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Women's Effective Participation and the Negotiation of Justice: The Importance of Skills Based Training

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Introduction

The field of transitional justice takes as its starting point the end of physical conflict. In recent years this had been primarily as a result of a negotiated settlement that has resulted in a peace agreement between warring factions. The element of justice in transition has tended to be considered only once the "hard" work of brokering peace has been done. In this way transitional justice facilitates the move 'from' physical conflict 'to' a peace that has been agreed by warring factions. There is an increasing body of literature, both academic and policy focused, which addresses these justice requirements, both in terms of evaluating the validity or otherwise of the peace agreement reached, and of interpreting the requirements of the agreement in a way that ensures that justice outcomes are met. However this work of evaluation and interpretation tends to take place after the fact. This is significant, given the power of the peace agreement to shape the terms of the post conflict landscape. It is also particularly significant for women who have overwhelmingly been excluded from the negotiation of peace agreements. Not only are women physically absent from the table, but as a result their interests (and indeed their rights) are marginalised.¹

This paper reflects on training that was facilitated by the authors for a group of Syrian women in late 2012. The training focused on practical skills in mediation and negotiation, and was based on the premise that if women's participation in

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¹ UNIFEM 'Women's Participation in Peace Negotiations: Connections Between Presence and Influence' (2009) available at http://www.unifem.org/attachments/products/0302_WomensParticipationInPeaceNegotiations_en.pdf (accessed 18th January 2013)

peace negotiations is to be effective, skills and capacity need to be addressed before rather than during or after a transition.

1. The Framework for Women's Participation

While recent years have seen a much greater engagement with the issue of gender in transitional justice, women nevertheless remain vulnerable to marginalization in transitional processes. Women's groups continue to highlight the ongoing exclusion of women from peace negotiations and to campaign for their inclusion. Campaigns for women's inclusion in peace processes are based not only on an equality of representation argument, but in recognition of the fact that the involvement of women in such processes can lead to more sustainable outcomes.² This need to continually highlight the potential role that women can play remains the case notwithstanding the existence of an international legal framework for action that has been in place since the year 2000. UN Security Council resolution 1325³ provides the basic legal framework within which efforts and increasing the participation of women in conflict resolution take place. Despite having been passed over ten years ago, implementation of UN resolution 1325 remains patchy.⁴ Nevertheless, despite the lack of concrete action, the resolution plays an important symbolic role. Primarily it makes a clear statement that women can play an important role in conflict resolution processes. It has thus "made visible women's agency and political activism and promoted an expanded acceptance of the various roles women may play in conflict."⁵ As a result, it has provided a context in which women's advocacy groups can mobilise to come up with creative ways to ensure implementation of the principles contained in 1325 notwithstanding lack of progress from states.⁶

² See eg Kvinna till Kvinna, "Make Room for Peace: a guide to women's participation in peace processes" (2011)

³ UN Doc S/RES/1325 (2000) (31 October 2000)

⁴ See Aisling Swaine, 'Assessing the Potential of National Action Plans to Advance Implementation of United Nations Security Council Resolution 1325' (2009) 12 *Yearbook of International Humanitarian Law* 403

⁵ Swaine 405

⁶ Ibid

It was in this context that in December 2012 a group of women from Syria gathered in Istanbul to take part in training on mediation and negotiation. The training was a creative, civil society driven response to the need to support the women of Syria to have their voices heard and to prepare them for taking on a leadership role in any potential peace negotiations. The participants were identified as currently having, or having the potential to have, the capacity to participate as meaningful actors in national peace building and transitional justice processes. The goal of the training was to build this capacity through an intensive skills based programme based on the competencies needed to participate in conflict mediation and negotiations.

Although the conflict in Syria remains “hot”, with little sign of compromise from either the regime or the armed opposition,⁷ if women are to be ready to play a part in Syria’s political future, and to influence the transitional landscape, they must be prepared in advance. They must be equipped with the skills they will need to take on leadership roles. As the experience of the Northern Ireland Women’s Coalition demonstrated,⁸ it is often assumed that women are prepared for the demands of politics, with little thought given to training and capacity building for what is traditionally an underrepresented group in national politics. Ensuring women’s effective participation in transitional justice must therefore begin much earlier than the convening of peace talks. It must begin while conflict is ongoing. For women can play vital roles not only at the negotiating table, but in taking on formal and informal leadership roles within the community that can

