane Otto, *The Exile of Inclusion: Reflections on Gender Issues in International Law over the Last Decade*, 10 MELB. J. INT’L L. 1, 6-7 (2009).

33. Christine Bell, *Text and Context: Evaluating Peace Agreements for Their ‘Gender Perspective’* at 3, U.N. WOMEN (2015), https://wps.unwomen.org/pdf/research/Bell_EN.pdf.

UNSC 1325.³⁴ Using the *Gender PA-X* database, our analysis finds that only 25.41% of the cross-national peace agreements have included references to women, their participation, and rights.³⁵ The inclusion of provisions referring to women does not in itself guarantee the effectiveness of women's rights in post-conflict scenarios. In an instructive passage, Bell emphasizes that

[T]his overall pattern of a rise in gender references obscures the huge variation in the scope and depth of those references in terms of whether they indicate any type of 'gender perspective' when the references are examined qualitatively. In terms of identifying good practice, in reality, relatively few agreements in a small number of conflicts show any type of comprehensiveness in their provision for women and gender issues.³⁶

However, as Bell illustrates, inclusion is fundamental in the struggle to recognize women's rights and promote the transformative potential of peace accords.³⁷

The United Nations Security Council, in Resolution 1325, Paragraph 8, calls on all actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective. The Resolution highlights the adoption of a gender perspective regarding the special needs of women and girls in the different stages of the post-agreement era and respecting and protecting their human rights. We draw attention to the fact that the Resolution emphasizes some Civil and Political Rights (CPR).³⁸ We posit that this specific call does not contribute to making the social, economic, and cultural dimension of the rights affected in the post-conflict visible. However, using a comprehensive interpretation of human rights and a holistic understanding of how peace agreements are structured, this article further seeks to analyse the inclusion of ESCR clauses for women and girls in peace agreements.

C. Peace Agreements Databases

We now turn to examine five academic and non-academic databases specifically designed to collect information on peace accords: *Language of Peace*, *Peace Accords Matrix (PAM)*, *UCDP Peace Agreement Dataset (PA_D)*, *Peace Agreements Database PA-X* and *PA-X Women, Girls and Gender (Gender PA-X) Database*. We chose these because they all potentially shed light on ESCR in peace agreements. To identify them we studied the existing cross-national databases of peace agreements, starting

34. Christine Bell & Kevin McNicholl, *Principled Pragmatism and the 'Inclusion Project': Implementing a Gender Perspective in Peace Agreements*, 9 FEMINISTS@LAW 1, 41-42 (2019), <https://journals.kent.ac.uk/index.php/feministsatlaw/article/view/742/1453>.

35. UNIV. OF EDINBURGH: PA-X WOMEN, GIRLS, AND GENDER (PA-X GENDER) DATABASE, <https://www.peaceagreements.org/wsearch> (last visited Sept. 21, 2021).

36. Bell, *supra* note 33, at 17.

37. *See id.* at 3.

38. *See, e.g.*, S.C. Res. 1325 ¶¶ 8(c), 10 (Oct. 31, 2000).

from Mallinder and O'Rourke's comparative study of existing cross-national databases of transitional justice mechanisms and transitional contexts, which included databases focusing on peace agreements.³⁹ We focused on peace agreement databases and excluded from our analysis databases which were created only as repositories (e.g., the *UN Peacemaker database*). There are considerable differences between the databases in terms of temporal coverage, how peace agreements and conflicts are counted and defined, and how some of them have included the gender category (details found in Table No 1). Thus, *Language of Peace* studies the peace agreements from 1975 to mid-2021, *PA_D* also started in 1975 but their data is until 2018, *PAM* from 1989 to 2012, and *PA-X* and *Gender PA-X* from 1990 to mid-2021.⁴⁰ Almost all the databases under study have formal quantitative coding. *PAM*,⁴¹ *UCDP Peace Agreement Dataset*,⁴² *PA-X*⁴³ and *Gender PA-X*,⁴⁴ use verifiable formal processes in codebooks. In the case of the *Language of Peace* database, it does not have a published codebook that gives official definitions of the classifications used. This database uses a *category tree* with a list of the different categories and sub-categories.⁴⁵

The *Language of Peace* database complements and builds on the *UN Peacemaker database*⁴⁶ that lists full-text documents of peace agreements. *Language of Peace* is a joint project of the Lauterpacht Centre for International Law at Cambridge University and the Mediation Support Unit in the UN Department of Political Affairs. This database contains more than a thousand peace agreements, starting from 1945 to the present (mid-2021, *Language of Peace*).⁴⁷ The second database is *Peace Accords Matrix*

39. Mallinder & Rourke, *supra* note 4, at 494.

40. *PA-X* and *Gender PA-X* databases are constantly updated. This article uses their data until mid-2021.

41. Madhav Joshi & Jason Quinn, *Annualized Implementation Data on Intrastate Comprehensive Peace Accords, 1989-2012* at 1-5, J. OF PEACE RESEARCH (last visited June 27, 2022), http://peaceaccords.nd.edu/wp-content/uploads/2019/08/PAM_ID-CODEBOOK-V.1.5-29July2015.pdf [hereinafter *PAM Codebook*].

42. Stina Högladh, *UCDP Peace Agreement Dataset Codebook Version 19.1* at 10, DEP'T OF PEACE AND CONFLICT RESEARCH, UPPSALA UNIV. (last visited June 27, 2022), <https://ucdp.uu.se/downlo-ads/peace/ucdp-codebook-peace-agreements-191.pdf> [hereinafter *PA_D Codebook*].

43. Christine Bell et al., *PA-X Peace Agreements Database and Dataset, Version 4* at 2-12, GLOBAL JUSTICE ACADEMY (last visited June 27, 2022), <https://www.peaceagreements.org/files/PA-X%20codebook%20Version4.pdf> [hereinafter *PA-X Codebook*].

44. *Women and Peace Agreements (PA-X Women) Database Codebook*, UNIV. OF EDINBURGH (last visited June 27, 2022), https://www.peaceagreements.org/files/WGG_codebook_Dec2017_1_.pdf [hereinafter *Gender PA-X Codebook*].

45. This information was provided by the Legal Tools for Peace-Making Team (University of Cambridge) to the authors, dated 7 April 2020 (team project records). The Category Tree is available at <https://www.languageofpeace.org/#/category-tree>.

46. UNITED NATIONS PEACEMAKER, <https://peacemaker.un.org/about-peacemaker> (last visited June 27, 2022).

47. LANGUAGE OF PEACE, <https://www.languageofpeace.org/#/search> (last visited June 27, 2022).

(*PAM*),⁴⁸ hosted by the University of Notre Dame. The *PAM* database differs from the others discussed in this analysis in that it has developed a quantitative methodology to track the progress of peace accord implementation of 34 Comprehensive Peace Agreements negotiated between 1989 and 2012.⁴⁹ Uppsala University has developed the *Uppsala Conflict Data Program (UCDP)* which includes 14 datasets related to peace and conflict studies.⁵⁰ This article explores only the *UCDP Peace Agreement Dataset (PA_D)*. This dataset contains information on a total of 355 peace agreements for the period 1975 to 2018.⁵¹ The University of Edinburgh hosts the *PA-X* website, which includes two databases *Peace Agreements Database PA-X (PA-X)*⁵² and *PA-X Women and Gender Database (Gender PA-X)*.⁵³ These two databases contain 1,915 peace agreements, found in more than 150 peace processes between 1990 and mid-2021.⁵⁴ *Gender PA-X*, using the same universe of agreements, focuses on peace accords which have gender, women, and sexual violence provisions.

