

**UNIVERSITY OF NAIROBI**

**INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES**

**The role of culture in influencing women's negotiating position in peace processes. A case study of the Somali Peace Talks (2003-2004)**

**ALICE WANJIRU NJAU**

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**Supervisor:**

**Prof .MARIA NZOMO**

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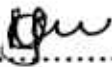
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## DECLARATION

This dissertation is my original work and has not been presented for a degree in any other University.

ALICE WANJIRU NJAU

SIGN .....  ..... DATE 23/11/2009 .....

UNIVERSITY OF NAIROBI  
EAST AFRICA

This dissertation has been submitted for examination with my approval as University Supervisor.

Prof .MARIA NZOMO

SIGN .....  ..... DATE 23/11/2009 .....

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## ACRONYMS.

IGAD	Intergovernmental Authority for Development
UN	United Nations
IGADD	Intergovernmental Authority on Drought and Development
IWD	IGAD Women's Gender Desk
SNRC	Somalia National Reconciliation Conference
UNIFEM	United Nations Fund for Women
UNOSOM	United Nations Operations Somalia
WTO	World Trade Organization
IMF	International Monetary Fund
WB	World Bank
ECOSOC	UN Economic and Social Council
CEDAW	Convention on Elimination of all forms of Discrimination Against Women.
NATO	North Atlantic Treaty Organization

## ABSTRACT

The rise in armed conflicts in Africa has had enormous effects on women ranging from widespread sexual violence, displacement to widowhood. Not to mention the fact that women shoulder additional social responsibilities held by men prior to conflicts. Despite the fact that women suffer disproportionately from armed conflict, they are rarely represented at decision making tables during peace processes. The UN Security Council Resolution 1325 of 2000 recognizes the disproportionate effects of armed conflict on women and calls for deliberate measures to ensure women's participation in peace processes, including post conflict reconstruction. A few peace processes such as Somali peace process, due to internalization of the peace process, have in the recent years taken deliberate measures to ensure representation of women in decision making tables.

This thesis goes beyond representation and explores challenges faced by women in decision making tables of peace processes, with special focus on the Somali peace process held in Nairobi between 2003 and 2004. The first chapter introduces the research problem – minimal participation of women in peace processes. The second chapter gives an overview of women's participation in international relations and more specifically international negotiations in order to bring an understanding of the root causes of women's minimal participation in international processes. This chapter concludes that international relations, which largely a process of constant negotiation between states is based on masculine values. This effectively limits the participation of women as well as expression and inclusion of feminine values and ideals in the process of international negotiations.

The third chapter gives an overview of the Somali conflict from a gender perspective including the gender differentiated impacts of the conflict and the role women played in various peace processes that have been undertaken since the collapse of the Somali state. It leads to an understanding of the circumstances leading to the inclusion of women in the Somali peace process that is under review in this thesis.

Chapter four makes an assessment of the participation of women in the peace process, beyond representation. It specifically looks at the role of culture in the limiting women's capacity to negotiate and advance their rights as Somali women. This chapter also notes that women's negotiating behaviour was strongly influenced by culture. The chapter notes that the strong Somali culture that is centred on kinship bound women to the decisions of the clan, even when they were not in favour of women's agenda for emancipation.

The fifth and final chapter explores future prospects for women's participation in peace processes. It looks at short term measures such as an effective gender mainstreaming strategy. The chapter however notes that long term fundamental measures will be needed for sustainability of women's participation in decision making processes. These include but not limited to education of women and progressive eradication of cultural norms and practices which undermine the realization of women's human rights.



# CHAPTER ONE: BACKGROUND OF THE STUDY

## INTRODUCTION

In the past last decade, Africa has experienced conflicts, mostly intrastate, which have greatly undermined development in the concerned countries. Indeed 'one of the distinguishing features of African political landscape is its many dysfunctional and protracted social and political conflicts'.<sup>1</sup> However, in recent past, the continent is shedding off its devastating effects of the conflicts. This means, Africa is moving to an era where issues of grievance and incompatibility of goals will be addressed through peaceful means.<sup>2</sup> Among the causes of conflict include competition for resources, political power, ethnic violence, ideological factors among others. The devastating effects of conflict have necessitated use of conflict resolution mechanisms to avert escalation and put the affected countries on the path to recovery.

The question of gender in conflict remains an issue of concern in as far as women empowerment is concerned. Studies on gender dimensions of conflict clearly show that men and women experience conflict differently<sup>3</sup>. While men are mostly the aggressors during conflict, women provide logistical support to the male combatants. Some women, though few, take part in conflicts as combatants. The consequences of war are different for the two genders. While more men than women are killed, women constitute majority of displaced persons. Women experience sexual violence during the conflict, in the displacement camps and in the post conflict period. Conflicts also place additional responsibilities for women as become heads of households. That women and children are affected by war more than any other group is not in doubt. Conflict resolution is an important presents an opportunity for reconciliation, healing and reconstruction. This process requires the participation of all the affected parties. An analysis of conflict resolution processes clearly show glaring gaps in women's participation. Their efforts have always been outside the mainstream processes.

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<sup>1</sup> Makumi Mwangi, 2001; *Conflict Management in Africa: Lessons Leant and Future Strategies*(pgv)

<sup>2</sup> T. Adebo, *Post-Conflict Peace building and Prospects for Democracy with Reference to Africa*, (Uppsala: Life and Peace Institute, 2005), p. 9.

<sup>3</sup> Lisa Schirch and Manjrika Sewak, 'Women: Using the Gender Lens' in Paul Van Tongeren et al, *People Building Peace II: Successful Stories of the Civil Society* .Lynne Rienner Publishers London, 2005. pp 97-107

In the world over, conflict has primarily been resolved through negotiation between warring parties. Negotiation may be undertaken directly by the parties to a conflict or through mediation – in which case the negotiation process is facilitated by a third party. In Africa, mediation has so far remained the most popular method of conflict resolution. This method has been used in various conflicts among them the Somali conflict where IGAD facilitated the mediation process that was held in Kenya between 2002 and 2004. It is during this process that IGAD set an example in Africa region by taking deliberate step to mainstream the participation of Somali women in the peace process. The representation and participation of women in the Somalia peace process has been referred to be the ‘sixth’ clan in the peace process. However, this ‘sixth’ clan in the Somalia peace talks cut a cross all the other five clans of Somalia represented in the peace process.

This is because women values, interests and concerns in the conflict and peace talks cut a cross the five Somalia clans in the peace process. Women unite on gender issues on which they agree irrespective of their party affiliation to ensure their issues are taken into account.<sup>4</sup> Although women were included in the peace talks, their role and participation in the peace talks little reveals the effect of their representation in the process. Though deliberate efforts were made to build the capacity of women to participate in the process, it is clear that the problem of women’s effective participation goes beyond capacity building. Culture has been identified underlying obstacle in women’s participation in the process. This study seeks to further explore the cultural dimensions of negotiating women’s agenda in the process, with a view to informing future efforts of mainstreaming women’s participation in peace processes.

### **STATEMENT OF THE RESEACH PROBLEM**

Civil war has been a defining characteristic of the African continent since the end of the cold war and a number of conflict resolution processes have been initiated in a bid to end conflicts within the region. Unfortunately these processes have not been gender responsive due to the fact that they have often ignored the participation of women.

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<sup>4</sup> E. S. Burke, J. Klot and I. Bunting, Engendering Peace: Reflections on the Burundi Peace Process, (Nairobi: UNIFEM, 2001), p. 28.

This is a reflection of the patriarchal nature of our society which has been viewed as male dominated.<sup>5</sup> The gender bias in the society disadvantages women from decision-making processes including those that relate to conflict management. As a result reconstruction programs and reforms fail to take into account women's concerns, thereby perpetuating gender inequalities in the society. It is against this background that the United Nations Security Council Resolution on women and peace of 2000<sup>6</sup> was passed seeking to make "...women and gender perspective relevant in negotiating peace agreements, planning refugee camps and peace keeping operations and reconstruction of war torn societies."<sup>7</sup>

At the regional level, the Somali peace process held in Nairobi between 2002 and 2004 represents one of the serious efforts to mainstream women's participation in peace processes in the region. The process that was facilitated by the IGAD made deliberate attempts to ensure that women participated in the negotiation process. Forty women were incorporated spread in the six committees that were formed at the beginning of the Somalia peace talks to discuss issues of conflict resolution. These committees were: Conflict Resolution and Reconciliation; Disarmament, Demobilization and Reintegration; Economic Recovery, Institutional Building and Resource Mobilization; Federalism and the Provisional Charter; International Relation and Regional Cooperation; Land and Property Rights.

Though there was representation of women in the Somali Peace Process on Somalia, questions linger on the effectiveness of their participation. Women's role was downplayed and not given an emphasis as it was hoped. The capacity of women to participate in the process was also wanting. While representation of women is a key indicator of women's participation, it is clear that this is not enough based on the fact that outcomes of process were not so favorable for women. It is clear that the patriarchal Somali culture had a key role to play in women's performance in the process. It is also clear that culture shall continue to be a major challenge facing women in their quest for equality at bargaining table. Efforts to mainstream women's participation in the Somali peace process and other peace processes are to be commended.

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<sup>5</sup> Andrew Heywood, Political Ideas and Concepts: An Introduction, (New York: St. Martin's Press, 1994), pp. 182-183.

<sup>6</sup> United Nations Security Council Resolution (UNSCR) 1325 of 31<sup>st</sup> October 2000.

<sup>7</sup> "Rehn and Sirleaf, *Women, War and Peace :The Independent Experts Assessment*(UNIFEM 2002)

These efforts have however not been designed to effectively mitigate the effects of a patriarchal culture, which is largely incompatible with women's participation in decision making. For the sustainability of these efforts the issue of culture needs to be studied critically to inform future efforts.

## **OBJECTIVES OF THE STUDY**

### **Broad Objective**

The overall objective is to study the role of culture in influencing women's bargaining position in the Somali peace process.

### **Specific objectives**

1. To assess the role of culture in determining the structure of negotiation process and the women's participation.
2. To assess effects of culture on women's negotiating behaviour.

## **LITERATURE REVIEW**

The review will focus on theories and causes of conflict as well as peace processes globally and the Africa region. Importance will be placed on gender gaps in literature on conflict and peace processes.

Conflict is a characteristic of every day life. According to Mitchell<sup>8</sup> conflict is a consequence of the incompatibility of goals of different parties about a particular thing. The incompatibility may rise because the parties involved may have different perception, goals and ideas about how to achieve them.<sup>9</sup> Conflict transcends time and space and is therefore inevitable in all social systems. Conflict has both destructive and constructive consequences.<sup>10</sup>

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<sup>8</sup>C. R. Mitchell *The Structure of International Conflict*, (London: Macmillan, 1998), pp. 15-25.

<sup>9</sup>M. Mwagiru, *Conflict: Theory, Processes and Institutions of Management*, (Nairobi: Watermark, 2000), p. 3.

<sup>10</sup>J. B. Hill, "An Analysis of Conflict Resolution Techniques: From Problem Solving Workshop To Theory" in *Journal Conflict Resolution*, Vol. 26, March 1982 p., 113.

Management efforts should be directed towards maximizing its potential benefits and minimizing its destructive consequences.<sup>11</sup> The Africa continent has experienced widespread civil strife which has had disastrous effects on the overall development of the continent. Political and economic factors are the major causes of conflict in Africa region and range from imposition of colonial boundaries, illegitimate governments, competition for resources and structures that perpetuate inequities. In his analysis of conflict, Mwangi<sup>12</sup> identifies illegitimacy of governments and conflicts of constitution as major causes of internal strife in third world countries.

Stedman<sup>13</sup> is of the view that colonialism is at the core of internal conflicts in Africa over distribution of resources, access to political power and basis political identities. He also points out external support of regimes in Africa during the cold war, regimes which did not largely enjoy internal legitimacy. The end of the cold war and withdrawal of support left them vulnerable. He also points out the fact that borders established during the colonial period responded little to African political, cultural and economic life.

Due to the enduring nature of conflict in the society, numerous researches and studies have been conducted in this field. These studies have however not adequately addressed the question of gender and as such, strategies of peace building and conflict resolution have continued to be gender blind. This means that they do not address the different and specific concerns of men and women in as far as conflict is concerned.

It is important to understand the concept of gender and its implications in conflict and conflict resolution. Mbote<sup>14</sup> considers gender to mean a state of being male or female which is distinguishable physically by sex or reproductive differences, which she notes that, in recent times has acquired a social meaning of relationship between male and female.

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<sup>11</sup> J. Bercovitch and A. Houston "The Study of International Mediation: Theoretical Issues and Empirical Evidence" in J. Bercovitch (ed), *Resolving International Conflict: The Theory and Practice of Mediation*, (London: Lynne Rienner Publ., 1996), pp., 11-35.

<sup>12</sup> M. Mwangi, *Conflicts: Theory; Processes and Institutions of Management*, Nairobi: Watermark, 2002

<sup>13</sup> Stephen Stedman, "Conflict and Conciliation in Sub-Saharan Africa" in Michael Brown; *The International Dimensions of Internal Conflict*, MIT press, 1996 pp236, 238, 240

<sup>14</sup> Patricia K. Mbote, "Gender, Conflict and Regional Security" in M. Mwangi, *African Regional Security in the Age of Globalization*. (Nairobi: Heinrich Boll Stiftung, 2004), pp. 83-94.

While Mbote considers gender to embrace reproductive differences between male and women as well as the role men and women play in the society, Stanford Encyclopedia of Philosophy<sup>15</sup> makes a difference between sex and gender. To the encyclopedia, sex is the reproductive difference while gender is what the society makes of the sexual differences of man and women. Mbote concurs with the encyclopedia on sexual differences and roles taken.

Gender roles are socially constructed because they are learnt over a long period of time through the process of socialization, as opposed to the natural part of social life.<sup>16</sup> Our African culture is patriarchal in nature and lineage is passed through the male gender. Different Gender roles are assigned to men and women, and in the patriarchal system men's roles are assigned higher value than those of women. This results in unequal gender relations and consequently the low socio economic and political status of women as compared to that of their male counterparts. Women in Africa and in the world over lack the political, legal and economic opportunities of their male counterparts.<sup>17</sup>

Mwagiru<sup>18</sup> recognizes that most analyses of conflicts are largely ungendered and fail to recognize the ways in which international and national structures of power and patterns of resource allocation are based on gender inequalities". Here, Mwagiru recognizes the negative effect of having structures of relationship that do not take into account gender concerns, values and interests. It is true that women are the most marginalized in conflict and accounting as the majority of its victims.<sup>19</sup>

Various theories have been propagated to explain conflict, one of them being strategist paradigm whose foundation is based on realism. Realism is the analysis of international relations in terms of power politics, with the state being the most important actor in the international system. According to this theory, states shall always pursue their individual national interests in relating with others states.

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<sup>15</sup> Stanford Encyclopedia of Philosophy, (2003) "*Feminist Epistemology and Philosophy of Science*" p. 3. found in <http://plato.stanford.edu/entries/feminism-epistemology/>

<sup>16</sup> Ho won Jeong, *Peace and Conflict Studies: An Introduction*, Ashgate 2000. p76

<sup>17</sup> April a. Gordon, "Women and Development" in April Gordon and Donald Gordon; *Understanding Contemporary Africa*, Lynne Reinner Publishers, 2001, pp 271-294

<sup>18</sup> M. Mwagiru, *Conflict Management in Africa: Lessons Learnt and Future Strategies*, p. v

<sup>19</sup> E. S. Burke, J. Klot and I. Bunting, *Engendering Peace: Reflections on the Burundi Peace Process*, op. cit, p. 23.

The international system is therefore depicted as anarchic- composed of states competing against each other. Feminists believe that key assumptions in realism such as anarchy and sovereignty are a reflection of masculinity and the male view of the world.<sup>20</sup> Realism also stresses the use of military force, which is anchored on the masculine construction of social relations.

The nature vs nurture debate continues to dominate the analyses of causes of conflict. Biological theories posit that conflict is caused by the aggressive nature of human beings. Irresistible outbreaks of violent impulses are ascribed to fixed biological propensities<sup>21</sup>. Aggressive behavior has however been a characteristic of the male rather than the female gender. Men are seen as inherently the more warlike sex while women are seen as advocates of peace. Even during conflict, men are the main combatants in war, a factor that biologists have attributed to male sex hormone testosterone. This hormone is believed to cause aggression in animals. Contingency theories posit that the human being is by nature not violent but the environment and societal institutions make them violent. The needs theory states that conflict arises from non satisfaction of basic needs which Burton<sup>22</sup> refers to as ontological needs. Contingency theories do not explain the difference in aggression between the two genders in a similar environment.

Most analysis of conflict has laid emphasis on violent conflict, which recent scholars such as Galtung<sup>23</sup> finds restrictive. According to him, conflict can be behavioral or structural. Behavioral conflicts are those that are manifest to people, while structural conflicts may not necessarily be evidently exposed to the people. This approach to conflict and conflict management challenges traditional conflict analysis, where conflict was perceived to exist when actors are in war, making a distinction between war and peace. Galtung's approach seeks to explore and address the condition of the people and the structure of relationship in the society that may limit attainment of their full potential. Miller<sup>24</sup> contends that conflict may either be manifest, recognizable by actions or latent which remains dormant for sometime.

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<sup>20</sup> Joshua Goldstein; *International Relations*.... 126

<sup>21</sup> Ho-Won Jeong, *Peace and Conflict Studies: An Introduction*, (Ashgate 2000). p 65

<sup>22</sup> J Burton, *Violence Explained*, Manchester university Press, 1997.

<sup>23</sup> See J. Galtung, "Violence, Peace and Peace Research" *Journal of Peace Research*, Vol. 3, (1969), pp. 167-191. See also J. Galtung, "Cultural Violence" *Journal of Peace Research*, Vol. 27 (1991) pp. 291-305.

<sup>24</sup> Christopher Miller, *Glossary Of Terms And Concepts In Peace And Conflict Studies*, University for Peace, 2005. p22

Galtung propagates the theory of structural conflict and violence which is a situation in which human beings are unable to realise their full potential<sup>25</sup> due to unequal structure of relationships in the society. He moves further to demonstrate that structural violence is connected with cultural conflict.

To Galtung, Cultural violence are those aspects of culture, the symbolic sphere of our existence – exemplified by religion and ideology, language and art, empirical science and formal science (logic, mathematics) – that can be used to justify or legitimise direct or structural violence.<sup>26</sup> Galtung in the two articles tries to demonstrate that the structure of relationship, which may be deeply rooted in the minds and ways of people or even rationalised may render people incapable of realising their full potential. To him this is a conflict situation that needs to be addressed irrespective of it being manifest or not. Moreover he notes that structural conflict leads to violent conflict.

Mwagiru<sup>27</sup> notes that conflicts go beyond the immediate physical violence. The structures that underlie social relationships may be the source of the conflict. The structure of relationship and culture may exclude or render some actors to act below their capacities and capabilities. This may be because of the cultural stereotypes<sup>28</sup> that may seek to concentrate power on some of the actors, excluding some or giving them lesser roles and significance in the structure of relationship. In expounding the needs theory, Burton explains the concept of structural violence which he describes as damaging deprivations caused by the nature of social institutions and policies<sup>29</sup>. In his analysis, Mwagiru recognizes that social structures are heavily weighed against the progress of women against progress of women and have caused severe structural violence on them.<sup>30</sup>

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<sup>25</sup> J. Galtung, "Violence, Peace and Peace Research" *Journal of Peace Research*, Ibid. Vol. 3, (1969), pp. 167-191.

<sup>26</sup> J. Galtung, "Cultural Violence" *Journal of Peace Research*, Ibid Vol. 27 (1991) pp. 291-305: 291.

<sup>27</sup> M. Mwagiru, *Conflicts: Theory; Processes and Institutions of Management*, op. cit. pp. 24- 35.

<sup>28</sup> J. Galtung, "Cultural Violence" *Journal of Peace Research*, op cit. p. 291.

<sup>29</sup> J Burton, *Violence Explained*, Manchester university Press, 1997. pg 32

<sup>30</sup> M. Mwagiru, *Conflicts: Theory; Processes and Institutions of Management* (Nairobi: Watermark, 2000), pg 33



Few analyses on conflict have delved into the gender perspectives. The gender division of labour is seen in conflict situations where Men and women take different roles.<sup>31</sup> While men become combatants, women are left behind to take care of families. In addition to family roles, women provide technical support to combatants such as provision of food, information dissemination etc. Conversely, during conflict, gender roles may change as women become heads of households and take up roles traditionally performed by men.

In addition, a number of women become combatants, either voluntarily or involuntarily. Even then, women who join armed groups are often discriminated against within the groups.

Some of the first women fighters to join Eritrea Peoples Liberation Front were not welcomed in some of the commands they were assigned to until they proved that they were capable of doing what their male colleagues did. Women's education or taking part in armed struggle was in some areas regarded as contrary to religious norms.<sup>32</sup>

The traditional gender division of labour is also seen within military groups. While men are combatants and play the decision making role, 'many women serve in the military by cooking for soldiers and treating the wounded'.<sup>33</sup> During conflict, violence is experienced differently by both genders. While men are maimed and killed in the battlefields, women experience different a form of violence: of sexual violence such as rape, abduction, slavery etc. Rehn and Sirleaf assert that 'Women are victims of unbelievably horrific atrocities and injustices in conflict situations'<sup>34</sup>. It is believed that at least 250,000 women were raped during 1994 Rwanda genocide. Rehn and Sirleaf further point out other forms of atrocities including puncturing of wombs with guns, beating pregnant women to induce miscarriage and ripping of fetuses from the wombs.

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<sup>31</sup> Amna E. Badri and I. I. Abdel Sadig, *Sudan Between Peace and War: Internally Displaced Women in Kartoum and South and West Kordofan*, (Nairobi: UNIFEM, 1998), pp. 42-47.

