The Role of Women in Mediation and Conflict Resolution: Lessons for UN Security Council Resolution 1325

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THE ROLE OF WOMEN IN MEDIATION AND CONFLICT RESOLUTION:
LESSONS FOR UN SECURITY COUNCIL RESOLUTION 1325

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Abstract

The impact of war on women is often disproportionate and distinct from the effect it has on men. Given the second-class status of women in many societies, their skills and contributions are often under-valued and under-utilized. UN Security Council Resolution 1325 (SCR1325) recognizes the importance of increasing the role of women in all aspects of maintaining international peace and security, including encouraging women to take an active role in resolving conflicts (sections 2, 8b and 16 of SCR1325). This last aspect of SCR1325 reflects an increasing recognition of the effect of gender in conflict resolution. This paper draws upon academic studies of gender behaviour in mediation and negotiation to better understand the implications of SCR1325, including recent examples of the role of women in international conflict resolution. The questions I address are – How does gender play a role in negotiation and mediation? How do these differences affect international conflict mediations? How have women differed in their approach to mediating international disputes? Finally, what do these lessons suggest in support, or in criticism, of SCR1325?
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EXHIBIT A – UN SECURITY COUNCIL RESOLUTION 1325 (2000) ....................... 31
I. Mediation

**Mediation as a form of conflict resolution.** “Conflict is an unavoidable component of human activity”\(^\text{1}\), and society has developed various ways to deal with it through formal procedures like court adjudication or less formal ones like arbitration and mediation. Mediation is a facilitative form of conflict resolution, which focuses on the parties’ commercial, financial, as well as social and personal interests, with the aim of reaching a mutually acceptable agreement while promoting the principles of confidentiality and party autonomy in decision-making.\(^\text{2}\)

**Advantages of mediation in international conflicts.** In an international conflict, there are often many legal, political and socio-economic factors that play a role in the dispute. In such fragile and complex contexts, it makes more sense to try and resolve the dispute outside the courts. Indeed, in many situations, especially of political power struggles, courts may not have any effective jurisdiction. Mediation, as a form of conflict resolution, thus plays a very important role. It takes into account legal as well as extra-legal factors such as social and political interests, which may be the main causes of conflict; it allows greater participation of parties, including those indirectly affected (no issues of ‘standing’ or ‘default judgment’); and it allows greater flexibility in the remedies used since it does not focus solely on legal or monetary solutions. In private and business-related conflicts, mediations also incur lower costs in comparison to courts, whereas in civil and international conflicts they may be the only practical non-violent option available to the parties. Lastly, due to its informal and flexible style, mediation has cross-cultural

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appeal since it is able to accommodate cultural sensitivities and differences.\textsuperscript{3} Taken together, these differences lead to greater satisfaction of parties with the process and the results, higher compliance of mediated agreements and the whole process is more likely to improve the relationship between the disputants than is adjudication.\textsuperscript{4} According to Nadja Alexander, “the flexibility of the mediation process allows it to address different cultures, relationships and interests, and puts it in a better position to design a process which is acceptable to all participants.”\textsuperscript{5} And, even if the parties do not reach an agreement, it is generally accepted amongst practitioners that engaging in the mediation process itself is a learning experience. When disputant groups or their leaders engage in mediation, the process encourages mutual respect for each other’s “air-time”, views and interests. Mediation also empowers the parties to search for solutions that work for all involved. On the whole, the process gives the disputants a constructive forum and tools for resolving the conflict (including future conflicts) and (re)building the damaged relationship.

Given that international conflicts often involve multi-cultural, deep-rooted and multi-layered issues, the flexibility and creative solutions of the mediation process are more suited to such disputes.

\textsuperscript{3} Ibid, pp 48.
II. UN Security Council Resolution 1325

**History.** In an armed conflict, women (and children) often are the overwhelming victims. Rape, sexual slavery and other forms of sexual violence are used as weapons of war in international conflicts. In Sierra Leone, for example, 94 per cent of displaced households had experienced various forms of sexual assaults; in the 1994 genocide in Rwanda, between 250,000 – 500,000 women were raped; in 1999 there was a mass rape of women in East Timor by pro-Indonesian militia before escaping to West Timor; and up to 20,000 women are believed to have been raped during the fighting in Kosovo.\(^6\) At the 2007 international conference on Women for Peace, it was stated “Women are more vulnerable than men when society collapses. From rape and displacement to the denial of the right to education, food and health care, women bear the largest share of the suffering.”\(^7\) In addition, due to the overwhelming dependence on women in post-conflict societies by the deaths of husbands and fathers during the conflict, women have begun to play a key role in peace building and the implementation of peace agreements.\(^8\)

In the period leading up to the UN Security Council Resolution 1325 (**SCR1325** or the **Resolution**), international opinion increasingly recognized the impact of armed conflict on women and the active role played by women in conflict resolution measures. The Vienna World Conference on Human Rights and its Programme of Action (1993) addressed sexual violence in situations of armed conflict;\(^9\) the Report of Fourth World Conference on Women held in Beijing

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(1995) linked the advancement of women to obtaining sustainable peace;\(^{10}\) the meeting of the Commission on the Status of Women (1998)\(^{11}\) and the UN Security Council Resolution on the Protection of Civilians in Armed Conflict (1999)\(^{12}\) both addressed the specific needs of women in armed conflict and called for greater participation of women in peacekeeping and peace building, as did the provisions on women and armed conflict in the Beijing Platform for Action and the Beijing+5 review (2000).\(^{13}\) These documents, along with a wide and active NGO network, strong lobbying, and the support of UNIFEM, led to the adoption by the Security Council in 2000 of an integrated gender perspective calling for greater participation of women in peace and security efforts --- SCR1325.