D. Definition of Peace Agreements in Databases

It is important to frame our understanding of the work on databases by affirming the knowledge exchange and construction that is enabled by databases, whose foundational terminology is both explanative and constructive of the universe of peace agreements. As noted above, we accept both the logic and value of curating knowledge in these structured and formalized ways but probe the consequences arising from the limits such structures place on our understanding of a particular phenomenon (here peace agreements), as well as in turn functioning to reproduce those limitations in subsequent practice. Observation and organization breed order, but in turn create new boundaries and limitations on both knowledge accumulation and subsequent practice.⁵⁵

There is no authoritative definition of what constitutes a peace agreement. Given that, this article presents the definitions each database operationalizes and uses as a basis for its subsequent cataloguing (Table No 1). Thus, the four databases with formal coding processes establish their own broad definitions of peace agreements. Consequently, the inclusion of accords differs according to the understanding of the term ‘peace process’ and its stages. For example, *PAM* only includes comprehensive peace

48. *PAM* Codebook, *supra* note 41.

49. *See id.* The Kroc Institute at the University of Notre Dame also has the *PAM* database Barometer Initiative for producing regular reports on the status of implementation for all 578 stipulations in the Colombian Peace Agreement of 2016.

50. *PA_D* Codebook, *supra* note 42.

51. *See id.*

52. *PAX* Codebook, *supra* note 43.

53. *Gender PAX* Codebook, *supra* note 44.

54. *PA-X* Codebook, *supra* note 43; *Gender PA-X* Codebook, *supra* note 44.

55. MACARENA GÓMEZ-BARRIS, *THE EXTRACTIVE ZONE: SOCIAL ECOLOGIES AND DECOLONIAL PERSPECTIVES* (2017).

agreements, defined by two dimensions: “the major parties to the conflict were involved in the negotiations that produced the agreement”; and the “substantive issues underlying the dispute were included in the negotiations.” This database recognises all agreements as inclusive accords if they had representation from the main group(s).⁵⁶ For *PA_D*, all peace agreements which concern, manage, or regulate the armed conflict or ‘incompatibility,’⁵⁷ are considered peace agreements. Then, there are various types of peace agreements: full,⁵⁸ partial,⁵⁹ peace process agreements,⁶⁰ and comprehensive peace agreements.⁶¹ The *PA_D*’s term of ‘comprehensive’ describes accords that include all conflict dyads⁶² in the conflict ID as signatories, different from the same term in the *PAM* database. *PA-X* and *Gender PA-X* provide a comprehensive census of peace agreements. According to Bell and Badanjak,⁶³ *PA-X* is a comprehensive database of peace agreements and is inclusive of all agreements in the *PAM* and *PA_D* datasets in its period of study since 1990:

Agreements are included regardless of whether they addressed the incompatibility stated by the parties, including those establishing the negotiation process and those implementing earlier agreements. The definition includes agreements involving the main parties to the main

56. Madhav Joshi & John Darby, *Introducing the Peace Accords Matrix (PAM): a database of comprehensive peace agreements and their implementation, 1989–2007*, 1(2) *PEACEBUILDING* 256, 261 (2013).

57. Armed conflict is defined as “a contested incompatibility that concerns government and/or territory where the use of armed force between two parties, of which at least one is the government of a state, results in at least 25 battle-related deaths in one calendar year.” Department of Peace and Conflict Research, *UCDP Definitions: Armed Conflict*, UPPSALA UNIV., <https://www.pcr.uu.se/research/ucdp/definitions> (last visited Oct. 7, 2022); see also Therése Pettersson & Kristine Eck, *Organized Violence, 1989–2017*, 55, *J. OF PEACE RES.* 535, Appendix I (2018).

58. “A full agreement is an agreement where one or several dyads agree to settle the whole incompatibility.” *PA_D* Codebook, *supra* note 42, at 2.

59. “A partial agreement is an agreement where one or several dyads agree to settle a part of the incompatibility.” *Id.*

60. “A peace process is an agreement where one or several dyads agree to initiate a process that aims to settle the incompatibility.” *Id.*

61. “The peace agreements are also categories between comprehensive peace agreements which include all conflict dyads, and dyadic agreements in which at least one of the warring parties in the conflict is excluded.” *Id.*

62. According to the database: “A dyad is made up of two armed and opposing actors. In state-based conflicts a dyad is defined as two actors, with one or more being the government, that have a stated incompatibility. In a non-state conflict a dyad is constructed by at least two organised actors, of which none is the government of a state, that oppose each other with arms. In non-state conflicts it is possible for an alliance of non-state actors to enter into a dyad with either an opposing group, or an alliance of opposing groups.” Department of Peace and Conflict Research, *UCDP Definitions: Dyad*, UPPSALA UNIV., <https://www.pcr.uu.se/research/ucdp/definitions> (last visited Oct. 7, 2022).

63. Christine Bell & Sanja Badanjak, *Introducing PA-X: A New Peace Agreement Database and Dataset*, 56 *J. OF PEACE RES.* 452, 453 (2019).

conflict, but also those involving smaller violent actors in residual or localised conflicts who may be critical to nationwide peace.⁶⁴

Table No. 1 Period, Number and Definitions of Peace Agreements in Databases

Database	Period	No. peace agreements	Definition of Peace Agreement
Language of Peace	1975-mid-2021	+1,000	N/A. All the peace agreements in the previous UN peace-making database and the inclusion of new ones according to practitioners' intuition. ⁶⁵
Peace Accords Matrix (PAM)	1989-2012	34	Includes only comprehensive peace agreements. They are a written document produced through a process of negotiation. It is comprehensive in two dimensions: 1) the major parties in the conflict are involved in the negotiations process and 2) substantive issues underlying the dispute are included in the negotiation process. ⁶⁶
UCDP Peace Agreement Dataset (PA_D)	1975-2018	365	A peace agreement is a formal agreement between at least two opposing primary warring parties, which addresses the disputed incompatibility, either by settling all or part of it, or by clearly outlining a process for how the warring parties plan to regulate the incompatibility. ⁶⁷
Peace Agreements Database (PA-X)	1990-mid-2021	1,915	Formal, publicly-available document, produced after discussion with conflict protagonists and mutually agreed to by some or all of them, addressing conflict with a view to ending it. ⁶⁸

64. *Id.* at 453-54.

