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INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES

**MEDIATING THE KENYA POST-ELECTION VIOLENCE: A CRITICAL
ANALYSIS OF THE ROLE OF WOMEN**

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DECLARATION

This research project is my original work and has not been presented for a degree in any other university.

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DEDICATION

I dedicate this research project to my dear mother and loving husband who have stood by me since the beginning of my studies to date.

ACKNOWLEDGEMENT

I thank God almighty for giving me the courage and strength to start and finish this course. To my supervisor, Dr. Rosemary Anyona, thank you for your time, guidance and encouragement that enabled me to complete this research project. Special mention goes to my family for the support you accorded me throughout the period of my studies.

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ABBREVIATIONS

KPTJ	The Kenyans for Peace, Truth, and Justice
ICW	International Congress of Women
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
WIPNET	Women in Peace Network
DDR	Disarmament, Demobilization and Reintegration
AU	African Union
MARWOPNET	Mano River Women’s Peace Network
KNDR	The Kenya National Dialogue and Reconciliation
ODM	Orange Democratic Movement
PNU	Party of National Unity
ECOWAS	Economic Community of West African States
UN	United Nations
PEV	Post Election Violence

ABSTRACT

In Kenya, the phenomenon of ethnic-related conflicts seem to be frequent. As such, women leaders have a call to understand mediation as an approach to building peace and fostering reconciliation in the society. Women's mediatory roles, though at the informal levels have played a critical role as blueprints for negotiations. This results from the competence of women in handling rebel factions and other parties in conflict. This has in most cases set the pace for formal negotiations recognized by regional and international organizations such as ECOWAS and the United Nations. In recent times, the emerging roles of women at the national and global levels have widened the scope of the participation they assume in mediation teams. Existing studies into peace building and reconciliation have shown how ineffective methodology can precipitate occurrence and resurgence of ethnic conflicts. Further ineffective methods of peace building and reconciliation may result from exclusion of people's lifestyles and worldviews such as, rituals and customs and lack of complementarities. This study seeks to evaluate the actual role played by women in mediating the post-election conflict in Kenya in 2007-2008; assess the challenges faced by women in mediation during the PEV in Kenya and establish how the views of women can be rigorously integrated in negotiation and peace processes. The study was guided by the feminist perspective of international relations which entailed mutual combination of factors used by women, political actors and civil society in dealing with the conflict cycle from the structural causes of the struggle to its resolution and the assurance of a peaceful living together. Data for this study was obtained from primary and secondary sources. The sample size for the study will be 50 prominent personalities who were involved in the mediation process following the Kenyan post-election violence. The data was obtained by conducting a field research, using questionnaires, interviews and Focus Group Discussions. Guided by the objectives and premises of the study, the data was analysed and arranged according to the major themes highlighting the role played by women in mediation. The findings of the study will provide evidence for effective use of the abilities held by women in achieving peace in future conflicts. The findings will provide a critical model of how women can be able to work against many odds in major conflicts to ensure that peace is achieved. The study also found out that complementary approach to peace building and reconciliation is inevitable for long lasting peace. In a multi-ethnic society, all actors should ensure they use a comprehensive approach that appreciates the diversity of cultural world views. After the interpretation and discussion of the data, conclusions were drawn and recommendations for further research given.

CHAPTER ONE

INTRODUCTION TO THE STUDY

1.1 Background

Conventional approaches to mediation, where agreements between the parties in conflict are hammered out, are becoming increasingly ineffective in resolving the violence taking place in the 21st century.¹ There is a notable decrease in interstate conflict, with more and more conflicts taking place internally. Historically, international efforts to mediate in conflicts are argued to fail, given the fact that between a quarter and a half of war, where agreements are signed and violent conflict recurs within five years.²

About 90% of civil wars occur in nations that are already vulnerable to conflict.³ For instance, in Kenya, there have been unresolved conflicts since the colonial period and the situation has been getting worse overtime following the five year electoral cycles of 1992/1997/2002, all which culminated to the Post-Election Violence (PEV) in 2007-2008. These conflicts have been due to many reasons including: political repression on multiparty participation, impunity, ethnicity and polarization, the erosion of exiting mechanisms for conflict management, long-standing land and identity disputes, administrative and boundary units related to resources and ineffective mechanisms for political and social dialogue.⁴

It is evident that there is need for innovative ways of mediating to achieve lasting solutions to conflicts. Different studies suggest that the problem might be the reality that one potential source of new perspectives as well as alternative approaches has remained untapped: women.⁵ Women play an important role in mediation processes, as activists and advocates for peace, as mediators, trauma healing counsellors and policymakers,

¹ Schuler, John. "A Post-Election Perspective: whither Information Policy? Part Two." *Journal Of Academic Librarianship* 31, no. 1 (January 2005): 63-66

² Juma, Monica Kathina. "African mediation of the Kenyan post-2007 election crisis." *Journal Of Contemporary African Studies* 27, no. 3 (July 2009): 407-430

³ Webber, Katherine, and Helen Johnson. "Women, Peace Building and Political Inclusion: A Case Study from Solomon Islands." *Hecate* 34, no. 2 (November 2008): 83-99

⁴ UWIANO Platform For Peace (2012a): Experiences and Lessons Learned, Nairobi
UWIANO Platform For Peace (2012b): UWIANO Strategic Leadership and Peace Agenda for 2012 and beyond, Nairobi

⁵ Webber, Katherine, and Helen Johnson. "Women, Peace Building and Political Inclusion: A Case Study from Solomon Islands." *Hecate* 34, no. 2 (November 2008): 83-99.

women work to ‘transform relationships’ and address the root cause of violence. This is made possible because of socialization processes and the historical experience of unequal relations and values that women bring to the process of mediation and peace building.⁶

The Kenya National Dialogue and Reconciliation was officially launched on 29th January 2008. The objectives of the mediation were twofold: to bring about a political resolution in order to end the violence; and a dialogue to address the longer-term structural problems in Kenya that had facilitated violence and laid the basis for the reforms that were needed to effect sustainable peace in the country.⁷ In the highly politically charged and violent atmosphere, the involvement of women in the Kenyan mediation process took many different forms.⁸

Women were engaged as members of the panel, as evidenced in the case of Graca Machel, and Martha Karua who served in the capacities of senior advisors to the mediator and in mediation support roles; they were also members of political delegations.⁹ While the formal process was taking shape, women were mobilizing different parties in a range of ways at the local and national level. At the grassroots level, women held discussions that revolved around ending the violence that had affected the country in immense and diverse ways.¹⁰ Various women’s groups collaborated with Kenyan women at the grassroots level to share experiences of conflict. The women groups became the voice of reason especially in communities that had been violently hit by the conflict.¹¹ The Kenyans for Peace, Truth, and Justice (KPTJ) met every day to discuss how to deal with the crisis. The Kenya Women’s Consultative Group also held a one-day meeting with more than fifty women to discuss how women could pressure the two principals to meet

⁶ Kagwanja, Peter, and Roger Southall. "Introduction: Kenya - A democracy in retreat?." *Journal Of Contemporary African Studies* 27, no. 3 (July 2009): 259-277

⁷ Anderlini, et al (2009). *Peace Negotiations and Agreements*. Washington, D.C.: Institute for Inclusive Security, 2009

⁸ Juma, Monica Kathina. "African mediation of the Kenyan post-2007 election crisis." *Journal Of Contemporary African Studies* 27, no. 3 (July 2009): 407-430

⁹ Webber, Katherine, and Helen Johnson. "Women, Peace Building and Political Inclusion: A Case Study from Solomon Islands." *Hecate* 34, no. 2 (November 2008): 83

¹⁰ Webber, Katherine, and Helen Johnson. "Women, Peace Building and Political Inclusion: A Case Study from Solomon Islands." *Hecate* 34, no. 2 (November 2008): 83-99.

¹¹ Meredith P. M, et al (2011), *Beyond the Numbers: Women’s Participation in the Kenya National Dialogue and Reconciliation*. 114, rue de Lausanne ch-1202 Geneva Switzerland pp. 16-22

and end the electoral conflict.¹² However, while there are major examples of women who have taken part in community-based negotiation and peace building, the actual engagement of women in peace processes remains limited. Despite the passage of UN Security Council Resolution 1325 (SCR 1325) on Women, Peace and Security a decade ago, not enough progress has been made to increase women's participation in conflict prevention, peace processes and post-conflict recovery. Women signatories to peace agreements account for less than 2.4% in 21 peace processes reviewed since 1992, and the United Nations was adamant to appoint a woman as a lead mediator.¹³ However, this situation changed after 2000 when the United Nations endorsed the participation of women in conflict resolution.

1.2 Statement of the Research Problem

Women have traditionally played a critical role in peace processes, as victims, perpetrators, survivors, activists, combatants, and advocates. Nonetheless the role they play in conflicts is not highlighted and so is their long involvement in the process of mediation and peace processes. There are sparse statistics on the impact of involvement of women in mediation, though quite a number of them are globally recognized for their effective role as negotiators or advocates. Regardless of the role women play as negotiators and advocates in conflicts and peace processes, they remain underrepresented in formal decision-making and implementation of the decisions made.

A study carried out by UNIFEM revealed that women are the least represented group in official peace processes as delegates, signatories to peace agreements, witnesses, mediators or mediation team members, and members of technical committees.¹⁴ In part, this is the reason that approaches and perspectives of women in high-level mediation remains inadequately understood. Conventionally, women are involved as civil society representatives with status of observers; in this case they are hardly ever consulted on

¹² Juma, Monica Kathina. "African mediation of the Kenyan post-2007 election crisis." *Journal Of Contemporary African Studies* 27, no. 3 (July 2009): 407-430

¹³ UNIFEM, *Women's Participation in Peace Negotiations: Connections between Presence and Influence*, (New York, UNIFEM, 2009).

¹⁴ UNIFEM, 2010. *Women's Participation in Peace Negotiations: Connections between Presence and Influence*. New York: UNIFEM.

decisions. Additionally their needs and perspectives are hardly integrated in any formal way.¹⁵

Interest in the role of women in mediation has been overwhelming, but knowledge of its magnitude, determinants, and consequences remains inadequate, leading not only to undervaluation of figures in the bilateral, multilateral and national accounts, but also inhibiting formulation of appropriate policies and strategies to exploit womens potential impact, particularly on internal and external conflict resolution. This study focuses on understanding the relationship between women identity and mediation by establishing the influence of identity and participation of women in peace achievement in conflict situations. The role of women in mediating peace deals and in conflict resolution remains in dire need of a recommendation on what should be done in order to formulate an effective approach to conflict resolution. There is little scholarly literature regarding the question of female participation in structured mediation processes, this forms the basis of this study.

1.3 Objectives of the Study

The general objective of this study is to establish the role played by women in mediation during the Kenyan post-election violence. The specific objectives of the study are:

- i. To evaluate the role women played in meditating the PEV conflict in Kenya.
- ii. To establish the challenges and inefficiency that characterised the efforts of women in mediating the PEV conflict in Kenya.
- iii. To assess the influence of institutional frameworks and policies in supporting women's roles in formal conflict mediation and peace processes.

1.4 Literature Review

Conflicts are inevitable in human societies because societies have variations in interests. As such, human beings are essentially egoistic, that is, they toil and struggle to quench their ends.¹⁶ When consensus and mutuality lack, human beings and other

¹⁵ Webber, Katherine, and Helen Johnson. "Women, Peace Building and Political Inclusion: A Case Study from Solomon Islands." *Hecate* 34, no. 2 (November 2008): 83-99.

¹⁶ Juma, Monica Kathina. "African mediation of the Kenyan post-2007 election crisis." *Journal Of Contemporary African Studies* 27, no. 3 (July 2009): 407-430

animals tend to fight over the available chances and resources, this eventually could lead to conflict which usually turns violent as the case in Kenya in 1992, 1997 and 2007. This section will address the historical perspective of women in mediation; the role of women in mediation; stages of mediation and the challenges of women participation in mediation processes.

1.4.1 Women in Mediation: Historical Perspective

Conflict is an inevitable component of human activity,¹⁷ and it has become important for the society to develop diverse means of dealing with it via formal procedures such as mediation. Mediation is an initiative that involves use of a third party to help parties in conflict to come to an amicable solution to their conflict. It is an important aspect of conflict resolution which ought to be all inclusive; it is a facilitative kind of conflict resolution that emphasizes on the parties' interests, aiming at reaching a mutual agreement while at the same time promoting the principles of party autonomy and confidentiality in decision-making.¹⁸ Bercovitch identifies three factors that contribute to effective mediation. First, parties must be motivated to settle their conflict and be seriously committed to mediation. Secondly, the conflict circumstances must be ripe for intervention.

The existence of a hurting stalemate such as a military setback, a change in power relations, or failure to impose a unilateral outcome, remains the best benchmark in conflict for deciding when to initiate mediation.¹⁹ The parties must have already tried and failed to negotiate on their own. Thirdly, an appropriate mediator must be available. Bercovitch notes that there is a wide agreement among scholars and practitioners that

¹⁷ Sheryl D. Brahn et al., *A Gender-Based Categorization for Conflict Resolution*, 24 J. MGMT. DEV. 197, 204 (2005).

¹⁸ Svensson, Isak, and Mathilda Lindgren. "Peace from the Inside: Exploring the Role of the Insider-Partial Mediator." *International Interactions* 39, no. 5 (November 2013): 698-722.

¹⁹ Jacob Bercovitch, "Mediation in International Conflict: An Overview of Theory, A Review of Practice" *Peacemaking in International Conflict: Methods and Techniques*, eds. I. William Zartman and J. Lewis Rasmussen, Washington DC: United States Institute of Peace Press, 1997, pp. 125-154.

appropriate mediators should possess intelligence, tact, skills in drafting formal proposals in addition to specific knowledge of the conflict at hand.²⁰

Bercovitch considers methods and standards for evaluating international mediation efforts. Since mediation may pursue many different goals, different sets of criteria will be needed. Subjective criteria assesses party satisfaction, perception of fairness, and the quality of the parties' relationship. Objective criteria focuses on such elements as reduction in violent behaviour, reaching an agreement, and the breadth and endurance of settlements. Both sorts of criteria are important. General assessments must be sensitive to the goals of the mediation and to the complex nature and context of the conflict.

Women's mediatory roles, though at the informal levels have played a critical role as blueprints for negotiations. This has in most cases set the pace for formal negotiations recognized by regional and international organizations such as ECOWAS and the United Nations. More and more, the emerging roles of women at the national and global levels have widened the scope of the participation they assume in mediation teams.²¹ This led to the ICW (International Congress of Women) drafting an action plan for the establishment of a non-partisan global organization that would be responsible for mediating conflicts between nations.²² To pursue this goal, the Congress sent 30 delegates to attend the initial peace mission led by women to share their deliberations with Heads of States in Europe. Jane Adams, the ICW president, called upon the United States President Woodrow Wilson to listen to some of the 'fourteen points' that he would present at the Versailles talks that led to the end of the War.²³

Moving forward, groups of women did not stop their involvement in conflict resolution, though the First World War had come to an end. The United Nations gave women space after it was established following the Second World War in 1945. This meant that women continued to be viewed as important forces in negotiating for peace.

²⁰ Jacob Bercovitch, "Mediation in International Conflict: An Overview of Theory, A Review of Practice" Peacemaking in International Conflict: Methods and Techniques, eds. I. William Zartman and J. Lewis Rasmussen, Washington DC: United States Institute of Peace Press, 1997, pp. 125-154.

²¹ Schuler, John. "A Post-Election Perspective: whither Information Policy? Part Two." *Journal Of Academic Librarianship* 31, no. 1 (January 2005): 63-66

²² Juma, Monica Kathina. "African mediation of the Kenyan post-2007 election crisis." *Journal Of Contemporary African Studies* 27, no. 3 (July 2009): 407-430

²³ Ibid

The 'Commission on the Status of Women' was created in 1945 with the mandate of spearheading elimination of all kinds of discrimination – sex, race, colour, birth, language or 'other status' as well as equality promotion and to oversee the achievement of dignity of humans.²⁴

In 1975, there was creation of the first World Conference on Women, with the era from 1976 to 1985 being pronounced as the UN Decade for Women. Additionally, in 1979, there was adoption of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The mandate of the World Conference was to review and appraise the achievement of the United Nations Decade for Women: equality, development and peace were called in 1985, a notable step towards the 'birth of global feminism'. The Fourth World Conference on Women was held in Beijing in 1995. The conference resulted in the creation of a 'Beijing Platform for Action' that the UN Division for Women reviewed.²⁵

From the historical perspective, it is evident that the role of women in peace processes was only restricted to the international level. Women have also played various mediation roles in some African sub-regions. Women have mobilized families, other women and communities for peaceful resolution of conflicts. A good example is the Women in Peace Network (WIPNET) which spearheaded the Accra 2003 Comprehensive peace agreement's implementation by holding workshops and seminars aimed at explaining the clauses contained in the agreement.²⁶ The efforts played a critical role in the successful Disarmament, Demobilization and Reintegration (DDR) process. In the latter phases of the conflict, the effects of the efforts by women became evident. This was because of the mass rallies, demonstrations, and sex strikes organized by women to create awareness on the destructive character of the war.²⁷

²⁴ Tamoka, Tolulope Lewis. "Women's Leadership And Participation In Addressing Peace And Security." *Governance: A Publication Of The Institute Of Economic Affairs* 18, no. 2 (March 2012): 1-4

²⁵ Svensson, Isak, and Mathilda Lindgren. "Peace from the Inside: Exploring the Role of the Insider-Partial Mediator." *International Interactions* 39, no. 5 (November 2013): 698-722.

