

2015

Inclusion to Exclusion: Women in Syria

Catherine Moore

Tarsila Talarico

Follow this and additional works at: <https://scholarlycommons.law.emory.edu/eilr>

Recommended Citation

Catherine Moore & Tarsila Talarico, *Inclusion to Exclusion: Women in Syria*, 30 Emory Int'l L. Rev. 213 (2015).

Available at: <https://scholarlycommons.law.emory.edu/eilr/vol30/iss2/3>

This Article is brought to you for free and open access by the Journals at Emory Law Scholarly Commons. It has been accepted for inclusion in Emory International Law Review by an authorized editor of Emory Law Scholarly Commons. For more information, please contact law-scholarly-commons@emory.edu.

INCLUSION TO EXCLUSION: WOMEN IN SYRIA

Catherine Moore^{*}

Tarsila Talarico^{**}

ABSTRACT

This Article will discuss the reasons for the shift from the inclusion of women as active participants in the Syrian revolution to their exclusion and marginalization throughout the conflict and during the recent Geneva II peace negotiations. It will address how the lack of participation of women in such formal negotiations is hindering the peace process, drawing on the role of women, more generally and historically, in conflict resolution. The Article will provide best practices from prior conflicts and ways in which policymakers can improve participation of women in the peace process in Syria. The re-inclusion of Syrian women is possible, despite the ongoing conflict. Based on our research, evidence shows that Syrian women are currently participating in informal conflict resolution processes, despite their exclusion in formal processes. By relying on past successes of women in previous peace processes and with the support of the international and local communities, women can move from informal processes into formal peace negotiations in Syria and elsewhere.

^{*} Coordinator for International Law Programs and Lecturer, *Center for International and Comparative Law*, University of Baltimore School of Law; LL.M, University of Virginia; Master 1 in Droit International et Européen, Université de Paris Nanterre Ouest La Défense; LL.B with Maîtrise in English and French Law, University of Essex; B.A in Romance Languages (French and Italian), University of Georgia.

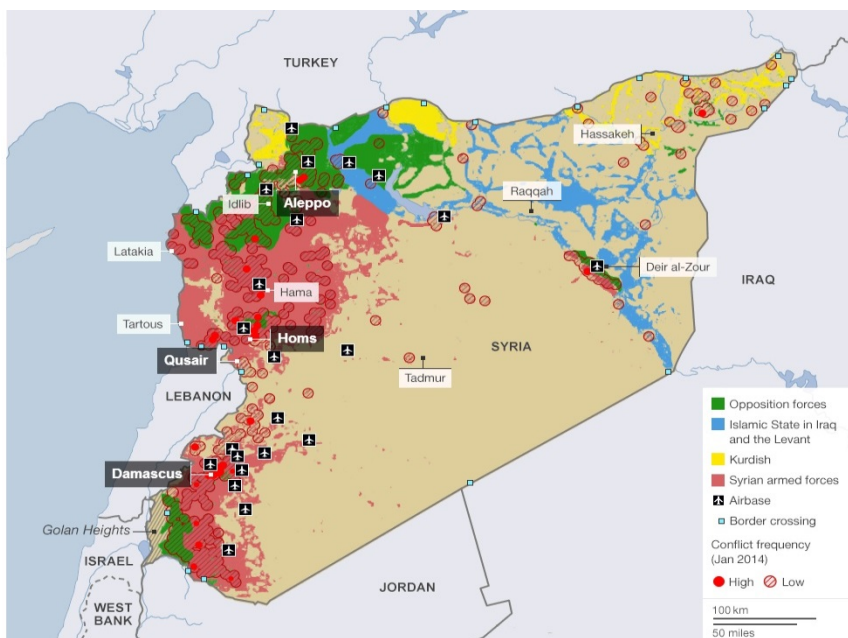
^{**} Attorney-at-Law licensed in Washington, D.C., USA; Professional Translator and Interpreter for Portuguese; currently working at the Consulate General of the United States in Frankfurt am Main, Germany; LL.M., University of Baltimore School of Law; M.A. in Legal and Ethical Studies, University of Baltimore; LL.B. in Brazilian Law, Faculdade de Direito de Itu, São Paulo.

The authors would like to thank Abdu Mubangizi, Rajaa Altalli (Co-Founder and Public Relations Director of the Center for Civil Society and Democracy in Syria), Solange Mouthaan, James Earl-Fraser, and Nienke Grossman. The authors would additionally like to thank all of the participants in the Women in and War and at War Conference held at the University of Warwick and additionally hosted by the Open University Law School and Aberystwyth University. Special thanks to panel moderator Jackie Hodgson and fellow panelists Sarah Cotton, Lauren Vogel, and Kasey McCall-Smith. The feedback gained at this conference was valuable to the completion of this project.

INTRODUCTION

“Four years. At least 220,000 people killed—more than one every 10 minutes. Millions displaced.”¹

Since the outbreak of hostilities in Syria, the degradation of violence and stability has only increased with time. With a Security Council that appears to be paralyzed on the issue and with the re-election of Bashar al-Assad on June 4, 2014, many wonder when or if peace will ever come again to Syria. This question is even more pertinent now since the Islamic State of Iraq and Syria (ISIS) controls approximately thirty-five percent of Syria.²



Syria: Mapping the Conflict³

¹ Jethro Mullen, *Four Years of Hell: Aid Groups Say World is Failing Syria's Civilians*, CNN (Mar. 12, 2015), <http://www.cnn.com/2015/03/12/middleeast/syria-conflict-humanitarian-crisis>.

² Martin Armstrong, *Islamic State Battles for Syria's Oil Wealth*, AL JAZEERA (July 30, 2014), <http://www.aljazeera.com/news/middleeast/2014/07/islamic-state-battles-syria-oil-wealth-2014729123012267438.html>.

³ *Syria: Mapping the Conflict*, BBC NEWS, <http://www.bbc.com/news/world-middle-east-22798391> (last visited Sept. 18, 2015).

According to the United Nations (U.N.) High Commission for Refugees, over four million refugees have fled the country since the conflict began in 2011.⁴ More than fifty percent of those refugees are women and nearly seventy-five percent are children.⁵ In April 2012 when Kofi Annan struggled to promote a peace plan that provided for a ceasefire—it failed.⁶ On June 30, 2012, the Action Group for Syria issued an official document called the Geneva Communiqué.⁷ The Geneva Communiqué identified steps and measures by the parties to secure full implementation of the six-point plan and U.N. Security Council Resolutions (SCR) 2042⁸ and 2043,⁹ including an immediate cessation of hostilities.¹⁰ After chemical weapons attacks in Damascus in August 2013, the U.N. Security Council unanimously adopted Resolution 2118 (2013), which not only demanded the destruction or removal of additional stockpiles of chemical weapons, but also called for the “convening, as soon as possible, of an international conference on Syria to implement the Geneva Communiqué,” and for “all Syrian parties to engage seriously and constructively” and commit to the “achievement of stability and reconciliation.”¹¹

Although the Geneva Communiqué clearly states that “women must be fully represented in all aspects of the transition,”¹² in 2014 the Geneva II Conference on Syria took place in Switzerland, failing to take into account the female perspective. No woman was present during the conference—neither on

⁴ UNHCR, *Syria Regional Refugee Response, Inter-agency Information Sharing Portal*, <http://data.unhcr.org/syrianrefugees/regional.php> (last visited Oct. 26, 2015).

⁵ *Id.*

⁶ *Annan Quits as Syria Peace Envoy; Says Assad Will Have to Leave Sooner or Later*, AL ARABIYA NEWS (Aug. 2, 2012), <http://english.alarabiya.net/articles/2012/08/02/230034.html>.

⁷ Action Group for Syria, *Final Communiqué* (June 30, 2012), <http://www.un.org/News/dh/infocus/Syria/FinalCommuniqueActionGroupforSyria.pdf> [hereinafter *Final Communiqué*]. The Action Group for Syria is composed of “Secretaries-General of the United Nations and the League of Arab States, the Foreign Ministers of China, France, Russia, United Kingdom, United States, Turkey, Iraq (Chair of the Summit of the League of Arab States), Kuwait (Chair of the Council of Foreign Ministers of the League of Arab States) and Qatar (Chair of the Arab Follow-up Committee on Syria of the League of Arab States), and the European Union High Representative for Foreign and Security Policy . . . chaired by the Joint Special Envoy of the United Nations and the League of Arab States for Syria.” *Id.*

⁸ See S.C. Res. 2042, Annex, ¶ 1 (Apr. 14, 2012) (describing the Six-Point Proposal of the Joint Special Envoy of the United Nations and the League of Arab States).

⁹ S.C. Res. 2043, ¶¶ 5–6 (Apr. 21, 2012) (deciding on the destruction of Syrian chemical weapons and detailing Security Council authorization to establish observer mission in Syria).

¹⁰ *Final Communiqué*, *supra* note 7, ¶ 4.

¹¹ S.C. Res. 2118, ¶¶ 2–3, 17 (Sept. 27, 2013) (deciding on the destruction of Syrian chemical weapons).

¹² *Final Communiqué*, *supra* note 7, ¶ 6(II).

behalf of the Syrian government, nor the Syrian opposition, nor the U.N.¹³ In this Article we will demonstrate and argue that until women have a seat at the negotiation table and the voices of women are heard, any peace agreement reached in Syria will not be a lasting one.

Historically, Syrian women have often been involved, albeit in a limited role, in societal change within Syria.¹⁴ During the Arab Spring, women rose up across the Arab world, including Syria, to protest for change.¹⁵ Although women were arrested during the initial protests, many continued to flock to the streets and, even still, encouraged more women to get involved.¹⁶ The various roles that women play in conflict are not as obvious as those of their male counterparts, but women often affect change in ways that many men do not even realize.

Peace agreements and reconstruction work better when women are involved in the peacebuilding process. Bringing women to the peace table improves the quality of agreements reached, enhancing the chances that they are successfully implemented.¹⁷ The 2002 United Nations Development Fund for Women (UNIFEM) report, “Women, War and Peace: The Independent Experts’ Assessment on the Impact of Armed Conflict on Women and Women’s Role in Peacebuilding,” recommends that women be represented at the negotiating table, making up at least thirty percent of those present.¹⁸ Only recently have there been peace negotiations that reached this thirty percent benchmark.¹⁹ If the thirty percent quota is a true U.N. requirement, why then are Syrian women being excluded from representation in the Geneva II peace negotiations, which are U.N.-backed peace talks? Research is needed to

¹³ Hibaq Osman, *Where Are the Syrian Women at the Peace Talks?*, GUARDIAN (Jan. 23, 2014), <http://www.theguardian.com/commentisfree/2014/jan/23/syria-women-geneva-peace-talks>.

¹⁴ *See id.*

¹⁵ Xan Rice et al., *Women Have Emerged as Key Players in the Arab Spring*, GUARDIAN (Apr. 22, 2011), <http://www.theguardian.com/world/2011/apr/22/women-arab-spring>.

¹⁶ *See id.*

¹⁷ *See infra* Part I.

¹⁸ Elisabeth Rehn & Ellen Johnson Sirleaf, *Women, War, Peace: The Independent Experts’ Assessment on the Impact of Armed Conflict on Women and Women’s Role in Peace-Building*, in 1 PROGRESS OF THE WORLD’S WOMEN 139 (Gloria Jacobs ed., 2002) (“Gender equality [must] be recognized in all peace processes, agreements and transitional governance structures. International, regional organizations and all participating parties involved in peace processes should advocate for gender parity, maintaining a minimum 30 per cent representation of women in peace negotiations, and ensure that women’s needs are taken into consideration and specifically addressed in all such agreements.”).

¹⁹ *See infra* Table 1.

determine the best ways to involve women in the formal negotiations, as well as to encourage their involvement at the local level. A deeper analysis must be made considering the participation of women in peace processes from previous conflicts in order to better incorporate women in these processes in Syria.

Part I of this Article will briefly discuss the importance of women being involved in the peace process by drawing on the extensive literature in this field. It will also define the key processes that exist in conflict resolution literature. Part II will detail the various roles that women have played in Syria throughout modern history, ranging from before the Arab Spring and leading into the current conflict and recent peace negotiations. Part III will provide a comparative perspective on how women have contributed to peace negotiations throughout modern history in an attempt to provide perspective and strategies for women's involvement. Finally, Part IV will draw conclusions from this comparative analysis in an effort to provide best practices to increase participation of Syrian women in the peacebuilding process.

I. IMPORTANCE OF WOMEN'S INVOLVEMENT IN BUILDING LASTING PEACE

This section will review the literature on the importance of including women in peace negotiations. The negotiation of a peace agreement is considered a milestone and a decisive moment to determine the future of any war-torn country. It can also be extremely difficult to come by, particularly in multi-party non-international armed conflicts, such as Syria. The primary goal of any peace agreement is to find an acceptable compromise between the interests and positions of the warring groups in armed conflict.²⁰ A peace agreement also establishes the legal and political framework for the future of any state.²¹ The rights of women, especially, are particularly vulnerable at this stage since the future of the state depends on what is negotiated in the peace agreement. Politicians and military advisors, both groups comprised of mostly men, generally negotiate these peace agreements.²² Herein lies the problem—this elite, predominantly male group accounts for the reason why there is so

²⁰ See generally Randall Lesaffer, *Peace Treaties and the Formation of International Law*, in 71 THE OXFORD HANDBOOK OF THE HISTORY OF INTERNATIONAL LAW (Bardo Fassbender et al. eds., 2012).

²¹ *Id.* at 71.

²² KOFI ANNAN, WOMEN, PEACE AND SECURITY ¶ 185 (2002). This study, submitted by the Secretary-General, was undertaken pursuant to S.C. Res. 1325 (Oct. 31, 2000).

little consideration for a female perspective on peace development and implementation.²³

The passage of U.N. SCR 1325 (2000) is considered to be the landmark resolution on Women, Peace and Security. It was adopted in October 2000 after the Security Council issued a Presidential Statement on International Women's Day in March 2000 recognizing the link between peace and gender equality, and the fact that women's full participation in peace operations was essential to sustainable peace.²⁴ The Resolution reaffirms the importance of women in both the prevention and resolution of armed conflicts and calls for increased participation of women in the peacebuilding process. The Resolution requires that "all actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective."²⁵ Additionally, the 2002 report of the Secretary-General on Women, Peace and Security, presented to the Security Council, recommended stronger measures to integrate women in all steps of peacekeeping, peacemaking and peacebuilding, and urged the inclusion of a gendered perspective.²⁶ Gender relations and balance are a significant aspect of modern society that is still omitted from peace negotiations, notwithstanding the recognition of its importance by the U.N.²⁷

A gender equal or balanced approach to peace agreements requires that women are able to participate in all stages of the peace process.²⁸ Gender mainstreaming, an equal part of the requirements under U.N. SCR 1325, requires that a "gender perspective is part of every policy consideration . . .

²³ *Id.* ("Women are largely ignored because they may not be considered as serious political actors and are under-represented in this sphere.")