65. Legal Tools for Peace-Making Team, *supra* note 45.

66. PAM Codebook, *supra* note 41.

67. PA_D Codebook, *supra* note 42, at 2.

68. PA-X Codebook, *supra* note 43, at 2.

PA-X Women, Girls and Gender Database (Gender PA-X)	1990-mid-2021	387 on gender	Formal, publicly-available document, produced after discussion with conflict protagonists and mutually agreed to by some or all of them, addressing conflict with a view to ending it. ⁶⁹
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Concerning the type of conflict in play, *PA-X* and *Gender PA-X* have four categories: interstate conflicts; interstate/mixed or intrastate conflict, whose major components originate within existing (de-facto or legal) state borders; intrastate, agreements relating to intrastate conflict, refers mainly to conflicts within a state's borders; and intrastate local, the agreements are related to or an intrastate conflict, but are aiming to resolve local, rather than conflict-wide, issues.⁷⁰ *PA-X* and *Gender PA-X* also include a variable that provides information on the stage of the peace process that the agreement is signed. There are seven main stages: pre-negotiation/process; substantive-comprehensive; substantive-partial; implementation/renegotiation; renewal; ceasefire/related; other.⁷¹ Unlike *PAM*, the implementation stage in *PA-X* does not refer to the success in implementing an accord. *PA-X* incorporates agreements aiming to implement an earlier agreement. The implementation category has four sub-categories: implementation modalities (e.g., timetables); mechanisms for support for implementation (e.g., peacekeeping); substantive extending (e.g., new or outstanding issues or new parties); and any other agreement that predominantly addresses implementation but does not fit into any other category.⁷²

E. Inclusion of ESCR in Databases

We now turn to address how the databases have included the acknowledgement and regulation of ESCR in peace accord provisions. Our approach here grounds ESCR in the framework of international human rights standards, which is not necessarily the approach taken by the databases' authors. Thus, our analysis is rooted in an understanding of rights enforcement with an iterative and institutional backbone, which affirms both core and shared legal understandings of these rights "as" rights, which is moved by positive developments in the articulation and enforcement of rights and is responsive to the interplay between national and international law. It is not clear that the database approach is grafted to international human rights law's understanding nor is responsive to the fast-evolving terrain of social and economic rights enforcement. The difference to both positionalities is

69. The PA-X Women, Girls, and Gender Database is a sub-database of all the agreements included in PA-X database which include an explicit reference to women, girls and gender, with searchable sub-categories. About this database, see <https://www.politicalsettlements.org/research/pax-women/>.

70. Bell & Badanjak, *supra* note 63, at 456-58.

71. Bell & Badanjak, *supra* note 63, at 454-55.

72. Bell & Badanjak, *supra* note 63, at 456.

considerable in identifying what rights “count,” how they “count,” and measuring how they are to be protected and entrenched.

Language of Peace and *PA-X* contain ‘socio-economic rights’ as a legal category. Even though *Language of Peace* does not provide formal definitions, there is a category with the ‘Economic, Social and Cultural Rights’ label⁷³, while *PA-X* refers to the rights and obligations in its definition.⁷⁴ Likewise, *PA-X* provides a catalogue of specific socio-economic rights. It includes health, shelter/housing, property, education, social security, work, cultural rights, an adequate standard of living and “other.”⁷⁵

Understanding the importance of categories and their construction is critical to our analysis of the technical production and influence of these databases. Feminist scholars have long observed that the technical construction of knowledge is never merely technical but functions to shape our understanding of knowledge itself.⁷⁶ The way knowledge is divided and conquered can limit or expand the core elements of knowledge itself, and categorization functions not only to describe phenomena as they are but how to construct them. For this reason, we think it matters that those foundational rights going to the heart of protecting human dignity sit in some universe of analysis (and legality) and not others in peace agreement databases. Thus, for example, *PAM* and *Gender PA-X* have related development and socio-economic conditions.⁷⁷ *Language of Peace* also has the category of socio-economic and development issues.⁷⁸ In all these cases, the main classification is understood as development provisions in which socio-economic issues are involved. In the case of *Gender PA-X*, under the category of development, there are sub-categories of socio-economic services to health and education.⁷⁹ Treating these issues as matters of development (or services) rather than rights is important; rights differ from development or services in terms of normative content, judicial exposition, and practical enforcement (particularly across regional human rights systems). The choice to place certain provisions in the ‘development’ box is a choice that can directly function to limit the status of that right in perception and in enforcement, one that may not appear obvious in the technical exercise of relegating rights to certain ‘boxes’ over others. It also contributes to the reproduction of ESCR exclusion in peace agreement practice.

For its part, *PA_D* does not have any category addressing social and economic rights. It focuses on categories such as interim government, elections, power-sharing in government, political provisions, amnesties, release of prisoners, national reconciliation, return of refugees and gender.⁸⁰

73. Category Tree, Legal Tools for Peace-Making Team, *supra* note 45.

74. PA-X Codebook, *supra* note 43, at 45.

75. PA-X Codebook, *supra* note 43, at 45-46.

76. Heidi Grasswick, *Feminist Social Epistemology*, STAN. ENCYC. OF PHIL. (Edward N. Zalta ed., 2006, updated 2018), <https://plato.stanford.edu/entries/feminist-social-epistemology/>.

77. PA-X Codebook, *supra* note 43, at 2 & 53.

78. Category Tree, Legal Tools for Peace-Making Team, *supra* note 45.

79. Gender PA-X Codebook, *supra* note 44, at 9-10.

80. PA_D Codebook, *supra* note 42, at 5, 7-8.

There is a reference to regional development, but it refers to the events in which the agreement granted the disputed region, rather than to a notion of socio-economic development or rights.⁸¹

Table No. 2 ESCR Provisions in Peace Process According to Databases

Database	Period	ESCR
Language of Peace	1975-mid-2021	There is an 'Economic, Social and Cultural Rights' category. There is also another similar reference: 'Socio-economic and development issues.'
Peace Accords Matrix (PAM)	1989-2012	N/A. There is a 'socio-economic development' category. It is explained as reforms or programs aimed at improving the economic and social development of the nation or areas of the nation.
UCDP Peace Agreement Dataset (PA_D)	1975-2018	No socio-economic category under any similar topic.
Peace Agreements Database (PA-X)	1990-mid-2021	The main category is Human Rights and Equality. 'Socio-economic rights' is a sub-category. The peace agreement includes any mention of socioeconomic rights, the usage of "language of rights or obligation" in general terms, or mention of specific socio-economic rights as rights. This category is further split into subcategories that identify the type of socio-economic rights that are mentioned in the peace agreement: right to property, work, health, education, adequate standard of living, shelter/housing, social security, cultural life, and others.
PA-X Women and Gender Database (Gender PA-X)	1990-mid-2021	N/A. Under the category 'development' this database has considered the sub-categories of education, health, and reproductive rights. For example, as regards Education: the agreement mentions

81. PA_D Codebook, *supra* note 42, at 6.

	<p>women (or girls), with reference to education, including provision of education or special measures for education, including all forms of formal and informal training and education.</p> <p>Health: when a peace agreement contains references to women's health (including responding to malnutrition).</p> <p>Reproductive rights: when the agreement contains any references to reproductive rights and restrictions.</p>
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Analysing existing databases reveals that the ESCR category continues to be an under-specified and under-determined topic. Only two (*PA-X* and *Language of Peace*) out of the five databases have incorporated this as a stand-alone category. In the case of *Gender PA-X* and *PAM*, they have a diverse approach involving socio-economic conditions as sub-categories of development. As mentioned above, these two databases have specific objectives. Namely, *Gender PA-X* is designed to collect agreements which have provisions on women, gender or sexual violence, and *PAM* is aimed at providing follow-up to the implementation of peace accords. In this regard, these two tools cannot provide comparable general analysis in the same way as *PA-X* and *Language of Peace*.

