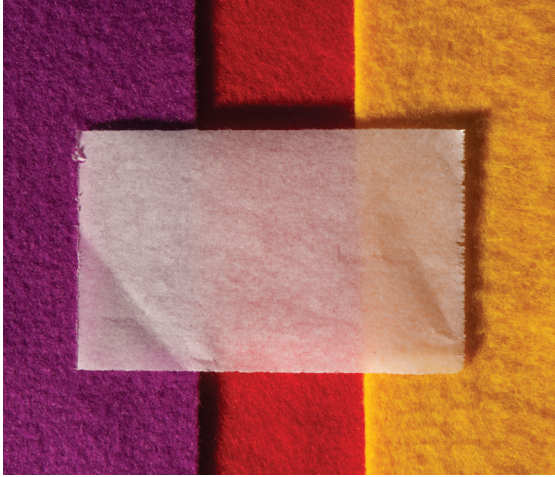




PA-X RESEARCH REPORT



Peace Agreements and Persons with Disabilities

Sean Molloy



This research draws on the PA-X Peace Agreements Database (www.peaceagreements.org), a database of all peace agreements at any stage of the peace process from 1990 to 2018. The database is fully searchable and supports both qualitative and quantitative examination of peace agreements.

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Contents

| | |
|--|----|
| Executive Summary | 01 |
| <hr/> | |
| Key Findings | 02 |
| 1. Provisions Addressing Non-Conflict Related Disability | 03 |
| 1.1 Humanitarian Assistance and Protection | 03 |
| 1.2 Political Inclusion and Empowerment | 05 |
| 1.3 Provisions on Socioeconomic Empowerment | 11 |
| <hr/> | |
| 2. Disability Arising from Conflict | 19 |
| 2.1 Reintegration and Rehabilitation | 20 |
| 2.2 Support to Persons with Disabilities and Families | 22 |
| 2.3 Compensation and Reparations | 23 |
| 2.4 Funding | 24 |
| <hr/> | |
| 3. What Can We Learn from Peace Agreement Provisions Addressing Persons with Disabilities? | 25 |
| <hr/> | |
| 4. What are the Limitations and Difficulties? | 27 |
| 4.1 Few Agreements Have Actually Addressed Disability | 27 |
| 4.2 Peace Agreement Provisions Can Perpetuate Discrimination | 28 |
| 4.3 Defining Disability | 30 |
| 4.4 The Details of Inclusion Matter | 32 |
| 4.5 Lack of Intersectionality | 33 |
| 4.6 An Omission of the Local | 34 |
| <hr/> | |
| Conclusion | 35 |
| Key Resources | 36 |
| Peace Agreements Appendix | 37 |
| References | 42 |
| <hr/> | |

Executive Summary

Persons with disabilities routinely face discrimination, marginalisation and isolation in all contexts. The effects are exacerbated in situations of emergency or armed conflict, where persons with disabilities are at increased risk of acute harm, gross human rights violations, and serious violations of international humanitarian law (Francis 2019; Berghs and Kabbara 2016; Kerr 2013). According to Priddy (2019), armed conflict has a particularly devastating and disproportionate impact on persons with disabilities, in all phases of conflict and its consequences: for persons in conflict zones; for those fleeing conflict; and for those in post-conflict situations or dealing with the aftermath of conflict.

The devastating and disproportionate impact of conflict on persons with disabilities has been recognised recently in the form of United Nations Security Council Resolution 2475 (UNSCR 2475, 20 June 2019). Amongst other things, the Resolution stresses the disproportionate impact of armed conflict and related humanitarian crises on persons with disabilities, and the overall responsibility of parties to armed conflict to protect civilians. It also recognises the importance of contributions by persons with disabilities to, among other things, conflict prevention, reconstruction, peacebuilding, and addressing the root causes of conflict.

This report contributes to ongoing efforts to recognise and support those with disabilities during and after conflict by examining the extent to which peace agreements include provisions addressing them as a group. Peace agreements are 'formal, publicly available documents, produced after discussion with conflict protagonists and mutually agreed to by some or all of them, addressing conflict with a view to ending it' (Bell and Badanjak 2019: 2). Peace agreements have the potential to help address the marginalisation and discrimination faced by persons with disabilities prior to and during conflict as well as those that have disabilities because of conflict. At their core, peace agreements are both backwards and forwards looking: they seek to end violence, but also to ensure a sustainable peace and transformed society by addressing those issues that caused conflict in the first place and flowed from conflict as a result (Easterday 2014, Bell 2008). As such, peace agreements can also help create environments where persons with a disability are empowered and fully integrated into post-conflict societies.

Key Findings

Peace agreements address contain different types of provisions addressing persons with disabilities. in different ways. They cover two broad categories They cover two broad categories: persons with disabilities that pre-existed conflict; and those with disabilities because of conflict. Section 1 of this report examines provisions addressing non-conflict-related disabilities. These provisions cover protection and humanitarian assistance, political inclusion, and socioeconomic empowerment. Section 2 examines provisions addressing persons with disabilities as a result of conflict. These provisions address reintegration and rehabilitation, social support for victims and their families, compensation and reparations, and issues pertaining to funding these efforts.

Peace agreement provisions help to map salient issues relating to inclusion and empowerment of persons with disabilities during transitions from conflict to peace. To this end, Section 3 considers what lessons peace agreement provisions regarding persons with disabilities offer about promoting and realising empowerment in broader peacebuilding efforts. At the same time, the same provisions also demonstrate drawbacks with how persons with disabilities are addressed in peace agreements and peacebuilding more generally. Section 4 considers a number of limitations associated with how those forging peace agreements have sought to include provisions on persons with disabilities.

Terminology

Throughout this report, we have tried as much as possible to refer to 'persons with disabilities'. Often, peace agreements have not paid attention to terminology, and use terms that are increasingly considered inappropriate such as 'the disabled', or 'disabled persons'. To reflect source texts, where we are quoting directly from peace agreements or the work of others, for accuracy and ease of reading we have left these terms as they appear in their original form without any qualification. This should not be taken as approval for those terms.

Part 1:

Provisions Addressing Non-Conflict Related Disability

Conflict can disproportionately affect persons with disabilities that pre-existed conflict. Peace agreements can include provisions on protection and humanitarian assistance during conflict. They can also seek to include and empower persons with disabilities politically, in terms of contributions to the peace process, in political institutions, and in terms of participation in democratic processes. In addition, peace agreements can also include provisions on socioeconomic inclusion and empowerment.

1.1. Humanitarian Assistance and Protection

During conflict, persons with disabilities can be the subjects of targeted killings, used as human shields, and unable to access humanitarian assistance (Priddy 2019). Women with disabilities are at higher risk of experiencing sexual violence. Persons with disabilities are more likely to be victims of violence or rape, and less likely to obtain police intervention, legal protection, or preventive care (UN, date unspecified).

In the context of fleeing conflict, refugees and internally displaced persons face exclusion from basic services (Twigg 2014). Refugee and displacement camps and facilities lack formal and comprehensive procedures to identify all refugees with disabilities and 'consequently, fail to provide them with protection and essential services, such as shelter and medical care that are accessible and responsive to their needs' (Priddy 2019; Berghs 2013).

To an extent, these immediate dangers are reflected in peace agreements. Humanitarian provisions, when included, are often difficult to decipher from longer-term programmes focused on rehabilitation but can be differentiated based on their short-term and imminent nature. As an example, the 2002 [Angolan Government's Peace Plan](#) stipulates that:

The consolidation of peace requires timely and effective action in tackling the immediate effects of war on the most affected strata of the population, working to make humanitarian assistance reach all needy people, without discrimination. Within this context, the government is preparing an Emergency Programme to support the ... reintegration of 100,000 disabled people (13 March 2002).