²⁴ INTER-AGENCY NETWORK ON WOMEN & GENDER EQUAL., *Taskforce on Women, Peace and Security*, <http://www.un.org/womenwatch/ianwge/taskforces/wps/history.html> (last visited Sept. 18, 2015).

²⁵ S.C. Res. 1325, ¶ 8 (Oct. 31, 2000).

²⁶ U.N. Secretary-General, *On Women, Peace and Security*, ¶¶ 14–15, U.N. Doc. S/2002/1154 (Oct. 16, 2002).

²⁷ *See, e.g.*, Christine Chinkin, *Gender, Human Rights and Peace Agreements*, 18 OHIO ST. J. DISP. RESOL. 867, 868 (2003); *see also* ANNAN, *supra* note 22, ¶ 191 ("Women are under-represented in formal peace negotiations, whether as local participants representing warring factions, or as representatives of international authorities overseeing or mediating deliberations and institutions invited to the negotiating table. In addition, central issues of concern to women, including their participation in post-conflict political, social, civil, economic and judicial structures, do not always reach the negotiating table, in part because of the exclusion of women from the formal peace negotiations. Women not only call for issues specific to themselves but raise issues that affect society as a whole, such as land reform, access to loans and capacity-building.")

²⁸ Christine Chinkin, United Nations Division for the Advancement of Women (DAW), Expert Group Meeting, *Peace Agreements as a Means for Promoting Gender Equality and Ensuring Participation of Women—A Framework of Model Provisions*, U.N. Doc. EGM/PEACE/2003/BP.1, at 8 (Oct. 31, 2003).

[including, for example,] the design of a public information campaign, the creation of an advisory body, a draft law, or devising reporting guidelines and priorities.”²⁹ By addressing gender balance, however, the recognition and inclusion of gender specific issues will be addressed. Although gender relations are an important aspect of peace agreements, this Article will focus on the need to include women in the peace negotiation process.

Gender balance in peace negotiations requires the inclusion of both women and men at all stages and in all roles within such processes. For example, women can be members of the parties’ negotiating teams, mediators, or “friends of the Secretary-General” assisting in the process as advisors, consultants, or as part of any civilian or military implementing body.³⁰ There is also a need to ensure the participation of women at all levels and in all functions of the international agencies present in the post-conflict zone. This includes peacekeeping missions, peacebuilding teams, transitional justice mechanisms, and international development agencies.

A. Phases of Conflict Resolution

There are two phases in conflict resolutions processes: Track One Diplomacy, or commonly Track One, and Track Two Diplomacy, or simply Track Two.³¹ Track One Diplomacy is “[a]n instrument of foreign policy for the establishment and development of contacts between the governments of different states through the use of intermediaries mutually recognized by the respective parties.”³² It pertains to the interactions between states or political groups seeking independence, representation or control of the government. Typically this process aims to create a binding cease-fire or peace agreement,

²⁹ KVINNA TILL KVINNA, GENDER AWARENESS IN KOSOVO: GETTING IT RIGHT? A GENDER APPROACH TO UNMIK ADMINISTRATION IN KOSOVO 24 (2001).

³⁰ Chinkin, *supra* note 27, at 870.

³¹ See William Davidson & Joseph Montville, *Foreign Policy According to Freud*, 45 FOR. POL. 145, 154–55 (1981).

³² JOSÉ CALVET DE MAGALHÃES, THE PURE CONCEPT OF DIPLOMACY 59 (Bernardo Futscher Pereira trans., 1988); see also Jeffrey Mapendere, *Track One and a Half Diplomacy and the Complementarity of Tracks*, 2 CULTURE PEACE ONLINE J. 66, 67 (2006). This Article presents the theory of Track One and a Half Diplomacy and argues that the greatest strength of Track One and a Half is its ability to apply both Track One and Track Two Diplomacy within a strategic framework for peace.

while focusing on the “central political and military dimensions of the conflict.”³³

Track Two Diplomacy has long complemented Track One processes. In 1987, Joseph Montville coined the term Track Two Diplomacy, which is used to describe negotiations or processes that include nongovernmental organizations (NGOs) or private citizens and are considered to be more informal.³⁴ Such negotiations take place wholly outside formal governmental or intergovernmental institutions, but they can also serve as a basis for Track One.³⁵

Historically, women have been more involved in informal Track Two processes, as will be discussed in Part III. For example, women organize peace marches and protests, organize in their local community, and work on the sidelines to aid the injured.³⁶ However, when it comes to participation in formal processes or taking a seat at the negotiation table to have meaningful participation in peace talks, women are excluded and marginalized.³⁷

B. Why Are Women So Important to the Peace Process?

The exclusion and marginalization women face is important to address since women and men bring different perspectives to the peace table due to the

³³ Margaret E. McGuinness, *Women as Architects of Peace: Gender and the Resolutions of Armed Conflict*, 15 MICH. ST. J. INT'L L. 63, 74 (2007).

³⁴ Joseph V. Montville, *The Arrow and the Olive Branch: A Case for Track Two Diplomacy*, in 2 THE PSYCHODYNAMICS OF INTERNATIONAL RELATIONSHIPS 161, 162–63 (Vamik D. Volkan, Joseph V. Montville, & Demetrios A. Julius eds., 1991) (“Track two diplomacy is a process designed to assist official leaders . . . by exploring possible solutions out of the public view and without the requirements of formal negotiation or bargaining for advantage. Track two diplomacy seeks political formulas or scenarios that might satisfy the basic security and esteem needs of the parties to a particular dispute. On its more general level, it seeks to promote an environment in a political community, through the education of public opinion, that would make it safer for political leaders to take risks for peace.”).

³⁵ See McGuinness, *supra* note 33, at 74.

³⁶ See *infra* Part III. See generally ANNAN, *supra* note 22, ¶¶ 165–78 (“During the First World War, nearly 1,200 women from warring and neutral countries came together to protest against the conflict, and formed the Women’s International League for Peace and Freedom (WILPF), an organization that continues to advocate internationally for disarmament and human rights. Since then, women around the world have continued to pursue the goal of disarmament, including the total elimination of weapons of mass destruction, strengthened controls over the production and sale of conventional arms, the control of missiles, the need to reduce military expenditures and arms exports.”).

³⁷ ANNAN, *supra* note 22, ¶ 179 (“While there are many positive results of women’s work for peace in informal peace processes, they are seldom included in formal peace processes. Women are usually not represented among decision-makers and military leaders, the usual participants in these process.”).

differing social roles they play in society.³⁸ The role of women must be considered in post-war peace negotiations in order to address these specific needs, remediate past harms and to ensure long-lasting and sustainable peace. Women's participation in and influence over the terms of peace is, therefore, a precondition for addressing a range of issues, including long term prevention of armed conflict, preventing the reengagement of hostilities, and addressing the impacts of war that disproportionately affect women.³⁹

Domestic studies conducted in the United States (U.S.) have shown that women have a "cooperative advantage," focusing more on long-term relationships.⁴⁰ Conversely, men tend to use a "winner takes all" or "zero-sum game" approach.⁴¹ In general, women view traditional negotiating games as more integrative and distributive and, as a result, may fare better in certain types of complex multi-issue negotiations.⁴² Unarguably, this is a valuable skillset when formally negotiating peace agreements.

As mentioned in 2001 by Swanee Hunt, the former U.S. Ambassador to Austria and the Chair of Women Waging Peace, an organization that aims to promote women in the peace process, "[a]llowing men who plan wars to plan peace is a bad habit."⁴³ Armed conflict is not a gender-neutral event. Women and men have different needs in the peace process and they suffer different types of harm in armed conflicts.⁴⁴ For example, small arms are directly linked

³⁸ Julia Palmiano, *Fighting "Feminist Fatigue"? Women and Peace Negotiations*, (Swiss Peace Found., Working Paper No. 2, 2014), http://www.swisspeace.ch/fileadmin/user_upload/Media/Publications/WP_2_2014.pdf ("[T]he women and peacemaking literature focused also on 'strategic' reasons why women should be selected as mediators and negotiators also based on certain qualities and characteristics—a greater ability to cooperate, listen, and create trust between the parties.").

³⁹ McGuinness, *supra* note 33, at 64.

⁴⁰ *Id.* at 70.

⁴¹ *Id.*

⁴² *Id.*; see also David Dollar et al., *Are Women Really the "Fairer" Sex? Corruption and Women in Government*, 46 J. ECON. BEHAVIOR & ORG. 423, 427 (2001). This behavioral study on women in governance argues that women offer a more holistic approach in conflict resolution because they are grounded in a desire for peace rather than the competition that propels conflict. See also ANNAN, *supra* note 22, ¶ 167 ("Women's peace movements often focus on the shared social experiences of women, thus producing greater solidarity across lines of division and making it harder to cast the enemy as an ethnic and dehumanized other, which is often a tactic of wartime propaganda.").

⁴³ Swanee Hunt & Cristina Posa, *Women Waging Peace*, FOREIGN POL., May-June 2001, at 38, 38.

⁴⁴ JOYCE P. KAUFMAN & KRISTEN P. WILLIAMS, WOMEN AND WAR: GENDER IDENTITY AND ACTIVISM IN TIMES OF CONFLICT 25 (2010) ("[W]ar and military occupation, human trafficking, forced migration, and forced prostitution affect women and children in very different and very specific ways. Mainstream understandings of security do not adequately examine those issues . . . [I]n this discussion of conflict, peace, and women, it is important to remember that underlying many of women's actions is the desire to assure

to violence against women, sexual violence, and forced displacement during both conflict and post-conflict situations.⁴⁵

Therefore, the type of input and contribution to a peace agreement coming from men and women is inevitably different. Unfortunately, while the “[w]aging [of] war is still thought of as a ‘man’s job,’” the negotiation of peace is equally given to men to handle.⁴⁶ However, if the main reason to negotiate is truly to promote peace, based on the evidence from studies mentioned above, the task to promote peace can be shared between women and male peace negotiators.

In a war zone there are multiple, competing priorities. On the one hand there is an urgency to stop the ongoing armed conflict and the destruction it leaves in its wake.⁴⁷ On another, there are those dealing with the day-to-day effects of the conflict (i.e., refugees, internally displaced persons, wounded civilians, etc.). One of those competing priorities is the advancement and inclusion of women in any peace process. Although the women’s rights argument of inclusion is an important one, it is often given secondary importance when compared to the urgency to stop the conflict. The

security for themselves, their families, their communities, and potentially their country, and that this is the goal that they are ultimately working toward. What varies is the ways in which they understand the concept and then choose to pursue and achieve that security, which is often at odds with the primarily masculine concept of the term”); Gillian Youngs, *Feminist International Relations: A Contradiction in Terms? Or: Why Women and Gender Are Essential to Understanding the World ‘We’ Live In*, 80 INT’L AFF. 75, 83 (2004) (“Feminists have examined extensively the degree to which mainstream concepts of security in the field have been traditionally constrained by masculinist blinkers, failing to take account of security issues women confront daily that are associated with their unequal or oppressed conditions of existence in relation to men.”).

⁴⁵ See, e.g., WOMEN’S INT’L LEAGUE FOR PEACE & FREEDOM, IN THE LINE OF FIRE: GENDER PERSPECTIVES ON SMALL ARMS PROLIFERATION, PEACE BUILDING AND CONFLICT RESOLUTION (2001), http://www.wilpfinternational.org/wp-content/uploads/2014/07/2001_Line_Fire_Proliferation_Resolution.pdf.

⁴⁶ Hunt & Posa, *supra* note 43, at 198; see also INGER SKJELSBÆK, INT’L PEACE RES. INST., GENDERED BATTLEFIELDS: A GENDER ANALYSIS OF PEACE AND CONFLICT 7–8 (1997) (explaining that most political decisions concerning war are made by men and this maintains a male value-system); J. Cohen, *Women in Peace and War*, in PSYCHOLOGICAL FACTORS OF PEACE AND WAR 93–94 (T. H. Pear ed., 1971) (“Is it not remotely possible that the causes of war intrinsic in a system of sovereign States are the result of the male as against the female ‘element’ in these societies? Is it not conceivable that wars occur because of the overwhelming influence of men in government, administration, and international affairs? Might not full emancipation of women promote a more peaceful order?”); Patricia J. Campbell, *Gender and Post-Conflict Civil Society*, 7 INT’L FEMINIST J. POL. 377, 377–78 (2005) (focusing on nationalist/revolutionary movements, which are dominated by men and will, naturally, advocate for “gender specific interests”); ANNAN, *supra* note 22, ¶ 168 (“Prevailing assumptions about their appropriate roles in a society, particularly in relation to decision-making, and stereotypical assumptions about their areas of expertise, have been used to exclude them from informal and formal peace processes.”).

⁴⁷ Palmiano, *supra* note 38, at 7.

peacemaking process is complicated, with multiple actors involved in the process.⁴⁸ Due to these complications and competing priorities, the “world of mediation has been reluctant to embrace the gender equality and women’s inclusion as a priority.”⁴⁹

Yet, women should no longer be regarded solely as victims. There is a misconception that since women are not physically fighting on the battlefield that they are either victims of conflict or should be regarded as secondary citizens.⁵⁰ This mindset needs to change in a practical and effective way since, as previously discussed, women should be included in the formal Track One peace negotiations.⁵¹ Their exclusion undermines any and all eventual peace agreements being negotiated. Furthermore, a recent empirical study by Laurel Stone indicates that the inclusiveness of local women during the peace negotiations has both a positive and significant impact on peace, increasing the probability of cessation of violence within a year by 24.9%.⁵² Her findings also revealed that including gender quotas for the legislature establishes “a more durable peace over time, which demonstrates the growing influence of women through the institutionalization of gender in national legislatures.”⁵³ Furthermore, the results from this study point to the successful establishment of quotas aiding the durability of peace in post-conflict states.⁵⁴

However, although quotas may increase overall participation of women in peace negotiations, this does not guarantee meaningful participation. Women must be able to add in substantive ways to the negotiations. Therefore, capacity building and training programs should be implemented in order to encourage

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ KAUFMAN & WILLIAMS, *supra* note 44, at 60.

⁵¹ *Id.* (“Over time, as the nature of warfare changed, so did the scope of the battlefield; the home was no longer a protected area. This meant that women’s territory was no longer off limits and that women were thrust into the center of the conflict, whether they wanted to be or not. Furthermore, while women were concerned about their husbands and sons, who were the ones who fought the wars, increasingly women and girls became involved either as active participants (engaged in combat, peace activism) and/or as victims of the violence. What did not change was women’s exclusion from the decision-making process that leads to conflict within a state.”).

⁵² Laurel Stone, *Women Transforming Conflict: A Quantitative Analysis of Female Peacemaking* 28 (May 13, 2014) (unpublished thesis, Seton Hall University), <http://ssrn.com/abstract=2485242>.

⁵³ *Id.* at 3.