⁷ Charles Glass, “Aleppo: How Syria is Being Destroyed” New York Review of Books, December 20, 2012

⁸ The Northern Ireland Women’s Coalition (NIWC) was formed in 1996 as a response to the underrepresentation of women. The first cease-fires by paramilitaries in the summer and autumn of 1994 opened up possibilities that compelled the British and Irish Governments to consider alternatives for a political settlement for Northern Ireland. After a long period of secret pre-negotiations amongst the main protagonists, a new process was designed that gave rise to the Good Friday/Belfast Agreement in 1998. The party with its roots in civic society succeeded in getting a mandate for two women delegates, leading to their direct involvement in the multi-party negotiations and signing of the peace accord. The Coalition had two objectives in mind: to highlight the under-representation of women at the party political level in Northern Ireland; and to bring a new agenda to the peace talks by entering the formal negotiations as political actors in their own right.

lay the groundwork for official processes.⁹ While this role is often overlooked, in this way women can potentially play a key bridging role between track two and track one processes.

For the women of Syria, acquiring the skills necessary to become effective negotiators is particularly important when considered in the context of the Arab uprisings and the increasing reports that women's rights are under threat in the post revolutionary phase in many Arab states. If women's rights are to be protected in Syria it is essential that women's voices are heard throughout the process. It is suggested that waiting for negotiations to be convened, or indeed waiting for the post conflict period to include women misses a key opportunity. The effective representation of women requires much earlier intervention. If women are to influence transitional outcomes then they must be properly trained and be confident to put themselves forward as equal participants. Thus training even while conflict remains ongoing can play a key role in ensuring women's rights and interests are protected in the transitional phase.

2. The training

The workshop in Istanbul was convened by the US based Women's Democracy Network (WDN),¹⁰ of the International Republican Institute (IRI).¹¹ The work was part of a programme funded by the USAID Global Women's Leadership Fund. This fund focuses on increasing meaningful representation of women in track one (official) negotiations conducted by official representatives of a state; and track two (unofficial) negotiations between non-state actors, civil society members, academics and political activists.

The training was facilitated by three women, all with different skills and experiences from the conflict in Northern Ireland. A key part of the work of WDN

⁹ Christine Chinkin, 'Peace Agreements as a Means for Promoting Gender Equality and Ensuring the Participation of Women' (United Nations Division for the Advancement of Women Expert Group Meeting, November 2003), <http://www.un.org/womenwatch/daw/egm/peace2003/documents.html>

¹⁰ <http://www.wdn.org>

¹¹ <http://www.iri.org>

is supporting women by linking them with their peers in other countries “who share similar struggles, providing mentorship from experienced women who are leaders in their fields, and through skills building trainings designed to target their identified needs.”¹² Each of the trainers brought experience and skills in the different fields of negotiation, leadership and mediation. While Northern Ireland and its political conflict may seem a long way from Syria, the resonance between the experience of the women soon became clear.¹³

The objectives of the training had been agreed in advance, in consultation between the Syrian women, WDN and the trainers. The goals were;

- To train participants on negotiation skills, coalition building and mediation techniques using interactive workshops and international case studies
- To provide a forum for women from various opposition movements, living both within and outside of Syria, to discuss
 - How women are currently being utilized as members of opposition movements
 - How gender parity issues are treated by the opposition movements
 - What role women should play in any transitional process
- To assist participants to identify points of agreement on gender parity issues that they could present to their respective movements in order to start to build consensus and ensure women are included as effective participants in ongoing and future conflict mediation and transitional processes.

The training therefore not only focused on the development of practical skills, but provided a forum for women from a range of different movements to come together and learn from each other.

¹² <http://www.wdn.org/about-wdn>

¹³ One participant commented that she could “not believe how relatable [sic] the Irish experience is to Syria” see ‘Syrian Women Acquire Skills to Become Effective Negotiators’ <http://www.wdn.org/news-events-press-centre/events>

a. Mediation and Negotiation Skills

As outlined, Resolution 1325 provides a framework for action in terms of increasing the participation of women in peace negotiations. This is also supplemented by the more recent resolution 1889 of the Security Council which reaffirms the need for women to be included in peace initiatives from the outset to avoid their exclusion in the post conflict period.¹⁴