F. Re-Construction of Knowledge on ESCR in Peace Agreements

So, in brief, only two (*PA-X* and *Language of Peace*) out of the five databases have incorporated the socio-economic category as rights and have also identified and classified other socio-economic issues. In the case of *Gender PA-X* and *PAM*, both have a diverse approach involving socio-economic conditions as sub-categories of development, while *PA_D* did not consider them under any classification.

This small number of sources for analysing and comparing affirm that ESCRs continue to be an under-theorized and assessed category. Likewise, in database practice, the content of the ESCRs are distributed in indistinct categories of rights, including development, reconstruction/infrastructure, or general requirements on economic or social affairs like taxation, banks, business, or humanitarian assistance. The limited coverage or capture of ESCRs (as rights generally or distinctly) in most of the databases may reflect a relative lack of traction for these issues, either among peace negotiators or database creators. But in our view, the capture 'gap' is important as it appears that the practice of databases fails to capture the totality of peace agreement content in database form. Recurring lack of ESCR identification suggests that economic, social, and cultural issues are systematically captured under

“policy” or “services” provisions, instead of adequately included in a normative framework that implies the responsibility of the actors involved, accountability, and eventual sanction in case of non-compliance.

When ESCR are included, there are assorted approaches to the identification of the bundle of rights that make up the category. Some of these rights are left out (but not in consistent ways) or are not categorised as rights when included. As a result, it becomes hard to track the ESCR provisions and patterns which impedes accessible knowledge to practitioners and policymakers in the field, as well as further academic analysis.

The inconsistency of categorisation underscores the challenges of cohesive approaches to what constitute ESC rights in peace agreement practice. Having discussed the existing databases and their methodological approaches to ESCR, the second part of this article assesses what can be learned about the inclusion of ESCR provisions in peace agreements according to the databases.

II. LESSONS FROM THE DATABASES ON INCLUSION OF ESCR

A. *Comparison of Databases on Their Findings on Economic, Social, and Cultural Rights*

This section explores the number of peace accords which have socio-economic provisions according to their explicit database framings. We start with analysis of the number of clauses included in each database per specific socio-economic right. Focusing on the *PA-X* database as the one with the most detail on ESCR, we tackle the broader comparison of inclusion of CPR versus ESCR. We then follow on the division between broad identification of issues and rights, the level of detail provided, a narrowing in on the right to property, and then we assess the evolution of socio-economic provisions in peace accords throughout the last three decades.

PA-X registered 1,523 cross-national (interstate/intrastate conflict(s) and intrastate/intrastate conflict(s))⁸² peace agreements between 1990 and mid-2021. Using the category of human rights and equality and filtering by the socio-economic rights sub-category, *PA-X* returns 128 agreements.⁸³ It means, within the frame of this database, that in the peace accords benchmarked only 8.40% contain socio-economic rights clauses. If the search is narrowed to comprehensive/substantive agreements⁸⁴, *PA-X* found 88 peace treaties; of these, 38 agreements mention socio-economic rights. This indicates that in final accords agreed by the parties in an armed conflict to

82. Following discussion with Prof. Bell and Dr. Sanja Badanjak, we decided to limit search to these categories to avoid over-counting agreements and to focus on peace accords at the cross-national level.

83. This universe of 128 agreements includes the four ceasefire agreements, which have included ESCR provisions.

84. *PA-X* Codebook, *supra* note 43, at 7 (“Agreements that concern parties that are engaged in discussion and agreeing to substantive issues to resolve the conflict and appear to be set out as a comprehensive attempt to resolve the conflict.”).

resolve significant conflict ending or transition issues, the percentage including socio-economic provisions recorded is significantly higher at 43.1%.

Assessing the type of socio-economic rights involved in peace provisions, *PA-X* reveals that the right to property is the most frequently identifiable sub-category, followed by the right to work and education, while the right to social security has the least invocation. When filtered by comprehensive/substantive agreements, the adequate standard of living is the least mentioned; the right to property remains the most included right.

Table No. 3 Human Rights Provisions in Peace Agreements: *PA-X* and *Language of Peace Database*

Databases	Selected Categories	Selected Issue	Selected Sub-Issues	Number of Agreements	Number of Comprehensive/Substantive Agreements
PA-X (1990-mid 2021)	Human Rights and Equality	Socio- Economic Rights	Health	33	22
			Shelter/ Housing	25	15
			Property	76	30
			Education	45	25
			Social Security	24	16
			Work	46	22
			Adequate Standard of Living	26	12
			Cultural Rights	52	21
			Other	40	20
		Total ESCR Agreements		128	38
Total Civil and Political Rights Agreements	-	268	55		
Language of Peace (1975-mid 2021)	Human Rights	Total ESCR Agreements	-	49	-
		Total Civil and Political Rights Agreements	-	165	-

Having the same universe of cases and filtering by the civil and political rights category, *PA-X* located 268 agreements. Thus, 140 more agreements have references to CPR than ESCR at the global level. Although it is slightly more than double ESCR clauses in *PA-X*, CPR only reach 17.5% of provisions in the peace agreements in the world according to this tool. Regarding the 88 comprehensive/substantive treaties agreed to in the world, *PA-X* indicates that 55 agreements include CPR provisions, which is 62.5%. This is a more substantial inclusion of CPR human rights provisions in final peace agreements.

In the case of *Language of Peace* analysing the category ‘Human Rights,’ this database indicates 165 peace agreements addressing CPR and only 49 addressing ESCR. In *Language of Peace*, we cannot calculate the percentage of civil and political clauses concerning the universe of peace agreements, but in having more than 1,000 peace agreements in the dataset human rights provisions are significantly lower in comparison.

These results confirm the assumption with which this article began: ESCR have been overlooked in peace practices in general. The agreements in the total list of *PA-X* agreements are approximately twice as likely to mention civil and political rights. The disparity is not so great among comprehensive/substantive agreements, though there is still a significant disparity with nearly 50% more.

B. *Issues and not Rights?*

In the *Language of Peace* database, the universe of agreements is more than 1,000 peace accords agreed to between 1975 and mid-2021; the number of agreements filtered by Human Rights and Economic, Social, and Cultural Rights is 49 agreements. Unlike *PA-X*, it is not possible to calculate percentages on specific issue inclusion due to a lack of formal coding on the variables. However, using the *Language of Peace* as a data resource to explore socio-economic issues, it illustrates the minimal references to these rights found in practice. *Language of Peace* also contains the category “socio-economic and development issues” and its sub-categories: general references to socio-economic development, property rights and reform, social services and housing, health services, education and science, cultural heritage, and environment, among others.⁸⁵ While it is not possible to analyse the totality of differences between the content of all these categories, it is plausible to claim that socio-economic issues have been linked to the peace process without them being necessarily integrated as rights. In these cases, the number of agreements is substantially higher than the agreements including clear human rights provisions.