²⁶ Juma, Monica Kathina. "African mediation of the Kenyan post-2007 election crisis." *Journal Of Contemporary African Studies* 27, no. 3 (July 2009): 407-430

²⁷ Tamoka, Tolulope Lewis. "Women's Leadership and Participation In Addressing Peace And Security." *Governance: A Publication Of The Institute Of Economic Affairs* 18, no. 2 (March 2012): 1-4

1.4.2 Role of Women in Mediation

Inclusiveness in a peace process is critical for the achievement of a more sustainable peace. Debates relating to inclusion, in general, and on participation of women in peace processes, particularly, have evolved considerably in the last few years in the area of mediation.²⁸ Practitioners have become more conscious of the significance and benefits of inclusive mediation, and recognize that a more inclusive approach to peace processes has the possibility of achieving innovative and resilient results.

The United Nations has been in the forefront in advocating for women to be included in all peace processes. In the year 2013, the UN Secretary General appointed for the first time a woman, Mary Robinson to be UN's lead mediator. She took the role of special envoy to the Great lakes Region. Her appointment was crucial as it demonstrated recognition of women's critical role in peace processes. Mary Robinson supported women in peace making in the region at the grassroots and high levels. She was crucial in the implementation of peace, security and co-operation in the Democratic Republic of Congo.²⁹

In Guinea the Mano River Women's Peace Network (MARWOPNET) was active in enhancing peace between the warring communities, their activities extended to Liberia and Sierra Leone. The group comprises of a collection of high-level women from political networks as well as grassroots women who pioneered in ending the fighting that had consumed their countries. These women were also influential as peace actors at the grassroots in Ghana in the Nkonya / Alavanyo conflict.³⁰ The Kenya National Dialogue and Reconciliation (KNDR), under the auspices of Kofi Annan and the African Union (AU) Panel of Eminent African Personalities, sought to resolve the violent dispute over the results of the Kenyan presidential elections of December 2007. After 42 days of negotiations, Mwai Kibaki and Raila Odinga signed a power-sharing agreement, bringing

²⁸ Kwasi Tiekou, Thomas. "Perks Diplomacy: The Role of Perquisites in Mediation." *International Negotiation* 18, no. 2 (May 2013): 245-263

²⁹ Svensson, Isak, and Mathilda Lindgren. "Peace from the Inside: Exploring the Role of the Insider-Partial Mediator." *International Interactions* 39, no. 5 (November 2013): 698-722.

³⁰ Kagwanja, Peter, and Roger Southall. "Introduction: Kenya - A democracy in retreat?." *Journal Of Contemporary African Studies* 27, no. 3 (July 2009): 259-277

an end to the violence and political stalemate. The mediation process then went on to negotiate a series of agreements on the longer term issues of the root of the conflict.³¹

The representation of women within this process was high by previous standards of formal mediation processes. One in four of the members of each negotiating team (25%) were women. Graça Machel was one of the three eminent persons on the Panel, and a number of the senior advisors from the United Nations and the AU in the Panel's mediation team were women. One of the two staff seconded to support the mediation by the Centre for Humanitarian Dialogue was also a woman, as was the advisor on Transitional Justice. As such, the Kenyan mediation case represents a strong example of inclusion of women in mediation processes. However, this focuses only on the numbers, rather than how representation of women's issues played out, serving to reduce the complexities of women's representation.³²

1.4.3 Stages of Mediation process

There are a number of ways to approach conflict management and resolution, which range from the least to the most coercive. Conflicts may be avoided, talked out, negotiated, arbitrated, adjudicated, resolved by legislation, by political action, or by violent force.³³ Moore is concerned primarily with the mediated approach to conflict management. Parties who cannot negotiate together effectively may bring a mediator to facilitate the negotiation process. Mediation is defined as the intervention in a standard negotiation or conflict of an acceptable third party who has limited or no authoritative decision-making power but who assists the involved parties in voluntarily reaching a mutually acceptable settlement of issues in dispute.³⁴

Within this definition mediators may play a number of different roles, and may enter conflicts at different levels of development or intensity. Moore reviews the history

³¹ Makumi M and Okello O. (Eds), *Rethinking Global Security; An African Perspective*, (Nairobi: Heinrich Boll Foundation, 2006) pp.86-104.

³² Moore, C *The Mediation Process: Practical Strategies for Resolving Conflict*, 2nd ed., (San Francisco: Jossey-Bass Publishers, 1996).

³³ Moore, C *The Mediation Process: Practical Strategies for Resolving Conflict*, 2nd ed., (San Francisco: Jossey-Bass Publishers, 1996).

³⁴ Moore, C *The Mediation Process: Practical Strategies for Resolving Conflict*, 2nd ed., (San Francisco: Jossey-Bass Publishers, 1996).

of mediation and its contemporary practice. He describes very briefly how mediation has been practiced in various non-Western cultures.

Mediators of all types draw upon two broad classes of tactics: general tactics and contingent tactics. General tactics are kinds of interventions that mediators use in almost all conflicts. They include tactics for entering the dispute, analysing the conflict, planning the mediation, identifying parties' interests, facilitating parties' negotiations and helping them generate proposals, drafting agreements and developing implementation plans.³⁵ A key mediator activity is to identify the causes of the conflict, and to build a hypothesis as to how the conflict might be resolved. Contingent tactics are those used to handle the special problems which can arise during negotiations. Contingent tactics may be used to address such problems as value clashes, power imbalances, and destructive patterns of interaction, communication problems, strong emotions, misinformation and differing analyses.³⁶

Before negotiations begin, mediators may enter disputes at the request of the parties, or by being appointed by an authoritative third-party. The mediator has four main tasks at this stage. First, he/she must build credibility with the disputants. The parties must have confidence in the mediator, the mediator's parent organization, and in the mediation process itself. Secondly, the mediator must create a relatively close, comfortable relationship with the parties. Thirdly, the parties must be educated about the mediation process, since it is ultimately the parties themselves who must resolve their dispute. This education also helps build confidence in the mediation process. Finally, after these steps have been taken, the mediator must secure the parties' commitment to mediation.³⁷ This commitment may range from an informal oral agreement to a formal written contract, depending on the situation. Mediators may initiate contact with the parties in person or by phone or letter. Where there is some barrier in contacting parties it may be helpful to have a secondary party introduce the mediator. The timing of a mediator's entry depends upon what type of intervention they plan to make. Interventions

³⁵ Moore, C *The Mediation Process: Practical Strategies for Resolving Conflict*, 2nd ed., (San Francisco: Jossey-Bass Publishers, 1996).

³⁶ Kagwanja, Peter, and Roger Southall. "Introduction: Kenya - A democracy in retreat?." *Journal Of Contemporary African Studies* 27, no. 3 (July 2009): 259-277

³⁷ Moore, C *The Mediation Process: Practical Strategies for Resolving Conflict*, 2nd ed., (San Francisco: Jossey-Bass Publishers, 1996).

to collect data on the conflict can be undertaken any time. The proper timing of problem solving interventions is disputed. Late intervention may allow the issues to develop more fully, and the disputants to have exhausted their desire and ability to continue the conflict. Early intervention may produce more cooperative, less coercive settlements and better relationships.

In Kenya the formal structure of the mediation process was established between the political parties to the crisis, with small delegations of four members each and a liaison officer to support them. As these teams were established, Graça Machel requested that each party ensured they had a female representative as part of their delegation. Based on this request (but probably also as a result of the strong role these women played in their respective parties), the Party of National Unity (PNU) and Orange Democratic Movement (ODM) nominated Martha Karua and Sally Kosgey respectively. Both women were senior within their party structures and had been in the political forefront. At the time of the crisis, Karua held the Ministerial post of Minister of Justice and was designated the team leader for the PNU Coalition delegation.³⁸

During the mediation process, mediators generally follow a common plan for the first mediation session. The session begins with an opening statement by the mediator. The mediator's opening statement introduces the mediator and the parties, defines the mediator's role, describes the mediation procedures including mediator neutrality, confidentiality, and the use of private caucuses, describes the meeting format, and suggests behavioural guidelines for the sessions.³⁹ The mediator may then answer questions from the parties. Next, the parties make an opening statement. Parties make a variety of different kinds of opening statements. They typically focus either on substantive interests and issues, on a combination of history, needs and positions, on the need for change, or on some non-negotiable position. Occasionally they will focus on procedural concerns, or more rarely on psychological conditions.

The most critical task for disputants at this stage is to maximize accurate information exchange. Mediators facilitate this exchange by using a number of

³⁸ Centre for Humanitarian Dialogue Kenya Women at the Table Roundtable, Summary Meeting Report, p. 10.

³⁹ Moore, C *The Mediation Process: Practical Strategies for Resolving Conflict*, 2nd ed., (San Francisco: Jossey-Bass Publishers, 1996).

communication tools. These tools include active listening, paraphrasing and restatement, summarization, and probing or clarifying questions. The mediator helps the parties to expand upon their messages, to structure their thoughts, to group and order similar ideas, and to separate complex issues'.⁴⁰ A positive emotional climate contributes to efficient communication. Mediators act to maintain a positive emotional climate by controlling or diffusing negative emotions or attacks, enforcing behavioural ground rules, and keeping parties focused on the issues.⁴¹

1.4.4 The Challenges to Participation of Women in Mediation

Women have continued to be excluded from mediation and peace processes in Africa. A report from the UN Women reveals that no woman had been elected as a peace mediator in any of the conflicts that had taken place in the continent between 1992 and early 2000.⁴² This is evidence that Representation of women in formal negotiations seems too critical to achieving sustainable peace agreements. It is however important to note that women possess enormous wealth of knowledge and have different perspectives obtained through major efforts in various peace processes at the grassroots. It is necessary that these perspectives and needs of women are represented during negotiations. Civil society organizations, international legal instruments and national governments have made major efforts to engage women in formal negotiations, but effective results have not been achieved.⁴³

Meaningful contribution of women in peace processes- as mediators, negotiators, independent civil society, official observers and technical experts has remained low.⁴⁴ Those who hold power seek control over the entire peace process; controlling the power dynamics, resources and discourses. These power holders are not prepared to address the security issue, something that women would be very willing to do, because they are the

⁴⁰ Moore, C *The Mediation Process: Practical Strategies for Resolving Conflict*, 2nd ed., (San Francisco: Jossey-Bass Publishers, 1996).

⁴¹ Al Qurtuby, SumantO. "RELIGIOUS WOMEN FOR PEACE AND RECONCILIATION IN CONTEMPORARY INDONESIA." *International Journal On World Peace* 31, no. 1 (March 2014): 27-58

⁴² Juma, Monica Kathina. "African mediation of the Kenyan post-2007 election crisis." *Journal Of Contemporary African Studies* 27, no. 3 (July 2009): 407-430

⁴³ Kameri, Mbote, "Gender, Conflict and Regional Security" in Makumi Mwangi (Ed.) *African Regional Security in the Age of Globalization* (Nairobi: Heinrich Boll Foundation, 2004) pp.83-94

⁴⁴ *Ibid*

most affected by conflicts. Studies provide some evidence that this is because of the challenges women face in African peace mediation.⁴⁵ They are not given the chance to provide their views and perspectives in peace processes. A lot needs to be done in confronting the challenges which prevent effective participation of women at the negotiating table. As such, they are not seen as being capable of taking such powerful positions as lead negotiators, let alone taking place in such within the context of patriarchy.

Gender bias is common in most African nations. This is the reality that women have to face on a day to day basis. Women working as mediators have their gender influencing the role they play at the mediation table. A mediator's gender is used to influence the views of the disputing parties in a conflict.⁴⁶ An analysis of existing studies reveal that, in general, male mediators are perceived to be more powerful and effective compared to their female counterparts. The complexity of transition from conflict to post-conflict situations and to lasting peace and sustainable development has made the situation worse for women. Thus, women are hindered from taking the active role in transforming their situations and communities by securing active participation.⁴⁷

1.5 Justification of the Study

The role of women as actors in bilateral or multilateral mediation processes and the interplay between their effectiveness in mediation are gaps identified in existing literatures as such topical issues have not been analysed by scholars and experts in international relations and conflict management. Despite literature from the past studies which examine the role of various state and non-state actors in mediation processes, this study makes use of the Kenyan 2008 post-election violence to evaluate the role women played in mediating the electoral conflict; establish the challenges and inefficiency that characterised the efforts of women in mediating the PEV; and assess the influence of institutional frameworks and policies in supporting women's roles in formal conflict

⁴⁵ Al Qurtuby, SumantO. "Religious Women For Peace And Reconciliation In Contemporary Indonesia." *International Journal On World Peace* 31, no. 1 (March 2014): 27-58

⁴⁶ Kagwanja, Peter, and Roger Southall. "Introduction: Kenya - A democracy in retreat?." *Journal Of Contemporary African Studies* 27, no. 3 (July 2009): 259-277

⁴⁷ Al Qurtuby, SumantO. "Religious Women For Peace And Reconciliation In Contemporary Indonesia." *International Journal On World Peace* 31, no. 1 (March 2014): 27-58

mediation and peace processes. Thus, it is necessary to highlight the role played by women in negotiations at all levels, not forgetting at the local level. It is also important to outline the efforts of women at the grassroots all the way to official negotiation processes leading to peace agreements. Thus, the findings of the study will provide evidence for effective use of the abilities held by women in achieving peace in future conflicts. The findings will provide a critical model of how women can be able to work against many odds in major conflicts to ensure that peace is achieved. The study will be relevant to policy makers as findings will assist them in designing policies aimed at involving women in mediation as well as other peace processes.

1.6 Theoretical Framework

There is no overarching theory on the role of women in mediation processes. The increasing incidences of conflict and the inclusion of women in conflict resolution approaches within the context of political globalisation has drawn attention to the use of feminist perspectives of international relations.⁴⁸

The feminist perspectives of international relations put emphasis on gender differences. Studies show that men and women differ in the goals they set before starting a mediation process. Given their task-specific emphasis, men tend to see negotiations as zero-sum, single occurrence events. They therefore set higher outcome goals than women.⁴⁹ Setting higher outcome goals generally leads to better outcomes, as the negotiator will usually make a higher opening offer, leading to an anchoring effect, and will be more persistent in the negotiation, ultimately influencing the agreement reached.⁵⁰ This means that in negotiations, which are highly distributive, gender differences in negotiated outcomes will be greater due to the competitive behaviour and higher outcome goals of men. As a result, with feminist perspectives in International relations there is no emphasis on consensus, impartiality and neutrality, but rather on communication, involvement of non-state actors in mediation, facilitation, and qualitative nature of

⁴⁸ Juma, Monica Kathina. "African mediation of the Kenyan post-2007 election crisis." *Journal Of Contemporary African Studies* 27, no. 3 (July 2009): 407-430

⁴⁹ Juma, Monica Kathina. "African mediation of the Kenyan post-2007 election crisis." *Journal Of Contemporary African Studies* 27, no. 3 (July 2009): 407-430

⁵⁰ Al Qurtuby, SumantO. "Religious Women For Peace And Reconciliation In Contemporary Indonesia." *International Journal On World Peace* 31, no. 1 (March 2014): 27-58

outcomes and issues.⁵¹ Mediation should be seen as facilitative as well as communicational. Women are initiators of change and can lead to the resolution of conflicts⁵². Understanding that gender is a social construct associated with being male or female (and defines roles of males and females in society and how the two interact), it is important to note that during and after conflict, inequalities that exist between men and women are often intensified using violence. Mediation as a form of peace making has largely been informed by the stronger position that men have in society, especially where peace and security matters are concerned.⁵³

The perspectives also evaluate the ‘who’ factor in shaping politics globally in the modern day, whether or not women are engaged in the process of making decisions and the role they can play in changing the politics of the world today. They touch on the presence of gendered perceptions in international relations, disguised by purported ‘gender neutrality’ and ‘objectivity’.⁵⁴ The objective of the proposed model of feminist perspectives in IR is two-fold: to recognize gender as it exists in international relations, and to go past gendered ideas within the political arena, nationally and internationally.⁵⁵

Feminist perspectives of international relations such as Tickner’s Gender Approach in international relations represents a compelling framework by which the concept of mediation is understood as that specific process that takes place along approaches of conflict resolution involving the participation of multiple actors on equity position.⁵⁶

A careful examination of the literature on gender, war and peace uncovers diverse voices and perspectives on these issues and a change in theoretical emphasis that

⁵¹ Jones Wynn Richard „Critical Theory and World Politics“ (Colorado: Lynne Reinner Publishers, 2001) pp.173-174

⁵² Juma, Monica Kathina. "African mediation of the Kenyan post-2007 election crisis." *Journal Of Contemporary African Studies* 27, no. 3 (July 2009): 407-430

⁵³ Kameri, Mbote, “Gender, Conflict and Regional Security” in Makumi Mwangi (Ed.) *African Regional Security in the Age of Globalization* (Nairobi: Heinrich Boll Foundation, 2004) pp.83-94.