<sup>32</sup> Doorknobs M., *Beyond Conflict In The Horn Of Africa; Prospects For Peace, Recovery And Development In Ethiopia, Somalia And Sudan*, the Hague, 1992. p69

<sup>33</sup> Badri and Sadig 1998; *Sudan between peace and war: internally displaced women in Khartoum and south and west Kordofan*

<sup>34</sup> Rehn and Sirleaf 2002; *Women War and Peace: The Independent Experts Assessment* (pg 2)

One of the first consequences is the displacement of people. At the beginning of 1995 there were an estimated 6.7 million refugees in Africa.<sup>35</sup> Indeed women and children comprise the majority of the population in refugee camps. According to available reports and studies, most of those who have been displaced as a result of civil conflicts and natural disasters are women and children.<sup>36</sup> The culture of violence against women still continues in refugee camps as women are raped and forced into prostitution in order to provide for themselves and families. Nardine, in the *Journal of Women and Culture in the Society* published in 2003 reported that 60% and 80% of women were single heads of households'.<sup>37</sup>

Scholars are in agreement that conflict is part and parcel of the society. Mwagiru<sup>38</sup> points out that conflict in the society is endemic and as such there is need for mechanisms of managing conflict within the society. Conflict management is broad concept that encompasses a various interventions aimed at preventing escalation of violent conflicts.<sup>39</sup> They also include efforts aimed at bringing together warring parties to deal with the conflict.<sup>40</sup> Interventions geared towards preventing eruption of violent conflict falls under this category, bringing in the concept of preventive diplomacy. Among the methods of conflict resolution and settlement that have been used include mediation, conciliation, arbitration and judicial settlement. These are the peaceful methods of conflict resolution propagated by the United Nations.

In Africa, a number of conflict resolution methodologies have been used to deal with the pervasive conflicts in the region. Stedman<sup>41</sup> explores a number of responses that have been used in Africa, among them military intervention to aid one side, peace enforcement, mediation, humanitarian intervention, preventive diplomacy and regional institution building to manage

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<sup>35</sup> See Stephen Stedman, "Conflict and Conciliation in Sub-Saharan Africa" in Michael Brown; *The International Dimensions of Internal Conflict*, MIT press , 1996. p246

<sup>36</sup> Doorknobs M.; *Beyond Conflict In The Horn Of Africa; Prospects For Peace, Recovery And Development In Ethiopia, Somalia And Sudan* , the Hague, 1992. (pg 15)

<sup>37</sup> Nardine Phechguirbal; *Women and War in the DRC: journal of women in culture and society*, vol 28, 2003.

<sup>38</sup> M. Mwagiru, *Conflicts: Theory; Processes and Institutions of Management* (Nairobi: Watermark, 2000), pg 33

<sup>39</sup> Christopher Miller, *Glossary of Terms and Concepts in Peace and Conflict Studies* (university for peace, 2005) p23

<sup>40</sup> M. Mwagiru, *Conflicts: Theory; Processes and Institutions of Management*, (Nairobi: Watermark, 2000), p 43

<sup>41</sup> Stephen John Stedman; *Conflict and Conciliation in Sub-Saharan Africa* in Michael E Brown; *International Dimensions of International Conflict*. MIT Press, 1996, p249.

conflicts. He recognises that negotiation and mediation have been the most common forms of conflict resolution in Africa and the world.

In negotiation, parties to the conflict agree to discuss areas of conflict in a process of give and take. Zartman and Berman<sup>42</sup> define it as a process in which divergent values are combined into an agreed decision. They further see a correlation between attitudes of the negotiator and success in negotiation processes. Some characteristics are outlined as patience, empathy, personal credibility and the ability of the negotiator to build trust, among others.<sup>43</sup> Bartos<sup>44</sup> assesses personalities in terms of toughness which he defines as the tendency to make small concessions. Interestingly, he points out that women tended to be tougher than men. He also stresses the significance of fairness in the process of negotiation.

Zartman and Berman assert that for negotiations to be successful the possibility of a solution must be recognised for the negotiation process to begin. In defining a solution, they identify two approaches used in arriving at a formula- the inductive approach where the agreement is put together piecemeal through mutual compromises and the deductive approach which entails establishment of general principles firsts, then working out details of implementation.<sup>45</sup> Further they explore the question of cultural context of negotiation in which they point out that culture affects the perceptions and assumptions of negotiators.<sup>46</sup> Mediation is the process whereby negotiation between warring parties is facilitated by a third party. Stedman<sup>47</sup> explores the possibilities and limitations of negotiation and mediation efforts in civil wars. He paints a grim picture of the effectiveness of these processes by pointing out that between 1900 and 1980, only 15% of civil wars ended through negotiations and the remaining 85% were terminated by one side winning.

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<sup>42</sup> William Zartman and Maureen Berman, 'The Practical Negotiator'. Yale University Press, 1992. p2

<sup>43</sup> Ibid p 45

<sup>44</sup> Otomar J Bartos, 'Simple Model of Negotiation: A Sociological Point of View' in I Williman Zartman, *The Negotiation Process: Theories and Application*. sage publications 1978 pp 13-28

<sup>45</sup> William Zartman and Maureen Berman, 'The Practical Negotiator'. Yale University Press, 1992.

p 89

<sup>46</sup> Ibid p 226

<sup>47</sup> See Stephen Stedman, 'Negotiation and Mediation in Internal Conflict' in Michael E Brown, *The International Dimensions of International Conflict*, MIT Press, Harvard University, Cambridge 1996. pp 341-376

He lists a number of barriers to negotiated settlement which include the security dilemma that must be overcome by the warring parties as a consequence of demobilization and disarmament, overcoming the perceptions of the adversaries created during the conflict and the fact that civil wars are often fought by leaders who are willing to accept nothing less than victory. Studies into the processes of negotiation have not adequately addressed the question of gender. It is important to note that women's participation in mainstream peace processes, mainly due to the fact that they are traditionally not involved in decision making.

Another factor is that analyses of conflict fail to bring out the multiple roles of women as victims, nurturers, mediators and activists in the cause of peace as well as their role in resource mobilization, maintaining public morale and in agitating in the service of war<sup>48</sup>. Consequently, women are rarely involved in peace processes, power sharing and reconstruction programmes. While it has been recognized that women are not natural peace builders due to their role as active agents in perpetuating violent conflict, their role in peace building is significant<sup>49</sup>. Schirch and Sewak outline four categories of peace building efforts: waging conflict nonviolently, reducing direct violence, transforming relationships and building capacity. They also outline the role of women in each category. They recommend the promotion of UN resolution 1325 of 2000 and the ratification of the Convention on Elimination of Discrimination of all Forms of Violence against Women (CEDAW) by all states.

Badri<sup>50</sup> and her colleagues recognize that women are concerned with a peaceful society. However, the society has denied them a chance to effectively address peace issues according to the values they hold most dear. Byrne<sup>51</sup> recognizes that the male gender dominates in initiating conflicts and fighting during war. The female gender on the other hand takes an active role in seeking peace.

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<sup>48</sup> Matt Bryden; *Somali, between war and peace: Somali women on the Eve of the 21<sup>st</sup> century*. Unifem pp 1-2  
<sup>49</sup> Lisa Schirch and Manjrika Sewak, 'Women: Using the Gender Lens' in Paul Van Tongeren et al, *People Building Peace II: Successful Stories of the Civil Society*. Lynne Rienner Publishers London, 2005. pp 97-107  
<sup>50</sup> Badri and Sadig 1998; *Sudan between peace and war: internally displaced women in Khartoum and south and west Kordofan*

<sup>51</sup> B. Byrne; *Towards Engendering Peace*, (IDS Bulletin, 1996), p. 3

Byrne recognizes that the roles gender play in conflict can lead to more conflicts if the society is male dominated. Men have excluded women in almost all Spheres of life.<sup>52</sup> This implies that if the patriarchal society can mainstream gender then women participation is likely to lead to peace. As Burke and her colleagues contend, women maintain a community bond across political divide. ICG<sup>53</sup> recognizes women to have capacity to make peace agreements and post-conflict efforts more viable, effective and practical. Although the efforts of women have great potential, they are seriously constrained.

Due to lack of space for women in mainstream peace processes, they have engaged in activism aimed at bringing peace in warring communities. Women peace activists often expose themselves to personal risks in their daily work to make their communities safer. Often they receive fewer resources to support their efforts, their experience, and their advice on peace building are ignored or downplayed by policy makers. Those women who make to the top decision-making organs often are suppressed. Therefore, the structure of conflict in the society is biased against women. It excludes, down plays and trivializes the female gender.

Understanding the conflict from a gender perspective is the best way of ensuring that policies and programmes designed to implement peace will guarantee the protection, rehabilitation and the healing of the whole society.<sup>54</sup> Burke and her colleagues continue to argue that, as peace processes are evolving quickly, there is need to put in place parliamentary, government and local administrative institutions that will help place women in decision-making positions, otherwise women will be left behind. Recognizing the devastating effects that conflicts have inflicted in the Horn of Africa region, Abukashwa<sup>55</sup> notes that it is necessary that women participate more in preventing, managing and resolving conflict.

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<sup>52</sup> E. S. Burke, J. Klot and I. Bunting, *Engendering Peace: Reflections on the Burundi Peace Process*, op. cit., pp. 25-27.

<sup>53</sup> ICG; *Beyond Victimhood: Women's Peacebuilding in Sudan, Congo and Uganda*, Africa Report No. 112 of 28 June 2006.

<sup>54</sup> E. S. Burke, J. Klot and I. Bunting, *Engendering Peace: Reflections on the Burundi Peace Process*, op cit Ibid p. 24. ....ibid

<sup>55</sup> Sumaia Abukashwa, "Intergrating Gender Awareness and the Participation of Women in IGAD Issues on Conflict Prevension, Management and Resolution" in H. Houten and Z. Beyene (eds), *Placing Gender in the Mainstream*, ( Djibouti: IGAD, 2002), p. 9-11.

Proportional representation brings more women into public office. However, in peace processes like that of Burundi and Somalia women who make the majority of the population of such countries are minimally represented.<sup>56</sup> Sabine Sabimbona<sup>57</sup>, having participated in the Burundi peace talks is optimistic when she concludes “Our voices may not have been heard during the negotiations, but we managed to make our presence felt. Although she seems to be optimistic to gender issues in the peace process, a critical outlook demonstrates that apart from not being proportionally represented, their voices were not heard. Despite the recognition of the role of women in conflict resolution and peace building, there has been a lack of deliberate strategy for inclusion of women in the processes. The Somali peace talks held between 2002 and 2004 stand out as one of the serious efforts at women’s participation in the negotiation process.

The Somali conflict has been one of the longest and most complicated conflicts in Africa. The conflict<sup>58</sup> can be traced back to colonial era and Cold War rivalry. It is important to emphasize the importance of clans in Somalia politics and way of life even before colonization. Somali history has been characterized by inter clan conflicts. The political process that followed the independent Somalia especially during general Mohamed Siad Barre polarized the conflict and clan based jealousies began to create splits. Because of Barre’s culture of militarism, the splits resulted to considerable violence. The situation was exacerbated by scarcity of natural resources in addition to lack of justice, good governance and poor education. In 1990, opposition groups formed a coalition and started fighting Barre’s regime until early 1991 when Barre was defeated and went to exile.

The opposition coalition due to clan individualism and rivalry were unable to form a government and started fighting amongst themselves. This resulted deeper to conflict and anarchy in Somalia. Kamudhayi<sup>59</sup> contends that opposition groups fragmented into clans could not agree in everything except the deposition of Barre whom they considered as a dictator. This demonstrates the male attitude of life in causing conflict.

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<sup>56</sup> Ibid., p. 31.

<sup>57</sup> Ibid., p. 37.

<sup>58</sup> J. V. Beurden, “In a State of Permanent Conflict” in M. Mekenkamp et al (eds), *Searching for Peace in Africa: An Overview of Conflict Prevention and Management Activities*, (Utrecht: European Platform for Conflict Prevention and Transformation, 1999), pp. 156-165.

<sup>59</sup> O. Kamudhayi, “The Somali Peace Process” in M. Mwagiru, *African Regional Security in the Age of Globalization*, (Nairobi: Heinrich Boll Foundation, 2004), p. 108.

It's important to note that, 'forces were organized on clan bases'<sup>60</sup>, which are traditionally headed by men. Decisions to go to war are therefore made by men, while Women on the other hand are faithful custodians of culture.

The Somali women bore the brunt with untold numbers being killed, looted, raped, displaced, abandoned and sexually abused.<sup>61</sup> It is important to recognize the traditional subordinate status of women in Somali society, like in many other African countries. Smith Hempstone, US ambassador to Kenya in the early 90's commenting on US intervention in Somalia said that 'in the old days, Somali raided for camels, women and slaves, today they raid for camels, women, slaves and food'.<sup>62</sup> Violence towards women during war is an extension of the general societal attitude towards women. Thousands of Somali men were been killed during the conflict and consequently many Somali women are widows. The situation has been worsened by the disintegration of social structures, leaving women without the traditional forms of social support.<sup>63</sup> The paternalistic nature of traditional kinship has been viewed by some as more favourable for both women and the general society.<sup>64</sup> In addition to the violence perpetrated against women, there was a shift in gender roles where women have taken up roles traditionally performed by the men. Due to the effects of the war, Somali woman can no longer confine herself to the traditional role of child rearing and house keeping.<sup>65</sup>

As the men went to war, women were left with the responsibility of heading the households and sending for their families. Women are now seen to be better at the role of providing for their families unlike the men, who now lack self confidence in their role as providers<sup>66</sup>. Somali women also played an active role in the conflict.

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<sup>60</sup> Beyond conflict in the horn of Africa, 1992; Prospects for peace, recovery and development in Ethiopia, Somalia and Sudan (pg 9).

<sup>61</sup> Matt Bryden; *Somali, between war and peace: Somali women on the Eve of the 21<sup>st</sup> century*. UNIFEM, 1998 p.44

<sup>62</sup> Catherine Besteman, "Representing Violence and 'Othering' Somalia", in *Cultural Anthropology*, Vol 11, No. 1 (Feb 1996) pp 120 -133

<sup>63</sup> Bryden; *Somali, between war and peace: Somali women on the Eve of the 21<sup>st</sup> century*. UNIFEM, 1998, p 49

<sup>64</sup> Robert F.Gorman, "Beyond the Hobbesian Nightmare : The Prospects for Peace, Development and Ecological revival in the war torn horn of Africa" in *Africa Studies Review*, Vol 39, No. 1, (April 1996) pp 177-186

<sup>65</sup> IGAD Women Desk, *Heading Women's Voices: The Story of Somali Women's Historic Role in the Peace Process*, (Djibouti: IGAD, 2005), p22

<sup>66</sup> Tina Sideris; Rape in war and peace: social context, gender power and identity in Shiela Meintjes, Annu pillay and Meredith Turshen, *The Aftermath: Women in post Conflict Transformation*, pp 142 -148

They lent spiritual and material support to the militia and a small minority of women also took part in the fighting.<sup>67</sup> During the fighting women were responsible for transportation of materials including weapons to the war front.

It is important to note that during his rule, Siyaad made efforts to emancipate women and bring them in leadership. But the collapse of the government and the consequently the failed state eroded these gains, as traditional systems started to apply. Studies have shown that the destruction infrastructure for provision of services has great impact on women in terms of performance of their reproductive roles and their new additional role of breadwinners. Some of Tactics used by Somalia militias included scorched earth tactics and destruction of water sources, looting of livestock and seeds, rape of women and killing of men.<sup>68</sup> Poverty caused by the war contributed to higher numbers of early marriages.<sup>69</sup>

In all conflicts women form the majority of displaced persons. Between 1991 and 1993, 80 % of the Somali refugee population in Kenya comprised of women and children<sup>70</sup>.

As displaced persons women face various difficulties including sexual violence as they flee, at the border points and in the refugee camps. Rape and violence against Somali refugee women were perpetrated by unknown bandits and the police.<sup>71</sup>

Various efforts at resolving the conflict have not borne fruits. The United Nations Operations in Somalia (UNOSOM), a peace keeping and enforcement mission in Somali ended in disaster and America pulled out its troops. Traditional dispute resolution mechanisms through the council of elders faced various challenges with the collapse of the state.

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<sup>67</sup> Bryden; *Somali, between war and peace: Somali women on the Eve of the 21<sup>st</sup> century*. UNIFEM, 1998, pp 44-45

<sup>68</sup> Catherine Besteman, "Violent Politics and Politics of Violence: The Dissolution of the Somali Nation State", *American Ethnologist*. Vol 23, No 3(aug.1996) pp 579 - 596

<sup>69</sup> Women peace and security: study submitted by the secretary general pursuant to Security Council resolution 1325(2000). United Nations, 2002 p23

<sup>70</sup> Human rights watch, 1995, *report on women's Human Rights: A Human right watch women's rights project*. P120

<sup>71</sup> Human rights watch, the human rights watch global *Report on Women's Human Right*, (Human Rights Watch, USA, 1995), p. 120.



A crisis of legitimacy existed as clan rivalries turned to open hostilities and reconciliation efforts undermined by powerful groups.<sup>72</sup> Negotiations processes between the various factions and mediation efforts by individual heads of state registered minimal success. After the failure of Arta Conference to secure law and order, there followed IGAD Peace Process on Somalia. IGAD's attempt to restore law and order in Somalia rests on thirteen earlier unsuccessful efforts.

Somali women have been very active in the search for peace both locally and internationally. This has been through participation in peace conferences and activities aimed at reducing tension between warring factions. Somali women have organized demonstrations, walks and prayer meetings to advocate for peace.<sup>73</sup> But they were not going to engage in sideshows forever. Their experience during the war was enough justification for Somali women to demand for inclusion in mainstream peace processes. The Arta conference was crucial for Somali women and their contribution in the peace process.<sup>74</sup>

It was the first time their voices were heard as official delegates and were able to negotiate for 25 seats out of the 2000 in interim draft charter.<sup>75</sup> Schirch and Sewak<sup>76</sup> see the inclusion of women in the Arta conference as significant in terms of challenging traditional norms that alienated women from decision making structures.

They further point out that even getting a seat around the negotiating table was in itself difficult for women. It is however during the IGAD led Somali peace process that we see a deliberate attempt to mainstream women's participation in the process. Forty women were incorporated, spread in the six committees that were formed at the beginning of the Somalia peace talks. These committees were: Conflict Resolution and Reconciliation; Disarmament, Demobilization and

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<sup>72</sup> Ha'oon Yusuf and Robin Le Mare, 'Clan Elders as Conflict Mediators: Somaliland' in Paul Van Tongeren et al, *People Building Peace II: Successful Stories of the Civil Society*. Lynne Rienner Publishers London, 2005. pp 459-465

<sup>73</sup> Bryden; *Somali, between war and peace: Somali women on the Eve of the 21<sup>st</sup> century*. UNIFEM, 1998, pp55-57

<sup>74</sup> IGAD Women Desk, *Heading Women's Voices: The Story of Somali Women's Historic Role in the Peace Process*. (Djibouti: IGAD, 2005), p. 16-21.

<sup>75</sup> IGAD Women Desk, *Heading Women's Voices: The Story of Somali Women's Historic Role in the Peace Process*, (Djibouti: IGAD, 2005), p28

<sup>76</sup> Lisa Schirch and Manjrika Sewak, 'The Other Clan: Save Somali Women and Children' in Paul Van Tongeren et al, *People Building Peace II: Successful Stories of the Civil Society*. Lynne Rienner Publishers London, 2005. pp 117-121

Reintegration; Economic Recovery, Institutional Building and Resource Mobilization; Federalism and the Provisional Charter; International Relation and Regional Cooperation; Land and Property Rights. One thing that women were proud of was the stipulation that at least 12% of the newly formed parliament shall be women. In addition, a woman –Asha Hagi Elmi- was a signatory to the agreement.<sup>77</sup>

However, Elmi recognises that they face many constrains in the IGAD Peace Process on Somalia in Kenya. Elmi<sup>78</sup> underscores the importance of an inclusive peace process that recognises women as a key stakeholder. She recognises that efforts of women through lobbying ensured that they were allocated a certain quota for participation in the Somalia National Reconciliation Conference (SNRC). This gave them an upper hand to address their issues, concerns and interests in a collective strong voice. Elmi recognises that although the women representation in the SNRC was referred to as ‘sixth clan’, their neutrality and participation made a significant contribution to success. This was a response to develop a political structure that is inclusive.<sup>79</sup> Although Kamudhayi recognizes that representation was significant in the Somalia Peace Process, his conception of representation is ungendered. He only mentions women once as having lobbied once for the harmonization of document on the nature of the government in Somalia. One wonders that despite women having been represented in the peace talks and some have referred to them as the ‘sixth’ clan, Kamudhayi does not address them and their role in the peace process. Perhaps Kamudhayi does not recognize them based on epistemological segregation<sup>80</sup> or women representation in the peace process was trivialized.

Although Somali women were represented in the IGAD’s peace talks in Kenya, Amnesty International<sup>81</sup> reports that women continued to face violence like female genital mutilation, rape and exclusion as outcast.

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<sup>77</sup> Lisa Schirch and Manjrika Sewak, ‘The Other Clan: Save Somali Women and Children’ in Paul Van Tongeren et al, *People Building Peace II: Successful Stories of the Civil Society* .Lynne Rienner Publishers London, 2005. pp 117-121

<sup>78</sup> A. Hagi Elmi, “Somalia” in H. Houten and Z. Beyene (eds), *Placing Gender in the Mainstream*, op. cit., p. 15.

<sup>79</sup> E. Brusset and E. Visman, *Preventing Violent Conflicts and the Coherence of EU Policies Towards the Horn of Africa Countries*, Saveworld February 1998.

<sup>80</sup> Stanford Encyclopedia of Philosophy, (2003) “Feminist Epistemology and Philosophy of Science” p. nd in <http://plato.stanford.edu/entries/feminism-epistemology/>

<sup>81</sup> Amnesty International Report 2004, pp. 76-77.

The report also points out that UN reported that there were severe disadvantages affecting women's access to justice. Women faced various challenges during the process, the main one being cultural orientation that does not recognize women leadership. The process was dominated by warlords and indeed women found themselves supporting decisions of war lords affiliated to their clans. One key outcome of women's participation in this process was inclusion of 12% women representation in the national assembly. The capacity of women to negotiate their agenda in this process came under sharp focus during the Somali peace negotiations. Cultural factors were mentioned as major underlying issues. While studies have shown that culture affects the negotiations process, the same has not expounded this aspect from a gender perspective. This shall be the basis of this study.