Other agreements include provisions for necessary medical assistance (Kenya, [Kenya National Dialogue and Reconciliation: Public Statement](#), 4 February 2008, art. 1) and relief packages for those with disabilities (Nepal, [The Seven Point Agreement](#), 1 November 2011, art. 5).

Alongside humanitarian assistance, peace agreements also include provisions on protecting persons with disabilities from experiencing conflict. These provisions reflect the potential for ongoing unrest, irrespective of the signing of an accord. In the Democratic Republic of Congo (DRC), for instance, one agreement provides for the cessation of 'acts of violence, abuse, discrimination and exclusion, of any kind, against the civilian population... disabled persons' (DRC, [Acte d'Engagement, Nord Kivu](#), 23 January 2008, art. 3). Another recommends that parties 'denounce all forms of violence specifically perpetrated against women and children, the elderly and persons living with a handicap' (DRC, [Intercongolese Negotiations: The Final Act \('The Sun City Agreement'\)](#), 2 April 2003, art. 28). In Yemen, an agreement includes a provision that 'The State shall commit to providing necessary protection to women, children and persons with disabilities during and after armed conflicts and other violent cases as well as exceptional cases in accordance with the international humanitarian law' ([National Dialogue Conference Outcomes Document](#), 25 January 2014, art. 61). Similarly, in the Philippines, the [Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law between the Government of the Republic of the Philippines and the National Democratic Front of the Philippines](#) (16 March 1998), underlines the right of children and the disabled to protection, care, and a home (especially against physical and mental abuse), prostitution, drugs, forced labour, homelessness, and other similar forms of oppression and exploitation (Article 2 (24)).

1.2. Political Inclusion and Empowerment

The majority of peace agreement provisions addressing persons with disabilities focus on the period after the signing of an accord. In post-conflict scenarios, persons with disabilities are routinely denied access to justice, including access to effective remedies and reparation for violations carried out during the conflict (see Soldatic and Grech 2014). This is often an extension of the marginalisation endured prior to and during conflict. As such, they also risk exclusion from peacebuilding and post-conflict reconstruction, both in its design, substance, and execution (Portero and Bolaños Enríquez 2018). UNSCR 2475 notes explicitly the importance of including persons with disabilities in peace processes and post-conflict efforts (see Box 1). To this end, peace agreements can also seek to facilitate the inclusion of persons with disabilities politically. This inclusion covers involvement in the broader peace process and peace agreement implementation. Provisions also address inclusion in political institutions and efforts to facilitate participative democracy.

1.2.1. Inclusion in Peace Processes

A number of agreements seek to ensure the inclusion of persons with disabilities in the peace process. Some provisions are general. Parties commit, for instance, to 'Protect... the disabled and the sick... involving them in... peace efforts' ([African Great Lakes, Dar-Es-Salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region](#), 20 November 2004, art. 27).

Other agreements envision a more proactive contribution and involvement of persons with disabilities. As an illustration, an agreement from Nigeria commits parties to 'Improve representation of, amongst others, persons with disability in efforts to address inter communal conflict' ([Kafanchan Peace Declaration between Grazers and Farmers](#), 23 March 2016, Article iii). In Colombia, the [Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace](#) (24 November 2016) provides that:

The country's desire to achieve a stable and long-lasting peace is based on the recognition of the need to overcome the armed conflict. The National Government and the new political movement that emerges from the transition of the FARC-EP to legal political activity undertake to promote a National Political Pact from the regions, with the aid of... disabled people... (art. 3.4.2).

Similarly, in Nigeria, parties commit to '[e]nsure the inclusion and active participation of women, youths, and persons with disability in all peace processes' ([Kafanchan Peace Declaration, The Southern Kaduna State Inter-communal Dialogue](#), 23 March 2016, art. 1(d)).

Box 1: Extracts from United Nations Security Council Resolution 2475 (UNSCR 2475)

Preamble

Recognising the critical contributions of persons with disabilities and their representative organizations to conflict prevention, resolution, reconciliation, reconstruction, peacebuilding and addressing the root causes of conflict, and in this regard, stressing the importance of sustained consultation and dialogue between persons with disabilities, including their representative organizations, and humanitarian organizations and national and international decision makers...

Para 6. Urges Member States to enable the meaningful participation and representation of persons with disabilities, including their representative organizations, in humanitarian action, conflict prevention, resolution, reconciliation, reconstruction and peacebuilding, and to consult with those with expertise working on disability mainstreaming.

Other agreements include provisions to 'consult' with various constituents about an accord, including persons with disabilities (Kenya, [Nakuru County Peace Accord](#), 19 August 2012, art. 1).

Beyond inclusion and consultation, peace agreements can seek to prioritise the implementation of aspects of an agreement that target persons with disabilities. For example, an agreement in Uganda commits those responsible for overseeing the execution of the agreement to 'monitor the implementation of specific clauses on children, women and persons with special needs contained in this Agreement' (Uganda, [Agreement on Disarmament, Demobilization and Reintegration, Juba, Sudan](#), 29 February 2008, art. 3). Another agreement provides that all bodies implementing the agreement establish 'internal procedures and arrangements for protecting and ensuring the participation... of persons with disabilities' (Uganda, [Annexure to the Agreement on Accountability and Reconciliation](#), 19 February 2008, art. 24). In South Sudan, the 2017 [Agreement on the Cessation of Hostilities, Protection of Civilians and Humanitarian Access](#) stipulates that in the implementation of the Agreement, consideration is to be given to 'the special protection needs of women, girls and those with special needs' (21 December 2017, art. 5).

Other agreements include provisions for mechanisms tasked with developing specific aspects of an agreement, which can make provisions for the involvement of persons with disabilities (see Bell and Pospisil 2018 on the importance of ongoing peace process mechanisms). For instance, in South Sudan an agreement provides that:

In order to ensure quality of participation and inclusiveness in the reformulated Constitution review process, the composition of the reconstituted NCRC shall include but not be limited to representatives of the RTGoNU, Political Parties, faith-based groups, women groups, youth, ethnic minorities, representatives of the private sector, CSO groups, academics, people with special needs and other professionals. The process of appointment shall be as defined in the reviewed and enacted legislation governing the constitution-making process (South Sudan, [Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan \(R-ARCSS\)](#), 12 September 2018, art. 6.14).

Others focus more specifically on persons with disabilities by creating mechanisms or processes designed to ensure their inclusion. For example, in Yemen, an agreement provides that '[t]o ensure access of persons with disabilities to all rights and freedoms, the State shall organize a national conference on disability every two years. Representatives of all stakeholders in disability shall be invited to the conference to discuss trends, procedures, and policies relating to persons with disabilities' ([National Dialogue Conference Outcomes Document](#), 25 January 2014, art. 171).

1.2.2. Inclusion in State Institutions

Beyond efforts to facilitate inclusion in the peace process, peace agreement provisions can also provide for the inclusion of persons with disabilities in state institutions post-conflict. For instance, in Afghanistan, an agreement commits to promoting 'inclusivity', with particular attention to women and youth, and persons with disabilities, for state institutions and agencies, including key judiciary and local administrative posts' ([Agreement between the two campaign teams regarding the structure of the national unity government](#), 21 September 2014, art. page 3). The peace agreement constitution of Nepal encourages parties filing candidacy for both the House of Representatives and the Provincial Assembly to ensure the representation of persons with disability ([Constitution of Nepal 2015](#), 20 September 2015, arts. 84 and 176). Elsewhere, an earlier agreement in Nepal encourages parties 'to ensure proportional representation and partnership of ... disabled people and minority communities... who have been excluded for generations in all organs and levels of government and in power structures, mechanisms and resources' (Nepal, [Agreement between the GoN and Madheshi Janadhikar Forum](#), 30 July 2007, art. 4).

