

Translating Mediation Guidance into Practice: Commentary on the Guidance on Gender and Inclusive Mediation Strategies

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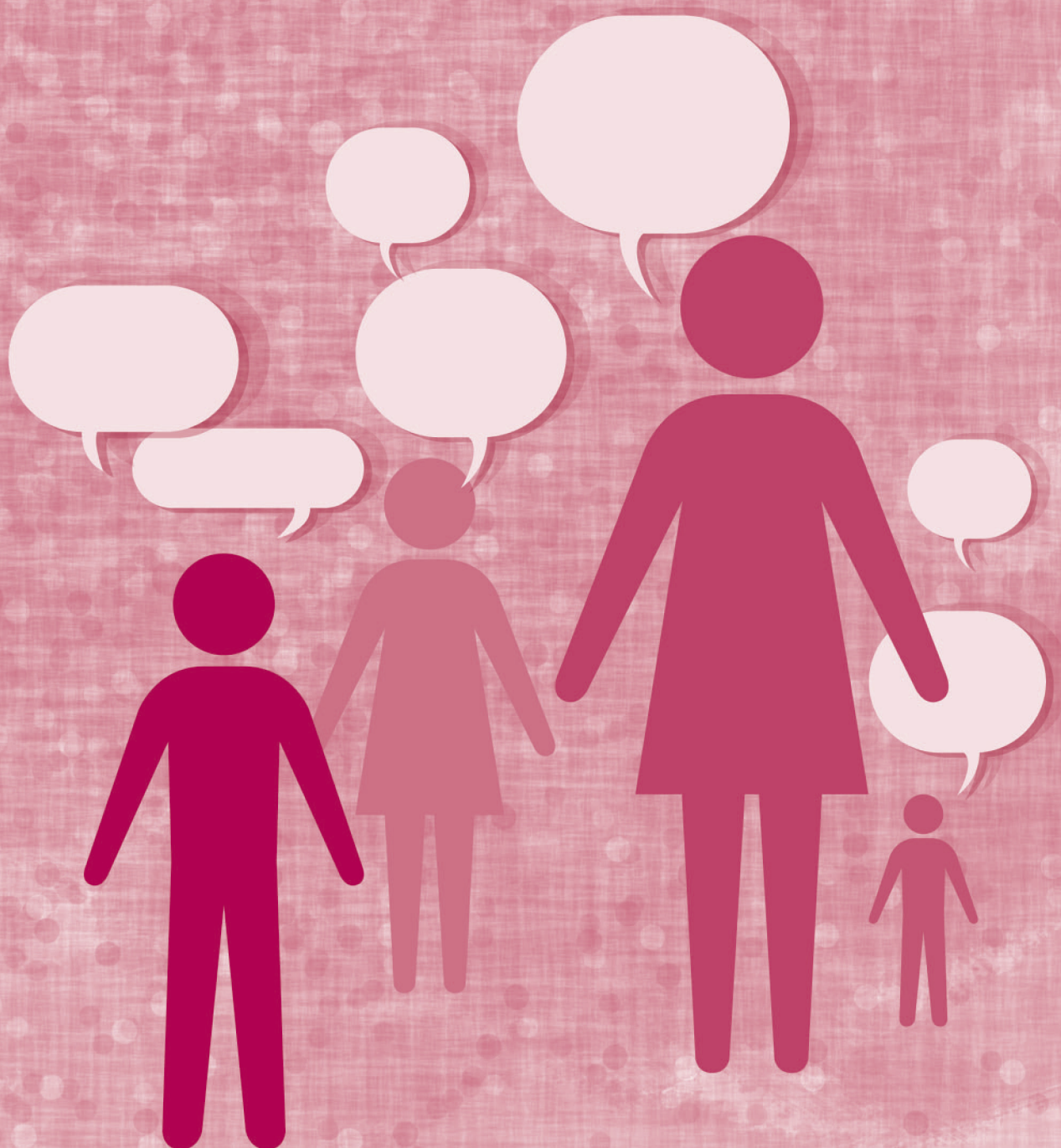
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Translating Mediation Guidance into Practice: Commentary on the Guidance on Gender and Inclusive Mediation Strategies



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Disclaimer: MSN Discussion Points summarize the authors' reflections and do not aim to provide a comprehensive or consensus MSN view.

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VIRGINIA “GINNY” BOUVIER
1958 – 2017

Ginny was one of the pioneers of the MSN, who shaped the structure and the spirit of our network. She hosted the 2017 MSN meeting at USIP in Washington DC and was to have been the co-lead author of this edition of the MSN Discussion Points.

Ginny was a vibrant thinker and peacemaker, as well as a person full of warmth. She is and will be missed.

The authors and the editor dedicate this publication to her.

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INTRODUCTION

This edition of the MSN Discussion Points aims to critically discuss the *United Nations Department of Political Affairs (UN DPA) Guidance on Gender and Inclusive Mediation Strategies* – hereafter referred to as the Guidance – which was launched officially at the MSN meeting 2017. The meeting was held from 27 to 31 March in New York and Washington DC under the theme “State of the Field of Mediation: Challenges for Mediation Support”.

In 2012, the UN published its Guidance for Effective Mediation, which today is considered a key document presenting norms for good and effective mediation. Inclusivity figures here as one of eight mediation fundamentals¹. The Guidance goes further in providing a more detailed account of inclusivity in mediation processes and thus has the potential to become a key reference document, providing guidance to mediators and mediation support actors on the issue of inclusivity.

In focusing on the Guidance, this edition of the MSN Discussion Points renews a tradition started by the MSN Discussion Points No. 2 from 2013², which provided a commentary on the UN Guidance for Effective Mediation. This is in line with the broader goal of the MSN of contributing to better policy and of providing in-depth analyses of current debates in the field of mediation and mediation support.