## THEORETICAL FRAMEWORK

A theory is a body of internally consistent empirical generalization of descriptive, predictive and explanatory power.<sup>82</sup> A theory explains, describes and predicts phenomena. Since a theory provides a framework within which to operate, it is hard to think without a theory.<sup>83</sup> This study utilizes Feminism in the analysis. This is a body of ideas which explain the status of women in society, the origin of this status and why it persists and what must be done to change this status<sup>84</sup>. It can also be defined as the doctrine which advocates that women should have political, economic and social rights equal to those of men<sup>85</sup>.

Although feminism has different strands, feminist theorists agree on a number of issues on the structure of relationship and gender inequalities and their effects on women in particular and the society in general. Despite the fact that feminist theories have been accused to be value laden, they have countered this by exposing biases and impartiality embedded in the patriarchal mainstream structure of relationship and epistemology.<sup>86</sup>

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<sup>82</sup> T. Columbis and J. Holse, *Introduction to International Relations: Power and Justice*, (New Delhi: Practice Hall of India, 1986), p. 29.

<sup>83</sup> A. J. R. Groom, "Paradigms in Conflict: The Strategist, the Conflict Researcher and the Peace Researcher" in J. Burton and F. Duker (eds) *Conflict Readings in Management and Resolution*, (London: Macmillan, 1990), pp. 74-79: 71.

<sup>84</sup> Donna Langstone et al, *Changing Our Power: An Introduction to Women Studies*, Kendal Hunt Publishers, 1991

<sup>85</sup> Abraham d. Lavender, *Ethnic and Feminist Values: Towards a New Value System*, University Press of America, 1986 p xiii

<sup>86</sup> Louise M Antony, "Quine as Feminist: The Radical Import of Naturalized Epistemology" in Keith Lelier (ed). *The Coherence Theory of Knowledge Philosophical Topics*, Vol. 14 (1986) pp. 539-573.

It exposes male-centered assumptions, values and interests. Women are not only interested on their emancipation but they have an interest in the well-being of the society, which mitigates the accusation of being value laden.

Feminist theories are advanced by scholars like Helen Caldicott, Rebecca Grant and Kathleen Newland, Spike Peterson and Mary Daly. Feminist theorists distinguish between sex and gender.<sup>87</sup> While sex is biological difference between male and female, gender is what societies make of the sexual differences like roles, norms, values and meaning assigned to male or female. Feminism<sup>88</sup> contends that, conceptions of human behaviour are frequently based only on observations of men.

Because societies are male-dominated, men contend that the legitimate way to resolve conflicts is the product of male values of aggression and dominance. Feminism holds that since women are assumed to be less violent and aggressive, hence if included in decision-making and in politics in general conflicts will be less frequent.<sup>89</sup> Feminism places gender inequality in the structure of the society that is patriarchal, under representation, participation and sexual discrimination. This calls for re-evaluation of the structure of gender relationship and integrate women in the existing society.<sup>90</sup> Women are oppressed in the patriarchal society, and based on their direct experience of oppression; they have an interest in representing their social situation in a way that reveals rather than mask this truth.

A consciousness of the need for political action to secure equal rights for women is not new. It can be seen in the works of Plato who envisaged women participating on an equal basis in government in classical times.<sup>91</sup> As early as 1792 Wollstonecraft<sup>92</sup> advocated for female emancipation. Although women in the history of politics have ascended to highest levels, some of their behaviours have been based on the social structure of male-domination, affecting them not to act according to female nature.

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<sup>87</sup> Stanford Encyclopedia of Philosophy, (2003) "Feminist Epistemology and Philosophy of Science" p. 3. found in <http://plato.stanford.edu/entries/feminism-epistemology/>

<sup>88</sup> Stephen L. Spiegel, *World Politics in a New Era*, (London: Harcourt Brace College Publishers, 1995), p. 700-701.

<sup>89</sup> Mary Daly, *Gyn/Ecology: The Metaethics of Radical Feminism*, (Boston: Beacon Press, 1978).

<sup>90</sup> Stephen D. Tansey, *Politics: The Basics*, op. cit., p. 87-88.

<sup>91</sup> Stephen D. Tansey, *Politics: The Basics*, (London: Routledge, 1995), p. 86. ....ibid

<sup>92</sup> Mary Wollstonecraft, *A Vindication of the Rights of Women*, (Middlesex: Penguin, 1985).

Therefore, their behaviour is the reflection of male domination rather than of an intrinsic female nature.<sup>93</sup> This calls for the re-evaluation of the social structure of relationships in the society to enhance women's concerns, interests and values. Feminism contends that, in an egalitarian society, women's more natural concerns would become part of the social and political milieu. Relationships based on caring, collaboration, cooperation, and consensus-building would replace those that rest on domination and subordination. As women's oppression become unacceptable and gets addressed, so too would the subjugation of other less powerful groups of the society. This will lead to the transformation of the relationships in the society. Preoccupation with power and conflict would be replaced by cooperation and collaboration, and by a more ecological orientation, exemplified by the effort to save the mothers society.<sup>94</sup>

Feminism is relevant in this study because it insists that, politics and policy-making must come under moral scrutiny. Feminism places women at the level of moral educator and political actor. Feminism advocates for human dignity, social justice and fairness.<sup>95</sup> Feminism questions the assumptions implicit in conventional political analysis and social relationships. It sees the world, which is patriarchal in terms of exploitative relationships and seeks to correct such relationships.<sup>96</sup> It seeks integration of women in the mainstream of social, economic and political policymaking process as away of enhancing gender equality. Feminism also seeks to address the values and interests of women in the mainstream structures of the society. Feminism advocates for peace and cooperation. Women issues, values and interests cut across clan, ethnic and party affiliations, therefore, giving wider representation than the clans did in the Somalia conflict.

Donna Langston et al<sup>97</sup> have expounded various strands of feminism among them liberal feminisms and radical feminism. Radical feminists posit that male supremacy was the root of all other forms of oppression. They reject institutions such as marriage, the family, heterosexuality and love which propagate the oppression of women.

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<sup>93</sup> Stephen L. Spiegel, *World Politics in a New Era*, op. cit. p.700.

<sup>94</sup> Stephen L. Spiegel, *World Politics in a New Era*, op. cit. p.701.

<sup>95</sup> Jean B. Elshtain, "Reflections on War and Political Discourse: Realism Just War and Feminism in Nuclear Age" in R. Little and M. Smith 2<sup>nd</sup> Ed *Perspectives on World Politics*, (London: Routledge, 1991), pp. 462-463.

<sup>96</sup> Stephen D. Tansey, *Politics: The Basics*, op. cit. p.21.

<sup>97</sup> Donna Langstone et al, *Changing Our Power: An Introduction to Women Studies*, Kendal Hunt Publishers, 1991, pp 16-17

While radical feminists focused on oppression in private relations, liberal feminists focused on oppression in the public sphere. Liberal feminism endeavours to minimise differences between men and women and among women. Liberal feminists have consistently focused on legal inequalities, employment barriers and participation of women in public places. Liberal feminists recognise that women's secondary status is institutionalised and have endeavoured to work with men to address barriers towards women's empowerment. Stand point feminism on the other hand values the unique contributions contribution of women as women. This approach contends that women can bring in a different perspective in social processes. In conflict for example women's experience in nurturing and human relations is considered important in conflict resolution.<sup>98</sup> This research will utilise a combination of the liberal feminist approach and standpoint feminisms.

### **JUSTIFICATION OF THE STUDY**

This study can be justified in both academic and policy level. At the academic level, there have been assessment of gender issues in society in general and conflict in particular. Most of the literature reviewed represents gender imbalances that have been rooted in the structure of relationships of the societies. Although gender inequality has ailed the human society, particularly with the insubordination of women, there are limited attempts that have been made to mainstream women in social and political arena. Even within the limited attempts that have been made, the efficacy of the process is questionable in relation to the ultimate goal of gender mainstreaming, which is gaining momentum. This study is justified as it contributes in the building-up of the limited literature that assesses the effectiveness of gender mainstreaming processes.

IGAD's Peace Process on Somalia is one of the recently concluded peace negotiations. Meaning that, it is a new area with a need further research. Since it offers one of the most recent attempts to mainstream women in peace process, this study is justified as it builds the limited literature that may exist on the subject matter. Therefore, this study will offer literature for reference, which will be used by other scholar and students who may be doing research in related fields.

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<sup>98</sup> Joshua Goldstein: *International Relations* .....p 126

The study is expected to open up new areas of research, which will lead to a comprehensive understanding and subsequently the efficacy of gender mainstreaming in conflict management processes. At the policy level, the study is justified in that, the research findings will offer conflict managers, policy makers, gender activist, government machinery and individual's modes of assessing the suitability of processes of mainstreaming women political processes, in particular conflict management and peace processes. It also offers new strategies to deal with gender inequalities in conflict management processes and particularly the implementation of UN resolution 1325 of 2000.

Effective mainstreaming of women's participation shall provide an opportunity for women to integrate their concerns in reconstruction programs and the emerging governance structures. In the long-term, this process is likely to address the root causes of gender inequalities.

## **HYPOTHESES**

Representation of women in the Somali peace processes did not in itself guarantee the incorporation of women's agenda in the process.

Gender biases within Somalia culture constrained women participation in peace processes.

## **METHODOLOGY**

### **Primary Data**

The study will utilize both primary and secondary data. Primary data will be collected from the field by face to face interviews. Interviews will utilize open-ended question. There will be probing where necessary. The study will utilize purposive sampling targeting identified officials of IGAD, Kenyan Ministry of Foreign Affairs, personnel from NGOs dealing with peace building in Somalia and female emancipation and women and men delegates to the peace process. Snowball method will be used where the already identified respondents will help in identification of other critical respondents. The study sample will be spread a cross gender to avoid gender biases on the conflict and peace. Probing will help to get in-depth information that is not clear or which may be left out during interview but has significance to the study.

This method of study as a source of data will complement the limited literature that exists on the subject matter.

### **Secondary Data**

Secondary data will be obtained by critically reading and analyzing relevant works that have been published in books, journals, articles, relevant papers, newspapers, print and electronic media. This method of data collection is relevant in this study in that it examines what other scholars have done, and build on their scholarly work instead of repeating what has already been done. This method critically evaluates works that have been published on the subject matter to show their strengths and weaknesses with a view of contributing to knowledge. It also critically analyses works that have been published and extract their contribution to the area under study. Since limited literature exists on the subject matter, internet sources will complement this method.

### **Data analysis**

Data analysis will be qualitative in nature. This is important as it incorporates the researcher's critical contribution to the study. This will allow critical appreciation of prior studies that have been done on the areas related to the subject under study. The data will be analyzed in the light of feminist theories and relevant literature in politics and conflict management.

## **CHAPTER OUTLINE**

### **CHAPTER ONE**

#### **BACKGROUND OF THE STUDY**

This section presents what the study seeks to achieve and how to go about in achieving it.

### **CHAPTER TWO**

#### **WOMEN AND INTERNATIONAL NEGOTIATION**

This chapter will assess the levels of participation of women in international negotiation with a view to identifying the global trends in women representation and challenges .



### **CHAPTER THREE**

#### **BACKDROP TO THE SOMALIA CONFLICT AND THE PEACE TALKS**

This section of the study will trace the origin of the Somalia conflict from pre-colonial era to 2004. It exposes gender inequality in the Somalia politics in general and conflict in particular.

### **CHAPTER FOUR**

#### **CULTURAL ASPECTS IN THE STRUCTURE OF NEGOTIATION VIS A VIS WOMEN'S PARTICIPATION.**

This aspect shall explore the structure of negotiation process, focusing on salient cultural aspects that affect the process of negotiation. In-depth analysis shall be undertaken to identify relate these cultural aspects with women's position within the structure of negotiation.

### **CHAPTER FIVE**

#### **FUTURE PROSPECTS FOR WOMEN IN PEACE NEGOTIATION**

This section shall seek to establish opportunities for enhancing women's participation in the face of cultural barriers

## CHAPTER TWO: WOMEN IN THE INTERNATIONAL NEGOTIATION.

### INTRODUCTION.

Negotiation has continued to be the main tool for diplomacy since ancient civilization. It gained more prominence after the Second World War and the formation of UN, which propagates peaceful means of settlement of disputes. With the rise in importance of negotiation in modern diplomacy, a lot of studies have been undertaken in the field of negotiation. Key areas of focus in the study of negotiation have been the factors influencing negotiations, maximization of outcomes, qualities of effective negotiators and the art of negotiation among others. Various negotiation processes have also been documented. However, the practice and study of negotiation has not given adequate attention to the gender aspects of negotiation. This chapter will seek to look at the gender dimensions in international negotiations, including the structure of international relations within which negotiation is done, the issues of negotiation and participation of women as negotiators in the international negotiations.

### Relevance of negotiation in modern diplomacy and international relations.

Negotiation is a process that brings parties together in a process of harmonizing conflicting needs and interests. Zartman and Maureen define negotiation as a process in which divergent values are combined into an agreed decision.<sup>99</sup> It is a process where a compromise is reached by parties whose interests are in conflict.<sup>100</sup> Negotiation is based on the belief that zero sum situations can be turned into situations where all parties gain something. War can be described as the opposite of negotiation. A war situation is a zero sum situation where the winner takes it all. Negotiation has continued to be an important and indispensable process in international relations and diplomacy since ancient civilizations.

States have negotiated since the beginning of history, as they have fought wars.<sup>101</sup> In modern times, the process of international relations is a process of continuous negotiations to advance

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<sup>99</sup> I William Zartman and Mureen Berman, *The Practical Negotiator*, Yale University Press – 1982 p 1

<sup>100</sup> Otomar J Bartos, Simple Model of Negotiation: A Sociological Point of View in William I Zartman, *The Negotiation Process: Theories and Applications*, Sage Publications 1978, 1974

<sup>101</sup> Fred Charles Ikle; *How Nations Negotiate*. Harper and Row Publishers 1964 p ix

states' national interests. International and regional treaties and agreements have been developed and implemented through negotiations. Issues of international negotiation range from security, global trade and finance, environment among others. Indeed regional and international organizations have been formed for the sole purpose of providing a forum for negotiations between states. The United Nations is a conglomeration of states whose main focus is to foster international security and to prevent wars, through peaceful means such as negotiations. Bi lateral negotiations have been used to solve certain common problems affecting the particular countries and to advance economic and political interests. Indeed diplomacy between countries is all about negotiations. One of the main tasks of diplomats is to negotiate their countries' national interests.

The conduct of international relations cannot ignore the importance of negotiation as a method of conflict resolution. As interaction between states in the international arena increases, conflict also increases. Conflict is seen as part and parcel of any form of interaction. The importance of negotiation is also based on the fact that one of the consequences of increased international interaction is conflict.

Negotiation has gained importance as a tool for conflict resolution and conflict management, against a backdrop of increased civil wars that characterize the post cold war period. Apart from resolving conflicts, it also used to prevent impending ones. It can also be used as a process of peace building after a violent conflict. Negotiation has been used to resolve various conflicts around the globe with varying success. Negotiation is one of the methods by United Nations for peaceful resolution of conflict. Negotiation according to Mwagiru leads to resolution of conflict.<sup>102</sup> Some scholars have argued that negotiation resolves conflict because actors come to the table to negotiate the core issues of the conflict and come up with an acceptable solution. It is said that negotiations result in resolution of conflict as opposed to settlements.

From the forgoing, it is clear that negotiation is indispensable in international relations and conflict resolution. The issue of gender has not been adequately addressed in the study and practice of negotiation. There are number of factors that have contributed this situation which

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<sup>102</sup> Makumi Mwagiru, *Diplomacy, Methods and Practice*, Nairobi 2004 p 116

will be addressed below. Gender is social construction that produces subjective identities through which we see the world.<sup>103</sup> Men and women and boys and girls emerge from this social construction of the male and the feminine. Men and women play different roles in a world society that is mainly patriarchal. The value placed each of them by the society is different and the socially constructed gender division of labour puts women in a position that is subordinate to that of the men. In most cases, the traditional role of women as home makers is undervalued and not given importance. The role of men in the public sphere is recognized and given more importance. This division of labour affects access to opportunities such as education and productive resources. It is clear that there is need to assess the structures in relation to their participation in negotiation process.

## **STRUCTURAL FACTORS AFFECTING WOMEN'S PARTICIPATION IN THE INTERNATIONAL ARENA**

### **Unequal societal structures.**

Because negotiation is a process of decision making, understanding of the structural foundations of decision making processes is required. The patriarchal nature of most world societies means that decision making is the male responsibility. The socially constructed gender division of labour positions men in public spheres while confining women to the private/domestic domestic spheres as home makers and nurturers. This is responsible for the exclusion of women in domestic, national and international levels. At national levels, this exclusion is indicated by the few numbers of women in decision making positions such as parliament, cabinet and high public positions. Only Rwanda has about 48% representation of women in parliament and the highest number of women in parliament in the world. Even in countries that have integrated affirmative action, the numbers are still about 30%. Countries that have not institutionalized affirmative action have lesser numbers. The representation of women in national levels is also reflected at the international level.

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<sup>103</sup> V. Spike, *Gendered States: Feminists (Re) Visions of International Relations Theory*. Lynne Rienner Publishers 1992, p 9

Education levels are a contributing factor to the low levels of participation in decision making. Entrenched patriarchy in the education has ensured unequal access to education between men and women. Where there is poverty, the society chooses to educate boys rather than girls. Statistics have shown that the number of girls and women diminishes as you go up the education ladders. They are the fewest in tertiary institutions. Closely related is the economic lack power of women of women, associated with lack of access and control of reproductive resources. World over, Economic power has been the single important factor in ascent to leadership positions even in the ancient times. In the African setting, those who managed to get into leadership positions were those who had wealth – measured in terms of livestock, land, children and wives. For women, lack of economic power effectively alienates them from decision making.

There is a connection between women's economic power and their participation in the international arena. The world over, whenever a new government comes into power, it appoints new representatives at the national and international levels. Appointments have largely been political and have come to be viewed as rewards for support given to propel to power. Career diplomats have by and large been replaced with political diplomats, most of whom have no training in diplomacy and international relations. Indeed, appointment of diplomats has widely been viewed as political rewards for those who supported governments to get to power. This argument is supported by the bone of contention in Kenya coalition government in relation to appointments of ambassadors and diplomats. One of the coalition partners, ODM insists that appointments of ambassadors and other officials should be shared equally among the coalition partners. This kind of process therefore alienates women even the most qualified woman from appointment. Based on women's position in the society, they are unable to render the support that is considered essential in political processes such as money and influence.

### **THE NATURE OF INTERNATIONAL RELATIONS.**

The centrality of negotiation in international relations cannot be gainsaid. To understand women's participation (or lack of it) calls for a scrutiny of the nature international relations within which these negotiations are undertaken. This study starts from the premise that Women are invisible in the field of international relations<sup>104</sup> and seeks to understand the structure of

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<sup>104</sup> Fred Halliday, *Rethinking IR*, Macmillan Press Ltd, London. 1994 p148

international relations as a major contributory factor. The study and practice of International Relations has largely been gender neutral, meaning that it fails to recognize the gender differentiated implications or perspectives of international processes. It also implies that international processes have no effect on the position and role of women in society and on relative placement women and men.<sup>105</sup> There is the assumption that men's experiences are a representative of human experience.<sup>106</sup> Because of entrenched patriarchy, women are the ultimate losers in gender neutral processes as women specific issues do not feature in such processes. Benefits of such processes are true only to men.

The subject matter of IR and the gendered perceptions around them is a contributory factor to the isolation of women in the international arena. International relations is characterized by high politics in the formulation and implementation of international policies. The language of IR is masculine - it emphasizes toughness and competition.<sup>107</sup>

...the language reveals the gendering of the world beyond state borders not just explicitly sexual phrases such as 'conquest of virgin territory' but also more mundane phrases and slogans such as 'a man of the world'; and 'join the army, see the world'; invite men to flee the domestic hearth in the search of manhood? the further the better.<sup>108</sup>

The 20<sup>th</sup> century IR has for most part been concerned with causes wars and conflict, development of diplomacy and international law, and global expression of trade and commerce with no particular reference to people called men or women per se.<sup>109</sup> In matters such as Security and macro economic management, which are the main focus of IR, gender issues have little apparent place in this hierarchy.<sup>110</sup> Indeed issues such as warfare, security and economy are views as the male responsibility.

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<sup>105</sup> Fred Halliday, *Rethinking IR*, Macmillan Press Ltd, London. p 148

<sup>106</sup> V. Spike, *Gendered States: Feminists (Re) Visions of International Relations Theory*. Lynne Rienner Publishers 1992, p 8

<sup>107</sup> Fred Halliday, *Rethinking IR*, Macmillan Press Ltd, London. 1994 p148

<sup>108</sup> Charlotte Hooper, 'Masculinities, IR and the 'Gender Variable': A Cost-Benefit Analysis for (Sympathetic) Gender Skeptics in *Review of International Studies*, Vol. 25, No. 3 (Jul., 1999), pp. 475-491

<sup>109</sup> Jacque True: Feminism, in Scott Burchill and Andrew Linklater, *Theories of International Relations* Deakin University 1995 pp – 210 - 251

<sup>110</sup> Fred Halliday, *Rethinking IR*. Macmillan Press Ltd, London. 1994. p148

The nature and conception of IR is generally masculine in nature and as such, there is little space for women or femininity in world politics. The terminologies used in international studies depict and entrench manly tendencies and predisposition such as competition, virility and strength. Feminine concepts such as peace, coexistence are terms used in IR but are not at the core of interaction between states. Concepts such as state, sovereignty, power, competition have masculine undertones and are seen as inseparable from patriarchal Division of public and private. <sup>111</sup> The importance of the state in international system has a bearing on gender, as the state is the main organizer of gender relations. This is seen in the domination of men in state apparatus particularly coercive apparatus such as police and military. <sup>112</sup>

International relations theories that explain the nature of interaction between states are also gendered. A number of theories have been propagated by various scholars. Idealism is a school of thought that is of the view that morality should guide the interaction between states. Proponents such as Woodrow Wilson strongly propagated for the formation of international institutions to act as world governments. However his theory has been dismissed as one that addresses what ought to be instead of what is. From the feminist perspective, this theory is seen as propagating characteristics such as coexistence, tolerance, interdependence which are more in resonance with women's predisposition. The Theory of realism has however been one of the most dominant and enduring theories of international relations. This theory, also known as real politic or power politics has existed for many centuries.