⁵⁴ *Id.*

and equip those women that desire to be involved in the peace process with the necessary tools to contribute effectively.⁵⁵

Moreover, women should also be active participants in any and all eventual transitional justice mechanisms such as criminal trials, truth commissions, reparations and institutional reformations. Due to the increased incidence of sexual violence against women in conflict, it is important that the rights of women, minorities and subjugated classes are not relegated to a certain chapter of the transitional justice process, but that they permeate the entire process and thinking behind it.⁵⁶

Despite all the academic data discussed above outlining that women are well suited to be active participants in peace negotiations, women continue to be excluded from peace negotiations, as most recently demonstrated in their exclusion from the Geneva II peace talks, and any change to include women seems to happen at a glacial pace.⁵⁷

The previously demonstrated collaborative skills that women have during conflict resolution can also be a double-edged sword. Gender theorist Judith Butler cautioned against the danger that women can trap themselves into the roles that an already male-dominated sphere places them into.⁵⁸ In much of the literature, however, women are stereotyped as mothers and doves.⁵⁹ As Butler cautioned, women have been pigeonholed into this role, which deprives them of legitimacy as actors and excludes them from meaningful peace negotiations,⁶⁰ as evidenced by their exclusion during the Geneva II peace talks.

⁵⁵ KRISTEN DEREMER, INITIATIVE ON QUIET DIPLOMACY, SCR 1325 AND WOMEN'S PARTICIPATION: OPERATIONAL GUIDELINES FOR CONFLICT RESOLUTION AND PEACE PROCESSES 14 (2010), http://peacemaker.un.org/sites/peacemaker.un.org/files/SCR1325WomensParticipation_IQd2010.pdf.

⁵⁶ CTR. FOR CIVIL SOC'Y & DEMOCRACY IN SYRIA, TRANSITIONAL JUSTICE IN SYRIA 29 (2014), http://ccsdsyria.org/files/transitional_justice_%20survey_en.pdf [hereinafter TRANSITIONAL JUSTICE IN SYRIA].

⁵⁷ Palmiano, *supra* note 38, at 7 ("It is absurd that at the dawn of the 21st century—when so much of daily life is globalized, when even violence is democratized and there is a proliferation of actors in every conflict zone, peacemaking is still largely the exclusive domain of a small cohort of men.")

⁵⁸ *Id.* at 24 ("[I]f female negotiators get to the table and continue to use these gendered performative gestures as mothers, doves, and feminine peacemakers as a strategic entry point, then they risk trapping themselves in a restrictive pattern."); *see generally* JUDITH BUTLER, GENDER TROUBLE: FEMINISM & THE SUBVERSION OF IDENTITY (Linda J. Nicholson ed., Routledge 1990).

⁵⁹ Palmiano, *supra* note 38, at 24.

⁶⁰ *See generally* BUTLER, *supra* note 58.

The classical design of the peace process works against the image that women negotiators have as collaborative agents and agents of peace, since it primarily “brings parties to *conflict* to the table, not parties to *peace*.”⁶¹ As much as it is useful to have data demonstrating the collaborative skills of women negotiators, perhaps it is time to shift the focus to the role women play at the time of war and the substantive skills that women bring to the peace table as negotiators.

Revisiting the notion that men and women play different roles in society, and that for that reason they can bring different perspectives to the peace table, Julia Palmiano interviewed fourteen conflict resolution experts about the uniqueness of the women’s negotiators standpoint.⁶² The results found that the respondents focused on the fact that the added value of women was more attributable to their “understanding of how a social *context* . . . provides them with *different*, [though] not necessarily *better* perspectives.”⁶³ Palmiano’s study found that there is a lack of integration between the conflict resolution literature and the literature advocating for women in peacekeeping, pointing out that the “lack of recognition of a viable nexus between the two can result in inefficient policy and practice.”⁶⁴ Although her study is a valuable contribution to the field, Palmiano recognizes that the study is subject to the inherent personal bias of both the interviewer and the interviewees.⁶⁵

Throughout feminist literature on the topic, the ever present argument is that the “presence of women at the peace table promotes good relations and changes the atmosphere to one of warmth and humour.”⁶⁶ Yet, the emphasis that the literature puts solely on the argument that women tend to have a more collaborative posture during peace negotiations is not effectively helping women to reach their goal to meaningfully and substantially participate in peace negotiations. Women must transcend this argument that they must be included on the peace table simply by the fact that they are women. Female negotiators must demonstrate substantial negotiation skills based on the issues

⁶¹ Palmiano, *supra* note 38, at 18.

⁶² *Id.* at 5.

⁶³ *Id.* at 22.

⁶⁴ *Id.* at 42.

⁶⁵ *Id.* at 43.

⁶⁶ *Id.* at 24.

at hand, and the literature in the field must emphasize that.⁶⁷ Although women have succeeded in participating in Track Two processes, the time to give women their rightful participation in Track One processes is long overdue.

The feminist literature is filled with academics and policy papers that advocate for women to be included in peace processes, yet there is a significant gap in that literature on where there has been successful inclusion of women in the peace process and how this could translate into inclusion elsewhere. With this need in the literature for tangible, workable solutions that can give women a permanent place in peace negotiations and given the role of women in the Arab Spring and their desire to be included in the peace process in Syria, the Syrian conflict provides an ideal case study.

II. THE ROLE OF WOMEN IN SYRIA

A. *Pre-Arab Spring*

Syrian women obtained the right to vote in 1949 and, subsequently, the right to stand for election in 1953.⁶⁸ Despite their increasing access to higher education and paid employment,⁶⁹ women remain significantly under-represented in public and political life. Although Syria ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 2003,⁷⁰ the CEDAW Committee expressed concern at the continuing low levels of representation of women in 2007.⁷¹ Despite the Syrian government's

⁶⁷ *Id.* at 29 (“If female negotiators perform according to preconceived expectations and gendered scripts, they will not be able to transcend the same perceptions and preconceived notions that possibly bar them from participation in the first place.”).

⁶⁸ INT’L FED’N FOR HUMAN RIGHTS (FIDH), *WOMEN AND THE ARAB SPRING: TAKING THEIR PLACE?* 57 (2013), <http://www.europarl.europa.eu/document/activities/cont/201206/20120608ATT46510/20120608ATT46510EN.pdf> [hereinafter *WOMEN AND THE ARAB SPRING*].

⁶⁹ Comm. on the Elimination of Discrimination Against Women, Consideration of Reps. Submitted by States Parties Under Art. 18 of the Convention on the Elimination of All Forms of Discrimination Against Women, Initial Rep. of States Parties: Syria, U.N. Doc. CEDAW/C/SYR/1, at 11 (Aug. 29, 2005) [hereinafter Committee on the Elimination of Discrimination Against Women, Initial Report of States Parties]. Section IV of the Employment Act No. 91 of 1959 is devoted entirely to women’s employment and prohibits the employment of women at night and in jobs that are detrimental to health, morally damaging or physically demanding.

⁷⁰ HUMAN RIGHTS WATCH, “WE ARE STILL HERE”: WOMEN ON THE FRONT LINES OF SYRIA’S CONFLICTS 41 (2014), http://www.hrw.org/sites/default/files/reports/syriawrd0714_web_1.pdf [hereinafter *WE ARE STILL HERE*].

⁷¹ Comm. on the Elimination of Discrimination Against Women, Concluding Comments of the Committee on the Elimination of Discrimination Against Women: Syrian Arab Republic, ¶ 25, U.N. Doc.

commitments to raise the representation of women in decision-making positions to thirty percent,⁷² no viable measures have actually been undertaken to implement this objective.⁷³ In 2005, the participation of women in the Syrian Parliament was only twelve percent and only 4.2% in local administrative councils.⁷⁴

In addition, there are laws currently in force in Syria that are discriminatory against women. In 2007, the CEDAW Committee urged Syria to “give high priority to its law reform process and to modify or repeal . . . [such] discriminatory legislation, including discriminatory provisions in its Personal Status Act, Penal Code and Nationality Act.”⁷⁵ The only legal women’s organization operating in Syria is the General Women’s Union of Syria (GWU), established by the government.⁷⁶ The GWU follows the mandate from Bashar al-Assad’s party, the Ba’ath party; its officials are appointed and promoted from within the party hierarchy and GWU receives financial support from the government.⁷⁷ Per the Ba’ath party, the GWU represents *all* Syrian women, regardless of actual political affiliation.⁷⁸ All other women’s groups operate illegally and are prohibited from receiving foreign funding due to local laws that prohibit donor grants from abroad.⁷⁹ As a result, unregistered groups find it difficult to attract members, funding, and participants for their

CEDAW/C/SYR/CO/1 (June 11, 2007) [hereinafter Comm. on the Elimination of Discrimination Against Women, Concluding Comments] (“While appreciating the State party’s goal of 30 per cent women in decision-making levels in both the Ninth and Tenth Five-Year Plans, the Committee is concerned about the lack of measures adopted towards the realization of this goal and the continuing low levels of representation of women in public and political life and in decision-making positions, particularly in municipal, town and village councils.”).

⁷² Comm. on the Elimination of Discrimination Against Women, Initial Report of States Parties, *supra* note 69, at 11. The Ninth Five-Year Plan (2001-2005) contains the provisions devoted to women, including, strengthening the participation of women in the executive, legislative and judicial branches of government and ensuring gender equality and empowering women to exercise their rights and assume their obligations. It set thirty percent as the minimum participation rate of women in the government. *Id.* at 31–33.

⁷³ Comm. on the Elimination of Discrimination Against Women, Concluding Comments, *supra* note 71, ¶ 25.

⁷⁴ Comm. on the Elimination of Discrimination Against Women, Initial Rep. of States Parties, *supra* note 69, at 12.

⁷⁵ WOMEN AND THE ARAB SPRING, *supra* note 68, at 59.

⁷⁶ FREEDOM HOUSE, SYRIA, WOMEN’S RIGHTS IN THE MIDDLE EAST AND NORTH AFRICA: CITIZENSHIP AND JUSTICE 6 (2010), https://freedomhouse.org/sites/default/files/inline_images/Syria.pdf.

⁷⁷ *Id.*

⁷⁸ *Id.* (emphasis added).

⁷⁹ *Id.*

activities.⁸⁰ Despite this, women in Syria have found ways to become involved in the movement for both democracy and human rights. The few who have become involved and taken on leadership roles have even been imprisoned.⁸¹

B. Arab Spring Movement and Current Conflict Situation

On December 17, 2010, 26-year-old Mohamed Bouazizi literally sparked the Arab Spring Movement.⁸² Frustrated by unemployment, harassment, and government extortion, he set himself on fire, which catapulted various parts of North Africa and the Middle East into protests.⁸³ The Arab Spring came to Syria when protests started in March 2011 in the city of Deraa, after teenagers were arrested and tortured when they painted revolutionary slogans against the Assad regime on a school wall.⁸⁴ What came next has evolved into a brutal and bloody civil war between the Assad regime and opposition forces, which are a mixture of legitimate opposition groups and terrorist groups.⁸⁵ The humanitarian crisis is only growing with each passing day and is “likely to continue long after the civil war ends.”⁸⁶

With the Arab Spring, women across the Middle East, including Syria, gained a voice and played a prominent role.⁸⁷ Women in Syria actively participated in grassroots movements, where many have risked their lives to be heard.⁸⁸ Since the very outbreak of protests for democratic reforms, women

⁸⁰ *Id.*

⁸¹ WOMEN AND THE ARAB SPRING, *supra* note 68, at 57.

⁸² *People-Centred Development: What the Arab Spring Taught Us*, OFFICE HIGH COMM’R FOR HUMAN RIGHTS (Mar. 27, 2012), <http://www.ohchr.org/EN/NewsEvents/Pages/People-CentredDevelopmentWhattheArabSpringtaughtus.aspx>.

⁸³ *Id.*

⁸⁴ *See Syria: The Story of the Conflict*, BBC NEWS (Mar. 12, 2015), <http://www.bbc.com/news/world-middle-east-26116868>.

⁸⁵ *See generally* ELIZABETH O’BAGY, INST. FOR STUDY OF WAR, MIDDLE EAST SECURITY REPORT 6: JIHAD IN SYRIA (2012), <http://www.understandingwar.org/sites/default/files/Jihad-In-Syria-17SEPT.pdf>.

⁸⁶ INT’L RESCUE COMM., SYRIA: A REGIONAL CRISIS 4 (2013), <http://www.rescue.org/sites/default/files/resource-file/IRCRReportMidEast20130114.pdf>.

⁸⁷ *See, e.g.*, Soumaya Ghannoushi, *Rebellion: Smashing Stereotypes of Arab Women*, AL JAZEERA (Apr. 25, 2011), <http://www.aljazeera.com/indepth/opinion/2011/04/201142412303319807.html>; Carol Giacomo, *Women Fight to Define the Arab Spring*, N.Y. TIMES (Nov. 10, 2012), http://www.nytimes.com/2012/11/11/opinion/sunday/women-fight-to-define-the-arab-spring.html?_r=1&; WORLD BANK, OPENING DOORS: GENDER EQUALITY AND DEVELOPMENT IN THE MIDDLE EAST AND NORTH AFRICA 115 (2013), <https://openknowledge.worldbank.org/bitstream/handle/10986/12552/751810PUB0EPI002060130Opening0doors.pdf>.

⁸⁸ *See Syria: Detention and Abuse of Female Activists*, HUM. RTS. WATCH (June 24, 2013) [hereinafter *Syria: Detention and Abuse of Female Activists*], <http://www.hrw.org/news/2013/06/24/syria-detention-and>

were on the frontline, organizing demonstrations, strikes and all-women marches in solidarity with victims, calling for the release of family members and an end to state violence.⁸⁹ The Syrian Observatory for Human Rights has reported that approximately 150 Kurdish women in Aleppo have set up the first female battalion, calling themselves the “Martyr Rokan Battalion.”⁹⁰ Furthermore, women often assist with transporting weapons and supplies for opposition forces, since typically they are not searched at checkpoints.⁹¹ Male and female protesters alike have been arrested and detained by security forces.⁹² As explained by Nada Darwazeh, from the U.N. Human Rights Middle East Office, “[t]he Arab uprising has at long last empowered women to

abuse-female-activists (“Syrian military and pro-government forces known as *shabiha* have arbitrarily detained female opposition activists as well as female relatives and neighbors of pro-opposition activists and fighters, and in a number of cases, subjected them to torture and sexual abuse . . . Beyond the daily gun battles, women have been a powerful voice in the opposition in villages and towns across Syria . . . In response, the Syrian government is punishing women for delivering humanitarian assistance, participating in protests, and supporting the opposition by subjecting them to detention, torture, and sexual assault.”). See also WE ARE STILL HERE, *supra* note 70, at 8 (“Aleppo University became a hub for protests in the spring of 2011 and Hala . . . quickly joined. She and three friends created paintings and caricatures for leaflets and posters distributed at Friday demonstrations . . . Security force members began calling Hala: ‘They said, ‘We are watching you. We know you are still going to demonstrations. We can arrest you at any time.’” They threatened to arrest her mother and brother and kill her father in detention. They searched her home repeatedly and confiscated her computer, hard disks, and documents.”); *id.* at 10 (“As one of four ‘Brides of Peace,’ on November 21, 2012, Kinda . . . marched with her sister and two female friends wearing homemade white wedding dresses . . . They carried signs saying, ‘Syria is for all of us,’ ‘We declare an end to military action in Syria,’ and ‘You are tired, we are tired, we need another solution.’ Thirty minutes into the demonstration, security forces arrested all four girls . . . They were taken to Military Intelligence Branch 235 . . . where a male officer interrogated each woman individually. ‘He [the officer interrogating her] spit on me . . . He searched all over my body. He wanted to touch me, not search me,’ Kinda said. At 2:30 in the morning, after nearly 12 hours, the officer took Kinda and her friends to the office of a captain. ‘When we entered [the captain] started to shout the worst words I have ever heard: ‘Now I have four whores to entertain myself tonight.’”).

