

Models for Women's Inclusion in Track One Mediation in Peace and Transition Processes



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EXECUTIVE SUMMARY

This paper focuses on modalities for ensuring that women and gender advocates have direct access to ‘Track 1’ peace and transition process talks – that is, formal talks between the key political-military elites at the heart of the conflict. The paper also considers how modalities of direct participation relate to ensuring that gender equality is addressed as part of the peace process. It is important to note from the outset, that direct access to Track 1 processes is only one of a number of ways that women can influence peace talks, peace agreements and their outcomes. Modalities of inclusion can inform the design of future peace talks and, in particular, the design of mechanisms for women’s participation to go well beyond inclusion in Track 1 talks.



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Recommendations:

1. International organisations must look beyond narrow models of inclusion and recognise and increase the visibility of the work that women are already doing in mediation and conflict prevention. It is critical that mediators consider not only who is at the table, but who is missing, and create process mechanisms to ensure that those voices are heard.
2. All parties to the negotiating process, including international mediator teams should be required to include women in their delegations. Delegations, and women who participate in them, should be offered clear support from international actors to enable that participation.
3. All efforts should be made to include a specific mechanism for full access to the drafting process for gender and women’s advocates.
4. Where some voices are clearly excluded from the process, the mediator /facilitator should create dedicated mechanisms to enhance the breadth of democratic representation, including of women. These mechanisms may include special forms of selection process and election, both with thresholds suitable to the election of women as a group.
5. To enhance the gender expertise available at the talks, drafting and advice mechanisms such as Gender Commissions or sub-commissions can also be created. To be successful, these bodies should have a direct line of communication into the negotiating process in a form ideally agreed between all the parties to the talks. Bodies should be appointed on the basis of their experience, expertise and past record of advocacy in gender and women’s rights issues.
6. Indirect bodies for inclusion such as Advisory Boards can be useful where necessary to supplement other measures. Where such bodies are created, there should be a clear mandate and a transparent mechanism for selection. Bodies should be appointed on the basis of their experience, expertise and past record of advocacy in gender and women’s rights issues.
7. The modality of inclusion chosen should be suitable for the type of talks, and one modality does not exclude others, as often multiple modalities will be needed to ensure both adequate representation of women on the same basis as men (representational equality), and that women’s rights issues are addressed (participative equality).

1. INTRODUCTION



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This paper focuses on modalities for ensuring that women and gender advocates have direct access to ‘Track 1’ peace and transition process talks – that is, formal talks between the key political-military elites at the heart of the conflict.¹ It also considers how modalities of direct participation relate to ensuring that gender equality is addressed as part of the peace process, and the importance of ensuring that women are included from the outset, and not once the agenda for talks has already been agreed. It is important to note from the outset, that direct access to Track 1 processes is only one of a number of ways that women can influence peace talks, peace agreements and their outcomes. The Inclusive Peace and Transition Initiative (now Inclusive Peace), drawing on case studies of how women have exerted influence in practice, has usefully set out a range of modalities that women use, ranging from direct access to tools external to the talks such as ‘mass protest’.² The modalities can inform the design of future peace talks and, in particular, the design of mechanisms for women’s participation to go well beyond inclusion in Track 1 talks.³

Nevertheless, over three decades, a range of measures have been attempted to ensure women’s inclusion at the highest drafting and decision-making levels in peace processes. This paper sets out a brief account of the key mechanisms by which direct participation has been institutionalised to give direct access to women to Track 1 talks, and the advantages and disadvantages of each mechanism, with a view to improving the practice of inclusion.

The paper recommends that the design of access for women has to be located in a broader approach to women’s inclusion than that of providing a singular line into a narrowly focused Track 1 mediation. Inclusion must be addressed by a multipronged strategy capable of addressing the many factors which constrain and enable women’s access to political decision-making in context, rather than focusing on direct participation in talks process alone. Inclusion also has to be thought of as a means of expanding Track 1 talks to a wider set of processes capable of enabling narrow pacts between political-military actors most responsible for causing violent conflict to be sustained and developed to deliver meaningful change and broader social buy-in over time. This buy-in is likely to be necessary to sustaining peace. However, effective change for women does not depend on whether the right modality for women’s participation is chosen. Rather, effective change depends on the totality of conditions affecting women’s political equality, and the capacity of the peace process to hear and address social demands for justice and equality. The question of what modality is possible and preferable has to be considered in context against these conditions.

1 See Catherine Turner and Christine Bell (2021). *Increasing the Representation of Women Peace Mediators: Collaborative Leadership Models For Ensuring Equality*. Cairo: UN Women.

2 See further Inclusive Peace, at <https://www.inclusivepeace.org/>. The modalities Inclusive Peace has identified comprise: Direct Representation; Observer Status; Consultations; Inclusive Commissions; Public Decision-making; Mass action; and, Other, at <https://www.inclusivepeace.org/content/making-women-count-not-just-counting-women-assessing-womens-inclusion-and-influence-peace>.