In some cases, quotas are used to facilitate inclusion of persons with disabilities. In the Philippines, the [1996 Final agreement on the implementation of the 1976 Tripoli Agreement between the Government of the Republic of the Philippines \(GRP\) and the Moro National Liberation Front \(MNLF\)](#) stipulates that '[t]here shall be sectoral representatives in the Legislative Assembly whose number shall not exceed fifteen percent (15%) of the total number of elected Members of the Legislative Assembly coming from, amongst other, disabled community' (2 September 1996, art. 25). In this case, a cap is placed on participation but nevertheless highlights the importance of inclusion of persons with disabilities. By contrast, other agreements include a minimum requirement. In Yemen, for instance, an agreement stipulates that the state shall commit to urge persons with disabilities to participate in political life and public jobs in the State and decision-making positions in at least 10% of such positions ([National Dialogue Conference Outcomes Document, 25 January 2014](#), art. 192).

Peace agreements can also create institutions designed to promote the rights of persons with disabilities. These can be created as state mechanisms. An example is the Department of Martyrs and Disabled in Afghanistan, created under the [Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions \('Bonn Agreement'\)](#) (5 December 2001). Similarly, in Nepal, an agreement outlines that:

The Government of Nepal may constitute such commissions as may be required for the protection and promotion of the rights and interests of various sectors including women, Dalit, indigenous peoples, Madhesi, disabled, labours or farmers. The provisions relating to the formation, functions, duties and powers of such commissions shall be as determined by law (Nepal, [Nepal Interim Constitution](#), 15 January 2007, art. 154).

Beyond inclusion at the national level, there are also a few references to inclusion at local government level. As an illustration, the 2006 agreement from Nepal entitled the [Local Peace Council and its Procedure-2006](#) states that:

The Local Peace Council shall be inclusive in nature with the representation of Seven Political Parties that are in Government, other parties having representation in the parliament, women, professional organizations, civil society, social organization, indigenous and ethnic groups, disabled persons, Dalits, Madhesi and the victims of the conflict as well. Moreover, representatives of the CPN (Maoists) shall also be included on the basis of consensus (1 September 2006, art. 3.3).

Overall, however, there is often little regard to political inclusion at sub-national levels.

1.2.3. Participative Democracy

The above provisions are likely to benefit only a limited number of persons with disabilities, albeit helping to increase the likelihood of putting issues concerning persons with disabilities on the agenda. Beyond this, peace agreements can also attempt to promote inclusion in ways likely to have a wider impact on political inclusion. One is to address those obstacles that can stifle the voice of persons with disabilities in democratic processes.

In Cambodia, for instance, the 1991 [Agreement on a Comprehensive Political Settlement of the Cambodia Conflict \(Framework for a Comprehensive Political Settlement of the Cambodia Conflict or Paris Accords\)](#) stipulates that 'voting will be by secret ballot, with provision made to assist those who are disabled or who cannot read or write' (23 October 1991, Annex 3 Elections, art. 8). In the DRC, under the [Global and Inclusive Political Agreement of the Inter-diocesan Center of Kinshasa](#) (31 December 2016), parties agree to '[t]ake into account the specific needs of vulnerable groups, particularly people with reduced mobility, the blind, albinos, the elderly and pregnant women, when they register and go to vote, giving them priority of access' (art. IV6(2)(k)). This agreement further requires that the blind be accompanied by a trustworthy guide in order to help them vote for the candidates of their choosing (Ibid). In Myanmar, a slightly different approach is adopted. Here, provisions directly prohibit efforts to take advantage of persons with disabilities particularly 'deceiving or exercising any form of pressure on voters with special needs, illiterate voters or those voters with limited capacity, or resorting to abuse of power to restrict voters' freedom of choice' (Myanmar, [Code of Conduct for political parties and candidates](#), 26 July 2015, art. 5).

1.3. Provisions on Socioeconomic Empowerment

Persons with disabilities routinely face discrimination and isolation in all contexts. While the effects are exacerbated in situations of emergency or armed conflict, where persons with disabilities are at increased risk of acute harm (Francis 2019; Berghs and Kabbara 2016; Kerr 2013), these practices are often an extension of the marginalisation and discrimination experienced prior to conflict.

Peace agreements, alongside provisions that seek to politically empower persons with disabilities, can attempt to address the wider socioeconomic context within which discrimination and marginalisation occurs. This has involved both reducing discriminatory practices and policies as required by UNSCR 2475 (Box 2), while at the same time requiring governments to enact positive and progressive programmes. Discussed below are provisions that target non-discrimination, education, employment, and social security.

Box 2: Extract from United Nations Security Council Resolution 2475 (UNSCR 2475)

Para. 7. Emphasizes the importance of building capacity and knowledge of the rights and specific needs of persons with disabilities across United Nations peacekeeping and peacebuilding actors and urges Member States to play a central role in this regard...

1.3.1. Non-Discrimination

The most numerous peace agreement provisions on persons with disabilities are those addressing discrimination (see Box 3). In seeking to address discrimination, peace agreements can point to existing laws, asking that they are used to ensure equal treatment of all groups including 'the elimination of inequalities and discrimination against any individual or group of persons on the ground of disability' (Uganda, [Agreement on Comprehensive Solutions between the Government of the Republic of Uganda and the LRA/M](#), 2 May 2007, art. 5). Alternatively, references to international law are often used to promote law reform and commitments to equality and non-discrimination at the domestic level. For instance, an agreement in Sudan requires that 'The State shall provide maternity, child care and medical care for pregnant women, children in need, persons with special needs and the elderly, in line with regional and international instruments ratified by the GoS' (Sudan, Darfur, [Darfur Peace Agreement](#), 5 May 2006, Art 3. (28) (d)). Similarly, in Yemen, the [National Dialogue Conference Outcomes Document](#) (25 January 2014) underlines the salience of '[a]lignment between international conventions and national legislations to ensure the rights of women, children and persons with disabilities during armed conflicts, wars, others violent situations and extraordinary situation' (art. 62).

Box 3: Non-Discrimination Provisions

Burundi, [Constitution of 18 March 2005](#), 18 March 2005, art. 22:

All citizens are equal before the law, which assures them an equal protection. No one may be subject to discrimination notably because of their origin, of their race, of their ethnicity, of their sex, of their color, of their language, of their social situation, of their religious, philosophical or political convictions or because of a physical or mental handicap or because they are carriers of the HIV/AIDS or of any other incurable disease.

[cont'd]

Burundi, Constitution de transition du 28 octobre 2001, 28 October 2001, art. 23: All women and all men are equal in dignity, rights and duties. No one may be discriminated against, notably because of origin, race, ethnicity, sex, colour, language, social situation, religious, philosophical or political convictions, a physical or mental handicap, or for being a carrier of HIV/AIDS. All citizens are equal before the law, which ensures them equal protection.

Ireland, United Kingdom, (Northern Ireland), Joint Declaration by the British and Irish Governments, 1 April 2003, annex 3, art. 1:

In the Agreement, the parties affirmed their commitment to the mutual respect, the civil rights and the religious liberties of everyone in the community, and affirmed in particular:

...

the right to equal opportunity in all social and economic activity, regardless of class, creed, disability, gender or ethnicity.