85. Specifically, the sub-categories are: Natural Resources and Wealth Sharing, Infrastructure, Transport and Communications, Reconstruction and Development, Economic Activities, Water, Tackling Poverty, Involvement of Civil Society, Media Regulation, and Public Awareness.

Table No. 4 Socio-economic issues and ESCR in *Language of Peace* and *PA-X*.

Database	Category	Sub-categories	Number of agreements
Language of Peace	Socio-Economic and Development Issues	General References to Socio-Economic Development	136
		Property Rights and Reform: Land Rights and Other Property Issues	169
		Social Services and Housing	124
		Health Services	143
		Education and Science	188
		Cultural Heritage	98
		Environment	107
		Water	90
		Total	581
	ESCR Agreements	-	49
PA-X	Socio-Economic Reconstruction	Multiple Sub-Categories ⁸⁶	831
	Land, Property, and Environment	Pastoralist/Monadism Rights	24
		Land Reform/Rights	185
		Cultural Heritage	198
		Environment	161
		Water or Riparian Rights or Access	132
	Total	377	
ESCR Agreements	See Table No.3	128	

Similarly, in *PA-X* there are considerable numbers of agreements dealing with economic, social, and cultural matters beyond the spectrum of ESCRs between 1990-mid 2021. These include, for instance, 185 agreements with mentions of land reforms/rights, 132 agreements that mention water or riparian rights or access, and 831 agreements that mention socio-economic reconstruction. This suggests a greater willingness to address economic,

86. These multiple sub-categories, labeled “issue[s],” include “Development or socio-economic reconstruction,” “National economic plan,” “Natural resources,” “International funds,” “Business,” “Taxation,” and “Banks.”

social, and cultural issues using a development or services approach rather than a human rights-based one.

C. *General or Detailed?*

When it comes to mentions of ESCR, as recorded in *PA-X*, there are differences in terms of the level of generality of the language used. Some peace agreements, effectively the majority, use relatively generic language when referencing these kinds of rights. As other commentators have noted, peace agreements (like many treaty productions) are defined by the language of ‘constructive ambiguity,’⁸⁷ leaving space for protagonists to sign agreements in situations of deep and profound division, thereby enabling further negotiations on tough issues or creating a gap in violence to enable the development of trust and governance to overcome divisions.⁸⁸ That noted, we point out that in respect of ceasefire provisions, governmental arrangements, and rights protection there is evidenced practice in specificity of obligations, outcome, monitoring, and results.⁸⁹ Clearly, such specificity is not consistently applied to ESCR. When found, we argue that the specificity is far more likely to lead to meaningful enforcement and point toward the need for normative specificity in peace treaty negotiations across all rights, not only civil and political rights.

Of the 26 mentions of the right to an adequate standard of living made in the *PA-X* database at the time of this writing, several are markedly vague or general. The 2003 proposed Sri Lanka agreement, which addresses human rights issues relating to the peace process, generically lists “the right to an adequate standard of living including adequate food, clothing and housing” amidst a list of ESCR to be promoted.⁹⁰ The 2001 transitional constitution of Burundi is even more general in its reference to “economic, social and cultural rights indispensable to the dignity and to the free development of the person.”⁹¹

Other texts are more detailed and include specific references to relevant issues. The 2016 Colombian Final Agreement provides detail on specific aspects of the right to an adequate standard of living. It identifies the right to

87. See Christine Bell & Kathleen Cavanaugh, *Constructive Ambiguity or Internal Self-Determination? Self-Determination, Group Accommodation, and the Belfast Agreement*, 22 *FORDHAM INT’L L.J.* 1345, 1356 (1999).

88. See, e.g., U.N. Secretary-General, *Declaration of Principles on Interim Self-Government Arrangements*, U.N. Doc. A/48/486-S/26560 (Oct. 11, 1993).

89. See, e.g., Belfast Agreement, IE-U.K., at 20, Apr. 10, 1998, Cm 3883 (noting that the parties to the agreement have committed “to continue to work constructively and in good faith with the Independent Commission, and to use any influence they may have, to achieve the decommissioning of all paramilitary arms within two years following endorsement in referendums North and South of the agreement and in the context of the implementation of the overall settlement.”).

90. Ian Martin, *Human Rights Issues Relating to the Peace Process*, para. 7 (Mar. 19, 2003).

91. Promulgating the Transitional Constitution of the Republic of Burundi Oct. 28, 2001, Law No. 1/017, art. 42.

nutrition as part of a comprehensive rural reform and links this to wider structural issues like the development of road infrastructure,⁹² subsidized credit for small producers to purchase land,⁹³ and access to other conditions including irrigation, housing, technical assistance, and marketing.⁹⁴

At the most detailed end of the spectrum is one of the more recent inclusions: the sections of Northern Ireland's New Decade, New Approach document that deal with cultural rights and in particular language rights.⁹⁵ This includes four pages on an Office of Identity and Cultural Expression, an Irish Language Commissioner, and another commissioner to enhance the "Ulster Scots / Ulster British" tradition. While detailed, it is also noticeable that these commitments have only been legislated for in Fall 2022,⁹⁶ which frames our broader contention about the lack of direct implementation for social and economic rights protections in post-conflict settings, with the attendant consequences for the durability of the peace over the long-term.

D. Right to Property

The inclusion of the right to property in the category of economic, social, and cultural rights in the *PA-X* database is striking, given that mentions of this right are more frequent than other more typical ESCR. Excluding property in database assessment means that the number of agreements mentioning ESCRs drops from 128 to 105, and mentions in comprehensive agreements drop from 38 to 35.

Property is a controversial right in the context of conflict and post-conflict settings, not least because land and property ownership or denial is often at the heart of claims to discrimination, inequality, and exclusion from the body politic, which has led to sustained violence.⁹⁷ While mentioned in the Universal Declaration of Human Rights, the right to property was not included in either of the two 1966 covenants, highlighting its contested nature.⁹⁸ Property rights have also been associated with long-standing feminist contestation about gender equality and the rights of women to

92. Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace, Colom.-FARC-EP, art. 1.3.1.1, Nov. 24, 2016, <https://www.peaceagreements.org/wview/1845/Final%20Agreement%20to%20End%20the%20Armed%20Conflict%20and%20Build%20a%20Stable%20and%20Lasting%20Peace>.

93. *Id.* at art. 1.3.3.3.

94. *Id.* at art. 1.3.4.

95. New Decade, New Approach, Ir.-N. Ir.-U.K., para. 25-27, Jan. 9, 2020, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/856998/2020-01-08_a_new_decade__a_new_approach.pdf.