3 See, Jorrit Kamminga, Lotje Boswinkel, and Tamara Göth (2021), *Because She Matters: Ensuring Women’s Meaningful Participation Peacebuilding in Afghanistan* (Coraid, Inclusive Peace, I Matter, Oxfam International), at <https://www.oxfam.org/en/research/because-she-matters>, which provides a broad series of recommendations which go well beyond just representation in the talks process, to enable participation.

2. WHAT DOES 'DIRECT PARTICIPATION IN TALKS' MEAN AND WHY IS IT IMPORTANT?

Direct participation in formal peace negotiations is important for two reasons: firstly, the inclusion of women is a matter of political equality, regardless of whether they bring a 'gender perspective', or any other distinctive attributes from men, to the talks. 'Representative participation' may have important gender equality outcomes, by enabling women to win elections post-conflict, and bring a diversity to the political class.

However, equal representation in peace talks does not ensure that women's rights and gender equality will be addressed. For this, it is also important that advocates of women's rights and equality are given access to the negotiations, and that the process is open to broader civil societal influences. This paper therefore focuses both on women's representative participation as a matter of political equality, and the quite different and crucial question of how to give gender and women's advocates a place at the table and capacity to influence talks.

What then does 'direct participation' to Track 1 mediation mean: what does it 'look like' at different stages of a peace process, or in different processes?

2.1 A place at the negotiating table.

The simplest form of 'direct participation' is that women have a place in the central decision-making forum. These positions may be accessed by women as members of the negotiation teams of the state or opposing armed groups or their political representatives. Or they may be accessed by women as part of a distinct 'women's negotiating team' at the talks.

2.2 Inclusion as participants in a process of 'shuttle diplomacy'.

Sometimes - depending on the nature of the conflict or the stage of the process - there will be no 'literal' negotiation table and no direct face-to-face talks between the key parties. In such cases, the mediator may engage in 'shuttle diplomacy' between the parties to the conflict for some time. This is often more common at early-stage processes where parties are exploring whether they will enter a negotiation, from which data

shows women are particularly excluded.⁴ In this scenario, the mediator works with each party individually, with the aim of resolving issues into a common draft that they can accept, sometimes with the teams in close physical proximity such as in the same building but not the same room. In this case 'direct access' means 'equal access to the other parties' and involves women being included in the delegations of the parties who are 'shuttled to' by the mediator, and that the active participants in teams are not narrowed to men only. Where women have distinct representation as a group (see further section 5 below), it involves women's groups being included as one of the groups 'shuttled to' on the same basis as other groups representing the conflict parties.

2.3 Defining Equality of Participation to require both presence and influence

In this paper we consider mediation to include both the processes of direct negotiation that lead to a comprehensive agreement; and processes of shuttle diplomacy or direct talks to create 'structured transitions' where a ceasefire is agreed to alongside an interim power-sharing government, which is to oversee a series of reform processes that will culminate in a new political settlement and elections.⁵ These mechanisms for direct participation aim to ensure that women are included in talks.

However, as already noted, direct participation is not the same as equality of influence with regard to women's rights and gender equality outcomes. As the predominant focus of peace mediation is typically on bringing conflict parties to agreement, women's agendas for change can be de-prioritised even when

4 See, Christine Bell, and Kevin McNicholl, (2019). 'Principled Pragmatism and the "Inclusion Project": Implementing a Gender Perspective in Peace Agreements', *Feminists @ Law*, 9(1), available at <http://journals.kent.ac.uk/index.php/feministsatlaw/article/view/742>. See further data at www.peaceagreements.org.

5 See, Christine Bell, and Kevin McNicholl, (2019). 'Principled Pragmatism and the "Inclusion Project": Implementing a Gender Perspective in Peace Agreements', *Feminists @ Law*, 9(1), available at <http://journals.kent.ac.uk/index.php/feministsatlaw/article/view/742>. See further data at www.peaceagreements.org.

their input is enabled. The question of meaningful influence is therefore about more than equality of participation: it also depends on women and others who have experience of women's rights advocacy and women's diverse needs being present, and the mediator understanding that women's agendas for change are just as critical to address as those of the armed groups. Meaningful influence involves other talks participants tolerating drafts which accommodate these concerns, or even adopting them within their own agendas for change. Processes which come to a successful outcome in agreement, do so because all parties compromise from their initial demands to create a common framework for transition. Processes in which advances for women's equality are made show evidence of effective women's rights advocates being given an opportunity to influence the talks and supported to translate women's diverse needs into propositions that can be included in any agreement resulting.

Whether direct participation of women in talks is effective in delivering the agendas for change sought by women therefore depends on the extent to which women's ideas can influence the drafting of agreements and the surrounding informal agreements as to how

they will be carried forward. Whether these agendas for change improve women's rights and status in practice depends on the presence of women and men committed to bringing these concerns to the fore and ensuring that the process is designed to hear and accommodate them. Therefore, while we focus on modalities for 'direct participation' at the talks, we view *equality of participation* as broader than whether women are round a negotiation table with armed actors. *Equality of participation* involves four elements:

- a. whether women are offered equal modalities of participation to men;
- b. whether they have equal opportunities to see drafts under discussion;
- c. whether they have equal opportunities to input to those drafts, with proposals being taken as seriously as the positions of the parties to the conflict; and,
- d. whether they are built into the implementation processes that will follow.

