

Mediation and the Role of Women in Peace and Security

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Abstract

This paper critically examines the role of women in conflict resolution and peace building. This discussion is based on the fact that the female gender is the most adversely affected by conflict and its aftermath in any society, hence the need to seek their participation in resolving that conflict and also in peace-building.

The author discusses mediation as a conflict management mechanism and observes that the current approaches to mediation (indigenous and official mediation) share one thing in common, namely the limited role that women play in the mediation process. As such, there is a case to be made for the mainstreaming of gender equality at all levels of mediation, considering that while indigenous processes contain a range of progressive values, some of their practices are patriarchal and therefore not gender sensitive.

The author concludes by stating that the place of women in our society puts them in the most proximate contact with the environment and natural resources and therefore for mediation to be effective as a conflict management mechanism it must involve all concerned groups of people, including women and children and their views should be respected and taken into account. The process should ensure there is participation by both gender and neutral implementation of the decisions reached in mediation.

1.0 Introduction

Moore¹ says that Mediation is the intervention into a dispute or negotiation by an acceptable, impartial and neutral third party who has no authoritative

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¹ C. Moore, *The Mediation Process: Practical Strategies for Resolving Conflict*, (Jossey-Bass Publishers, San Francisco, 1996), p. 14

decision-making power, to assist disputing parties in voluntarily reaching their own mutually acceptable settlement of the issues in dispute.

Article 33 of the Charter of the United Nations provides that the parties to any dispute shall, first of all seek a solution by negotiation, enquiry, **mediation**, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.² The United Nations Security Council on 31 October 2000, adopted resolution 1325 (2000) on women, peace and security. In the said resolution, the Security Council highlights the importance of bringing gender perspectives to the centre of all United Nations conflict prevention and resolution, peace-building, peacekeeping, rehabilitation and reconstruction efforts.

Top on its agenda in the above resolution, the Security Council urged and encouraged;

- i. Member States to **ensure increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict;**
- ii. The Secretary-General to implement his strategic plan of action (A/49/587) calling for an **increase in the participation of women at decision-making levels in conflict resolution and peace processes;**
- iii. The Secretary-General to **appoint more women as special representatives and envoys to pursue good offices on his behalf,** and in this regard calls on Member States to provide candidates to the Secretary-General, for inclusion in a regularly updated centralized roster;

² United Nations, *Charter of the United Nations*, 24 October 1945, 1 UNTS XVI.

The passing of the above resolution was informed by the fact that women and girls were the most adversely affected by conflict and its aftermath in any society, hence the need to seek their participation in resolving that conflict and also in peace-building. From the onset, it is clear that the role of women in conflict resolution and peace building has been recognized by the premier organization charged with ensuring international peace and security of all nations.

2.0 Mediation and the Role of Women in Peace and Security

A key aspect of any mediation process is the inclusion of primary and secondary actors. An effective mediation should adopt processes that create greater thresholds of inclusion while maintaining efficiencies.³ Current approaches to mediation (indigenous and official mediation) share one thing in common, namely the limited role that women play in the mediation process. Given the incidence of gender – based violence, rape and the exploitation of children in armed conflict, there is a case to be made for the mainstreaming of gender equality at all levels of mediation.⁴ In addition, indigenous approaches rely on traditional norms that have been developed over centuries. While indigenous processes contain a range of progressive values, some of their practices are patriarchal and therefore not gender sensitive. This has the effect of undermining the role of women in mediation and the peace process.⁵

Where it has been tried, the involvement of women in mediation and peace building has had a great impact on the affected communities and even lead to resolution of the conflict. A classic example here in Kenya is the **Wajir Peace Initiative**. The increasing frequency, severity and cumulative consequences of conflicts in Arid and Semi-arid Land (ASAL) areas in Kenya, particularly in the late 1980s and a better part of the 1990's due to

³ T. Murithi & P. M. Ives, Under the Acacia: Mediation and the dilemma of inclusion, Centre for Humanitarian Dialogue, April 2007, p. 77.