96. Identity and Language (Northern Ireland) Bill 2022: <https://bills.parliament.uk/bills/3168/publications>.

97. See generally Anna Jarstad, *Peace, Development, and the Unresolved Land Issue in South Africa*, 16 J. OF PEACEBUILDING & DEV. 107, 107-11 (2021).

98. Rhoda E. Howard-Hassmann, *Reconsidering the Right to Own Property*, 12 J. OF HUM. RTS. 180, 181 (2013).

equally own and alienate property.⁹⁹ These issues are deeply felt in post-conflict societies given the gendered costs of conflict and the emergence of single-headed female households at the end of hostilities, whose access to property is disputed or limited by pre-existing patriarchal structures.¹⁰⁰

This analysis raises some fundamental questions as to whether the inclusion of a right to property plays a similar role to that of other ESCR when embedded in peace agreements. Property protection might rightly be seen as protecting existing property of privileged elite actors against state interference, and in that sense seems better classified as a classic liberal civil or political right. This construction of land/property protection in peace agreements holds with key cases of transition, particularly in Colombia.¹⁰¹

The right to property is, in one sense, a classic civil and political right.¹⁰² In that framework, it is not concerned with the broader socio-economic scope of the right. Assessing references to the right to property in the complete *PA-X* listing, we have examples of limited transformative scope. On the right to property, the 1994 Agreement between Russia and Moldova provides, “Persons included in the composition of the Russian Federation Military Units, and members of their families shall have the right to dispose of any property they own at their discretion.”¹⁰³ A similarly limited reference is found in the 2008 Agreement between the U.S. and Iraq on the withdrawal of U.S. Forces: “The United States Forces may not search houses or other real estate properties except by order of an Iraqi judicial warrant and in full coordination with the Government of Iraq, except in the case of actual combat operations conducted pursuant to Article 4.”¹⁰⁴ Both of these are limited in the sense that they protect existing property holdings from state interference, but are not designed to engineer more transformative outcomes.

Nonetheless, even such a limited conception has been helpful in achieving change. In the case of South Africa, protection of property rights has been key to bringing along people who would otherwise resist and spoil

99. See generally Lena Halldenius, *Mary Wollstonecraft's Feminist Critique of Property: On Becoming a Thief from Principle*, 29 *HYPATIA* 942, 942-57 (2014).

100. See generally FIONNUALA NÍ AOLÁIN, DINA FRANCESCA HAYNES, & NAOMI CAHN, *ON THE FRONTLINES: GENDER, WAR AND THE POST-CONFLICT PROCESS* (2011).

101. See Jairo Baquero Melo, *Regional Challenges to Land Restitution and Peace in Colombia: The Case of the Lower Atrato*, 10 *J. OF PEACEBUILDING & DEV.* 36, 39-40, 44-47 (2015); Meghan Morris, *Property in Transition: Legal Fantasies, Land “Reforms,” and Contracting Peace in Colombia*, 124 *AMERICAN ANTHROPOLOGIST* 53, 53-55, 59-61 (2021); Claire Wright, Bill Rolston & Fionnuala Ní Aoláin, *Navigating Colonial Debris: Structural Challenges for Colombia's Peace Accord*, 1 *PEACEBUILDING* 1, 9-14 (2022).

102. See J.W. HARRIS, *PROPERTY AND JUSTICE* 4, 13-14 (1996).

103. Agreement Between the Russian Federation and the Republic of Moldova Regarding the Legal Status, Procedure and Period for the Withdrawal of the Russian Federation Military Units/Formations, Temporarily Situated in the Territory of the Republic of Moldova, *Mold.-Russ.*, art. 14, Nov. 2007.

104. Agreement Between the United States of America and the Republic of Iraq on the Withdrawal of United States Forces from Iraq and the Organization of Their Activities During Their Temporary Presence in Iraq, *Iraq-U.S.*, art. 22(5), Nov. 2008.

peace processes.¹⁰⁵ Even here, protecting the transition continues to cause tension and instability as demands for property redistribution continue to persist in the post-Apartheid era.¹⁰⁶ Nonetheless, some still assert that property rights are more transformative than conservative in particular conflict or transitional settings.¹⁰⁷ For example, this right can be considered as an essential mechanism to protect or return territory of a victimised community, or to acknowledge the integrity of prior claims to property and theft by previous regimes, as well as to give indirect protection to other ESCR like the right to food, culture, water, or education.¹⁰⁸

Significantly, in peace-making that emerges from previously colonized societies, ownership of property is invariably tied up with dispossession, disenfranchisement, and coercion; in these contexts, we sometimes find more transformative invocations of property or land rights.¹⁰⁹ For example, the 1995 Guatemalan Declaration on the Identity and Rights of Indigenous People contains a detailed section on land rights of indigenous peoples and non-indigenous peasants.¹¹⁰ This recognises the long-standing problems securing the legal entitlements of these groups to land and the legislative and administrative reforms required to address such gaps.¹¹¹ Several of the agreements in the Philippines also specify the importance of protecting indigenous property rights.¹¹² The 2011 Doha Document for Peace in Darfur links ESCR to processes to promote welfare and economic growth, including mechanisms on the utilisation of land and natural resources that would respect principles of sustainability and consultation.¹¹³ Finally, in Colombia, the peace agreement with the FARC in 2016 integrated a comprehensive rural reform, which sought to stimulate the titling, restitution, and equitable

105. Matthew Evans, *Structural Violence, Socioeconomic Rights, and Transformative Justice*, 15 J. OF HUM. RTS. 1, 10, 13-14 (2015).

106. Mahmood Mamdani, *Why South Africa Can't Avoid Land Reforms*, N.Y. TIMES, June 17, 2019, at 1-3.

107. See Frank I. Michelman, *Liberal Constitutionalism, Property Rights, and the Assault on Poverty*, 22 STELLENBOSCH L. REV. 706, 706-07, 716 (2011). *But see* Sanele Sibanda, *Not Quite a Rejoinder: Some Thoughts and Reflections on Michelman's "Liberal Constitutionalism, Property Rights and the Assault on Poverty"*, 24 STELLENBOSCH L. REV. 329, 330, 332, 340 (2013).

108. See generally Jon D. Unruh & Musa Adam Abdul-Jalil, *Housing, Land and Property Rights in Transitional Justice*, 15 INT. J. OF TRANSITIONAL JUST. 1, 1-6 (2021); see generally Juan Carlos Ochoa-Sánchez, *Economic and Social Rights and Transitional Justice: A Framework of Analysis*, 18 J. OF HUM. RTS. 522, 522-542 (2019).

109. See Claire Wright, Bill Rolston & Fionnuala Ní Aoláin, *Navigating Colonial Debris: Structural Challenges for Colombia's Peace Accord*, 1 PEACEBUILDING 1, 8-10, 12-13 (2022).

110. U.N. Secretary-General, *The Situation in Central America: Procedures for the Establishment of a Firm and Lasting Peace and Progress in Fashioning a Region of Peace, Freedom, Democracy and Development*, at 14-16, U.N. Doc. A/49/882, S/1995/256 (Apr. 10, 1995).