For effective influence on gender, a fifth requirement must be added: It is not enough that women are there, but rather women and men with a background in women and gender rights advocacy need to be present. This is expertise that is important to have at the talks if peace agreements are to include a gender and women's rights perspective.

3. MODALITIES FOR ‘DIRECT ACCESS’ AND PROSPECTS FOR EQUALITY OF PARTICIPATION

Drawing on peace process modalities designed to date, this paper considers the ways in which Track 1 talks can be designed to include women. The focus is on the four main ways in which women can and have been given direct access, namely:

- As required members of political or combatant negotiation delegations and included on their technical working groups where content is discussed in detail.
- Through a ‘women’s delegation’ to the talks.
- As technical advisers to the mediator, as individuals or through special committees or similar bodies.
- In Track 2 civil society forums which are given a direct connection to the Track 1 forums as part of a ‘multi-pathway’ approach to transition.⁶

Which of these modalities for inclusion are possible will differ depending on the type of peace process, and the conflict and country context – including with regard to the status of women. Each mediation process requires models for inclusion to be context and country specific. The modalities are not mutually exclusive and can be used in combination to achieve representative and substantive equality (see Yemen example below). The effectiveness of the modality will depend on the type of process.

In the following sections we consider each of these modalities together with their advantages and disadvantages.

6 United Nations, Department of Political Affairs, 2017. *Guidance on Gender and Inclusive Mediation Strategies*. New York, United Nations, available at <https://peacemaker.un.org/sites/peacemaker.un.org/files/1.%20English%20-GIMS.pdf>; See also, Poutanen, J. and C. Turner, (2021). *Overcoming Essentialization: Understanding and Supporting Women’s Diverse Roles in Peace Processes*. Helsinki: Crisis Management Initiative (forthcoming).

4. WOMEN AS REQUIRED MEMBERS OF KEY POLITICAL OR COMBATANT DELEGATIONS

The primary participants in mediation processes, necessary to ending the immediate violent conflict, are usually:

- Government actors
- Opposition parties
- Armed opposition actors

To ensure greater representation of women in talks, political parties and armed groups can be incentivised or required to include more women as members of their negotiating parties. This requirement is important regardless of its influence on gender equality provisions in agreements, because it supports women's political participation across the spectrum. Yet, it offers some chance for women to influence the process on a range of political issues, including gender equality, albeit constrained by wider group negotiation positions.

The requirement to include women on delegations can be achieved through informal mechanisms which encourage and incentivise women's inclusion, such as offering support to include women. Or it can be required through more directive means, such as the use of quotas or making access to the talks conditional on including a certain proportion of women in the team. With this strategy it is crucial that political parties and armed groups who do include more women are supported publicly to do so, even where this results in challenges from their own constituency. This is particularly important because research indicates that women's participation from within political groupings can constrain the type of gender outcomes which result.⁷ Where possible, women should be selected for these positions on the basis of their skills, experience and expertise rather than other reasons. In practice, while the international community or in-country women's groups often create the pressure to increase the number of women, the parties are ultimately responsible for selection of their own peace talks delegates.

⁷ Poutanen and Turner, (2021). 'Overcoming Essentialisation' (2021) supra.

In the context of shuttle diplomacy leading to a structured transition process, women's representation can be (and often is) agreed as part of the numerical representation agreed for different types of actor in transitional bodies. This can include specified numbers of seats for women in interim governments themselves, and in the various bodies established to take forward reform processes, such as Constitutional Commissions or National Dialogue processes. As these bodies are all made up by 'quota' to reflect identity and political balances, the inclusion of women as a key group should be no more controversial than the inclusion of any other group.

Example: In Yemen, the National Dialogue which followed the establishment of an interim government had a formal quota for 30 per cent participation of women on delegations and women were also given forty set-aside seats as a separate delegation. Despite difficulties and marginalisation in the process, the National Dialogue Outcomes remain the only agreements from the MENA region which include multiple outcomes focused on gender equality and women's rights in any type of holistic way.⁸

Advantages of required participation of women on delegations

- It ensures the inclusion of women with diverse political views.
- Quotas increase the symbolic visibility of women at talks.
- Women are given a clear place at the table, without asking what their relevance is.
- Long-term, a role in talks may promote women's leadership within political parties.

⁸ National Dialogue Outcomes Document, 25 January 2014, <https://www.peaceagreements.org/viewmaster-document/1400>; For gender provisions see, <https://www.peaceagreements.org/wview/1400/National%20Dialogue%20Conference%20Outcomes%20Document>. See further, Jacqui True and Yolanda Riveros-Morales, (2019). 'Towards inclusive peace

- It may increase the gender responsiveness of the agreement as in practice women members of delegations have often brought commitments to gender equality and women's rights.
- It sets precedents for future nominations in post-agreement structures.

Disadvantages

- It can lead to tokenism and women being put on delegations for reasons other than political leadership (for example as family members).