Nepal, Constitution of Nepal 2015, 20 September 2015, art. 18:

(2) There shall be no discrimination in the application of general laws on the grounds of origin, religion, race, caste, tribe, sex, physical conditions, disability, health condition, matrimonial status, pregnancy, economic condition, language or geographical region, or ideology or any other such grounds.

art. 24:

(1) No person shall be treated with any kind of untouchability or discrimination in any private or public place on grounds of caste, ethnicity, origin, community, occupation, or physical condition.

(3) Racial discriminations shall not be encouraged in any way, or there shall not be any behavioral attitude to exhibit high or low status on grounds of a particular caste, ethnicity or community, or physical condition of a person, or there shall not be any behavioral attitude that justifies social discrimination based on caste, ethnicity, or untouchability, or encouragement for the propagation of attitudes based on caste superiority and untouchability, or hatred.

[cont'd]

Somalia, Provisional Constitution of The Federal Republic of Somalia,
1 August 2012, art. 11:

- (1) All citizens, regardless of sex, religion, social or economic status, political opinion, clan, disability, occupation, birth or dialect shall have equal rights and duties before the law.

Peace agreements also include provisions on the socioeconomic empowerment of persons with disabilities in ways that extend beyond discriminatory practices. Through both law reform and policy, agreements have attempted to commit governments to proactively empower persons with disabilities. For instance, in the area of policy, the 2007 Nepal Interim Constitution requires that 'The State shall pursue a policy of making a special provision, based on positive discrimination, for the minorities, landless people, landless squatters, bonded labours, the disabled, backward regions and communities and victims of conflict, the women, Dalit, indigenous people, Madhesi and Muslims, as well' (art. 14). Similarly, in Uganda, the Agreement on Comprehensive Solutions between the Government of the Republic of Uganda and the LRA/M (2 May 2007) states that '[t]he Government shall take affirmative action in favour of groups marginalised on the basis of gender, age, disability or any other reasons created by history, tradition or custom, for the purpose of redressing imbalances, which may exist against them' (art. 2.1.f).

On law reform, an agreement in the Philippines requires laws for women, the youth, the elderly, labour, the differently-abled, and indigenous cultural communities (Philippines, Mindanao, [Annex on Power-Sharing to the Framework Agreement on the Bangsamoro \(FAB\)](#), 8 December 2013, art. 56). In Yemen, the tasks of the National Authority are to include suggesting laws, formulating policies and determining strategies for the welfare of persons with disability and following up on implementation at all levels ([National Dialogue Conference Outcomes Document](#), 25 January 2014, art. 10.4.1). Similarly, the peace agreement constitution of Iraq stipulates that 'the state shall care for the handicapped and those with special needs, and shall ensure their rehabilitation in order to reintegrate them into society, and this shall be regulated by law' (Iraq, [Constitution of Iraq](#), 15 October 2005, art. 32). In Central African Republic, the [Transitional National Charter \(Interim Constitution\)](#) (18 July 2013) asks that laws establish conditions of assistance and protection granted to workers and more particularly to the young, to the elderly, to disabled workers, to minorities and to all those with health problems (art. 9).

These provisions help to introduce efforts contained within peace agreements to empower persons with disabilities through proactive means. These include efforts aimed at education, employment, and social security.

1.3.2. Education

Peace agreements can contain commitments to focus efforts on empowerment of persons with disabilities through education. In Afghanistan, the 2006 [Afghanistan Compact Building on Success \(London Conference\)](#) commits parties to, by the end of 2010, increase assistance 'to meet the special needs of all disabled people, including their integration in society through opportunities for education and gainful employment' (1 February 2006, annex 1). The 2011 [Bahrain National Dialogue Proposals, Executive Summary](#), 28 July 2011, stipulates that '[p]eople with special needs will be granted better access to education and specialised bodies through the adoption of a National Strategy on the rights of people with special needs in September 2011' (art. III (3)). In the DRC, '[The Sun City Agreement](#)' (2 April 2003) asks parties to promote school and university for those living with a disability, and even for prisoners (art. 21 iv); while in Northern Ireland, parties agreed to consider education for children with special needs ([Agreement Reached on Departments and Cross-border Bodies](#), 18 December 1998, annex 3). Agreements in Colombia and Yemen make similar provisions ([Political Constitution of Colombia](#), 1 July 1991, art. 68; Yemen [National Dialogue Conference Outcomes Document](#), 25 January 2014, art. 83).

1.3.3. Employment

Peace agreements also include provisions on economic empowerment, particularly targeted efforts to improve employment opportunities for persons with disabilities. In Guatemala, along with recognising the importance of education, the 1996 [Agreement on the Basis for the Legal Integration of the Unidad Revolucionaria Nacional Guatemalteca](#) stresses the importance of disabled persons gaining access to training so that they can be genuinely integrated into social and productive life in decent conditions (art. 51). This echoes the call for training made in Yemen's [National Dialogue Conference Outcomes Document](#), 25 January 2014 (arts. 36 and 81). In Nigeria, the [Kafanchan Peace Declaration, The Southern Kaduna State Inter-communal Dialogue](#) (23 March 2016) asks parties to 'mobilize massive support for micro projects to train the women, youths, and persons with disability' (art. ii b). The [Political Constitution of Colombia](#) (1 July 1991) stipulates that '[I]t is the obligation of the State and employers to offer training and professional and technical skills to whoever needs them. The state must promote the employment of individuals of working age and guarantee to the handicapped the right to employment appropriate to their physical condition' (art. 54). In only one case, that of Nigeria's [Kafanchan Peace Declaration, The Southern Kaduna State Inter-communal Dialogue](#) (23 March 2016), is attention directed at efforts at the local level. This agreement provides that '[r]evive rehabilitation centres in all Local Government Area to enable provision of skills and allowances for persons with disabilities' (art. i a).

1.3.4. Social Security and Health

Beyond efforts to empower persons with disabilities through education and economic opportunity, peace agreement provisions also address governments' responsibilities to those unable to avail themselves of these opportunities. In some cases, social security provisions address multiple groups, which include persons with disabilities. For instance, the [Nepal Interim Constitution](#) (15 January 2007) defines that 'The State shall pursue a policy of making special provision of social security for the protection and progress of the single women, orphans, children, the helpless, the aged, the disabled, incapacitated persons, and tribes on the verge of extinction' (art. 35(9)). Pursuant to [The Transitional Federal Charter of the Somali Republic](#) (29 January 2004), the government guarantees the welfare of persons with disabilities (art. 26); while Yemen's [National Dialogue Conference Outcomes Document](#) (25 January 2014) provides that the government will 'care for persons with disabilities' and 'ensure their rehabilitation in a manner that would lead to their integration in society and secures a decent life for them' (arts. 19 and 162). This is similar to the position of the [Constitution of Iraq](#), providing that:

The State shall guarantee social and health security to Iraqis in cases of old age, sickness, employment disability, homelessness, orphanhood, or unemployment, shall work to protect them from ignorance, fear and poverty, and shall provide them housing and special programs of care and rehabilitation, and this shall be regulated by law (15 October 2005, art. 30).

In a limited number of cases, as illustrated in Box 4, peace agreements can include provisions that cut across multiple areas of socioeconomic empowerment.

Box 4: Encompassing Provisions

Zimbabwe, Constitution of Zimbabwe Amendment (No. 20) 2013, 19 March 2013, art. 22:

- (1) The State and all institutions and agencies of government at every level must recognise the rights of persons with physical or mental disabilities, in particular their right to be treated with respect and dignity.
- (2) The State and all institutions and agencies of government at every level must, within the limits of the resources available to them, assist persons with physical or mental disabilities to achieve their full potential and to minimise the disadvantages suffered by them.
- (3) In particular, the State and all institutions and agencies of government at every level must—
 - (a) develop programmes for the welfare of persons with physical or mental disabilities, especially work programmes consistent with their capabilities and acceptable to them or their legal representatives;
 - (b) consider the specific requirements of persons with all forms of disability as one of the priorities in development plans;
 - (c) encourage the use and development of forms of communication suitable for persons with physical or mental disabilities; and
 - (d) foster social organisations aimed at improving the quality of life of persons with all forms of disability.
- (4) The State must take appropriate measures to ensure that buildings and amenities to which the public has access are accessible to persons with disabilities.