111. *Id.*

112. See, e.g., Framework Agreement on the Bangsamoro: Annex on Power Sharing, Phil.-MILF, para. 30, Dec. 8, 2013, <https://www.peaceagreements.org/view/868>.

113. See Doha Document for Peace in Darfur, Sud.-DRA, art. 16, July 2011, https://unamid.unmissions.org/sites/default/files/ddpd_english.pdf.

distribution of lands by guaranteeing progressive access to rural property to those who live in the countryside.¹¹⁴

Yet, it is worth observing that the protection of property rights in peace agreements sits uncomfortably with the notion of the right to property as a liberal protective practice. In many such contexts, the underlying claims in the peace agreement demand a redistributive or transformative engagement with the ownership of and access to property.¹¹⁵ Hence, the fundamental tension persists about how and to what degree one calibrates the right to property with the wheel-house of ESCRs when assessing the transformative aspect of its inclusion within peace agreements.

E. Changes Over Time?

A relevant dimension of studying the evolution of socio-economic rights in peace practices is the analysis of quantitative data of peace treaties over the previous decades. *PA-X* has records since 1990, and because other databases do not have the socio-economic rights variable our analysis uses only the *PA-X* tool, which reviews the last 30 years ending in 2019.¹¹⁶

Table No.5 Universe of Agreements and Agreements with ESCR Provisions Per Year 1990-2019. *PA-X* Database.

Year	Total Agreements	Agreements with ESCR Provisions	Year	Total Agreements	Agreements with ESCR Provisions	Year	Total Agreements	Agreements with ESCR Provisions
1990	42	1	2000	55	3	2010	27	4
1991	78	5	2001	57	4	2011	47	3
1992	78	3	2002	50	3	2012	56	9
1993	85	3	2003	51	4	2013	34	5
1994	88	11	2004	44	7	2014	50	5
1995	60	4	2005	27	7	2015	46	2
1996	59	12	2006	58	10	2016	41	4
1997	70	2	2007	30	1	2017	29	0
1998	51	1	2008	54	4	2018	20	2
1999	76	3	2009	32	2	2019	14	2
Total	687	45		458	45		364	36

114. See U.N. Secretary-General, *Letter dated 29 March 2017 Addressed to the President of the Security Council*, at 9-29, U.N. Doc. S/2017/272 (Apr. 21, 2017); see also Ben M. McKay, *Democratizing Land Control: Towards Rights, Reform and Restitution in Post-Conflict Colombia*, 39 CANADIAN J. OF DEV. STUD. 163, 164-65 (2017).

115. Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace, Colom.-FARC-EP, art. 1, Nov. 24, 2016, <https://www.peaceagreements.org/wview/1845/Final%20Agreement%20to%20End%20the%20Armed%20Conflict%20and%20Build%20a%20Stable%20and%20Lasting%20Peace>.

116. As mentioned, *PA-X* has data until mid-2021. However, we have only used data up until the end of 2019 for accuracy in the calculations and analysis.

When analysing the peace agreements during the 1990s, only 6.55% of them integrated socio-economic provisions (broadly defined). In the 2000s, 229 fewer treaties were agreed to than during the 1990s; the number of socio-economic clauses remained unchanged. In the last decade, fewer agreements and socio-economic rights provisions were included than in the other two periods.

PA-X found 88 comprehensive agreements between 1990 and 2019. In the 1990s, 10 comprehensive agreements out of 34 included ESCR provisions, or 29.41%. In the 2000s, the number of ESCR provisions increased significantly in comprehensive agreements at 51.51%. However, these numbers decreased to 36.36% in the last decade for this type of treaty.

Table No.6. Universe of Comprehensive Agreements (CA) and Comprehensive Agreements with Socio-Economic Rights Provisions (CA + ESCR provisions) Per Year 1990-2019. *PA-X* Database.

Year	CA	CA + ESCR Provisions	Year	CA	CA + ESCR Provisions	Year	CA	CA + ESCR Provisions
1990	2	0	2000	3	2	2010	0	0
1991	5	2	2001	5	2	2011	5	2
1992	3	1	2002	2	0	2012	1	1
1993	5	2	2003	5	2	2013	2	2
1994	7	2	2004	2	2	2014	1	0
1995	3	1	2005	7	4	2015	5	1
1996	2	1	2006	6	4	2016	3	1
1997	1	0	2007	1	1	2017	0	0
1998	4	0	2008	0	0	2018	4	1
1999	2	1	2009	2	0	2019	1	0
Total	3	10		33	17		22	8

This data pinpoints a greater degree of attention being paid to economic, social, and cultural rights since the 1990s, even if the total numbers and percentages remain relatively low.¹¹⁷ This may reflect the reaffirmation and implementation of the principle of indivisibility of all human rights in the Vienna Declaration and later measures such as the highlighting of economic, social, and cultural rights by human rights entities, including the Office of the

117. See generally ROSALIND SHAW & LARS WALDORF, LOCALIZING TRANSITIONAL JUSTICE: INTERVENTIONS AND PRIORITIES AFTER MASS VIOLENCE 1-368 (2010); see generally Sriram, *supra* note 19, at 579-91.

High Commissioner for Human Rights.¹¹⁸ In parallel, during this time period, we have also observed greater attention being given to the enforceability of economic, social, and cultural rights with the adoption of the Optional Protocol to ICESCR.¹¹⁹

F. Gender and ESCR in Peace Agreements

This section explores how the databases have referenced women and girls and socio-economic rights in coding peace agreements. The insufficiency of literature on economic, social, and cultural provisions in peace agreements is aggravated into a complete absence of studies on ESCR for women and girls in post-conflict settings. This section focuses on exploring the inclusion of provisions that contain specific clauses for women and girls regarding these types of rights.

There are two sub-categories of socio-economic provisions in the *Gender PA-X* database: education and health. According to the codebook for education, “if the agreement mentions women (or girls), with reference to education, including provision of education or special measures for education, including all forms of formal and informal training and education, the value on this variable is 1.” For the health category, “when a peace agreement contains references to women’s health (including responding to malnutrition), this variable takes the value of 1.”¹²⁰ Searching the universe of agreements at any stage of the peace process that has included gender clauses, this database displays 371 peace accords between 1990 and mid-2021. Filtering by cross-national agreements (interstate/intrastate conflict(s) or intrastate/intrastate conflict(s)), *Gender PA-X* referred to 286 peace agreements in which the gender/women/girls category had been included.

In terms of education provisions, *Gender PA-X* identifies 29 relevant agreements. In the case of health, there are 32 agreements, of which 13 of these conflicts overlap indicating a particularly progressive correlation across these two rights in a sub-section of peace agreements. Overall, of the

118. Off. of the High Comm’r for Hum. Rts. (OHCHR), Key Concepts on ESCRs – Are Economic, Social and Cultural Rights Fundamentally Different from Civil and Political Rights?, <https://www.ohchr.org/en/human-rights/economic-social-cultural-rights/escr-vs-civil-political-rights> (last visited Oct. 19, 2022).