- Where there are limits on delegation sizes small parties can resent bypassing their leadership structure for women, and resist.
- It will not necessarily improve the 'gender responsiveness' of the agreement: women cannot be expected to bear the burden of bringing gender issues to the table, may be side-lined within parties, and may not have the necessary gender equality expertise or commitments, or connections to wider women's movements.
- It can leave individual women open to challenges to their 'representation' - or 'who' they speak for.

5. POLITICAL REPRESENTATION OF WOMEN AS A 'GROUP'

Despite the benefits of increasing the representation of women in the negotiating teams of conflict parties, women tend to fare better in achieving gender equality outcomes when they are present in a block (see below), or have capacity to work in talks across party structures as women.⁹

Some processes have successfully included women as a group or 'block' in their own right: present to represent women's interests. A key difficulty in this mechanism is the question of how to choose which women are present. In practice, the model has been achieved in different ways in different contexts, including:

- Democratic selection mechanisms for participants that have low enough thresholds to enable non-traditional groups, including women or non-dominant minorities, to access seats at the table.
- Innovation on the part of women to organise themselves into the relevant 'political units of analysis' for selection purposes.
- Support from international organisations to help women's groups access selection mechanisms.

⁹ See further, Jacqui True and Yolanda Riveros-Morales, (2019). 'Towards inclusive peace: Analysing gender sensitive peace agreements 2000–2016', 40(1) International Political Science Review, pp 23-40. Cf. Thania Paffenholz, Nick Ross, Steven Dixon, Anna-Lena Shluchter, Jacqui True (eds), (2015). Making Women Count – Not Just Counting Women. New York, UN Women, available at <https://www.unwomen.org/en/digital-library/publications/2017/5/making-women-count-not-just-counting-women>.

Example: In Northern Ireland, an electoral system designed to ensure that the political representatives most associated with loyalist paramilitary groups (pro state combatants), who had little electoral strength or capacity, lowered thresholds so that women were able to mount a cross-cutting party and gain sufficient votes to also enter the talks using the system. This led to a feminist group within the talks process, and also meant that parties to the talks, in particular those who advocated women's rights, also had female delegates. The Northern Ireland Women's Coalition and other smaller parties who often reflected interests neglected by the main parties, also formed an important bridge between civil society and the formal talks process.¹⁰ The model offers design possibilities for the future - in placing the importance of some democratic mandate at the centre of peace talks, and in suggesting that design of that mandate can be tailored to peace talks - to widen inclusion to groups that might not achieve electoral success in more traditional electoral formats. These design possibilities remain minimally explored elsewhere.

Example: In Somalia in 1999 where women were traditionally excluded from political decision-making, and where political representation was drawn from five dominant clans, women organised as a group – in-effect a 'sixth clan' - to negotiate. The group of women helped agree a national charter that had 25 seats allocated to

¹⁰ See further, Kate Fearon(1999). Women's Work: The Story of the Northern Ireland Women's Coalition. Belfast, Blackstaff.

women, in a 245 member Transitional Assembly, as well as guarantees for the human rights of women, children and minorities.”

A key issue with respect to giving women representation as a group is to think beyond any peace agreement as to the impact on women’s presence in the political parties post-agreement. Can any women’s organisation as a group be supported politically, and how will it track into political party structures, or electoral system design?

Advantages

- Women entering from a background of women’s organisational leadership bring that leadership to the negotiating table, in ways that ‘gender experts’ alone do not embody.
- Women are made visible as a group, thereby making women’s issues more visible.
- Women can also play vital ‘bridging roles’, between the issues faced by civilians in their communities, and the language of the peace process and agreement. For example, they bring valuable experience of how violence works to marginalise women and other groups in practice, and ideas as to how this can be addressed.
- Women often bring wider peacebuilding networks and can use these to build support for the agreement, in ways that can give it the public buy-in it needs to help the process over bumps in the road that can derail the main political parties down the line.
- Where enabled by elections, women are elected on the same basis as men to the talks. This makes it difficult to challenge the authority of their claims to representation. Elections will not, however, always be possible as a mechanism, although elections to talks can depart considerably from traditional elections formats and be designed with inclusion as a key goal.
- Where self-organising or appointed for example as a gender commission, women can be drawn from key advocacy organisations, enabling them to operate

in Track 1 negotiations with strong civil society and cross-cutting political networks of influence. They often bring a gender perspective to the talks rooted in their expert knowledge of how real change will be achieved, sustained, and built over time.

Disadvantages

- There are real problems in how to structure and enable women’s participation to be fair and representative of all women. Women’s representation as a ‘block’ can be difficult to achieve in practice. Women may not organise across political divides or have any sense or past history of working together ‘in a block’, for women’s equality. Civil society infrastructure may be poor and depleted over many years of conflict. Women may be scattered in diaspora and find it difficult to convene.
- Women can be expected to work across political divides to form common positions, in ways that men are not, constraining their input on a range of political decisions and underplaying intersectional differences between women.
- Women involved in these groupings will often be charged with not being sufficiently representative of all women, in particular where they come from outside the main political groupings.
- The burden put on women in this role is immense. They often face hostility from other political groupings, including threats or actual physical violence, and increasing scepticism from their own base as they become buried in talks to no apparent result, or put forward ‘compromise’ positions. They are often presented as being solely responsible for bridging the gap between the talks and civil society, and the broader inclusion failures of the peace and transition talks are laid at their door.
- Women who may have worked relatively ‘invisibly’ across conflict divides can face risks to their own personal security as a result of their more overt political participation.
- Key critical voices to push the peace talks from outside may be dampened.