Early scholars such as Thucydides of (Ancient Greece), Sun Tzu (China), Nicole Machiavelli, Thomas Hobbes advised rulers to use power to advance their interests within and without. <sup>113</sup> After the end the second war and the perceived failure of idealism (League of Nations) in preventing the Second World War, the theory of realism gained ground. Among the proponents of this theory in latter years was Hans Morgenthau. According to the theory of realism, states are the most important actors in the international system.

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<sup>111</sup> Jacque True, *Feminism*, in Scott Burchill and Andrew Linklater, *Theories of International Relations* Deakin University 1995 pp – 210 - 251

<sup>112</sup> V. Spike, *Gendered States: Feminists (Re) Visions of International Relations Theory*. Lynne Rienner Publishers 1992, p45

<sup>113</sup> Joshua Goldstein, *International Relations* p 58

They interact in a system that is anarchical which means absence of a government. In this interaction, proponents say that states strive to advance their own national interests - equated to power. National interests are defined by Morgethau as maximizing state power<sup>114</sup> defined in terms of military and economic power.

Feminists have argued that core assumptions of realism – especially anarchy and sovereignty – reflect the ways in which males tend to interact and see the world. It assumes male participants when discussing issues of foreign policy decision making, state sovereignty or use of military force.<sup>115</sup> Sovereignty denotes independence which is also a manly characteristic. Studies have shown that men value independence while women value the aspect of belonging. Even in relationships, Men have problems committing because they have problems relinquishing their independence. According to feminists, realism emphasizes autonomy and separation which men find separation easier to deal with than interconnection.<sup>116</sup>

Sovereignty that is based on borders resonates with defense and expansionist tendencies. Countries have put lot resources to defend their borders. Others have tried to expand their borders, in their quest for power in the international arena, resulting to war. The male's predisposition to protect and defend their territories is seen as natural and consequently, State leaders often feel the need to prove their manhood by standing up to bad guys. It is power and virility underlying IR that led to conquests in early centuries that culminated in the scramble for Africa in the 19<sup>th</sup> century. Central to the conquests was the states' desire to maximize power in the international system through acquisition of territory and enhancement of economic and political power.

As noted earlier state interests is a central theme in the study and practice of international relations. Feminists in the 19<sup>th</sup> centuries equated states interests with its capacity to make war.<sup>117</sup> Indeed the concept of real politic cannot be divorced from war/use of force. San Tzu, a Chinese strategist, noted that war had become a systematic instrument of power.<sup>118</sup> The conception of

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<sup>114</sup> Joshua Goldstein, *International Relations* d p 76

<sup>115</sup> Ibid

<sup>116</sup> Ibid p 137

<sup>117</sup> Sybil Oldfield, *Women Against The Iron Fist: Alternatives to Militarism(1900 – 1989)* .Basil Blackwell 1989 p

<sup>77</sup>  
<sup>118</sup> Joshua Goldstein *international relations* pg 58



international relations from a realists perspectives places significant importance on military power. The concept of anarchy in the international relations connotes disorder and competition that underlines survival for the fittest as the mode of interaction. Anarchy in the international system is occasioned by lack of a world government and as such, states rely on self help.<sup>119</sup> Women are generally more inclined to order as opposed to anarchy that is seen as a key characteristic of the international system.

Based on the foregoing, IR has excessively focused on conflict and anarchy as a way of practicing statecraft and formulating strategy that is expressly focused on competition and fear. It propagates masculinity which equates virility with ruthlessness, domination and aggression. Rulers of 19<sup>th</sup> and 20<sup>th</sup> century such as Bismarck and Hitler were guided by the realism school of thought. Bismarck for example was of the view that the only political reality was power and the sole ultimate source of power is physical force. Feminists of the 19<sup>th</sup> and 20<sup>th</sup> century interpreted this to mean capacity to kill. In international politics, Bismarck declared that the militarily strong strongest state will always be dominant and in foreign affairs, the final arbiter was the possession of superior force.<sup>120</sup> Hitler came up with two categories of states: states of men and states of pacifists. This type of conceptualization of international relations therefore has no place for women.

Diplomatic work has traditionally been cut out for the man. The role of diplomats is seen as that protection of national interests in foreign countries. Historians of the 16<sup>th</sup>, 17<sup>th</sup> and 18<sup>th</sup> centuries were of the view that diplomats had two roles – ‘to look after affairs of his own prince and second to discover affairs of the other’.<sup>121</sup> As a result of the dominance of the males and male ideology in international relations, there is exclusion of lives and experiences from its substantive knowing and female scholars from the stats of IR knowers<sup>122</sup>.

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<sup>119</sup> Joshua Goldstein *international relations* p 82

<sup>120</sup> Sybil Oldfield, *Women Against The Iron Fist: Alternatives to Militarism(1900 – 1989)* .Basil Blackwell 1989 p 4, 5, 77

<sup>121</sup> John Joyce Broderick, *Diplomacy in Catholic Historical Review*, Vol 10 no 1 (Aoruk 1924) pp 68-84

<sup>122</sup> Jacque True, *Feminism*, in Scott Burchill and Andrew Linklater, *Theories of International Relations* Deakin University 1995 pp – 210 - 251

## **ISSUES AND ACTORS IN INTERNATIONAL NEGOTIATIONS**

### **International security.**

The current conceptualization of international relations, based on the dominant theory of realism engenders competition and war among states. As countries operating in an anarchic system pursue their national interests, wars and conflict become defining characteristic of the international system. This makes security is a key concern in international relations. Indeed, the top national interest of any state is security. Up until the end of the Second World War, conflict of national interests between states was settled through war. It is the state that won the war whose national interests prevailed. At that point, militarism was seen as part of war in international relations. After the World War I, proponents of idealism key among them Woodrow Wilson pushed for the formation of the League of Nations to act as the world government and provide a forum where national interests could be negotiated.

The league adopted collective security as system of preventing aggression by rogue states. The eruption of the Second World War was seen an indicator of its ineffectiveness.

After the Second World War, the United Nations was formed to promote peace and security in the globe. The United Nations charter propagates peaceful methods of resolving disputes, among them negotiations, good offices, conciliation, and arbitration among others. The Second World War was quickly followed by cold war, a period characterized by tensions between Western and Eastern blocks. Security became a core issue of concern among the various blocks leading to increased armament, militarization and formation of regional military alliances.

National security was therefore at the centre of international negotiations during the cold war, which were mainly undertaken through military alliances including NATO (North Atlantic Treaty Organization) and Warsaw Pact. These military organizations utilized collective security to deter military attacks of member organizations. During that time UN Security Council was not a major player as actors chose to negotiate through NATO and War Saw Pact.

Issues of security are traditionally the male domain. Indeed women are seen as vulnerable beings that require protection. The domination of the male in the security arena is based on traditional gender division of labour, where security, even at the domestic level is the responsibility of the

man. It is seen as the men's 'natural role' to protect their domestic and communal territories. Men are brought up to believe that is heroic conquer and manly to kill.<sup>123</sup> Women on the other hand are seen as not bright or strong enough to handle issues related to security. War and competition depart from the nature of women, who are generally viewed as more peaceful and inclined to coexistence. A high population of European women suffragists were anti militarists opposed to the first world war.<sup>124</sup> Standpoint feminists describe women as more peaceful. Because of their care giving roles, they are more likely to oppose war.<sup>125</sup>

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For feminists, wars institutionalize and reinforce the positive value of masculinist militarism.<sup>126</sup> Common security measures during the cold war such as deterrence, armament, balance of power and hegemony<sup>127</sup> tend towards masculinity. Though early feminists supported the idealism and the formation of international organizations, they were against the idea of collective security as a system of the League of Nations. There is a close relationship between militarism and antifeminism. There is a tendency for militarism to look down feminine characteristics. Indeed feminine characteristics are abhorred by militarism. Rulers such as Hitler expressed strong tendencies of masculinism, militarism and antifeminism. According to their philosophies, it is the nature of and indeed the essence of manhood to fight.

Hitler said that Germany is country of men and this fact alone will contribute to more peace than all the speeches.<sup>128</sup> For Bismarck femininity meant passivity and inability to be productive. Its only useful quality was its penchant for subordination.<sup>129</sup> Most of these rulers advocated for women to remain in the domestic spheres.<sup>130</sup> These rulers were in agreement that it is the nature of women to heal wounds.<sup>131</sup> Counsellor of British embassy at the time was quoted as saying that

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<sup>123</sup> Sybil Oldfield, *Women Against The Iron Fist: Alternatives to Militarism(1900 – 1989)* .Basil Blackwell 1989 p92

<sup>124</sup> Ibid p 21

<sup>125</sup> Josua Goldstein *International Relations* p 130

<sup>126</sup> Sybil Oldfield, *Women Against The Iron Fist: Alternatives to Militarism(1900 – 1989)* .Basil Blackwell 1989

<sup>127</sup> Joshua Goldstein *international relations* pp 73, 85,93

<sup>128</sup> Sybil Oldfield, *Women Against The Iron Fist: Alternatives to Militarism(1900 – 1989)* .Basil Blackwell 1989 p 115

<sup>129</sup> Ibid p9

<sup>130</sup> Ibid p112

<sup>131</sup> Ibid p 120

to believe that women's principle work is family life is simply to return to natural and eternal law.<sup>132</sup>

The character of militarism alienates women and this explains the low representation of women in the military, particularly in high cadres. We see construction of gender subjectivities at women in the training of soldiers and in routine practices of militaries, historically institutions of men only and requirement for full citizenship.<sup>133</sup>

With the end of cold war, conflicts have taken a different dimension. Intra state conflicts have increased, particularly in Africa and other third world countries. These conflicts are as a result of competition for power and resources. Civil wars are associated and dominated by sentiments of nationalism of concerned ethnic groupings. The masculine character of nationalism and nationalist movements means that feminine qualities tend to be undervalued.<sup>134</sup> The only true and enduring role of women in war is that of victims. There is a belief that women should be protected and this excludes them from decision making process.<sup>135</sup> Women are prime victims of war, not just as ungendered civilians but as objects of rape.<sup>136</sup>

They experience violence from aggressors and at the domestic level.<sup>137</sup> Studies on peace process show that women have only participated in the sidelines of the main processes. The reasoning behind this is the fact that making war men's job and therefore their responsibility to stop them.<sup>138</sup> Women undertake activities outside the negotiation tables such as holding informal meetings with the peace negotiations and acting as interface between hostile groups.<sup>139</sup>

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<sup>132</sup> Sybil Oldfield, *Women Against The Iron Fist: Alternatives to Militarism(1900 – 1989)* .Basil Blackwell 1989 p 113

<sup>133</sup> Jacque True, Feminism, in Scott Burchill and Andrew Linklater, *Theories of International Relations* Deakin University 1995 pp – 210 - 251

<sup>134</sup> Maria Holt, Palestinian Women Violence and Peace in *Development in Practice*, Vol. 13, No. 2/3 (May, 2003), pp. 223-238

<sup>135</sup> Maria Holt, Palestinian Women Violence and Peace in *Development in Practice*, Vol. 13, No. 2/3 (May, 2003), pp. 223-238

<sup>136</sup> Fred Halliday, *Rethinking IR*, Macmillan Press Ltd, London. p 153

<sup>137</sup> Maria Holt, Palestinian Women Violence and Peace in *Development in Practice*, Vol. 13, No. 2/3 (May, 2003), pp. 223-238

<sup>138</sup> Swanee Hunt and Christina Posa, Women Waging Peace in *Foreign Policy*, No. 124 (May - Jun., 2001), pp. 38-47

<sup>139</sup> Swanee Hunt and Christina Posa, Women Waging Peace in *Foreign Policy*, No. 124 (May - Jun., 2001), pp. 38-47

Men and women experience conflict differently. Another international security threat is terrorism. Intra state conflicts have affected women in different ways through displacement and mass rape, increased number of widows and female headed households. The methods used in these organizations such collective security, armament have a tendency towards aggression. Simon predicted the failure of the League of Nations because it had tried to establish a supra national institution while leaving the dogma of national sovereignty still intact.<sup>140</sup>

Negotiations for peace have always left out women. This mainly due to the fact that their roles and experiences in the conflicts are often ignored. Negotiations mainly bring together warring parties to negotiate through peaceful means and since women do not constitute combatants, they are absent from negotiations. Involvement of women in peace processes has mainly not been mainstreamed. They participate as observers and most of times engage in peace advocacy initiatives outside the halls of negotiations away from negotiation tables. Those who participate in these processes are not considered as serious participants but to support the different sides. Mediators in such conflicts have always been men and have subconsciously entrenched gender constructions.

### **Trade and economic negotiations.**

With the end of cold war, the focus of diplomacy has shifted to trade and economic integration. Countries are now pursuing their interests through international trade. All international trade negotiations are undertaken under the umbrella of the World Trade Organization (WTO). This notwithstanding, power politics still play a major role in influencing outcomes of negotiations in international organizations including WTO. Countries with significant powers are able to push for policies that are favourable to them. The competition has shifted from arms and militarism to economic power. Economic power also one of national interests that countries seek to advance. Negotiation of the international trade and economic policies are driven by the same masculine tendencies of competition and hegemony, meaning that it is skewed in favour of powerful actors.

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<sup>140</sup> Sybil Oldfield, *Women Against The Iron Fist: Alternatives to Militarism(1900 – 1989)* .Basil Blackwell 1989 p 85-85

Indeed international trade negotiation is driven by superpowers interests, which is indicated by neocolonial trade policies of WTO.

The core principle of WTO is the principle free trade<sup>141</sup>, which essentially means trade liberalization. Trade liberalization is a policy prorogated by western countries that opens markets for competition. These policies that are based on competition thereby forcing women traders and farmers out of the market. Women hardly produce export products and when they do, it is at the lowest levels.<sup>142</sup> Trade policies are also related to the economic and monetary policies, driven by International Monetary Fund and the World Bank. As with trade policies, the policies of World Bank and IMF are also hegemonic. Decision making at the world bank is for example based on strengths the member's countries. The strength is based on economic power, measured in terms of the amounts of monies that each state contributes to the IMF. Powerful countries therefore push for policies that are favourable to their economies and which have serious effects on poor countries and vulnerable populations. In the 1980s and 90s for example, IMF and World Bank came up with a lending programmes that came with structural adjustment programmes. These programmes include privatization of state corporations, reduction of government recurrent expenditure through job cuts, reduction in spending in social sectors such as health and education among others.

These policies saw an increase in poverty in third world countries, particularly among women. Globalization and trade liberalization policies are seen as capitalist's policies which are viewed as hegemonic and masculinist.

International trade and economy is male dominated due to a variety of reasons all which related to the structure of patriarchy. Women are mostly engaged in reproductive activities such as child rearing and homemaking. These roles do not bring income per se and are therefore undervalued. On the other hand, men's traditional role in productive activities generates income and is therefore valued. Statistics show that women provide the bulk of the labour force in agriculture in most developing countries. Generally women engage in small scale activities due to lack of productive resources while men engage in large economic ventures. International business

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<sup>141</sup> <http://www.wto.org>

<sup>142</sup> Myriam Vander Stichele, A Gender Analysis of Trade and WTO Rules: A Case Study of Ghana, 1998 at <http://www.tni.org>

requires huge amounts of resources and international connections and it follows that men dominate this business.

Based on the tradition division of labour, it follows that issues related to the Economy and finance are the preserve of men. The patriarchy in the societal levels is reflected in the international levels where we see Women's reproductive and productive work is undervalued and not integrated in national and global statistics. Women's reproductive roles that are unpaid are not seen as complimentary to the man's productive roles – those that generate income. A study by Prof Maria Nzomo reveals that it is the unpaid economic tasks performed by women that ensure reproduction and maintenance of human resources, upon which paid economy is based.<sup>143</sup> Aristotle, a philosopher and scholar of ancient times recognized that women's work in the domestic sphere is a necessary condition of men's work in the public sphere.<sup>144</sup> Though women contribute a great deal to the domestic, national and international economy and that they suffer disproportionately from the effects of global trade and economic policies. There is an almost total absence of women decision making on national issues including those that relate to SAPS<sup>145</sup> and the policies do not make any reference to gender.

It is indeed a fact that women suffer disproportionately under systems of domination because they constitute at least one half of most subordinate groups.<sup>146</sup>

Though global security economy and trade are key issues in international relations, treaty formulation and development of international laws also a key aspect in international negotiations. Various countries have come together to enter into bilateral and multilateral agreements on various issues including environment human rights, international law, among others. But even in treaty formulation, states interests are paramount. Treaties in the social and human rights and international law may have serious consequences on countries national interest. The United States for example refused to sign the Kyoto protocol because it would affect its industries and therefore its economic position. It also did not sign the Rome Statute because of

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<sup>143</sup> Kibutha Kibwana, *Women and autonomy in Kenya*, Claripress 1995 p 50

<sup>144</sup> V. Spike, *Gendered States: Feminists (Re) Visions of International Relations Theory*. Lynne Rienner Publishers 1992, pp 10-11

<sup>145</sup> Kibutha Kibwana, *Women and Autonomy in Kenya*, Claripress 1995 p 50

<sup>146</sup> V. Spike, *Gendered States: Feminists (Re) Visions of International Relations Theory*. Lynne Rienner Publishers 1992, p pp14

the view that would undermine its sovereignty. As such the issues of negotiation on treaty formulation are done as a way of pursuing national interests.

Negotiations are mainly conducted through international and regional organizations. However, bilateral negotiations are also undertaken between individual countries through the traditional diplomatic practices. The traditional diplomacy in this context means the practice where states send representatives to represent their interests in other countries. More and more countries are setting up diplomatic missions in countries they have interests in. The conception of diplomacy as a means of protecting and promoting national interests conjures an image of a courageous person who is able to push the countries agenda.

The main actors in diplomacy and international negotiation have been heads of states, foreign ministers and army heads and strategists. Vast majority of heads of state, diplomats and soldiers are male.<sup>147</sup> During the cold war, issues of security were negotiated in regional security alliances such as NATO and war saw pact in which women were absent in higher ranks of decision making. In NATO for example, permanent representatives of countries to the organization have been men.

Luxembourg's permanent representatives between 1952 and 2005 have all been men<sup>148</sup> and the same case applies to US.<sup>149</sup> Between 1995 and 2006 military representatives to NATO of the US have been men.<sup>150</sup> The NATO summit which is the highest decision making organ is composed of heads of states and heads of government. Among 28 heads of states in NATO, three are women who represent monarchies of England, Denmark and Netherlands. Among the heads of government represented in NATO, only two (2) are women from Iceland and Germany. Of the 28 foreign affairs ministers, only 2 are women. Of the 28 ministers of defense only 4 are women. All the current permanent representatives to NATO are men apart from the France representative. Senior civilian and special representatives, Secretary General, Deputy Secretary General and all the other principle officers are men. Others key figures in NATO are foreign affairs ministers, defense ministers and heads of military most of who are men.

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<sup>147</sup> Goldstein, *International Relations*. P 122

<sup>148</sup> [http://en.wikipedia.org/wiki/List\\_of\\_Permanent\\_Representatives\\_from\\_Luxembourg\\_to\\_NATO](http://en.wikipedia.org/wiki/List_of_Permanent_Representatives_from_Luxembourg_to_NATO)

<sup>149</sup> [http://en.wikipedia.org/wiki/United\\_States\\_Permanent\\_Representative\\_to\\_NATO](http://en.wikipedia.org/wiki/United_States_Permanent_Representative_to_NATO)

<sup>150</sup> <http://www.nato.int/cv/milrep/us/sullivan.htm>



In the Security Council, the current president is a man and among all the current representatives and deputy alternate and active representatives accredited to the Security Council, women constitutes just 15.9%. Some countries do not have any woman representatives such as Russia, Italy, Japan, and Panama. Presidents of the Security Council are elected between members and serve one month. Among all the presidents of the Security Council between 1<sup>st</sup> August 2006 and 31<sup>st</sup> July 2007, only one was a woman. Between 1990 and 1999, women served presidency 7 months out of the total 108 months. Indeed only three women have become presidents of the security between these period with Madeline Albright of the United States of America being elected three times, Ms Lena Wallen of Sweden two times and Mrs. Suzan Agneli of Italy once.

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The hegemonic nature of trade and economic negotiations constricts the space for women's participation. This is indicated by the low representation of women in global trade and economic institutions. All the economic institutions are headed by men - Pascal Lamy (WTO Director General) Bob Zoellick (WB President), Dominique Strauss-Kahn, (IMF Managing Director).

Peace negotiations leave out women because they are led by other powerful states which are led by men and the UN Organs that are male dominated. This is also based on the practice of targeting the leaders conflicting groups and combatants. For example, the Israeli peace talks have been dominated by men. The main actors in the signing of Oslo peace accord in 1993 included among others Yitzak Rabin, Yasser Arafat, Bill Clinton, Shimon Peres, Warren Christopher, Andrei Kazirev. In the Sudan peace process most of the participants were men and even the Somali processes. In the UN General Assembly president of 63<sup>rd</sup> session is a man. All the committees are chaired by men apart from the 2<sup>nd</sup> committee. But with the push for gender equality there is an increase in the number of women in the UN system. In ECOSOC only two women have been presidents since its formation – in 2004 and currently in 2009.

The African Union is no different. The highest decision making organ is composed of heads of states most of who are men. Currently, there only two female heads of state - Liberia and Gabon.

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<sup>151</sup> [www.un.org](http://www.un.org)

The executive council is comprised of foreign affairs ministers most of who are men. However, Pan African parliament president is a woman.<sup>152</sup>

## **WOMEN IN THE INTERNATIONAL NEGOTIATIONS**

The domain of international practice foreign ministries, ministers of defense and related bodies is male dominated. In most states, these occupations are typically at least 90% male.<sup>153</sup> According to conventional ideology, women cannot be relied on matters of security and crisis.<sup>154</sup> Up until the end of the cold war, the number of women in Foreign Service was very limited. As noted earlier, the international relations field is dominated by men. Vast majority of heads of state, diplomats and soldiers are male.<sup>155</sup> Historians have studied and documented the participation of women in diplomacy. In earlier days, women only participated in diplomacy as wives of diplomats where they were engaged in supportive activities to their husbands such as hosting guests, building their won contacts and community work. Women employed in Foreign Service occupied lower positions of the in foreign diplomatic service such as clerks.