Part 2: Disability Arising from Conflict

Persons can also acquire disability because of conflict (World Health Organisation 2018), which can be both physical and mental in nature (Breen-Smyth 2013). As an agreement in Guatemala notes, '[as] a result of the internal armed conflict, a sector of the population is disabled and, as one of the most vulnerable and most severely affected groups, requires special priority attention under the programme envisaged in this Agreement' ([Agreement on the Basis for the Legal Integration of the Unidad Revolucionaria Nacional Guatemalteca](#), 12 December 1996, art. 50). Studies have demonstrated that injury-related disabilities in conflict can be as high as 33.5% of total injuries (Daw et al. 2009).

Individuals with disabilities resulting from conflict struggle with the same challenges as persons already living with disabilities, but without their prior knowledge or experience (Pons 2017). Moreover, as Pons (2017) identified, '[i]n many cultures and societies, persons with disabilities are often seen as either needing charity or are simply "invisible."' In turn, 'social, attitudinal, informational, and physical barriers are reinforced by the stigma and discrimination surrounding disability, which ultimately reduce the ability of persons with disabilities to develop resilience mechanisms' (Ibid.). Further exacerbating these difficulties, disability also intersects regularly with other vulnerabilities in conflict, including gender and age, to place persons with disabilities at significantly greater risk of harm compared to other civilians (Johnson and Whitman 2016; Derluyn et al. 2004; Ortoleva 2010). Acquired disability also raises challenges for returning refugees (Lord and Stein 2011) and integrating former combatants back into society (Lord and Stein 2015).

The ambiguous nature of provisions on persons with disabilities often means that it is difficult to decipher whether those that have acquired disability as a result of conflict are included under these general provisions. Nevertheless, in some cases, peace agreements treat those with disabilities as a result of conflict as a distinct category. The discussion below focuses on provisions addressing reintegration and rehabilitation, support to victims and their families, compensation and reparation, and the funding for these efforts.

2.1. Reintegration and Rehabilitation

Provisions on acquired disability focus frequently on both reintegration and rehabilitation. A number of examples demonstrate the point. For instance, the [Protocol on Agreed Principles on Transitional Arrangements Towards Resolution of the Crises in South Sudan](#), includes a commitment to 'urgently institute programmes of relief, repatriation, resettlement, reintegration and rehabilitation of IIDs and returnees, and in particular, provide programmes for war/conflict affected persons (children, orphans, women, widows, war wounded, etc.), including reconstruction of war-affected areas, the terms and scope of which shall be negotiated by the stakeholders in the negotiations' (25 August 2014, art. 26).

In Mozambique, the 1992 [General Peace Agreement for Mozambique](#) includes a provision that 'the parties undertake to cooperate in the repatriation and reintegration of Mozambican refugees and displaced persons in the national territory and the social integration of war-disabled' (4 October 1992, Protocol III, art IV (a)). Similarly, in Liberia, the [Peace Agreement between the Government of Liberia, the Liberians United for Reconciliation and Democracy \(LURD\), the Movement of Democracy in Liberia \(MODEL\) and the Political Parties \(Accra Agreement\)](#) outlines that 'particular attention to the issue of the rehabilitation of vulnerable groups or war victims (children, women, the elderly and the disabled) within Liberia, who have been severely affected by the conflict in Liberia' (18 August 2003, art. E XXXI).

In Nepal, the [Decisions of the Seven Party Alliance \(SPA\) - Maoist Summit Meeting](#), (8 November 2006) provides that '[p]rovisions shall be made for providing appropriate relief, recognition and resettlement for the family members of those killed in the course of the conflict and for those injured and rendered handicapped and disabled' (art. Iv (1)), while the [Protocol of Agreement on Power-sharing within the Framework of broad-based Transitional Government between the Government of the Republic of Rwanda and the Rwandese Patriotic Front](#) establishes a programme of assistance to the victims of war (both civilian and military) and of social strife encountered since the outbreak of the war, including the physically handicapped (30 October 1992, art. 23).

Reintegration often interacts with provisions on Demobilisation, Disarmament and Reintegration (DDR). In Rwanda, for example, the [Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Integration of the Armed Forces of the Two Parties](#) (3 August 1993) stipulates that 'war-wounded and handicapped shall remain eligible for Army service, according to their specializations, unlike the disabled servicemen who shall be demobilized but assisted. This shall apply to all categories of servicemen' (art. 73). A similar statement is found in Burundi under the [Forces Technical Agreement between the Transitional Government of the Republic of Burundi and the CNDD-FDD](#) (2 November 2003, art. 1.1.2). In Sudan, the [Doha Document for Peace in Darfur \(DDPD\)](#) (31 May 2011) commits the parties to begin, as a matter of priority, the process of demobilization and reintegration of special needs groups, which includes disabled ex-combatants and women (art. 72).

For those that are not eligible for reemployment in the armed forces, agreements can also include provisions for financial support. Pursuant to the [Ceasefire Agreement between the Transitional Government of Burundi and the Conseil National pour la Defense de la Democratie-Forces pour la Defense de la Democratie](#) (2 December 2012), Burundi's Transitional Government and the African mission commit to ensure the welfare of assembled combatants and determine the amounts to be paid to those who are not to be integrated into the new Burundian army. Particular attention shall be paid to combatants and civilians disabled or maimed in the war (art. E XXXI).

In a limited number of cases, provisions go beyond references to war-affected persons with disabilities to examining groups that are more specific within that category. One example is child soldiers. For instance, in the Democratic Republic of Congo, the [Intercongolese Negotiations: The Final Act \('The Sun City Agreement'\)](#) (2 April 2003) states that:

Demobilised child soldiers who have been seriously traumatised in body and spirit, those disabled by the war, widows who have become heads of families, orphans and minors without parental supervision, women and young girls who have been raped and contracted serious illnesses and unwanted pregnancies. All these very vulnerable people need appropriate programmes for reintegration and rehabilitation (art. 22).

Nevertheless, a striking omission from most agreements is addressing intersectionality within both conflict and non-conflict related disability (see Section 4).

2.2. Support to Persons with Disabilities and Families

Peace agreements can also include provisions for physical and psychological support for those that have acquired disabilities. In the DRC, the [Intercongolese Negotiations: The Final Act \('The Sun City Agreement'\)](#) (2 April 2003) commits parties to 'create strategic centres for psychological assistance and treatment for traumatised persons as well as centres for psychological rehabilitation; and provide free or subsidised urgent medical care for war victims' (art. 21). In Nepal, 'medical treatment shall be provided to the injured' ([Agreement between the Political Parties to Amend the Constitution and to Further the Peace Process](#), 25 June 2008, art. 6.2), while elsewhere and more specifically, parties commit 'to provide relief to those injured, rendered blind and disabled' (Nepal, [Agreement between the GoN and Madheshi Janadhikar Forum, Nepal](#), 30 July 2007).

Peace agreements can also include provisions for family members of those disabled as a result of war. In Rwanda, for instance, the 1993 [Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Integration of the Armed Forces of the Two Parties](#) states that '[t]he invalid and handicapped whose incapacity to perform their duties shall be testified by a registered physician, shall be paid a monthly invalidity allowance and the Government shall take charge of the education of all their children in Public or subsidized Private Schools' (art. 154).