⁵⁴ Juma, Monica Kathina. "African mediation of the Kenyan post-2007 election crisis." *Journal Of Contemporary African Studies* 27, no. 3 (July 2009): 407-430

⁵⁵ Al Qurtuby, SumantO. "Religious Women For Peace And Reconciliation In Contemporary Indonesia." *International Journal On World Peace* 31, no. 1 (March 2014): 27-58

⁵⁶ *Ibid*

occurred over time.⁵⁷ Early feminists theorizing on gender, war and peace began with the question "where are the women?" This question drew attention to the absence and subordination of women in all spheres of social and political life from the battlefields to the negotiation tables. This perspective challenged gender inequalities and outlined methods and strategies to eliminate sexist and androcentric biases, create an alternative body of literature that is women-centered and equalize the playing field for women and men in social and political life and is often referred in feminist theory as liberal feminism.⁵⁸ The tenets of feminist perspectives of international relations hold that women initiate the process of mediation from a comprehensive search of the probable cause of conflict as well from the gender facilitation perspective. This is geared towards unearthing unbiased probable cause of the conflict. Enquiry disregards ethnic, political or social affiliation because its ultimate end is to get the truth of the matter⁵⁹.

From the feminist perspective, women played a leading role towards facilitating mediation by picking submission and confession which is applicable to people within the conflict. The praxis-oriented principle on contemporary conflict resolution acknowledge that hearts and minds are as ravaged by conflict and violence, and in as much need reconstruction, just like burnt out towns or villages.⁶⁰

Very often, in conflict situations, at the negotiating tables, negotiators usually exclude women and leave war makers in charge. The war makers rarely have the requisite experience and expertise in the mediation process or its coexistence.⁶¹ Yet they are charged with the responsibility and power to bring peace. This is regardless of the fact that women have in the past proven their ability to negotiate peace processes by risking their lives in conflicts to carry out the groundwork for negotiation processes.⁶²

⁵⁷ Jones Wynn Richard „Critical Theory and World Politics“ (Colorado: Lynne Reinner Publishers, 2001) pp.173-174

⁵⁸ Juma, Monica Kathina. "African mediation of the Kenyan post-2007 election crisis." *Journal Of Contemporary African Studies* 27, no. 3 (July 2009): 407-430

⁵⁹ Ibid

⁶⁰ Juma, Monica Kathina. "African mediation of the Kenyan post-2007 election crisis." *Journal Of Contemporary African Studies* 27, no. 3 (July 2009): 407-430

⁶¹ Ibid

⁶² Jones Wynn Richard „Critical Theory and World Politics“ (Colorado: Lynne Reinner Publishers, 2001) pp.173-174

1.7 Hypotheses

The following are the hypotheses of the study.

1. Government policies on truth, peace and justice significantly influence women participation in conflict mediation processes
2. Institutional frameworks of AU, UN and civil society significantly influence the integration of women in the PEV mediation and peace processes
3. The process of mediation is affected by the political dimension of women representation undermining the outcomes of mediation in electoral conflict.

1.8 Methodology

Research methodology includes the research design, population sample, data collection procedures, data analysis procedures and measurement of variables.

1.8.1 Study Design

The study will assume a multi-method approach incorporating primary and secondary research on the role of women in mediation in Kenya.

1.8.2 Sample Size

The sample size for the study will be 50 women from the civil society, political organizations, ministry of Foreign Affairs and AU who supported the Panel of Eminent African Personalities in the mediation process following the Kenyan post-election violence.

1.8.3 Sampling

The sampling method that will be used for this study is purposive, in which case the selected participants will be only those who took part in the mediation process during the post-election violence.

1.8.4 Methods of Data Collection/ Instruments

The study will use both primary and secondary data. Interview schedules as well as a questionnaire will be used to collect data from the participants. The data collection procedure will include seeking consent from participants and filling out the questionnaires as well as conducting interviews. Primary data will be obtained by conducting a field research and using questionnaires. The interviews will be conducted using a semi-structured questionnaire (See Appendix). This method will involve the use of closed and open ended questions. The questionnaire will be divided into three sections, which will address the research objectives.

The questionnaires targeted the members of the civil society and political organisations who have extensive information on mediation and conflict management while interview schedules were for the ministry of foreign affairs officials, and AU staff.

1.8.5 Data Analysis

The qualitative data will be analysed through descriptive analysis. Critical discourse analysis is the main focus of qualitative data analysis model and it has a focus past language to greater practical conclusions from the collected data. Socially-recognisable identity is the focus of the study as well as the way different people interpret their world. Using the model, it is possible to establish how the people from the target culture translate the influence of their culture or religion to mediate conflicts. Thus, this model of discourse analysis is very appropriate in the analysis of the data collected in this study. This system helped to establish objectives in the data. The quantitative data will be analysed using statistical tools and the results further triangulated with other information derived from direct observation.

1.9 Chapter Outline

Chapter one introduces the role of the women in the mediation process in 2008-2013 Post-election violence in Kenya by first setting in broad context the statement of the research problem, literature review, justification of the study, theoretical framework, hypotheses and the methodology of the study.

Chapter two explores the role of women in mediation and peace processes. The chapter addresses issues of the definition of conflict; intractable conflict and conflict management; mediation and peace processes; role of women in mediation; challenges to inclusion; and addressing the challenges to inclusion. The chapter concludes by revealing the important role women played during the PEV in Kenya.

Chapter three is a presentation of data. It looks at the extent to which women participated in mediation in Kenya. In a case study, the chapter reviews the role of women in mediating the post-election crisis in Kenya as analysed from the interview guide, questionnaire and secondary data findings.

Chapter four is a critical evaluation of the role of women in mediation during the post-election violence in Kenya. The chapter introduces the conflict which affected Kenya and led to the 2007/8 post-election violence. It discusses the mediation process that led to the end of the violence and the particular role played by women in the peace process. It highlights the barriers to participation of women in the mediation process and some proposed ways of dealing with them.

Chapter five presents the summary, conclusions of the study, gives recommendations and provides suggestions on areas for further study.

CHAPTER TWO

ROLE OF WOMEN IN MEDIATION

2.1 Introduction

In this chapter, the role of women in mediation and peace processes is explored. The section covers; the definition of conflict; intractable conflict and conflict management; mediation and peace processes; role of women in mediation; challenges to inclusion; and addressing the challenges to inclusion. The chapter concludes by revealing the important role women played during the PEV in Kenya. In the context of international conflicts, adopting a collaborative or compromising style, rather than a competitive one, is a great advantage.

Greater collaboration produces more constructive outcomes for the disputing parties. Even a compromising behaviour may be a good thing, for example, in situations where reaching an agreement is important, but also in order to maintain a good relationship, or when preserving the relationship is more important than distributional aspect. Inclusiveness in a peace process is critical for the achievement of a more sustainable peace. Debates relating to inclusion, in general, and on participation of women in peace processes, particularly, have evolved considerably in the last few years in the area of mediation.⁶³ Practitioners have become more conscious of the significance and benefits of inclusive mediation, and recognize that a more inclusive approach to peace processes has the possibility of achieving innovative and resilient results. Inclusion suggests a critical role played by women in mediation and peace processes. Women possess enormous wealth of knowledge and have different perspectives obtained through major efforts in various peace processes at the grassroots. It is necessary that these perspectives and needs of women are represented during negotiations.

2.2 Conflict

Conflicts are inevitable in human societies. Women play various traditional roles such as caring for the wounded, performing domestic chores and non-traditional roles such as combatants, activists, perpetrators and advocates during conflict situations.

⁶³ Nnoli, O. (ed.) (1998). *Ethnic Conflict in Africa* Dakar: CODESRIA Book Series, p19

Mediation processes are perceived as a male-dominated enterprise. This is because men are often credited with competencies and tendencies that qualify them for such roles while women are virtually perceived as the only vulnerable group in war situations.⁶⁴ The responsibilities of participation in peace processes may be tough for both men and women but cannot be used as a pretext for excluding capable women.

Human beings are essentially egoistic, that is, they toil and struggle to quench their ends⁶⁵. When consensus and mutuality lack, human beings and other animals tend to fight over the available chances and resources, this eventually could lead to conflict which usually turns violent as the case in Kenya in 1992, 1997 and 2007.⁶⁶ A lot has been written about ethnicity as a source of conflict in Africa. There is evidence to suggest that where ethnic conflict has emerged in Africa, there have always been political machinations behind it.⁶⁷ Inclusion of politics in ethnicity often takes place in a situation characterized by an inequitable structure of access.⁶⁸

Violent ethnic conflicts in Kenya have attracted enormous interest from scholars since the outbreak of ethnic clashes and the underlying causes of their outbreak. Such works include, but not limited to, Gecaga, Kahumbi, Maina, and Rutto. Kahumbi contends that preventing conflict from re-igniting is important as preventive action before conflict arises or becomes full-fledged war.⁶⁹ He adds that the goal of post-conflict building is to consolidate peace. But he fails to give out possible ways of preventing conflict from re-igniting.

Gecaga traces the various causes of ethnic clashes in Kenya. Causes include ethnicity. This can be attributed to colonials who divided Kenyans into tribal cocoons through their ethnic barriers and isolation. Some ethnic groups were disposed of their land. That created economic disparities in different regions and uneven distribution of

⁶⁴ Nnoli, O. (ed.) (1998). *Ethnic Conflict in Africa* Dakar: CODESRIA Book Series, p19

⁶⁵ Lederach, John Paul (1997). *Building Peace—Sustainable Reconciliation in Divided Societies*. Washington: US Institute for Peace, p115

⁶⁶ Fox, J. (2011). 'Religion as an Overlooked Element of International Relations', *International Studies Review*, Vol 3.

⁶⁷ Nnoli, O. (ed.) (1998). *Ethnic Conflict in Africa* Dakar: CODESRIA Book Series, p19

⁶⁸ *Ibid*, p29

⁶⁹ Kahumbi, Newton Maina (2004). *Women Religious Leaders as Actors in Ethnic conflicts Management and Resolution in Nakuru and Uasin Gishu Districts, Kenya*. Kenyatta University, Unpublished Paper. University Press, p72.

social amenities such as schools and hospitals.⁷⁰ In addition, she argues, colonialism promoted ethnic consciousness at the expense of nationalism and patriotism. The other causes of ethnic clashes are opportunism, unfair distribution of economic resources and political power along ethnic lines. Gecaga shares the views of Adedeji and Haugerud who blame colonialism as the main cause of ethnic awareness. The colonial settlement led to landlessness, creation of tribal reserves and divided society into ethnic entities as earlier indicated. However, Adedeji, Haugerud and Gecaga seem to generalize the effect of colonialism in Africa without considering countries such as Tanzania which have had no serious ethnic clashes.⁷¹

Rutto in his study on community relations and democratization processes among the Kalenjin communities of the Rift Valley region perceives the outbreak of ethnic clashes in parts of the Rift Valley in 1992 to be a demonstration of the bitter ethnic relations due to the perception that Agikuyu grabbed land in Rift Valley.⁷² He argues that the absence of a strong constructive inter-ethnic social structure was a source of ethnic conflicts with ethnic biases, myths, stereotypes and misinformation aggravating ethnic differences. Rutto's argument of the absence of a strong constructive inter-ethnic social structure as the cause of ethnic conflicts underestimates the potentialities of some realities that connect humanity such as religion, belief in rites and rituals.⁷³

Rupesinghe defines ethnic conflict as cleavages between groups based on differentiations in ethnic identities. He argues that ethnic groups have prejudices and stereotypes about others.⁷⁴ These attitudes have not normally turned to conflicts unless manipulated and organized by political leaders and elites who use stereotypes as fertile ground to cultivate support for their political and economic aspirations. Rupesinghe brings out the issue of manipulation, which institutions such as churches can use as their mobilizing force to cultivate a culture of peace and harmony among people. In Kenya, for

⁷⁰ Gecaga .M.G. (2002). "The Impact of War on Africa Women" In Getui, M.N. & Ayanga .H (eds) PP. 53-70.

⁷¹ Adedeji, A (1981). *Comprehending and Mastering African Conflicts*. London: Zed Books.p98

⁷² Rutto, S. (2000). *Ethnicity as Objects of Hatred: Community Relations and Democratization Process Among the Kalenjin Communities of the Rift Valley Province in Kenya*. In Murunga, G. R. (ed) 70-107.

⁷³ *Ibid*, 97

⁷⁴ Rupesinghe, K. ed (1996). *Ethnicity and Power in the Contemporary World*. Tokyo: United Nations University Press.p89

example, political leaders have been accused of manipulating their ethnic communities to demonstrate against the government when one of their own is connected with corruption or sacked from a government position.⁷⁵

Historical injustices such as colonialism have been instrumental in disorienting social cohesion due to the negativity it planted on different ethnic groups. Economic disparities have also been identified as the possible causes of ethnic conflicts.⁷⁶ Related to economic imbalances is unequal distribution of resources and assets which is equally a major source of ethnic conflict.⁷⁷ Cognizance of the fact that there are many causes of ethnic conflicts, it is plausible to note that the occurrence of ethnic conflicts is precipitated by lack of effective methods of resolving the varied root causes of ethnic conflicts. Effective methods ensure that every aspect of ethnic conflicts is treated in a special way.

2.3 Mediation and Peace Processes

Today more than ever before, armed conflicts are likely to end in mediated settlements. As mediation activity has surged since the end of the Cold War, its dynamics have undergone significant changes as well. New conflict drivers, such as climate change and organized crime, demand broader substantive agendas and the coordinated engagement of a wider range of mediators with specialized skills.⁷⁸

To be successful, mediation processes need to be informed by an understanding of the broader regional context, given the frequent use of proxy forces in contemporary conflict. And to prevent a relapse into violence, mediation processes have to extend well beyond the cessation of open hostilities. At present, the mandates and resources for multilateral mediation and related political analysis are often inadequate to meet these challenges. Recognizing that every mediation process has its own peculiarities and

⁷⁵Gopin, M. (2011). *Between Eden and Armageddon: The Future of World Religions, Violence and Peace making*. New York: Oxford University Press

⁷⁶Zartman, G. (2004). *Peace making in International Conflict: Methods and Techniques*. Washington DC: USIP Press

⁷⁷Fox, J. (2011). 'Religion as an Overlooked Element of International Relations', *International Studies Review*, Vol 3.

⁷⁸ Johannes Michael Nebe (Ed.) (2012): *Peace Building and Conflict Management*; University of Trier, Faculty of Political Science pp. 144-149

avoiding a one-size-fits-all approach, improvements can be made at the United Nations and beyond to strengthen the toolbox at the disposal of international mediators.⁷⁹ The mediation process consists of three basic steps; pre-mediation, the mediation session and post-mediation.

2.3.1 Pre-mediation

The mediator communicates with the parties and requests their input with respect to: identifying, clarifying, and confirming the issues that the parties want to address in mediation. Issues to do with duration and location of the mediation session; whether parties wish to have a site visit prior to the mediation session; identifying who will participate in the mediation session; establishing ground rules for the mediation session; and obtaining parties' availabilities over the next 30 days are key points considered in pre-mediation.⁸⁰ The mediator shares basic information about the mediation process with parties in conflict in order to allow them to familiarize themselves with the process, understand what will be expected of them, and prepare questions ahead of the pre mediation telephone interview.

The mediator also requests that parties sign and return the agreement to mediate form. The mediator then holds an information session with each party, usually by phone, to educate the parties about the mediation process and to answer any questions the parties may have. The mediator also uses this time to clarify and to confirm the issues that the parties wish to discuss during the mediation session, as well as clarify expectations of all parties.⁸¹ There is always opportunity to resolve the dispute during this pre-mediation phase over the telephone. Mediators add value by clarifying the issues and encourage parties to prepare for the discussions that will take place during the mediation process. From the onset of pre-mediation and throughout, each party must continue to demonstrate

⁷⁹ Anderlini, et al (2009). *Peace Negotiations and Agreements*. Washington, D.C.: Institute for Inclusive Security, 2009

⁸⁰ Johannes Michael Nebe (Ed.) (2012): *Peace Building and Conflict Management*; University of Trier, Faculty of Political Science pp. 144-149

⁸¹ Zartman, G. (2004). *Peacemaking in International Conflict: Methods and Techniques*. Washington DC: USIP Press

a clear commitment to resolve the matter in a timely fashion. If not, the mediator can terminate the process.⁸²

2.3.2 Mediation Process

This is the actual mediation, which involves a face-to-face meeting held in a location agreed upon by the parties and managed by the mediator. This meeting may be held at the offices of one of the parties. While face-to-face meetings are the preferred approach to mediation, in certain circumstances, where parties agree, teleconference meetings may be arranged.⁸³ The mediation session may last from a half day to a month, depending on the complexity of the issues and the number of parties involved. In rare cases, there may be more than one session. The mediator helps the parties to jointly address all their issues and negotiate a mutually satisfactory settlement in a five-step process.