It was policy in the '50's not to assign single women--and all FSO women were single--to countries behind the iron curtain on grounds that they could be more easily compromised than their married male colleagues. They were similarly barred from Islamic countries for cultural reasons<sup>156</sup>

In peace processes, women were absent in negotiating table and only played supportive roles in these processes. The role of women has been relegated to the sideline of the main activities. They have undertaken activities such as peace march outside conferences and bringing together male combatants in the negotiating table. It is not until recently that women came out to demand for inclusion in these processes. Very few processes have involved women as negotiators and mediators.

In recent times, there has been a gradual but slow change in the inclusion of women in decision making processes in the international arena. This has been as a result of a number of factors

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<sup>152</sup> <http://www.africa-union.org>

<sup>153</sup> Joshua Goldstein, *International Relations* p 133

<sup>154</sup> Fred Halliday, *Rethinking IR*, Macmillan Press Ltd, London 1994. p 148

<sup>155</sup> Goldstein , *International Relations*, P 122

<sup>156</sup> Amb. Joyce E leader, *Women in International Professions*. A speech delivered at Penn State University, Harrisburg 5 April 2001 at <http://www.fundforpeace.org/media/speeches/leader02.php>

among them the passing of women's human international rights instruments which call for among other things participation of women in decision making at all levels. Among these are the CEDAW and the Beijing Platform for Action, which became tools for women to advocate for equality of representation in national and international levels. Security Council Resolution 1325 of 2002 was passed to promote the participation of women in peace negotiation and post conflict reconstruction and reforms. It is also important to note that the number of women educated to the highest levels of education and are now participating in influencing political processes in their own countries.

There are currently 27 women heads of states and governments in the world, three of them represent monarchs. United Nations has also seen a few women occupy high positions. In 1997 of the 185 highest-ranking diplomats to the United Nations, seven are women.<sup>157</sup> The current president of the ECOSOC is a woman. In February 12, 2008, the total number of women delegates accredited to the United Nations Headquarters is 682, or 29.42 percent of the total number of delegates (2317 units). Out of 191 Permanent Representatives based at Headquarters in New York, a mere 17 are women, or 8.9 percent of the total. The situation in the Security Council is not much different.

Out of 550 delegates accredited by a member of the Security Council in 2008 — both permanent and non-permanent members —, women account for only the 27.45 percent, or 151 units.<sup>158</sup>

While there are countries that are still lagging behind, others have made huge strides in the area of women empowerment in the political arena at the national and international levels. In 1995, statistics in Philippines show that there were a total of 138 women diplomats, which accounted for 41.6% of the total number of diplomatic posts. Of the 138 women diplomatic service personnel employed in 1995, 37 were Chiefs of Mission with the rank of Ambassador, 21 were Minister-Counselors and 80 were holders of Foreign Service Officer Positions.<sup>159</sup>

In 2002, Egypt had 161 women diplomats out total of Diplomats out total of 900 diplomats which comprise 18%. Of those, there were 24 mission heads, including 14 ambassadors, 7

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<sup>157</sup> Women at a Glance at <http://www.un.org/ecosocdev/geninfo/women/women96>

<sup>158</sup> <http://www.gstaadproject.com/projects.html>

<sup>159</sup> <http://www.unescap.org/STAT/meet/rrg3/twsa-philippines>

consuls-general, at a rate of 15% of total mission heads, in addition to 37 distinction-class ambassador, 17 ministers-plenipotentiary, 23 counselors, 18 first secretaries, 30 second and third secretaries and 45 attaché's.<sup>160</sup> In the US, Madelaine Albright became the first woman to serve as Secretary of State in 1997. In 2000, there were 3 women Undersecretaries out of 6, 10 women Assistant Secretaries out of 37, 28 women Deputy Assistant Secretaries out of 98, and 35 women Ambassadors out of 157.<sup>161</sup> Though women possess the necessary qualifications, they have found it difficult to take up diplomatic assignments. Their social roles and responsibilities as home makers is an impediment to women's participation in diplomatic activities, particularly in foreign countries. There are cases where women decline promotions to work abroad due to their family commitments.

In Peace processes, women have not been represented adequately. Few women have participated as representatives of government for example Condoleezza Rice and Madeline Albright and Hillary Clinton as secretaries of states. With the passing of resolution 1325, peace processes particularly those controlled by United Nations are obliged to have women's representatives in the negotiating table. UNIFEM studied 21 major peace processes since 1992. Women's participation in peace delegation averaged 5.9% of the 10 cases for which information was available. Only 2.5% of the signatories to this sample of peace agreements were women.<sup>162</sup> This is however a step forward in peace processes. However this was as a result of pressure from the international community which was leading the process.

Though the number of women has significantly increased compared in recent years, it is useful to go beyond numbers and assess the levels of women participation. Women who find their way to the international processes face challenges that prevent them from participating effectively. One of the challenges is posed by the nature of international negotiations. Though the world has moved along way from solving problems through wars to negotiation, it is a fact that negotiation is more or less like a battlefield. Negotiation is a decision making process and is also game of power. Ottoman J Bartos notes that typical negotiation comprises two phases – problem solving

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<sup>160</sup> Egypt state of Information Service Summer 2002 at <http://www.us.sis.gov/En/Pub/magazin/summer2002>

<sup>161</sup> Amb. Joyce E leader: *Women in International Professions*. A speech delivered at Penn State University, Harrisburg 5 April 2001 at <http://www.fundforpeace.org/media/speeches/leader02.php>

<sup>162</sup> UNIFEM 2009, *Women's Participation in Peace Negotiations: Connection Between Presence and Influence*.

and bargaining. He also notes that negotiation starts from individual rationality of each negotiator is trying to maximize their own payoff.<sup>163</sup> The very nature of negotiations engenders competition and hegemonic tendencies that are characteristic of the male gender. Indeed, in most negotiations, due to competitive tendencies are entrenched when negotiators to the negotiating table with already preconceived outcome. Negotiation is a forum where parties measure each other strengths. Fred Ikle says that parties to a negotiation strive to improve their strength for future negotiations. An international negotiation is never self contained game, but is a phase vaguely related to a never ending super game.<sup>164</sup>

Leverage is very important in negotiations and weaker parties in the process are for most of part forced to sign agreements that do not adequately address their concerns. In this processes, studies have shown that parties rarely have equal power.<sup>165</sup> Parties with power are able to maximize their gains as much as possible at the disadvantage of the weaker parties. Though it has been said that negotiations result to resolution of conflict – it is also true that they result to settlement based power dynamics. The resultant agreement in this situation is based on power and is subject to revision in case of change in power dynamics. Power is based on a number of things including economic and military power – as well as the shrewdness of individual negotiators. Competition for power and the tactics that go along with this competition disadvantage women in various ways- it limits their entry in negotiation processes and also it limits women in terms of the methodologies in negotiations. Bare knuckle tactics are sometimes required especially in situations where there are high interests and stakes. As a result of the competition, men see negotiation as a zero sum where the winner takes it all. This probably can explain the failure of various negotiation efforts especially in conflicts that relate to power.

Any process that engenders competition and power games alienates the participation of women. Otomar says that women are tough bargainers i.e. they make very small concessions. He however does not explain the circumstances under which women are tough negotiators. The limitation for women in terms of engagement in decision making comes where in where there are

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<sup>163</sup> Otomar J Bartos, Simple Model of Negotiation: A Sociological Point of View in William I Zartman, *The Negotiation Process: Theories and Applications*, Sage Publications 1978 p13

<sup>164</sup> Fred Charles Ikle, *How Nations Negotiate*, Harper and Row Publishers pp 76-77

<sup>165</sup> Richard Jackson; Successful Negotiation in Internal Conflict in *Journal of Peace Research*, Vol 37, No 30(May 200) pp 323 -343

high stakes. Negotiators are carefully selected to get people who are able to push for a hard bargain. There are certain characteristics which are given importance including expertise, authority, power to and energy to push for a hard bargain. According to Bartos, among the important qualities of a good negotiator is self confidence and self assurance, ingenuity, courage, credibility. Others include patience, empathy among others<sup>166</sup> – though it is the opinion of the researcher that these are secondary. Indeed, Bartos notes negotiators cooperate (by being fair) only when they must and if they can get away, they will be competitive and take advantage of the opponent as much as possible.<sup>167</sup>

In selecting negotiators on security matters during the cold war, US presidents used certain criteria such as expertise, intelligence and also the capacity to push issues. Women were not selected due to the fact they could neither show military power nor portray the US hegemonic tendencies. They did not symbolize power of the US because of their subordinate position. In addition, they did not constitute part of foreign policy academics.<sup>168</sup> Masculine characteristics associated with aggression were and continue to be the criteria especially on issues that parties to negotiations consider critical. There is no room for femininity in such situations because femininity represent passiveness. This explains the reasons why security and economic issues negotiations involves male parties. Because negotiations are about protecting interests, parties avoid sending women to negotiations where stakes are high and instead choose men who are able to protect interests.

As stated earlier, negotiations build capabilities for future negotiators. Based on previous negotiations, future negotiators are able to judge their negotiating capabilities. Ikle puts some of the things that are used to judge this strength: is he a bluffer i.e. can he carry out threats or make sure commitments? Does he avoid tests of strength? Is he firm?<sup>169</sup>

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<sup>166</sup> Otomar J Bartos, Simple Model of Negotiation: A Sociological Point of View in William I Zartman, *The Negotiation Process: Theories and Applications*, Sage Publications 1978 p17-22

<sup>167</sup> Otomar J Bartos, Simple Model of Negotiation: A Sociological Point of View in William I Zartman, *The Negotiation Process: Theories and Applications*, Sage Publications 1978 p17-22

<sup>168</sup> Rachel Jane Becket, Thesis: Role of US Women Diplomats Between 1945 and 2004 , 2009 Florida State University p 56

<sup>169</sup> Fred Charles Ikle, *How Nations Negotiate*, Harper and Row Publishers p 82-83

On issues related to conflict, women are mostly left out because the recognized players are the combatants. In the preparatory phase, choice of parties to be invited, content and agenda can be contentious and can take a long time.<sup>170</sup> There is also internal negotiations between the parties which can be competitive. With the passing of the Security Council Resolution 1325 of 2000, women are mostly selected to fulfill this condition but not to add any value. Indeed in civil conflicts, the stakes are higher than in inter state conflicts. There are a number of factors make negotiations more difficult among them the security dilemma, the perceptions and stakes and leaders paranoia<sup>171</sup>

Mediation is an important aspect in negotiation. This happens where the warring parties are unable to start negotiations or continue with a negotiation process due to strong differences. Various aspects have been studied in mediation but not gender. Female mediators are hard to come by mainly because the atmosphere may be too hostile for a woman, in addition to gender based prejudices. It has not been studied how acceptable a female mediator would be in international and civil conflicts. Studies have identified a successful mediator is one who commands respect and who has enough leverage to force an agreement among hostile parties. Even where there was a team of mediators where women are, the chief mediators are always men. After the post election violence in Kenya, the team of mediators was led by a man– Koffi Annan. Mediators require leverage, problem solving abilities strategy and timing.<sup>172</sup> Leverage is one the most important requirements and which women may not have.

Negotiations range from formal to informal.<sup>173</sup> The vulnerable groups prefer to deal with issues in a formal manner because they are assured that their issues will be discussed. But there is an emerging trend where negotiations are done informally, outside the formal negotiating table. Informal negotiations have a tendency to excluding women and other weak parties. The tactics used in negotiations are nothing but friendly to the female gender. While expounding the concept of ‘negotiating for side effects’ Fred Charles Ikle mentions the use of deception, threats and

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<sup>170</sup> R.P Barston, *Modern Diplomacy*, Longman UK 1998

<sup>171</sup> Stephen John Stedman, Negotiation and Mediation in Internal Conflict in Michael E Brown, *International Dimensions of Internal Conflict* , MIT Press 1996 pp 341 – 376

<sup>172</sup> Stephen John Stedman, Negotiation and Mediation in Internal Conflict in Michael E Brown, *International Dimensions of Internal Conflict* , MIT Press 1996 pp 341 – 376

<sup>173</sup> Richard Jackson, Successful Negotiation in Internal Conflict in *Journal of Peace Research*, Vol 37. No 30 (May 2000) pp 323-343

warnings are some of the techniques used to achieve desired outcomes.<sup>174</sup> These are some of salient features of negotiations. In some instances, negotiators may already know what the final outcome of the negotiations, making the process a charade.<sup>175</sup>

Generally, reception and treatment of women diplomats is nothing but warm. Though there are women who have reported warm reception, others receive hostile reception. Sometimes, the reception may be based on the perception of women. Women may receive warm reception and treated well because they are not considered as competition.<sup>176</sup> One US diplomat Mrs Ruth Bryan, felt that she in official circles she received the treatment she is entitled, but always had the uneasy feeling that the 'official from whom she is seeking information would talk with more expansion if she were a man.'

She also confessed that she prefers to ask the man with whom she has to talk to luncheon than to dinner.<sup>177</sup> There are those who feel the need to prove themselves in order to be taken seriously by their colleagues and even the officials of the host country. Prudence Bushnell for example felt the need to 'instruct her colleagues to look at her instead of the Kenyan men who turned to their male colleagues to get the real story'. Another diplomat Anne Matindel did not receive warm reception in New Zealand, which had serious reservations about women<sup>178</sup>. The business community had no interest in her.<sup>179</sup>

The perception and adherence of the clear-cut gender division of labour sometimes determines where women will be posted. Rachel Becket notes that very few women were posted to countries such as Japan and Soviet Union because of the entrenched gender division of labour where

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<sup>174</sup> Fred Charles Ikle, *How Nations Negotiate*, Harper and Row Publishers pp 52, 62

<sup>175</sup> John G Cross, *Negotiation as a Learning Process* in William Zartman, *The Negotiation Process: Theories and Applications*, Sage Publications 1978 p30

<sup>176</sup> Rachel Jane Becket, *Thesis: Role of US Women Diplomats Between 1945 and 2004*, 2009 Florida State University

<sup>177</sup> Rachel Jane Becket, *Thesis: Role of US Women Diplomats Between 1945 and 2004*, 2009 Florida State University.

<sup>178</sup> Rachel Jane Becket, *Thesis: Role of Us Women Diplomats Between 1945 and 2004*, 2009 Florida State University.

<sup>179</sup> Rachel Jane Becket, *Thesis: Role of US Women Diplomats Between 1945 and 2004*, 2009 Florida State University



women are relegated to the private and men to the public sphere. In these countries women in public realm are viewed with suspicion.

Postings also depend with the interests of the country. The higher the interests of a state in a particular state or negotiation process, the lesser the chances of women being sent there. Women for example will find that they are sent to countries and organizations that have little significance to the countries national interests. Rachel Becket notes that between 1993 and 1994, Africa was the highest ranking region for us women chief of missions.

In negotiation, power has always been important because negotiators need power to advance their issues. A party may choose to use soft power or the power of persuasion while others may use hard power or use of force and coercion.<sup>180</sup> There is credible evidence that use coercive power by the stronger parties yields their desired outcomes. Women find it difficult to use these methods based on the feminine predisposition. Women negotiators find themselves in a dilemma over how to conduct themselves in negotiations. Women who have been aggressive in negotiations have attracted condemnation for becoming men. Behind his condemnation is the feeling that women should be able to bring the feminine characteristics and qualities into the process. Yet, a femininity which is seen as synonymous with passiveness gentleness has no place in such highly competitive processes. Indeed an increased number of female in a delegation is considered weak.

Sexual harassment against women in international processes is also common place. There were reports that Somali women delegates received beatings from their male counterparts.<sup>181</sup> At least one third of women soldiers experience some form of verbal or physical sexual harassment or abuse – a pentagon survey showed in 1992.<sup>182</sup>

Women negotiators sometimes find themselves in a dilemma over how to behave in negotiations. Women negotiators with aggressive tendencies are more often than not unappreciated by the

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<sup>180</sup> Ramsbotham, Woodhouse, Miall, *Contemporary Conflict Resolution*, Polity Press 2006

<sup>181</sup> Prof Abdi Ismael Samatar and Waqo Machako, *Conflict and Peace in the Horn of Africa: A Regional Approach* in Heinrich Boll Foundation 2006, *Quest for a Culture of Peace in the IGAD Region*. Pp 26-56

<sup>182</sup> Joshua Goldstein *international relations* p 137

spectators and are usually accused of behaving like men. While there is little room for femininity and feminine tactics of negotiations, the society abhors women who 'behave like men'. The society expects women to behave like women, even in those hostile environments. During the peace negotiations in Kenya, Hon Martha Karua negotiated on the side of the Party of National Unity was accused of behaving like a man. And indeed, she earned the title of being the only woman in President Kibaki's Cabinet. Even women castigated her for her aggressive tactics.

The adoration of male characteristics and tendencies in international relations has the effect of downplaying the women's role of women. It indeed has the capacity to make women in diplomatic positions feel inadequate. It instills in them the feeling that they would accomplish their tasks better and earn recognition they deserve if they were men.

## CONCLUSION.

It is now possible to spot women in various international processes as ambassadors, negotiators and representatives to major regional and international bodies. The number however could be more. Apart from representation of women per se, there are questions on their effectiveness and the value they add to the processes. The basis around which women pursue representation not just about the numbers but entrenchment women's perspective in decision making processes at the national and international level. Despite their presence in decision making, their participation may be limited by the factors that have already been discussed. The most critical factor is the structure of international relations and international negotiation which still continue to value masculine traits. This engenders the adoration of masculine values – 'international personalities are seen as icons of wealth and power and statesmen and presidents are constantly judged by their manliness or lack of it'.<sup>183</sup>

In negotiations, we have seen that prominence is given to competitive and aggressive techniques including threats and intimidation. There are other techniques and other requirements of negotiations such as pure persuasion, fairness and empathy to which women may be predisposed

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<sup>183</sup> Charlotte Hooper; Masculinities, IR and the 'Gender Variable': A Cost-Benefit Analysis for (Sympathetic) Gender Skeptics in Review of *International Studies*, Vol. 25, No. 3 (Jul., 1999), pp. 475-491

to. However, these are more secondary and play very little role in influencing the outcomes of negotiations. Power still plays a key role.

For women to effectively participate there has to be a restructuring of the international system to appreciate the feminine values in the international system. War will continue for as long as men in power continue to exclude women's socially constructed traditional values of private life.<sup>184</sup> There has been no concrete studies on the role feminine attributes can play in negotiations. Women could bring fresh eyes into the public world.<sup>185</sup> They could bring elementary but vital psychological insights gained through their long experience of private world of family life.<sup>186</sup> It has been said that women bring in the human face of the conflict to the peace discussions.<sup>187</sup> These are attributes that need to be studied in greater depths to establish how effectively they can be utilized in negotiations. If indeed the nature of international negotiations continues to be patriarchal critical questions need to be asked. Can and should women learn to use male tactics in negotiations?

Though women's rights have been espoused in various international instruments such as CEDAW, there is still little appreciation of these rights in a society that is largely patriarchal. For as long as women continue to be treated as second class human beings and their natural rights viewed as tokenism, they will continue have very little or no effect in national and international process.

The next chapter will look at the Somali peace process and the background to the peace process from a gender perspective.

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<sup>184</sup> Sybil Oldfield, *Women Against The Iron Fist: Alternatives to Militarism(1900 – 1989)* .Basil Blackwell 1989 p 3

<sup>185</sup> Sybil Oldfield, *Women Against The Iron Fist: Alternatives to Militarism(1900 – 1989)* .Basil Blackwell 1989 p 57

<sup>186</sup> Sybil Oldfield, *Women Against The Iron Fist: Alternatives to Militarism(1900 – 1989)* .Basil Blackwell 1989 p

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<sup>187</sup> Swanee Hunt and Christina Posa, Women Waging Peace in *Foreign Policy*, No. 124 (May - Jun., 2001), pp. 38-47

## CHAPTER THREE: BACKDROP TO THE SOMALI CONFLICT AND THE SOMALI PEACE PROCESS: A GENDER PERSPECTIVE

This chapter takes a critical analysis of the Somali conflict, tracing its causes and consequences from gender perspective. The chapter also gives an overview of the peace and reconciliation efforts in Somalia and the role that women have played.

### OVERVIEW OF SOMALIA SOCIETY

Somalia is situated in the horn of Africa, is bound in the north by the red sea and east by the Indian Ocean.<sup>188</sup> Before the colonial partition of the Somali 'territories' in the middle of the 19th century, the history of the region had been dominated by massive migration of Somalis into areas originally inhabited by other populations.<sup>189</sup> Somalia was colonized by both the British and Italy with British occupying Somaliland and Italy occupying South Somalia.

The Somalis belong to the hermitic ethnic group and form the largest single ethnic block in Africa. Nomadic pastoralism is the mode of life and the economic mainstay of the Somalis, dictated by harsh climatic conditions. There are however pockets of agriculturally productive areas in the North of Somalia.<sup>190</sup> Lewis (1962) stressed that Somalis are highly equalitarian society with pastrolism as a base, although the most vital economic asset is not evenly distributed<sup>191</sup>. The Carmel is the most important animal which is a mode of social and economic transactions.

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<sup>188</sup> IGAD Women Desk. *Heading Women's Voices: The Story of Somali Women's Historic Role in the Peace Process*. Djibouti: IGAD, 2005. p 16

<sup>189</sup> Ismail I. Ahmed and Reginald Herbold Green 'The Heritage of War and State Collapse in Somalia and Somaliland: Local-Level Effects, External Interventions and Reconstruction' in *Third World Quarterly*, Vol. 20, No. 1, Complex Political Emergencies (Feb., 1999), pp. 113-127 .Taylor & Francis.

<sup>190</sup> I.M Lewis, *A Modern History of the Somali; Nation and State in the Horn of Africa*. Ohio University Press, 2002.