2.3. Compensation and Reparations

Peace agreements also include provisions on compensation for those persons that acquire disabilities from conflict. In some cases, parties agree to further discuss this issue. In Northern Ireland, for instance, the [Stormont House Agreement](#) (23 December 2014) outlines the need for further deliberation on the proposal for a pension for severely physically injured victims (art. 28). Others are more forthright in committing to the provision of compensation. Pursuant to the [National Action Charter of Bahrain](#) (15 February 2001), an agreement provides that the state ensures the solidarity of the society in sharing burdens arising from natural calamities and disasters, including compensation of those who may be injured due to war or on account of military duty (art. 6). The [Interim National Constitution of the Republic of Sudan 2005](#) (6 July 2005) commits parties to provide benefits to disabled war veterans (art. 18). Similarly, in Nepal, the [Agreement between the Political parties to Amend the Constitution and to Further the Peace Process](#), (25 June 2008) outlines that 'appropriate compensation shall be provided to the families of those candidates and political activists who lost their lives in the course of the election, and medical treatment shall be provided to the injured' (art. 6.2). Similarly, an agreement in Yemen states that 'Reparation is a system based on moral and financial compensation or both. Rehabilitation, restitution and integration. It can be individually or collectively and shall take into account the situation of the elderly, women, children and person of disability' ([National Dialogue Conference Outcomes Document](#), 25 January 2014, art. 84). As a final example, in Colombia, the [Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace](#) (24 November 2016), stipulates that 'the end of the conflict constitutes the best opportunity to realise the rights of the victims to truth, justice, reparations and non-recurrence, and in general to ensure the full realisation of the human rights of all, including those of ... persons with disabilities' (Pages 200, 5.2).

2.4. Funding

Peace agreements can also define how efforts to support persons with disabilities are to be funded. An agreement between Sudan and South Sudan provides that war-wounded, widows, orphans and other war victims shall be rehabilitated with assistance from national, regional, and international humanitarian agencies ([Sudan Peace Agreement](#), 21 April 1997, art. Xii). In Afghanistan, the [Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions \('Bonn Agreement'\)](#) (5 December 2001) invites the United Nations and the international community to create a fund to assist the families and other dependents of martyrs and victims of the war, as well as the war disabled (Annex III. 5). A similar provision on international involvement and cooperation is found in Sierra Leone's [Peace Agreement between the Government of the Republic of Sierra Leone and the Revolutionary United Front of Sierra Leone, signed at Abidjan \('Abidjan Accord'\)](#) (30 November 1996, art. 22).

Other agreements are more creative. In Sierra Leone, the [Peace Agreement between the Government of Sierra Leone and the Revolutionary United Front of Sierra Leone \(RUF/SL\) \(Lome Agreement\)](#) (7 July 1999), states that:

The proceeds from the transactions of gold and diamonds shall be public monies which shall enter a special Treasury account to be spent exclusively on the development of the people of Sierra Leone, with appropriations for public education, public health, infrastructural development, and compensation for incapacitated war victims as well as post-war rehabilitation and reconstruction. Priority spending shall go to rural areas (art. 7).

Finally, agreements can designate governments responsible for empowering and including persons with disabilities. In El Salvador, as an illustration, "[t]he Government, as part of its overall budget for 1995, shall propose to the Legislative Assembly the opening of a budgetary item entitled "Fund for the Protection of Wounded and War-disabled as a Consequence of the Armed Conflict" ([Timetable for the Implementation of the Most Important Outstanding Agreements](#)) (19 May 1994, art. 8). In Sudan, the [Agreement between the Government of Sudan and the Justice and Equality Movement-Sudan on the Basis of the Doha Document for Peace in Darfur](#) (6 April 2013), commits parties to establish a Social Welfare Fund under the DRA (art. 15).

Part 3:

What Can We Learn from Peace Agreement Provisions Addressing Disabled Persons?

This report demonstrates a range of ways in which peace agreements have sought to provide for persons with disabilities. This mapping is useful in pointing towards important issues that ought to be addressed when seeking to ensure that persons with disabilities are involved in and integrating into peacebuilding and post-conflict efforts and institutions.

Protection and Early Intervention. The disproportionate impact of conflict on persons with disabilities – both non-conflict-related and disability acquired as a result of conflict – requires taking steps to ensure their protection and access to humanitarian assistance. This is the most immediate action that should inform all interventions during and after conflict.

Political Empowerment. Peace agreements have the potential to include persons with disabilities not only in the peace process but also political life post-agreement. Beyond a rights-based approach, which requires such empowerment, people with disabilities can play active roles in highlighting, for instance, structural violence in societies and spearheading the movement to transform relationships. While recognition of the role of other groups, such as women, has been a staple for peacebuilders for some time now, it is only recently that these efforts have been institutionalised. Peace agreements provide the foundation for increasing the voice of persons with disabilities. But the agreements discussed above also raise additional obstacles that must be addressed in pursuance of this aim. Promoting democracy and representation also requires active efforts to ensure that persons with disabilities can participate actively in the democratic process, such as removing barriers to inclusion. This is also true of efforts to increase inclusion and participation of persons with disabilities in peace negotiations and implementation efforts.

Reintegration. Peace agreements demonstrate the salience of assisting former combatants back into society. In the case of persons with disabilities, additional considerations, such as support to families and medical assistance, are particularly important. Peace agreements, as foundational documents, can help to ensure that these issues are placed front and centre of peacebuilding efforts.

Socioeconomic Empowerment. Given the historic marginalisation of persons with disabilities, peace agreement provisions help point to the necessity both of ending discrimination while at the same time adopting proactive measures to help empower those previously excluded. Provisions on education, social support, and economic integration are useful starts.

Such provisions help to illustrate the importance of viewing transitions from conflict to peace through the lens of persons with disabilities. Addressing such issues as education and employment can be a first step in identifying and tackling those longer-term and deep-rooted obstacles. However, given that different groups in different contexts face various issues, ensuring that such interventions are context-specific and relevant is equally salient. Thus, peace agreements can lay the foundations for more substantial and substantive policies and law reform by ensuring that a disability lens is adopted in post-conflict mechanisms. In Colombia, for instance, the [Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace](#) (24 November 2016) establishes the Truth, Coexistence and Non-Recurrence Commission, stating that:

Throughout its work the Commission will take an appropriate approach to learn about the different ways in which the conflict affected women, children, adolescents, youths and the elderly, persons with disabilities (art. 5.1.1.1).

The Commission's mandate will be to elucidate and promote the recognition of: The human and social impact of the conflict on society, including its impact on economic, social, cultural and environmental rights, and the different ways in which the conflict affected ... persons with disabilities... (art. 5.1.1.1.2.).

In establishing such mechanisms, peace agreements can help to better identify the impacts of conflict on persons with disabilities.

In short, existing peace agreement provisions go some way towards helping to identify what issues to address and how. By examining how peace agreements have included persons with disabilities in the past, we are able to begin mapping and charting a number of areas that can and should inform broader peacebuilding processes.

Part 4: What are the Limitations and Difficulties?

Existing provisions point to a number of limitations with how the issue of disability has been addressed in the past. A number of contentious issues are outlined in this section.

4.1. Few Agreements Have Actually Addressed Disability

The United Nations estimates that over one billion people, between fifteen to twenty per cent of the global population, lives with some form of disability, making the people represented in this number the largest minority in the world (UN, date unspecified). However, the overall rate of disability can jump to between eighteen and twenty per cent or higher in conflict-affected populations because of 'new injuries, a lack of quality medical care, or collapse of essential services.' These newly acquired disabilities range from long-term physical, sensory, psychosocial, and intellectual impairments to short-term and transient disabilities (Pons 2017).