⁸⁹ WOMEN AND THE ARAB SPRING, *supra* note 68, at 54–55 (“In demonstrations in the universities, women protest side by side with men. In the streets of Damascus, women gather in the centre of processions and men surround them to protect them. In villages, men start the marches and women follow. When the security forces arrive to make arrests, women intervene to prevent them. When the security situation prevents women from participating in street demonstrations, women organise meetings inside their homes. They use social networks and online videos to let the outside world know what is happening.”).

⁹⁰ Agence France Presse, *Syria Kurd Women Set up Battalion: NGO*, GLOBALPOST (Feb. 23, 2013, 9:00 AM) (“Women are fighting on all the fronts now, though it’s possibly the Islamist rebel ranks that have the fewest women taking part in them.” (quoting Abdel Rahman, Director of the Syrian Observatory for Human Rights)), <http://www.globalpost.com/dispatch/news/afp/130223/syria-kurd-women-set-battalion-ngo>.

⁹¹ *Id.* (“A female activist in the coastal province of Latakia told AFP via the Internet that women often transport weapons and supplies for rebels as they are less likely to be searched at army and security checkpoints.”).

⁹² WOMEN AND THE ARAB SPRING, *supra* note 68, at 54.

claim a larger presence and role in the public arena, which is something revolutionary, and somehow contrary to decades of gender stereotyping.”⁹³

Although the Syrian revolution empowered women, they have often felt the brunt of the effects of civil war, especially as the conflict extends into its fourth year. Women have been detained by security forces and tortured in order for Syrian forces to gain information.⁹⁴ Refugee camps are composed almost entirely of women and children.⁹⁵ Women’s needs are often put off in favor of the “bigger picture,” i.e., some sort of resolution to the ongoing fighting amongst state forces and non-state actors.⁹⁶ Yet, the needs of women and their presence in peace negotiations are very much matters of national security. The Assad government’s failure to attempt to resolve the ongoing conflict with opposition forces impacts the full and meaningful participation of women in any eventual peace negotiation. The only place reserved for women in Syria in the conflict is as victims.⁹⁷ They are not only victims from the denial of any and all forms of formal political participation, but also victims of sexual violence.⁹⁸

Despite the newfound empowerment that came with the Arab Spring, one key tool used by the Assad regime to revoke this role is rape. It is a significant and disturbing feature of the Syrian civil war, which makes women one of the many victims of the conflict and hinders their involvement in any peace movement.⁹⁹ Many women and girls relayed accounts of being attacked in public or in their homes, primarily by armed men who are a part of the Assad regime.¹⁰⁰ These rapes, sometimes by multiple perpetrators, often occur in

⁹³ *Women and the Arab Spring: An Ongoing Struggle for Equal Rights*, OFF. HIGH COMMISSIONER FOR HUM. RTS. (Mar. 22, 2013), <http://www.ohchr.org/EN/NewsEvents/Pages/WomenandtheArabspringanongoingstruggleforequalrights.aspx>.

⁹⁴ *See Syria: Detention and Abuse of Female Activists*, *supra* note 88.

⁹⁵ *See* UNHCR, *supra* note 4.

⁹⁶ *See* ANNAN, *supra* note 22, at 60.

⁹⁷ Osman, *supra* note 13.

⁹⁸ *See* Lauren Wolfe, *Syria Has a Massive Rape Crisis*, WOMEN’S MEDIA CTR.: WOMEN UNDER SIEGE PROJECT (Apr. 3, 2013), <http://www.womenundersiegeproject.org/blog/entry/syria-has-a-massive-rape-crisis/>.

⁹⁹ *See id.* (“Eighty percent of [the] reports include female victims, with ages ranging from 7 to 46. Of those women, 85 percent reported rape; 10 percent include sexual assault without penetration; and 10 percent include detention that appears to have been for the purposes of sexualized violence or enslavement for a period of longer than 24 hours. . . . [G]ang rape allegedly occurred in 40 percent of the reports about women.”).

¹⁰⁰ *Id.* (“Government perpetrators have allegedly committed the majority of the attacks we’ve been able to track: 60 percent of the attacks against men and women are reportedly by government forces, with another 17 percent carried out by government and *shabiha* (plainclothes militia) forces together. When it comes to the

front of family members.¹⁰¹ Additionally, any woman who is taken into police custody for protesting is suspected to be a victim of either rape or sexual abuse, even if she was not actually a victim.¹⁰² These women are also labeled prostitutes, an insult which stigmatizes them and separates them from the rest of society.¹⁰³

This endemic use of rape is not limited to Syrian government forces. In the Syrian territory under ISIS control, the violence towards women is barbaric.¹⁰⁴ Older women are sold off as slaves, while the younger ones are kept as brides.¹⁰⁵ Child brides are commonplace.¹⁰⁶ In the Iraqi territory that ISIS has control over, women have been found naked, tied to trees, appearing to have

rape of women, government forces have allegedly carried out 54 percent these attacks; *shabiha* have allegedly perpetrated 20 percent; government and *shabiha* working together 6 percent.”)

¹⁰¹ See *id.* (“Syrian government troops brought a young Free Syrian Army soldier’s fiancée, sisters, mother, and female neighbors to the Syrian prison in which he was being held. One by one, he said, they were raped in front of him.”).

¹⁰² See WOMEN AND THE ARAB SPRING, *supra* note 68, at 56.

¹⁰³ *Id.* (“In detention centres, women who participated in protests are insulted and labelled prostitutes. Traditionally it is considered shameful for a woman to even enter a police station, it’s even worse if she is arrested or spends time in detention. People suspect that women are sexually abused in these places. Hardly anyone makes complaints about such crimes or even talks about it. If it is known that a woman has been raped, nobody will want to marry her.”).

¹⁰⁴ See Haleh Esfandiari, *ISIS’s Cruelty Toward Women Gets Scant Attention*, WALL STREET J.: WASH. WIRE (Sept. 2, 2014), <http://blogs.wsj.com/washwire/2014/09/02/isiss-cruelty-toward-women-gets-scant-attention/> (“To the men of ISIS, women are an inferior race, to be enjoyed for sex and be discarded, or to be sold off as slaves.”).

¹⁰⁵ *Id.* (“When ISIS moved into Iraq, a similar set of atrocities followed. In ISIS-conquered towns, reports of women and girls having to undergo female genital mutilation spread like wildfire, until denied by ISIS’s savvy social media. Iraqi NGOs reported that scores of women of the Yezidi sect—an amalgam of Zoroastrianism and Islam—were taken captive. The older women were sold off as slaves and the young ones were kept as brides for the ISIS fighters. The nature of these forced marriages remains obscure.”).

¹⁰⁶ See *id.* (“From ISIS-captured territory in Syria, we saw a photograph of a line of women, covered from head to toe and tied to one another by a rope, as they were being led to a makeshift slave market. Little girls, who were going to school and playing with dolls before [IS] fighters arrived at their doorstep, were married off to men many times their age.”).

been repeatedly raped by ISIS fighters,¹⁰⁷ and even executed as a result of speaking out against ISIS.¹⁰⁸

Despite the violence and destruction across Syria, women are putting their lives in harm's way to participate in peaceful protests and demonstrations and are working towards peace in Syria.¹⁰⁹

C. *Syrian Peacebuilding and Peacemaking*

1. *Lack of Women in Formal Peace Negotiations*

Despite the best efforts of international NGOs, U.N. Women, and Syrian women themselves, there has been no meaningful role created for women to participate in the formal peace negotiations, which have, thus far, been the only real negotiations.¹¹⁰ Similarly, members of the Syrian civil society itself have had no opportunity to make their voices heard in the process, despite the lobbying of Syrian civil society actors (including women), international NGOs,

¹⁰⁷ *Id.* (“A naked woman, tied to a tree, who had been repeatedly raped by ISIS fighters. Another woman was discovered in a second village, similarly naked, tied down and repeatedly raped. The fighters, it appears, are ‘rewarded’ by being allowed to have their way with captured women.”); see also Azam Ahmed, *In Retaking of Iraqi Dam, Evidence of American Impact*, N.Y. TIMES (Aug. 19, 2014), <http://www.nytimes.com/2014/08/20/world/middleeast/in-retaking-of-iraqi-dam-evidence-of-american-impact.html> (“Muhammad Karim, one of the soldiers, said that when they arrived at the first abandoned militant checkpoint, they discovered a woman, naked and bound, who had been repeatedly raped. Farther into the neighborhood, the Iraqi forces discovered another woman in the same state.”).

¹⁰⁸ Nick Cumming-Bruce, *Women’s Rights Activist Executed by ISIS in Iraq*, N.Y. TIMES (Sept. 25, 2014), <http://www.nytimes.com/2014/09/26/world/middleeast/womens-rights-activist-executed-by-islamic-state-in-iraq.html> (“An Iraqi lawyer known for her work promoting women’s rights has been killed by Islamic State fighters . . . continuing a pattern of attacks on professional women . . . Sameera Salih Ali al-Nuaimy, was seized from her home by Islamic State fighters last week and tortured for several days before a masked firing squad executed her in public on Monday . . . Ms. Nuaimy had posted comments on her Facebook page condemning the ‘barbaric’ bombing and destroying of mosques and shrines in Mosul, a northern Iraqi city, by the Islamic State, the militant group also known as ISIS or ISIL. She was convicted of apostasy by a ‘so-called court.’”).

¹⁰⁹ See, e.g., WE ARE STILL HERE, *supra* note 70, at 1.

¹¹⁰ See Dulcie Leimbach, *Syrian Women’s Groups Push for Equal Role at Geneva II Talks*, PASSBLUE (Dec. 5, 2013) (“Just a few weeks ago, Security Council passed Resolution 2122 on Women, Peace and Security, stressing the need to address the persistent implementation gap that has marred the realization of UNSCR 1325 . . . In approving Resolution 2122, the Council declared its intention to focus more attention on women’s leadership and participation in conflict resolution and peacebuilding. It would be astonishing if negotiations intended to begin a peacebuilding process in Syria were now to exclude or only minimally involve women. Would that not fly in the face of the Security Council’s clearly stipulated policy of inclusion?” (quoting email from Yasmine Ergas, Associate Director, Inst. for Study Human Rights)), <http://passblue.com/2013/12/05/syrian-womens-groups-push-for-equal-role-at-geneva-ii-talks/>.

and the U.N., including U.N. Women.¹¹¹ For example, in November 2013, the Syrian Ministry of Social Affairs organized a workshop to discuss the role of women in the peacebuilding and reconstruction processes in Syria. Although the workshop was designed within the framework of U.N. SCR 1325 (2000) and was subsequently followed by a conference in January 2014, it failed to include prominent Syrian women from civil society.¹¹²

In early January 2014, prior to the Geneva II talks, U.N. Women organized a forum in Geneva for fifty Syrian women, part of U.N. Women's efforts to include more women in the peace process and negotiations "and to create spaces to hear and advance women's voices and perspectives in peace efforts, consistent with Security Council Resolutions 1325 and 2122 and the Geneva Communiqué I."¹¹³ These women, many of whom have been activists for peace in Syria since the outbreak of hostilities, met and discussed issues related to peace and security in their country.¹¹⁴ Out of this forum came the Syrian Women's Initiative for Peace and Democracy (SWIPD). The SWIPD Outcome Document details a comprehensive approach to the peace process.¹¹⁵ Among other demands, the SWIPD called for "an immediate ceasefire as a first step towards the permanent cessation of military operations," to be negotiated and bolstered through various levels of society and "with the robust participation of Syrian civil society."¹¹⁶ Furthermore, the group called upon the U.N. Security Council to continue to support the U.N. Arab League Joint Mission and deploy peacekeepers and observers.¹¹⁷

¹¹¹ Interview with Rajaa Altalli, Co-Founder and Pub. Relations Dir., Ctr. for Civil Soc'y & Democracy in Syria (Aug. 9, 2014) (on file with authors).

¹¹² Comm. on the Elimination of Discrimination Against Women, Concluding Observations on the Second Periodic Rep. of Syria, ¶ 13, U.N. Doc. CEDAW/C/SYR/CO/2 (July 18, 2014) [hereinafter Comm. on the Elimination of Discrimination Against Women, Concluding Observations].

¹¹³ Press Release, UN Women, Conference of Syrian Women, Convened by UN Women and the Netherlands, Ends with Strong Recommendations for Upcoming Peace Talks (Jan. 13, 2014), <http://www.unwomen.org/en/news/stories/2014/1/press-release-on-syrian-women-meeting> [hereinafter Press Release: Conference of Syrian Women].

¹¹⁴ *Id.* (statement of Sabah Alhallak: "We cannot remain silent regarding events in Syria, such as daily death, massive destruction, starvation, displacement of hundreds of thousands of families (in Syria and abroad); and the spread of terror, violence, ongoing detentions, acts of kidnapping, destruction of infrastructure and the spread of disease, particularly among children.").

¹¹⁵ See generally SYRIAN WOMEN'S INITIATIVE FOR PEACE & DEMOCRACY, OUTCOME DOCUMENT (2014), <http://www.unwomen.org/~media/Headquarters/Attachments/Sections/News/Stories/Final-outcome-ENG%20pdf.pdf> [hereinafter OUTCOME DOCUMENT].

¹¹⁶ *Id.* at 1, ¶ 3.

¹¹⁷ *Id.* at 2, ¶ 4.

Women often take a more gendered approach to the peace process, ensuring to take into account the issues that affect the most vulnerable of the population. This Outcome Document is no different. It calls for the cessation of gender-based violence, the adoption of “gender-sensitive policies and [policies that] protect women and girls against sexual exploitation, early marriage, human trafficking and rape,”¹¹⁸ and gender equality when ensuring refugees and internally displaced people the right to return.¹¹⁹ Their demands also extended to fundamental institutional issues that existed before the Arab Spring, primarily discrimination against women and gender equality.¹²⁰

Finally, specific demands were made related to the participation of Syrian women in the peace process and negotiations, including asking the U.N. to place “pressure on the international community and on the negotiating parties to guarantee the effective participation of women on all negotiating teams and committees in a proportion of no less than 30% for the duration of the negotiation process.”¹²¹ The demands detailed in this section of the Outcome Document make clear the desire for Syrian women to be directly involved in formal peace processes. They have demanded that female representatives from both women’s rights and civil society organizations be allowed to observe and participate in meaningful ways in the Geneva II negotiations,¹²² as well as in the “formation of the transitional governing body, the constitutional drafting committee, the drafting of the election law, mechanisms of transitional justice, the local administration and local committees for civil peace.”¹²³

At a special closed session of the U.N. Security Council, three Syrian women activists and civil society leaders were able to brief the fifteen members on the situation in Syria and demanded that women be included in

¹¹⁸ *Id.* at 2, ¶ 5.