⁴ *Ibid.*

⁵ *Ibid.*, p. 85.

scarcity of resources, caused by environmental hardships, surrogated a number of community based concerted initiatives to ameliorate the impacts of the then raging conflicts.⁶

The most noticeable of these emerging local level attempts to manage pastoralists' conflicts was in Wajir district, in the so called Wajir peace process, where local people peace dialogues and reconciliation meetings often resulted to prolonged period of ceasefire.⁷ The Wajir initiative was necessitated by the withdrawal of several NGOs from the district. However, their running away became a blessing in disguise as their absence gave the communities the opportunity to take charge and begin their own Peace Initiatives in their own way.⁸

The Wajir clan conflict had degenerated to include fighting between women in market places in the district. Sensing danger posed by the continued clan fighting, a group of women (initially two in number) initiated peace meetings with women in Wajir town market with the express purpose of addressing the root causes of the confrontations. As a result, Wajir Women for Peace Group was formed. The initial fruits of the women led peace initiative in Wajir saw a group of educated professionals drawn from all clans in the district form Wajir Peace Group. The peace group teamed up with women for peace in facilitating peace dialogues in the district. Other groups also began to coalesce into peace groups in the district (elders for peace, youth for peace etc) culminating to the formation of Wajir Peace and Development Committee (WPDC) in 1995.

Another example of a conflict situation which has been resolved as a result of inclusivity is in Sri Lanka. While none of the previous attempts at formal peacemaking in Sri Lanka allowed women to play any role in the negotiating

⁶ M. Adan and R. Pkalya, "The Concept Peace Committee; A Snapshot Analysis of the Concept Peace Committee in Relation to Peacebuilding Initiatives in Kenya", *Practical Action*, Nairobi, (2006), p. 6.

⁷ *Ibid.*, p. 6 -7.

⁸ M.K Juma, "Unveiling women as pillars of peace: Peacebuilding in communities fractured by conflict in Kenya", New York: UNDP (2000).

process, the peace talks which commenced in 2002 established a formal space for their engagement by creating a Sub Committee for Gender Issues (SGI) to report directly to the plenary of the peace talks.⁹ The SGI was mandated to explore the effective inclusion of gender concerns in the peace process. It was of the view that women are an indivisible part of society and are the main force behind social reconstruction and therefore their focus would be on women. However, SGI sought to bring a gender perspective to their work so as to make it holistic and to this end, they also worked with men.¹⁰

The inclusion of women combatants in the context of peacemaking opened space for discussions on gender sensitive strategising as much as it enabled delegations to share their different and specific experiences of conflict, conflict resolution and peacebuilding.¹¹ In recognising women militants as active political agents, there was a possibility of engaged feminist discussion and a sharing of feminist resources with militant women. This in turn could enable women combatants to engage with and shape peace processes beyond the narrow conceptions of territory and power sharing. Peace processes particularly those that deal with ethno political conflict can offer potential to open up more spaces to critically challenge dominant patriarchal and masculine nationalistic discourse from within.¹²

On its part, The North Atlantic Treaty Organization (NATO) responded to UNSCR 1325 by adopting an Overarching Policy, developed with its partners in the Euro-Atlantic Partnership Council (EAPC) in 2007. The Policy was revised in 2011. In addition, UNSCR 1325 is fully implemented in NATO-led operations and missions, and the Alliance has nominated Gender Advisers at Strategic Commands, in Afghanistan and in Kosovo. In August 2012, following an offer by Norway, a Special Representative for

⁹ S. Kumudini, *The importance of Autonomy: Women and the Sri Lankan Peace Negotiations*, Centre for Humanitarian Dialogue, November 2010, p. 2.

¹⁰ *Ibid.*, p. 4.

¹¹ *Ibid.*, p. 9.