The present MSN Discussion Points follows the structure of the Guidance and dedicates a section to each of its parts, with the exception of parts one and two, which are taken together, and part six, which is the conclusion. Hence, this paper has four substantive chapters, each starting with a short summary of the corresponding part in the Guidance, followed by a longer in-depth discussion. In the summaries we give a brief overview of the content of the Guidance, while in the discussion we present our own reflections. This is complemented by three case studies, which provide insights on what inclusivity looks like in practice. Finally, we end with a conclusion highlighting key elements.

Due to the specific focus of this paper on the Guidance, the conversations on other topics held at the MSN meeting 2017 are not fully reflected in the document. The MSN meeting 2017 was co-hosted by the United Nations Department of Political Affairs Mediation Support Unit (UN MSU) and the US Institute of Peace (USIP) in New York (2 days) and Washington DC (2.5 days) respectively. Besides the launch of the Guidance, the New

York part of the MSN meeting composed of in-depth consultations on the *UN Secretary General’s Report on UN Activities in Support of Mediation*³ (published in June 2017), as well as the UN DPA Ceasefire and Mediation Guidance (not yet published). The Washington DC part of the meeting consisted of a series of internal panels and debates on a wider range of issues from youth engagement in peace processes; mediation, religion and culture; to supporting mediation through effective training and education, as well as a public panel on mediation and gender, in which the lead author of this MSN Discussion Points served as a panelist.

The MSN is a global network of primarily non-governmental organizations that support mediation in peace processes. For MSN, and for the purpose of this publication, mediation support is understood as activities that assist and improve mediation practices such as training activities, developing guidance, carrying out research, working on policy issues, offering consultation, backstopping ongoing mediation processes, networking and engaging with parties.

The MSN’s overall aim is to improve and promote mediation practice, processes and standards. The MSN links mediation support units and organizations to promote exchange about planned and ongoing activities, to enable synergies and cumulative impact, to provide opportunities for collaboration, and to share analysis of trends and ways to address emerging challenges in the field of peace mediation.

The MSN meetings are organized and hosted by member organizations on a rotating basis. The 2017 meeting in New York and Washington DC marked the 13th meeting of the network and was attended by 24 participants representing 16 member organizations and the secretariat of the network. The participants were from Africa, Asia, Europe, Latin America and North America.

1 The other seven fundamentals are: preparedness; consent; impartiality; national ownership; international law and normative frameworks; coherence, coordination and complementarity of the mediation effort; and quality peace agreements. For more information see: *United Nations Guidance for Effective Mediation*, United Nations, 2012.

2 MSN Discussion Points No. 2 (2013) “Translating Mediation Guidance into Practice: Commentary on the UN Guidance for Effective Mediation by the Mediation Support Network”, edited by Simon J.A. Mason, available for download from: www.mediationsupportnetwork.net.

3 The report was eventually published in June 2017: *United Nations Activities in Support of Mediation – Report of the Secretary-General*, A/72/115.

GENDER, INCLUSIVE MEDIATION AND SUSTAINABLE PEACE, AND THE INTERNATIONAL FRAMEWORK – PARTS I AND II OF THE GUIDANCE

Indicative list of peace agreements with notably extensive provisions on women and gender, as identified and classified by Christine Bell⁴.

Interstate agreements relating to intrastate conflict:

- Afghanistan: peace agreements in the form of agreed provisions and agreed outcomes of international conferences in the post-2001 Afghan reconstruction process.

Regional agreements

- The Great Lakes regional agreements (2004–2014) in support of the interconnected conflicts and peace processes in the region.

Intrastate agreements

- Burundi: the Arusha Peace and Reconciliation Agreement of 28 August 2000.
- Colombia: the Peace Agreement between the Colombian government and the Fuerzas Armadas Revolucionarias de Colombia (FARC) in 2016.
- Democratic Republic of Congo: the Sun City Agreement (2003) and the Peace Agreement between the government and the Le Congres National pour la Défense du Peuple (2009).
- Sudan: various agreements in Sudan, most notably the Doha Document for Peace in Darfur (2011), the Darfur Peace Agreement (2006) and the Eastern Sudan Peace Agreement (2006).
- Uganda: while never signed or implemented, the Agreement on Disarmament, Demobilization and Reintegration (2008) and the Annexure to the Agreement on Accountability and Reconciliation (2008) both include interesting specialized and differentiated provisions on programming for DDR with respect to women's needs.

SUMMARY

Peace agreements that are responsive to the specific needs of women, girls, men and boys contribute to sustainable peace. With this focus, the Guidance seeks to enhance gender-sensitive mediation capacity at international, regional and national levels through promoting effective participation of women and gender sensitivity in the design and actual peace process, as well as in the substance of peace agreements.

DISCUSSION

The Guidance provides a definition of gender⁵ and highlights the effects of gender on power relations in society. It further explains that UN mediators work within the framework of the Charter of the UN, relevant Security Council and General Assembly resolutions, the organization's rules and regulations, global and regional conventions, as well as the international law applicable. Indeed, these frameworks serve as tools for inclusivity and gender sensitivity. Below are some considerations towards gender-sensitive sustainable peace processes.

CULTURAL SENSITIVITIES

The objective of a culturally appropriate approach is to develop a process that invites multiple dimensions of meaning into the talks. A culturally informed approach is of particular importance when promoting the effective participation of women in a peace process, as gender relations are perceived differently in different cultures. A pre-mediation assessment of the conflicting parties' cultures and how they impact gender aspects is needed. However, it is important to avoid stereotypes and not to rush this assessment. This ties in with the broader point of the importance of a good conflict analysis prior to starting any mediation process in which gender aspects are also to be considered.

SYSTEMATIC INCLUSION OF WOMEN

The Guidance builds on the premise that mediation strategies that systematically include women, and civil society more broadly, are more likely to generate broad national ownership and support for a negotiated settlement. It recognizes that women leaders can be effective peacemakers at the community level and highlights the gradual but slow pace in increasing their participation in mediation processes, and the gender sensitivity in peace agreements. This demonstrates a gap between aspirational commitments and the lived experience of women in conflict and in peace processes. The Guidance as such is a tool to further close this gap, however, more needs to be done to elaborate on the question of how to do this in practice.