The training took a multi layered approach to this objective. While significant emphasis is placed on the need for women to be visibly present at high level and official processes, Resolution 1889 acknowledges that structural causes often present barriers to women's effective participation. As the Syrian participants taking part in the training were grasping the importance of leadership for women within their society, it also became apparent that there were cultural issues raised by the idea of leadership. When asked on day one of the training to give examples of when they had demonstrated leadership skills, the women explained that in Syria the meaning of "leadership" is understood very differently to how we, as trainers, understand the term. In Syria the idea of being a "leader" is associated with the Assad regime, and for that reason the women had not thought of themselves as leaders. It was particularly interesting to hear the women consider an alternative approach to leadership and to reflect on their own personal experiences in that regard. It was therefore an essential element of the training that the women were challenged to think beyond the cultural restrictions placed upon them and to explore their own skills and abilities in new ways. Engendering confidence in women to participate as equals in official and unofficial processes is crucial if their role is to be effective.

Moving on from the question of leadership, day two of the training focused on mediation skills. This was not limited to mediation narrowly defined, but instead introduced some of the principles and skills of the practice of mediation that the women could use both when working within their own movements and when representing their movements in talks with others. A key element of this training was to familiarize the women with characteristics of conflict and to ask

¹⁴ UN Doc S/RES/1889 (2009)

them to reflect upon how they deal with conflict. By making the women self aware in this regard it was hoped that they would then be better equipped to work with political adversaries. It was highlighted that the practice of mediation does not always involve a formal process but that the skills can be used in all areas of private and political life. Mediation in this context focused on two separate issues:

- a. Mediation within individual movements or groups to build the capacity of relatively under-represented or vulnerable groups to participate
- b. Mediation between movements or groups and external parties in peace talks.

The mediation element of the training was structured around interactive role-play that has several goals. The role-play was carefully designed to ensure that a range of different and sometimes controversial views were included within the character briefings. It encompassed many of the key points of tension that existed between the women themselves, and was designed to introduce the idea of building consensus and dealing with difference. The characters assigned to the women held, as far as possible, different views from the woman playing the part. In this way the women were asked to stand in the 'other's' shoes, and to consider the merits of another person's argument. The role-play was then used to allow some women to act as mediators and to attempt to facilitate a (rather lively) exchange of views between the women. While the aim of the exercise was not necessarily to train the women to be mediators, the purpose and functions of mediation were clarified and a number of key principles were introduced through the exercise.

The women were asked to think about the need to find common ground among seemingly opposed parties. This applies not only in negotiations with political opponents, but also within individual opposition movements. While the National Council for Syrian Revolutionary and Opposition Forces has now been recognized by the United States as the legitimate representatives of the Syrian

people, the Coalition represents a large number of disparate opposition groups.¹⁵ If the opposition is to be effective it will be crucial that they manage to present at least some unified demands that can provide a focal point for negotiation. US president Barak Obama is cited as stating that the coalition must

“make sure that they organise themselves effectively, that they are representative of all the parties, [and] that they commit themselves to a political transition that respects women's rights and minority rights...”¹⁶

The skills introduced in day two were intended to address precisely these issues. The aim was to equip the women to lead their own movements in building consensus and ensuring agreement on a common purpose and, to the extent possible, a common set of values and aspirations. The training therefore not only covered reaching consensus, but explored the concept of dialogue as a means of dealing with difference. Dialogue was distinguished from debate in terms of its aim of increasing understanding between parties and the role it can play in ensuring that communication remains effective.

While most of the emphasis on women in peace processes rests on the participation of women in official negotiations, a no less important issue is the persistent absence of women as mediators. This is recognized in Security Council Resolution 1889, which stresses the need to ensure that women are appointed as high-level mediators and within mediator teams.¹⁷ Throughout the training it was evident that some of the women present were naturally skilled mediators and could be expected to play a significant role not only in official processes but also in the unofficial (or track two) processes that support the official processes. These are the women who will have responsibility for securing agreement within their movements, for delivering them to the table, and for guaranteeing (very quietly and behind the scenes, without public recognition) that the agreement is accepted within the community or movement. These are all essential elements of an effective peace process, and yet they are often overlooked in favour of the

¹⁵ <http://www.bbc.co.uk/news/world-middle-east-20690148>

¹⁶ <http://www.telegraph.co.uk/news/worldnews/middleeast/syria/9738791/Barack-Obama-recognises-Syrian-opposition.html> (accessed 19th February 2013)

¹⁷ S/RES/1889 (2009)

high profile official process. The experience of Northern Ireland was drawn on to show how successful negotiations require the involvement of those with the capacity to test the public thermometer for political accommodation, dismantle rumours, maintain dialogue at times of crisis and sustain momentum when the process stalls.

