Essential

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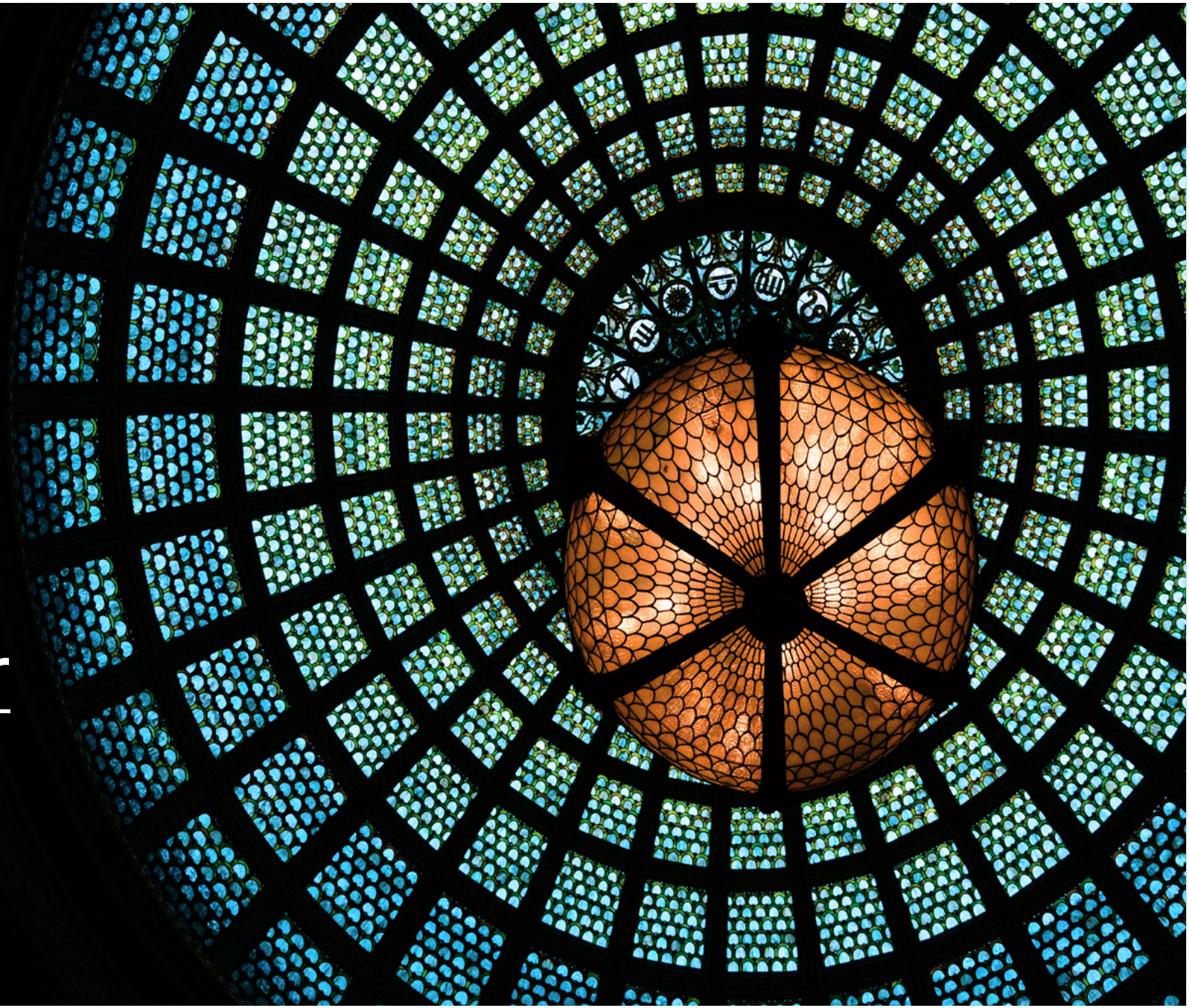

On Gender

The Role of Norms in International Peace Mediation

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swisspeace is a practice-oriented peace research institute. It analyses the causes of violent conflicts and develops strategies for their peaceful transformation. swisspeace aims to contribute to the improvement of conflict prevention and conflict transformation. swisspeace is an associated Institute of the University of Basel and member of the Swiss Academy of Humanities and Social Sciences (SAHS).

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The Norwegian Peacebuilding Resource Centre (NOREF) is a resource centre integrating knowledge and experience to strengthen peacebuilding policy and practice.

On the Project

In 2014, swisspeace and NOREF started a research project to explore the ways in which the growing normative framework influences mediation practice. The research involved interviews with more than 20 mediators and mediation experts from different organizational backgrounds. The general results have been published in a report and a shorter policy brief, and can be accessed on www.swisspeace.ch. The research project was also accompanied by a debate series on the role of 1) inclusivity, 2) gender, 3) democracy promotion and 4) transitional justice in mediation. Based on the data collected in the interviews as well as through the debates, four Essentials will be published in order to provide in-depth assessments of these specific norms and how they influence international peace mediation processes.

Essential series

With its Essential series, swisspeace offers expert advice and guidance for practitioners on various topics in civilian peacebuilding. A full publication list can be found on www.swisspeace.org/publications.

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Summary

This Essential tackles questions surrounding the role of gender norms in international peace mediation. The insights provided are based on findings from a previous research project investigating the growing influence of norms in international peace mediation.

Powerful normative instruments such as United Nations Security Council Resolution 1325 that call for increasing women's meaningful participation in peace processes and increasing the gender sensitivity of peace agreements are now considered by many mediators when designing their strategies.