<sup>191</sup> p8 Abdi Ismail Samar, 'destruction of State and Society in Somalia: Beyond the Tribal Convention' in *The Journal of Modern African Studies*, Vol.30, No. 4(Dec 1992) pp 625-641 Cambridge University Press

Politically, Somalia is organized in clans to which the society owes loyalty. In the pre-colonial Somalia, the centrality of the clan as the single most important political unit was emphasized by a lack of centralized institution of governance. Decision making in all matters affecting the society is vested in clans. Different scholars have taken time to define and describe the clan system and its central place in the organization of the Somali people. Lewis (1962) defines the organizing principle of the Somali way of life as segmentary clannism.<sup>192</sup> For Ismail Ahmed, 'The colonial Somali polity resembles an early medieval European city state, replete with strong local lords, weak kings, peripatetic courts and rapid contraction in the territorial extent of its empire.'<sup>193</sup>

The clan has continued to be the most important political institution in the Somalia, even after independence and the subsequent formation a state. Decent is traced in the male lineage and Religion plays a very key role in Somali society. It provides a basis for their strong national consciousness.<sup>194</sup> Despite the fact that the pre colonial Somalia society was a highly egalitarian, gender based exploitation was a characteristic feature.<sup>195</sup> Lineage in Somali society is patrilineal and kinship ties are passed through the male line.

A woman is part of the father's lineage until she is married, after which she is linked to her husband's lineage<sup>196</sup>. In the Somali culture, the woman occupies a subordinate position to that of the man and like in many patriarchal cultures of the world, the value placed on the woman is less compared to that of man. Expounding the importance of the camel, I M Lewis notes that it is camels' terms that the value of a man's life and subordinate position of women are expressed.

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<sup>192</sup> Abdi Ismail Samar, 'destruction of State and Society in Somalia: Beyond the Tribal Convention' in *The Journal of Modern African Studies*, Vol.30, No. 4(Dec 1992) pp 625-641 Cambridge University Press

<sup>193</sup> Ismail Ahmed, 'understanding conflict in Somali and Somaliland', in Adebayo Adedeji, *Comprehending and Mastering African Conflicts: The Search for Sustainable Peace and Good Governance*, ACDESS 1999, Zed Books London and New York p236

<sup>194</sup> I.M Lewis, *A Modern History of the Somali; Nation and State in the Horn of Africa*. Ohio University Press, 2002. p 16

<sup>195</sup> Abdi Ismail Samar, 'destruction of State and Society in Somalia: Beyond the Tribal Convention' in *The Journal of Modern African Studies*, Vol.30, No. 4(Dec 1992) pp 625-641 Cambridge University Press

<sup>196</sup> Matt Bryden; *Somali, between war and peace: Somali women on the Eve of the 21<sup>st</sup> century*. UNIFEM, 1998 pp 26-27

Blood compensation when a man is killed is rated at 100 camels while women's life is valued at as half of that figure.<sup>197</sup> Though religion has become part and parcel of Somali culture, the two contradict particularly as they relate to the position of women in the society. Bryden and Steiner note that certain practices underline contradictions between the Somali tradition and the tenants of Islamic faith.<sup>198</sup> Access and control of animals is a key factor in assessing the level of economic positions of both men and women. Men have control over camels while women are in charge of sheep and goats. It is important to note that the camel is the most important animal economically. Nomadic women contribute to the economy in the form of labour.<sup>199</sup> They are primary producers of goods for domestic use and commercial purposes.<sup>200</sup> For many urban women, Bryden and Steiner write that their responsibilities are restricted to the domestic sphere, where possibility of self development and interaction with other women is restricted<sup>201</sup>

Somali culture and the Somali way of life impose a number of restrictions on women. Men travel freely and this freedom of movement, particularly in nomadic areas, is intimately bound up with the way oral poetry itself is transmitted. But in Somali tradition women's movements and travel are more restricted than that of men. If a woman travels to other areas than that of her family or husband's family she must have a very good reason for doing so. She has a great deal of work allocated to them. To detail a few of their tasks: they tend to the animals, milk them and make butter: they make all the chattels they need, from the mobile house to water containers. In addition they have their roles as daughters, mothers or wives. Therefore they have less time to spare for other things.<sup>202</sup>

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<sup>197</sup> I.M Lewis, *A Modern History of the Somali: Nation and State in the Horn of Africa*. Ohio University Press, 2002. pp 1-6

<sup>198</sup> Matt Bryden; *Somali, between war and peace: Somali women on the Eve of the 21<sup>st</sup> century*. UNIFEM, 1998 pp 27 - 29

<sup>199</sup> I.M Lewis, *A Modern History of the Somali: Nation and State in the Horn of Africa*. Ohio University Press, 2002. pp 1-6

<sup>200</sup> IGAD Women Desk. *Heading Women's Voices: The Story of Somali Women's Historic Role in the Peace Process*. Djibouti: IGAD, 2005. p 11

<sup>201</sup> Matt Bryden; *Somali, between war and peace: Somali women on the Eve of the 21<sup>st</sup> century*. UNIFEM, 1998 p22

<sup>202</sup> Zainab Mohamed Jama, 'Fighting to Be Heard: Somali Women's Poetry' in *African Languages and Cultures*, Vol. 4, No. 1, The Literatures of War. (1991), pp. 43-53. published by Taylor & Francis, Ltd.

Decision making concerning life of a community including those that relate to conflict is the male domain.<sup>203</sup> Women have typically been forbidden to participate directly in important gatherings, to hold positions of community responsibility, or to testify as legal witnesses<sup>204</sup> During his tenure, Siyaad Barre made efforts to uplift the status of women with promulgation of the family law of 11 January 1975 amidst resistance from religious leaders and conservative leaders. This law gave women equal rights to inheritance.<sup>205</sup> In January 1975, ten religious leaders were executed and 23 others imprisoned charged with preaching in mosques this new law which, contrary to traditional Islam, gave women the same inheritance rights as men<sup>206</sup>. Under Siyaad Barre regime, women increasingly took part in public life.<sup>207</sup> There was an increase in the number of women in Supreme Revolutionary Council party. This numbers did not translate to numbers in the regime's power structure<sup>208</sup> as only one woman served as a minister and was expelled before her time was complete.<sup>209</sup> With the collapse of the state, these gains have been eroded as Islam extremism and traditional modes social which are discriminatory towards women gain momentum.

## THE CONFLICT

In 1991, a bloody civil war erupted in Somalia after the overthrow of Siyaad Barre by opposition factions led by United Social Congress and Somali National Movement. The factions were opposed to clannism, nepotism, misuse of public resources and oppression characterizing the Siyaad rule. The intensity of the clan cleansing in Mogadishu and elsewhere in the south had never been seen before, notes I M Lewis<sup>210</sup>. Fighting intensified as different factions within the USC fought each other to take over leadership. The situation was made worse by the availability of stockpile of weapons provided by Somalia's western allies during the cold war.

<sup>203</sup> Matt Bryden; *Somali, between war and peace: Somali women on the Eve of the 21<sup>st</sup> century*. UNIFEM, 1998 p9

<sup>204</sup> Ibid p35

<sup>205</sup> Matt Bryden; *Somali, between war and peace: Somali women on the Eve of the 21<sup>st</sup> century*. UNIFEM, 1998 p

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<sup>206</sup> I.M Lewis, *A Modern History of the Somali; Nation and State in the Horn of Africa*. Ohio University Press, 2002

p213.

<sup>207</sup> Matt Bryden; *Somali, between war and peace: Somali women on the Eve of the 21<sup>st</sup> century*. UNIFEM, 1998 p

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<sup>208</sup> Matt Bryden; *Somali, between war and peace: Somali women on the Eve of the 21<sup>st</sup> century*. UNIFEM, 1998 pg

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<sup>209</sup> Matt Bryden; *Somali, between war and peace: Somali women on the Eve of the 21<sup>st</sup> century*. UNIFEM, 1998 p

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<sup>210</sup> I.M Lewis, *A Modern History of the Somali; Nation and State in the Horn of Africa*, Ohio University Press. P262

The eventual state collapse, availability of weapons and clan rivalries have been major factors contributing to the endurance of the conflict.

The consequences of the war have been grave for Somalia and the entire horn of Africa. The conflict has reduced Somalia into a failed state.<sup>211</sup> A third of a million people were reported to have<sup>212</sup> died and about 1.7 million people displaced in the south. The Famine that followed killed between 300,000 and 500,000.<sup>213</sup> Key infrastructure essential for economic activities such as water and power generators, refineries, air and sea ports, bridges, schools and hospitals were destroyed.<sup>214</sup>

### THE CAUSES OF CONFLICT

The Somali conflict has been one of the most complicated conflicts, a fact supported by its endurance, even after many processes and interventions to bring about peace. The conflict has perplexed most astute conflict management experts, who have been reduced to analysts of the conflict and conflict resolution mechanisms employed over the years. After many failed interventions, the international community has become aloof to the Somali problem.

The bloody civil war in Somalia did not begin with the ouster of the Siyaad Barre and the collapse of the state. Long before the civil war erupted, Somalia had not been peaceful. The causes of the conflict in Somalia and its endurance can be explained by a combination of several factors that culminated into the collapse of the state. A common argument advanced is that conflict has been part and parcel of the Somali way of life. The economic mainstay of Somalia, pastoral nomadism, has been put forward as constant source of conflict in the region.

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<sup>211</sup> Ismael Ahmed, 'understanding conflict in Somalia and Somaliland in comprehending and mastering African conflicts' in Adebayo Adedeji, *comprehending and mastering African conflicts: the search for sustainable peace and good governance* zed books London and New York. p 246

<sup>212</sup> Catherine Besteman 'Violent Politics and the Politics of Violence: The Dissolution of the Somali Nation-State' in *American Ethnologist*, Vol. 23, No. 3. (Aug., 1996), pp. 579-596. American Anthropological Association.

<sup>213</sup> Ismael Ahmed, 'understanding conflict in Somalia and Somaliland in comprehending and mastering African conflicts' in Adebayo Adedeji, *comprehending and mastering African conflicts: the search for sustainable peace and good governance* zed books London and New York. p 246

<sup>214</sup> Ismael Ahmed, 'understanding conflict in Somalia and Somaliland in comprehending and mastering African conflicts' in Adebayo Adedeji, *comprehending and mastering African conflicts: the search for sustainable peace and good governance* zed books London and New York. p247



This mode of economy is characterized by constant conflicts over scarce resources. Prior to colonization, communities, particularly pastoralists engaged in livestock raids. This practice has persisted and has been a cause of tension in Somalia and indeed other communities outside Somalia where pastoralism is the mainstay.<sup>215</sup> But the organization of the Somali society on the basis of clans is perhaps the major factor cited by majority of scholars as responsible for the disintegration of the state and indeed the pervasiveness of the conflict. Experts in conflict are of the view that any conflict resolution mechanism in Somalis must recognize and integrate the clan system.

Majority of Somali nomad population is made up of composite clans whose relationship has been characterized by competition and sporadic conflict.<sup>216</sup> After independence and the formation of a government, clannism continued to occupy a central role in organization of the Somali people. Successive governments were dominated by members of the clan of the president at the time. Siyaad was accused of using his position in governments to reward or punish entire clans and opposition political parties were formed along clan lines. Clan divisions formed natural dividing lines for political parties and these parties rapidly began to reflect clan rivalries<sup>217</sup>.

Somalis were at loggerheads over governance of the country from its independence in 1960 to its collapse in 1991 and clan conflicts were the root cause of the problem<sup>218</sup>. While Siyaad Barre came in on a platform of eradicating clannisms and undertook campaigns to end the same, he surrounded himself with members of his clan. The effect was discontent and competition for power from other clans, which saw the government as way of propagating clan interests and enrichment.

The two arguments above have been dismissed by some scholars who opine that the Somali conflict is as a result of the gradual disintegration of the Somali traditional institutions as a result of colonialism. These scholars argue that though Somalia had occasional conflicts from inter clan rivalries, they did not degenerate to the levels that led to the collapse of the state.

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<sup>215</sup> Sheryl Brown and Kimber M Schraub, *Resolving Third World Conflicts: Challenges for a New Era*, United States Institute of Peace Press Washington dc 1992 p 24

<sup>216</sup> Bryden; *Somali, between war and peace: Somali women on the Eve of the 21<sup>st</sup> century*. UNIFEM, 1998, p7

<sup>217</sup> Peter Duigan, *Politics and governments of African states since independence* p 273

<sup>218</sup> Mohamed Osman Omar, *Somalia: Between Devils and the Sea*, Somali Publications , Mogadishu 2004 pp 48-49

Ahmed Samatar goes to great lengths to explain the full meaning of kinship, which according to him bound the society together. Kinship consists of blood ties which are a product of genealogical connections buttressed by patrilineal system and *Xeer*, a pan Somali code of conduct to prevent conflict. Though sporadic conflicts existed, there were traditional methods of ensured that they were minimized both in frequency and intensity.<sup>219</sup>

The process of state and nation building after independence has seen the rise of conflicts in Africa. The imposition of uniform governance structures across Africa was in conflict with the traditional political systems. I M Lewis argues that unlike other African countries, in the Somali case it is not the nation that is artificial but the state. The hierarchical governance is foreign to the major Somali political tradition.<sup>220</sup> Samatar argues that before colonialism, Somalia engaged in communitarian pastoralism which lacked oppression associated with class societies.<sup>221</sup>

David Laitin notes that in most judicial and political assemblies, any adult male of a clan has the right to speak at any time.<sup>222</sup> Somalia and indeed other African states adopted a state system where powers are centralized, which contradict this traditional system of governance. Zartman asserts that efforts to bring nation and state into coincidence bring about a sharp conflict. He further argues that most new states in the current era are trying to wield a number of component traditional nations in to a new and modern nation conterminous with the state and they face resistance to these efforts by ethnic minorities.<sup>223</sup> Somalia nation is a centralized social unit, but a segmented identity and kinship group<sup>224</sup>. State building activities after independence would therefore face obstacles by the clan system due to the fact that it diminished their powers and importance in the society.

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<sup>219</sup> Abdi Ismail Samatar, *Destruction of state and society in Somalia: Beyond the tribal convention*: in *The journal of modern Africa states*, Vol 30, No. 4 (Dec 1992) pp 625 – 641

<sup>220</sup> I. M. Lewis, 'Visible and Invisible Differences: The Somali Paradox' in *Africa: Journal of the International African Institute*, Vol. 74, No. 4 (2004), pp. 489-515, Edinburgh University Press

<sup>221</sup> Ismail Samatar, *Destruction of state and society in Somalia: Beyond the tribal convention*: in *The journal of modern Africa states*, Vol 30, No. 4 (Dec 1992) pp 625 – 641

<sup>222</sup> David Laitin, 'The Political Economy of Military Rule in Somalia' in *the journal of modern African states*, Vol 14, no 3 (sep, 1976) pp 449-463

<sup>223</sup> I William Zartman, *Ripe for Conflict Resolution: Conflict and Intervention in Africa*, Oxford University Press, p 82

<sup>224</sup> I William Zartman, *Ripe for Conflict Resolution: Conflict and Intervention in Africa*, Oxford University Press, p 85

Abdi Samatar calls this a traditionalist thesis that fails to take into account the mutations of social structures and governing ethos that might have taken place in the last century.<sup>225</sup>

Other scholars opine that the introduction of central state authority in Somalia as the cause of unequal access to advantages, evolution of a small but privileged, educated, urban elite.<sup>226</sup> Unequal access to opportunities have been identified as a major cause of intra state conflicts particularly in developing countries,

Closely related to Colonization is the rise of Somali nationalism and the clamour for unification of Somali people divided by artificial colonial boundaries. During the colonial era, the division of Somali land between British and Italy after world war II led to the rise of nationalism especially among educated segments of the Society whose central demand was unification of Somalis in the horn of Africa under one flag. Even after unification of Italian and British Somali land, subsequent independence and establishment of Somali land in 1961, unification of the rest of the Somali territories continued to be top on the political agenda of successive governments.

Siyaad Barre took power by accusing the civilian government of failing to realize unification of all Somalis in the horn. He was to later lead his country in the Ogaden war with Ethiopia, in which Somalia was defeated. The defeat of Somalia in the Ogaden war symbolized Siyaad Barre's inability to unify Somalis, leading to heightened discontent with the Siyaad rule. In addition, the war led to the deterioration of the socio economic and conditions of the population. To quell the rising dissent, he employed suppressive acts against the population and ultimately political power was confined in the hands of a small circle of his clan and close family friends. Similarly, his opponents had organized themselves along clan lines as early as 1978. Immediately after the Ogaden war, an army mutiny took place by army officers mainly from the Mejerteen Subclan under the Somali Salvation Democratic Front. The eventual coup in 1991 plunged the country into widespread civil strife and the collapse of the state.<sup>227</sup>

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<sup>225</sup> Ismail Samatar, *Destruction of state and society in Somalia: Beyond the tribal convention*: in *The journal of modern Africa states*, Vol 30, No. 4 (Dec 1992) pp 625 – 641

<sup>226</sup> Bryden; *Somali, between war and peace: Somali women on the Eve of the 21<sup>st</sup> century*. UNIFEM, 1998

<sup>227</sup> I M Lewis; *A modern history of Somali state: nation and state in the horn of Africa*, fourth edition, Otto university press, 2002

Failure of Africa Leadership and governments in Africa has been a major cause of conflicts in Africa. The African region is characterized by poor governance indicated by lack of democracy, suppression of rights and corruption. African rulers have behaved as if public property were private property. It is common practice for leaders to extend favours and appointments to friends and relatives to the detriment of the common good.<sup>228</sup> Lack of democracy and oppression has a direct correlation to prevalence of conflicts. In most countries, discontent over poor leadership has escalated into violent conflicts. Somalia is one of the countries where bad leadership has contributed to conflict and collapse of the state. Successive governments after Somali independence have been plagued with corruption and tribalism (clannism) and oppression.

When the civilian government was overthrown in a bloodless coup in 1969<sup>229</sup>, the new regime under Siyaad Barre came in with pledges to end corruption and tribal nepotism and reestablish a just and honorable society.<sup>230</sup> Barre suspended the constitution, dissolved the parliament, banned all political parties in the country and arrested their leaders. He also implemented his scientific socialism ideology with high handedness and anyone opposed to this ideology faced serious consequences from the government. Corruption and suppressive acts led to public discontent and resistance. The two major opposition groups against the Barre regime in Somalia were the Somali National Movement (SNM), which controlled almost the whole of the north of the country (Somaliland) and the United Somali Congress Party (USC).

Barre's emphasis on clannism, his divide and rule tactics, his personal ambition and his authoritarian tendencies are variously cited as major contributing factors of Somalia's descent into anarchy.<sup>231</sup> Opposition to human rights by Siyaad is cited as a major source of societal resistance.<sup>232</sup>

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<sup>228</sup> Peter Duigan, *Politics and governments of African states since independence*, Stanford 1986 p 25

<sup>229</sup> David Laitin, 'The Political Economy of Military Rule in Somalia' in *the journal of modern African states*, Vol 14.no 3 (sep, 1976)pp 449-463

<sup>230</sup> J M Lewis; *A modern history of Somali state: nation and state in the horn of Africa*, fourth edition, Otto university press, 2002 p 207

<sup>231</sup> African studies association, 'Review: Beyond the Hobbesian Nightmare: The Prospects for Peace, Development and Ecological Revival in the War Torn Horn of Africa in *African Studies Review*, Vol. 39, No. 1. (Apr., 1996), pp. 177-186.

<sup>232</sup> Raymond W. Copson and M.E sharp, *Africa's war and Prospects For Peace*, Armonk, New York, London.

External involvement in African states by developed countries has seen the escalation of civil war in the region<sup>233</sup>. Indeed, foreign supplied arms have been used in all conflicts in Africa since the 1960s<sup>234</sup>. The arms race during cold war left the country awash with stockpiles of sophisticated weapons, thereby increasing militarization of groups and escalating tensions. The implementation of ideology of scientific socialism by the Siyaad Barre government marked the inclination of the military government toward the Soviet Union. Huge military and economic assistance from the Soviet Union enabled Siyaad consolidate his power and push the unification of Somalis in the horn.

At the end of the 1970s, neoclassical theories of economic development overtook models that emphasized state action. Strict conditions were imposed and African leaders were forced to cut state employment, liberalize prices, sell of state run businesses and regulate state regulations to markets.<sup>235</sup> Following reports of massive human rights abuses in Somalia, the government faced cuts in foreign aid and diplomatic isolation in 1990.<sup>236</sup> The result was increased poverty, leading to discontent among the masses. The collapse of the state led to political vacuum worsened the conflict.

There was a proliferation of warlords who controlled small pieces of territory and who were sustained by plunder.<sup>237</sup> In addition, the dissolution of the military in 1994 left the country awash with stockpiles of sophisticated weapons. Individuals took advantage to loot state resources to enrich themselves. Following the collapse of the state, Omar<sup>238</sup> notes that Somalia was ruled by faction leaders who were responsible death and destruction of the country.

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<sup>233</sup> Smock and Gregorian, 'Introduction', in David r Smock, *Making War and Waging Peace : Foreign Intervention Africa*, United States Institute of Peace Press, 1993

<sup>234</sup> Gromyco and whitake , *Agenda for Action: Africa-Soviet Union- US Cooperation*, Lynne Rienner Publishers 1990, p 208

<sup>235</sup> Stephen john Stedman 'Conflict and conciliation in sub Saharan Africa' in Micheal E Brown, *International Dimensions of Internal Conflict*, MIT press 1996, p 243

<sup>236</sup> Richard Dicker 'Monitoring Human Rights in Africa' in *The Journal of Modern African Studies*, Vol. 29, No. 3. (Sep., 1991), pp. 505-510. Cambridge University Press.