The third day of the training focused on negotiation. The concept of interest based negotiation was introduced and the women were asked to consider some of the key interests of women in Syria. Another key aspect of the negotiation training was to think about how to build support for your interests and develop a supportive network. Creating a constructive process is important but so too is ensuring that proposals for sustainable peace include women's interests which can be implemented with adequate enforcement. From a gender perspective, achieving substantive commitments on women's rights and ensuring that women's interests are contained in the plans for transformative change are vital.¹⁸ However, women participants may have only limited political capital to affect change in formal negotiations and as a consequence other tactics are needed to ensure their proposals get included on the agenda or in the final outcomes. Two courses of action are possible – the first is to select issues that represent your key interests and the second tactic is to introduce interests that others can adopt as their own and take the credit for. The workshop drew on the experience of the Women's Coalition in Northern Ireland to provide examples of specific issues, such as provision for victims, that women managed to successfully place on the agenda for peace negotiations and which were subsequently reflected in the peace agreement. Another example was how to draft proposals for 'reconciliation between and within communities and traditions' and showing how the Women's Coalition were successful in getting commitments to facilitate mixed housing and encourage integrated education in order to counteract the sectarian segregation of schools in Northern Ireland.¹⁹ This issue was particularly resonant as the issue of educational provision for children in the refugee camps was a current concern for the Syrian women. They could easily

¹⁸ In the forging of the Belfast Agreement, Beatrix Campbell reflects positively on the comments of a chief negotiator concerning the efficiency of the Northern Ireland Women's Coalition in this regard. See Campbell, Beatrix (2008) *Agreement: the state, conflict and change in Northern Ireland*. London, Lawrence and Wishart.

¹⁹ HMSO (1998) *The Agreement Reached in the multi-party negotiations*, p.18, para 13.

identify with the aspiration that children should not be expected (or forced) to conform to any type of ideological or religious based education.

Having introduced the women to key aspects of mediation and negotiation processes, the women embarked on a simulated negotiation on the conflict in Syria. Most agreements address issues of transitional justice that are context specific and the simulated round table talks were therefore built around the participants' concerns for the normalization and de-militarization of Syrian society.

b. Provide a forum for dialogue

Each of the women invited to take part in the training had come from a different background and held different political beliefs. As with any conflict, it must not be assumed that "women" constitute a homogenous group with unified interests that can be clearly identified. The purpose of the training was therefore to initiate a conversation between this group of women with a view to finding some consensus on their priorities for women in Syria. Key questions to be asked were what was the aim of each woman in taking part in the training? What were her ambitions in terms of involvement in politics? It was also necessary to ascertain whether the women were focused on participating solely as representatives of their movements, or whether they wanted to participate as women representing women's interests. In this regard it became clear that the women were concerned at the direction that many post uprising Arab states were taking and that they regarded women's position in Syria as potentially under threat in a transitional phase.

Throughout the course of the training a number of issues were raised that demonstrate the importance of engaging in this type of capacity building to prepare women for participation. In every conflict certain key divisive issues arise which have the potential to derail progress. These include the status of the armed opposition, the desirability of international involvement in the conflict or peace process; and the constitutional future of the state. These are significant issues on which it cannot be assumed that women will all agree. Providing a

forum for the women to debate these issues, together with introducing them to key skills for handling conflict and negotiating difference, is a crucial part of ensuring the effective participation of women by allowing them space to address what priorities unite them as women, despite their differences on other issues. By the end of the third day of training it was apparent that the skills the women had learned were being put to use in their own private negotiation of their position on the conflict in Syria. The final objective of the training had been to identify points of agreement on gender parity issues that would build consensus. As a means of focusing this discussion the women were asked to draft a letter to then US Secretary of State Hilary Clinton, outlining the needs of women in Syria.

c. Identifying points of agreement

This exercise provided a useful practical application of the skills and principles that the women had learned throughout the training. Working in their own language the women debated amongst themselves both what their requests should be and how they should be expressed. The goal that united them was the desire to promote the full and equal inclusion of women in building a free and democratic Syria. In the letter the women agreed upon the following set of principles to guide a transitional Syria:

- a. The process that establishes a future Syria should include all people living in Syria, including the equal participation of women;
- b. The process should represent the diverse cultural, political, social and gender make up of the Syrian people;
- c. The process should respect all human rights, especially women's rights;
- d. The process should be independent, determined by and accountable to the people of Syria;
- e. The process should be inclusive of 50 percent women and be open and transparent to civic society organisations.