**Aims and Objectives.** SCR1325 was adopted unanimously on 31 October 2000. It is the first resolution passed by the Security Council that specifically addresses the distinct and disproportionate effect of war on women\(^{14}\), and their often under-valued and under-utilized contributions to the prevention and resolution of conflicts and maintenance of peace and security.\(^{15}\) In particular, the Security Council called for the adoption of a gender perspective in the negotiation and implementation of peace agreements; active participation of women in the maintenance and promotion of peace and security; and the support of local women’s peace initiatives and indigenous processes for conflict resolution.\(^{16}\) Set in the larger framework of gender equality, although specifically dealing with women in the context of armed conflict, SCR1325 has been qualified as a “milestone” or “landmark resolution” in the history of the UN

\(^{10}\) http://www.un.org/esa/gopher-data/conf/fwcw/off/a--20.en
\(^{13}\) www.un.org/womenwatch/daw/followup/beijing+5.htm
with a potential to “transform ways of understanding how security is conceived, protected and enforced.”

**Structure.** The Resolution, consisting of 18 paragraphs, outlines an agenda for women, peace and security [Exhibit A]. Despite its concern of women as “victims” of armed conflict, the emphasis of the Resolution is to encourage a more active role for women – they are seen as “particularly strong in breaking cycles of violence.” Some of the main paragraphs of interest to mediation are:

- An increase in the participation of women at decision-making levels in conflict resolution and peace processes (section 2);

- To adopt measures that support local women’s peace initiatives and indigenous processes for conflict resolution, as well as measures that involve women in all of the implementation mechanisms of the peace agreements (section 8(b)); and

- To carry out a study on the role of women in peace building and the gender dimensions of peace processes and conflict resolution (section 16).

In light of the above, the questions I am interested in answering are – How does gender play a role in negotiation and mediation? How do these differences affect international conflict mediations? How have women differed in their approach to mediating international disputes? Finally, what do these lessons suggest in support, or in criticism, of SCR1325? Although there are multiple factors that may powerfully influence mediations of all kinds – such as race, ethnicity and class – this paper looks exclusively at just one of these factors (i.e. gender).

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III. Gender theory in conflict resolution

III.1 GENDER DIFFERENCES IN NEGOTIATION AND MEDIATION.

“Gender is one of the most salient characteristics of an individual, causing observers to notice and process it immediately in a social situation.” According to Kray and Babcock, gender is a very relevant factor for understanding bargaining behaviour as the differences add up to very large amounts over time. For example, even if gender explains only 1% of the variation in performance evaluations, over time, this ends up having a large impact on the proportion of women who hold senior executive positions, or can add up to half a million dollars in ‘lost’ income in a career due to differences in negotiating starting salary or raises.

Women often encounter overt discrimination, such as not being welcome at the negotiating table. But, beyond such discrimination, how does gender influence negotiation behaviour? Various studies and research show that gender differences influence the attitude men and women have to negotiations, how they behave in a negotiation and what outcomes they get in a negotiation. Although the majority of these studies have focused on personal and corporate negotiations, rather than conflict resolution in a political context, their lessons nonetheless have important implications for the latter. Some of the important differences are:

A. DIFFERENCES IN MOTIVATIONS

Studies show that men and women have different motivations for entering into a negotiation, and these can broadly be divided into (i) task-specific motivations (such as selling a

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20 Ibid.
car) and (ii) interaction-specific motivations (such as deciding where to meet a friend).\textsuperscript{21} The relative importance given to the motivation depends greatly on the situation,\textsuperscript{22} but research also shows that it is affected by gender as well – women place greater relative weight on interaction-specific aspects in a negotiation than men, and are hence more motivated by these aspects.\textsuperscript{23}

Studies from 1975 onwards have also shown that men and women differ in their interpersonal orientation (\textit{IO}) i.e. “the degree to which individuals are interested in and responsive to the interpersonal aspects of their relationships.”\textsuperscript{24} Female negotiators have a higher IO than their male colleagues, with women defining themselves in terms of their interpersonal relationships to a much larger extent than men. They often perceive most negotiations to include a relationship dimension.\textsuperscript{25} This leads to greater desire on the part of women to foster good, amicable relationships with all parties involved in a mediated negotiation, including the opponent.\textsuperscript{26}

In an experiment conducted in 2003\textsuperscript{27} highlighting the same point, Barron interviewed male and female negotiators to understand their motivations. The vast majority of men stated that their primary motivation was to further their own interests. By contrast, for the majority of women, the purpose of the negotiation was to further their acceptance by others. This difference in interpersonal motivation may also directly influence a negotiator’s preference for dividing resources – because women are interested in the relational aspects of the negotiation, they are more likely to distribute resources more equally than men, with the latter allocating more to

\begin{flushright}
\textsuperscript{21} Ibid.  \\
\textsuperscript{22} Ibid.  \\
\textsuperscript{23} Ibid.  \\
\textsuperscript{24} Ibid.  \\
\textsuperscript{25} Ibid.  \\
\textsuperscript{26} King and Hinson showed that women were more motivated than men to treat their opponent fairly and to maintain a good relationship during the negotiation. They were also more concerned about their opponent’s feelings during the negotiation - Ibid.  \\
\end{flushright}
themselves.\textsuperscript{28} In the context of international conflicts, emphasis on relational aspects and fairness in distribution are valuable traits for achieving lasting peace.