INCLUSIVITY OF GENDER ISSUES

A strength of the Guidance is that it focuses on the gender dimension of inclusivity and not just on women's participation in peacemaking. The Guidance builds on the definition of inclusivity in mediation as provided for by the 2012 *UN Guidance for Effective Mediation* as the extent and manner in which the views and needs of conflict parties and other stakeholders are represented

⁴ Christine Bell, (2015) *Text and Context: Evaluating Peace Agreements for their 'Gender Perspective'*, UNWomen: www.unwomen.org/en/digital-library/publications/2017/8/evaluating-peace-agreements-for-their-gender-perspective.

⁵ "Gender refers to the social attributes, challenges and opportunities as well as relationships associated with being male and female. These are constructed and learned through socialization; they are context- and time-specific and changeable. Gender affects power relations in society and determines what is expected, allowed and valued in a woman and a man in a given context.", UN DPA Guidance on Gender and Inclusive Mediation Strategies, 2017, p.7.

WOMEN IN THE PEACE PROCESS IN COLOMBIA

Author: Laura Constanza Henao Izquierdo and Fernando Sarmiento Santander (CINEP)

The origins of the Colombian armed conflict are disputed. Some analysis goes back to the birth of the republic in 1821, while more limited analysis often begins in 1948, the year the civil war between the Liberals and Conservatives broke out.⁶ The 70 years of conflict in Colombia produced almost 9 million victims.⁷ Among these, just over half were women, who have been the victims of forced displacement, femicide and sexual and gender-based violence.⁸ Almost half a million women and girls in Colombia have suffered this latter type of victimization⁹, which is a systematic practice in the midst of war.

Women have shown an active role in defending their rights, developing numerous initiatives for peacebuilding, such as the Asociación de Mujeres del Oriente Antioqueño (Association of Women of Eastern Antioquia), an association of mediators, leaders for reconciliation and peace builders; Mesa de Trabajo de la Mujer (the Women's Work Table), a space for reflection on the conditions of women and project management to overcome these conditions; Ruta Pacífica de las Mujeres (the Peaceful Route of Women), a feminist and pacifist movement that has contributed to strengthening women's resistance action leading to a negotiated solution to the conflict.¹⁰ These initiatives strive daily in the search for peaceful alternatives to violent conflict, and have carried out at least 638 collective actions for peace in the last four decades, with the participation of more than 13 million people.¹¹

The accumulated impact of these initiatives became visible in the crucial role that women played during the peace process between the Colombian government and the Revolutionary Armed Forces of Colombia, FARC-EP. Their role is not only illustrated by the participation of three women at the negotiation table – Nigeria Rentería and María Paulina Riveros within the government delegation, and Victoria Sandino within the FARC-EP delegation – or by the creation of the gender subcommission (established in September 2014). It is also reflected in the level of organization and political impact that civil society organizations have had, putting issues on the public agenda that had been neglected during the armed conflict. Thus, women's organizations had a strong presence in the forums

organized by the UN and the National University of Colombia to increase participation of civil society in the negotiations; in the Cumbre de Mujeres y Paz (Women and Peace Summit) in which more than 1,200 women representing organizations from all over the country discussed their participation in the peace process¹²; in the nine regional events organized by the Congress Peace Commissions¹³; and in the dissemination of information about the peace agreement.

In addition, women managed to create a special commission to guarantee a gender approach in the implementation of the final agreement, composed of seven women.¹⁴ This commission, one of the “greatest achievements of the peace process and unique at the international level”¹⁵ works together with the Monitoring and Verification Commission of the Peace Agreement.

The participation of women in the peace process is just one step towards transforming the conditions in Colombia. One year into the implementation of the agreements, the outlook is less positive than had been hoped. Of the 122 gender provisions that entailed measures of affirmative action to ensure women's leadership in programs related to the peace process, a total of 59% have not even begun to be implemented, 30% are at a minimum level of implementation, 5% are at an intermediate stage of completion and the remaining 6% have been implemented in their entirety.¹⁶ In addition, there are concerns about the low participation of women in monitoring and implementation mechanisms, such as in the National Commission of Security Guarantees and the National Council for Reincorporation¹⁷, as well as about the lack of representation of black women, palenqueras, raizales and afrodescendants in the above mentioned special commission of gender. Also, the vulnerability of women in the process of reincorporation has increased the risk of sexual violence in some Transitory Training and Reincorporation Spaces.¹⁸

The peace process in Colombia has been a precious opportunity to make the historical work of women in the construction of peace visible, showing the role they have played in safeguarding women's rights in the face of deep inequality. However, the road to travel is still long. After one year of implementation, there are very few achievements obtained and there are still concerns that the four years of dialogue and trust building between antagonistic actors could have been in vain.

6 “Contribution to the understanding of the armed conflict in Colombia”. Historical Commission of the Conflict and its Victims. February 2015. Available at: www.altocomisionadoparalapaz.gov.co/mesadeconversaciones/PDF/Informe%20Comisi_n%20Hist_rica%20del%20Conflicto%20y%20sus%20Victimas.%20La%20Habana%2C%20Febrero%20de%202015.pdf.

7 Of the 8,604,210 victims registered, 6,799,019 are subject to assistance and reparation. Unit for Victims data, 30 November 2017, available at: www.unidadvictimas.gov.co/es.

8 Sexual violence has been widespread and silenced, generating an impunity rate of up to 98%. International Center for Transitional Justice (June 12, 2014) *Colombian women affected by the armed conflict are also agents of change*, available at: www.ictj.org/es/news/mujeres-colombianas-afectadas-conflicto-armado-agentes-cambio.

9 Oxfam, *Campaign violations and other violence. Get my body out of the war*. First prevalence survey. “Sexual violence against women in the context of the Colombian armed conflict.” Colombia. 20001–2009, cited by, Bouvier, Virginia. UN WOMEN. March 4, 2016. *Gender and the Role of Women in the Peace Process in Colombia*. United States Institute of Peace.