¹¹⁹ *Id.* ¶ 8; *see also id.* ¶ 9 (“Put an immediate end to the recruitment of child soldiers as per UN Security Council resolutions 1261, 1612, and 1882. Immediately establish a national education program that suspends all ideological curricula and which adopts modern unified curricula that respect human rights, the equality of citizens regardless of gender, and which addresses the issue of children who have been unable to attend school.”); *id.* ¶ 14 (“Restructure and reform security and police institutions in line with international norms of human rights and gender sensitivity.”).

¹²⁰ *See id.* at 3, ¶ 5 (“Demand that the constitution guarantees the equality of women and men and penalizes all forms of discrimination and violence against women.”); *id.* ¶ 6 (“Demand a constitution that guarantees the rights of equal citizenship to the Syrian people in all their diversity and affiliations.”).

¹²¹ *Id.* ¶ 1.

¹²² *Id.* at 4, ¶ 2.

¹²³ *Id.* at 4, ¶ 3.

any peace talks and the eventual transitional processes.¹²⁴ PeaceWomen, founded by the Women’s International League for Peace and Freedom in 2000 to ensure that women’s rights and participation in peace processes is made a priority, made this session possible.¹²⁵ It was co-sponsored by the United Kingdom and Luxembourg, indicative that some in the international community recognize the importance of female involvement in the peace process.¹²⁶

In July 2014, the CEDAW Committee issued their conclusions from the second periodic report of Syria.¹²⁷ In its conclusions, the Committee recognized the role that women should play in the peace process.¹²⁸ It called upon Syria to “give due consideration to General Recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations . . . by setting up a special coordination mechanism with all relevant State institutions at all levels . . . including international stakeholders currently supporting the State party on its path towards a comprehensive and lasting peace.”¹²⁹ This recommendation, unfortunately, came after the Geneva II peace talks.¹³⁰

Women are still viewed as second-class citizens by many, a nod to their pre-Arab Spring status. According to Hibaaq Osman, an activist who has been advocating for Syrian women to take their rightful place at the negotiating table, “men see [women] as the tablecloth . . . [t]he future of Syria should not exclusively be decided by those who carry guns.”¹³¹ However, their exclusion

¹²⁴ Maria Butler, *UN Peace Talks on Syria Collectively Failed Women*, PASSBLUE (Feb. 10, 2014), <http://passblue.com/2014/02/10/un-peace-talks-on-syria-collectively-failed-women/> (“‘We want peace and we want to be part of it—this is the bottom line,’ said a representative of the Syrian Women’s League.”).

¹²⁵ *See id.*

¹²⁶ *See id.*

¹²⁷ *See generally* Comm. on the Elimination of Discrimination Against Women, Concluding Observations, *supra* note 112.

¹²⁸ *Id.* at 4–5, ¶ 14.

¹²⁹ *Id.* at 2, ¶ 5; *see also* Comm. on the Elimination of All Forms of Discrimination Against Women, Recommendation No. 30 on Women in Conflict Prevention, Conflict and Post-Conflict Situations, at 8–23, ¶¶ 20–81, U.N. Doc. No. CEDAW/C/GC/30 (Oct. 18, 2013).

¹³⁰ The Geneva II peace talks ended in February 2014. *Syria Peace Talks End in Failure*, CBS NEWS (Feb. 14, 2014, 10:44 AM), <http://www.cbsnews.com/news/syria-peace-talks-in-geneva-end-in-failure/>. However, the Convention that urged following General Recommendation No. 30 was issued in July of 2014. Comm. on the Elimination of Discrimination Against Women, Concluding Observations, *supra* note 112.

¹³¹ Medea Benjamin, *No Seat for Syrian Women at the Peace Talks*, HUFFINGTON POST (Jan. 22, 2014, 4:06 PM), http://www.huffingtonpost.com/medea-benjamin/no-seat-for-syrian-women-_b_4645000.html.

has not deterred Syrian women, especially those forming SWIPD.¹³² Although SWIPD did not have a seat at the negotiation table during Geneva II, the group continues to organize and lobby key decision makers to support their participation in future peace talks.¹³³

2. *Women Find Their Voice in Track Two Activities*

The Center for Civil Society and Democracy in Syria (CCSDS) aims to strengthen the capacity of civil society, with a particular focus on women. This covers a wide range of women, including Syria's ethnic and religious diversity (i.e., Kurdish, Arab, Sunni, Alawite, Christian, Druze, etc.). Through capacity building, these groups increase their ability to participate in national-level peace and transition processes. This capacity building takes various forms, including trainings on topics such as transparency, civic leadership, and transitional justice. Furthermore, CCSDS works to connect grassroots peace groups and peacebuilding resources to both formal and informal peace movements. However, most work is done via informal pathways through the creation of feedback mechanisms, lobbying, and advocacy efforts.¹³⁴

CCSDS trainings typically take place outside of Syria for security purposes.¹³⁵ Upon returning to Syria, each participant commits to establishing a peace circle in her local community, which means identifying eight to ten women in their local area who are "likely to have an interest in advocacy related to peacebuilding and/or women's inclusion in the political transition."¹³⁶ Once the women are identified, those trained individuals lead workshops with their peace circles and introduce techniques on "how to

¹³² SYRIAN WOMEN'S INITIATIVE FOR PEACE & DEMOCRACY (SWIPD), www.swipad.org/our_initiative (last visited Sept. 23, 2015) ("We are Syrian women of diverse backgrounds and positions, and we represent a broad range of women's and civil society organizations. We have come together to prepare this set of demands and priorities based on our first-hand experience of the suffering of the Syrian people, which has become intolerable. We share the hopes of the Syrian people that the Geneva II conference will be a serious step towards ending the violence and bloodshed in Syria. We believe that the Geneva I Communiqué provides a foundation to end all forms of tyranny and to initiate the transition to a civil, democratic, pluralistic, and united states.").

¹³³ Interview with Altalli, *supra* note 111.

¹³⁴ *Id.* ("CCSDS' Women for the Future of Syria program, in which women civil society activists build their leadership skills through trainings and networking. Syrian women are empowered through training, consultation and mentoring to take leadership roles as grassroots civil society leaders in their communities, participating in public life actively.").

¹³⁵ *Id.*

¹³⁶ *Id.*

develop an effective advocacy strategy—replicating sessions of the trainings they participated in earlier.”¹³⁷ The peace circles then identify a priority issue and create a strategy for advocacy, working to advance these objectives and change the situation around them with an eye towards peace and conflict resolution.¹³⁸

From July to September 2013, Inclusive Society and CCSDS surveyed 110 women activists “living and working inside Syria to document their views on international efforts to broker peace and the perceived barriers to women’s full and meaningful participation.”¹³⁹ Ninety-one percent responded that civil society should be included in the efforts to end the conflict and negotiate a political transition and, furthermore, ninety-three percent of respondents stated that women should be included in these efforts.¹⁴⁰ Notably, it is important to have the “right women [and] not *just* women in order to say there are Syrian women in negotiations,” as one respondent aptly pointed out.¹⁴¹ Women have played a crucial role in the revolution, in humanitarian efforts, attempting to build peace and democracy, and, perhaps most importantly, “[w]omen have been ‘standing side by side’ with men and are ‘the most damaged’ by the violence.”¹⁴²

Unfortunately, these very same respondents have pointed out that often they are not given access to information about the international efforts to bring peace and democracy to Syria.¹⁴³ Most only hear about these efforts through the state-run media, international media, or announcements made by the opposition forces. Any news that women do hear often contains either contradictory or conflicting information.¹⁴⁴ Only five percent of the respondents have actually engaged with international actors and even their

¹³⁷ *Id.*

¹³⁸ *Id.*

¹³⁹ KRISTEN WILLIAMS, INST. FOR INCLUSIVE SEC. & CTR. FOR CIVIL SOC’Y & DEMOCRACY IN SYRIA, PERSPECTIVES ON THE PEACE PROCESS: A SURVEY OF SYRIAN WOMEN I (2014), http://www.inclusivesecurity.org/wp-content/uploads/2014/02/SyrianMemoFinal_Web.pdf [hereinafter PERSPECTIVES ON THE PEACE PROCESS].

¹⁴⁰ *Id.* at 2.

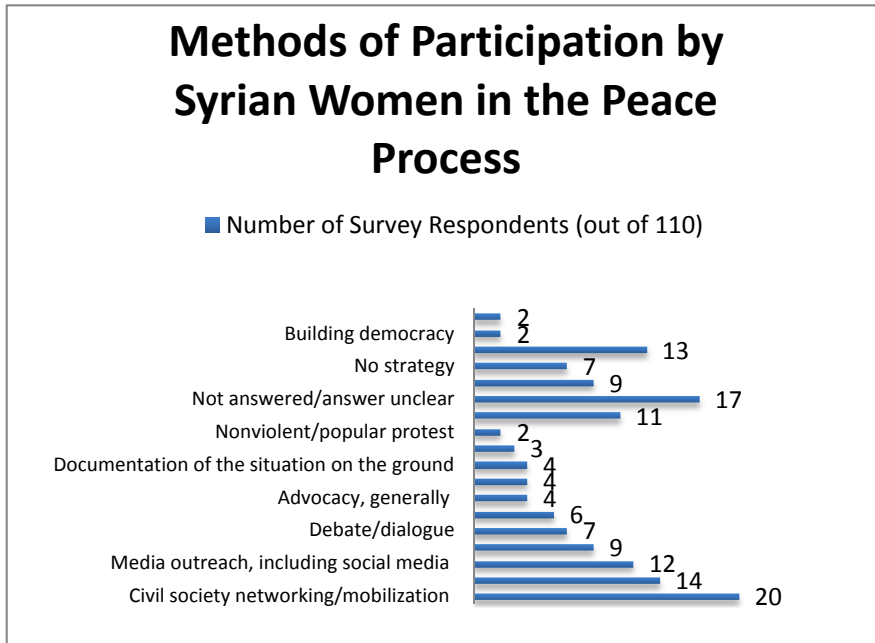
¹⁴¹ *Id.* (emphasis added).

¹⁴² *Id.*

¹⁴³ *Id.* at 4 (“Of 110 women surveyed, only 37 said that they have suitable access to information about international-level efforts to end the war and transition to a democratic state in Syria (including the upcoming Geneva II talks). Another 19 women responded with qualified answers that indicate they have partial access to information.”).

¹⁴⁴ *Id.* at 4.

responses revealed that barriers exist in delivering reliable information, including a clear lack of strategy to debrief local activists on efforts at the international level.¹⁴⁵



What Strategies Are Women Using to Influence the Peace Process?¹⁴⁶

Despite the lack of coordination and participation of women at the international level, survey data indicates that women are involving themselves at the local level in Syria. The majority of those surveyed are active in mobilizing civil society actors, working in advocacy efforts with parties to the conflict, striving to create peace and security in their local area, and using social media and other media outlets to drive awareness. Although women at the outset of the Arab Spring were involved primarily in nonviolent protests, the lack of participation or use of this method to promote peace is quite telling.

¹⁴⁵ *Id.* at 4–5.

¹⁴⁶ Data from the figure were taken from the report PERSPECTIVES ON THE PEACE PROCESS, *supra* note 139, at 6.

As violence has escalated on both sides of the conflict, the use of such protests has decreased due to the increase in security concerns.¹⁴⁷

Although any transitional justice measures in Syria remain impossible due to the continuation of hostilities, CCSDS has prepared volunteers to foster transitional justice awareness in Syria by training people and facilitating the discussion about this subject.¹⁴⁸ In addition, CCSDS conducted a study on the application of transitional justice mechanisms, including criminal trials, truth commissions, reparations and institutional reformations in Syria.¹⁴⁹ This study discussed issues such as how the oil revenues are to be employed and distributed as well as whether the new Syria should be secular or religious.¹⁵⁰ Furthermore, CCSDS contends that transitional justice has expanded beyond the traditional definition of merely prosecution of those who violate human rights and humanitarian law. In fact, CCSDS' interpretation includes working on permanent peace in conflict-ridden societies and to resolve the divisions that exist that could prevent reconciliation and peace maintenance.¹⁵¹ In Syria, a broad range of human rights violations has been committed, both by regime supporters and opposition militants. The documentation of these violations is a pivotal part of transitional justice, both to acknowledge the loss and trauma suffered by victims, as well as to facilitate the criminal prosecution of those responsible. These will all be valuable mechanisms to be implemented once the violence has ceased and Syria is ready to rebuild itself with the participation of all sectors of the society.

¹⁴⁷ Joseph Daher, *Razan Zaitouneh and Her Comrades: Spirit of the Syrian Revolution Kidnapped*, OPEN DEMOCRACY (May 29, 2014), <https://www.opendemocracy.net/arab-awakening/joseph-daher/razan-zaitouneh-and-her-comrades-spirit-of-syrian-revolution-kidnapped> (noting that four human rights lawyers/activists have been missing since December 2013 after receiving threats for documenting human rights violations.); Liz Sly, *Peaceful Protest Leader in Syria Disappears; Islamist Rebels Suspected of Role*, WASH. POST (Dec. 10, 2013), http://www.washingtonpost.com/world/middle_east/peaceful-protest-leader-in-syria-disappears-islamist-rebels-suspected-of-role/2013/12/10/8d1e3364-61d0-11e3-a7b4-4a75ebc432ab_story.html (“Scores of the activists who helped shape the initial uprising against President Bashar al-Assad’s rule have been detained by extremists in rebel-held areas in recent months, exposing the gulf that has emerged between those advocating democratic reforms and the Islamist radicals who have eclipsed them. Most have disappeared in the north of the country, where the al-Qaeda-affiliated Islamic State of Iraq and Syria (ISIS) has gained ascendancy over more moderate rebel units.”).

¹⁴⁸ *The Shallow and Deep Ends of Transnational Justice*, SYRIA JUST. & ACCOUNTABILITY CTR. (July 30, 2013), <http://syriaaccountability.org/updates/2013/07/30/the-shallow-and-deep-ends-of-transitional-justice/>.

¹⁴⁹ TRANSITIONAL JUSTICE IN SYRIA, *supra* note 56, at 11.

¹⁵⁰ *Id.* at 12.

¹⁵¹ *Id.* at 7.

In another study by the CCSDS, a survey about transitional justice was conducted with 1,000 participants, where the majority were from al Hasaka, Aleppo, and Idlib.¹⁵² The responses of the women and men do not significantly differ in the survey, except those concerning three issues. Regarding the willingness to grant conditional amnesty for perpetrators in Syria, women are more inclined to grant amnesty than men.¹⁵³ A similar difference is also apparent “regarding the recognition of all who died in the revolution as martyrs, and when considering the importance of establishing truth commissions in Syria.”¹⁵⁴ These differences reflect the importance of including women in the reconciliation process “because it suggest[s] an inclusive way of thinking, [with] an emphasis on the societal perspectives of transitional justice”; it also “prioritize[s] the importance of the bottom-up strategy in the method.”¹⁵⁵

As discussed, a woman’s role in Syria has increased dramatically with the Arab Spring, yet is still restricted when it comes to actively participating in the key decision making processes that determine the future of their country.¹⁵⁶ By relying on best practices learned from the successful participation of women in peace processes during other conflicts, participation of Syrian women in the peace process can be pushed even further.