However, the role of gender norms remains subject to intense debate among mediators and mediation practitioners. The lack of a systematic approach to navigating these gender norms in mediation processes can lead to confusion and conflation about 'gender issues' and the modalities of women's participation in mediation processes, resulting in un-nuanced debates and strategies. Conceptualizing gender norms within an analytical framework can provide avenues to addressing this complexity in practice. For example, distinguishing the norm of women's participation as process-related and the norm of gender-sensitive peace agreements as content-related can render greater conceptual clarity and avenues for practical approaches. This is helpful especially in the context of difficult debates on whether to prioritize gender in mediation processes, and if so, how.

Placing gender norms within an analytical framework is no magic bullet for complex mediation situations. Practical considerations around how to actually consider and localize gender norms in local contexts can be difficult. Navigating gender norms in mediation processes may seemingly require trade-offs between normative considerations and pragmatic approaches. However, approaching norms systematically can open up avenues for creativity that can help mediators transform dilemmas into challenges that can be met.

1 Introduction

The nexus between gender and international peace mediation is normatively loaded. The emergence and growth of the women, peace and security (WPS) agenda in the mediation arena is undeniable to mediators and mediation practitioners. From large international institutional instruments such as United Nations Security Council Resolution 1325 (UNSCR 1325) to practical documents such as the *UN Guidance for Effective Mediation*[1], these international normative frameworks represent large-scale efforts to integrate a gender perspective into different areas of peacebuilding and peace policy. While many scholars and practitioners view the expanding normative framework in mediation as a step towards the professionalization of the field and welcome gender norms per se, their exact role in mediation processes is subject to intense debate.

Norms are commonly defined as "collective expectations about proper behaviour for a given identity,"[2] and this Essential focuses on the identity of international mediators and mediation supporters involved in official peace processes. Norms in international mediation processes are less detailed and enforced than in the domestic field, as they are based on the international legal framework. However, some norms have increased in prominence over time – norms surrounding gender equality in mediation processes being a salient example. Yet, while mediators undeniably conduct their work based on international law and normative frameworks required in their mandates, balancing this with the demands and needs of the conflict parties and mediation processes can be complex and challenging.[3]

Similar to broader debates around inclusivity, norms surrounding women's participation and the gender-sensitivity of peace agreements are often unchallenged. For example, it is difficult to justifiably argue against including more women in peace processes.[4] However, the effect of gender norms in mediation processes remains unclear. How do gender norms influence mediation processes? Where do gender norms stand in relation to other norms? What is the role of the mediator in navigating the inclusion or exclusion of gender norms?

This Essential tackles these questions, based on insights from 22 mediators and mediation experts interviewed for a previous research project, *The Role of Norms in International Peace Mediation*.[5] Firstly, it offers a new analytical framework to systematically approach norms, particularly gender in peace processes, through a categorization and prioritization approach. Secondly, it frames the ongoing debate on gender norms and mediation by placing these norms within this analytical framework. Thirdly, it offers practical examples and insights of how mediators navigated gender norms in mediation processes using creative solutions and managing gender norms pragmatically. This Essential concludes with concrete recommendations for approaching gender norms in mediation for both mediators and those supporting mediation processes from a distance.

1 United Nations. 2012. *UN Guidance for Effective Mediation*. Available at: www.un.org.

2 Katzenstein, P. 1996. *The Culture of National Security: Norms and Identity in World Politics*. New York: Columbia University Press.

3 Alvarez, M et al. 2013. *Translating Mediation Guidance into Practice: Commentary on the UN Guidance for Effective Mediation*. Discussion Points of the Mediation Support Network, 2, p. 16.

4 International norms in mediation processes surrounding gender tend to focus on increasing women's participation as the majority of mediators have historically been mostly male. As these norms are based on gender equality, the norms focus on how women are also actors for change in conflict and peace.

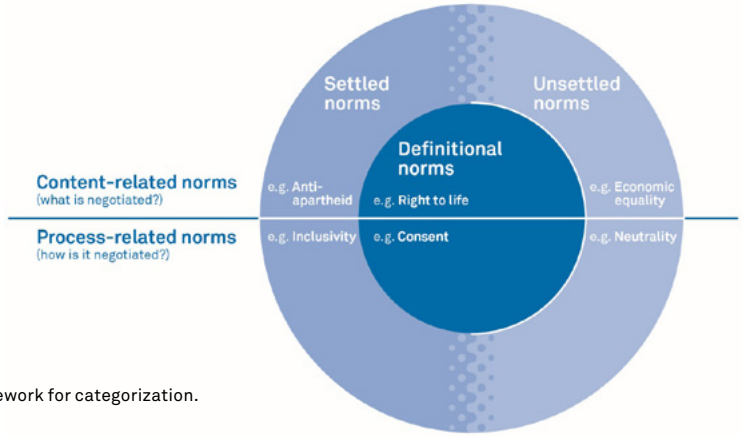
5 Hellmüller, S et al. 2015. *The Role of Norms in International Peace Mediation*. Bern/Oslo: swisspeace/NOREF.

2 Norms in International Peace Mediation – A Categorization

Insights from mediators have shown that the normative framework in mediation processes has grown and gained conceptual clarity over the last 25 years. Mediators are faced with a 'mushrooming set of norms', four of the most salient and debated being gender equality, inclusivity, transitional justice and democracy promotion. The distinction is often made between legal and non-legal norms and within legal norms, between hard and soft law. However, in many conflict contexts where the modalities surrounding the application of international law become blurred, this distinction may be less helpful. Thus, this Essential focuses on less legalistic interpretations of norms in mediation. It offers an analytical framework for categorization that offers a new way to make sense of the many kinds of norms that play a role in mediation processes.