2.3.2.1 Introduction

During the introduction, the mediator opens the meeting, explains the mediation process once again, and reaffirms the ground rules to ensure that the meeting is productive. The mediator reviews the agreement to mediate and outlines key parameters for the meeting such as confidentiality, voluntary participation and impartiality.

2.3.2.2 Defining the issues

After the introduction, the Mediator invites the parties to share their views on the mediation and invites them to try to understand each other's' perspective. The parties, with the assistance of the Mediator, set the agenda by identifying and prioritizing the issues to be addressed.

⁸² Johannes Michael Nebe (Ed.) (2012): Peace Building and Conflict Management; University of Trier, Faculty of Political Science pp. 144-149

⁸³ Zartman, G. (2004). Peacemaking in International Conflict: Methods and Techniques. Washington DC: USIP Press

2.3.2.3 Exploring the interests

The mediator then encourages the parties to shift from positional negotiation where one party makes a demand on the other to interest-based negotiation. Interest-based negotiation encourages parties to identify the interests or needs that lie behind a position, and then to find solutions that satisfy all parties' interests or needs. When people are in dispute, they often make demands or statements that are framed as their solutions to resolving the dispute. These demands or statements are called the person's positions.⁸⁴ Interests are broader than positions. Interests underlie positions and are what each party needs to address for the resolution of the dispute. Interests include people's hopes, needs, concerns, and fears. While a position can only be accepted or rejected, an interest can be met in a variety of ways.

2.3.2.4 Generating options

Once the interests are known, the parties are invited to generate all possible options that they think may help resolve the dispute and then evaluate the viability and feasibility of the options identified. They will also compare each option with their alternatives to evaluate if any of these options meet their interests and needs. If this is the case, and the parties are in agreement, then they can decide on how to implement these options; to full resolution of the issues; partial resolution of the issues; no resolution of the issues; or a commitment to completing defined actions within defined timeframes made by the parties such as working towards a resolution.⁸⁵

2.3.2.5 Reaching agreement

The final step of the mediation session is to reach agreement by documenting who will do what, when, and where, in a signed confidential settlement agreement. Sometimes the parties reach agreement on some issues but not others. In this case, the parties can sign a partial settlement, evidencing the matters to which they have agreed. They can then proceed to adjudication on the remaining issues.

⁸⁴ Johannes Michael Nebe (Ed.) (2012): Peace Building and Conflict Management; University of Trier, Faculty of Political Science pp. 144-149

⁸⁵ Zartman, G. (2004). Peacemaking in International Conflict: Methods and Techniques. Washington DC: USIP Press

2.3.3 Post-mediation

This stage involves a follow-up to the resolutions made in the mediation process. If one of the parties fails to fulfil one or more of the terms in the settlement, the filed agreement is enforceable in the same manner as an agency order, which may involve its filing with the superior courts.⁸⁶

2.4 Role of Women in Mediation

Mediation is most effective when the parties have symmetrical power relations. When the parties have unequal power the mediator may need to balance their powers. In balancing the parties' power "the mediator provides the necessary power underpinnings to the weaker negotiator: information, advice, friendship, he/she may reduce those of the stronger."⁸⁷ Complex, multiparty disputes may involve the use of negotiation teams, rather than individual negotiators. When negotiation teams are present, mediators will need to pay attention to the interpersonal dynamics within as well as between the parties.

Mediators may seek to influence the choice of mediation team members and the teams' decision-making strategies. In some cases, the negotiated agreement must finally be ratified by the negotiators' constituencies. In such cases the mediator will need to assist the negotiators in communicating with their constituents and in organizing constituent support for any agreement.⁸⁸ The mediator may intervene directly to educate the constituency groups regarding the negotiation process, and to reassure them that their negotiation representatives have worked hard to achieve the best solution possible.

In mediation, two or more people come together to try to work out a solution to their problem. A neutral third person, called the mediator, is there to help them along. Most mediators have some training in conflict resolution, although the extent of their training varies greatly. Unlike a judge or an arbitrator, the mediator does not take sides or make decisions. The mediator's job is to help the disputants evaluate their goals and

⁸⁶ Johannes Michael Nebe (Ed.) (2012): Peace Building and Conflict Management; University of Trier, Faculty of Political Science pp. 144-149

⁸⁷ Zartman, G. (2004). Peacemaking in International Conflict: Methods and Techniques. Washington DC: USIP Press

⁸⁸ Meredith P. M, et al (2011), Beyond the Numbers: Women's Participation in the Kenya National Dialogue and Reconciliation.114, rue de Lausanne ch-1202 Geneva Switzerland pp. 16-22

options and find their own mutually satisfactory solution.⁸⁹ Mediation is forward-looking; the goal is for all parties to work out a solution they can live with and trust. It focuses on solving problems, not uncovering the truth or imposing legal rules.⁹⁰ This is a far different approach than the approach courts take.

Because the mediator has no authority to impose a decision, nothing will be decided unless both parties agree to it. Knowing that no result can be imposed from above greatly reduces the tension of all parties -- and it also reduces the likelihood that someone will cling to an extreme position. Also, if mediation does not produce an agreement, either side is free to sue.

Violence during an election cycle is an all-too-frequent phenomenon in most African countries where it may be triggered by political or ethnic tensions, or flawed electoral processes. Tragically, those most affected by the violence are women and girls. International norms play an important role in a mediator's considerations around inclusion as well as many other factors in a mediation process. There is increasing recognition that international norms and standards can offer a framework of accountability and important guidance for internationally or regionally-led or sanctioned peace processes.⁹¹ This means that these mechanisms have become more central for mediation practitioners in recent years. In this context, there have been a number of important advancements around the issues of women's participation as well as on the issues affecting women, peace and security over the last decade.⁹²

The importance of women's equal participation and full involvement in all efforts for the maintenance and promotion of peace and security reflects the growing need of women engaging in mediation. There also need to increase their role in decision-making

⁸⁹ Meredith P. M, et al (2011), *Beyond the Numbers: Women's Participation in the Kenya National Dialogue and Reconciliation*.114, rue de Lausanne ch-1202 Geneva Switzerland pp. 16-22

⁹⁰ Zartman, G. (2004). *Peacemaking in International Conflict: Methods and Techniques*. Washington DC: USIP Press

⁹¹ Kameri, Mbote, "Gender, Conflict and Regional Security" in Makumi Mwagiru (Ed.) *African Regional Security in the Age of Globalization* (Nairobi: Heinrich Boll Foundation, 2004) pp.83-94.

⁹² Wanyeki, L. Muthoni, *The Role of Kenyan Civil Society in the Kenyan Crisis* (Unpublished Paper, 2010)

with regard to conflict prevention and resolution.⁹³ The UN Security Council has in the past urged member states to increase the representation of women at all decision-making levels, making specific reference to conflict resolution mechanisms among others.

Women have also played an important role as peace actors at the grassroots. A case in point is that of the women's groups which organized for peace in the Nkonya / Alavanyo conflict in Ghana.⁹⁴ The conflict stemmed from a disagreement over a stretch of land at the boundary between the two communities. Consequently, there was a protracted violent conflict which brewed animosity between the two communities. There were mediation efforts but each side resisted any efforts to dialogue in order to end hostilities. It took a queen-mother in the community who seized the opportunity during one of the mediation meetings to create space for negotiations to begin. Beyond track-one processes, women have acted as chief mediators in less publicized and more informal negotiations at national levels, though these tend to be less well documented. Women from conflict-affected states are often active participants and leaders in conflict resolution and peace making at the local level, engaging in community and civil society peace initiatives.⁹⁵

Track-one mediation engages directly with the leadership of warring parties in an effort to open negotiations and broker a peace agreement. While women are often at the forefront of informal, behind-the-scenes peace initiatives, peace agreements are usually negotiated predominately, if not exclusively, by men and women tend to be consistently excluded from public, political decision making.⁹⁶ Women should be involved in mediation and peace processes for a number of reasons. At a basic level, the participation of women is a question of equality and equity. This matters because peace negotiations and the agreements they generate set the structure and direction for post conflict

⁹³ Meredith P. M, et al (2011), *Beyond the Numbers: Women's Participation in the Kenya National Dialogue and Reconciliation*. 114, rue de Lausanne ch-1202 Geneva Switzerland pp. 16-22

⁹⁴ Kameri, Mbote, "Gender, Conflict and Regional Security" in Makumi Mwangi (Ed.) *African Regional Security in the Age of Globalization* (Nairobi: Heinrich Boll Foundation, 2004) pp.83-94.

⁹⁵ Aning, E.K., 1998. *Women and Civil Conflict: Liberia and Sierra Leone*. In: *African Journal of International Affairs*..

⁹⁶ Kameri, Mbote, "Gender, Conflict and Regional Security" in Makumi Mwangi (Ed.) *African Regional Security in the Age of Globalization* (Nairobi: Heinrich Boll Foundation, 2004) pp.83-94.

reconstruction and politics, which affect the lives of all women and the society as a whole.

On average, women may also bring different mediating styles or experiences to the talks, at a time when fresh perspectives and approaches are needed. Studies on the effectiveness of mediators show that both the style of the mediator and his or her gender matters. For example, one dispute resolution study found that male and female mediators are equally effective at reaching an initial settlement, but female mediators are more effective at mediating binding settlements. At an individual level, however, differences in style or approach may not necessarily hold. Perhaps the most pragmatic reason why women should be involved relates to their impact on the durability of the peace itself.

2.5 Challenges to Inclusion

Despite this specific and progressive framework, the pace of implementation has been slow particularly with regard to women in mediation. There are hardly any women acting as lead mediators in formal peace processes around the world today. In fact, a study of thirty-one major peace processes between 1992 and 2011 by UN, it was found out that just 2.4 per cent of chief mediators were women. Only slightly more women participated formally in peace processes as signatories (4per cent) or as part of negotiating delegations (9 per cent).⁹⁷ This has resulted from the major challenges that women have continued to face in their efforts to engage in mediation and peace processes.⁹⁸

In most African nations, women are viewed as being subordinate to men.⁹⁹ As such, in some cases they are almost voiceless and are expected to be subordinate because of the intimidation they are subjected to. This is the same attitude that is at times taken to peace negotiations. In cases where women show efforts to participate, they are viewed as going against culture and tradition that place them at the margin of public decision-

⁹⁷ Kameri, Mbote, "Gender, Conflict and Regional Security" in Makumi Mwagiru (Ed.) African Regional Security in the Age of Globalization (Nairobi: Heinrich Boll Foundation, 2004) pp.83-94.

⁹⁸ Johannes Michael Nebe (Ed.) (2012): Peace Building and Conflict Management; University of Trier, Faculty of Political Science pp. 144-149

⁹⁹ Aning, E.K., 1998. Women and Civil Conflict: Liberia and Sierra Leone. In: *African Journal of International Affairs*. Available at <http://www.ajol.info/index.php/ajia/article/viewFile/27248/21544>. [Accessed 29 November 2012].

making or exclude them from positions as decision- makers. Thus, social attitudes could dispel their interest in taking part in peace negotiations.¹⁰⁰ Stereotypical assumptions exist about the appropriate role of women in society, predominantly, in decision-making. They are often seen as ‘passive’ victims, incapable of managing the pressure and stress that come with negotiation processes. There are perceptions that they are not able to endure the ‘rules of engagement’ in peace negotiations.¹⁰¹ After all, such processes are viewed as being male-dominated because of the dangerous events that follow conflicts and subsequent peace processes. In participating in peace processes and mediation, most people become targets of the perpetrators. Major risks can hinder women from engaging in peace processes or from engaging at the level they could have desired.

Women suffer various violations in conflict situations. Women and children are subjected to physical, sexual and psychological violence. Data shows women are the majority of those violated sexually. These violations lead to long term effects and trauma that can last for a long time. Thus, this could hinder their participation, even at the community level, in peace processes.¹⁰² In most situations, women do not have adequate resources to assume active roles in mediation. In the developing world, many women work within the informal sector. As such, their earnings and wages are significantly lower than those of men. According to data from UNICEF, women are estimated to earn 20% lower than men.¹⁰³

Additionally, women have little control over assets and not much voice in allocation of household incomes. In some cases, where women work in the formal sector or engage in their own businesses, men control their earnings. This causes economic dependence of women.¹⁰⁴ Together with the limited access to resources, women suffer a great deal of marginalization. Some cultures subject women to lack of ownership rights to

¹⁰⁰ Webber, Katherine, and Helen Johnson. "Women, Peace Building and Political Inclusion: A Case Study from Solomon Islands." *Hecate* 34, no. 2 (November 2008): 83-99

¹⁰¹ Kagwanja, Peter, and Roger Southall. "Introduction: Kenya - A democracy in retreat?." *Journal Of Contemporary African Studies* 27, no. 3 (July 2009): 259-277

¹⁰² Kagwanja, Peter, and Roger Southall. "Introduction: Kenya - A democracy in retreat?." *Journal Of Contemporary African Studies* 27, no. 3 (July 2009): 259-277

¹⁰³ Kameri, Mbote, "Gender, Conflict and Regional Security" in Makumi Mwagiru (Ed.) *African Regional Security in the Age of Globalization* (Nairobi: Heinrich Boll Foundation, 2004) pp.83-94.

¹⁰⁴ Svensson, Isak, and Mathilda Lindgren. "Peace from the Inside: Exploring the Role of the Insider-Partial Mediator." *International Interactions* 39, no. 5 (November 2013): 698-722.

property. In others, women lack overall rights to the ownership of family property. The standard of living for some women is lowered when their husbands are dead. This hinders them from participating in political positions as well as in mediation processes.¹⁰⁵

To make personal decisions on the level of engagement, women require financial independence as dependence on men limits their options. Most women in Africa suffer from lack of formal education. Studies have revealed that more boys than girls get education.¹⁰⁶ Some girls get married early and others get pregnant and this hinders their education. Where resources are scarce, boys as opposed to girls are given the opportunity to attend and remain in school. Such factors, together with social discrimination lower the chances of women to acquire the necessary skills that could allow them to play a role in decision-making positions and take part in negotiations.

At the grassroots, most women who play a mobilizing role do not have adequate technical knowledge and skills that could allow them to translate the local proficiency into formal peace processes and negotiations.¹⁰⁷ The crab mentality is another hindrance to women's participation in negotiations and peace processes. It has been said that women are their own enemies. They tend to castigate rather than encourage their fellow women to take up leadership roles. Women rarely support their own when seeking leadership positions, probably suggesting the reason why there are more male leaders than females regardless of the fact that in most cases women are the majority. This has historically given men the leeway to marginalize women. Also, few women actively participate in political activities.¹⁰⁸

The role of women as peace brokers is mostly questioned during peace processes. Their advocacy programs are rarely taken seriously by the warring parties as they are labelled 'affiliates' to the 'enemy'. Additionally, different groups view them more as

¹⁰⁵ Kagwanja, Peter, and Roger Southall. "Introduction: Kenya - A democracy in retreat?." *Journal Of Contemporary African Studies* 27, no. 3 (July 2009): 259-277

¹⁰⁶ UNICEF, 2006. *The State of the World's Children: Women and Children, The Double Dividend of Gender Equality*. New York: UNICEF.

¹⁰⁷ Kagwanja, Peter, and Roger Southall. "Introduction: Kenya - A democracy in retreat?." *Journal Of Contemporary African Studies* 27, no. 3 (July 2009): 259-277

¹⁰⁸ Johannes Michael Nebe (Ed.) (2012): *Peace Building and Conflict Management*; University of Trier, Faculty of Political Science pp. 144-149

wives as opposed to full parties to the negotiations.¹⁰⁹ In cases where they force their way through, they use a great deal of energy in proving that they are pursuing the same goal, one that cuts across fault lines' - tribal, ethnic, cultural, religious and political.¹¹⁰ Women, especially in rural parts of Kenya, regardless of the fact that they are the most hit by the pangs of violence, are also left alone to deal with the challenges of the post-violence situations as much as they lack adequate resources to take part in resolving their current situations. The situation is made worse by the fact that the women are not adequately involved in the processes that lead to peace after a conflict such as the PEV in Kenya.

2.6 Conclusion

This chapter analyses the role played by women in mediation during conflict. From this chapter, the challenges facing the engagement of women in mediation and peace processes have been highlighted as well as the way forward in addressing the identified challenges. Beyond track-one processes, women have acted as chief mediators in less publicized and more informal negotiations at national levels, though these tend to be less well documented. There are voluminous examples of women building peace in fragile states, despite their lack of recognition in high-level peace processes. Women from conflict-affected states are often active participants and leaders in conflict resolution and peace-making at the local level, engaging in community and civil society peace initiatives.