\textbf{B. DIFFERENCES IN GOALS}

\textbf{Outcome Goals}. Studies show that men and women differ in the goals they set before starting a negotiation (be it in a mediation or other forum). Given their task-specific emphasis, men tend to see negotiations as zero-sum, single occurrence events. They therefore set higher outcome goals than women.\textsuperscript{29} Setting higher outcome goals generally leads to better outcomes, as the negotiator will usually make a higher opening offer, leading to an anchoring effect, and will be more persistent in the negotiation, ultimately influencing the agreement reached.\textsuperscript{30} This means that in negotiations, which are highly distributive, gender differences in negotiated outcomes will be greater due to the competitive behaviour and higher outcome goals of men.\textsuperscript{31}

However, in an empirical study conducted on the effects of gender on small claims adjudication and mediation, the gender of the parties had no direct effect on monetary outcomes for either adjudicated or mediated cases – women and men achieved the same amounts in similar cases.\textsuperscript{32} So although the above academic literature shows that there is a difference in outcome goals amongst the genders in direct negotiation scenarios, this study indicates that mediation tends to level the playing field for men and women at the outcome level.

\textsuperscript{29} In a study conducted by Stevens, Bavetta and Gist (1993) of MBA students negotiating a mock salary, men’s goals were about 5\% higher than those of women despite identical tactical knowledge; also in a study by Kray et al. (2002), men’s target sale prices were higher than their female counterparts’ targets - Kray and Babcock (2006). \textit{Gender in Negotiations: A Motivated Social Cognitive Analysis}, Negotiation Theory and Research, Taylor & Francis Group, New York.
\textsuperscript{31} Ibid.
In addition to being less risk averse than women, men also have a much more positive experience participating in negotiations than women do.\textsuperscript{33} They therefore have a higher propensity to engage and persevere in a negotiation, leading to a better outcome (and to a cyclical affect of positive experience, greater engagement and motivation).\textsuperscript{34} In the context of negotiations conducted in a mediation, this potential disadvantage for women might have a limited effect due to mediation’s emphasis on mutual respect for parties’ “air time”, views and interests, as well as neutrality, making the process more egalitarian and less competitive for women.

If one judges better performance solely in terms of economic gains, then men’s competitive behaviour, resulting in different outcomes between men and women, may devalue women’s abilities (although it is questionable whether negotiations in a mediation context actually result in differences in outcome\textsuperscript{35}). On the other hand, if one tests performance based on interpersonal gains, women’s cooperative, relationship-based motivational skills are extremely valuable, especially in the context of peace resolutions. This is significant because negotiation outcomes are optimal when negotiators openly share information, incorporate the concerns of all parties and collaborate in an effort to maximize joint interests.\textsuperscript{36} Arguably, a good working relationship is likely to lead to the generation of more valuable and creative options in a mediation, ultimately leading to a better outcome for all parties involved, including a higher chance of follow-through of the mediated agreement – a win-win situation for all.

\textsuperscript{34} Ibid.
**Goal definition.** Bowles et al\(^{37}\) found that where negotiation goals were ambiguously defined (relative to when they were clearly specified), they resulted in more favourable negotiation terms for male negotiators than female negotiators. However, these differences disappeared when participants were given clear negotiation targets.\(^{38}\) According to Walter Mischel’s theory of “psychological strength”, “strong psychological situations” that are clearly defined and structured provide ample cues for behaviour, leading to minimal gender differences in behaviour; whereas in “weak psychological situations” the absence of cues to guide behaviour, may make parties rely on their internal cues that often encourage behaviour in a gender stereotypical way, thus amplifying gender differences.\(^{39}\)

Jessica Reif, in her paper “Gender Differences in Divorce Mediation: The How, the Why, and Some Possible Remedies” explores whether mediation could be interpreted as a “weak” situation as people generally do not have enough information about mediation\(^{40}\) – about the process, the roles of the parties involved and expectation of outcomes. If so, women would be more adversely affected by this than men. However evidence from mediations in small claims courts\(^{41}\) suggests that this is not the case. Indeed, the structured environment of mediation (e.g. equal “air-time”, respectful tone and language, private caucuses and neutral mediator) may provide a “stronger” situation.

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\(^{39}\) Reif (2008). *Gender Differences in Divorce Mediation: The How, the Why, and Some Possible Remedies*, Harvard Law School, Mediation course paper.

\(^{40}\) Ibid.

C. DIFFERENCES IN COGNITIVE BEHAVIOUR

In addition to external behaviour, differences in gender cognitions may also influence behaviour in a negotiation.

**Belief in ZOPA.** A negotiator’s belief about the zone of possible agreement (ZOPA) in a dispute affects the offer he/she makes and accepts. Studies show that women have a more conservative approach in their estimation of the bargaining zone (Kaman and Hartel (1994)), whereas male negotiators take a much more competitive approach (Pruitt et al. (1986)).

**Belief in ability and self-worth.** A negotiator’s beliefs about his/her own ability and worth, also influence estimation of the ZOPA, and hence, the outcome of the negotiation. It appears that an overwhelming number of women consistently de-value their ability and worth more than the men when they do not have access to other’s value judgement (i.e. no social comparison information). When there is comparison information, men and women value themselves comparably.

In addition, the greater the confidence displayed by the negotiator, the more forcefully he/she asserts the interests. Not surprisingly, if women de-value their worth, they will be less confident about their abilities, which may ultimately have an adverse effect on the negotiation outcome. As stated previously, it appears that the mediation process levels out the differences in outcomes based on gender. So although the differences resulting from cognitive behaviour

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43 Ibid.
44 Ibid.
45 Ibid discusses Watson and Hoffman (1996) research showing that although men and women performed comparably on a bargaining task, women reported less confidence in their ability and also less satisfaction with their outcome than men did.
exist, their ultimate negative effect on the results achieved may be limited in mediated negotiations.

Response to power imbalance. Power dynamics is another important factor that influences how men and women negotiate. Greater power may result from various factors, such as better alternatives to a negotiated agreement, or social and political power, which can provide a key advantage for the party negotiating. Studies show that men and women react to power (or lack thereof) differently – women have a greater tendency to succumb when faced with a power imbalance.\textsuperscript{47} However, with mediation’s emphasis on fairness, informed consent and self-determination, such power imbalances could potentially be lessened (if not removed).