2.1 An Analytical Framework

The analytical framework, shown in Graph 1 below, is used to categorize norms based on three distinctions: content-related versus process-related, settled versus unsettled and definitional versus non-definitional norms.



Graph 1. An analytical framework for categorization. swisspeace/NOREF.

A first distinction can be made between process-related and content-related norms. Process-related norms define how a mediation process is planned or conducted. An example of a process-related norm is the impartiality of a mediator, understood as being able to run an unbiased and balanced process. On the other hand, content-related norms refer to what might (or might not) be negotiated during a mediation process and are thus closely linked to agenda setting. Examples of content-related norms are economic equality or norms linked to power sharing.

A second distinction can be made between settled and unsettled norms. Drawing from literature on how norms are being internalized in society, this distinction is concerned with the question of what norms can be overridden without "special justification."[6] Settled norms are those norms that are internalized. This means that they might not necessarily be visible[7] anymore since it has become normal to uphold them. Conversely, unsettled norms can be overridden, denied or ignored without special justification. Settled and unsettled norms can be both content- or process-related. Graph 1 also illustrates examples of norms categorized within the analytical framework. *Jus Cogens* norms (e.g. anti-apartheid, anti-slavery) are examples of content-related settled norms in the strongest sense and cannot be violated by mediators. Inclusivity[8] can be considered a settled norm (both process- and content-related), according to many of the mediators interviewed. While this may be debated by others, mediators have increasingly observed that the omission of or the transgression from inclusivity requires public justification in practice.[9] Conversely, economic equality is an unsettled content-related norm, as its inclusion in a peace agreement can be overridden without special justification. Lastly, neutrality[10] can be seen as an unsettled process-related norm. As many mediators may have mandated principles and personal opinions that make true neutrality difficult,

6 Raymond, G. 1997. *Problems and Prospects in the Study of International Norms*. Mershon International Studies Review 41(2).
7 This can still remain subject to public debate.
8 This Essential ascribes to the definition of inclusivity given in the *UN Guidance for Effective Mediation:* "the extent and manner in which the views and needs of the conflict parties and other stakeholders are represented and integrated into the process and outcome of a mediation effort." See: von Burg, C. 2015. *On Inclusivity: The Role of Norms in International Peace Mediation.* Bern/Oslo: swisspeace/NOREF.
9 Ibid.
10 Understood in this Essential as the absence of decided views or strong feelings.

they would not feel the need to justify themselves if the norm of neutrality was overridden.

A third distinction can be made between definitional and non-definitional norms. Definitional norms lie at the core of any mediation process. If a definitional norm is denied or overridden, then it cannot be called mediation anymore. As indicated in Graph 1, definitional norms can be process- or content-related. The right to life, the normative core objective within mediation processes to end violence, is a core content-related definitional norm of mediation. If a mediator was to start striking arms deals with the parties, then the process cannot be called mediation anymore. Consent is an example for a process-related definitional norm. Without the consent of the parties, a process may be called high-powered diplomacy or some other form of conflict resolution, but it can no longer qualify as mediation.

2.2 Gender within the Analytical Framework

Gender, understood in this Essential as the historical and socially constructed roles of men and women, permeates all social institutions and practices. These socially constructed roles can result in hierarchies and power asymmetries between men and women, which in turn can manifest themselves in different forms and stages of violent conflict. Examining violent conflicts and conflict resolution through a gender lens has increased in both academia and practice. This has led to the emergence of a discourse surrounding women, peace and security. Connecting the fields of mediation and WPS is currently a salient topic of great conceptual and practical consequence to both fields. This is evidenced by the increased attention from both peacebuilding and women's rights NGOs, foreign ministries and international organizations.

11 United Nations. 2012. UN Guidance for Effective Mediation, p.11. Available at: www.un.org.

12 Due to the dearth of macro-level assessments on women's participation based on their small number and the limited (albeit growing) information tracking the influence and involvement of women's participation in peace processes. Critics also warn against the limitations of the approach, citing that it creates unrealistic expectations of women's involvement as a panacea. Thorton, 2013.

13 UNSCR 1325 is the most prominent and encompassing normative framework on gender and peace mediation, but other key international instruments include, UNSCR sister resolutions 1820, 1888, 18689, 1960, The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and The Beijing Declaration and Platform for Action.

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«Of course there are norms. There are norms on women's rights, on the prohibition of discrimination on the right to life, on the right not to be sexually assaulted. These are norms, and these norms must be observed.»

Interviewee (research project)

The WPS agenda, especially in the context of gender and mediation, has also become increasingly nuanced in policy and practice. The underlying assumption is that a gendered approach increases the legitimacy and national ownership of the peace process and its implementation. In addition, it can also reduce the chances of spoilers undermining the process.[11] While research on this approach is so far limited to case studies,[12] it sees the inclusion of women as a normative means to a pragmatic end – a more sustainable peace agreement. For pragmatic purposes, this Essential refers to the most relevant and salient international normative framework on gender and peace mediation, United Nations Security Council Resolution 1325[13].

UNSCR 1325 Operational Clause 8.c.

› "refers to the adoption of a gender perspective in peace negotiations and peace agreements, including measures that support local women's peace initiatives and that involve women in all the implementation mechanisms of peace agreements "[14]

14 Security Council Resolution 1325 S/Res/1325 (31 October 2000). Available from: http://www.un.org/Docs/journal/asp/ws.asp?m=S/RES/1325%282000%29.