Women are also involved in track one and a half mediation initiatives, such as those led by nongovernmental organizations and private actors of diplomacy. An inclusive peace process is more likely to lead to lasting peace; it can better identify and address the sources of conflict and what is needed by those most affected. It also reduces the likelihood that parties excluded from the negotiating table will act out and undermine the process. Peace processes that only include conflict parties may wrongly accept these

¹⁰⁹ Lavalie, E.A. interview by Atuobi, S. and Brewoo, S. *Improving West African Capacities in Mediation and Peace Processes: Research and Documentation* (19 September 2011).

¹¹⁰ Webber, Katherine, and Helen Johnson. "Women, Peace Building and Political Inclusion: A Case Study from Solomon Islands." *Hecate* 34, no. 2 (November 2008): 83-99

groups as representative of the whole population. Often warring factions do not have legitimacy with or represent the interests of the wider public.

CHAPTER THREE

THE ROLE OF WOMEN IN MEDIATING THE ELECTORAL CONFLICT IN KENYA

3.1 Introduction

The participation of women in the Kenyan electoral process explored conflict resolution with the intention of highlighting both the innovative and essentially hopeful dimensions of any peace process. The gendered inclusion reinforces the argument that conflict engenders interaction at a level more intense than that of competition. Although, conflict, competition, and cooperation are inherently interdependent, conflict occurs when competing groups' goals, objectives, needs or values clash and aggression, although not necessarily violence is a result. Women must be allowed to participate in peace negotiations as well as be a part of the transition process after a conflict. However, most often women are neglected and ignored and their opinions and voices are cast aside.

Nevertheless, decisions made during these periods tangibly affect the lives of women and girls; it is, therefore, time to recognize the role and power of women in the peace-process and in shaping the future of post-conflict countries. Fortunately, throughout conflict, there were women who were able to leave their political mark in their country's transition to peace that can serve as examples for women worldwide. The previous chapter has analysed historical aspects of the role of women in mediation. This chapter analyses the role of women in mediating the electoral crisis in Kenya. This chapter is a case study, and reviews the role of women in mediating the post-election crisis in Kenya as analysed from the interview guide, questionnaire and secondary data findings from the literature review. The study received responses from 50 women and other participants across Kenya as well as 3 key informants who included legislators.

3.2. Mediating Kenya Post-Election Crisis: Critical Evaluation

Moving into the 2007 elections and the political environment surrounding the PEV, a number of reasons have been advanced for the causes of the 2007-2008 electoral violence. On governance, President Kibaki failed to address grievances over land as well

as ethnic and regional exclusion during his tenure.¹¹¹ Additionally, human rights violations and a culture of impunity within security forces, and other state institutions, may also have contributed to the 2007-2008 crisis. The casual nature with which electoral violence in 1992 and 1997 was addressed also set a poor precedent and reinforced a culture of impunity.¹¹² Finally, the zero-sum political system in Kenya also contributed, upping the stakes and heightening political tensions. These tensions only required a trigger, such as perceived rigging, to degenerate into a violent outburst.¹¹³

Lessons should be drawn that political representation of women, while necessary, is not sufficient. Ensuring some form of participation by representatives who are specifically tasked and qualified to represent and advise on issues of women and gender within the peace process is also required at the mediation table.¹¹⁴ In the Kenyan mediation process, issues around the participation of women were raised by the female representatives at the table, resulting in women being included in the composition of the Independent Electoral Review Commission and the Truth, Justice and Reconciliation Commission. However, the gendered implications of the agreements being reached was not articulated by the members of the negotiation teams.¹¹⁵ This offers some important lessons about recognizing and addressing divisions among women and supporting different forms of participation both political and civil. It also offers lessons about how international and regional players can support more responsive structures for women's participation, and gender issues in future mediation processes.

Two important factors have been cited in promoting consideration of women's concerns during the dialogue process. The first of these was the presence of Graça Machel, who was brought in due to her work in Kenya on the Africa Peer Review Mechanism. Her level of seniority and long history around women's issues meant that she possessed the skills necessary to identify specific issues of importance. Her seniority

¹¹¹ Juma, Monica Kathina. "African mediation of the Kenyan post-2007 election crisis." *Journal Of Contemporary African Studies* 27, no. 3 (July 2009): 407-430

¹¹² Johannes Michael Nebe (Ed.) (2012): *Peace Building and Conflict Management*; University of Trier, Faculty of Political Science pp. 144-149

¹¹³ Makumi M and Okello O. (Eds), *Rethinking Global Security; An African Perspective*, (Nairobi: Heinrich Boll Foundation, 2006) pp.86-104.

¹¹⁴ Johannes Michael Nebe (Ed.) (2012): *Peace Building and Conflict Management*; University of Trier, Faculty of Political Science pp. 144-149

¹¹⁵ Al Qurtuby, SumantO. "Religious Women For Peace And Reconciliation In Contemporary Indonesia." *International Journal On World Peace* 31, no. 1 (March 2014): 27-58

and stature meant that she was able to push these issues and speak out in a way that few other women would be able to. Her work through the Africa Peer Review Mechanism also meant that she had a good understanding of the underlying dynamics, and strong networks with the civil society in the country.

The experiences of men and women in the electoral process were not isolated but were rooted in unresolved grievances beyond the elections themselves, as outlined above. Unresolved ethnic and regional inequalities, or perceived inequalities, as well as the impunity of the security forces had a gendered impact on the violence meted on men and women during the election crisis.¹¹⁶ Women were raped and subjected to other forms of sexual abuse, while men were, in addition to some cases of sodomy, forcefully circumcised to ‘teach their ethnic groups a lesson’. The Nairobi Women’s Hospital reported that they attended to 650 cases of gender-based violence (GBV).¹¹⁷

The efforts by the African Union were instrumental at the beginning of mediation to end the violence. This was also made possible due to the increasingly intense domestic and international pressure. The principled response of Kenya’s civil society and, eventually, private sector together with that of the diplomatic community and the rest of the world, worked effectively in bringing an end to the violence. The AU’s clear reaction to the situation in Kenya was unprecedented and stands out as one of its finest successes to date, with the full yet quiet logistical and technical support of the United Nations.¹¹⁸

3.3 The Impact of Women in the Kenyan Mediation process

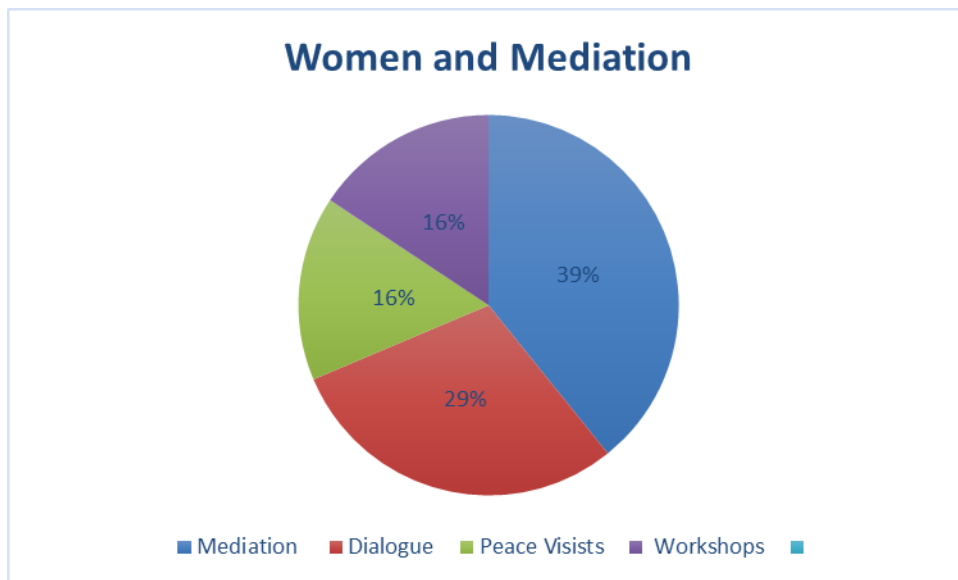
The women were ranked second in engagement in mediation and peace building. One respondent observed that: *“In this highly politically charged and violent atmosphere, the involvement of women in the Kenyan process took many different forms”* (Respondent 1). Half of the respondents (29%) said mediation played a significant role in promoting peace. Through women, mediation and engaging in dialogue over the causes of conflict and how peace could be achieved characterised the impact of women in mediation.

¹¹⁶ Meredith P. M, et al (2011), *Beyond the Numbers: Women’s Participation in the Kenya National Dialogue and Reconciliation*. 114, rue de Lausanne ch-1202 Geneva Switzerland pp. 16-22

¹¹⁷ Johannes Michael Nebe (Ed.) (2012): *Peace Building and Conflict Management*; University of Trier, Faculty of Political Science pp. 144-149

¹¹⁸ Schuler, John. "A Post-Election Perspective: whither Information Policy? Part Two." *Journal Of Academic Librarianship* 31, no. 1 (January 2005): 63-66

Figure 3.1: Impact of Women in the Kenyan PEV Mediation Process



Women’s leaders mobilized funds for a women’s consultative meeting on the Kenyan crisis on 24th January 2008. During the meeting it became clear that party affiliation and ethnic tension, had been brought to the forefront by the crisis and prevented any meaningful engagement among the women. Graca Machel then advised the women to sit together and find a common ground.¹¹⁹ This resulted in what became to be known as the “spitting session” by the women involved. This was a session in which they raised all of the issues that were dividing them in order to allow themselves to move forward by finding a commonality on their position to the crisis. This airing of differences and building of confidence subsequently enabled this group of women to constructively draft a women’s memorandum that was presented to the mediation team on 25th January 2008. A committee of twelve women, representing diverse organizations, was nominated by the other women to present the memorandum. The concerns highlighted in this memorandum helped to shape the long-term issues agreed within Agenda Four.¹²⁰

¹¹⁹ Ibid

¹²⁰ Makumi M and Okello O. (Eds), *Rethinking Global Security; An African Perspective*, (Nairobi: Heinrich Boll Foundation, 2006) pp.86-104.

During track one mediation, women were among the panel of the African Eminent personas as well as members of political parties. At the dawn of retaliatory conflict, efforts by the African Union eventually paid off and enabled the initiation of mediation process by piling intense domestic and international pressure. The full story of the turnaround is yet to be told, the story outlines the complex, contradictory and yet ultimately principled response of Kenya's civil society and, eventually, private sector together with that of the diplomatic community and the rest of the world that led to the attainment of peace in Kenya. The AU's unequivocal response to Kenya was unprecedented and stands out as one of its finest successes to date, with the full yet quiet logistical and technical support of the United Nations. Under the leadership of former UN Secretary General, Kofi Annan, as key the negotiator, acting on behalf of the AU's Presidency together with Graca Machel for the AU's African Peer Review Mechanism, and former Tanzanian President Benjamin Mkapa for the AU's Forum of Retired African Presidents, ODM and PNU parties committed to the mediation process known as the National Dialogue and Reconciliation Process.

In Kenya, women groups positioned themselves strategically at the informal level in order to locate resources that could empower them to be represented at more official levels. They put mechanisms in place to raise funds at domestic levels before they went out to seek external funds.¹²¹ Pain, loss and hardship are experienced by both men and women in conflict situations. During conflict situations, people lose their livelihoods, their children and relatives. They become traumatized by the suffering they experience. In the Kenyan case there were people who were displaced and others who spent part of their lives in refugee camps. In the midst of the suffering, women performed their traditional roles of caring for the family, sometimes at the expense of seeking medical attention for themselves.

¹²¹ Johannes Michael Nebe (Ed.) (2012): Peace Building and Conflict Management; University of Trier, Faculty of Political Science pp. 144-149

Table 3.2: Interventions Suggested by respondents to prevent ethnic conflicts

Intervention	Frequency	Percentage (%)
Workshops	17	15%
Civic Education:	16	14%
Peace Building Programs	33	30%
Dialogue	13	12%
Reconciliation	12	12%

The intervention measures suggested by the respondents have a mixed record of achievement in the country. Civic education has helped to demystify the stereotypes associated with certain communities in the country. The effect of women in mediation contributes to addressing the post electoral conflicts by empowering communities through job creation and generating other sources of income besides farming and cattle keeping. This has led to reduced cases of idleness and enhanced appreciation and learning of different cultural orientations which help to bring harmony.¹²²

The electoral process is one of the means by which power relations are gauged in society and as such the Kenyan election crisis should also be viewed from a gender perspective.¹²³ Such analysis is important when considering how women ultimately participated in the mediation of the conflict. Men and women's experiences during the elections – in the campaigns as well as the polling and through the crisis are rooted in the social construction of their roles as women and men in the Kenyan society. The different

¹²² Johannes Michael Nebe (Ed.) (2012): Peace Building and Conflict Management; University of Trier, Faculty of Political Science pp. 144-149

¹²³ Meredith P. M, et al (2011), Beyond the Numbers: Women's Participation in the Kenya National Dialogue and Reconciliation.114, rue de Lausanne ch-1202 Geneva Switzerland pp. 16-22

experiences of men and women were also influenced by the inadequacy of the existing laws and institutions, such as those governing political parties and elections, contributing to the unequal representation of women and men in the political process.¹²⁴

Despite facing sexism and, in at least one instance, lethal violence, more women made it through competitive political party nomination processes to stand for elective office than ever before. This was probably in line with the wise saying that “There never will be complete equality until women themselves help to make laws and elect lawmakers”¹²⁵, made in reference to the political role of women in the United States during the 19th century was used to enhance the political role of women in countries around the world today, including Kenya. In Kenya, empowerment of women has been a gradual process since independence. Due to the socialization of women in Kenya’s patriarchal society, most women believe it is the role of men to provide for the family and, as a result, most women are economically dependent on their spouses or parents. For the young Kenyan woman, achieving economic empowerment is a constant struggle. However, women who are economically empowered make an impact in their communities politically as well as socially.¹²⁶

3.4 Track Two Mediation: The Role of Women in the Kenyan PEV mediation

While the formal process was taking shape, women were mobilising in a range of ways, at the local and national level. At the national level, women were organised through a range of different forums. A few notable national processes were initiated by the Vital Voices Women’s Group, who partnered with Burundian women to share experiences of conflict. The Kenyans for Peace, Truth and Justice (KPTJ) met every day to discuss how to address the crisis.¹²⁷ The Kenya Women’s Consultative Group also held

¹²⁴ Johannes Michael Nebe (Ed.) (2012): Peace Building and Conflict Management; University of Trier, Faculty of Political Science pp. 144-149

¹²⁵ Sheryl D. Brahnham et al., *A Gender-Based Categorization for Conflict Resolution*, 24 J. MGMT. DEV. 197, 204 (2005).

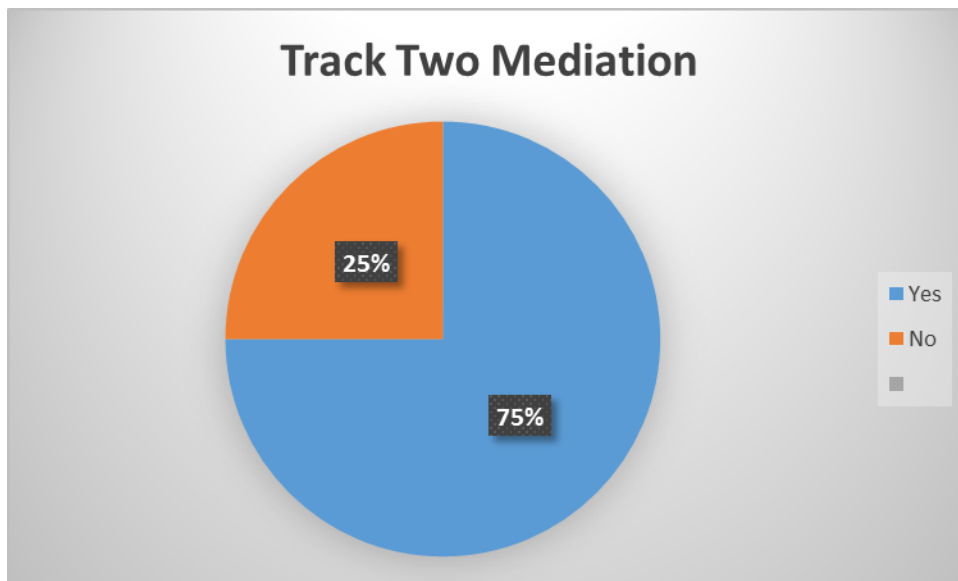
¹²⁶ Johannes Michael Nebe (Ed.) (2012): Peace Building and Conflict Management; University of Trier, Faculty of Political Science pp. 144-149

¹²⁷ Johannes Michael Nebe (Ed.) (2012): Peace Building and Conflict Management; University of Trier, Faculty of Political Science pp. 144-149

a one-day meeting with more than fifty women to discuss how women could pressure the two principals to meet and end the electoral conflict. This group later formed a twelve-member consultative group that presented a memorandum to the mediation team.