Nevertheless, in spite of this, only 6.6 per cent of all peace agreements reference disability (118/1789).

| REGION | TOTAL AGREEMENTS | NUMBER OF AGREEMENTS WITH PROVISIONS ON PERSONS WITH DISABILITIES | % OF AGREEMENTS WITH PROVISIONS ON PERSONS WITH DISABILITIES |
|------------------------------|------------------|---|--|
| Africa | 519 | 53 | 10.2 |
| Americas | 195 | 14 | 7.2 |
| Asia and Pacific | 376 | 31 | 8.2 |
| Europe and Eurasia | 407 | 11 | 2.8 |
| Middle East and North Africa | 248 | 9 | 3.6 |

Almost all references to on persons with disabilities come from peace agreements for intrastate/intrastate conflicts (107/118). Overall, provisions on disability are found, in the main, in partial (48/118) or comprehensive (39/118) framework agreements.

Thus, notwithstanding the significant challenges that face on persons with disabilities post-conflict, there is an alarming lack of attention directed towards those with disabilities in peace agreements.

4.2. Peace Agreement Provisions Can Perpetuate Discrimination

Despite the potential for peace agreements to empower those with disabilities, the particular language adopted can have the opposite effect. There are various theoretical models addressing persons with disabilities (Box 5). Some, like the charity and medical model, are perceived as perpetuating the marginalisation and disempowerment of persons with disabilities by viewing them as victims requiring support. By contrast, the social model and human rights-based approaches offer an alternative that treats disability as another differentiating characteristic, no different from gender, race, or religion. But in adopting the language of victims requiring assistance, empowerment can be minimal. For instance, in Rwanda, the [Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Repatriation of Rwandese Refugees and the Resettlement of Displaced Persons](#) (9 July 1993), stipulates that 'Vulnerable groups, i.e. women, children, the aged people and the handicapped shall be specifically taken care of' (art. 19). This is an example of disempowering language. Moreover, in lumping persons with disabilities alongside other vulnerable groups, their interests can be either subordinated to other groups, or conflated with programmes to empower other groups. By contrast, [The Interim National Constitution of the Republic of Sudan 2005](#) (6 July 2005) focuses more on a rights-based approach: 'The State shall guarantee to persons with special needs the enjoyment of all the rights and freedoms set out in this Constitution; especially respect for their human dignity, access to suitable education, employment and full participation in society' (art. 45. (1)). While often overlooked, the language used in an agreement can have important implications on the objectives that are ultimately pursued.

Box 5: Theoretical Models

The Charity Model

"... According to the charity model, persons with disabilities are victims of their impairment and their situation is tragic. As such, persons with disabilities deserve pity and charity. Persons with disabilities are assumed to be burdens on their families and on society. The charity model thereby exacerbates discriminatory prejudices towards persons with disabilities and conceives them as being 'lesser' than persons without a disability."

[cont'd]

The Medical Model

"... The medical model, which considers persons with disabilities as in need of cure and medical treatment to make them 'normal', is not dissimilar from the charity model in the prejudices and stereotypes that underlie it. The medical model also disempowers persons with disabilities and reinforces discriminatory attitudes that persons with disabilities are somehow lesser... The assumption that the problem and solution rest exclusively on the person with a disability has resulted in discriminatory policy and practices that perpetuate negative stereotypes, and has enabled states to defend their failure to redress inequality as unavoidable and therefore in compliance with their obligations...."

The Social Model

"...The social model identifies disability as a social construct that is borne out of discrimination and oppression. Impairment and disability are differentiated from one another. Impairment is the condition of the body or mind, whereas disability is the way in which society and the environment responds to the actual or perceived impairment. Impairment is, in this way, viewed as part of the diversity of human beings rather than something in need of 'cure'. At its core, the social model focuses on society rather than on the impairment, or indeed the individual, and, as such, places the onus on society to dismantle disabling barriers."

The Human Rights-Based Approach

"The human rights approach is the normative basis for responding to disability. It underscores the fundamental premise of human rights – that every person has them through virtue of being human. They are inherent to us as human beings and, as such, cannot be given or taken away. They are not earned, nor are they privileges, nor are they conditional on discharging individual responsibilities to society. They are rights acquired through birth, by us all, equally..."

(Source: Priddy 2019, pp. 18-21)

4.3. Defining Disability

In Yemen, the [National Dialogue Conference Outcomes Document](#) (25 January 2014), commits the government to accommodate the classes of disabilities (mobility, mental, audio and visual impairments, and war veterans) in the specialized departments and to work for the welfare of these classes in an equitable and balanced manner. This is a rare provision that seeks to differentiate types of disability. However, in most cases, despite the variety of ways used to define disability (injured, handicapped, war-victims, special needs, differently-abled and so on), persons with disabilities are treated as a homogenous group. This, according to Aaron, Curtis, and Ghenis (2015) can lead to insufficient recognition of the breadth of experiences of people with disabilities and, consequently, exploration of necessary peacebuilding actions to address their needs.

Secondly, while in some cases there is an explicit reference to, for instance, disability that results from conflict, in most cases it is unclear whether references to disability also includes those that have acquired disability as a result of conflict. In some ways, this ambiguity might be a positive. As Aaron, Curtis, and Ghenis (2015) note:

There is a policy divide that separates those disabled as a result of conflict (injuries, malnutrition-related, etc.) and those with disabilities acquired through other means (congenital, degenerative, accidental etc.) irrespective of timeframe (pre-conflict, during conflict itself, or after hostilities stop). This is particularly detrimental with regards to the allocation of resources in the post-conflict legislative and development processes.

Thus, in conflating the two groups, it can be argued that a more holistic approach is adopted, one that seeks to ensure that all persons with disability are treated equally. Indeed, this might ensure that narrow definitions do not exclude specific groups. This is likely to be the result of the definition provided below:

(2) passengers will be considered disabled if they are connected to medical equipment separation from which could endanger their lives, or if they cannot pass through the magnetic gate. Such passengers will wait in an ambulance whilst their documents, luggage and personal belongings undergo a full inspection as set out in Article VIII of Annex ([Annex I, Protocol Concerning Redeployment and Security Arrangements, Israeli Palestinian Interim Agreement on The West Bank and the Gaza Strip \(Oslo II\)](#) (28 September 1995)).

However, it is also likely to be the case that different types and forms of disability require different responses and approaches. In failing to differentiate disability that emerges as a result of conflict and that which does not, it is often unclear what amounts to humanitarian intervention and what is a longer-term programme. Moreover, while there are provisions on persons with disabilities generally and those that have acquired disability from conflict, there is little reference to disabilities that arise not from combat but rather, for instance, the spread of disease in refugee camps. The closest provision comes from the DRC where an agreement commits parties to help 'the handicapped exposed to the horrors of war, psychological trauma and sexually transmitted diseases, eg HIV/ AIDS' ([Intercongolese Negotiations: The Final Act \('The Sun City Agreement'\)](#), 2 April 2003) (art. 22). The primary point is that ambiguous and uncertain provisions on whom or what constitutes disabled is likely to give rise to further uncertainties post-agreement, potentially excluding certain persons.

4.4. The Details of Inclusion Matter

While some agreements appear to provide for inclusion in peace processes, this opens up additional issues, which must also be borne in mind. The quotations below raise a number of potential difficulties that can flow from inclusive provisions:

“Research indicates that, in many cases, assorted disabled populations are rarely self-represented in peacebuilding processes. For example, urban representatives may have different needs and concerns from non-urban disabled populations – yet both groups might share one representative, if they are represented at all. And those representatives may not even be members of the local disability community, but rather “disability experts” from sympathetic organizations or agencies.”