The normative framework of gender in international peace mediation is thus based on the norm of gender equality, in which access to rights and opportunities are unaffected by one's gender. This framework is by no means monolithic – it is rather complex and falls beyond the scope of this Essential.[15] Because the majority of mediators, mediation teams and negotiators have historically been male and the vast majority of peace agreements do not make specific mention of gender,[16] the WPS agenda, which aims to bring gender equality to the field of peacemaking, constitutes a core element of the normative framework on gender and mediation. It is based on the premise that both men and women are actors for change in conflict and peace.[17] This inequality is the reason why the peace mediation discourse is concerned mainly with the following two aspects concerning gender: increasing women's meaningful participation in peace processes and increasing the gender sensitivity of peace agreements.

Salient gender norms in international peace mediation

- Increasing women's meaningful participation in peace processes
- Increasing the gender-sensitivity of peace agreements

So where do these gender norms fit into the analytical framework for categorization? Based on the insights from the interviews, their positioning within this categorization is the subject of intense debate. This Essential aims to unpack and nuance this debate both for mediators and those supporting mediation processes from a distance through examining these two gender norms within the framework for categorizing norms in mediation processes.

15 Gender norms in the WPS agenda can also encompass women's political participation, sexual violence in conflict, women's involvement in security and peacekeeping, women's involvement in disarmament, demobilization and reintegration, gender considerations in dealing with the past, and more.

16 A study of 31 major peace processes between 1992 and 2011 reveals that only 4 per cent of signatories, 2.4 per cent of chief mediators, 3.7 per cent of witnesses and 9 per cent of negotiators are/were women. United Nations Women. 2012. *Women's Participation in Peace Negotiations: Connections between Presence and Influence.* Available from: www.peacemaker.un.org.

17 Reimann, C. 2008. *Gender and Peace Mediation.* Peace Mediation Essentials. Bern/Zürich: swisspeace/Center for Security Studies.

Content-related or process-related

The gender norm related to the inclusion and participation of women at the peace table can be seen as a process-related norm. The extent to which women are included in pre-negotiations, negotiations and post-agreement implementation activities are related to how a mediation process is conducted. The quality of their participation is also attributed to the modality of their inclusion (e.g. as observers, as negotiators and as mediators). This can also be understood as a process-related norm. On the other hand, the gender norm related to the inclusion of gender-sensitive texts in peace agreements can be seen as a content-related norm. While the extent of gender-sensitivity in peace agreements is often attributed to the increased participation of women in peace talks, there is no automatic causal link between the two. Thus, the norm on gender-sensitivity in peace agreements can be seen as a content-related norm.

Often, the distinction between process and content among these gender norms is not made. This can result in confusion and conflation of the two gender norms, and can lead to un-nuanced debates between mediators and those supporting mediation processes from a distance. For example, increasing the number of women at the table does not necessarily result in more gender-sensitive agenda issues being brought to the negotiations, or more-gender sensitive clauses being included in a ceasefire or peace agreement. Mostly, the unique perspectives and priorities of women, often referred to as 'women's issues',[18] are viewed by others either as issues relevant only to women or issues that should be addressed separately from the peace process.[19] Thus, a common response to placate calls for including gender issues into a peace agreement is conflating it with 'women's issues'. This can result in a token representative that is present mainly because of the virtue of their sex. As one mediator said, "when the question is, 'What can you do about gender issues?' the answer is often

18 For example, topics such as sexual and gender-based violence, for example, are regarded as 'women's issues' that can be addressed in processes other than official peace talks.

19 Nderitu, A. and O'Neill, J. 2013. *Getting to the Point of Inclusion: Seven Myths Standing in the Way of Women Waging Peace.* Washington, DC: The Institute for Inclusive Security, p.7.

just another warm body. There is no gender issue. Gender is something that weaves through every single issue in the peace process. It starts from how you perceive members." The Institute for Inclusive Security further posits 'gender issues' as a myth that hinders the increased participation of women. According to O'Neil and Nderitu, "the vast majority of topics women raise are security related. Many topics affect men and women differently, and neither sex can speak for the other."[20]

The assumption that having women at the table results in a more gender-sensitive process (or the inclusion of more gender-sensitive content in peace agreements) is also problematic.[21] For instance, in Track I processes, women representing negotiating parties at the table are likely to be present by virtue of their position as part of delegations. Just like men or even more so, they have fought hard to prove to be effective in representing the political views of their party, and seek credibility. Consequently, being perceived as championing 'gender issues' is unlikely to be a primary strategy or approach as it can result in backlash. Furthermore, the gendered bias goes both ways – there are also men who champion gender norms at the peace table albeit these examples are only beginning to make it into the mainstream WPS agenda.

Settled or unsettled

The normative framework surrounding women's inclusion in peace processes and gender-sensitive clauses in agreements appears accepted by so many mediation practitioners that most of them have moved on from the question of whether the inclusion of women should be considered in mediation processes, towards how to make this happen. This seeming internalization is the product of the acceptance and promotion of women's inclusion by large international institutions, states, NGOs, civil society actors and the media.[22] Some interlocutors working in peace processes argue to move

20 Ibid.

21 Fischer, R. 2012. KOFF Factsheet: *Gender Dimensions of Conflict and Peacebuilding.* Bern, Switzerland: KOFF Center for Peacebuilding, p.4.