<sup>237</sup> Stephen john Stedman 'Conflict and conciliation in sub Saharan Africa' in Michael E Brown *International Dimensions of Internal Conflict* MIT press 1996, p 243

<sup>238</sup> Mohamed Osman Omar, *Somalia: Between Devils and the Sea*, Somali Publications, Mogadishu 2004. p52

## IMPLICATIONS OF THE WAR ON THE WOMEN.

The war in Somalia has been very costly, indicated by massive loss of lives and displacement, destruction of property, infrastructure and the social fabric. Studies have shown that women suffer disproportionately from the effects of conflict, a fact that has been recognized by the UN through the Security Council resolution 1325 of 2000. In Somalia, Women were killed, maimed, raped, displaced and abandoned.<sup>239</sup> It is an established fact that rape is used as a systematic policy of war. I M Lewis notes that immediately after the ouster of Siyaad, the Hawiye USC attacked any Darod clansmen they could identify ... killing males and raping women.<sup>240</sup> Through out the Somali conflict, rape has been used as a weapon of war by all factions.<sup>241</sup> In the rural areas, Ahmed writes that threat of physical violence and rape contributed to heightened sense of insecurity.<sup>242</sup>

Displacement is among the first visible and major consequences of conflicts. Studies have shown that women and children constitute majority of the internally displaced persons. The conflict in Somalia resulted in the displacement of thousands of women in foreign countries as refugees.<sup>243</sup> By the beginning of October 1992, Kenya hosted approximately 412,000 registered refugees and it was estimated that another 100,000 unregistered refugees were living in the country. More than 300,000 of these were Somalis.<sup>244</sup>

Conflict exposes women to vulnerabilities due to breakdown of traditional support systems. Bryden and Steiner point out that tens of thousands of men were killed, leaving widows and orphans behind. Women therefore assume the sole responsibility of the children.<sup>245</sup> There was a

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<sup>239</sup> Matt Bryden; *Somali, between war and peace: Somali women on the Eve of the 21<sup>st</sup> century*. UNIFEM, 1998 p 44

<sup>240</sup> I.M Lewis, *A Modern History of the Somali; Nation and State in the Horn of Africa*. Ohio University Press, 2002. p 264

<sup>241</sup> Human rights watch 1995, *Human Rights Watch Global Report on Women's Rights* p25

<sup>242</sup> Ismail Ahmed , understanding conflict in Somalia and Somali land in Adebayo Adedeji , *comprehending and mastering African conflicts : the search for sustainable peace and good governance* , p246 zed books 1999

<sup>243</sup> Matt Bryden; *Somali, between war and peace: Somali women on the Eve of the 21<sup>st</sup> century*. UNIFEM, 1998 p 49

<sup>244</sup> Francesca Declich , 'Fostering Ethnic Reinvention: Gender Impact of Forced Migration on Bantu Somali Refugees in Kenya' in *Cahiers d'Études Africaines*, Vol. 40, Cahier 157 (2000), pp. 25-53 , EHESS

<sup>245</sup> Matt Bryden; *Somali, between war and peace: Somali women on the Eve of the 21<sup>st</sup> century*. UNIFEM, 1998 p 49

general loss of livelihoods in Somalia as a result of the conflict, which further increase women's vulnerabilities. In Somaliland more than half of the country's total livestock population was killed either directly or indirectly.<sup>246</sup> At the height of the civil war, major famine hit Somalia killing between 300,000 and 500,000 people.<sup>247</sup> Proliferation of weapons further adds to the vulnerability of women to violence in the homes, during flight and in refugee camps. In the displacement camps, women are susceptible to sexual violence and exploitation as a result of lack social structures to guarantee women's security.<sup>248</sup>

During conflicts, there is a reversal of gender roles as women take up more of the responsibilities that were performed by men<sup>249</sup>. During the Somali conflict Women held families together and became breadwinners. Ahmed writes that there was a significant increase in the number and types of tasks performed by women during the crisis.<sup>250</sup>

Dr Attallah<sup>251</sup> points out that women's social role changed to that of bread winner yet gender disparities persisted, basic rights continued to be violated and access to legal justice continued to be seriously hampered.

The destruction of the infrastructure has an effect on women in the performance of their reproductive roles. Essential infrastructure including water and power generators, bridges, and hospitals<sup>252</sup> among others were destroyed. Troops destroyed water sources by blowing them up,

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<sup>246</sup> Ismail Ahmed , 'Understanding Conflict in Somalia and Somaliland' in Adebayo Adedeji , *Comprehending and Mastering African Conflicts : The Search for Sustainable Peace and Good Governance* , Zed books 1999, p244

<sup>247</sup> Ismail Ahmed, 'Understanding Conflict in Somalia and Somaliland' in Adebayo Adedeji , *Comprehending and Mastering African Conflicts : The Search for Sustainable Peace and Good Governance* , Zed books 1999 p244 - p246 .

<sup>248</sup> Human rights watch 1995, *Human Rights Watch Global Report on Women's Rights* p26

<sup>249</sup> See IGAD Women Desk. *Heading Women's Voices: The Story of Somali Women's Historic Role in the Peace Process*. Djibouti: IGAD, 2005 p 5

<sup>250</sup> Ismail Ahmed , 'Understanding Conflict in Somalia and Somaliland' in Adebayo Adedeji , *Comprehending and Mastering African Conflicts : The Search for Sustainable Peace and Good Governance* , Zed books 1999 , p246

<sup>251</sup> See IGAD Women Desk. *Heading Women's Voices: The Story of Somali Women's Historic Role in the Peace Process*. Djibouti: IGAD, 2005 p 5

<sup>252</sup> Ismail Ahmed, 'Understanding Conflict in Somalia and Somaliland' in Adebayo Adedeji , *Comprehending and Mastering African Conflicts : The Search for Sustainable Peace and Good Governance* , Zed books 1999, p247.

draining water reservoirs and in some areas, poisoning of wells<sup>253</sup>. Ahmed observes that the collapse of infrastructure and the complexity of the conflict made delivery of humanitarian assistance problematic.<sup>254</sup> This further compounded the situation of women in dire need of humanitarian assistance.

The civil war has affected the advancement of women's rights in Somalia. Gains made in advancement of women's rights were eroded as modern institutions gave way to the traditional modes of social organization.<sup>255</sup> Closely related to this is the rise in Islam extremism, which is opposed to gender equality and women's rights.<sup>256</sup>

Some positive effects of war on women can be cited. Bryden and Steiner note that the war economy in some ways favoured women. They have replaced men as the principle wage earners and empowered women in certain ways. Women's ambiguous kinship ties and non combatant style allowed them to engage in inter communal activities that were too risky for men.<sup>257</sup>

While studies of conflict have more often than not reflected women just as victims, it is an established fact that women are not just passive participants. They have lent spiritual and material support to militias, cooked food them and taken care of wounded. They have sold their jewelry and collected funds to contribute to war effort and have helped mobilize militia forces through public rallies and subtle pressure.<sup>258</sup> In addition, a few women also took part in armed conflict as combatants in the respective militias.<sup>259</sup>

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<sup>253</sup> Ismail Ahmed, 'Understanding Conflict in Somalia and Somaliland' in Adebayo Adedeji, *Comprehending and Mastering African Conflicts : The Search for Sustainable Peace and Good Governance*, Zed books 1999 p 246

<sup>254</sup> Ismail Ahmed, 'Understanding Conflict in Somalia and Somaliland' in Adebayo Adedeji, *Comprehending and Mastering African Conflicts : The Search for Sustainable Peace and Good Governance*, Zed books 1999, p248.

<sup>255</sup> Matt Bryden; *Somali, between war and peace: Somali women on the Eve of the 21<sup>st</sup> century*. UNIFEM, 1998 p4

<sup>256</sup> Sadia Ahmed, 'Islam and Development: Opportunities and Constraints for Somali Women' in *Gender and Development*, Vol. 7, No. 1, [Religion] (Mar., 1999), pp. 69-72 . Taylor & Francis, Ltd. on behalf of Oxfam GB

<sup>257</sup> Matt Bryden; *Somali, between war and peace: Somali women on the Eve of the 21<sup>st</sup> century*. UNIFEM, 1998 p

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<sup>258</sup> Matt Bryden; *Somali, between war and peace: Somali women on the Eve of the 21<sup>st</sup> century*. UNIFEM, 1998 p 44

<sup>259</sup> Matt Bryden; *Somali, between war and peace: Somali women on the Eve of the 21<sup>st</sup> century*. UNIFEM, 1998 p45



## THE SOMALI PEACE PROCESS.

Conflict is a part and parcels every day interaction in every society. As such, conflict resolution forms part and parcel on interaction of all societies. Due to the fact that conflict is inherent in Somali way of life, conflict mechanisms are inbuilt in the Somali societal structures.

Following the break out of the civil and disintegration Somali state, numerous peace and reconciliation efforts have been undertaken, ranging from traditional to high profile international initiatives. It is important to note that the scope and dynamic of the current civil war in Somalia has overwhelmed the traditional methods of conflict management and resolution.<sup>260</sup> In zones of the country hardest hit by civil war and occupation by outside militias, local leaders were left powerless. Islamic courts have also grown in strengths in some areas.<sup>261</sup>

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In Somaliland however, traditional methods of conflict resolution have worked to end armed conflict in this region. The recognition of clan elders in its constitution<sup>262</sup> shows the centrality of this system in conflict resolution and may be a contributing factor towards its success.

Traditional methods of conflict resolution were employed through a series of grassroots meetings with elders<sup>263</sup> culminating in the Boromo conference in 1993, which succeeded in resolving armed conflict.<sup>264</sup> Other conferences were held afterwards and have seen the cessation of Somaliland from the larger Somalia. This success in Somaliland was a sharp contrast of South Somalia. Failure of traditional methods and indeed any other method is explained by the destructive impact of militarization and conquest and occupation by warring militias in this

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<sup>260</sup> Matt Bryden; *Somali, between war and peace: Somali women on the Eve of the 21<sup>st</sup> century*. UNIFEM, 1998 p

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<sup>261</sup> Ken Menkhaus, 'Traditional Conflict Management in Contemporary Somali' in I William zartman, *Traditional Cures for African Conflicts: African Conflict Medicine*, Lynne Reinner publishers p187

<sup>262</sup> Ken Menkhaus, 'Traditional Conflict Management in Contemporary Somali' in I William zartman, *Traditional Cures for African Conflicts: African Conflict Medicine*, Lynne Reinner publishers 200 p 188.

<sup>263</sup> Ismail Ahmed, 'Understanding Conflict in Somalia and Somaliland' in Adebayo Adedeji, *Comprehending and Mastering African Conflicts : The Search for Sustainable Peace and Good Governance*, Zed books 1999, p 249-

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<sup>264</sup> Ken Menkhaus, 'Traditional Conflict Management in Contemporary Somali' in I William zartman, *Traditional Cures for African Conflicts: African Conflict Medicine*, Lynne Reinner publishers, 2000 p.189

region.<sup>265</sup> In this region, high profile initiatives initiated by the international community have been characteristic of reconciliation initiatives.

Immediately after the conflict, United Nations and United States of America undertook peace enforcement initiatives through UNOSOM/UNITAF operations and by February 1993, the UN force had 33,000 personnel.<sup>266</sup> The operation this was in constant conflict with militias, ending ignominiously with the killing of 25 Pakistani peacekeepers on 6 June 1993, and 18 Americans in October 1993.<sup>267</sup> The failure of this initiative informed the US policy of non intervention that followed afterwards.

Numerous high profile reconciliation conferences have been held in South Somalia, which have been highly unsuccessful. I M Lewis observes that these conferences were destined to become a major industry in South Somalia for over a decade.<sup>268</sup> These conferences which Meinkhaus calls top-down approaches failed due to the fact that they had little to do with traditions and were held outside Somalia in capitals such as Cairo, Addis Ababa, Nairobi and Djibouti<sup>269</sup>. Ismail Ahmed adds that legitimate representatives of affected communities such as elders, merchants, women's groups and other genuine stakeholders are not included.<sup>270</sup>

The Arta conference was perhaps one of the most serious efforts to bring together warring factions to the negotiating table. It was the thirteenth conference since the beginning of peace initiatives in Somalia. 3000 delegates were invited from a cross section of Somali nationals<sup>271</sup> to

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<sup>265</sup> Ken Menkhaus, 'Traditional Conflict Management in Contemporary Somali' in I William zartman, *Traditional Cures for African Conflicts: African Conflict Medicine*, Lynne Rienner publishers, 2000. pp 190 – 191.

<sup>266</sup> I.M Lewis, *A Modern History of the Somali; Nation and State in the Horn of Africa*. Ohio University Press, 2002. p 268

<sup>267</sup> Tom Woodhouse; 'Commentary: Negotiating a New Millennium? Prospects for African Conflict Resolution' in *Review of African Political Economy*, Vol. 23, No. 68, ROAPE Review of Books (Jun., 1996), pp. 129-137 Taylor & Francis, Ltd.

<sup>268</sup> I.M Lewis, *A Modern History of the Somali; Nation and State in the Horn of Africa*. Ohio University Press, 2002. p 266

<sup>269</sup> Ken Menkhaus, 'Traditional Conflict Management in Contemporary Somali' in I William zartman, *Traditional Cures for African Conflicts: African Conflict Medicine*, Lynne Rienner publishers, 2000 pp 191-192

<sup>270</sup> Ismail Ahmed, 'Understanding Conflict in Somalia and Somaliland' in Adebayo Adedeji, *Comprehending and Mastering African Conflicts : The Search for Sustainable Peace and Good Governance*, Zed books 1999, pp 250-251.

<sup>271</sup> IGAD Women Desk. *Heading Women's Voices: The Story of Somali Women's Historic Role in the Peace Process*. Djibouti: IGAD, 2005. p 26

the conference which lasted for five months and led to the establishment a Transitional National Assembly and election of president.<sup>272</sup> During the Arta conference, a number of factional leaders did not attend the conference.<sup>273</sup> These leaders became an obstacle to the success of the newly formed TNA. The status of the president of the transitional government was questioned verbally.

One year after the conclusion of the Arta conference, the TNG was still not in full control of its capital and clashes occurred between war lords and the transitional government when it tried to gain control of areas controlled by warlords.<sup>274</sup> Militia-factions had carved out control of different sectors of the capital years ago.<sup>275</sup> As a result of this standoff, the IGAD summit of January 2002 agreed to hold a further reconciliation conference in Nairobi<sup>276</sup>. The conference started in Eldoret in October 2002. In this conference, efforts were made to ensure greater support from external actors, enlarged representation of armed factions, and an agenda which emphasizes a long-term process focused on resolution of key issues of conflict rather than mere haggling over power-sharing.<sup>277</sup>

The outcome of the meeting was the formation of the transitional government. The government and parliament faced obstacles from war lords back home and its operations were for sometime conducted in Nairobi. Though the government eventually relocated to Somalia, its performance was hampered by continued fighting.

## **PARTICIPATION OF SOMALI WOMEN IN PEACE PROCESSES.**

Though women constitute majority of the population in most societies and contribute significantly to the economies of these societies, they are almost absent in decision making. Prof Kabira notes that Women in Somalia constitute 63% of the population and are primary producers

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<sup>272</sup> Mohamed Osman Omar, *Somalia: Between Devils and the Sea*, Somali Publications, Mogadishu 2004 p32

<sup>273</sup> Mohamed Osman Omar, *Somalia: Between Devils and the Sea*, Somali Publications, Mogadishu 2004 p141

<sup>274</sup> Cambridge University Press, 'Government Recognition in Somalia and Regional Political Stability in the Horn of Africa' in *The Journal of Modern African Studies*, Vol. 40, No. 2 (Jun., 2002), pp. 247-272

<sup>275</sup> Andre Le Sage, *Somalia: Sovereign Disguise for a Mogadishu Mafia Source* in *Review of African Political Economy*, Vol. 29, No. 91, Sovereignty, Democracy & Zimbabwe's Tragedy (Mar., 2002), pp. 132-138, Taylor & Francis.

<sup>276</sup> Mohamed Osman Omar, *Somalia: Between Devils and the Sea*, Somali Publications, Mogadishu 2004 p142

<sup>277</sup> Ken Menkhaus, 'The Horn of Conflict' in *Review of African Political Economy*, Vol. 30, No. 97, (Sep., 2003), pp. 405-422 Published by: Taylor & Francis, Ltd.

of goods and products for domestic use and commercial purposes. But they absent from decision making, reflected in negotiations for peace in Somalia <sup>278</sup>

Despite their lack of voice in decision making process, Somali women have used various methods to influence the processes. The experience of the sufferings of war has turned women's minds to this peace-making function, while at the same time they have acquired new roles in organized groups.<sup>279</sup> They have been able to use the influence they have over their husbands, brothers, fathers, and uncles to push for certain outcomes.<sup>280</sup> Because of their dual kinship, women are engaged as 'clan ambassadors' and play a key role in mediation of disputes. They are frequently the only means of communication between warring groups.<sup>281</sup> Inter clan marriage builds maternal link among warring clans and bestows upon women the role of trusted and protects intermediaries. <sup>282</sup> Bryden and Steiner observe that Women were also used for diplomatic purposes: When peace was established between two groups, women from one group were often married into the other as a sign of reconciliation. <sup>283</sup>

Women have also undertaken various peace activities among them, mobilizing, demonstration for peace and uniting factions.<sup>284</sup> They have organized themselves into peace groups and non governmental organizations that have contributed a great deal to peace initiatives in Somalia. Women have written letters to protest outbreak of conflicts and have pushed hard for reconciliation, even standing in solidarity and with supportive placards outside of guurti conferences. Other methods have included use of traditional poems, preparing meals for delegates, consulting informally with prominent delegates and providing them with financial

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<sup>278</sup> IGAD Women Desk. *Heeding Women's Voices: The Story of Somali Women's Historic Role in the Peace Process*. Djibouti: IGAD, 2005. p 11

<sup>279</sup> Virginia Luling, 'Come Back Somalia? Questioning a Collapsed State' in *Third World Quarterly*, Vol. 18, No. 2 (Jun., 1997), pp. 287-302

<sup>280</sup> Matt Bryden; *Somali Between War and Peace: Somali Women on the Eve of the 21<sup>st</sup> century*, UNIFEM, 1998. p51.

<sup>281</sup> Ismail Ahmed, 'Understanding Conflict in Somalia and Somaliland' in Adebayo Adedeji, *Comprehending and Mastering African Conflicts: The Search for Sustainable Peace and Good Governance*, Zed books 1999, p 250.

<sup>282</sup> Ken Menkhaus, 'Traditional Conflict Management in Contemporary Somali' in I William zartman, *Traditional Cures for African Conflicts: African Conflict Medicine*, Lynne Reinner publishers p 184

<sup>283</sup> Virginia Luling, 'Come Back Somalia? Questioning a Collapsed State' in *Third World Quarterly*, Vol. 18, No. 2 (Jun., 1997), pp. 287-302

<sup>284</sup> Matt Bryden; *Somali, between war and peace: Somali women on the Eve of the 21<sup>st</sup> century*. UNIFEM, 1998. p56.

support.<sup>285</sup> Meinkhaus notes that, poem was forceful weapon for promoting peace or inciting war. <sup>286</sup> Largely, the women's roles in the conflict and peace processes reflect the traditional gender division of labour in the society.

Women have not been left behind in conferences and meetings that have been organized since the outbreak of war<sup>287</sup>. With support from international agencies, women's organizations have been able to take part in peace conferences where they have participated through various initiatives<sup>288</sup>. In the March 1993 national reconciliation conference, about 48 women participated in the process.<sup>289</sup> Women also participated in conferences in Beijing and other conferences organized, mostly outside Somalia. In these conferences, women undertook several initiatives. In Addis Ababa in 1993, women went on a nine-day hunger strike.<sup>290</sup> They have also forced their way to play a positive role in holding the conference together.<sup>291</sup>

In addition to the traditional roles of women in peace processes, Somali women demanded for a fair share of representation in the negotiating tables. The Somali women advanced strong arguments for their inclusion: Since cross-clan marriages are common, many women have experienced the horrors of watching their immediate relatives in conflict with one another - brothers and fathers fighting husbands and sons and son on.<sup>292</sup> They in addition suffered mass displacement and have taken up the roles of taking care of families on their own. Further, they took an active role in the conflict through provision of logistical and moral support and this therefore entitles them to participate in peace processes.

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<sup>285</sup> Matt Bryden; *Somali, between war and peace: Somali women on the Eve of the 21<sup>st</sup> century*. UNIFEM, 1998 p58

<sup>286</sup> Ken Menkhaus, 'Traditional Conflict Management in Contemporary Somali' in I William zartman, *Traditional Cures for African Conflicts: African Conflict Medicine*, Lynne Rienner publishers p 184

<sup>287</sup> I.M Lewis, *A Modern History of the Somali; Nation and State in the Horn of Africa*. Ohio University Press, 2002.

<sup>288</sup> Virginia Luling, Come Back Somalia? Questioning a Collapsed State in *Third World Quarterly*, Vol. 18, No. 2 (Jun., 1997), pp. 287-302

<sup>289</sup> Marc Michaelson, Somalia: The Painful Road to Reconciliation in *Africa Today*, Vol. 40, No. 2, The Horn of Africa: Reconstructing Political Order (2nd Qtr., 1993), pp. 53-73 Published by: Indiana University Press

<sup>290</sup> Virginia Luling, Come Back Somalia? Questioning a Collapsed State in *Third World Quarterly*, Vol. 18, No. 2 (Jun., 1997), pp. 287-302

<sup>291</sup> Mohamed Osman Omar, *Somalia: Between Devils and the Sea*, Somali Publications, Mogadishu 2004 p51

<sup>292</sup> Marc Michaelson, Somalia: The Painful Road to Reconciliation in *Africa Today*, Vol. 40, No. 2, The Horn of Africa: Reconstructing Political Order (2nd Qtr., 1993), pp. 53-73 Published by: Indiana University Press

At the Arta conference in Djibuti, Women were represented as the 'sixth clan'.<sup>293</sup> It was during the art conference that for the first time, women were invited as official delegates. There were 100 women delegates and 50 observers. During the conference women were recognized as official delegates of the peace process. They were also included in the draft charter committee consisting of 5 women and 25 men.<sup>294</sup> It is however important to note that their inclusion did not come on a silver platter. Women of Somalia had to struggle to get recognition as equal partners in the Arta conference from the clan elders and warlords. The inclusion of women in a setup that is considered the male domain was significant for women.<sup>295</sup>

Their participation in Arta set the pace for the inclusion in the IGAD led process in Eldoret and Nairobi, Kenya. Women were able to lobby for a more structured inclusion, which saw an increase in the number of women delegates and observers. There were 35 women out of the 362 official delegates and 21 women observers<sup>296</sup> accounting for for approximately 33% of the total allocation for civil society slots.<sup>297</sup> These women were spread across all the six specialized working committees of the conference to ensure that women's concerns were mainstreamed in the entire process. In addition, five women became members of the top decision making organ – the Leaders Committee with 26 factional leaders.