“Group expectations for peacebuilding efforts are unrealistic in many cases. Even when represented at the table, many vulnerable groups, including persons with disabilities, are not prepared or able to advocate, negotiate, debate, and represent themselves to their greatest advantage, often as a result of existing structural inequalities (i.e. a lack of education or prior inclusion in official proceedings).”

“There are organizational and logistical barriers to getting persons with disabilities “to the peacebuilding table” - not only physically (i.e. through transportation or accessible meeting spaces), but also symbolically (as recognized and respected contributors).”

Source: Aaron, Curtis, and Ghenis (2015, pp. 2-3)

In short, while providing for the inclusion of persons with disabilities in peace processes is welcomed, additional questions arise regarding whom is included, why, how representative they are of the lived experiences of persons with disabilities, and what steps are taken to ensure active inclusion is actually possible.

4.5. Lack of Intersectionality

As noted above, peace agreements can tend to treat persons with disabilities as an homogenous group or, where differentiation is made, limit this to between those with disabilities that result from conflict and those which do not.

Box 6: Examples of Lacking Intersectionality

Nepal, Agreement between the GoN and Madheshi Janadhikar Forum, Nepal, 30 July 2007, art. 4:

To ensure proportional representation and partnership of Madheshis, Adivasi/Janajatis, Dalits, women, backward classes, disabled people and minority communities, including Muslims, who have been excluded for generations in all organs and levels of government and in power structures, mechanisms and resources.

South Sudan, Agreement on the Cessation of Hostilities, Protection of Civilians and Humanitarian Access, Republic of South Sudan, 21 December 2017, art. 5:

2) The Parties shall take specific measures to:

(a) protect vulnerable persons including children, women, girls, the elderly, and persons with disabilities or special needs.

Liberia, Peace Agreement between the Government of Liberia, the Liberians United for Reconciliation and Democracy (LURD), the Movement of Democracy in Liberia (MODEL) and the Political Parties (Accra Agreement), 18 August 2003, art. E XXXI:

The NTGL shall accord particular attention to the issue of the rehabilitation of vulnerable groups or war victims (children, women, the elderly and the disabled) within Liberia, who have been severely affected by the conflict in Liberia.

African Great Lakes, Dar-Es-Salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region, 20 November 2004, art. 27:

Commit ourselves to:

Protect vulnerable groups, women, children, the elderly, the disabled and the sick, the refugees and displaced persons.

As the provisions in Box 6 show, peace agreements can focus on persons with disabilities and children, women, specific ethnicities, the elderly, and refugees. However, rarely do agreements address intersectionality and the experiences of, for example, disabled children or disabled women. Yet, as Rosemarie Garland-Thompson (2001: 25) expressed:

Acknowledging identity's particular, complex nature allows characteristics beyond race, class, and gender to emerge. Standpoint theory and the feminist practice of explicitly situating oneself when speaking thus allow for complicating inflections such as disability or, more broadly, body configuration-attributions such as fat, disfigured, abnormal, ugly, or deformed- to enter into our considerations of identity and subjectivity.

The lack of intersectionality can mean that important challenges and difficulties facing specific groups are not identified and thus not addressed.

4.6. An Omission of the Local

Finally, with a number of exceptions, peace agreements include few references regarding addressing disability at local and sub-national levels. For instance, in Sierra Leone, the [Peace Agreement between the Government of the Republic of Sierra Leone and the Revolutionary United Front of Sierra Leone, signed at Abidjan \('Abidjan Accord'\)](#) (30 November 1996) provides that 'in the pursuit of the reconstruction, rehabilitation and socio-economic development of Sierra Leone as a matter of the utmost priority, special attention shall be given to rural and urban poor areas, war victims, persons with disabilities and other vulnerable groups' (art. 22). While both rural and urban poor areas and persons with disabilities are addressed, there is little focus on persons with disabilities in rural and urban areas. Yet, according to Aaron, Curtis, and Ghenis (2015: 2) 'Policy implementation is currently inadequate at all levels, in part due to cultural norms and current societal structures. This is why much of the literature stresses the importance of community-based and holistic approaches to inclusion.' As with the case of intersectionality, by omitting a focus on sub-national levels not only are the experiences and difficulties of those with disabilities at these levels ignored, so too are potential solutions that can come from the bottom up.

Conclusion

Peace agreement provisions on persons with disabilities can help address discrimination and isolation experienced prior to and during conflict. Committing parties to address discrimination, enact proactive policies and laws and undertake to improve education, employment, and social security can serve as important measures in tackling the marginalisation of persons with disabilities after conflict.

Provisions can also reflect the potential for violent conflict to create new disabilities, committing parties to help support those that have suffered as a result of conflict. Beyond the potential for peace agreements to serve as the basis for efforts to support persons with disabilities, peace agreement provisions also illustrate important areas that must be addressed after conflict. These include political, economic, and social integration of persons with disabilities. However, relatively few peace agreements include provisions on persons with disabilities. When they do, the language used is ambiguous and often disempowering. Moreover, in overlooking intersectional issues, important struggles and difficulties facing particular groups of persons with disabilities are missed.

Key Resources

- ▶ Aaron, A., Curtis, B., and Ghenis, A. (2015) 'The Involvement of Persons with Disabilities in Conflict Resolution and Peacebuilding Efforts: Inclusion of Persons with Disabilities (PWD) as Part of the Solution in the Post-Conflict Arena', World Institute on Disability Report.
- ▶ Priddy, A. (2019) Disability and Armed Conflict, Academy Briefing No. 14
- ▶ United Nations Security Council Resolution 2475 (2019), 20 June 2019

Peace Agreement References

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Afghanistan, Afghanistan Compact Building on Success (London Conference), 1 February 2006 (<https://www.peaceagreements.org/view/1061/>)

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Burundi, Constitution of 18 March 2005, 18 March 2005 (<https://www.peaceagreements.org/view/1421/>)

Burundi, Constitution de transition du 28 octobre 2001, 28 October 2001 (<https://www.peaceagreements.org/view/1425/>)

Burundi, Forces Technical Agreement between the Transitional Government of the Republic of Burundi and the CNDD-FDD, 2 November 2003 (<https://www.peaceagreements.org/view/565/>)

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Democratic Republic of Congo, Intercongolese Negotiations: The Final Act ('The Sun City Agreement'), 2 April 2003 (<https://www.peaceagreements.org/view/404/>)

Democratic Republic of Congo, Acte d'Engagement, Nord Kivu, 23 January 2008 (<https://www.peaceagreements.org/view/671/>)

Democratic Republic of Congo, Global and Inclusive Political Agreement of the Inter-diocesan Center of Kinshasa, 31 December 2016 (<https://www.peaceagreements.org/view/1913/>)

El Salvador, Timetable for the Implementation of the Most Important Outstanding Agreements, 19 May 1994 (<https://www.peaceagreements.org/view/593/>)

Guatemala, Agreement on the Basis for the Legal Integration of the Unidad Revolucionaria Nacional Guatemalteca, 12 December 1996 (<https://www.peaceagreements.org/view/278/>)

Iraq, Constitution of Iraq, 15 October 2005 (<https://www.peaceagreements.org/view/343/>)

Ireland, United Kingdom (Northern Ireland), Joint Declaration by the British and Irish Governments, 1 April 2003 (<https://www.peaceagreements.org/view/132/>)

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Kenya, Kenya National Dialogue and Reconciliation: Public Statement, 4 February 2008
(<https://www.peaceagreements.org/view/696/>)

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