¹¹ Paffenholz et al supra.

6. GENDER COMMISSIONS/ COMMITTEES/ADVISORY BOARDS OR SIMILAR

Other processes, using a variety of modalities, have sought to ensure that there is gender expertise at the talks that has a clear role in drafting processes. Perhaps the major challenge for these mechanisms is: (a) how to ensure a clear remit and mechanism to review and influence drafting; and (b) who should select the women's rights delegates and how, with what local women's movement buy-in, and what mechanisms of accountability back?

6.1 Gender Commissions or Committees.

One of the strongest emergent models is the use of a Gender Commission, sub-commission or committee (terminology varies with the process and is often framed by the parties and women's advocates). Such bodies:

- Are created with the agreement of the parties to the negotiation.
- Create a consultative mechanism to increase the inclusion of women and enhance gender perspectives in the negotiation process.
- Comprise representatives from all sides of the political negotiations.
- Can review drafts of peace accords from a gender perspective.
- Should also include men.
- Feed recommendations to the negotiations through the negotiating parties, thus ensuring a connection to the talks.

Example: In 2003 Sri Lanka became the first process to involve a gender sub-commission. However, the sub-commission was established not long before the talks collapse and only met once and had little impact, but it reflected concerted influence of women on the peace process until that point.¹²

¹² See further, Kumudini Samuels (2010). The Importance of Autonomy: Women and the Sri Lankan Peace Process. Geneva: Centre for Humanitarian Dialogue); Simon Harris,(2004). 'Gender, Participation, and Post-conflict Planning in Northern Sri Lanka, Gender and Development, Nov 3, Peacebuilding and Reconstruction pp. 60-69.

Example: In Colombia, significant pressure from women's groups led the government and the FARC to agree in 2014, to establish a Gender Sub-commission to the talks process, which eventually culminated in agreement in 2016. The Gender Sub-commission (GSC) was tasked with reviewing all documents issued as part of the peace process and ensuring that they contained gender-sensitive language and provisions. The commission was composed of a varying number of women from each delegation, and three international members. Men from both delegations participated in its deliberations, and the GSC involved civil society gender advocates to present their ideas for the gender responsiveness of the agreement. While the formal party negotiating teams were male dominated, women also formed a significant proportion of technical teams, and were therefore involved in drafting if not at the top level of decision-making.¹³

6.2 Advisory Boards

Advisory Boards comprise another mechanism that have been characteristic of 'top down' processes where mediators have struggled to get parties into talks at all, and where parties have not readily accepted the inclusion of women. This reluctance by parties to include women has meant that mediators and other international mediation support actors have had to create new ways to support women to be present in the process. These advisory boards are comprised of women who are selected usually by the mediator, ideally in consultation with in-country women's rights and gender equality advocates, to advise the mediator or facilitator on gender issues. As such they will not need and may not have the consent of the negotiating parties to be created, although buy-in of the parties, and wider civil society, will be important to their advice carrying weight and influencing drafts.

¹³ See further Kristian Herbolzheimer, (2016). Innovations in the Colombian Peace Process. Norway: NOREF Report. Available at:https://reliefweb.int/sites/reliefweb.int/files/resources/NOREF_CR_Report_Colombia%20Innovations_final.pdf; see also, Virginia M. Bouvier, (2016). Gender and the Role of Women in Colombia's Peace Process. New York: UN Women, available at <https://www.usip.org/sites/default/files/Gender-and-the-Role-of-Women-in-Colombia-s-Peace-Process-English.pdf>

Advisory Boards:

- Are appointed by the mediator to advise on all issues under the agenda of the peace talks, including on 'gender issues' / with a gendered lens.
- Should be selected on the basis of experience or expertise in women's rights and gender equality.
- Should reflect other forms of diversity among women in the population at large (from a range of geographies, and political and ethnic background).
- Have a consultative function through which they can: raise matters that are missing from the agenda; present options to the mediator; seek consensus positions with other parties; channel relevant civil society expertise; and, offer creative solutions to log-jams in the talks.
- Can usefully respond to the reality of resistance to women's inclusion where other mechanisms of leverage are not possible.