Framing. A negotiation can be presented in a variety of frames, for example, it can be set up as a learning exercise or as an opportunity for asking questions, for dialogue or for negotiating. Studies show that the manner in which a negotiation situation is framed influences the behaviour of men and women towards a negotiation. Babcock et al state that framing is a critical driver of gender differences in initiating negotiations.\textsuperscript{48} They found that framing situations as “opportunities for negotiation” is intimidating to women, especially because this language is inconsistent with norms for politeness for women. By contrast, framing situations as “opportunities for asking” is much less intimidating given that the language is more polite and role-consistent. Similarly, Kray and Babcock argue that when a negotiation is framed as a learning exercise, stereotypical thoughts of one’s ability or worth are not conjured up, and men and women perform comparably.\textsuperscript{49} In general, mediation is seen as a less intimidating forum due

to its informal process, compared to adjudication and arbitration. Thus women are more likely to view mediation as an opportunity to “talk” rather than an opportunity to “negotiate”. They are therefore as likely as men to initiate and engage in it.

**D. Effects of Gender Stereotyping and Perceiver Expectations**

In addition to overt discrimination faced by women by their exclusion from negotiations and conflict resolution processes,\(^{50}\) literature also acknowledges the influence of stereotyping and perceiver bias. The expectation that an individual behaves in a stereotypical way can unwittingly lead to the individual behaving in a manner that is consistent with these expectations.\(^{51}\) For example, when teachers are led to expect certain levels (high or low) of intellectual achievement from their students, they are more likely to obtain those levels of achievement from their students.\(^{52}\) So, if one expects the female negotiator to be cooperative in her negotiation style, there is a high likelihood that, affected by this expectation (through subtle cues and mannerism), she will behave more cooperatively as a result. A study on gender biases in 2001 indicated that people view men as better negotiators than women.\(^{53}\) Given this negative stereotype of women as poor negotiators, women succumbing to this stereotype may perform “less well” (in a distributional sense) in the mediation than their male colleagues.\(^{54}\)

Interestingly, stereotypes that explicitly connect gender to negotiating ability – for example, “women are not as good as men at negotiating” – lead women to react against this

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\(^{50}\) This was partly the reason for the enactment of SCR1325.


\(^{54}\) Ibid.
stereotype. Women end up setting higher goals than they would otherwise, are more aggressive and persistent about achieving their aims, and as a result reap better outcomes – often better than their male counterparts. However, sometimes, when women break these stereotypes i.e. act in a self-interested manner or have a very task-oriented style, they suffer a backlash; they are perceived as less likable, socially inept and incompetent.

E. DIFFERENCES WHEN NEGOTIATING ON BEHALF OF OTHERS (AGENCY)

Women behave differently when advocating on behalf of another, rather than for themselves. Wade and Bowles et al argue that women negotiate more forcefully i.e. they have higher outcome goals and are more aggressive, when they are representing another’s interest rather than their own. According to Wade this is probably because this concern for the wellbeing of others is consistent with the normative expectation of female communal behaviour. When advocating forcefully for themselves, women feel conflicted with their emphasis on IO and also constrained by the normative expectations to not behave selfishly and aggressively. This may affect women adversely if they are representing themselves in mediation. Also, international

case studies show (e.g. see Kenya below) that women find it harder to advocate for the interests of women when they are representing other interests as well.\textsuperscript{62}

\textbf{F. DIFFERENCES IN NEGOTIATING STYLES}

There are a number of studies that have explored the conflict management styles of men and women. Although each paper chooses slightly different terminology, there are essentially five main types of conflict styles: competing (satisfying one’s own concern at the expense of another’s), accommodating (sacrificing one’s own concern for the sake of another’s), avoiding (neglecting both parties’ concerns by postponing a conflict issue), collaborating (attempting to find a solution that satisfies both parties’ concerns) and compromising (attempting to find middle ground, which satisfies only partly both parties’ concerns).\textsuperscript{63}

In studies conducted in 2005 and 2008, results showed that men scored substantially higher than women on competing at all organization levels, from entry level to top executives,\textsuperscript{64} with women reporting higher levels of compromise.\textsuperscript{65} Various studies have been conducted in this area, and researchers agree that women in general are likely to use the more cooperative conflict management styles of collaborating, compromising or avoiding, and men are more likely to use competing or avoiding strategies in situations of conflict.\textsuperscript{66} So although research in this field does not show one particular negotiating style used by women (some say compromise (Hold and DeVore), some avoiding (Cardona) and some accommodating (Sone)), a majority appear to agree that men have higher competing style than women.


\textsuperscript{64} Ibid.

\textsuperscript{65} Ibid.

III.2 Consequences for International Conflict Resolution

Although many of the above differences, whether resulting from actual or perceived gender difference, stereotypical expectations or particular situations, have been studied overwhelmingly in the context of private or business negotiations, they have consequences for international conflict resolution. Some key points to consider are:

- In the context of international conflicts, adopting a collaborative or compromising style, rather than a competitive one, is a great advantage. Greater collaboration produces more constructive outcomes for the disputing parties. Even a compromising behaviour may be a good thing, for example, in situations where it is important to reach a profitable (but not the best possible) agreement, but also to maintain a good relationship, or where preserving the relationship is more important than distributional aspects.\(^\text{67}\) Holding out for the best possible outcome may burn bridges and reduce the chance of reaching an agreement.\(^\text{68}\) Although aggression can sometimes prompt the parties into making a better offer, in international conflict situations this may lead to the two sides failing to reach an agreement even when it is in the interests of both to do so. In the peace context where parties often have to coexist, hard bargaining tactics may be socially costly. Thus women’s collaborative approach may be more productive in international conflict situations than men’s inclination towards hard bargaining tactics.

- Expectations to act cooperatively increase the chances of parties acting cooperatively. The effect of ‘perceiver expectation’ – the ability of the participants to influence one another through their expectations – could have a positive effect in international conflict mediations.