22 For more resources on women and peace mediation, see: Anderlini, S. 2007. *Women Building Peace: What They Do, Why it Matters.* Boulder, CO: Lynne Rienner Publishers; Cohn, C. 2013. *Women and Wars: Contested Histories, Uncertain Futures.* Cambridge, UK: Polity Press; El-Bushra, J. 2012. *Gender in Peacebuilding: Taking Stock.* London, UK: International Alert. Fischer, R. 2012. KOFF Factsheet: *Gender Dimensions of Conflict and Peacebuilding.* Bern, Switzerland: KOFF Center for Peacebuilding. Potter, A. 2005. *We the Women: Why Conflict Mediation Is Not Just a Job for Men.* Geneva, Switzerland: The Centre for Humanitarian Dialogue. Palmiano, J. 2014. *Fighting Feminist Fatigue? Women and Peace Negotiations.* Bern, Switzerland: swisspeace, Working Paper 2.

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"beyond the normative,"[23] and look closely at the mechanisms and processes to include more women at the peace table and increase the gender-sensitivity of peace agreements. Thus, the trend of moving from the 'if' to the 'how' of gender equality in the mediation community can lend to the idea that gender norms are unquestionable. In reference to the analytical framework for categorization, if these norms are considered as settled, then it is indeed not a question of 'if' anymore, but 'how'. However, if they are considered as unsettled, one must go back to the question of 'if' gender norms should be considered in mediation processes.

> «It is not about [whether] women should be there or not, it is more about what they have contributed [and] what the entry points are.»
>
> Interviewee (research project)

But are gender norms actually settled? One of the most salient debates on gender norms and their integration into mediation processes is the debate over whether these two gender norms are respectively settled or not. On one hand, those who see gender norms as settled often refer to these norms' roots in human rights, women's rights and gender equality. It is indeed difficult for anyone to argue that women should not be included in peace processes. The fact that women comprise 50 per cent of the population has been a cogent argument for their inclusion. On the other hand, many mediators interviewed did not see certain aspects of these two gender norms as settled. While these norms per se are welcomed, the relevance of these norms are still seen by some as unsettled, as many negotiations still consist of a majority of men. Furthermore, in terms of the norm of

23 Paffenholz, T. 2015. *Beyond the Normative: Can Women's Inclusion Really Make Better Peace Processes?* Policy Brief. Geneva, Switzerland: The Centre on Conflict, Development and Peacebuilding.

women's inclusion in peace processes, a fundamental difference between the gender norm of inclusion and the inclusivity norm (mostly seen as settled) is that women are not considered as relevant stakeholders to conflict to all mediators. Relevant stakeholders can be understood by mediators as parties to conflict, and while women can hold leadership positions in civil society organizations, for instance, they do not often hold directly representative or leadership roles within armed groups and certain governments.

Whether the content-related norm of gender-sensitive peace agreements is seen as settled or not is more elusive and requires further investigation. In practice, the paucity of gender-sensitive clauses in the majority of existing peace agreements implies the unsettled nature of this norm.[24] Currently, the authors of such peace agreements are not required to justify the lack of gender-sensitive clauses. Therefore, this norm is more clearly unsettled than the norm of women's inclusion in peace negotiations.

Whether norms are settled or unsettled can vary from one process to another, depending on the context and the actors. In many contexts where the women's rights framework has been internalized, it would be difficult to justify that women should be excluded from peace processes. In contexts where certain gender norms are seen as unsettled, it is not universally justified that a mediator should push for them.

Definitional or non-definitional

Both gender norms are non-definitional, meaning that if women are not included in the peace process, or if peace agreements are not gender-sensitive, the process can still be considered mediation. This distinction has consequences for how gender norms are prioritized by mediators, based on the assumption that a hierarchy of norms exists both conceptually and in practice.

24 See: Buchanan C et al. 2012. *From clause to effect: including women's rights and gender in peace agreements.* Geneva, Switzerland: The Centre for Humanitarian Dialogue.

Categorizing gender norms in mediation

- Increasing women's meaningful participation in peace processes: process-related, settled and/or unsettled (under debate and depending on context), non-definitional
- Increasing the gender-sensitivity of peace agreements: content-related, unsettled, non-definitional

2.3 Prioritization

Based on the underpinning research, it is also possible to prioritize norms. This nuances the debate and further allows mediators and those supporting mediation processes from a distance to distinguish their stance in the debate. In general, mediators seem to prioritize definitional norms such as the right to life and consent over non-definitional norms such as gender.

With regard to prioritizing the right to life, it means that if mediators are placed between a rock and a hard place, having to balance ending violence with creating the conditions for sustainable peace, they prioritize the definitional norm of the right to life. This means prioritizing ending violence over non-definitional norms in the immediate term. This is an extremely difficult responsibility, as the affirmation that a mediation process should lead to more than just the end to violence has become more widespread over the past 25 years. Based on this hierarchy, gender as a non-definitional norm is prioritized *after* the non-definitional norm of the right to life. However, mediators emphasize the importance of their inclusion if gender norms are seen as compatible to the right to life and have the consent of the parties. With this in mind, it is again helpful to distinguish between the two gender norms in order to assess how they are prioritized. For example, with regard to the norm of greater women's inclusion, women can play different

roles during and after conflict that range from peace envoys to armed combatants. They can be forces for preventing and ending war.[25] Thus, as mentioned, a mediator can emphasize the importance of women's inclusion if they see the role that they play can end violence. For example, in Somalia and Somaliland, women serve as peace envoys known as *ergo nabaded* who consult with warring groups and promote reconciliation. In Pashtun communities in Afghanistan, the traditional practice of *nanawati* lends to the resolution of conflict through a woman approaching the home of an enemy family, obligating the family to give her shelter as well as obligating them to resolve their conflict.[26] In the Philippines, during clan conflict, women negotiate directly with conflicting parties and in some instances and organize a *kanduri* feast that publicly signifies the resolution of conflict.[27] Despite this, many mediators interviewed felt that that stopping killings first is paramount. Ending violence can then lead to the fulfilment and improved respect of other norms, such as gender.[28]