¹² *Ibid.*

Women, Peace and Security was appointed at NATO Headquarters in Brussels.¹³

Kumudini says that the comparative political “invisibility” of women allows them the space to move across ethnic divides and work together to promote common agendas.¹⁴ These can range from raising gender imperatives to dealing with a range of moral and political issues including that of respect for human rights, transparency, accountability and inclusion. This engagement could also lead to redefining the manner of engagement as well as reframing issues at the heart of the peace process.¹⁵

The experience of the Northern Ireland Women’s coalition, an independent women’s political party established just before the all-party peace talks, suggests that there is value in having women present at the talks as a distinct political grouping in their own right. They keep track of gender concerns across the board and do not allow themselves to be marginalised into or limiting their focus to women’s issues.¹⁶ They also offer women the space to engage where/when party structures may limit or ignore such needs. An independent women’s presence also offers women the neutral space to raise concerns that may be perceived as controversial or too politically charged for partisan politicians to engage with.¹⁷

As with representation for marginalised groups, the mere presence of a few individual women at the peace table does not by itself ensure that women’s concerns and gender interests are met. A separate mechanism that allows for inclusive representation and a safe place to discuss and build concerns on specific issues would be a useful platform from which to engage formal peace negotiations.¹⁸ Kumudini concludes that the involvement of women

¹³ Sourced from www.nato.int/cps/en/SID-473424B6A3D021FD/natolive/topics_91091.htm, Accessed on 7th December 2012.

¹⁴ *Ibid.*, p. 10.

¹⁵ *Ibid.*

¹⁶ *Ibid.*

¹⁷ *Ibid.*, p. 11.

¹⁸ *Ibid.*

must continue beyond the signing of an agreement after a successful mediation. Work must continue well into the period of transition and implementation phase. The interests of women can be realised only through the success of the involvement of the women in peace making.¹⁹

In her paper²⁰, **Baechler** reflects, among other things, on what mediators and other third parties can do to include more women in peace talks. She notes that the peace talks in Nepal, like so many elsewhere, were notably absent of women. Yet women provided a wide range of contributions to the overall peace process. She argues that women roles in Nepali Society and the core issues of the Nepali peace are an expression of the active political role Nepali women started to play. Women activists were not satisfied with being politically marginalized and instead requested a seat at the peace table to defend their own rights, to get first-hand information about the conditions to end the war, to shed light on problems, to open up the close circle of men who reflected the conflict parties, to articulate their own perspectives and to define their own future, in particular with regard to the constitution making in a new Nepali society.

It is important to involve the women in the peace processes because to them, the process might mean more than what is presented on face value. **Baechler** says that²¹;

“for Nepali women, peace was never understood in the narrow or negative sense of the term, i.e. the absence of armed violence...It was only the first step towards a more comprehensive peace which emerged out of experiencing a long history of political oppression through a feudal monarchy; near total impunity; widespread insecurity in the rural areas; domestic and public violence as well as

¹⁹ *Ibid.*, p. 12.

²⁰ G. Baechler, *A Mediator's Perspective: Women and the Nepali peace process*, Centre for Humanitarian Dialogue, August 2010, p. 2.

²¹ *Ibid.* p. 3.

double and triple marginalization of women in the exclusionary caste system...”

Baechler says that peace for the women meant a political strategy to implement down-to-earth human security, implying a combination economic security, food security, health security, environmental security, personal security, right to human dignity and freedom of a person, community and political security.²² She argues that the direct participation of women in peace negotiations would make a significant difference both in terms of process and content. Women, she says, are agents of change who can make a significant and viable impact to a peace process. Inclusion of women democratizes the mediation process by making their voice heard at the negotiation table. They belong to a group that would previously be excluded from negotiations.

The inclusion of women enhances the systematic process of consultation and participation in the mediation process.²³ Owing to their focus on human security in the Nepali case, women were perceived as stakeholders who could play a facilitative role across party lines and sectors in the complex Nepali society.²⁴ Mediators have many ways to engage (more) women in the mediation process. Such strategies depend on the formal role and the acceptance of the mediator. Strategies also depend on the political and cultural context; is there space for active mediation?²⁵ Negotiation and mediation training sessions could be conducted with the aim of bringing women to the table.