III. COMPARATIVE HISTORICAL PERSPECTIVE

To better enable women to actively participate in peace processes, a comparative analysis of similar participation in other conflicts was conducted. In doing so, a clearer picture developed of the successful ways in which women can participate in the peace process in a meaningful and beneficial way. From this comparative overview, best practices emerged that should be implemented to further engage Syrian women in building peace in Syria.

¹⁵² *Id.* at 33, 40.

¹⁵³ *Id.* at 35.

¹⁵⁴ *Id.*

¹⁵⁵ *Id.* at 36.

¹⁵⁶ Carol Giacomo, *supra* note 87; Dulcie Leimbach, *supra* note 110. *See supra* Part II.B.

A. *Women in Nagaland—Active Roles in Maintaining Peace*

In India, the participation of women, generally, in the political process is quite low.¹⁵⁷ Nagaland, a state in the northeastern part of India, has endured a protracted conflict since the 1950s.¹⁵⁸ In Nagaland, the ratio of women to men in governmental positions is one of the worst in India.¹⁵⁹ However, despite this marginalization in politics, women have found ways to challenge the system and participate actively in peace movements.¹⁶⁰

The Naga Mother's Association (NMA) in Kohima allows any adult Naga woman to join, even if the woman is single and is not a mother.¹⁶¹ The term "mother" evokes a certain respect in Nagaland and in many other cultures.¹⁶² Using this term actually enabled the Naga women to be effective in the peace process.¹⁶³ The NMA works towards peace via education promotion and development.¹⁶⁴ In October 1994, the Peace Team, who took on the anthem "Shed No More Blood," spoke out against killings by both state (i.e., the army)

¹⁵⁷ See APOORVA RATHOD, WOMEN'S POLITICAL PARTICIPATION AND REPRESENTATION IN INDIA, DELHI POL'Y GRP. 1 (Apr. 2014), http://www.delhipolicygroup.com/uploads/publication_file/1066_Women_in_Politics_final.pdf.

¹⁵⁸ M. Amarjeet Singh, *The Naga Conflict*, NAT'L INST. ADVANCED STUDIES, <http://www.nias.res.in/docs/B7-Naga.pdf> (last visited Sept. 23, 2015).

¹⁵⁹ Paula Banerjee, *The Space Between: Women's Negotiations with Democracy*, in WOMEN IN PEACE POLITICS 201, 206 (Paula Banerjee ed., 2008).

¹⁶⁰ *Id.* at 207.

¹⁶¹ *Id.*

¹⁶² Rukmini Shrinivasan, *TOI Social Impact Awards: Lifetime Contribution—Naga Mothers Association*, TIMES INDIA (Jan. 10, 2013, 7:21 AM), <http://timesofindia.indiatimes.com/india/TOI-Social-Impact-Awards-Lifetime-contribution-Naga-Mothers-Association/articleshow/17963150.cms>.

¹⁶³ See SANAM NARAGHI ANDERLINI, WOMEN BUILDING PEACE: WHAT THEY DO, WHY IT MATTERS, 66–67 (2007) [hereinafter WOMEN BUILDING PEACE]; ANNAN, *supra* note 22, ¶ 170 ("Assumptions about the role of women in society and conflict may also create opportunities for women and adolescent girls in peace processes. For example, women from the Democratic Republic of the Congo, Kenya, Liberia, Rwanda, Somalia, South Africa, Sri Lanka and the Sudan have drawn upon their moral authority as mothers, wives or daughters to call for an end to armed conflict. Women have organized as mothers, either to learn the fate of their children who have disappeared or to prevent their children from being conscripted or deployed to particular conflicts. Such groups include the Mothers and Grandmothers of the Plaza de Mayo in Argentina, the Mutual Support Group in Guatemala, the Group of Relatives of the Detained and Disappeared in Chile, the Association of Women of Srebrenica and the Committee of Russian Soldiers' Mothers in Chechnya."); KAUFMAN & WILLIAMS, *supra* note 44, at 30 ("[C]ases show that conflict and crisis do provide opportunities for women to move from the private to public sphere through their participation in women's movements. As scholars have noted, many women participate in such movements by stressing their roles as wives and mothers.")

¹⁶⁴ RITA MANCHANDA, WOMEN WAGING PEACE POLICY COMM'N, NAGA WOMEN MAKING A DIFFERENCE: PEACE BUILDING IN NORTHEASTERN INDIA 13 (Sanam Naraghi Anderlini ed., 2005).

and non-state actors (i.e., militant groups) in the conflict in an effort to encourage an end to the violence.¹⁶⁵ Interestingly, the NMA was the only women's group to participate in ceasefire negotiations in 1997.¹⁶⁶ The NMA, along with the Naga Women's Union of Manipur (NWUM), have negotiated informally with both sides to protect their communities, mobilize for reconciliation, sustain the ceasefire, broaden the official talks to include other actors, and "forge a more inclusive process."¹⁶⁷ In fact, many of the leaders of the armed groups recognize the importance of women when looking for stabilization in the region.¹⁶⁸

Their work continues today as, in 2010, the NMA helped ease tensions after two young Nagas were shot and killed by the army at Mao town near the Manipur border.¹⁶⁹ As a result of their work to build and maintain peace in the region, the NMA were awarded the 2013 Times of India Social Impact Award for lifetime contribution.¹⁷⁰

The Watsu Mongdung have also emerged from the conflict in Nagaland as being instrumental in changing the conflict landscape.¹⁷¹ After a brutal attack involving indiscriminate rape and arson by the Assam Rifles in Mokokchung in 1994, the Naga Human Rights Commission entrusted Watsu Mongdung to investigate the incident and litigate on behalf of victims.¹⁷² This group has also led protests against the violence, going so far as to literally place themselves in considerable danger to protect the civilian population.¹⁷³ Similarly, the Tangkhul Shanao Long (TSL) interceded on behalf of over forty civilians and negotiated their release from detention by the army.¹⁷⁴

¹⁶⁵ Banerjee, *supra* note 159, at 207.

¹⁶⁶ *Id.* at 208.

¹⁶⁷ MANCHANDA, *supra* note 164, at 14.

¹⁶⁸ *Id.*

¹⁶⁹ Shrinivasan, *supra* note 162.

¹⁷⁰ *Id.* ("Naga women from different tribes joined hands to fight social evils and went on to emerge as peace agents in the Indian state of Nagaland, that has been on the edge for decades. For their exemplary work, the Naga Mothers Association was jointly awarded the Times of India Social Impact Award for life contribution for 2013.").

¹⁷¹ Banerjee, *supra* note 159, at 208–09.

¹⁷² *Id.*

¹⁷³ *Id.* at 209 ("Once, during a combing operation in Mokokchung, when the army wanted to separate the men and women, they refused to be separated since they feared that the army would kill the men. Ultimately, the army had to interrogate both men and women together and then released most of them.").

¹⁷⁴ *Id.*

Through the work of women's groups such as the NMA, Watsu Mongdung and the TSL, women are able to contribute to the establishment and maintenance of peace and stability in Nagaland. Although they do not have a seat in the government for the decision making process, it is clear that women can and do participate in the peace process via Track Two processes and "have created a niche for themselves in the public sphere."¹⁷⁵

B. Women Working Towards Peace in Africa

In May 1999, the Pan-African Women's Conference on a Culture of Peace was held in Tanzania.¹⁷⁶ It was organized by the United Nations Educational, Scientific, and Cultural Organization (UNESCO), in cooperation with the Tanzanian government, the Organization for African Unity, and the African Women's Committee for Peace and Development.¹⁷⁷ The purpose of the conference was to support African women in their fight for peace and security within their state and region.¹⁷⁸ With this in mind, the conference sought to solve such issues from a bottom-up solution and focus on grassroots level organizing.¹⁷⁹ Additionally, the Conference provided a forum for women to network and learn best practices from one another so that they all could make significant impacts on the decision-making processes in Africa.¹⁸⁰ The participants passed the Zanzibar Declaration, which succinctly summarizes the outcome of the conference and displays their desire to be included in the peace processes happening in Africa.¹⁸¹

Although there are several instances of women participating in the peacebuilding process in Africa, including Sierra Leone and Guinea,¹⁸² this section will focus on the experiences in Rwanda and Liberia, as they represent

¹⁷⁵ *Id.*

¹⁷⁶ Ingeborg Breines, UNESCO, *Introduction to WOMEN ORGANIZE FOR PEACE AND NON-VIOLENCE IN AFRICA 3* (2000), <http://unesdoc.unesco.org/images/0012/001211/121137Eo.pdf>.

¹⁷⁷ *Id.*

¹⁷⁸ *Id.*

¹⁷⁹ *See id.*

¹⁸⁰ *Id.* There were over 300 female ministers, parliamentarians, researchers, educators, journalists, bureaucrats, and peace activists in attendance from some forty-nine African states along with ten non-African observer states. *Id.*

¹⁸¹ *See generally* UNESCO, ZANZIBAR DECLARATION, *in* WOMEN ORGANIZE FOR PEACE AND NON-VIOLENCE IN AFRICA (May 20, 1999), <http://unesdoc.unesco.org/images/0012/001211/121137Eo.pdf>.

¹⁸² ANDERLINI, *supra* note 163, at 70.

some women's peace movements that span from the lowest, grassroots movements to the larger, international community.

1. The Rwandan Experience

The post-genocide government of Rwanda is an example of the effective use of innovative mechanisms to include women in political positions at all levels.

The genocide in Rwanda ended in 1994 when the Rwandan Patriotic Front (RPF) secured a military victory.¹⁸³ At that time, women and girls constituted seventy percent of the surviving population.¹⁸⁴ In an effort to rebuild the country, the RPF-led Rwandan government took an unprecedented step to increase the participation of women and young people in governance.¹⁸⁵ The post-conflict transitional government instituted a system of triple balloting for local elections, which allowed women and youth to be placed on separate ballots from the mainstream candidates.¹⁸⁶ This system guaranteed that women would constitute at least twenty percent of district-level leadership.¹⁸⁷ Another example is the existence of the Women's Council, which is a ten member grassroots structure operating parallel to the general local councils representing women's concerns and advocating for their causes.¹⁸⁸

Rwanda is an interesting case study since it challenges the myth that the "inclusion of women is solely a 'Western' value imposed upon developing countries."¹⁸⁹ This governmental initiative of including women without any pressure imposed by any external international organization is one of the factors that makes Rwanda an example to be followed.

Within the RPF, women held key positions and were then appointed to more strategic posts within Rwanda's transitional government and, perhaps most significantly, their presence has contributed to progressive gender

¹⁸³ ELIZABETH POWLEY, WOMEN WAGING PEACE POLICY COMM'N, STRENGTHENING GOVERNANCE: THE ROLE OF WOMEN IN RWANDA'S TRANSITION 5 (Sanam Naraghi Anderlini ed., Oct. 2003), http://www.inclusivesecurity.org/wp-content/uploads/2012/08/10_strengthening_governance_the_role_of_women_in_rwanda_s_transition.pdf.

¹⁸⁴ *Id.*

¹⁸⁵ *Id.*

¹⁸⁶ ANDERLINI, *supra* note 163, at 121.

¹⁸⁷ POWLEY, *supra* note 183, at 21.

¹⁸⁸ *Id.*

¹⁸⁹ *Id.* at 6.

policies within the administration.¹⁹⁰ The opportunity that the post-genocide Rwandan government allowed women to continue to be engaged in politics and encouraged their engagement in the post-conflict governance was influenced by “the experiences of Uganda and South Africa, where women had gained significant presence in political circles.”¹⁹¹ Interestingly, women’s general lack of involvement in the Rwandan genocide also allowed for a space for women in the post-conflict governance since “the public at large trusted them more than men in positions of leadership and . . . [women] had proven to be more effective at reconciliation.”¹⁹²

Rwanda’s commitment to the inclusion of women is evident throughout the government.¹⁹³ At the level of national political leadership, the Rwandan government has made women visible with high-level appointments. Within the executive power it established the Ministry of Gender and Women in Development (MIGEPROFE), an institution responsible for coordinating the government’s efforts and the pertinent issues involving women.¹⁹⁴ One of its roles is to provide training on important gender considerations to both men and women and training on empowerment of women by teaching and encouraging financial independence.¹⁹⁵

Within the legislative branch, women parliamentarians, in addition to the functions shared by their male counterparts, have formed a caucus known as the Forum of Women Parliamentarians.¹⁹⁶ The members of the Forum work together across party lines to review existing laws, introduce amendments to discriminatory statutes, examine proposed laws with an eye towards gender sensitivity, and conduct meetings and trainings with women’s groups to sensitize and advise the population about legal issues related to women.¹⁹⁷

In May 2003, Rwanda adopted a new constitution, which was done after extensive internal consultation with members of the Constitutional

¹⁹⁰ *Id.* at 5.

¹⁹¹ ANDERLINI, *supra* note 163, at 127.

¹⁹² *Id.*; *see generally* POWLEY, *supra* note 183.

¹⁹³ *The Role of Women on the Path for Peace*, WOMEN FOR WOMEN INT’L (May 23, 2014), <http://www.womenforwomen.org/blog/role-women-path-peace-0> (“Today, women make up nearly 2 out of every 3 parliamentarians—the highest rate in the world.”).

¹⁹⁴ POWLEY, *supra* note 183, at 18.

¹⁹⁵ *Id.*

¹⁹⁶ *Id.* at 27.

¹⁹⁷ *Id.*

Commission.¹⁹⁸ Women from all social, economic, and ethnic backgrounds participated in this national forum,¹⁹⁹ introducing issues ranging from inheritance law, women's educational opportunities and other relevant women's issues.²⁰⁰ As members of the Constitutional Commission, they were instrumental in shaping a gender-sensitive and inclusive document.²⁰¹

Constitution-making is one of the key elements of post-conflict peacebuilding, since it is "an opportunity to create a common vision of the future of a state and a road map on how to get there."²⁰² In order to be effective, the constitution-making process must be inclusive. The participatory process in Rwanda seems to have empowered the people.²⁰³ Therefore, the use of more participatory and inclusive processes broadens the constitutional agenda and prevents the process from degenerating into a mere division of spoils between powerful players.²⁰⁴ On the Track Two level, after the genocide, "women's NGOs stepped in to fill the vacuum, providing a variety of services to the population," making significant contributions through their governance in civil society.²⁰⁵ Women came together on a multiethnic basis to reconstitute the umbrella organization Pro-Femmes/Twese Hamwe in 1992, which coordinated the activities of thirteen women NGOs and in 2003 coordinated more than forty such organizations.²⁰⁶

Women are an important symbol of moderation and reconciliation in Rwanda. The genocide created a shift in gender roles as most men had either

¹⁹⁸ *Id.* at 28.