Less can be said about the content-related norm regarding gender-sensitive agreements, as it must be compatible with the norms that the conflict parties prioritize. The norms of the conflict parties may be different than those of the mediator and warrant further investigation. This content-related norm regarding gender-sensitive peace agreements is therefore better related to mediators' prioritization of the definitional, process-related norm of consent. Conflict parties have ownership over the content, and thus the resulting peace agreement. Mediators have less room for manoeuvring to prioritize a non-definitional, and arguably unsettled norm such as this one, especially if they do so without the consent of the parties. It may no longer be called mediation anymore if the definitional norm of consent is overridden. What the parties themselves consent to also warrants some thought. The way different conflict parties view gender norms is variable between contexts: some parties may employ gender norms

25 Nditeru & O'Neill, 2013, p.7.
26 Ibid.
27 Muehlenbeck, A. 2012. *Comparative Examples of Women's Participation in Peace and Reconciliation Processes.* Washington, DC. National Democratic Institute.
28 Hellmüller et al., 2015, p.9.

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to strengthen the support of their constituencies or garner the support of international actors for whom this norm is settled. They also could, on the other hand, employ gender norms because they truly support the norm in and of itself. The mediator must also consider these additional layers of complexity. This begets questions regarding the exact role of a mediator in promoting gender norms in mediation processes.

3 Practical Considerations surrounding Gender Norms

3.1 Challenges of Norm Localization and Implementation

Based on insights from the interviews, while many mediators welcome gender norms per se, some were doubtful of their effect on the ground in certain contexts. As one respondent mentioned, "so much has been spoken about 1325. I have been to many conferences about 1325 and everybody is saying women have to be included; that it is absolutely necessary because women are 50 per cent of the world's population. But you know, that does not help us much. That does not bring us forward. Unfortunately 1325 has been something that has been mentioned in speeches, but something that has not had much impact on the ground."

Some of these criticisms stem from translating universal normative frameworks mechanisms into very specific contexts. Unintended negative effects may result. For example, the tendency to think of women as homogenous entities when promoting gender norms can have negative effects on the peace process. While mechanisms for women's inclusion (such as appointments and gender quotas) may be an effective tool in many cases, sometimes having women at the table for the sake of their inclusion can exacerbate existing divides instead of bridging them. Furthermore, the meaningful participation of women can also be contingent on influence. As Paffenholz observes, "if selected women have no decision-making power, participation can become meaningless."[29] While quotas can result in an overemphasis and fixation over quantity versus quality, some argue that having more than 30 per cent women's participation at the peace table creates a critical mass for the mainstreaming of gender-sensitivity. This would obviate the dependence on a few women to fulfill the daunting task of representing the specific needs and varied identities of their entire gender because of the virtue of their sex.[30]

Women are also often divided among political, ideological, and religious lines, and thus simply having one woman to represent a deeply diverse and complex entity can create deeper cleavages among already divided groups. The involvement of women in peace processes in Kenya, Syria, Myanmar, Yemen, Kosovo, Bosnia, Liberia, the Philippines and several others illustrate that women are by no means a single homogenous group, and the vast diversity of their political opinions and voices warrant distinction. One mediator expressed that the insertion of women for the sake of being women can do great harm to both fronts of the mediation process and the WPS agenda: "Everybody agrees. Even if you have the most radical groups, they say 'Yes, we support having women there.' I am not an advocate for just bringing women for the sake of bringing bodies. I am more inclined to substance. What do they contribute? Women are not homogenous. They are different."

3.2 The Role of Mediator

Given the challenges mentioned above, should mediators be the entry point for bringing in the specific demands and needs of women, or for guiding the process so that the end result, the text of the agreement, is gender-sensitive? The mediators interviewed were clear about their role in mediation processes: they are there to facilitate dialogue between deadly enemies, and not there to impose norms on the parties. Mediators have limited power and influence. They can encourage parties, they have the power to convene[31] and shape the mediation process, but they do not see themselves in a position to put pressure on the parties to incorporate certain norms nor claim responsibility for the outcome and implementation of the peace process.

There is also a clear power asymmetry between the mediator and the parties, as the mediator can be easily replaced. All of this renders fostering the consent of the parties as a mediator's top priority. The role and

29 Paffenholz, 2015, p.3.
30 Roundtable discussion at the Institute for Inclusive Security, held on 16 July 2015 in Washington, DC.
31 Nditeru & O'Neill, 2013, p.5.

influence of the mediator is stronger in regard to the mediation process, and consequently they have greater influence emphasizing the importance of increasing the meaningful participation of women. They have considerably less influence over increasing the gender-sensitivity of peace agreements. Bearing this in mind, there are four main ways that mediators can approach gender norms in mediation that do not undermine their ability to act as impartial facilitators that maintain the consent of the conflict parties.

Establish role clarity for all actors in and around mediation processes

The first consideration for mediators can be to establish clarity for their roles and for those relevant actors in and around the peace process. The UN Guidance for Effective Mediation states that mediators cannot lobby or advocate for international norms, but they can take into account normative standards when designing the mediation process.[32] Thus, mediators know that they are there at the behest of the conflict parties to design an effective mediation process and not to advocate for different normative frameworks (e.g. lobby or impose certain norms). The mediators interviewed also said that they could facilitate, cajole and encourage, but not impose, push or control the conflict parties. However, they can consider normative questions when designing a process, through the inclusion or exclusion of actors or through setting the agenda after consultation with the parties. Norms can become relevant at different points of a mediation process, but the mediator does not act in a vacuum nor decide on these questions alone. They work within the parameters defined by their mandate-givers, work with their teams and also interact with various actors supporting peace processes from a distance. This requires clarity from both mediators and those supporting mediation processes. The mediation arena is diffused and complex, with a plethora of constituencies, mandate-givers and other actors, all playing different

32 Alvarez et al., 2013, p.16. Mediators must conduct their work within the parameters defined by their mandate givers and the frameworks constituted by the rules of international law.