10 Map of Peace Experiences, MEP- Peace Initiatives Team, Popular Education and Research Center, 1 January 2018.

11 DATAPAZ- Peace Initiatives Team, Popular Education and Research Center, January 1, 2018.

12 “National Summit of Women and Peace” (October 2016): www.cumbrenacionaldemujeresypaz.com/sobre-la-cumbre/quienes-somos.

13 Bouvier, Virginia. UN WOMEN. March 4, 2016. *Gender and the role of women in the peace process in Colombia*. United States Institute of Peace.

14 Ávila, C. (29 July 2017). *Meet the seven women who will ensure that the agreement's gender approach is a reality*. *El País*. Available at: <https://colombia2020.elspectador.com/pais/conozca-las-siete-mujeres-que-velaran-porque-el-enfoque-de-genero-del-acuerdo-sea-una-realidad>.

15 “The gender approach in the Final Accord represents a milestone in peacebuilding at an international level since it places women's rights and gender equality at the center of the Agreement. It is an innovation of the Colombian Agreement. The text creates concrete measures and provisions to promote equal rights, active participation and equitable representation of women in peacebuilding”. *Report on the effective status of implementation of the peace agreement in Colombia*. Kroc Institute for International Peace Studies, University of Notre Dame, November 2017, p. 13.

16 *Ibid*, p. 14.

17 *El Espectador* (16 November 2017). *An implementation that advances halfway through. Balance of the implementation of the Peace Agreement*.

18 *Report on the effective status of implementation of the peace agreement in Colombia*. Kroc Institute for International Peace Studies, University of Notre Dame, November 2017, p. 14.

and integrated into the process and outcome of a mediation effort. Inclusivity hence refers both to the inclusion of women, civil society and other actors in the talks, as well as to the inclusion of issues.

One of the other strengths of the Guidance is that it places emphasis on the point that inclusive processes provide multiple entry points and diverse mechanisms for participation. It highlights that broader constituencies increase the potential to identify and address the root causes of conflict to ensure that the needs of those affected by the conflict are addressed. The peace process in Colombia illustrates what this can look like in practice.

MEDIATION PREPARATION – PART III OF THE GUIDANCE

SUMMARY

The Guidance highlights five gender considerations when selecting and preparing mediators, which are:

- the need for more women to be appointed as lead mediators,
- better gender parity in the mediation support team,
- ensuring a good understanding of gender by all team members and relevant to their specific expertise,
- including specific gender and mediation expertise in a mediation team,
- the need for context-specific gender and inclusion workshops.

The focus of the Guidance on preparation is hence two-fold, to increase the mediation team's gender balance, as well as its gender competency.

DISCUSSION

Preparation can make or break a mediation process. The Guidance re-iterates the emphasis on preparedness highlighted in the *UN Guidance for Effective Mediation*, that mediation preparedness combines the individual knowledge and skills of a mediator with a competent and cohesive team of specialists, as well as the necessary political, financial and administrative support from the mediating entity or entities.

GENDER-BALANCED MEDIATION TEAMS

Mediators are often called upon at short notice to respond to a quickly changing conflict. This poses a challenge to the preparation. To assure that gender is taken competently into account, it is helpful to commit

resources to prepare rapid response teams with gender expertise, including a core group of women with the required mediation expertise. Over recent years, efforts to do so have been done through various networks of women mediators.¹⁹ This is a crucial first step; however, this expertise must now also be called upon. If aiming for gender balanced mediation teams, mandating institutions are to be strategic when composing a mediation team, to include gender expertise and to ensure gender inclusive mediation expertise among all team members.

There are however other norms and considerations to take into account in composing a mediation team. The Guidance also points this out by highlighting that the chief mediator generally selects his/her own team, and does so based on a range of criteria such as competency, expertise, acceptability by the parties to name but a few. Therefore, gender parity might not always be achieved. This does not exclude the need to incorporate gender considerations and gender expertise in the team though, e.g. through continuous specialized training on gender issues, aligned to the specifics of the context of operation.

GENDER-SENSITIVE CONFLICT ANALYSIS

The Guidance highlights that gender-sensitive conflict analysis is a first and an essential step towards a gender-sensitive mediation process. The analysis needs to go beyond the documentation of practices of discrimination, exclusion and the gendered impacts of conflict to assess underlying gender dynamics – the political and economic power dynamics between men and women within a society – and their links to peace and security. The gendered analysis should also help identify opportunities and capacities for peacemaking at the different levels, thus strengthening capacities for mediation support.

STRATEGIC PARTNERSHIPS

Mediation teams speak with a broad range of stakeholders to forge understanding of the situational dynamics and perspectives that contribute to a conflict context. Therefore, establishing strategic partnerships is key, which is why the Guidance takes up this issue and stresses the importance of gender-sensitive partnerships. It states that mediation teams should solicit guidance from a broad range of actors, civil society and stakeholders, and should consult gender experts on how to engage with different key actors in society. These insights will contribute to a more comprehensive understanding of the situation and enhance the mediator's ability to explore alternative proposals for conflict resolution. Here, the Guidance responds implicitly to the broader issue of linking the different levels of a peace process, going beyond the pure focus of prepar-

¹⁹ Examples of such networks include: the Network of African Women in Conflict Prevention and Mediation (FemWise-Africa), the Mediterranean Women Mediators Network, the Nordic Women Mediators network, and Sangat in South Asia.

edness. Yet, given the difficulties of many peace processes to do this efficiently, the Guidance could have profited from further elaboration on this aspect. The case of Kenya illustrates how strategic partnership in the preparation of a mediation process can impact the design of the process and, ultimately, help bring about a more gender-sensitive outcome.

WOMEN IN THE PEACE PROCESS IN KENYA

Author: Irene Limo (ACCORD)

Following the December 2007 General Election until early 2008, the people of Kenya endured a period of severe post-election violence resulting in an estimated over 1,000 deaths and 300,000 internally displaced persons. International mediation by the African Union's (AU) Panel of Eminent African Personalities brought the two main parties, the government/Party of National Unity (PNU) and the Orange Democratic Movement (ODM) into the Kenya National Dialogue and Reconciliation (KNDR) forum for dialogue and mediation. The AU panel was made up of Kofi Annan (Chair), Benjamin Mkapa and Graca Machel. This process led to the signing of the National Dialogue and Reconciliation Agreement in Nairobi on 1 February 2008. In preparing for the dialogue, during the talks, and in the post-agreement phase, women played a significant role, and the following lessons can be drawn from this.