¹⁹⁹ ANDERLINI, *supra* note 163, at 136 ("In addition to parliamentarians and other national-level leaders, there were women farmers and 'representatives of special interest groups, such as blind women, there on behalf of the physically handicapped, and students, including young women.'").

²⁰⁰ POWLEY, *supra* note 183, at 26.

²⁰¹ *Id.*; ANDERLINI, *supra* note 163, at 136–37 ("The women introduced issue statements pertaining to women's rights to inheritance and education, the inclusion of CEDAW [Convention on the Elimination of Discrimination Against Women] in national law, and the establishment of a 30 percent quota for women in parliament.").

²⁰² Kirsti Samuels, *Post-Conflict Peace-Building and Constitution-Making*, 6 CHI. J. INT'L L. 663, 663–64 (2006).

²⁰³ *Id.* at 668–69 ("A study of cases in Kenya, Guatemala, and Colombia shows that representative and inclusive constitution building processes resulted in constitutions favoring free and fair elections, greater political equality, more social justice provisions, human rights protections, and stronger accountability mechanisms. In contrast, processes dominated by one interest or faction tended to result in constitutions favoring that interest or entrenching power in the hands of certain groups.").

²⁰⁴ *See id.* at 670.

²⁰⁵ POWLEY, *supra* note 183, at 30.

²⁰⁶ *Id.*

been killed or fled the country. Due to this shift in roles, women have been key actors in the Rwandan reconciliation process, especially at the community level.²⁰⁷ After the genocide, an additional problem revealed itself. There were more than 100,000 prisoners being held in overcrowded Rwandan jails.²⁰⁸ To deal with this problem, Rwanda revived a traditional conflict resolution mechanism—the *Gacaca* court system—in 2001.²⁰⁹ The *Gacaca* courts are based on a traditional system of sentence reduction in return for confession and public expression of remorse and forgiveness.²¹⁰

The *Gacaca* court process was one of the most influential tools for women's empowerment and the reshaping of gender roles in Rwanda. For the first time, Rwandan women were allowed to participate in these traditional courts, either as victims, witnesses, or judges.²¹¹ For this reason, Rwanda is a success story in terms of female inclusion in governance, justice and peacebuilding. During this time, the first female Chief Justice, Aloysie Cyanzayire, was at the helm of the Supreme Court leadership and many credit the success of the *Gacaca* courts to her tremendous effort.²¹²

2. *Learning from Liberia*

Liberia suffered a continuum of violence for more than a decade.²¹³ From 1989-1997, during the first phase of the civil war, the country's socio-economic conditions were virtually destroyed.²¹⁴ Peace did not last long, as a second round of violence began in 1999 and continued until 2003.²¹⁵ During this time, there were widespread human rights abuses, rape was rampant, and it was estimated that by 2003 more than 150,000 had been killed and 1.5 million

²⁰⁷ Interview with Abdu Mubangizi, Attorney-at-Law in Rwanda (Aug. 18, 2014) (on file with authors).

²⁰⁸ POWLEY, *supra* note 183, at 25.

²⁰⁹ *Id.*

²¹⁰ See LUCH HUYSE ET AL., INT'L INST. FOR DEMOCRACY AND ELECTORAL ASSISTANCE, TRADITIONAL JUSTICE AND RECONCILIATION AFTER VIOLENT CONFLICT: LEARNING FROM AFRICAN EXPERIENCES 38-39 (Luc Huyse & Mark Salter eds., 2008), http://www.idea.int/publications/traditional_justice/upload/Traditional_Justice_and_Reconciliation_after_Violent_Conflict.pdf.

²¹¹ POWLEY, *supra* note 183, at 25-26.

²¹² Interview with Mubangizi, *supra* note 207.

²¹³ Erica K. Sewell, *Women Building Peace: The Liberian Women's Peace Movement*, 5 CRITICAL HALF 14, 15 (2007).

²¹⁴ *Id.*

²¹⁵ *Id.*

displaced.²¹⁶ One million of these displaced persons were women and girls, many of whom were victims of rape and the resulting unwanted pregnancy.²¹⁷

The Liberian Women's Initiative (LWI) was founded February 4, 1994 and was the main front for women's advocacy and political activities.²¹⁸ The LWI made certain that key international actors knew of their situation within Liberia, including Economic Community of West African States leaders, U.S. agencies, U.N. agencies, and the U.S. Embassy in Liberia.²¹⁹ Interestingly, the women in Liberia did not wait to be included in the peace process. They simply showed up, uninvited, with every intention of advocating for their cause—peace.²²⁰ Mary Brownell, founder and former National Chairperson of LWI and former President of the Women Development Association of Liberia (WODAL) stated, “[w]omen attended all of the peace conferences [and] were never invited but [instead] made [their] way there. They [men] would say, ‘You are here again?’ [and she] would say ‘[a]nywhere you men go I will follow you until you decide to put the guns down and stop fighting.’”²²¹ Because women felt as if their voices weren't being heard properly, they decided to travel to Abuja and speak before the Organization of African Unity.²²² It was important for women to tell their own stories, of how women and children were being raped and killed during the conflict, since no one else was concerned with this aspect of the conflict.²²³

²¹⁶ Joshua Hammer, *Healing Powers: Africa's New Female Leaders*, NEWSWEEK (Apr. 3, 2006, 10:04 PM), <http://truth-out.org/archive/component/k2/item/61677:healing-powers-africas-new-female-leaders>.

²¹⁷ ANNAN, *supra* note 22, ¶ 95.

²¹⁸ Sewell, *supra* note 213, at 16 (“Before LWI, women were engaged in relief efforts, advocacy and other organizations—such as the Association of Women in Action, Abused Women and Girls Project, Women's Development Association, and the Rural Women's Association—but LWI became the front for women's advocacy and political activities.”).

²¹⁹ *Id.* at 17.

²²⁰ *Id.* at 16 (“The women did not wait to be invited to the peace conferences. They went because they knew that their children's lives, their husbands' lives, their country, and all of these things were at stake so they went. They could have sat back and waited for an invitation but they went uninvited instead. And they went paying their own fares, driving their own cars, or paying for their own gasoline or diesel. They went on their own.”).

²²¹ *Id.* at 17.

²²² *Id.*

²²³ *Id.* (“During the war people were not concerned about what was happening with the most vulnerable people, the women and the children. Nobody cared about it. Nobody talked about it until the Liberian women decided that we were going to Abuja to talk to the Organization of African Unity to tell them that they should do something to help and bring these warlords to town because it was the women and children who were dying. It was not the everyday fighting, the war and all that stuff. The women and children were being raped; they were dying from starvation, from diseases, and dying from every other thing you could ever think of. But

In 2000, after the second outbreak of violence, LWI, along with Femmes Afrique Solidarité, established the Mano River Women's Peace Network (MARWOPNET).²²⁴ This network connected women from Liberia, Guinea, and Sierra Leone and made connections with key decision makers, those at the grassroots level, and lobbied the international community.²²⁵ Similar to the Naga women, Liberian women acted as peace brokers and approached both sides of the conflict.²²⁶ Women would also organize sit-ins, mass prayer sessions, and peaceful protests, the latter of which had been banned by the government.²²⁷

At the Accra peace talks, women were again not invited.²²⁸ Again, they came anyway.²²⁹ Women played a critical role in these peace talks since, “[w]hen the parties refused to sign the cease-fire agreement, the women sat in front of the door and would not let them leave. Everybody was locked in and that eventually led to the signing of the agreement.”²³⁰ In a complete reversal from their bargaining position in the 1996 peace talks, MARWOPNET was a signatory to the Liberian peace accords in 2004.²³¹ As a result of their efforts, MARWOPNET was awarded the 2003 U.N. Prize in Human Rights.²³² This achievement, along with the peace agreement itself, cemented their role as peace builders in Liberia.²³³

yet nobody was concerned about that. Everybody was only concerned about the guns and the fire. Stop the fighting, stop the shooting, but we have concerns, we the women. We went to Abuja and it was unprecedented for a group or individual to go when they are not on the calendar for that event and address the event but Theresa Leigh-Sherman [MARWOPNET president] addressed the Organization of African Unity and for the first time they heard what was really happening.”).

²²⁴ ANDERLINI, *supra* note 163, at 70.

²²⁵ *Id.*

²²⁶ Sewell, *supra* note 213, at 17 (“In April of 2003 [the women] marched from the city hall to the executive mansion and went with a drafted statement. [President Charles] Taylor said that he was not prepared to see the women. After a week of sitting and praying (both Muslim and Christian women), Taylor agreed to meet. When the women finally met with President Taylor they encouraged him to go to the peace talks in Accra, Ghana and agree to the ceasefire. Then the women spoke with other parties involved, such as the warlords, to encourage them also to attend the peace talks.”).

²²⁷ *Id.*

²²⁸ *Id.* at 18.

²²⁹ *Id.*

²³⁰ *Id.*

²³¹ *Id.*

²³² *Id.*

²³³ *Id.*

C. Women's Participation in Latin America

In Latin America, women have been able to actively participate in various peace negotiations in the 1990s and 2000s. For example, in El Salvador, twelve percent of the signatories and thirteen percent of the negotiating teams for the 1996 Chapultepec Agreement were women.²³⁴ Similarly, eleven percent of the signatories and ten percent of the negotiating teams for the 1996 Agreement on a Firm and Lasting Peace in Guatemala were women.²³⁵ As advocacy for women's inclusion has improved post-U.N. SCR 1325 in 2000, so has the percentage of female participants in peace negotiations. Most recently, thirty-three percent of the signatories to the 2009 Intra-State Agreement in Honduras (*Diálogo Guaymuras Acuerdo Tegucigalpa/San José para la reconciliación nacional y el fortalecimiento de la democracia en Honduras*) were women.²³⁶

Interestingly, only two women were included in the negotiating teams of the Guatemalan National Revolutionary Unit and the Government of Guatemala.²³⁷ Women participated via the women's sector within the Assembly of Civil Society, which had regular communication with all peace talk participants.²³⁸ The inclusion of gender equality provisions in the final peace agreement,²³⁹ despite the low percentage of representation at the peace negotiations, is attributable to the ability to exchange information between

²³⁴ See *infra* Table 1; U.N. WOMEN, WOMEN'S PARTICIPATION IN PEACE NEGOTIATIONS: CONNECTIONS BETWEEN PRESENCE AND INFLUENCE 11 (2012) [hereinafter WOMEN'S PARTICIPATION IN PEACE NEGOTIATIONS], <http://reliefweb.int/sites/reliefweb.int/files/resources/03AWomenPeaceNeg.pdf>. ("In El Salvador in the early 1990s, women were present at nearly all post-accord technical tables that worked out the implementation details of the agreement; this made an important difference in enabling them to refine technical details to facilitate implementation of their priorities.")

²³⁵ See *infra* Table 1.

²³⁶ *Id.*

²³⁷ WOMEN'S PARTICIPATION IN PEACE NEGOTIATIONS, *supra* note 234 at 2.

²³⁸ *Id.* at 11.

²³⁹ ANNAN, *supra* note 22, ¶ 199 ("The participation of women in the Guatemalan process, for example, resulted in specific commitments to women, such as access to housing, credit, land and other productive resources; the obligation of the Government to implement a national health programme for women and girls; commitments to reunite families and locate children and orphans; a review of the national legislation with the purpose of eradicating all forms of discrimination against women, and penalizing sexual harassment; a guarantee of the participation of women at all decision-making in local, regional and national bodies, on equal terms with men; and the creation of the National Women's Forum and the Office for the Defense of Indigenous Women, in order to promote women's participation and rights."); see also NGO Working Group on Women, Peace & Security, Arria Formula Meeting of the U.N. Security Council, Statement on the Role of Women in Achieving and Maintaining International Security (Oct. 23, 2000), http://womenpeacesecurity.org/media/pdf-Statement_Arria_Formula_Meeting_2000.pdf.

women's groups and the formal peace negotiators.²⁴⁰ The Guatemalan peace was substantial and long-lasting, which is, again, attributable to the inclusiveness of the peace process.²⁴¹

Women's participation was further supported in Guatemala by the mediator of the negotiations, U.N. Special Representative of the Secretary-General for Guatemala, Jean Arnault, and the Group of Friends, who sponsored the peace talks.²⁴² This enabled participants to review and comment on the drafting process of the peace agreement itself. Women were able to include their agenda items and recommendations in the formal peace discussions because of the structure of the peace talks themselves.²⁴³ There was someone officially designated with ensuring that their recommendations were put on the agenda in formal peace discussions.²⁴⁴

As previously mentioned, one of the values of having women involved in the peace process is that gender issues are added into the peace agreement. However, the presence of women in negotiations does not guarantee that such issues will be taken into account in the final document. In fact, the Farabundo Marti National Liberation's (FMLN) negotiating team was comprised of thirty percent women and the final peace agreement actually contained gender-based discrimination in its provisions, including "barring women to varying degrees from reconstruction programmes."²⁴⁵

²⁴⁰ WOMEN'S PARTICIPATION IN PEACE NEGOTIATIONS, *supra* note 234, at 8 ("The example of Luz Méndez, delegate for the Guatemalan National Revolutionary Unity party (URNG) during the Guatemalan peace talks in the mid-1990s, shows how a delegate can negotiate not only on behalf of her own party, but on behalf of all women. Influenced by her strong ties to civil society and the Fourth World Conference on Women in Beijing in 1995, Méndez made significant strides for the women of her country by advancing a number of gender equality concerns and ensuring that they were addressed in the agreements.")

²⁴¹ ANDERLINI, *supra* note 163, at 87 ("Guatemala didn't return to all out warfare. That is in part a testament to the extended and inclusive process, which gave civil society representatives and their constituencies a sense of ownership . . . the peace accords themselves are not simply a reminder of where they were but a road map of where they want to be, a joint vision and blueprint for the society that came from a cross section of Guatemalan society.")

²⁴² WOMEN'S PARTICIPATION IN PEACE NEGOTIATIONS, *supra* note 234, at 2; *see also* Michelle Page et al., INST. FOR INCLUSIVE SECURITY, STRATEGIES FOR POLICYMAKERS NO. 2, BRINGING WOMEN INTO PEACE NEGOTIATIONS 7 (Oct. 2009), http://www.inclusivesecurity.org/wp-content/uploads/2013/05/Negotiations_FINAL.pdf.

²⁴³ *See* WOMEN'S PARTICIPATION IN PEACE NEGOTIATIONS, *supra* note 234, at 24.

²⁴⁴ *Id.*

²⁴⁵ ANNAN, *supra* note 22, ¶ 200; *see also* Emma Näslund, *Looking at Peace Through Women's Eyes: Gender-Based Discrimination in the Salvadoran Peace Process*, 10 J. PUB. & INT'L AFF. 16, 30 (1999).