What had emerged from the training, therefore, was a set of underlying principles that would guide these women in their work with their respective

movements in campaigning for reform in Syria. It was not necessary, at this point, to have a detailed manifesto for change. It was simply enough that the conversation had begun, that the women had been able to find common ground, and that they felt supported to continue that conversation. Further, although it had not been a requirement that the women form a “coalition” to represent women’s issues, it was hoped that, at the very least, a supportive network could be established that would provide peer support for each of the women as they returned to their respective communities and movements.

3. Continuing Support

As a consequence of this initial training, a month later the Women’s Democracy Network brought the same women, as well as twelve additional participants to Doha for a further Working Group on UNSC Resolution 1325 on Women, Peace and Security on January 27-28, 2013.²⁰

In Doha the participants agreed to form a Network of Syrian Women and set out a charter of demands around which they could find a common purpose. On International Women’s Day, 2013, they launched this new network which aimed to achieve international support, as well as recognition from the opposition movement, for this important initiative. Their charter reads as follows

“We, a diverse group of Syrian women, gathered together in Doha, Qatar, on January 27-28, to discuss the role of women in Syria’s transition to a peaceful democracy that is bound by the rule of law and international human rights standards. Recognizing that many Syrian women share certain aspirations, we seek to establish an independent and inclusive women’s network (the Network of Syrian Women) to fulfill those aspirations.”

²⁰ On this occasion, Eidta Tahiri, the Deputy Prime Minister from Kosova , Jihan Sibili from Iraq and Monica McWilliams from Northern Ireland were asked to input their knowledge from building women’s networks and councils so that the participants could see what had been possible in other divided societies.

The discussions during the Doha gathering built upon the December 2012 Women's Democracy Network's workshop in Istanbul entitled "Increasing the Capacity of Syrian Women as Effective Negotiators."

Building on the principle that the future Syria will be independent, determined by and accountable to the people of Syria, the Network of Syrian Women worked on two distinct substantive areas of concern;

- a. Conflict Resolution, Decision Making and Governance; and
- b. Transitional justice and reconciliation processes.

Both of these were identified as being crucial to the future of Syria and the Network of Syrian Women continues to work on these issues from its base in Gaziantep in southern Turkey.

a. Conflict Resolution, Decision Making and Governance

During both the Istanbul training and the Doha workshop the women emphasized the importance of equal citizenship in Syria. One of their core priorities, therefore, would be to ensure that the rights of all members of Syrian society were protected. This included guaranteeing not only women's rights but also rights to religious freedom within Syria. Their desire is that this should be achieved through a new Constitution that will guarantee internationally recognized human rights without distinction. The women also emphasized the need for women's rights to be recognized, and suggested that this should be achieved through setting quotas to ensure effective participation of women in all interim, transitional and permanent governing bodies. This will only be achieved if women are also included in the mediation and negotiation processes, in constitution drafting processes. It is therefore important that women are empowered to engage in such advocacy through ongoing capacity building work.

b. Transitional Justice and Reconciliation Processes

In addition to taking a central role in the negotiation of constitutional design, women must also be represented on transitional justice and reconciliation processes. This applies both to the design of such mechanisms and their implementation. The women focused clearly on the need to ensure that violence against women is recognized and

accounted for in transitional processes. This does not only entail prosecution of those alleged to have committed acts of sexual violence, but requires a more proactive response in terms of supporting women who have been victims of violence and ensuring that transitional processes operate in a gender sensitive way. The women also emphasized the need for ongoing measures to prevent violence against women and against children, particularly in places of detention, and to ensure that rule of law reforms in Syria are gender sensitive.

Sharing experience and expertise with the Syrian participants, engaging in conversations about what is taking place in the midst of this terrible conflict and hearing how women are struggling to cope with all that is happening around them was mutually beneficial to both participants and trainers. Having experienced an intense few days of training, followed by the workshop in Doha, time and resources should be set aside to take forward the substantive priorities agreed in the charter. While the participants have been equipped to negotiate these issues between themselves, ongoing support for Syrian women, or indeed for any other group of women preparing to take part in political negotiations, would provide the opportunity to engage in a much more sustained and facilitated discussion so that women's interests can continue to be addressed in the context of peace and security.