Consultative preparatory phase: Strong national and grassroots structures offer an effective vehicle for broadening national participation, and therefore ownership, of a peace process. Hence, the AU Panel of Eminent African Personalities made a deliberate move to ensure that stakeholders such as civil society organizations and women were given an effective voice in the mediation process. In preparing for the talks, the panel sought the views of the different stakeholders including women and listened to their concerns and recommendations. This helped them to elaborate the agenda for the negotiations. Kofi Annan also invited women's groups to present their recommendations to the delegations and directly consulted them in subsequent rounds of negotiations. This interaction with the community allowed the processes to be more sensitive to local realities. It also demonstrates the importance of ensuring that systems and avenues are in place which enable the voices of women from different spheres of life to be heard in these processes. This is reflected in the gender-balanced composition of post-agreement implementation commissions and in the issues that the different committees sought to address.

Gendered negotiation and mediation teams: The Kenyan peace process can be reflected as follows: women signatories (0%), women lead mediators (33%), women witnesses (0%), women in negotiating teams (25%).²⁰ Despite the low numbers, it is considered by many as an exemplary process. The mediation team was gendered and included people not only with mediation experience, but also with technical skills, including legal know-how, and with access to in-depth analysis of the situa-

tion on the ground. Additionally, combinations of formal and informal networks were used to feed the team's knowledge of the context. The presence of Graca Machel, who worked closely with the women in the country, led to a more inclusive process where more women's voices and women's issues were brought to the negotiations. The level of seniority of Graca Machel and her long history around women's issues also meant that she was well positioned to identify specific issues of importance and also push these issues in the discussions.

Self-mobilization and engagement of the women's civil society groups: The role of Kenyan civil society and women in the KNDR Process was important in shaping "Agenda Four", which called for reforms to address the root causes of the violence. The capacity for civil society to mobilize and ensure that women's issues and priorities were presented to the mediation team was noted in the process. Despite some challenges, the women's organizations within civil society were able to come together to articulate a position for women. This was done through the creation of a common document expressing a unified position, which was handed to the AU panel so that some of its provisions found their way into the final agreement. The process thus is an example of the positive advocacy role that women's groups and individual women in key positions can play.

Empower and work with women in the country: The capacity of local actors to influence or drive a peace process is key to the sustainability of peace. Women as a group constitute 52% of Kenya's population²¹ and the majority of voters. Women who live the realities of the conflict can open doors that external mediators cannot. As was the case in the negotiation process, they provide a deeper understanding of the conflict, and thereby help in designing a mediation process that fits the specific case. This includes also ensuring that the voices of victims, the excluded and other civilians are consistently heard, as highlighted in the content of the Women's Memorandum presented to the AU Panel by a committee of 11 women on behalf of all women. The women mediators, women leaders, women activists, women peacemakers and women working in different sectors of the society in Kenya came together to consolidate their voices and concerns which culminated in the memorandum. Kofi Annan invited the women to a feedback session after the first peace agreement was signed and asked them what other issues needed to be addressed in the next round of negotiations and in the next agreements. Finally, the women with access to the mediation teams were able to undergo training, enabling them to engage and contribute to the technical components of the talks.

20 *Women's Participation in Peace Negotiations: Connections between Presence and Influence*. UNWomen, 2010.

21 Institute for Security Studies, (2016) *Kenyan politics: where have all the women gone?* Available at www.issafrica.org/iss-today/kenyan-politics-where-have-all-the-women-gone.

PROCESS DESIGN – PART IV OF THE GUIDANCE

SUMMARY

The Guidance explains mediation process design as the formulation of a strategy on the approach and organization of the mediation. Inclusive process design creates multiple entry points and diverse mechanisms for participation. Mediators, the Guidance continues, need to promote understanding among conflict parties on the value of the broad participation of women. Mediation processes become more complex when the consultation base expands and multiple forums are used to engage actors at different levels. Mediators may have to grapple with the potential tension between inclusivity and developing (and implementing) a strong process that will enable a timely resolution of conflict. This is notably the case for ceasefire negotiations, where mediators need to balance the humanitarian need to end the violence quickly with normative frameworks and with the demands of the parties.

DISCUSSION

Mediation process design encompasses a complex and large number of variables, ranging from the structure of the talks, to the type of mediation, to the engagement of the mediator with the parties.²² Conflict parties and some mandating organizations often overlook the importance of appropriate procedures to the success of mediation. It is well before the formal beginning of the talks that the parties should be discussing and agreeing on process issues.

The Guidance advises mediators and conflict parties to actively explore different options for women's representation in multi-track processes such as:

- Convening a women's advisory committee to the mediator;
- Creating structures for dialogue and negotiation to allow women's civil society groups that are under-represented in the formal talks to communicate with conflict parties and mediators;
- Initiating civil society forums to give the general public a chance to be heard and linked to the mediation process and to attempt to address their concerns;
- Linking up with national/local peace initiatives;
- Identifying women leaders and organizations early in the mediation process to be members of the implementation bodies of the future peace agreement, or

to support and promote its equitable implementation.

While not clearly labeled as such in the Guidance, this list is not exhaustive. Importantly, mediators should not attempt to reproduce specific formats, but rather focus on the functions of such formats and reflect how this function can best be served in their specific context.

This section of the Guidance is strongly focused on the inclusion of women in the mediation process. Recalling both the definition of gender which stresses the relationship between the sexes and the power relations in a society, as well as recalling the full title of the Guidance on gender and inclusive mediation strategies, it would have been beneficial to extend the focus to other excluded parts of society, as well as on working with men and the holders of power. Notably the last point is often overlooked: it is not sufficient to provide for space for the non-powerful to express themselves, as the ability and willingness of the powerful to listen is also needed. More efforts and reflections are needed to show how to work with men on gender issues, rather than focusing primarily on how to work with women.