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\(^{68}\) Ibid.
Due to the way women define their motivations, outcome goals, as well as their perception in society, they have a tendency to behave more cooperatively and amicably. Thus having a female mediator or a female party representative may lead the parties to behave collaboratively.

- In international conflicts where the emphasis/focus is often on building amicable long-term relationships, the ability of women to bring together different factions is extremely valuable. There is often too much transactional focus in negotiations, which leads the parties to ignore other important outcomes, specifically relational outcomes that are pivotal to stable international conflict resolution. It is not only narrow-minded, but also short sighted to look at relations only as “inputs, constraints or instruments in a negotiation, rather than outcomes to be gained or lost,” particularly in international conflicts. Given women’s actual or perceived aims of maintaining long-term relational harmony, and their sensitivity to interpersonal cues, they are likely to be more successful in delicate conflicts involving future relationships and are less likely to fail in reaching an agreement than men. Indeed female mediators had a significantly greater likelihood of having their disputants reach agreement in mediation, whereas two male mediators had the lowest agreement rate.

- In international conflicts where multiple parties (often disadvantaged ones) are involved, notions of fairness and equity lead to more stable agreements. Studies show that on balance women tend to be more generous and egalitarian than men, and expect and ask for less in a

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This may be because women are more sensitive than men to issues of overall fairness in a negotiation or because of socialization. An interesting point to note is the impact of gender mixes in negotiations – experiments show that people who generally behave selfishly in their individual decisions about how much to allocate in a dispute become much more generous when making a team decision which includes women. It appears that in mixed-gender teams, the preference of the female dominates the offer. Thus adding women to a group increases the generosity of the group. This would have profound positive impact on mediations in peace settlements.

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73 Ibid.
74 Ibid.
75 Ibid adds that women must be present at more than “token” levels to have a significant impact on the group. The inclusion of just one woman in a male majority team is unlikely to affect the generosity of the team.
IV. Case studies

IV.1 NEPAL CASE STUDY

In 2006, following 239 years of monarchy rule and a bitter decade of civil war, a peace deal between Nepal’s main political party and the Maoist rebels ultimately led to the formation of a democratically elected Constituent Assembly.\(^{76}\) Although women were notably absent from the formal Nepalese peace mediations, they contributed immensely to the overall peace process through informal means, such as a nation-wide women’s movement and involvement in political parties and committees, including peace and constitution committees.\(^{77}\)

Gunther Baechler was the Swiss Special Adviser for Peace Building in Nepal from 2005-07. According to Baechler\(^{78}\), Nepalese women never understood “peace” in the narrow sense of the term i.e. the absence of armed violence. The women were interested not just in a technical ceasefire among the main belligerents, but also a cessation of future hostilities among the armed actors. They knew that lasting and more comprehensive peace could only be achieved by understanding and addressing issues beyond violence, such as political oppression through a feudal monarchy, marginalization of women in the caste system, insecurity in rural areas etc. Thus for the women, “peace” was not an abstract formula for national security but a more practical strategy to obtain economic security, food security, health security, environmental security, political security and finally personal (physical) security from violence. As a result, the

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\(^{77}\) Baechler (2010), A mediator’s perspective: Women and the Nepali peace process, OPINION, Centre for Humanitarian Dialogue.

\(^{78}\) Ibid.
women emphasised human security concerns while the male negotiators in the mediation circled around achieving an end to the current violence.

Because of the women’s focus on human security, they found it much easier than the men to overcome ideological, social, ethnic, and caste boundaries. According to Baechler, the women’s persistent emphasis on a holistic and more comprehensive peace, and the ability to overcome differences based on party lines and sectors, led to the achievement of a more exhaustive peace agreement in 2006.

In Baechler’s opinion, involving the Nepalese women directly in the negotiations would have had an even more significant and visible impact on the Nepalese peace process. To him, the women, in general, were much less concerned (than the men) with who was going to be the next prime minister or the distribution of ministerial posts; nor were they interested in using negotiations as a stage for making political statements or as an opportunity for individual power gains. The women were more interested in forming a stable coalition government and creating a more proportional electoral system, which would represent the interests of women and marginalized groups. According to Baechler, unequal gender representation affects the quality of peace processes – women may be the difference between attaining a “thin” peace agreement, which involves only the armed sectors and has a high probability of lapsing back into armed violence, and attaining a “thick” peace agreement that involves all segments of society and promises a higher degree of success in the long run. Indeed the lack of a “thick” peace agreement resulted in the political crisis that erupted again in Nepal on May 28 2010, when it was feared that the then Prime Minister (Madhav Kumar) would declare a state of emergency.

79 Ibid.
due to lack of finalization by the Constituent Assembly of the Constitution of Nepal to replace its interim Constitution.  

Since 2010, a more serious effort is being made by the Nepalese government to incorporate gender sensitiveness in the peace process. Significantly, Nepal’s Ministry of Peace and Reconstruction launched a National Action Plan to implement SCR1325.

**IV.2 Kenya Case Study**

The Kenyan peace process is an example of the benefits of involving women in international peace mediations. At the end of 2007 in Kenya, a violent electoral dispute was triggered by claims of rigging in the presidential elections. This led, over two months, to the death of 1,133 and displacement of over 300,000 Kenyan people. The Kenyan National Dialogue and Reconciliation (KNDR) process, under the auspices of Kofi Annan and the African Union Panel of Eminent African Personalities, sought to resolve this conflict at the end of January 2008. After 42 days of intense mediated negotiations, President Mwai Kibaki and Hon. Raila Odinga brought an end to the violence and political stalemate by signing a power sharing agreement. The mediation process continued, and went on to negotiate a series of agreements that dealt with long-term issues that were at the root of the conflict.