33 Dudouet, V. and Schmelzle B. (eds.). 2010. *Human Rights and Conflict Transformation: The Challenges of Just Peace*. Berlin, Germany: Berghof Conflict Research, The Berghof Handbook Dialogue Series, 9, p.8.

roles. Mediators can distinguish the nature of these roles by establishing who the facilitators, advocates, advisors, trainers and analysts are[33] within this mediation arena. A better understanding of the roles of these actors can help mediators set boundaries and expectations for themselves, the parties and external supporters of what mediators and mediation processes can or cannot achieve in regard to the inclusion of certain norms.

Be aware of and understand the normative framework of gender in mediation

As the UN Guidance advises, to effectively approach the difficulties and dilemmas of the normative framework of gender in mediation, mediators can familiarize themselves with the relevant frameworks and conventions on gender and mediation, and understand how these are distinct from other arenas of peacemaking and peacebuilding. Mediators also distinguish between binding and non-binding normative frameworks. For example, as a ratified UN Security Council resolution, UNSCR 1325 is binding for all member states. CEDAW is a key human rights treaty for women, and legally obliges its parties to uphold the clauses of the treaty, which potentially includes binding national legislation. The Beijing Declaration and Platform for Action ambitiously sets out to empower women and reduce discrimination, but remains non-legally binding. Furthermore, there is a whole other framework of norms that are unwritten and non-legally binding as shown in Graph 1. Mediators must also remember to balance this awareness of international legal and normative frameworks with the normative expectations of the conflict parties themselves.

Conduct a gender-sensitive conflict analysis

A sound conflict analysis is essential to the effectiveness of any mediation endeavour – in this same vein, approaching gender norms in mediation can be bolstered by understanding the gender dimensions of

conflict. A sound gender-sensitive conflict analysis considers social processes and power asymmetries between men and women in a given context; the different roles that men and women play in conflict (e.g. women as combatants and men as victims); gender relations or gender injustices that contribute to the root causes and drivers of conflict; and how these dynamics shift and change over time.[34]

«We have to see inclusion in a way that might not fit our formula.»

Interviewee (research project)

Distinguish between process- and content-related; settled and unsettled; and definitional and non-definitional norms

As expressed earlier in this Essential, distinguishing between different kinds of norms can help categorize and prioritize them according to the analytical framework in this Essential. In the past, mediators grappled with norms largely on an ad hoc basis – the nature of the normative framework in mediation was also smaller and less influential than it is today. In consideration of the increasing professionalization of the field and attempts to standardize the practice, mediation is becoming less of 'the art of talking' and more technical. The conceptual framework does not serve as a panacea for the dilemmas surrounding gender norms in mediation, but can aid the mediator in the design and conduct of a more effective peace process.

34 United Nations Women. 2006. Gender and Conflict Analysis. Available from: www.unwomen.org.

Approaching gender norms in mediation

- Establish role clarity for all actors in and around mediation processes
- Be aware of and understand the normative framework of gender in mediation
- Conduct a gender-sensitive conflict analysis
- Distinguish between process- and content-related; settled and unsettled; and definitional and non-definitional gender norms

3.3 Transforming Gender Norms: from Dilemmas into Challenges

While a thorough discussion on how settled a norm must be in order to prioritize it over others is needed, most mediators interviewed expressed that prioritization should be seen less in terms of dilemmas that may require trade-offs and more in terms of a challenge that can be managed. Examples include the seeming dilemmas of the evergreen peace vs. justice debate, or the inclusivity vs. efficiency debate. Prioritizing between norms should consider how norms are sequenced and introduced, depending on the given context. Norms regarding the greater inclusion and participation of women in peace processes and increasing gender-sensitivity in peace agreements are no exception, and seeming dilemmas can be redefined into challenges. This section describes how those challenges could be addressed by both those working directly on peace processes and those supporting peace processes from a distance.

Understand the local norms and the norms of the parties

How gender norms are understood in local contexts visibly differ from one to the other. Context-specificity is crucial, as the internalization of gender norms are variable in different societies. In the interviews, gender

norms were among the ones that were questioned as having real roots in some of the societies in which mediation processes were occurring – in these instances, mediators questioned the imposition of gender norms by the mediator.

Relating gender norms in mediation processes can be sought through creative solutions and understanding the local interpretations of gender norms. As one mediator shared, a conflict party they were working with was not bringing women to the peace table. When the mediators unpacked the issues, they realized that it was difficult for women to travel because in the given context, women often traveled with a male family member. The situation had double budget implications as the group did not have the budget to travel for themselves, let alone extra people. Finding a solution for this situation required creativity and understanding the norms of the parties as well as the cultural norms in local contexts. The situation also raised important technical process design questions for the mediator and the mediation team.

Shift the focus from the mediator to the parties

This also requires shifting the focus from the mediator to the parties. As one mediator expressed, "could we not focus on the parties and enable the parties to do the advocacy work? [...] Should we not focus on the parties rather than preach to the mediator who has the donors on their back?" Those who advocate for gender norms, including donor organizations, can consider alternative entry points that focus on the parties themselves, as change will come through working directly with the parties. This ultimately returns to the notion of consent. Working with the parties themselves emphasizes where the ownership lies – mediation is a consensual endeavour because the parties agree to it, and not because the mediator imposes it.