At the local level, a number of women's organisations, as well as individuals, initiated reconciliation in their communities as the national level dialogue was on-going. For instance, the Kibera Women for Peace and Fairness Women's initiative was formed to address the gender-based violence (GBV) that Kibera women were facing due to the 2007 electoral crisis. Rural Women Peace Link, a local NGO based in Uasin Gishu in Rift Valley, is another example of a women's organisation that initiated community dialogue for reconciliation during the height of the post-election violence.¹²⁸ This offers some important lessons about recognising and addressing divisions among women and supporting different forms of participation – both political and civil – in a process. With such structures, 75% of the respondents agreed that women succeed in mediation, specifically with peace building because of their moral obligation derived from the African cultural orientation.

Figure 3.4: The Role of Women in Track Two Mediation



¹²⁸ Kahumbi, Newton Maina (2004). Women Religious Leaders as Actors in Ethnic conflicts Management and Resolution in Nakuru and Uasin Gishu Districts, Kenya. Kenyatta University, Unpublished Paper. University Press, p72.

Looking more broadly, the cultural perspective of women and mediation in Kenya reflects how international and regional players support more responsive structures for women's participation, and gender issues, in future mediation processes.¹²⁹ Two important factors have been cited in understanding the formal consideration of women's concerns during the dialogue process. The first of these was the presence of Graça Machel, who was brought in due to her work in Kenya on the Africa Peer Review Mechanism. Her level of seniority and long history around women's issues meant that she possessed the skills necessary to identify specific issues of importance. Her seniority and stature meant that she was able to push these issues and speak out in a way that few other women would be able to. Her work through the Africa Peer Review Mechanism also meant that she had a good understanding of the underlying dynamics, and strong networks with the civil society in the country.

Women took an active role within the Kenya National Dialogue and Reconciliation (KNDR), under the auspices of Kofi Annan and the African Union (AU) Panel of Eminent African Personalities. The mediation process then went on to negotiate a series of agreements on the longer term issues of the root of the conflict. The representation of women within this process was high by previous standards of formal mediation processes. One out of every four women involved in the processes was a woman.¹³⁰ The involvement of Kenyan women was motivated by the participation of Graça Machel, one of the eminent persons in the Panel. The team also engaged a number of senior advisors from the United Nations and the AU, who were women.¹³¹ Graça Machel made a request that each party ensured they had a female representative at the negotiation table. Martha Karua and Sally Kosgey were nominated to represent PNU and ODM, respectively.¹³²

¹²⁹ Kahumbi, Newton Maina (2004). Women Religious Leaders as Actors in Ethnic conflicts Management and Resolution in Nakuru and Uasin Gishu Districts, Kenya. Kenyatta University, Unpublished Paper. University Press, p72.

¹³⁰ Rutto, S. (2000). Ethnicity as Objects of Hatred: Community Relations and Democratization Process Among the Kalenjin Communities of the Rift Valley Province in Kenya. In Murunga, G. R. (ed) 70-107.

¹³¹ Kagwanja, Peter, and Roger Southall. "Introduction: Kenya - A democracy in retreat?." *Journal Of Contemporary African Studies* 27, no. 3 (July 2009): 259-277

¹³² Centre for Humanitarian Dialogue Kenya Women at the Table Roundtable, Summary Meeting Report, p. 10.

3.5 Success of Informal and Formal Mediation Efforts by Women

Internally, the women's movement lacked the capacity to engage the mediation process on many of the more technical aspects of the process. This manifested itself in a greater focus on advocacy around humanitarian issues as opposed to political advocacy around the root causes of the violence.¹³³ This may have been a manifestation of the ability of the women to come to consensus on the humanitarian needs while they remained divided over the political aspects of the situation. In terms of getting messages across in such a highly charged atmosphere, this polarisation also hampered engagement between many in civil society and the female representatives at the table. Women in civil society faced a dilemma about whether to articulate women's concerns through their links with the different political parties, and deal with the risks associated with possibly "politicizing" their interventions, or to maintain links only through the formal mediation team. This posed important dilemmas, as the informal channels through the parties were important mechanisms for women's concerns to find their way into mediation agendas, but these approaches were not without risks especially in a politically-charged atmosphere such as Kenya.

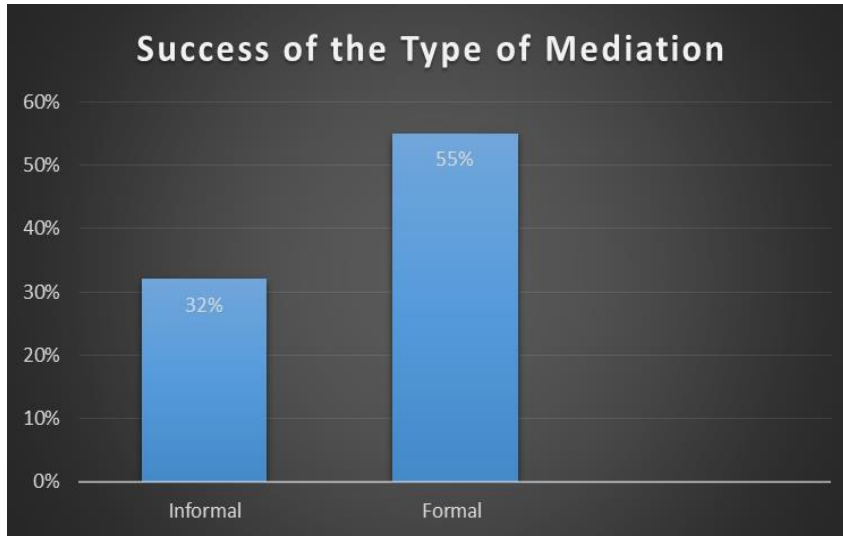
Externally, the mandates and time pressure surrounding the mediation team influenced advocacy strategies by the women's movement. The lack of a clear mandate to engage women formally meant that, while the Panel did make time to meet with women's leaders and with civil society, this remained ad hoc and additional to the political negotiations. Since the team was under a lot of pressure to stop the conflict and establish a ceasefire; women's issues such as representation and protection were not prioritised.¹³⁴ Considering the importance of international norms as tools to press for greater participation, the lack of a national action plan in Kenya has been referenced by

¹³³ Kahumbi, Newton Maina (2004). Women Religious Leaders as Actors in Ethnic conflicts Management and Resolution in Nakuru and Uasin Gishu Districts, Kenya. Kenyatta University, Unpublished Paper. University Press, p72.

¹³⁴ Kahumbi, Newton Maina (2004). Women Religious Leaders as Actors in Ethnic conflicts Management and Resolution in Nakuru and Uasin Gishu Districts, Kenya. Kenyatta University, Unpublished Paper. University Press, p72.

many women leaders as a gap, with one less lever of pressure to be used at the national level.¹³⁵

Figure 3.5: The Success of Women in Informal and Formal Mediation Process



3.6 Conclusion

The chapter has reviewed interview guides, questionnaires and secondary data findings and also some of the scholarly works on the role of women in mediation. The global geopolitical dynamics (the end of the Cold War and the onset of the political instigated violence for example) and changes in the forms of reconciliation by the church have altered and continue to influence the form, challenges, scope and objectives of peace interventions by Western countries, especially in Africa. A crucial point is that mediation remains largely externally driven, with minimal actors like women, participation in the design or ownership of the process is however overtaken by the political powers.

¹³⁵ Kagwanja, Peter, and Roger Southall. "Introduction: Kenya - A democracy in retreat?." *Journal Of Contemporary African Studies* 27, no. 3 (July 2009): 259-277

CHAPTER FOUR

THE ROLE OF WOMEN IN MEDIATION DURING THE PEV IN KENYA: ANALYTICAL EVALUATION

4.1 Introduction

Mediation is a long term process of setting up conditions that are conducive to the cultivating of harmonious co-existence. It is a process used to reconcile warring parties with the aim of building long lasting peace. In this case, the government and NGOs are involved in establishing institutions to foster peace. These include human rights, affirmative action, transparency and accountability, justice and equity, free and fair elections, equal political and economic participation among others. These institutions ensure that every citizen is secure and confident, hence suppressing overt conflicts. The government's mandate to foster peace, justice and fairness has in most cases failed. That is why women are involved in matters of peace building and mediation. This chapter introduces the conflict which affected Kenya and led to the 2007/8 post-election violence. The mediation process that led to the end of the violence and the particular role played by women in the peace process is equally discussed. The barriers to participation of women in the mediation process and some proposed ways of dealing with that challenge are discussed.

4.2 Mediating Kenya's Post Electoral Conflict

The implication of the findings resonates with the principle that women were engaged as members of the Panel; as senior advisors to the mediator and in mediation support roles; as senior members of the political delegations; and as civil society leaders. Mediation requires women, as actors, to be intermediaries between the conflicting parties. Dialogue calls for the facilitation of friendly interaction with conflicting communities. Women have been organizing peace workshops and peace.¹³⁶

From the respondents, it is plausible to note that both track one and track two mediation had ripple effects. The role of Kenyan civil society and women in the Kenya National Dialogue and Reconciliation was critically important in shaping Agenda Four, which called for reforms to address the root causes of the violence. Kenyan civil Society

¹³⁶ Schuler, John. "A Post-Election Perspective: whither Information Policy? Part Two." *Journal Of Academic Librarianship* 31, no. 1 (January 2005): 63-66

influenced Agenda Four through the memorandums they presented through a number of different coalitions, including the Kenyans for Peace, Truth and Justice (KPTJ), Citizen's Coalition, Concerned Citizens for Peace and the Women's Caucus.¹³⁷ Issues around the participation of women were raised by the female representatives at the table resulting in women being included in the composition of the Independent Electoral Review Commission and the Truth, Justice and Reconciliation Commission.¹³⁸

The participation of women as a unit in informal mediation processes reflects the solidarity approach that gave impetus to the success of the mediation. It is evident that the failure of the peace actors especially local NGOs to include the local people and communities in resolving conflicts contributed to ineffectiveness of the methods involved. Violence and threats against women participating as candidates in the pre-election period led to tension between women and men that were coming to the forefront during this period.¹³⁹ The response of the government to violence against women during the crisis pointed out the importance of prioritising means to redress such violence during a peace process. The Waki Commission reported several cases of women attempting to report rape cases to the police during the crisis and being turned away, or being told to choose between reporting the burning of their houses and property, or the gang rape, but not both.

Data from the secondary sources indicate that during the consultations with civil society in the early days of the mediation, Graca Machel called on women's leaders to come together and meet her to discuss the position of women with regard to the crisis. She reached out to women she had previously worked with in order to encourage them to convene so they could engage the peace negotiations with one voice.¹⁴⁰ These actions drew on her understanding of the core issue of polarization in Kenya during elections. Most importantly, the memorandum adopted by women in levels of civil society and church groups called for the framing of the violence, the crisis and its resolution in the

¹³⁷ Anderlini, Naraghi Sanam, *Peace Negotiations and Agreements* (Washington, D.C.: Institute for Inclusive Security, 2009)

¹³⁸ Meredith P. M, et al (2011), *Beyond the Numbers: Women's Participation in the Kenya National Dialogue and Reconciliation*.114, rue de Lausanne ch-1202 Geneva Switzerland pp. 16-22

¹³⁹ Meredith P. M, et al (2011), *Beyond the Numbers: Women's Participation in the Kenya National Dialogue and Reconciliation*.114, rue de Lausanne ch-1202 Geneva Switzerland pp. 16-22

¹⁴⁰ Centre for Humanitarian Dialogue Interview with Graca Machel

broader context of women, peace and security. The memorandum also sought to make visible the levels of violence and the impact of the conflict on women at the time. The recommendations highlighted the importance of looking at the priorities of the women's movement which can be found in these agreements, as well as issues which would be overtly gendered- such as calling for the appointment of a gender advisor to the mediation team.¹⁴¹

The memorandum categorized the various forms of violence during the conflict and, as such drew attention to the gender dimensions of the conflict. The memorandum also made recommendations to address the root causes of the violence such as constitutional reform, transitional justice mechanisms and strengthening of electoral bodies. The memorandum also highlighted gender dimension and humanitarian relief for internally displaced persons (IDPs). Women also recommended the representation at the table of women from civil society.¹⁴² Women in civil society used various other informal strategies to influence the mediation process. They engaged the male delegates at the table who were known to them through political networks. Women worked with female leaders in political parties who helped to link them to the leadership of their respective parties. They also lobbied the wives of the party leaders, Mwai Kibaki and Raila Odinga and held early morning sessions with members of the mediation team to advocate on gender issues.¹⁴³ When the women's leaders had difficulty getting access to the mediation team at certain points during the negotiations, they sometimes intercepted them in the lobby of the hotel where the talks were being held to make further input to the talks.¹⁴⁴

4.3 The Impact of Women in Mediation

Respondents showed women were appointed based on their party loyalty, strength of character and negotiating abilities. Both women advocated strongly and consistently on behalf of their respective parties through the negotiations. This explains the occasional deadlocking of specific issues and also created tension between these

¹⁴¹ Anderlini, Naraghi Sanam, *Peace Negotiations and Agreements* (Washington, D.C.: Institute for Inclusive Security, 2009)

¹⁴² Meredith P. M, et al (2011), *Beyond the Numbers: Women's Participation in the Kenya National Dialogue and Reconciliation*.114, rue de Lausanne ch-1202 Geneva Switzerland pp. 16-22

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¹⁴⁴ Ibid

female negotiators and women's leaders in civil society who felt they could have also represented and ideally prioritized women's issues in the process.¹⁴⁵ Upon reflection, when discussing the issues of representation of women at the mediation table, Kenyan civil society women highlighted the tension that existed in expecting women negotiators to represent women's issues when they had other representational mandates, which could constrain them from doing so.

A second important factor was the capacity for civil society to mobilize and ensure that women's issues and priorities were presented to the mediation team. This was not without its challenges, nevertheless the capacity of women's organizations within civil society to come together to articulate a position for women to be brought to the mediation team was important. However, it required the impetus of Graça Machel, calling the women together, for them to overcome their own differences and divisions in order to work together to press for greater focus on women's issues in the process calling for Constitutional reform among other demands. They also advised the mediation team to second a gender advisor to the Panel to ensure gender mainstreaming, although this was not implemented.¹⁴⁶

The efforts by the African Union were instrumental in the beginning of mediation to end the violence. This was also made possible due to the increasingly intense domestic and international pressure. The principled response of Kenya's civil society and, eventually, private sector together with that of the diplomatic community and the rest of the world, worked effectively in bringing an end to the violence. The AU's clear reaction to the situation in Kenya was unprecedented — and stands out as one of its finest successes to date, with the full yet quiet logistical and technical support of the United Nations¹⁴⁷. Under the leadership of former UN Secretary General, Kofi Annan, as key negotiator, acting on behalf of the AU's Presidency together with Graca Machel for the AU's African Peer Review Mechanism, and former Tanzanian President Benjamin Mkapa for the AU's Forum of Retired African Presidents, ODM and PNU committed to

¹⁴⁵ Kagwanja, Peter, and Roger Southall. "Introduction: Kenya - A democracy in retreat?." *Journal Of Contemporary African Studies* 27, no. 3 (July 2009): 259-277

¹⁴⁶ African Union Solemn Declaration on Gender Equality in Africa, AU, January 2004.

¹⁴⁷ Schuler, John. "A Post-Election Perspective: whither Information Policy? Part Two." *Journal Of Academic Librarianship* 31, no. 1 (January 2005): 63-66

the mediation process known as the National Dialogue and Reconciliation Process. The main aim of this was to resolve the crisis and mediate a political solution to ensure peace in the country.¹⁴⁸

The signing of the Kenya National Dialogue and Reconciliation (KNDR) agreement following the post-election violence of 2007–2008 marked the beginning of the first national political dialogue on issues affecting national cohesion in Kenya. The agreement, which was designed to promote and facilitate an environment conducive to building mutual trust and confidence, involved representatives of the two competing political formations (the Orange Democratic Movement, or ODM, and the Party of National Unity, or PNU), together with the African Union Panel of Eminent African Personalities. The parties to the KNDR unanimously agreed on the need to ensure its effective implementation at various levels in reference to a range of targeted and agreed-upon timeframes¹⁴⁹. This was in order to consolidate the peace process by identifying Kenya's long-standing challenges and underlying causes of the violence that was witnessed in the country following the disputed results of the 2007 elections. The KNDR agreement also proposed the establishment of institutions, the adoption of policy frameworks and the enactment of legislation to address the underlying causes of the post-election violence using reforms like constitutional reform, transitional justice mechanisms and strengthening of electoral bodies.¹⁵⁰

Despite the evident polarization of the country along ethnic lines that had been witnessed in election-related violence of 1992 and 1997 and during the Constitutional referendum of October 2005, and despite historical ethnic animosities, a conscious effort at national dialogue aimed at reconciliation had not hitherto been undertaken. Thus, the signing of the KNDR agreement in February 2008 meant that 'Kenya as a nation entered another challenging process: the creation of a new era of democratic and transparent

¹⁴⁸ Makumi M and Okello O. (Eds), *Rethinking Global Security; An African Perspective*, (Nairobi: Heinrich Boll Foundation, 2006) pp.86-104.