The Kenyan peace process involved a high level and high profile of women, with about 25% of the members of the negotiating team being women. The women’s involvement took many different forms, both at the local and national level. Women were engaged as members of the

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KNDR process, as senior advisors to the mediator, in mediation support roles, as senior members of the political delegations, and as civil society leaders.

One of the key aspects of involving the women in the mediation was the “spitting session” – Kenyan women, from different party affiliations and ethnic tensions, came together in a session to raise all the issues that divided them. They got together to vent their anger (to “spit” at each other) in order to move forward. The “spitting” allowed them to build confidence and trust in each other, and engage in a more constructive dialogue to find common ground on deep-rooted issues affecting the crisis. In fact, this airing of differences gave birth to a unified women’s voice that led to a Women’s Memorandum, which helped shape the long-term issues, and formed an important part of the final peace agreements. As such the Kenyan case serves as a strong example of inclusion of women and its consequential benefits in the mediation process.

Another advantage of involving the women was the strong network they possessed, locally, nationally and internationally. Kenyan women were among the first to lobby at the African Union, to testify to the US Congress, and to pass messages to senior figures in the UN and other capitals. This ensured that messages of peace, international help and fundamental concerns got through to the highest levels regionally and internationally. This was critical for achieving a sustainable peace agreement.

Lastly, women were able to identify early warning signs of conflict very differently from men – for example, the women were more sensitive to indicators such as changes in refugee migration, rape, abductions, trafficking, hoarding of goods, sale of jewellery and weapons, rewards for “masculine” behaviours, increased propaganda etc, before a conflict. In fact, many

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83 Ibid.
84 Ibid.
women leaders in Kenya were raising warnings in the months leading up to the elections in 2007.\footnote{McGhie and Wamai (2011). Beyond the Numbers: Women’s Participation in the Kenya National Dialogue and Reconciliation, Centre for Humanitarian Dialogue.}

The Kenyan mediation process also provides an important lesson on the representation of women’s rights and interests. Mediators involved in the Kenyan peace process felt that there was a difference between women being appointed to represent women’s issues in particular and women representing a given political party or armed group.\footnote{Ibid.} Some Kenyan female representatives expressed that they felt bound by the policies and politics of the party they represented, and therefore avoided focusing on the interests of women for fear of compromising their party’s interest.\footnote{Ibid.} This highlights that it is not practical to expect women negotiators to represent women’s issues in addition to other representational mandates. Increased participation of women may improve the chances of peace but it does not automatically lead to addressing women’s rights and related issues in the mediation process.\footnote{Ibid.} So, for the advancement of women’s interests it is important to have at the mediation table representatives who are specifically there to represent and discuss women’s issues.

\textbf{IV.3 NORWEGIAN EXPERIENCE}

In recent years Norway has played an active role as third party mediator in a number of international conflicts. It was involved in the Oslo Accords, conflicts in Bosnia, Guatemala, and more recently, conflicts in Sudan, Sri Lanka and Columbia. Through the Norwegian Action Plan for the Implementation of Security Council Resolution 1325 in 2006, Norway actively promotes greater participation of female mediators and negotiators in all peace processes and negotiations.
it is involved with.\textsuperscript{90} Norway considers women’s involvement so crucial that where it is not possible to secure women’s participation in the formal peace processes, it has pledged to support parallel and subsidiary processes where women can play a key role, and ensure that the concerns/aims of such processes are passed on to the main process.\textsuperscript{91}

From its various experiences in international conflict mediations, Norway has found that women tend to raise a broader range of political and social issues; ensure that marginalised sections, especially victims, of the society are listened to; and generally have a positive effect on the negotiation climate.\textsuperscript{92} This consequently increases the likelihood of having a lasting peace agreement and forms a good starting point for building democratic and equitable societies.\textsuperscript{93}

In addition, in the experience of Norwegian mediators, conducting a dialogue with both men and women gives the mediators a far better understanding of the situation, and a greater chance of providing peace and security. Women provide information and perspectives that men are not aware of or choose not to focus on.\textsuperscript{94} Also, the involvement of women in the negotiations increases the local population’s confidence in the peace process.\textsuperscript{95}

\textsuperscript{91} Norwegian Ministry of Foreign Affairs (2011). \textit{Women, Peace and Security: Norway’s strategic plan 2011-13.}
\textsuperscript{92} Ibid.
\textsuperscript{93} Ibid.
\textsuperscript{94} Ibid.
\textsuperscript{95} Ibid.
V. Conclusions

V.I ADVANTAGES OF INVOLVING WOMEN IN INTERNATIONAL MEDIATION PEACE PROCESSES

The large number of conflicts in the world in the last fifty years has provoked a search for factors within a mediation process that contribute to sustainable peace. In addition to the skills, strategies and tactics of the mediator, participation of women in mediations has come to be regarded as an important element in the sustainability of peace agreements.\(^\text{96}\) Both the Kenyan and the Nepalese case studies are examples of the participation of women in international conflict mediations. And indeed, they show beyond the theory and laboratory experiments that women can have a profound effect in helping to resolve disputes.

There are a number of reasons why women should be involved in mediations to resolve international conflicts. Involving women increases the probability of reaching an agreement; of addressing a wide variety of concerns/issues, both short-term as well as long-term; and finally of achieving greater and more stable compliance of the settlement.

**Reaching agreement.** Women’s greater ability to work across socio-political divides (as seen in the Kenya and Nepal case studies; Section IV) is an extremely valuable asset. In international conflicts where multiple interests and stakeholders are often present, this quality greatly helps in achieving a sustainable resolution, and may be the difference between achieving a “thick” versus “thin” peace agreement. Indeed, there is a feeling amongst activists in the field\(^\text{97}\) that the potential of women to forge common ground across conflict and party lines is

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\(^{97}\) *Experts Meeting: Women at the Peace Table – Asia Pacific; Summary Report*, Centre for Humanitarian Dialogue, Kathmandu (2010).
underestimated. In addition, empirical study has shown that in the context of small claims mediation, female mediators had a significantly greater likelihood of reaching agreement than male mediators (Section III.2). This suggests that women are a valuable asset for attaining conflict resolution.