Example: In Syria, the Syrian Women's Advisory Board (WAB) was established by the special envoy to advise him on all the topics under the agenda of the intra-Syrian political process including gender issues, with all of the consultative functions set out above.¹⁴ This was the first time this type of mechanism had been used in this way by an Envoy. The Special Envoy committed to consulting the WAB regularly when the peace talks were in session, and carried this out. The WAB were also consulted in between sessions of the peace talks by the Deputy Special Envoy and the Gender Advisor, who kept the WAB regularly briefed and fed their perspectives into the Office of the Special Envoy. The WAB has worked hard and diligently to fulfil its tasks and has made important contributions, including consistent advocacy for women's direct participation in all decision making bodies within the political process at a minimum level of 30 per cent. The Syrian Constitutional Committee (CC) reached nearly that figure, and some members of the WAB are members of the CC. However, beyond this context, a number of limitations of this model have been raised. These challenges include: arguments that the selection process of the women fostered participation of 'elite' or 'unrepresentative inclusion'; that this process lacked transparency or sufficient buy-in from the women's sector; that the WAB cannot be representative of the category of 'Syrian Women' and has

insufficient connections to women 'on the ground'; that it has little influence over the talks process; that it has made 'controversial demands'; and, the misperception that WAB operates on the requirement of consensus which limits what it will say, and undermines more political inputs.^{15,16} It is worth noting, however, that similar criticisms were made in contexts such as Northern Ireland, where women gained access to talks through a special election mechanism. Acceptance of the limitations of advisory mechanisms needs to be balanced with understanding that these arguments will often also be made of any effective women present to marginalise them, while similar arguments are seldom made of the men and armed groups present.

Advantages

- Bring a clear gender commitment and perspective, and a capacity to connect it to the talks, if Gender Commissions and Advisory Boards are made-up appropriately.
- Provide a clear mandate for the inclusion of women with expertise in gender and security related subjects to influence the talks process.
- Women can support mediation efforts by offering proposals and solutions based on a commitment to finding accommodation across lines of difference.
- Women can engage in backdoor channels of diplomacy and exert influence through their connections with official delegates.
- If the bodies are given access to drafting, they can exercise oversight on an ongoing basis.
- If given broader consultative roles women can bridge between the talks and wider equality constituencies.
- Women can bring technical drafting expertise and important contextual understandings to the talks process.

¹⁴ See the account of the Women's Advisory Board role and remit available at <https://www.unwomen.org/en/news/stories/2016/2/ed-statement-on-syrian-womens-advisory-board>.

¹⁵ For a review of these positions see, Kapur, Bela (2016). Syrian Women in Political Processes: The Participation of Syrian Women in Political Processes, Literature Review, 2012-2016. (The Kvinna Till Kvinna Foundation).

¹⁶ For a review of these positions see, Bela Kapur, (2016). Syrian Women in Political Processes: The Participation of Syrian Women in Political Processes, Literature Review, 2012-2016. The Kvinna Till Kvinna Foundation available at <https://kvinnatillkvinna.org/wp-content/uploads/2018/10/1-Syrian-women-in-political-processes.pdf>. Note, this was not the case with the Women's Advisory Board, Syria, where the number of women

Disadvantages

- Effectiveness depends on the structure of the process, the commitments of the mediator, and the commitments of the parties. If the process is perceived as excessively fragile, and the parties are hostile to gender issues and have no real accountability to non-armed constituents, then technical advice on gender may not be heeded, and women will be criticised for being ineffective, despite being in-essence absent from the talks.
- If the women involved are seen as unrepresentative and insufficiently connected with grass roots groups, the mechanism can build disaffection with women's participation, and be very difficult for the women involved.
- The efforts to create such a body can lead to an overfocus of the mediator and international organisations on the success of the body, to the detriment of supporting a range of modalities for women to input into the talks process on an equal basis to men.
- There can be a tendency, once such a body is set up, not to change it even though the context changes and needs other instruments or approaches to enable effective participation.¹⁷

¹⁷ Note, this was not the case with the Women's Advisory Board, Syria, where the number of women was increased from 12 to 17 and with a different type of appointment process for the new members.

- It is difficult for either international organisations establishing the mechanisms and the women involved in to adequately explain and operationalise all the consultation expectations of their mandate.
- Externally created spaces have challenges of local ownership, including creating competition between women organisations to have a space on the bodies.

There have undoubtedly been challenges for these indirect mechanisms, particularly the Advisory Boards. While the gender sub-commission in Colombia was established by cross party agreement and had the support of the negotiating parties, the technical Advisory Boards, by contrast, have been appointed by international Envoys without the consent of the parties, and in contexts in which there has been little real peace process in progress. These are difficulties of the wider process rather than charges that can be laid against the Advisory Boards or the women involved. Rather the deficits of the process are for the UN and parties to the negotiations to address. They also reflect the fact that while providing gender advice is a legitimate role for a group of women experts, if they operate without a broader support system they are likely to be perceived as failing even though the task is impossible.