¹⁴⁹ Abuya, Edwin Odhiambo. "Can African States Conduct Free and Fair Presidential Elections?." *Journal Of International Human Rights* 8, no. 2 (Spring 2010): 122-164

¹⁵⁰ Wanyeki, L. Muthoni, *The Role of Kenyan Civil Society in the Kenyan Crisis* (Unpublished Paper, 2010)

leadership, anchored in transitional justice with national healing and reconciliation as prerequisites for sustainable peace and nation building'.¹⁵¹

The KNDR agreement outlined key issues and included provisions for procedures and institutions to monitor the implementation and facilitation of dialogue, national healing and reconciliation.¹⁵² One of the objectives of the KNDR process was to maintain political dialogue between political actors. The political dialogue was aimed at providing practical and peaceful solutions to the deep-seated issues and divisions that threatened the stability of the country. At a deeper level, political dialogue sought to address conflict drivers, foster reconciliation, build a greater national consensus and social cohesion, and define a shared vision for the future.¹⁵³

Agenda Item one of the mediation processes was to immediately end the violence through disarmament and demobilisation of all armed groups and militia; the Kenya Police Force and the GSU were required to act within the boundaries of the Constitution and the law. As the principals appended their signatures to the mediation process agenda on February 28th 2008, a ceasefire of sorts went into effect.¹⁵⁴ Across the country, the bars filled with Kenyans wishing each other, finally, 'Happy New Year!' Although the hard negotiations still lay ahead, Kenya had pulled back from the brink. The resulting National Accord paved way for the establishment of a Coalition Government and a framework for far-reaching reforms that would address the conflict's root causes.¹⁵⁵

Reached after 41 days of negotiation, the Accord included important agreements on four main agenda items. The signatories agreed to: Take immediate action to stop the violence and restore fundamental rights and liberties; resolve the humanitarian crisis, promote reconciliation, heal, and restore calm; overcome the political crisis; and address long-term issues and the root causes of the conflict, including by means of constitutional, legal and institutional reforms. The KNDR process has had a transformative impact in Kenya. It has created conditions for fundamental, political, legal and economic changes

¹⁵¹ Abuya, Edwin Odhiambo. "Can African States Conduct Free and Fair Presidential Elections?." *Journal Of International Human Rights* 8, no. 2 (Spring 2010): 122-164

¹⁵² Wanyeki, L. Muthoni, *The Role of Kenyan Civil Society in the Kenyan Crisis* (Unpublished Paper, 2010)

¹⁵³ Abuya, Edwin Odhiambo. "Can African States Conduct Free and Fair Presidential Elections?." *Journal Of International Human Rights* 8, no. 2 (Spring 2010): 122-164

¹⁵⁴ Ochieng', Josephine Atieno. "Outward peace, inward pieces: a case of the effect of the Kenya post-election violence." *British Journal Of Guidance & Counselling* 38, no. 3 (August 2010): 275-286

¹⁵⁵ Wanyeki, L. Muthoni, *The Role of Kenyan Civil Society in the Kenyan Crisis* (Unpublished Paper, 2010)

in the country. On 27 August 2010, a new Constitution was promulgated, now considered to be the most progressive constitution on the African continent. This was a major achievement for the Kenyan people because constitutional reforms had stalled for two decades.¹⁵⁶

4.4 Role of Women in Mediation during the PEV

The results showed that despite facing sexism and, in at least one instance, lethal violence, more women played a leading role in mobilising their communities. Women constitute over 50 per cent of Kenya's population, but majority of them are illiterate and poor. A number of them are still affected by customs and traditions that have long since been declared harmful cultural practices.¹⁵⁷ As a result, empowerment of women has been a gradual process since independence. Due to the socialization of women in Kenya's patriarchal society, most women believe it is the role of men to provide for the family and, as a result, most women are economically dependent on their spouses or parents. For the young Kenyan woman, achieving economic empowerment is a constant struggle. However, women who are economically empowered make an impact in their communities politically as well as socially. For example, rural businesswomen are known all over the village because they bring supplies to people. Such businesswomen are therefore very interested in the community's decision-making process as they are concerned about how various decisions will affect their businesses, either directly or indirectly.¹⁵⁸

In Kenya, political empowerment for the young woman currently means that she can vote in the general elections that take place every five years and in any subsequent referendum. Empowerment for the young Kenyan woman means that she is economically independent and fully aware of her rights and the resources at her disposal that enable her to voice her concerns about her community and government, thereby rendering her politically empowered. The role of the empowered women could be clearly seen during

¹⁵⁶ Abuya, Edwin Odhiambo. "Can African States Conduct Free and Fair Presidential Elections?." *Journal Of International Human Rights* 8, no. 2 (Spring 2010): 122-164

¹⁵⁷ Ochieng', Josephine Atieno. "Outward peace, inward pieces: a case of the effect of the Kenya post-election violence." *British Journal Of Guidance & Counselling* 38, no. 3 (August 2010): 275-286

¹⁵⁸ Carotenuto, Matthew, and Brett Shadle. "Introduction: Toward a History of Violence in Colonial Kenya." *International Journal Of African Historical Studies* 45, no. 1 (February 2012): 1-7

the peace processes that occurred after the violence. The Kenyan women's movement responded to the violence with attempts to document women's experiences and ensured that there were increased services for the violence victims in terms of humanitarian relief.¹⁵⁹ Women took an active role within the Kenya National Dialogue and Reconciliation (KNDR), under the auspices of Kofi Annan and the African Union (AU) Panel of Eminent African Personalities.

The part women took within the Kenya National Dialogue and Reconciliation Process played a role in influencing Agenda Four which called for reforms that would address the root causes of the violence and prevent such a crisis as the PEV.¹⁶⁰ Issues relating to the participation of women were raised by the female representatives at the negotiation table leading to women being included in the composition of the Independent Electoral Review Commission and the Truth, Justice and Reconciliation Commission.¹⁶¹

Events following the violence reveal involvement of women in negotiation at different levels. There were those who took part as members of the panel, which means that they took part at the negotiation table. Women played the role of senior advisors, mediators and in mediation support roles. Women also engaged in the process as senior members of political delegations and as members of the civil society. Women were equally active outside the negotiating room, at the grassroots, at local and national level.¹⁶² Women strongly, consistently advocated on behalf of their respective parties and the affected communities throughout the negotiations. Within the Kenyan civil society, women highlighted the tension that exists in expecting women negotiators to represent women's issues when they have other representational mandates, which may constrain them from doing so.¹⁶³

¹⁵⁹ Kagwanja, Peter, and Roger Southall. "Introduction: Kenya - A democracy in retreat?." *Journal Of Contemporary African Studies* 27, no. 3 (July 2009): 259-277

¹⁶⁰ Anderlini, Naraghi Sanam, *Peace Negotiations and Agreements* (Washington, D.C.: Institute for Inclusive Security, 2009)

¹⁶¹ Meredith P. M, et al (2011), *Beyond the Numbers: Women's Participation in the Kenya National Dialogue and Reconciliation*. 114, rue de Lausanne ch-1202 Geneva Switzerland pp. 16-22

¹⁶² Al Qurtuby, SumantO. "RELIGIOUS WOMEN FOR PEACE AND RECONCILIATION IN CONTEMPORARY INDONESIA." *International Journal On World Peace* 31, no. 1 (March 2014): 27-58

¹⁶³ Johannes Michael Nebe (Ed.) (2012): *Peace Building and Conflict Management*; University of Trier, Faculty of Political Science pp. 144-149

The engagement of women was instrumental in the direction the negotiation, and the violence, eventually took. Women had major influence on the outcome of the mediation and peace process after the violence. Women and the civil society, with strong regional and international networks, were among the first to lobby at the AU.¹⁶⁴ Their capacity is a feature that had been noted to be critically important in ensuring civil society messages got through to the highest level regionally and globally. Their strength helped to offset the challenge of not having a formalized channel for civil society and women to influence the mediation process.¹⁶⁵ The civil society played a major role in mobilizing and ensuring that the issues and priorities of women were presented to the mediation team. The capacity of women's organizations within civil society to come together to articulate a position for women to be brought to the mediation team was significant. Nonetheless, it was the momentum brought in by Graça Machel in calling the women together, for them to overcome their own differences and divisions in order to work together to press for greater focus on women's issues in the process, that made an even greater impact.¹⁶⁶

In the early days of the mediation, during the consultations with civil society, Graça Machel called on women's leaders to come together to meet her to discuss the position of women with regard to the crisis. She reached out to women she had previously worked with in order to encourage them to convene so they could engage the peace negotiations with one voice.¹⁶⁷ The efforts led to the signing of a Memorandum to the Panel which called for the mediators to make sure that SCR 1325 was effectively adopted. The mediation team was also advised, through the efforts, to second a gender advisor to the Panel to ensure gender mainstreaming, although this was not implemented.¹⁶⁸ Women's leaders mobilized funds for a women's consultative meeting on the Kenyan crisis on 24th January 2008. Graça Machel advised the women to sit together

¹⁶⁴ Carotenuto, Matthew, and Brett Shadle. "Introduction: Toward a History of Violence in Colonial Kenya." *International Journal Of African Historical Studies* 45, no. 1 (February 2012): 1-7

¹⁶⁵ Svensson, Isak, and Mathilda Lindgren. "Peace from the Inside: Exploring the Role of the Insider-Partial Mediator." *International Interactions* 39, no. 5 (November 2013): 698-722.

¹⁶⁶ Anderlini, Naraghi Sanam, *Peace Negotiations and Agreements* (Washington, D.C.: Institute for Inclusive Security, 2009)

¹⁶⁷ Centre for Humanitarian Dialogue Interview with Graça Machel

¹⁶⁸ African Union Solemn Declaration on Gender Equality in Africa, AU, January 2004.

in order to find a common ground in addressing the root causes of the violence and address them to prevent any such occurrence in future.¹⁶⁹ This led to the “spitting session” by the women who were taking part in the peace process. Women were given the chance to raise all of the issues that were dividing them, allowing themselves to get angry and “spit at one another” so as to allow them to move forward by finding a common ground on their position to the crisis. This allowed for the drafting of a women’s memorandum which was presented to the mediation team on 25th January 2008. The memorandum was presented by a committee of twelve women. The content of the memorandum shaped the direction of Agenda Four.¹⁷⁰

The memorandum helped in the framing of the violence, the crisis and its resolution in the broader context of women, peace and security, drawing on UNSCR1325 and the AU solemn declaration. The effects of conflict on women are another issue that was covered. There were major calls to implement UNSCR 1325. Other important elements were considered including regional frameworks such as the African Union Constitutive Act, the Solemn Declaration and the African Charter on the Rights of Women.¹⁷¹ Women also recommended the representation at the table of women from civil society.¹⁷²

Women in civil society used various other informal strategies to influence the mediation process. They engaged the male delegates at the table who were known to them through political networks. Women worked with female leaders in political parties who helped to link them to the leadership of their respective parties. They also lobbied the wives of the party leaders, Kibaki and Odinga and held early morning sessions with members of the mediation team to advocate on gender issues. When the women’s leaders had difficulty getting access to the mediation team at certain points during the

¹⁶⁹ Carotenuto, Matthew, and Brett Shadle. "Introduction: Toward a History of Violence in Colonial Kenya." *International Journal Of African Historical Studies* 45, no. 1 (February 2012): 1-7

¹⁷⁰ Makumi M and Okello O. (Eds), *Rethinking Global Security; An African Perspective*, (Nairobi: Heinrich Boll Foundation, 2006) pp.86-104.

¹⁷¹ Kagwanja, Peter, and Roger Southall. "Introduction: Kenya - A democracy in retreat?." *Journal Of Contemporary African Studies* 27, no. 3 (July 2009): 259-277

¹⁷² Meredith P. M, et al (2011), *Beyond the Numbers: Women’s Participation in the Kenya National Dialogue and Reconciliation*.114, rue de Lausanne ch-1202 Geneva Switzerland pp. 16-22

negotiations, they sometimes intercepted them in the lobby of the hotel where the talks were being held to make further input to the talks.¹⁷³

For Kenyan women many concerns require to be dealt with to achieve actual inclusion. This would be achieved in the mechanisms and processes arising from the mediation process, namely the Commission of Inquiry into the Post Election Violence (to address the immediate violence), the Truth, Justice and reconciliation Commission (to address the underlying causes of the violence) and the newly-begun re-settlement process for IDPs, Operation Rudi Nyumbani (return home).¹⁷⁴ The efforts of women might have achieved major results in ending the conflict, but not without major challenges and setbacks. Thus, a lot of work lies ahead to ensure justice for the women who were affected.¹⁷⁵

4.5 Barriers Faced by Women in the Kenyan Context

There are several barriers that stand in the way of actual participation of women in mediation and peace processes in Kenya. These barriers can be classified into political, social, and economic barriers. In terms of political barriers, the tenth parliament (2007-2012) had the highest number of female legislators in Kenyan history, but the percentage of female legislators is only 10.4 per cent. Female participation in political processes is limited in several ways, mostly through voter registration processes and voting rules. The efforts to empower women are also limited by the high level of illiteracy making it difficult for women to understand their political rights and roles in political processes¹⁷⁶. In marginalized communities such as the Maasai, the Samburu, and the Turkana, women are not sent to school, as their fathers believe that it is a waste of time and money to educate a girl, as her only role will be that of a wife. The Maasai men consider it a worthy investment to educate boys instead. Raising sufficient resources to fund a campaign for a political cause is hard particularly for women who often lack

¹⁷³ Carotenuto, Matthew, and Brett Shadle. "Introduction: Toward a History of Violence in Colonial Kenya." *International Journal Of African Historical Studies* 45, no. 1 (February 2012): 1-7

¹⁷⁴ Abuya, Edwin Odhiambo. "Can African States Conduct Free and Fair Presidential Elections?." *Journal Of International Human Rights* 8, no. 2 (Spring 2010): 122-164

¹⁷⁵ Wanyeki, L. Muthoni, The Role of Kenyan Civil Society in the Kenyan Crisis (Unpublished Paper, 2010)

¹⁷⁶ Rutto, S. (2000). Ethnicity as Objects of Hatred: Community Relations and Democratization Process Among the Kalenjin Communities of the Rift Valley Province in Kenya. In Murunga, G. R. (ed) 70-107.

established funding networks or collateral. Women who take part in political actions face societal opposition, from both male and female citizens, a factor that makes it hard to achieve effective inclusion.¹⁷⁷

In terms of social barriers, there are major cultural impediments, such as the practice of Female Genital Mutilation (FGM) as a rite of passage in some communities that stigmatize and traumatize young girls for life. When young women are forced to marry men old enough to be their fathers, they lose their independence. They have to abide by the wishes of their husbands, restricting their roles in society. Women in the country are unable to exercise their freedom of movement or association and as a result cannot participate in political processes. Among the Maasai, for example, women are not allowed to address men in a public forum, making it impossible to engage in such processes as negotiations where they are expected to address a panel including men¹⁷⁸.

Economic barriers are evident in terms of the lack of entrepreneurship skills and other skills, making their economic strength limited. This renders them economically handicapped and without the means to educate and empower themselves. Other women simply lack the capital to finance their projects. Because of their restricted movements, many women who could run businesses from their home are blocked from economic activity by lack of market access. Maasai women are known for their expertise in making beautiful beadwork. However, they lack the market in which to sell their products due to their lack of marketing skills and restricted expansion. They sell beadwork in an already saturated market. The lack of economic strength makes it impossible for the women to have a voice in the issues affecting them.¹⁷⁹

¹⁷⁷ Makumi M and Okello O. (Eds), *Rethinking Global Security; An African Perspective*, (Nairobi: Heinrich Boll Foundation, 2006) pp.86-104.

¹⁷⁸ Rutto, S. (2000). *Ethnicity as Objects of Hatred: Community Relations and Democratization Process Among the Kalenjin Communities of the Rift Valley Province in Kenya*. In Murunga, G. R. (ed) 70-107.