**Depth of issues.** Traditionally, the focus in most peace mediations has been to bring together people from opposing political and military groups (rebels, militia etc) – these are all mostly men. And the aim has generally been the immediate cessation of violence with little emphasis on a long-term view. As seen in the case studies, the tendency of women to draw attention to human concerns should bring longer-lasting peace in addition to the resolution of the immediate conflict at hand.

**Greater compliance.** Women have a tendency to define motivations in interactional terms (Section III.1A), to prefer more equitable agreements (Section III.1A), and to engage in a more cooperative negotiating style (Section III.1F). Taken together, these effects should ensure greater compliance to a mediated agreement. Indeed, research shows that broader inclusivity in formal peace processes, especially of women, increases the credibility of the process and contributes to the sustainability of the agreements reached. ⁹⁸ Peace processes characterised by heavy involvement of women have been found to be more legitimate and sustainable compared to those with little or no women’s involvement. ⁹⁹ In the Kenya and Nepal cases, women strengthened peace accords by increasing attention to human rights concerns, and promoting reconciliation and security on the ground - often serving as important counterweights to political and military interests.

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As women are overwhelmingly affected by international armed conflicts, a peace agreement that does not take into account their interests and concerns is unrepresentative and is unlikely to last. In many conflicts (especially in the African sub-continent) where women are largely responsible for the implementation of any peace agreements (due to a large number of male violence related deaths)\textsuperscript{100}, not involving them from the start is futile and a waste of precious time during which lives continue to be devastated.

Despite all these advantages of involving women in international peace mediations, they are generally not given much of a voice. Today, most of the participation by women in peace processes takes place through more informal means, such as consultative mechanisms, representative decision-making, engagement in parallel forums with formal consultative status (e.g. in Guatemala, 1996 and Kenya, 2007), and ad hoc communications with the mediators and negotiators involved (e.g. in Nepal, 2006).

**V.2 Potential Challenges Due to Gender Differences in Mediation and Negotiation**

Although there are a number of advantages to involving women in international mediation peace processes, there are potentially a few challenges and/or drawbacks as well.

A potential challenge may occur when a negotiation is, or is perceived to be, purely distributional in its nature. In such situations, if one negotiating side is male dominated, then women’s tendency towards a less competitive style (Section III.1A,C), and setting less ambitious outcome goals (Section III.1B), could, on average, disadvantage them in a negotiation. Essentially, the attributes of women that add value in most conflicts have the potential to be

abused in zero-sum negotiations. One way to overcome this situation is through appropriate training of women negotiators to eliminate any potential gender bias, or by ensuring that both negotiating sides include women representatives. SCR1325 provides a constructive response to the latter by giving a structured framework within which all parties in the international conflict are encouraged to include women. This paper suggests that implementation of SCR1325 should also be accompanied by formal training for women negotiators (and preferably men too) on negotiating skills and the potential risks of gender bias. Such training would fit naturally under section 7 of the Resolution (see Exhibit A).

A second potential challenge results from the differing approaches of men and women to agency (Sections III.1E). Women find it easier to advocate for the interests of others rather than their own self-interests. As seen in the case of Kenya (Section IV.2), when women negotiators represent the interests of the main stakeholders in a conflict, one cannot presume that they are also representing the interests of other women and women’s rights. It is important to ensure that the mediation consists of people (irrespective of their own gender) who specifically represent and advocate women’s issues.

V.4 SCR1325 TEN YEARS ON

Ten years on, there has been a study conducted on the impact of SCR1325 on women and peace and security. The study\textsuperscript{101} reports a mixed record on the overall contribution of SCR1325 to women’s engagement in peace processes. According to the report, the Resolution has played a crucial role in increasing women’s participation and representation in politics (especially where countries have introduced quotas for women, for example, in Burundi and Timor-Leste), and has

also led to legal reforms in the area of gender equality in several countries (for example, the Democratic Republic of Congo and Sierra Leone). However, the study finds that the participation of women in peacekeeping negotiations has not significantly improved, partly due to insufficient or slow implementation by countries in conflict despite their ratification of the Resolution. The main reason, however, has been the continuing discrimination against women as second-class citizens.

Some of the main criticisms of the Resolution given in the report on the relevant mediation clauses are:

- Mere inclusion of women to peace negotiation processes without making the necessary structural changes to the socio-political structure i.e. advancement in women’s rights, does not help establish lasting peace.
- The Security Council has not established a time frame within which the Resolution should be implemented by member states.
- The Resolution does not specify any quotas or incentives to ensure greater representation of women.
- Neither is there any local monitoring/accountability mechanism established to achieve the aims and objectives of the Resolution.
- So far only privileged women have been able to make use of the participation tools offered by SCR1325. The gap between the empowerment of local women and such privileged women remains striking. In order to involve more women, especially ones less
privileged, practical obstacles have to be removed – they need child-care during their absence, free and safe travel.\textsuperscript{102}

The report finds that improved planning and co-ordination by the UN and its national partners could lead to more meaningful and lasting changes for women in conflict situations. In addition, greater involvement of the society (including men), NGOs and the media is needed to incorporate a gender perspective in conflict and post-conflict situations.

Therefore, although SCR1325 is a big step in the right direction, much more needs to be done to achieve women’s involvement in sustainable international peace processes.

\textbf{V.3 CONCLUDING REMARKS}

All the academic literature and the case studies described above confirm the value women bring to international peace mediations. SCR1325 acknowledges, and indeed affirms that despite being the main victims of armed conflict, women can and do play an extremely important role in bringing conflicts to an end and attaining peace. It also recognizes that women’s involvement in peace processes significantly contribute to the maintenance of international peace and security.