7. CIVIC ‘TRACK 2’ CONSULTEES

While the focus of this paper is on women having access to Track 1 processes, it is important to note that some processes have seen parties to the talks establish so-called Track 2 participation and consultation mechanisms, and hold themselves, and their positions in talks, accountable to wider social groups. In some cases, civic forums have been given a formal consultative role in the talks (see Guatemala below), while in others, self-organising groups have created platforms that have developed strong working relationships with Track 1 actors, and acted credibly to bring important ideas, eventually coming to have a ‘semi-formal’ consultative status and capacity to influence talks (e.g. Sierra Leone, and Kenya¹⁸). Whatever the mechanism, critical to ensuring that these are influential in Track 1 negotiations are mechanisms of ‘transfer’ from Track 1 to Track 2.¹⁹

Example: In Sierra Leone, the United Nations instituted a Human Rights Committee, which brought together all the main human rights groups in a horizontal structure focused on information exchange, and which developed into a mechanism for common advocacy positions, such as on the issue of combating impunity. The Committee took on specific monitoring and reporting functions after Lomé.²⁰

Example: In Guatemala, a framework accord for negotiations provided for the Civil Society Assembly (ASC), which provided an innovative mechanism for the talks process. Non-binding, consensual proposals from the ASC were presented to the Parties and often served as base documents for the negotiations. After the Parties reached an agreement, the text was to be ratified by the ASC, as a final step in the approval process. In practice, this was a formal measure, as even when civil society organizations disagreed deeply with the text, ASC approval was always granted, generally due to the sway held by the armed opposition group (URNG) over

many of the participating organizations. However, the mechanism provided a way of connecting civil society to the talks, and broader ownership of the outcomes.²¹

Advantages

- These mechanisms sometimes offer ‘real’ influence on the talks process despite being at arm’s length from that process. For example, where parties to the Track 2 talks intend to stand for election in the future, they must engage in processes to build social support. Where they claim to speak for marginalised groups, including women, this creates real forms of accountability to civic groups and forums that can also generate broader support for the peace process and the decisions being reached there.
- These mechanisms can also generate new ideas for talks processes which parties will turn to when stuck. For example, human rights measures or victim’s rights will often not be a priority for armed actors, but when such actors seek safeguards to enter talks, or to re-enter civilian life post-agreement, mechanisms relating to human rights and transitional justice contributed by civic actors may prove useful to reaching agreement.

Disadvantages

- Engagement with Track 2 actors can be ‘window’ dressing and create an appearance of consultation and inclusion without any significant input or capacity to influence the areas of key decision-making at talks.
- Any Track 2 mechanism depends on a set of formal or informal transfer strategies or mechanisms to get the results from the consultations to the Track 1 level.
- The move can lead to civil actors being targeted as ‘politically connected’, or influential in political decision-making, in ways that they may have avoided during the conflict. Such targeting gives rise to the need to consider also modalities of protection for these actors.

18 On Kenya see further, Inclusive Peace, (2016). Kenya 2008-13, Case Study. Geneva: Inclusive Peace and Transitions Initiative, available at <https://www.inclusivepeace.org/sites/default/files/IPTI-Case-Study-Women-Kenya-2008-2013.pdf>.

19 Esra Cuhadar and Thania Paffenholz, (2020). ‘Transfer 2.0: Applying the Concept of Transfer from Track-Two Workshops to Inclusive Peace Negotiations. 22(3) International Studies Review pp. 651-670.

20 Michael G. O’Flaherty, (2005). Human Rights in Negotiating Peace Agreements: Sierra Leone. Geneva: International Council for Human Rights Policy, available at <http://www.ichrp.org/en/projects/128>.

21 Marcie Mersky, (2005). Human Rights in Negotiating Peace Agreements: Guatemala. Geneva: International Council for Human Rights Policy, available at.

7: Conclusion: Increasing Women's Influence: Beyond 'singular models'

Even with their disadvantages, all of the examples of mechanisms for inclusion cited in this paper were instituted in an attempt to widen participation in Track 1 processes where participation would have otherwise been overwhelmingly male. Although all of the modalities set out had disadvantages as well as advantages for women's inclusion, they all represented an effort to ensure some inclusion of women where there would otherwise have been very little. In no case did the participation of women, or the creation of these mechanisms destabilise the talks: the disadvantages set out in the paper were to the quality of women's participation rather than the talks outcomes. Rather, women's participation often brought additional benefits than merely the inclusion of women, for example, by building legitimacy of the talks, enabling innovative solutions to questions such as victim's rights or security sector reform. Indeed, numerous qualitative and quantitative studies have affirmed the strong link between mechanisms of inclusion and the success of talks.²²

However, each example also shows a broader need to shift the emphasis of peace processes from Track 1 talks between a narrow group of political and military elites most responsible for conflict, towards better coordination of the multiple peacebuilding elements which need woven together to create a context in which agreement can be reached and sustained.

Women's rights and gender equality outcomes can be achieved by better process design, focused on creating multiple pathways in and out of talks processes, and better mechanisms for exchange and connection between tracks. The positions and compromises being discussed as important to an 'elite pact' to end violence and hold power must be reconciled with processes that are able to deliver real change in people's lives, as well as 'bottom up legitimacy' for the form of government that emerges. As a result, inclusive process-design should recognise the diverse and differentiated constituencies of women, and their diverse and differentiated connections to conflict and peace talks, and reflect this diversity by providing multiple modalities of participation.

²² True and Rivera-Morales, *supra*.

RECOMMENDATIONS:

1. International organisations must look beyond narrow models of inclusion and recognise and increase the visibility of the work that women are already doing in mediation and conflict prevention. It is critical that mediators consider not only who is at the table, but who is missing, and create process mechanisms to ensure that those voices are heard.