MEDIATING AGREEMENTS: A GENDER LENS ON SUBSTANTIVE ISSUES – PART V OF THE GUIDANCE

SUMMARY

The Guidance accepts that a mediation process can produce different agreements. Some – such as ceasefires or procedural agreements on the nature of talks – are limited in scope and address a specific issue. Comprehensive peace agreements, in contrast, tackle a broad range of issues, among which a ceasefire agreement might be a constituent element. The limited scope and the urgency of the latter makes the inclusion of a gender perspective often more difficult, while comprehensive agreements often offer easier entry points for gender issues to be captured.

DISCUSSION

The previous parts of the Guidance have focused on the mediation team, preparation and questions of process design. This chapter is the first to touch upon the content of peace agreements. While not being made explicit in the Guidance, this is a crucial shift in focus. Mediators typically have more control over the process, while the content is in the responsibility of the conflict parties. For that reason, one often also distinguishes between process-related norms and content-related

²² Julia Palmiano Federer and Rachel Gasser (2016) *International Peace Mediation and Gender: Bridging the Divide*, BRICS Policy Center: www.bricspolicycenter.org/homolog/uploads/trabalhos/7183/doc/1035814582.pdf.

norms.²³ The Guidance here appears to be pushing mediators to take more control over the content as well. In that, it is important to remember that ultimately the parties to the conflict bear ownership of the peace agreement and they are the ones to consent to a mediation. This also links to a broader discussion in the field on which issues should be part of a mediation process and a peace agreement, and which issues are important elements of a peace process but outside the scope of a peace agreement. The Guidance directly links to this discussion when it stresses that the constitution making process should be separate from the mediation process aiming at a peace agreement.

Consequently, not all of the issues raised in this chapter of the Guidance and the corresponding gender elements need to be part of the peace agreement. Rather, mediators and conflict parties are encouraged to consider those issues in it and see where, how and when to best deal with them in their specific context.

The Guidance addresses five specific substantive issues: gender-relevant language for ceasefires and peace agreements, security arrangements, political participation and powersharing, constitutions, and the implementation of peace agreements. These five aspects will be discussed below separately, with the exception of political participation and powersharing, which are covered together with the constitution.

GENDER-RELEVANT LANGUAGE

The Guidance stresses that peace agreements that are gender “blind” have proven detrimental to the security and peacebuilding needs of women. This is a claim that is intellectually sound, but that nevertheless would have profited from empirical backup. However, the Guidance’s strength in this section is that it is very practical, providing concrete ways to make a text gender-sensitive, hence helping to guide the mediator and the parties in the drafting process. This includes linguistic elements such as using gender neutral terms and pronouns rather than only male-forms, as well as stressing the need to anticipate how a text will be read once translated.

SECURITY ARRANGEMENTS

Gender issues in security arrangements take various forms. In line with the previously published special *UN Guidance on Addressing Conflict-Related Sexual Violence in Ceasefire and Peace Agreements*, the Guidance highlights that conflict-related sexual violence (CRSV) should be addressed early and directly in any cessation of hostilities or ceasefire agreement, including probing

as to whether CRSV has occurred and excluding it from amnesties in line with international law.

Other than CRSV, the Guidance highlights that when including disarmament, demobilization and reintegration (DDR) provisions in agreements, conflict parties and mediators need to be mindful of the various roles women have played in the armed conflict (i.e. as combatants, or providers of combatant support, such as cooks, messengers, or sex slaves) in order to identify them as beneficiaries of recovery and reintegration programs. Gender-sensitive eligibility criteria should be formulated to acknowledge the special needs of women beneficiaries, whether as members of armed groups, or as members of the communities receiving demobilized combatants. Mediators are advised to consult extensively with women on the design of security arrangements that seek to address or prevent sexual violence and to gain their support for the laying down of arms.

POLITICAL PARTICIPATION, POWERSHARING AND THE CONSTITUTION

By its very existence, a mediation process seeking to resolve a political issue has an impact on the balance of power. This is challenging and complex, but is also an opportunity for renewal and change, notably if – as often is the case – women’s participation in political spheres has previously been limited.

A shift in power structures can also be a source of new conflict, as the Guidance also acknowledges. The balance between revising existing power structures which might have contributed to the outbreak of the conflict, while not creating new violent conflict resulting from the shift in power structures is a key challenge in any peace process. The Guidance argues that seeking broader societal support from the start of the mediation is essential to help with that balance. Even so, it leaves this crucial point rather vague and misses an opportunity to provide clear guidance on a key issue.

A clearer acceptance of the limited scope of a peace agreement to deal with more fundamental questions of gender in a society may help to avoid overloading a peace agreement with all issues a society has to struggle with. This is more the role of a constitution-making process which also the Guidance sees a central aspect of a comprehensive political transition. This process, it argues, should generally not be part of the peace agreement negotiations, but be dealt with separately. The argument given is the need for time, broad consultations and a strong national ownership. The Guidance insists, in line with the logic of inclusivity in peace agreement negotiations, that constitution-making processes need to be inclusive and gender-sensitive. However, it does not elaborate further on how a peace agreement and constitution-making process are linked. This aspect deserves more attention and deeper analysis, even if this lies beyond what one can expect from guidance on inclusive mediation strategies as it ties in to the broad and complex field of state building.

²³ For a coherent discussion on norms in mediation and the differences between process- and content-norms, see: Hellmüller Sara, Palmiano Federer Julia and Zeller Matthias, 2015, *The Role of Norms in International Mediation*, swisspeace and NOREF, Bern, Switzerland.

IMPLEMENTATION OF AGREEMENTS

Staying true to its logic, the Guidance argues that agreements should also incorporate clear gender-sensitive modalities for implementation, monitoring and dispute resolution to address disagreements that may arise during implementation, and make provisions for women's active involvement within them. Monitoring, verification and reporting mechanisms are critical for the implementation of cessation of hostilities or ceasefire agreements. The inclusion of women in such mechanisms facilitates access to information and the reporting of violations against survivors of all sexes.