Given the value women can bring to international mediation negotiations, a framework such as SCR1325 which encourages involvement of women at all levels for the prevention, management and resolution of conflict and supports local women’s peace initiatives and indigenous processes for conflict resolution, is not a leap, but a step in the right direction.

\textsuperscript{102} \textit{Experts Meeting: Women at the Peace Table – Asia Pacific}, Summary Report, Centre for Humanitarian Dialogue, Kathmandu (2010).

Adopted by the Security Council at its 4213th meeting, on 31 October 2000

The Security Council,

Recalling also the commitments of the Beijing Declaration and Platform for Action (A/52/231) as well as those contained in the outcome document of the twenty-third Special Session of the United Nations General Assembly entitled “Women 2000: Gender Equality, Development and Peace for the Twenty-First Century” (A/S-23/10/Rev.1), in particular those concerning women and armed conflict,

Bearing in mind the purposes and principles of the Charter of the United Nations and the primary responsibility of the Security Council under the Charter for the maintenance of international peace and security,

Expressing concern that civilians, particularly women and children, account for the vast majority of those adversely affected by armed conflict, including as refugees and internally displaced persons, and increasingly are targeted by combatants and armed elements, and recognizing the consequent impact this has on durable peace and reconciliation,

Reaffirming the important role of women in the prevention and resolution of conflicts and in peace-building, and stressing the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, and the need to increase their role in decision-making with regard to conflict prevention and resolution,

Reaffirming also the need to implement fully international humanitarian and human rights law that protects the rights of women and girls during and after conflicts,

Emphasizing the need for all parties to ensure that mine clearance and mine awareness programmes take into account the special needs of women and girls,

Recognizing the urgent need to mainstream a gender perspective into peacekeeping operations, and in this regard noting the Windhoek Declaration and the Namibia Plan of Action on Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations (S/2000/693),

Recognizing also the importance of the recommendation contained in the statement of its President to the press of 8 March 2000 for specialized training for all peacekeeping personnel on the protection, special needs and human rights of women and children in conflict situations,

Recognizing that an understanding of the impact of armed conflict on women and girls, effective institutional arrangements to guarantee their protection and full participation in the peace process can significantly contribute to the maintenance and promotion of international peace and security,

Noting the need to consolidate data on the impact of armed conflict on women and girls,
1. Urges Member States to ensure increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict;

2. Encourages the Secretary-General to implement his strategic plan of action (A/49/587) calling for an increase in the participation of women at decision-making levels in conflict resolution and peace processes;
3. **Urges** the Secretary-General to appoint more women as special representatives and envoys to pursue good offices on his behalf, and in this regard **calls on** Member States to provide candidates to the Secretary-General, for inclusion in a regularly updated centralized roster;

4. **Further urges** the Secretary-General to seek to expand the role and contribution of women in United Nations field-based operations, and especially among military observers, civilian police, human rights and humanitarian personnel;

5. **Expresses** its willingness to incorporate a gender perspective into peacekeeping operations, and **urges** the Secretary-General to ensure that, where appropriate, field operations include a gender component;

6. **Requests** the Secretary-General to provide to Member States training guidelines and materials on the protection, rights and the particular needs of women, as well as on the importance of involving women in all peacekeeping and peace-building measures, **invites** Member States to incorporate these elements as well as HIV/AIDS awareness training into their national training programmes for military and civilian police personnel in preparation for deployment, and **further requests** the Secretary-General to ensure that civilian personnel of peacekeeping operations receive similar training;

7. **Urges** Member States to increase their voluntary financial, technical and logistical support for gender-sensitive training efforts, including those undertaken by relevant funds and programmes, inter alia, the United Nations Fund for Women and United Nations Children’s Fund, and by the Office of the United Nations High Commissioner for Refugees and other relevant bodies;

8. **Calls on** all actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective, including, inter alia:
   (a) The special needs of women and girls during repatriation and resettlement and for rehabilitation, reintegration and post-conflict reconstruction;
   (b) Measures that support local women’s peace initiatives and indigenous processes for conflict resolution, and that involve women in all of the implementation mechanisms of the peace agreements;
   (c) Measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary;


10. **Calls on** all parties to armed conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence in situations of armed conflict;

11. **Emphasizes** the responsibility of all States to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity, and war crimes including those relating to sexual and other violence against women and girls, and in this regard **stresses** the need to exclude these crimes, where feasible from amnesty provisions;

12. **Calls upon** all parties to armed conflict to respect the civil and humanitarian character of refugee camps and settlements, and to take into account the particular needs of women and girls, including in their design, and recalls its resolutions 1208 (1998) of 19 November 1998 and 1296 (2000) of 19 April 2000;

13. **Encourages** all those involved in the planning for disarmament, demobilization and reintegration to consider the different needs of female and male ex-combatants and to take into account the needs of their dependants;

14. **Reaffirms** its readiness, whenever measures are adopted under Article 41 of the Charter of the United Nations, to
give consideration to their potential impact on the civilian population, bearing in mind the special needs of women and girls, in order to consider appropriate humanitarian exemptions;

15. *Expresses* its willingness to ensure that Security Council missions take into account gender considerations and the rights of women, including through consultation with local and international women’s groups;

16. *Invites* the Secretary-General to carry out a study on the impact of armed conflict on women and girls, the role of women in peace-building and the gender dimensions of peace processes and conflict resolution, and *further invites* him to submit a report to the Security Council on the results of this study and to make this available to all Member States of the United Nations;

17. *Requests* the Secretary-General, where appropriate, to include in his reporting to the Security Council progress on gender mainstreaming throughout peacekeeping missions and all other aspects relating to women and girls;

18. *Decides* to remain actively seized of the matter.