¹⁷⁹ Abuya, Edwin Odhiambo. "Can African States Conduct Free and Fair Presidential Elections?." *Journal Of International Human Rights* 8, no. 2 (Spring2010 2010): 122-164

4.6 The Way Forward

To overcome political barriers, the government and non-governmental organizations can work together to offer capacity building for women. They can recruit and train women across the political spectrum, then equip them with confidence and skills to take part in political processes.¹⁸⁰ Education and empowerment of women is necessary to ensure that they are included in all political spheres including peace processes at the local, national and international levels. Educated young women across the country can offer capacity building workshops to emphasize the importance of female child education. These young women will act as role models for the rural girls who have never set foot in a classroom and will send a message to the girl's parents on the importance of her education.¹⁸¹

Constitutional reforms have been cited as one of the ways to ensure greater inclusion of women. Kenya considers the interests of women socially as well as politically due to the inclusion of women in the drafting process. The concept of affirmative action in the constitution guarantees an increase in women's participation in the Kenyan society. Further the constitution also provides for legislation to regulate political parties. This will provide a level playing ground for all who wish to participate politically regardless of one's gender.¹⁸² To overcome social barriers, harmful cultural practices such as FGM and early marriages should be eradicated. Several non-governmental organizations are already engaged in conducting human rights education at the grassroots level, highlighting the dangers of these practices and offering alternative rites of passage.¹⁸³

To overcome economic barriers, government and local non-governmental organizations should carry out workshops on the existence of both the youth and women funds and how women, both young and old, can access these funds. Similarly, capacity-building workshops on leadership and entrepreneurship skills should be conducted for

¹⁸⁰ USAID, 2012. *Gender Equality and Female Empowerment Policy*. Washington, DC: USAID.

¹⁸¹ Rutto, S. (2000). *Ethnicity as Objects of Hatred: Community Relations and Democratization Process Among the Kalenjin Communities of the Rift Valley Province in Kenya*. In Murunga, G. R. (ed) 70-107.

¹⁸² Wanyeki, L. Muthoni, *The Role of Kenyan Civil Society in the Kenyan Crisis* (Unpublished Paper, 2010)

¹⁸³ Rutto, S. (2000). *Ethnicity as Objects of Hatred: Community Relations and Democratization Process Among the Kalenjin Communities of the Rift Valley Province in Kenya*. In Murunga, G. R. (ed) 70-107.

grassroots women. Providing more economic opportunities for women will increase their engagement in economic, social and political affairs of the country¹⁸⁴.

4.7 Conclusion

This chapter has analysed the post-election violence in Kenya by critically analysing aspects of peace building and the institutional frameworks that are necessary for peace processes to be all inclusive. According to this chapter, mediation process that led to the end of the violence is discussed and the particular role played by women in the peace process. The barriers to participation by women in mediation highlights the institutional challenge that bedevilled the role of women in mediating the peace process in the post-election violence of 2007/2008.

¹⁸⁴ Wanyeki, L. Muthoni, *The Role of Kenyan Civil Society in the Kenyan Crisis* (Unpublished Paper, 2010)

CHAPTER FIVE

CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

This chapter presents the summary, conclusion as well as suggested recommendations on issues concerning women and mediation with special reference to the Kenyan post-election mediation process. Conflict remains a constant companion of mankind.¹⁸⁵ From the simplest forms of human organizations to the most complex societies there has always been conflict. This is because individuals and groups possess different values and interests. In the process of pursuing and fulfilling these interests and values, there is always a risk of conflict since values and interests are not always compatible.¹⁸⁶ As such, what matters is not the presence of conflict per se but the strategies actors adopt in response to the incompatibilities between them. An enlightened understanding of conflict indicates that it is not something that is essentially bad. Rather, it is an important ingredient of social change. It is akin to a pain in the body, which indicates that there is something wrong in either the physiological or psychological processes and hence, there is a need to see a doctor.¹⁸⁷ Along the same lines, conflict, is a symptom which accompanies the birth of much that is new in society and frequently attends the demise of whatever is outworn. It also sometimes signals the presence of ills in the body politic. It has therefore both constructive and destructive aspects. It can both be a warning and a promise. It heralds progress and growth as well as death and decay.

Within this understanding of conflict, the task is to manage it in a way which brings out its constructive potential and at least suppress its destructive elements. However, this is not always the case, since some conflicts degenerate into destructive exchanges between contending groups. In such a situation, third parties step in with a goal of guiding the parties to a conflict towards a mutually constructive outcome. The

¹⁸⁵ Juma, Monica Kathina. "African mediation of the Kenyan post-2007 election crisis." *Journal Of Contemporary African Studies* 27, no. 3 (July 2009): 407-430

¹⁸⁶ Anderlini, et al (2009). *Peace Negotiations and Agreements*. Washington, D.C.: Institute for Inclusive Security, 2009

¹⁸⁷ Schuler, John. "A Post-Election Perspective: whither Information Policy? Part Two." *Journal Of Academic Librarianship* 31, no. 1 (January 2005): 63-66

third parties interveners have different identities, interests and resources. The differences equip them with varying capacities of conflict management. This understanding formed the basis of this study, which sought to examine whether women have different sets of resources and capacities to manage conflict relative to other third party actors.¹⁸⁸ Studies have shown that there exists different positions regarding the relationship between women and conflict. Conventional approaches to mediation—where agreements between the parties in conflict are hammered out—are becoming increasingly ineffective in the violence taking place in the 21st century.¹⁸⁹ Administrative and boundary units are some of the resources that lead to ineffective mechanisms for political and social dialogue if not well managed.¹⁹⁰ Violence during an election cycle is an all-too-frequent phenomenon in most African countries where it may be triggered by political or ethnic tensions, or flawed electoral processes. Tragically, those most affected by the violence are women and girls. International norms play an important role in a mediator's considerations around inclusion as well as many other factors in a mediation process.¹⁹¹ There is increasing recognition that international norms and standards can offer a framework of accountability and important guidance for internationally or regionally-led (or sanctioned) peace processes. This means that these mechanisms have become more central for mediation practitioners in recent years. In this context, there have been a number of important advancements around the issues of women's participation as well as on the issues affecting women, peace and security over the last decade.¹⁹² In the year 2000, the UN Security Council laid down the gauntlet for the United Nations and its member states to involve women in preventing and resolving conflict and in building peace. In its landmark Resolution 1325—binding on all UN member states—the council recognized women as critical participants in peace making.¹⁹³ Previous UN

¹⁸⁸ Al Qurtuby, SumantO. "Religious Women For Peace And Reconciliation In Contemporary Indonesia." *International Journal On World Peace* 31, no. 1 (March 2014): 27-58

¹⁸⁹ Al Qurtuby, SumantO. "Religious Women For Peace And Reconciliation In Contemporary Indonesia." *International Journal On World Peace* 31, no. 1 (March 2014): 27-58

¹⁹⁰ Kagwanja, Peter, and Roger Southall. "Introduction: Kenya - A democracy in retreat?." *Journal Of Contemporary African Studies* 27, no. 3 (July 2009): 259-277

¹⁹¹ Webber, Katherine, and Helen Johnson. "Women, Peace Building and Political Inclusion: A Case Study from Solomon Islands." *Hecate* 34, no. 2 (November 2008): 83-99

¹⁹² Ochieng', Josephine Atieno. "Outward peace, inward pieces: a case of the effect of the Kenya post-election violence." *British Journal Of Guidance & Counselling* 38, no. 3 (August 2010): 275-286

¹⁹³ Wanyeki, L. Muthoni, *The Role of Kenyan Civil Society in the Kenyan Crisis* (Unpublished Paper, 2010)

resolutions had treated women as victims of war, but none affirmed their important contributions to peace in conflict-affected states. In particular, the council stressed the importance of [women's] equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, and the need to increase their role in decision-making with regard to conflict prevention and resolution.¹⁹⁴

The UN went on to urge member states to increase the representation of women at all decision-making levels, making specific reference to conflict resolution mechanisms, among others. The council further called on the UN secretary-general to appoint more women as special representatives and envoys, "to pursue good offices on his behalf."¹⁹⁵ One position holds that religion is a cause or escalator of conflict. This is the view advanced by proponents of 'clash of civilization' thesis, who argue that, in post-cold war, religion has increasingly replaced secular ideologies, as the main source of identity. As such, feminist boundaries mark the fault lines of post-cold war conflict.¹⁹⁶ The second position treats the relationship as ambiguous. The argument is that, all women reflect values for peace and violence. This is because; women values such as those of love, empathy, compassion, embracing of strangers and forgiving have been utilized in the service of peace through mediation.

Chapter four has detailed the 2007 – 2008 electoral related conflict. The analysis is historical in nature and it is informed by understanding that violence does not just erupt, neighbours do not wake up one morning and decide to start hacking each other. Instead, conflicts have histories. History helps to explain people's motivations and why they believe in what they believe. Further, history justifies the aims of the group and also affects the strategies of that group. A Historical analysis has shown that the conflict is linked to the trajectory of postcolonial state-building, which took an ethnic basis. This way, the state has been closely identified with the ethnic identity of persons holding the reins of power, since it is presumed that control of state power translates into privileged

¹⁹⁴ Kagwanja, Peter, and Roger Southall. "Introduction: Kenya - A democracy in retreat?." *Journal Of Contemporary African Studies* 27, no. 3 (July 2009): 259-277

¹⁹⁵ Webber, Katherine, and Helen Johnson. "Women, Peace Building and Political Inclusion: A Case Study from Solomon Islands." *Hecate* 34, no. 2 (November 2008): 83-99

¹⁹⁶ Wanyeki, L. Muthoni, *The Role of Kenyan Civil Society in the Kenyan Crisis* (Unpublished Paper, 2010)

access to state resources, by co-ethnics. This has spawned dysfunctional political value system and practices based on exclusion, ethnicity and corruption, normalization of violence as a strategy for political competition, institutional decay and impunity.

5.2 Conclusion

Findings from the study indicate that women have been at the forefront in fostering peace using various methods, particularly mediation, dialogue, and peace workshops. Conflicts recur because of the adoption of ineffective methods of peace building and reconciliation, ethnic animosity and lack of community involvement, political incitement and poverty. Ethnic conflicts disrupt the social fabric that holds the society together. The study also established that complementary approach to mediation and peace building is inevitable if long lasting peace is to be attained. In a multi-ethnic society, all actors should ensure that they use a comprehensive approach that appreciates the diversity of cultural worldviews. Very similar and often interchangeable terms for complementary approach include holistic approach, integrated approach, or meta-approach.¹⁹⁷ What these terms highlight is that resolving conflicts and achieving sustainable coexistence in divided societies requires integrated and complementary efforts across relevant fields and levels, that is, grassroots to structural and local to international. The causes of conflict are many, and the responses should be strategic and multi-pronged. Side lining or rejecting an aspect that is key to any community is tantamount to rejecting the community. Therefore, the study concluded that ethnic conflicts in Kenya are caused mainly by socio-economic and political factors. The processes of peace building and reconciliation employed by the peace builders are limited. Complementary approaches are inevitable in effective peace building and reconciliation initiatives.

Consequently, political competition is couched in discourse of fear of ‘others’ and the logic of ‘it is our turn to eat. This way, winning of political power by all means and the culture of violence has become embedded in Kenya’s body politic. It is against this background that the 2007 – 2008 violent electoral conflict should be analysed and

¹⁹⁷ Abuya, Edwin Odhiambo. "Can African States Conduct Free and Fair Presidential Elections?." *Journal Of International Human Rights* 8, no. 2 (Spring2010 2010): 122-164

appreciated¹⁹⁸. Though labelled electoral, claims of electoral rigging was just but a powder keg. To effectively address this kind of conflict, issues of values are as important as those of interests. Failure to address values merely provides band aid solutions. Since track one actors use power based strategies focused on bargaining interests and leaving out values, the study concludes that the involvement of unofficial actors is critical. How they fare when involved is also significant. In order to evaluate how unofficial actors perform in the business of conflict management, chapter four has analysed how women are a key factor in terms of resolving violent electoral conflict.

5.3 Recommendations

Based on the findings of this study, the following recommendations were made: Improving participation and gender responsiveness requires fundamental structural shifts in mediation: Perhaps the most important lesson which emerges from the Kenyan example is the need for mediation structures to be more responsive to the needs of women and other stakeholders in the conflict. This includes a shift in thinking beyond crisis management to transformative mediation practice. It also requires commitment, at the core of the mediation process, for the inclusion of voices beyond the traditional parties to a conflict. Kenya had strong representation of women in all areas and a high level of commitment from the mediator. The Kenya agenda also identified transformative issues at the core of the conflict which were important in the mediation process. While the Kenya process offers some instructive experiences, it is important to look forward to how the international community can establish structural norms around mediation. This could ensure that the participation and representation of women, and issues of importance to women, are safeguarded as a matter of good practice in mediation processes in the future. There is need to appreciate, strengthen and adopt transformative methods of mediation. Strengthening transformative methods of mediation, peace building and justice dispensation mechanisms is an important aspect. In so doing it recognizes the culture and social structures that define these communities. This study noted that there is urgent need for a bottom-up approach to societal needs where women make use of

¹⁹⁸ Abuya, Edwin Odhiambo. "Can African States Conduct Free and Fair Presidential Elections?." *Journal Of International Human Rights* 8, no. 2 (Spring2010 2010): 122-164

existing cultural values and structures to reduce conflicts and engender peace. There is need to recognise and support diverse ways for women to participate and be represented: Kenya is an excellent example of the challenges around the representation of women and women's issues. There is need for mediators to embrace the many avenues for women's participation and representation. The various efforts in the country trying to build a culture of community mediation and peaceful existence should be recognized and encouraged. Peace meetings, exposure tours and exchange visits are some of the ways to achieve this objective. Grass root partnerships are better placed to bring on board a broad and representative participation especially the youth and women, whose potential in prevention of conflicts remain untapped. This latter aspect stresses the importance of gender and gender mainstreaming in conflict management.

The study recommends the following studies; NGOs approaches to peace building and conflict resolution in Kenya after 2008-2013 post conflict period and roles of militia gangs in recurrence of ethnic conflicts in Kenya. It is important that the civil society engages itself throughout a mediation process: A vibrant civil society is critical for a sustainable peace agreement. The active participation of the civil society, and women's leaders in Kenya was particularly important as they had the ability to engage at a technical level regarding the issues that were discussed at the table. Similarly, strong networks, organisation and outreach – particularly high-level advocacy internationally - was an important aspect among the female, and civil society leaders in Kenya. This is not always the case in other more protracted situations of conflict, and means that to support greater capacity in this regard it is important to enhance the effectiveness of civil society and women's engagement in any mediation process.

The challenges facing women's participation in various peace processes is that they are not given the chance to use their knowledge and experience in these processes. The effectiveness of women peace organisations has been hindered by gender-based bias in Africa, where the place of women has remained right below that of men. Thus, to be effective in the role, there is need to bridge the gap between men and women, especially in peace processes. The solution to the Africa problem is based on the importance of

bridging local and global efforts to realize a holistic and transformative negotiation agenda.

It is time to promote and enhance the role of women in mediation and peace processes, locally and internationally. Women need to have an important place at the mediation table, closer, if not the same as that of men. The actual and unrelenting gender bias and resistance among those who hold power ought to be challenged if the *status quo* has to be changed to achieve real inclusion of women in negotiation and other peace processes. Meaningful and early participation of women should be systematic and automatic – and not simply a voluntary “commitment”. Also, peace agreements that involve the input of women should be recognized locally and internationally.

A lot more needs to be done internationally and nationally to change the situation of women and make them more effective in negotiations as well as encourage their taking part in peace processes, both nationally and internationally. More time and resources should be spent in empowering women to make this significant contribution in order to achieve gender equality. It should be recognized that sustainable peace and development cannot be achieved without the significant participation of women as well as integration of gender perspectives. Efforts have been made by women organizations such as Women's International League for Peace and Freedom among others, but they cannot achieve much without support from other players, including civil societies and the government.

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APPENDICES

Appendix I: Questionnaire for the Women in Civil Society

Please give answers in the spaces provided and tick (✓) the box that matches your response to the questions where applicable.

Section I: GENERAL INFORMATION

1) Gender (tick as appropriate)

a) Female () b) Male ()

2) What is your age bracket? (tick as appropriate)

Under 20 years [] 21 – 30 years [] 31 – 40 years [] 41 – 50 years []

Over 50 years []

3) Length of civil society engagement? (tick as appropriate)

Less than one year [] 2-5 years [] 6-10 years [] Over 10 years []

4) Country of origin

Kenya []

Uganda []

Other country [] please specify.....

5) Which of the following best describes your position?

Retailer [] Diplomat [] Government Official [] Civil Society
Activists [] Other (Please State) _____

Section II: MEDIATION POLICIES

6. Do you support mediation efforts?

Yes [] No []

7. To what extent does mediation processes affect conflict management?

Very great extent [] Great extent [] Moderate extent []

Low extent [] No extent []

8. According to you which approaches of mediation facilitate conflict resolution?

.....
.....
.....

9. To what extent are the current mediation policies frameworks effective for post-election violence?

Very great extent [] Great extent [] Moderate extent []

Low extent [] No extent []

THANK YOU FOR YOUR TIME AND PARTICIPATION

Appendix II: Interview Guide

1. Kindly state you job category

Ministry officials []

Civil society []

Immigration personnel []

2. Country of origin

Kenya []

Uganda []

Other country [] please specify.....

3. How do you understand the efforts of women in mediation process?

.....
.....
.....

4. How do you enact the mediation policies on peace building?

.....
.....
.....

5. Kindly describe the challenges faced during the mediation process

.....
.....
.....

6. Briefly describe the complimentary approaches effective in peace building

.....
.....
.....
.....