WOMEN IN THE PEACE PROCESS IN MINDANAO, PHILIPPINES

Author: Sophia Close (CR)

After 15 years of negotiations and over four decades of armed conflict, in October 2012 the Government of the Philippines and the Moro Islamic Liberation Front signed a Framework Agreement on the Bangsamoro (FAB) that laid out a road map to peace. Two years later the parties signed a Comprehensive Agreement on the Bangsamoro (CAB), which put an end to the armed conflict in Mindanao by offering the Muslim minority in the southern Philippines significant levels of self-governance. As in other peace processes, Filipino women and other excluded groups have had to struggle to have their voices heard and gain access to deliberation and decision-making. The case of Mindanao is of global relevance because it is one of the few internationally mediated processes in recent years leading to a peace agreement, and because women, including indigenous women, were able to play significant roles at multiple levels to reach this achievement.

The International Contact Group (ICG) was established in 2009 as the first ever formal hybrid mediation support initiative. It is composed of four countries and four international NGOs, working together to witness and advise the peace talks.²⁴

The ICG offers direct and trusted access to key players in the peace process, which is critical to link grassroots activists to policymakers. Notably, the presence of NGOs provided opportunities to push for gender inclusivity. For example, the first female member of the ICG came from Conciliation Resources (CR). CR, along with other members of the ICG, pushed for gender sensitivity and promoted women's participation in the peace talks. The format also allowed challenging gendered assumptions around the role and interests in the room. For example, as a conscious decision, a male colleague pushed for women's participation, while a female colleague raised issues like security and economics.

The hybrid nature of the ICG allowed a flexible way of interacting between the different tracks and created space for civil society, especially women's organizations, to participate in the talks. Notably the international NGOs proved important in doing so. For example, CR convened informal 'all-women' discussions at the sides of the negotiations. It shared insights on the official peace talks – where relevant and appropriate – with its civil society partners to relay to affected communities in order to ensure grassroots level involvement and feedback. In response to intense lobbying from civil society, and after long discussions at the negotiating table, both parties agreed on the “right of women to meaningful political participation, and protection from all forms of violence” (Section VI, Article 1g of the FAB). This single provision opened a window of opportunity to redefine social, legal and institutional arrangements related to gender and peacebuilding in the Bangsamoro region.

Inclusivity and gender sensitivity continue to be important after the signing of the agreement. Despite the divergence of women along religious, ideological, and class lines, the peace process has created opportunities for joint efforts between organizations with different perspectives. Following the signing of the CAB, CR facilitated consultations and training with diverse groups of around 3,000 women in the Bangsamoro, to capture their needs, expectations and policy recommendations. These consultations resulted in a manifesto entitled “A better Bangsamoro for all”, capturing women's contributions and reflections on a Bangsamoro Basic Law (BBL). The ensuing 16 recommendations in this manifesto are informing the complex and long-delayed drafting of the BBL. Similarly, efforts were made to support civil society actors to develop skills for engaging with decision-makers. This allowed them to advocate and influence institutions such as the Bangsamoro Transition Commission, the Joint Normalization Committee, the Transitional Justice and Reconciliation Commission, as well as the Congress and the Senate.

²⁴ For more on the process, see www.c-r.org/resources/innovation-mediation-support-international-contact-group-mindanao or www.c-r.org/resources/womens-meaningful-participation-peace.

CONCLUSION

The UN DPA Guidance on Gender and Inclusive Mediation Strategies is part of the UN's efforts to improve mediation practice by setting standards and norms. Thus, it is both an important and timely contribution to the field. While gender and inclusivity aspects are becoming more commonly included in peace processes, there are still only comparably few examples when this was done coherently and in a structured manner.

The new Guidance elaborates upon inclusivity in peace processes in a more detailed manner. Its core parts focus on mediation preparation, process design and inclusivity of the substantive issues. All three parts of the mediation process are considered in a broad way and go deeper than seeing inclusivity as simply “counting women”. Strengthening women's participation is part of the argument, however, the Guidance systematically goes further. In the mediation preparation section, for example, the need for both a gender-sensitive conflict analysis and gender training for the mediation team is highlighted. Where the Guidance could have gone further, however, is on exploring how to work with men (and women) who are not yet gender-sensitive.

The Guidance resists the temptation to propose a single best-practice approach. This is as it should be, as there is no one-size-fits-all mediation process. Each peace process is highly context specific. Rather, a series of questions and issues to consider are proposed. This is notably relevant for content-related norms that are raised in the Guidance where it is important to keep in mind that the agreement and its content is ultimately in the hands of the parties to the conflict. The strength of the Guidance is clear when it abstains from pushing abstract norms, but rather guides mediators towards practical measures. For example, when addressing the topic of substantive issues, the Guidance outlines in practical terms the consideration of gender-sensitive language and gender-sensitive implementation modalities. Such practical advice is valuable, and could have been pushed further in order to better show *how* to put the advice into practice.

Overall, the Guidance is a well thought through contribution to the field, even when some sections remain rather vague and general. This MSN Discussion Points has attempted to complement this with case illustrations from Kenya, Colombia and the Philippines showing how gender and inclusivity can be implemented in practice. From Colombia we learn how women's bottom-up pressure lead to an inclusion of gender-considerations in the agreement and how in return women can help the agreement to be accepted and implemented in society. Kenya shows how a mediator can make strategic use of existing women's networks and help to bring gender-considerations to the negotiation table. The Philippines example demonstrates how mediation support organizations can help bridge the gap between the formal talks and other fora.

MEDIATION SUPPORT NETWORK

PROFILE

The Mediation Support Network (MSN) is a small, global network of primarily non-governmental organizations that support mediation in peace negotiations.

MISSION

The mission of the MSN is to promote and improve mediation practice, processes, and standards to address political tensions and armed conflict.