Practical Considerations surrounding Gender Norms

Use norms strategically and pragmatically

Another way to relate gender norms in mediation processes is by using them pragmatically and strategically to increase the legitimacy of the process. Both mediators and those supporting the mediation process from a distance must have clear expectations of the objective of mediation processes and their role within a larger peace process. For some parties to conflict, adhering to certain norms, such as gender norms, can become a way to increase their reputation and become part of the 'international community'. Alternatively, some parties may see integrating gender norms and other norms (such as transitional justice, human rights and democracy) as serving their interests later in the process and broadening their national support base.

Reduce expectations towards the mediator and the mediation process

There is often a risk that the mediator and the mediation process itself are overloaded from external pressure. As one mediator stated, "the view that whatever does not happen in the peace process may be irretrievably lost or harder to include at a later stage, puts immense pressure on the mediator." When the process becomes too broad to matter or too politically sensitive, this might destroy the legitimacy of the process. Thus, shifting

The role of the mediator and transforming dilemmas into challenges

- Understand the local norms and norms of the parties
- Shift the focus from the mediator to the parties
- Use norms strategically and pragmatically to respect other norms
- Reduce expectations of the mediator and the mediation process

the focus away from overloading the peace table with gender norms towards integrating them creatively and using sequencing appropriate to the given context can redefine dilemmas into challenges. Mediators and those supporting processes from a distance can look towards parallel processes and implementation as to not place all their emphasis and efforts on the classical peace table within a quickly changing conflict resolution landscape.

Practical Considerations surrounding Gender Norms

«We put all our trust and expectations on the mediation process. In Syria's case it was Brahimi. He and his mediation process became central figures, almost to the disrespect of what else was going on at that time. Only focusing on the mediator, elevating him to the role of "the" mediator results in thinking along the lines of, "if only he listened", and the outcome would be different. This narrows our focus.»

Interviewee (research project)

4 Conclusion

The mediation and the WPS fields are not mutually exclusive. While it may prove difficult to reconcile gender norms based on international normative frameworks such as UNSCR 1325 in mediation processes, redefining these dilemmas into challenges is possible. It requires, as one mediator expressed, "finding a shared language." This can mean approaching gender norms more systematically and examining how they fit into the normative framework in mediation. This Essential offers a way to categorize and prioritize gender norms in mediation, emphasizing throughout that this must be done in consideration of the local dynamics of the context.

Gender norms in mediation are based on gender equality and bolstered by international legal and normative instruments, the most encompassing one being UNSCR 1325. While this binding resolution includes clauses on many aspects of gender and peacebuilding, mediators can distinguish between two main gender norms: increasing women's meaningful participation and increasing the gender-sensitivity of peace agreements. As these two gender norms have increased in prominence over time, mediators see that while they embrace them per se, their role as impartial facilitators of the mediation process prevents them for advocating for these norms. How to approach gender norms in mediation has thus become a subject of heated debates notably between mediators and those that support mediation processes from a distance.

Both gender norms can be categorized and prioritized by mediators through a thorough understanding of the nature of the normative framework in mediation and how they can be creatively and strategically employed to stop violence and uphold the right to life. The design of the mediation process must respect the norms of the local context and at the same time foster the consent of the conflict parties. This of course is no easy task, but with a more nuanced and systematic approach to gender norms in mediation, the room for manoeuvre for mediators may hopefully increase.

Grappling with gender norms in international mediation is a daunting task of enormous complexity, but transforming seeming dilemmas into challenges is possible. The considerations explored in this Essential do not have to remain confined to peace negotiations. Attention to gender norms in parallel processes and implementation remains a subject of neglect, but contains enormous potential and warrants in-depth exploration.

Recommendations

For mediators:

- Understand the normative framework for gender in mediation
- Establish role clarity
- Distinguish whether the gender norm is compatible with definitional norms within the local context
- Use creative and nuanced approaches to transform dilemmas surrounding gender norms into challenges

For those supporting mediation processes from a distance:

- Understand fundamental technical elements of mediation processes
- Shift the focus from the mediator to the parties
- Establish role clarity
- Establish clarity on what mediation and mediators can and cannot achieve

About the Author

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About swisspeace

swisspeace is a practice-oriented peace research institute. It analyses the causes of violent conflicts and develops strategies for their peaceful transformation. swisspeace aims to contribute to the improvement of conflict prevention and conflict transformation by producing innovative research, shaping discourses on international peace policy, developing and applying new peacebuilding tools and methodologies, supporting and advising other peace actors, as well as by providing and facilitating spaces for analysis, discussion, critical reflection and learning.

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About NOREF

The Norwegian Peacebuilding Resource Centre (NOREF) in Oslo, Norway, is an independent foundation established to integrate knowledge, experience, and critical reflection to strengthen peacebuilding policy and practice.

NOREF supports the development of competence and resources for peacebuilding efforts in the fields of mediation, conflict prevention and resolution, post-conflict rehabilitation and humanitarian actors in conflict-affected areas. In order to provide resources on peacebuilding, mediation and humanitarian issues to the Norwegian and the international peacebuilding community, the centre collaborates with a wide network of researchers, policymakers and practitioners. It aims to contribute to linking peacebuilding research, policy and practice through the gathering and sharing of timely information and analysis by commissioning and publishing research carried out by experts in their fields, and by organising briefings and convening seminars and events.

NOREF was established in 2008 by the Norwegian Ministry of Foreign Affairs (MFA). It is a private foundation governed by a board, receiving funding from the Norwegian MFA and international donors.

Website: www.peacebuilding.no.