The long-term goal must be that women are not dependent on the interests of the conflict parties but become interest groups for peace by, and for themselves. Women are a major part of the workforce without whom the development of a stable economy will not be possible. Women (and in

²² *Ibid.*

²³ *Ibid.* p. 4.

²⁴ *Ibid.*, p. 5.

²⁵ *Ibid.*, p. 6.

particular organised women) contribute significantly to human security, social stability, and to a sound social fabric in times of widespread poverty, ethnic tensions and suffering as a consequence of civil war and ongoing political struggle. Women should be further supported to consolidate this contribution.²⁶

The peace making community ought to be able to draw distinctions between 'thin peace agreements' which only involve armed actors and have a high probability of lapsing back into armed violence and 'thick agreements' with broad based involvement of a given society-including women-and a higher degree of success in the long run. Women's participation in mediation should be elevated. They should not only take their place at the mediation table, but should be able to put forward their vision of substantial peace for societies as a whole.²⁷

3.0 Conclusion

Most, if not all, conflicts are about resource scarcity or abundance, resource allocation and utilization. The place of women in our society puts them in the most proximate contact with the environment and natural resources. Their everyday lives are affected and ordered according to the prevailing environmental issues and it is only prudent that they are involved in management of the environmental resources and resolution of conflicts arising there from. Women in our society are closest to land utility and therefore they ought to have a voice on any issues concerning access to and use of land, among other issues that are the source of conflicts.²⁸

For mediation to be effective it must involve all concerned and or affected groups of people and their views should be respected and taken into account. Men and women must be represented and included in the decision

²⁶ *Ibid.*, p. 8.

²⁷ *Ibid.*, p. 9.

²⁸ K. Muigua, *Resolving Environmental Conflicts in Kenya Through Mediation*, (unpublished PhD Thesis), Nairobi, 2011.

making processes. The gender dimension of the mediation process is crucial and should not be ignored. The process should ensure there is participation by both gender and neutral implementation of the decisions reached in mediation.

Conflict mediation systems should require specifically that gender issues are given adequate weight and should include some requirement for female mediators. The absence of women's voices and interpretations of law from the mediation process tends to encourage decision making that overlooks the rights of women and this should be discouraged.

It is also noted here that women have been of disservice to themselves by failing to take advantage of the opportunities afforded by such instruments as the UNSCR 1325 (2000) to propose to their governments some among themselves to mediate on conflicts that arise from time to time. This has led to disproportionate inclusion of women in peace processes, thus denying such processes the voice of women. Very few, if any, women have been involved in noticeable peace building initiative and the most recollectable locally is the involvement of madam Graca Machel in the Kenyan post-election violence mediation initiative chaired by Dr. Kofi Annan.

Training of women as mediators is also a vital component of their involvement in resolutions of conflicts that arise. The Chartered Institute of Arbitrators (K) Branch, among other bodies²⁹, is mandated to conduct such trainings and has international recognition. It is noteworthy that out of a total membership of **682** at the institute today, **only 201 are women** and majority are at associate level. How then are women able to push for recognition and inclusion without forming a critical mass in such institutions as the CI Arb?

²⁹ Other institutions include Centre for Alternative Dispute Resolution Limited (CADR), Mediation Training Institute (MTI), The Strathmore University's Dispute Resolution Centre, the Dispute Resolution Centre (K), CADER and the recently formed Nairobi Centre for International Arbitration.

Mediation has previously been perceived as hors d'oeuvres for dispute resolvers to imbibe at cocktail events; not any more. On 24th February 2015, the Honourable the Chief Justice Dr. Willy Mutunga appointed 12 persons serve in the Mediation Accreditation Committee. Kenyan women should rise to the occasion, get trained and obtain relevant accreditation, especially in light of the constitutional dispensation under Article 159 (2) (c), so that they are in a better position to agitate for their inclusion as mediators in resolution of conflicts.