Furthermore, the MSN connects different mediation support units and organizations with the intention of

- promoting exchange on planned and ongoing activities to enable synergies and cumulative impact;
- providing opportunities for collaboration, initiating, and encouraging joint activities;
- sharing analysis of trends and ways to address emerging challenges in the field of peace mediation.

ACTIVITIES

The MSN meets once or twice a year in different locations. The organization of the meetings rotates, with each meeting hosted by a network partner. Each meeting has a primary topical focus that is jointly decided by all network members.

MSN MEMBERS IN MARCH 2017

- African Centre for the Constructive Resolution of Disputes (ACCORD) www.accord.org.za
- Berghof Foundation www.berghof-foundation.org
- The Carter Center www.cartercenter.org
- Center for Peace Mediation (CPM) www.peacemediation.de
- Centre for Peace and Conflict Studies (CPCS) www.centrepeaceconflictstudies.org
- Centro de Investigación y Educación Popular – Programa por la Paz (CINEP) www.cinep.org.co
- Centre for Mediation in Africa, University of Pretoria (CMA) www.centreformeditation.up.ac.za
- Conciliation Resources (CR) www.c-r.org
- Crisis Management Initiative (CMI) www.cmi.fi

- Folke Bernadotte Academy (FBA) www.folkebernadotteacademy.se
- Foundation for Tolerance International (FTI) www.fti.org.kg
- Centre for Humanitarian Dialogue (HDC) www.hdcentre.org
- Initiative on Quiet Diplomacy (IQD) www.iqdiplomacy.org
- Mediation Support Project (MSP), swisspeace and Center for Security Studies (CSS) ETH Zurich www.swisspeace.ch & www.css.ethz.ch
- Nairobi Peace Initiative (NPI) www.npi-africa.org
- Search for Common Ground (SFCG) www.sfcg.org
- Servicios Y Asesoría Para La Paz (SERAPAZ) www.serapaz.org.mx
- Southeast Asian Conflict Studies Network (SEACSN) www.seacsn.usm.my
- UN Mediation Support Unit (PMD/MSU) www.peacemaker.un.org/mediation-support
- US Institute of Peace (USIP) www.usip.org
- West Africa Network for Peacebuilding (WANEP) www.wanep.org

PREVIOUS MSN DISCUSSION POINTS:

MSN Discussion Points no. 8, Encountering and Countering Temporary Impasses in Peace Processes, 2016

MSN Discussion Points no. 7, Challenges to Mediation Support in Hot Wars: Learnings from Syria and Ukraine, 2015

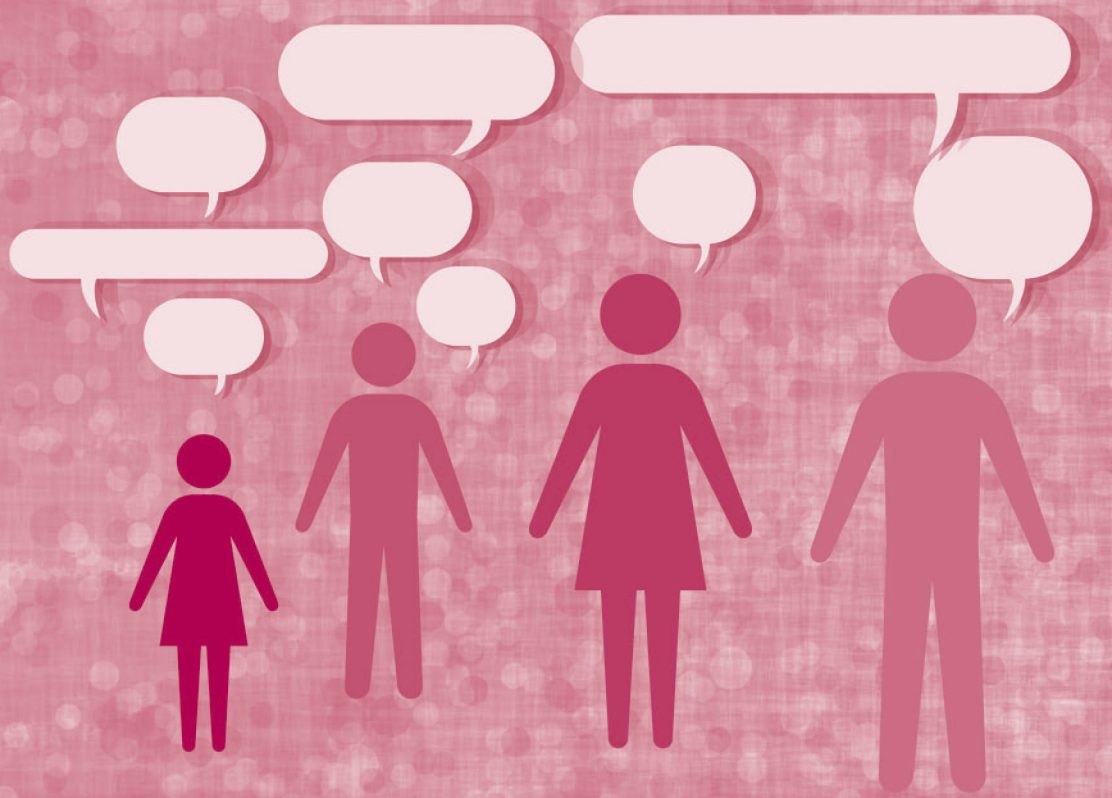
MSN Discussion Points no. 6, Inclusivity in Mediation Processes: Lessons from Chiapas, 2015

MSN Discussion Points no. 5, Mediation and Conflict Transformation, 2014

MSN Discussion Points no. 4, Mind the Gap: How Mediation Support Can Better Respond to the Needs of Local Societies, 2013

MSN Discussion Points no. 3, Regional Intergovernmental Organizations in Mediation Efforts: Lessons from West Africa, 2013

MSN Discussion Points no. 2, Translating Mediation Guidance into Practice: Commentary on the UN Guidance for Effective Mediation by the Mediation Support Network, 2013



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