- a. Recognise and support women's existing mediation roles and experience. Participation in peace processes is not limited to formal mechanisms for inclusion in Track 1 talks. Women are engaged in mediation and conflict prevention work across the spectrum of conflict resolution. This work must be recognised and adequately supported.
- b. Support pathways in and out of peace process to that women's proposals and civil society proposals can be drawn on. Initiatives created by women can meaningfully enhance peace processes in a range of different ways. Formal pathways in and out of the process must be created to enable women's organisations to feed into the process through the parties or the mediator and their team.
- c. Conduct mediation 'Track-mapping' to understand the linkages and gaps in communication flows between Track 1, Track 2 and Track 3 mediation forums. Ensuring a gender perspective in negotiations that can impact on the lived experience of women often requires building mid-level support that can bridge the traditional Track 3 and Track 1 divide.
- d. Provide appropriate and sustainable funding for women in different mediation spaces, and ensure that funded mechanisms are in place for collective exchanges across these spaces.
- e. Ensure that the increasing move towards digital mediation spaces, notably as a consequence of the COVID-19 pandemic, does not introduce new barriers to women's access, or unequal access to each modality of participation, but that it is rather used as an opportunity to engage women and men with more diverse backgrounds and from different areas.

2. All parties to the negotiating process and international mediator teams should be required to include women in their delegations. Delegations, and women who participate in them, should be

offered clear support from international actors to enable that participation.

- a. International organisations and non-governmental organisations can provide technical and logistical support to women to enable their participation.
- b. Those parties who do include sufficient numbers of women should be offered backing by international and non-governmental organisations to withstand challenge from their own constituencies.
- c. Women should be included from the outset of negotiations and not only when talks occur.
- d. Where voluntary measures are insufficient, and wider political dynamics permit, access to the process can be made conditional on including women in delegations.
- e. Quotas for the number of women in each delegation can be introduced in the context of agreed numerical representation of parties before negotiations begin.

3. All efforts should be made to include a specific mechanism for full access to the drafting process for gender and women's advocates.

4. Where some voices are clearly excluded from the process, the mediator /facilitator should create dedicated mechanisms to enhance the breadth of democratic representation, including of women. These mechanisms may include special forms of selection process and election, both with thresholds suitable to the election of women as a group.

Where there is resistance to the inclusion of women in negotiating parties, mechanisms such as special forms of election should be created to enable the democratic selection of women and other non-dominant minorities to participate in the process, creating a link between representation and participation.

- a. Support should be offered to women leaders to build a platform from which to engage in these mechanisms.
- b. Support should also be made available to enable young women to engage with these mechanisms

and in these processes, and to enable inclusion of young people more generally.

5. To enhance the gender expertise available at the talks, drafting and advice mechanisms such as Gender Commissions or sub-commissions can also be created. To be successful, these bodies should have a direct line of communication into the negotiating process in a form ideally agreed between all the parties to the talks. Bodies should be appointed on the basis of their experience, expertise and past record of advocacy in gender and women's rights issues.

- a. The creation of a commission or sub-commission should be agreed with the conflict parties, and a direct line of communication into the talks should be maintained through direct negotiating parties.
- b. The body should be representative of all sides of the political negotiations and society broadly, and be appointed on the basis of gender equality expertise, including practical experience of gender and women rights advocacy.
- c. The body should be consulted on all aspects of the negotiations, including commenting on draft agreements.
- d. The body should have a clear thematic mandate to advise on: (a) the gender sensitivity of the agenda, (b) the equality issues relating to the modalities of the process, and (c) the substantive content of negotiations.

6. Indirect bodies for inclusion such as Advisory Boards can be useful where necessary to supplement other measures. Where such bodies are created, there should be a clear mandate and a transparent mechanism for selection. Bodies should be appointed on the basis of their experience, expertise and past record of advocacy in gender and women's rights issues.

- a. The mandate should make clear the basis on which women are selected to participate, and the thematic remit of their advisory role.
- b. The Board should be given equal access to draft/ proposed agreements and clauses and have meaningful opportunities to influence the substance of the draft.
- c. Formalised mechanisms should be created for ongoing communication between women's civil society and the Advisory Board.

d. Such boards do not and should not replace the need for expert gender advisors to the process, or the need for the parties to the talks to include women.

e. Such mechanisms should include women with diverse backgrounds and expertise, and attention should be paid to the inclusion of young women and the intergenerational aspects of conflict in the peace process.

7. The modality of inclusion chosen should be suitable for the type of talks, and one modality does not exclude others, as often multiple modalities will be needed to ensure both adequate representation of women on the same basis as men (representational equality), and that women's rights issues are addressed (participative equality).

- a. a. A 'blueprint' model of participation must not remove the need for gendered conflict analysis and process design that incorporates a strong understanding of how women have been differently affected by conflict and what the specific barriers to participation in mediation processes are likely to be in context.
- b. Single models of inclusion are insufficient. Where appropriate, a number of different models should be pursued together.
- c. Audits should be carried out to identify where women are political and socially active with a view to incorporating that work into the process through innovative bridging mechanisms.