D. Successful Participation by Women in the Philippines

Perhaps one of the greatest triumphs post-U.N. SCR 1325 is the inclusion of women in the peace process in the Philippines. During the peace negotiations in the 2007 Communiqué on the Tripartite Meeting between the Government of the Philippines (GRP), Moro National Liberation Front (MNLF) and Organization of the Islamic Conference (OIC), there were no female participants.²⁴⁶ In an effort to better implement U.N. SCR 1325 and increase the status of women generally in the Philippines, the Magna Carta of Women was passed into domestic law in 2009, which aimed at protecting and promoting women's rights.²⁴⁷ Additionally, the National Action Plan on Women, Peace and Security was instituted in 2010.²⁴⁸ Part of its main goals included strengthening women's leadership for conflict prevention and peacebuilding, women's capacity building in peacebuilding and reconstruction, and promoting awareness that women's viewpoints are crucial in order to achieve and maintain peace.²⁴⁹ This comprehensive Action Plan was, in part, responsible for the growth in the participation rate in the 2011 peace talks. Thirty-three percent of the Oslo Joint Statement's signatories and thirty-five percent of the negotiating team were women.²⁵⁰

In the 2012 negotiations, which resulted in the Framework Agreement on the Bangsamoro, women had a strong presence. Out of the five members of the formal peace negotiation team for the government, two of them were women.²⁵¹ Additionally, this was the first time that a woman, Professor Miriam Coronel-Ferrer, was appointed to chair the government's peace negotiations.²⁵²

²⁴⁶ See *infra* Table 1.

²⁴⁷ THE PHILIPPINE NATIONAL ACTION PLAN ON UNSCRS 1325 & 1820: 2010-2016, at 2 (Mar. 18, 2009), http://www.peacewomen.org/assets/file/NationalActionPlans/philippines_nap.pdf [hereinafter PHILIPPINE NATIONAL ACTION PLAN].

²⁴⁸ *Id.* at 7; GLOBAL NETWORK FOR WOMEN PEACEBUILDERS, SECURITY COUNCIL RESOLUTION 1325: CIVIL SOCIETY MONITORING REPORT 2013, at 211 (Oct. 2013), http://issuu.com/suba_gnwp/docs/women_count_civil_society_monitorin/3?e=8954983/7339869 [hereinafter *Women Count*].

²⁴⁹ PHILIPPINE NATIONAL ACTION PLAN, *supra* note 247, at 5.

²⁵⁰ See *infra* Table 1; see also WOMEN'S PARTICIPATION IN PEACE NEGOTIATIONS, *supra* note 234, at 7 (“[T]he negotiations between the Government of the Philippines (GPH) and the National Democratic Front of the Philippines (NDFP) leading to the 2011 Oslo Joint Statement presents the highest percentage of female delegates, with the 42-member delegations comprising 15 women. This is a powerful illustration of the difference that can be made by women in positions of leadership, combined with longstanding advocacy on women, peace and security by the national women's movement.”).

²⁵¹ *Women Count*, *supra* note 248, at 213 tbl.2.1.

²⁵² *Id.* at 214.

Nine out of thirteen members in the Secretariat were women and six out of ten members in the legal team were women.²⁵³ Conversely, there were no women representing the Moro Islamic Liberation Front (MILF) in the formal peace team, but four out of twelve members on the Bangsamoro Transition Commission were women.²⁵⁴ Due to their strong presence in October 2012, key gender issues were addressed and, particularly, included in Section VI on Basic Rights.²⁵⁵ This Section secured the “rights of women to ‘meaningful political participation and protection from all forms of violence.’”²⁵⁶

It is clear that with the support of the Filipino government, women have been able to contribute in a meaningful way to the peace process in their country. Because of the support of the government itself, women have found their way into Track One processes, negotiations that very few women have the opportunity to participate in. The implementation of the National Action Plan on Women, Peace, and Security taken in support of U.N. SCR 1325 should be a model that Syria could follow. It remains to be seen how successful such an initiative would be since the Syrian government itself is not stable.

As demonstrated, in several countries women have been the protagonists of Track Two processes. Despite the ongoing hostilities, women in Syria are risking their lives to participate in these activities. This participation however, needs to be more meaningful and complete, including participation in peace talks, elections, mediation and conflict resolution.

IV. SHIFTING BACK TOWARDS INCLUSION IN SYRIA

Continuous support is needed to actively involve women in the peace process in Syria. Without local and international support, Syrian women will never be able to fully participate in the peace negotiations.²⁵⁷ For example, Frans Timmermans, Minister of Foreign Affairs of the Netherlands, was one of

²⁵³ *Id.* at 213 tbl.2.1.

²⁵⁴ *Id.*

²⁵⁵ *Id.* at 214.

²⁵⁶ *Id.*

²⁵⁷ ANNAN, *supra* note 22, ¶ 194 (“[W]omen and adolescent girls who have traditionally been excluded from decision-making and peace processes can become more actively involved if they receive support from local and international actors.”).

the key organizers of the Geneva conference in January 2014.²⁵⁸ He and many others understand the necessity of including women in formal peace processes and that continuing to advocate this position will eventually result in their inclusion.²⁵⁹ In Guatemala, for example, women and a female perspective were included as a direct result of someone pushing for their involvement in the peace process.²⁶⁰

Although only two women were included in the negotiating teams of the Guatemalan National Revolutionary Unit and the Government of Guatemala, women participated via the women's sector within the Assembly of Civil Society, which had regular communication with all peace talk participants.²⁶¹ The inclusion of gender equality provisions in the final peace agreement,²⁶² despite the low percentage of representation at the peace negotiations, is attributable to the ability to exchange information between women's groups and the formal peace negotiators²⁶³ as well as the support by the mediator of the negotiations, U.N. Special Representative of the Secretary-General for Guatemala, Jean Arnault, and the Group of Friends, who sponsored the peace talks.²⁶⁴ This enabled participants to review and comment on the drafting process of the peace agreement itself.²⁶⁵ Frans Timmermans and other like-minded individuals need to be encouraged and supported in their efforts so that eventually, women in Syria can fully participate in the peacebuilding process.

²⁵⁸ Press Release: Conference of Syrian Women, *supra* note 113 (“Women have a crucial role in implementing a future peace agreement. That is why their voice matters.”).

²⁵⁹ *See id.*

²⁶⁰ WOMEN'S PARTICIPATION IN PEACE NEGOTIATIONS, *supra* note 234, at 2.

²⁶¹ *Id.* at 11.

²⁶² ANNAN, *supra* note 22, ¶ 199 (“The participation of women in the Guatemalan process, for example, resulted in specific commitments to women, such as access to housing, credit, land and other productive resources; the obligation of the Government to implement a national health programme for women and girls; commitments to reunite families and locate children and orphans; a review of the national legislation with the purpose of eradicating all forms of discrimination against women, and penalizing sexual harassment; a guarantee of the participation of women at all decision-making in local, regional and national bodies, on equal terms with men; and the creation of the National Women's Forum and the Office for the Defense of Indigenous Women, in order to promote women's participation and rights.”).

²⁶³ WOMEN'S PARTICIPATION IN PEACE NEGOTIATIONS, *supra* note 234, at 8 (“The example of Luz Méndez, delegate for the Guatemalan National Revolutionary Unity party (URNG) during the Guatemala peace talks in the mid-1990s, shows how a delegate can negotiate not only on behalf of her own party, but on behalf of all women. Influenced by her strong ties to civil society and the Fourth World Conference on Women in Beijing in 1995, Méndez made significant strides for the women of her country by advancing a number of gender equality concerns and ensuring that they were addressed in the agreements.”).

²⁶⁴ *Id.* at 2; *see also* Page et al., *supra* note 242, at 5–8.

²⁶⁵ WOMEN'S PARTICIPATION IN PEACE NEGOTIATIONS, *supra* note 234, at 11.

Furthermore, women must be nurtured, encouraged, and provided with the right tools, as seen in Rwanda. The success of the incorporation of women in the reconciliation process there demonstrates just how essential women are to the peacebuilding process. By guaranteeing that women would make up at least twenty percent of district level leadership through a triple balloting system, women's voices were heard in a new forum in Rwanda. Consequently, a more gendered perspective has taken root, which will ensure that women in the future are heard. When peace is negotiated in Syria, it will be important for women to have an opportunity to progress in a new, modern Syrian society and become involved in the local decision making process.

Syrian women should learn from Liberian women and not give up even if they continue to be excluded from formal discussions. Syrian women have been telling their stories to human rights organizations since the outbreak of the conflict,²⁶⁶ yet this should only be the beginning. The fact that the Vice-President of the Syrian opposition National Coalition, Suhair Atassi, became the first Arab woman to head a session at an Arab League summit in 2013 should only be the starting point.²⁶⁷ More women should be encouraged to attend any future formal peace negotiations, regardless of whether or not they are invited to participate.

Syrian women themselves have recognized that the local level is an area that will lead to their inclusion.²⁶⁸ For example, the work that CCSDS is doing with the Women for the Future of Syria program in training and empowering women to take on leadership roles in their own communities is vital to the inclusion of women in the Syrian peace process. Programs such as this must be funded so that they can continue to build and support grassroots efforts for peace. If history is any indication of the eventual success that women can have as peace-builders in their own country, the participation of Syrian women now could affect their status in post-war Syria and perhaps lead to their inclusion within the future governmental structure, just as in Rwanda and Liberia.

By appointing more women at the U.N. level as either Special Representatives, Special Envoys or regional directors in peace missions, this

²⁶⁶ See, e.g., WE ARE STILL HERE, *supra* note 70.

²⁶⁷ Syria's Attasi, *First Arab Woman to Head Arab League Session*, AL ARABIYA (Mar. 27, 2013), <http://english.alarabiya.net/en/perspective/profiles/2013/03/27/Suhair-Atassi-.html>.

²⁶⁸ OUTCOME DOCUMENT, *supra* note 115, at 4, ¶ 8 ("Build the capacity of Syrian women activists and civil society organizations in the areas of negotiation and peacebuilding skills.")

will help facilitate networking and advocating with and for Syrian women and women's groups. The appointment of women to these U.N. posts would enable further discussions on the ground with women who would otherwise not have a voice.²⁶⁹ This would increase women's involvement in formal processes as well, since the female representatives could convey the views of Syrian women at a higher level in the international community.

The Syrian government must comply with CEDAW and increase the participation of women in government positions, including both in the Syrian Parliament and in local administrative councils. Women must be given outlets for participation in all aspects of political and public societal life. Laws that discriminate against women must be replaced in order to guarantee women full and meaningful participation in society. The Syrian government can learn from the Philippines in this regard and implement a National Action Plan on Women, Peace and Security.

According to Rafif Jouejati, the Director of the Foundation to Restore Equality and Education in Syria (FREE-Syria), women see their involvement in the peace process as the only way to stop the violence, despite the fact that it could take years to reach that point. "We are lawyers, engineers and professors; we are housewives, nurses and other medical professionals; we are 50 percent of society and we are determined to stop the war . . . [i]f Geneva II fails, then we will keep going to make Geneva III, IV or V work. We will keep pushing the men who are making war until they make peace."²⁷⁰ The women of Syria will not stop advocating for peace and the international community should not stop advocating for them and their inclusion.

²⁶⁹ ANNAN, *supra* note 22, ¶ 185.

²⁷⁰ Benjamin, *supra* note 131.

ANNEX

Table 1: Women's Participation in Thirty-One Peace Processes (1992-2011)²⁷¹

State/Peace Agreement	Signatories	Lead Mediators	Witnesses	Negotiating Team
El Salvador (1992) – Chapultepec Agreement	12%	0%	—	13%
Croatia (1995) – The Erdut Agreement	0%	0%	0%	11%
Bosnia (1995) – The Dayton Accords	0%	0%	0%	0%
Guatemala (1996) – Agreement on a Firm and Lasting Peace	11%	0%	—	10%
Northern Ireland (1998) – Good Friday Agreement	10%	0%	—	10%
Kosovo (1999) – Interim agreement for Peace and Self-Government in Kosovo (The Rambouillet Accords)	0%	0%	0%	3%
Sierra Leone (1999) – The Lomé Peace Agreement	0%	0%	20%	0%
Burundi (2000) – Arusha Peace and Reconciliation Agreement for Burundi	0%	0%	—	2%
Papua New Guinea (2001) – Accord Papua New Guinea	7%	0%	—	4%
Macedonia (2001) – The Ohrid Peace Agreement	0%	0%	0%	5%
Afghanistan (2001) – Agreement on Provisional	9%	0%	—	9%

²⁷¹ This table was taken from the report WOMEN'S PARTICIPATION IN PEACE NEGOTIATIONS, *supra* note 234, at 4–5 tbl.1.

Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions				
Somalia (2002) – Declaration on Cessation of Hostilities and the Structures and Principles. Principles of the Somalia National Reconciliation Process	0%	0%	0%	—
Cote d’Ivoire (2003) – Linas-Marcoussis Peace Accords	0%	0%	0%	—
DRC (2003) – The Sun City Agreement (“The Final Act”)	5%	0%	0%	12%
Liberia (2003) – Peace Agreement between the Government of Liberia, the Liberians United for Reconciliation and Democracy, the Movement for Democracy in Liberia and the political parties	0%	0%	17%	—
Sudan (2005) – The comprehensive peace agreement between the Government of the Republic of Sudan and the Sudan People’s Liberation Movement/ Sudan People’s Liberation Army	0%	0%	9%	—
Darfur (2006) – Darfur Peace Agreement	0%	0%	7%	8%

Nepal (2006) – Comprehensive Peace Agreement between the Government of Nepal and the Communist Party of Nepal (Maoist)	0%	—	0%	0%
The Philippines (2007) – Communique on the Tripartite Meeting between the GRP, MNLF and OIC	0%	0%	—	—
DRC (2008) – Goma – North Kivu – Acte D’Engagement (1)	5%	20%	0%	—
DRC (2008) – Goma – South Kivu – Acte D’Engagement (2)	0%	20%	0%	—
Uganda (2008) – Juba Peace Agreement	0%	0%	20%	9%
Kenya (2008) – Agreement on the Principles of Partnership of the Coalition Government	0%	33%	0%	25%
Central African Republic (2008) – Accord de Paix Global	0%	0%	0%	—
Zimbabwe (2008) – Agreement between the Zimbabwe African National Union-Patriotic Front (ZANU-PF) and the two Movement for Democratic Change (MDC) formations, on resolving the challenges facing Zimbabwe	0%	0%	0%	—

Somalia (2008) – Agreement between the Transitional Federal Government of Somalia (TFG) and the Alliance for the Re-Liberation of Somalia (ARS) (The Djibouti Agreement)	0%	0%	10%	—
Honduras (2009) – Diálogo Guaymuras Acuerdo Tegucigalpa/San José para la reconciliación nacional y el fortalecimiento de la democracia en Honduras - Intra-State Agreement	33%	0%	—	—
Iraq (2010) – Erbil Agreement	0%	0%	0%	—
Philippines (2011) – Oslo Joint Statement	33%	0%	0%	35%
Central African Republic (2011) – Accord de cessez-le-feu entre l'UFDR et le CPJP	0%	0%	0%	—
Yemen (2011) – Agreement on the implementation mechanism for the transition process in Yemen in accordance with the initiative of the Gulf Cooperation Council (GCC)	0%	0%	—	—