119. See U.N. Comm. on Econ., Soc. and Cultural Rts. (CESCR), General Comment No. 3: The Nature of States Parties’ Obligations (Art. 2, Para. 1, of the Covenant), U.N. Doc. E/1991/23 (Dec. 14, 1990), <https://www.refworld.org/docid/4538838e10.html>, (explaining the nature of States Parties’ obligations); see also *Catholic Archdiocese of Alba Iulia v. Romania*, No. 33003/03, Eur. Ct. H.R. (2012) (ruling on a violation of Article 1 of Protocol No. 1); see also *Ashby, Donald and Others v. France*, No. 36769/08, Eur. Ct. H.R. (2013) (giving consideration to freedom of expression, access to culture, copyright infringement, and the protection of property, the latter enshrined in Article 1 of Protocol No. 1); see also *İrfan Temel and Others v. Turkey*, No. 36458/02, Eur. Ct. H.R. (2009) (violation of Article 2 of Protocol No. 1 on account of the suspension of eighteen students from university for two terms as a disciplinary measure for having requested the introduction of optional Kurdish language classes in the university).

120. Gender PA-X Codebook, *supra* note 44, at 9.

agreements including specific gender, only 10.13% of women and girls' provisions have included education, and 11.18% of health clauses.

Table No. 7 Number of Agreements with Gender Provisions and Inclusion/Exclusion ESCR Clauses in Databases.

Databases	Gender/ Women Category	Number of Peace Agreements on Gender	ESCR Rights Category
Language of Peace	Gender issues	161	Yes, but it cannot be crossed with the Gender category
Peace Accords Matrix (PAM)	No	-	No. PAM includes other ESCR concerns
UCDP Peace Agreement Dataset (PA_D)	Gender and women	105	No
Peace Agreements Database (PA-X)	Gender/women/ girls	387	Yes
PA-X Women and Gender Database (Gender PA-X)	Gender/women/ girls	387	Included into other ESCR concerns: Development/health and education

It is notable that *PA-X* enables different types of search processes, which is not only significant as a technical matter but the categorization produced enables us to better assess the intersectional scope of peace agreements (as well as the limitations of those same agreements). For example, this overlap is illustrated by using the category “gender/women and girls” with the ‘and’ function to include the socio-economic rights and results in eight ESCR sub-categories structured by both gender and social and economic rights. For its part, *Language of Peace* has five different sub-categories to analyse gender issues: gender, equality, and non-discrimination; violent human rights violations toward women; the inclusion of women; utilising expertise of women in specific areas; and specific focus areas regarding women. These categories are not narrowly related to ESCR, but nonetheless have significant practical and conceptual overlap with the experience of the enjoyment of

ESCR. As the CEDAW Committee has affirmed,¹²¹ women's experience of discrimination is directly related to their economic and social capacities. When women experience intimate partner or other forms of violence, their capacity to enjoy other rights is severely limited or restricted. So, while these sub-categories are not per se economic and social rights related, the overlap is significant and material.

There is a compelling need to rethink the categories of social, economic, and cultural rights as they intersect with the protection of the rights of women and girls within existing peace agreement databases, as well as peacebuilding and transitional justice studies more broadly. A transformative gender perspective allied with an understanding of the essential relationship of gender equality with ESCR would advance the methodological rethink that this article envisages to unpack some of the fault lines we see in existing database knowledge construction. This involves broadening what we understand as ESCRs in peace agreement practice, including recognizing that existing peace agreement provisions function as placeholders for social and economic rights and understanding that for historically marginalized groups (women) the indivisibility of rights is not only rhetorically powerful but absolutely vital to the redemption of any rights-based work in conflict transition.

CONCLUSIONS

This article has identified several structural methodological issues that concern the construction of knowledge of ESCR in the five databases under study. These methodological challenges have several detrimental consequences. They may distort or limit what we know about the inclusion of ESCR in peace agreements. Additionally, the construction of knowledge about databases through peace agreements may function to limit the expansion of ESCR as the borrowing practices through databases use of peace agreements during real-time peace negotiations distorts the understanding of what can be mainstreamed and achieved in peace agreements. We find that an in-depth discussion on what has been and may be included in peace agreements in ESCR terms is not only critical and necessary to substantially reframing the methodologies used in peace agreement analysis, but also to engage substantively with what can be achieved in peace negotiations when it comes to the inclusion of social and economic rights. This critical work enables greater advocacy and knowledge exchange on peace agreement practice and would enable stakeholders engaged in a peace process through preparation or actual negotiations to have a greater range of solutions and possibilities open to them.

To this end, database construction and use requires a methodological revision focused on the construction of knowledge concerning ESCR, including their use for promoting women's and girls' rights and their

121. Comm. on the Elimination of Discrimination against Women (CEDAW), General Recommendation No. 35 on Gender-Based Violence against Women, Updating General Recommendation No. 19, para. 12, CEDAW/C/GC/35 (July 26, 2017).

relevance in transforming post-conflict scenarios. Using a feminist critical analysis to epistemology and deconstructing the assumption of knowledge on these rights and the relationship between them opens a deeper discussion about the ways in which we know what we know in this field. It also allows for meaningful challenges to dominant ideas and assumptions about the inclusion of socio-economic rights in peace process negotiations. This challenge implies an evaluation of the process of constructing ESCR categories and sub-categories in databases and critical analysis of their findings. Following Code, we call for constructive chaos in this process that requires “plurality of methods and methodologies, ambiguity in theoretical conclusions, differences that refuse the reductivism of universality and univocity” in improving our knowledge of ESCR in practice.¹²²

The research underpinning this article also confirms our initial assumption that the inclusion of ESCR provisions have traditionally been downplayed in peace agreements. Comparing the inclusion of CPR versus ESCR confirms that the former is more likely to be found in peace agreements. Language that leans to the recognition of economic and social issues abounds, but these matters are often framed as development related issues rather than in terms of rights. Likewise, it is striking that the number of agreements that refer, or are catalogued as referring to, human rights is surprisingly low, at least from the perspective of human rights lawyers. In the total universe of 1,523 agreements, fewer than 20% have mentions of the more common civil and political rights, and 8.40% for economic, social, and cultural rights. When it comes to comprehensive peace agreements though, there is a greater prevalence – 62.5% mention civil and political rights, while 43.1% mention socio-economic rights. Our research found that the disparity between the inclusion of CPR and ESCR is possibly even more important because the most included ESCR is the right to property, but we problematize whether this right fits into the ESCR category at all.

We use this database deconstruction to trigger a wider conversation among scholars and practitioners on how we reflect on and analyse the inclusion of ESCR in transition, premised on our view of their fundamental and essential necessity to transformative outcomes in deeply divided and violent societies. Thus, by paying close attention to what has been constructed as the broader universe of knowledge on peace agreements, we urge critical thinking and greater methodological transparency in the counting of such rights and in weighing how they appear (or not) in the peace-treaty universe. We conclude that while the task of inclusion clearly falls upon political negotiators, the task of translating their efforts should not reproduce unnecessary hierarchies or ambiguities.

122. Code, *supra* note 10, at 318.