During the process, women developed a common agenda for negotiation including representation, property ownership and fairness in access to land and other resources.<sup>298</sup> As a result of lobbying efforts by women, the federal charter guaranteed 12% quota for women in parliament. For the first time, a woman – Asha Elmi was a signatory to a Somali agreement<sup>299</sup>.

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<sup>293</sup> Mohamed Osman Omar, *Somalia: Between Devils and the Sea*, Somali Publications, Mogadishu 2004 p 141  
<sup>294</sup> IGAD Women Desk. *Heeding Women's Voices: The Story of Somali Women's Historic Role in the Peace Process*. Djibouti: IGAD, 2005. P 28

<sup>295</sup> Paul Van Tongeren et al, *people building peace II: successful stories of civil society* pp 117 -118  
<sup>296</sup> IGAD Women Desk. *Heeding Women's Voices: The Story of Somali Women's Historic Role in the Peace Process*. Djibouti: IGAD, 2005. P40

<sup>297</sup> [www.rightlivelivelihood.org/hagi.html](http://www.rightlivelivelihood.org/hagi.html)  
<sup>298</sup> IGAD Women Desk. *Heeding Women's Voices: The Story of Somali Women's Historic Role in the Peace Process*. Djibouti: IGAD, 2005. P110

<sup>299</sup> Save Somalia women and children, 'the other clan: save the children Somalia' in Paul Van Tongeren et al *Building Peace II: Successful Stories of Civil Society*. Boulder London

In the final phase of the conference, a transitional federal parliament was established. However women only managed to get 8% of the seats, which was below the provisions of the charter.<sup>300</sup> However implementation of the charter proved difficult largely due to continued instability. The gains that women thought they had achieved were never to be.

## CONCLUSION.

Women are increasingly taking an active role in the peace processes across the world. The new impetus for increased women's participation is as a result of the passing of the UN Security Council resolution 1325 of 2000 on women, peace and security, following intense lobbying from women's organizations.<sup>301</sup> This Security Council resolution recognizes the fact that women suffer disproportionately from conflicts and calls for inclusion of women in all peace process and reconstruction.<sup>302</sup>

Though women fought to have a place in the decision making tables, their participation has not been smooth sailing. One of the reasons is the fact that their inclusion in a male dominated process may not have been out of genuine recognition women as deserving. The inclusion of women in negotiating tables has largely been as a result of external push. Though women were included in the Arta conference as part of the civil society, their structured participation in the Eldoret and Nairobi was part of policy of gender mainstreaming by IGAD.

Under its gender mainstreaming policy, IGAD established the IGAD's women's in 1999 to ensure that gender issues are integrated in its operations. Being an IGAD led process, representation of women in the Somali process was a necessary requirement. The IGAD women's desk ensured there was adequate representation of women and partnered with organizations such as the United Nations Fund for Women to build capacity of women to effectively participate in the process.

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<sup>300</sup>IGAD Women Desk. *Heading Women's Voices: The Story of Somali Women's Historic Role in the Peace Process*. Djibouti: IGAD, 2005. P92- 93

<sup>301</sup> Lisa Schirch and Manjrika Sewak 'Women: Using the Gender Lense, in Paul Van Tongeren et al ,*Building Peace II: Successful Stories of Civil Society*. Boulder London

<sup>302</sup> UN Resolution 1320 of 2000

Further, due to internationalization of the conflict and the peace process, there was the need for the conference to be seen to meet international standards in relation to representation of women. This notwithstanding, there are factors that made it impossible for women to be recognized among equal partners. One of the reasons is the fact that the primary negotiators given natural recognition in any peace negotiations are leaders of warring factions, who are men. In addition, culture continued to be a dominant influencing factor in the process of negotiations which naturally meant that women could not be recognized as equal partners in negotiations. This means that even in decision making tables, women are still expected to continue playing their traditional roles. The next chapter attempts to assess the levels of participation of women in the context of cultural constraints.



## CHAPTER FOUR: CULTURAL ASPECTS IN THE STRUCTURE OF NEGOTIATION VIS A VIS WOMEN'S PARTICIPATION.

### CULTURAL ASPECTS IN THE STRUCTURE OF NEGOTIATION VIS A VIS WOMEN'S PARTICIPATION.

The collapse of the Somali state and the escalation of conflict has attracted various peace initiatives. Though the Somali social systems integrate conflict resolution mechanisms, the intensity and the widespread nature of the conflict was more than these traditional conflict resolution mechanisms could handle.<sup>303</sup> Apart from Somaliland which has used the traditional dispute resolution mechanism to bring peace in the region, the rest of Somalia has seen the international community support several peace initiatives including peace keeping and peace conferences. Peace Conferences have so far been the most popular method that has been used in Somalia to bring about peace. Sadly, these conferences have not done much to help the situation. The IGAD peace process that was held in Kenya was the 14<sup>th</sup> attempt to bring peace to Somalia. This had been preceded by the Arta conference in Djibouti in 2000 which led to the formation of the Transitional National Government (TNG).<sup>304</sup> There was a feeling that a number of actors were left out during the Arta conference, which was cited as the cause of instability of the Transitional Government. As a result, IGAD agreed to host the negotiations in Kenya that would bring on board the factions that were left out of Arta.

This conference brought various actors but mainly the factional leaders, clan leaders, religious leaders and civil society organizations. During this conference, there was representation of women as official delegates. The official participation of women in the peace process began in the Arta conference. There were 100 women delegates and 50 observers, out of a total 3000

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<sup>303</sup> Bryden and Steiner, *Somali, between war and peace: Somali women on the Eve of the 21<sup>st</sup> century*. UNIFEM, 1998.

<sup>304</sup> Mohamed Osman Omar, *Somalia: Between Devils and the Sea*, Somali Publications, Mogadishu 2004

participants.<sup>305</sup> There were 35 women out of the 362 official delegates and 21 women observers.  
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Women were demanding a number of issues among them, equal rights, affirmative action in representation, and participation in demobilization disarmament and reconstruction. However, women secured a paltry of their demands. They managed to secure 12% quota in representation in parliament. This was historic in the sense that no other peace process ensured the representation of women in such a structured manner. But as we shall show in this chapter, the fact that the negotiations were set up in a cultural context was an impediment for women negotiate their issues.

### NATURE OF NEGOTIATIONS.

The increase in number and intensity of conflicts conflict resolution has become part and parcel of the social interaction. Negotiation has so far been the most commonly used method of conflict resolution, particularly in African conflicts. Of all the methods, mediation has been the most popular method, because it is a voluntary process.<sup>307</sup> Negotiation is a process that brings conflicting parties in a process of harmonizing the needs and interests. Zartman and Maureen define negotiation as a process in which divergent values are combined into an agreed decision.<sup>308</sup> It is a process where a compromise is reached by parties whose interests are in common.<sup>309</sup> Negotiation according to Mwangiri leads to resolution of conflict because it addresses the root cause of the problem.<sup>310</sup> Stephen Stedman<sup>311</sup> however notes that negotiation and mediation is not the panacea to addressing civil wars. He further notes that only a few conflicts have been resolved through negotiations.

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<sup>305</sup> Mohamed Osman Omar, *Somalia: Between Devils and the Sea*, Somali Publications, Mogadishu 2004

<sup>306</sup> IGAD Women Desk. *Heading Women's Voices: The Story of Somali Women's Historic Role in the Peace Process*. Djibouti: IGAD, 2005. P40

<sup>307</sup> Makumi Mwangiri, *Diplomacy, Methods and Practice*, Nairobi 2004 p 117

<sup>308</sup> I William Zartman and Maureen Berman, *the Practical Negotiator*, Yale University Press – 1982 p 1

<sup>309</sup> J Bartos, *Simple Model for Negotiation: A Sociological Point of View*, 1974

<sup>310</sup> Makumi Mwangiri, *Diplomacy, Methods and Practice*, Nairobi 2004 p 116

<sup>311</sup> Stephen John Stedman, Negotiation and Mediation in International Conflict in Michael E Brown, *International Dimensions of Internal Conflict*, MIT Press 1996 pp341-342

Where parties are unable to negotiate by themselves, mediation becomes important. Mediation is the continuation of negotiation through a third party. External mediation has a better record in settling African wars than does conflict resolution through bilateral negotiations.<sup>312</sup>

Negotiations occur when parties agree that there is need for a solution to the problem, when there is a change in affairs and a new order must be created.<sup>313</sup> Negotiation is not a finite process. It can go on in all directions, including backtracking.<sup>314</sup> It starts with the process of pre negotiation, negotiation and finally implementation. Negotiation process begins long before parties come to the negotiating table and continues after formal negotiations have ended. Zartman and Berman identify three stages in negotiation process: diagnostic phase, negotiating for a formula, negotiating implementation of the formula. Mwangi identifies three phases namely premeditation, mediation, post mediation<sup>315</sup>.

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#### THE ROLE OF CULTURE IN NEGOTIATIONS.

Negotiations are conducted in context of culture. Culture is a way of life of a people and includes norms and values that guide the life of a people. Culture is the 'grand total of all objects, ideas, and ways of doing things, habits, values, and attitudes which each generation in the society passes on to the next'.<sup>316</sup> It is an inherited experience in responding to life's problems that is at the same time continuously being transformed.<sup>317</sup> It also consists of societal institutions including political institutions, economic institutions, integrative institutions and kinship institutions.

Cultures set out the mode of social relations. In a culture, there are status positions which confer a set of rights obligations. It also sets out the values of a people.<sup>318</sup> It is transmitted from

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<sup>312</sup> Smock and Gregorian, Introduction in David R Smock, *Making War and Waging Peace: Foreign Intervention in Africa*, United States Institute of Peace Press, Washington, 1993. pp 7

<sup>313</sup> I William Zartman and Maureen Berman, *The Practical Negotiator*, Yale University Press – 1982 p 47-48

<sup>314</sup> I William Zartman and Maureen R Berman, *The Practical Negotiator*, Yale University Press – 1982 p 11

<sup>315</sup> Makumi Mwangi, *Conflict: Theories, Processes and Institutions of Management*, water mark Publications Nairobi 2002 p 40

<sup>316</sup> Alex Inkeles, *what is sociology? An Introduction to the Discipline and Profession*, Prentice hall 1964. p 66

<sup>317</sup> Oliver Ramsbotham et al, *Contemporary Conflict Resolution: The Prevention, Management and Transformation of Deadly Conflict*, Polity Press Uk, Usa 2005 P 309

<sup>318</sup> Alex Inkeles, *what is sociology: An Introduction to the Discipline and Profession*, Prentice hall 1964. p 67-74

generation to generation through a process of socialization that strongly embeds cultural norms in all individuals. Religion is part and parcel of culture. It is used to perpetuate and ensure adherence of moral values and codes of a society. Culture integrates strong ideologies and beliefs that guide individuals in that society.

Culture is one of the factors that influence negotiation processes. Zartman and Berman identify key troublesome questions in dealing with the question of culture. Among the key questions is if people from different cultures have different conception of negotiation and if people of different cultures negotiate differently. The answers to these questions according to the authors brings with it pitfalls of prejudices based on reality and partly imaginary.<sup>319</sup> From their analysis of studies by different scholars, they conclude that culture affects the perceptions and assumptions of negotiators.<sup>320</sup> There are other issues such as language, cultural connotations, social rules and taboos and other aspects of communication.<sup>321</sup> Some behaviour was related to underlying values, notably different views of justice.<sup>322</sup> Studies have shown that people of different cultures negotiate differently. Culture does affect the negotiators perception and ways of communication. Due to the different gender roles and perceptions found embedded in our cultures, men and women negotiate differently. Culture determines the leverage of men and women. It also influences the structures of negotiation. Though studies have been conducted to assess how different cultures negotiate, this has been done in the context of an international conflict as opposed to the internal conflicts where the culture is shared.

Culture can sometimes be used to explain causes of conflict. Causes of violence lie in organizational structure and psychosocial disposition of particular societies.<sup>323</sup> Within all religions are traditions that can be co-opted to legitimize violence and war but also deep resources for promoting non violence conflict.<sup>324</sup> There has been a dominant stereotype that

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<sup>319</sup> <sup>319</sup> | William Zartman and Maureen R Berman, *The Practical Negotiator*, Yale University Press – 1982. p 222

<sup>320</sup> *Ibid* p 226

<sup>321</sup> *Ibid* p 227

<sup>322</sup> *Ibid* p 228

<sup>323</sup> Oliver Ramsbotham et al, *Contemporary Conflict Resolution: The Prevention, Management and Transformation of Deadly Conflict*, Polity Press UK, USA 2005 p 303

<sup>324</sup> *Ibid* p 309

brands Islamic and Arab culture and religion as inherently violent.<sup>325</sup> Different cultures have diverse ways of dealing with conflict.<sup>326</sup>

Culture is an important component in the study of women in negotiation process and indeed in international process. It within culture that the roles of men and women are delineated, attitudes and perception towards men and women defined and the value the man and woman determined.

In the analysis of culture as a factor limiting women's participation, various aspects of negotiation will be assessed vis a vis culture. Culture will be assessed in the context entire process of negotiations. In a negotiation process, there are appropriate stages, sequences, behaviours and tactics that can be defined and used to improve the conduct of the negotiations and better the chances of success.<sup>327</sup> There are variables that are important in influencing the outcomes of negotiations, and which are important in analysis of negotiations. Negotiations take place in three dimensions various dimensions, antecedent, concurrent and consequent.<sup>328</sup> The antecedent phase consists of variables that exist prior to negotiation. The concurrent are the conditions and processes of a particular negotiation and the consequent variables the outcomes.

## **OVERVIEW OF THE SOMALI CULTURE AND THE PLACE OF WOMEN.**

The Somali traditional culture is predominantly patriarchal that blends nomadic pastoral traditions with Islamic teaching.<sup>329</sup> The Somalis are mainly pastoral nomads though there are pockets of agricultural areas. The camel is the most important animal that is used in economic and social transactions. The culture of the Somali people is grounded on the clan system and all the other institutions are hinged on the clan system. The clan is the anchor of the traditional Somali values.<sup>330</sup>

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<sup>325</sup> Oliver Ramsbotham et al, *Contemporary Conflict Resolution: The Prevention, Management and Transformation of Deadly Conflict*, Polity Press UK, USA 2005 p 311

<sup>326</sup> *Ibid* p 309

<sup>327</sup> I William Zartman and Maureen Berman, *the practical negotiator*, Yale University Press – 1982 p 1-2

<sup>328</sup> Richard Jackson, Successful Negotiation in International Conflict; *Journal of Peace Research* , vol.37, no 30(May 2000) pp 323 - 343

<sup>329</sup> UNICEF 2002, *Women's Rights in Islamic and Somali Culture*. P 5

<sup>330</sup> Abdi Ismail Samatar and Waqo Machako, Conflict and Peace in the Horn of Africa: A Regional Approach in quest for a culture peace in the IGAD Region: *The Role of Intellectuals and scholars*, Heinrich Boll Foundation 2006, p 39

I M Lewis notes that the clan is the single most important political unit the Somalia, a point that has been highlighted by most authors on issues related to Somalia. Kinship is important in clan system and constitutes blood ties, a product of genealogical connections buttressed by patrilineal lineage system.

Genealogy gives both collective and individual identity to members of the Somali society.<sup>331</sup> Scholars also note that the lineage system is one of the most important elements in the Somali culture. The lineage system has been part of Somali social organization for centuries. It also constitutes pan Somali code of conduct and religion (which is Islam)<sup>332</sup>. Civil association along clan lines and loyalty to ones lineage is a defining characteristic of the Somali politics and way of life.<sup>333</sup> It is the clan that is also the custodian of culture and passes it from one generation to the next. The clan system provides collective and individual identity to members but also serves as a collective memory.<sup>334</sup>

The clan makes decisions regarding use of resources, resolving conflicts and all other decisions related to the clans.<sup>335</sup> In decision making, all male members of the clan above 16 years of age were eligible to participate and had a say in any clan meeting. Both functions of conflict resolution and regulating people's lives were entrusted to clan elders.<sup>336</sup>

Religion is an important aspect of any culture. Islam religion has become one of the mainsprings of Somalia culture. It adds depth and coherence to those common elements of the traditional culture.<sup>337</sup> It unites the Somalis and provides the basis for their strong national consciousness. The Koran provides the place of women in the society. It provides for her right to life, education

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<sup>331</sup> Bryden and Steiner, *Somali, between war and peace: Somali women on the Eve of the 21<sup>st</sup> century*. UNIFEM, 1998.

<sup>332</sup> Abdi Ismail Samatar; Destruction of State and Society in Somali: Beyond the Tribal Convention in *The Journal of Modern African Studies* vol.30 no 4 (Dec 1992) pp 625 - 641

<sup>333</sup> Abdi Ismail Samatar; Destruction of State and Society in Somali: Beyond the Tribal Convention in *The Journal of Modern African Studies* vol.30 no 4 (Dec 1992) pp 625 - 641

<sup>334</sup> UNICEF women's rights in Islam and Somali culture.

<sup>335</sup> Amina Mohamoud Warsame, *Queens Without Crowns: Somaliland Women's Changing Roles and Peace Building*, Life and Peace Institute 2004. P27

<sup>336</sup> Amina Mohamoud Warsame, *Queens Without Crowns: Somaliland Women's Changing Roles and Peace Building*, Life and Peace Institute 2004. P27

<sup>337</sup> Abdi Ismail Samat, 'destruction of State and Society in Somalia: Beyond the Tribal Convention' in *The Journal of Modern African Studies*, Vol.30, No. 4(Dec 1992) pp 625-641 Cambridge University Press

and property. But this is contrasted by the Somali culture which does give women rights to property. The economic mainstay of Somali is nomadic pastoralism with the camel being the most important animal. In their social as well as economic transactions, the pastoralists operate on camel standard.

It is important to assess the place of women in these social economic and political structures within the Somali culture. Though the traditional structure of Somali society is seen as egalitarian and decentralized in nature, women are marginalized. In the clan structure, women do not participate in decision making. Men aged above 16 years are eligible to participate in decision making of the clan. In the clan system, genealogy is traced along the male line. Men are generally seen as socially superior to the women folk because of maintaining clan name in the patrilineal system.<sup>338</sup>

A woman is always under a man through out her whole life. Before marriage, she is answerable to her father and in a marriage to her husband. The Islam religion is widely viewed as discriminatory towards women. Though various interpretations have been made by feminists to show that Islam protects the rights of women, the practice is contrary. This due to the fact that the traditional culture is stronger than Islam, particularly on issues related to women. The value of the woman in the society is generally low and this is indicated by a number of factors. The Camel, the most important animal within the Somali economic structures is used to gauge the value of men and women. It is primarily in the size and the quality of his camel that a man's substance is most tellingly measured. Bride price is paid in terms of dowry. It is also in the camels' value that the value of a man's life and the subordinate position of women are expressed in material terms. The blood compensation due when a man is killed is rated at 100 camels and while a woman's life is valued at half that figure.<sup>339</sup> The camel is owned by men and controlled and this means that economically women are disempowered. Women take care of smaller animals such as goats.<sup>340</sup> Women do not own property in Somali culture.

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<sup>338</sup> Amina Moliamoud Warsame, *Queens Without Crowns: Somaliland Women's Changing Roles and Peace Building*. Life and Peace Institute 2004. P29

<sup>339</sup> I.M Lewis, *A Modern History of the Somali; Nation and State in the Horn of Africa*. Ohio University Press, 2002.

P 8

<sup>340</sup> Ibid

The pastoral mode of life determines the duties and responsibilities of men and women. Women take a central role in tending and looking after smaller stocks such as goats and sheep; they prepare and process pastoralists foods namely milk and meat. Women are also responsible for preparing materials for the makeshift nomadic hut, building it and eventually transporting it in camels during their constant movements. Despite this, women had no ownership of rights over livestock – the very essence of production.<sup>341</sup> Women are not allowed to own property.<sup>342</sup> The man is regarded as the owner of the means of production, namely livestock, and it was his main responsibility to provide.<sup>343</sup>

In the Somali culture, the women occupy a subordinated position in the social economic and political spheres. This it will be shown has an effect on how women negotiate. An analysis of the compatibility of CEDAW provision with Islam and Somali culture shows that the Koran shows that equality of men and women are part of the ethics, spirituality and humanity of Islam. There is also a sense of fairness in between men and women in customary law as it is based on patrilineal kinship that assigns both genders an identity, which in turn defines relations with other members of the society, rights and obligations including mutual protection. For women, individual identity and rights come from their status as wives, mothers, daughters and sisters.<sup>344</sup>

The value and worth of the woman is much less than that of the man and this is noted in the blood compensation. Women do not herd camels which are considered the most important animals and mode of economic transaction in the Somali culture. Conventional belief is that women are inferior and lack intelligence. A Somali proverb, 'knowledge cannot come to reside in a bosom that has contained milk'<sup>345</sup> attests to this. Girl children are received with less enthusiasm by the clan than the male children.<sup>346</sup>

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<sup>341</sup> Amina Mohamoud Warsame, *Queens Without Crowns: Somaliland Women's Changing Roles and Peace Building*, Life and Peace Institute 2004. P21

<sup>342</sup> Amina Mohamoud Warsame, *Queens Without Crowns: Somaliland Women's Changing Roles and Peace Building*, Life and Peace Institute 2004. P24

<sup>343</sup> Amina Mohamoud Warsame, *Queens Without Crowns: Somaliland Women's Changing Roles and Peace Building*, Life and Peace Institute 2004. P26

<sup>344</sup> UNICEF 2002, *Women's Rights in Islamic and Somali Culture*. P 12

<sup>345</sup> Bryden and Steiner, *Somali, between war and peace: Somali women on the Eve of the 21<sup>st</sup> century*. UNIFEM, 1998. p 26

<sup>346</sup> Amina Mohamoud Warsame, *Queens Without Crowns: Somaliland Women's Changing Roles and Peace Building*, Life and Peace Institute 2004. 31-32



In Somali culture the woman is confined to the domestic sphere. She is the manager of her home including the livestock. She had a specialized and valued role – women make all materials for construction of the nomadic home, as well as the household utensils and instruments. They are also responsible the logistics of moving the family dwelling in the frequent nomadic movements. Women procure daily supplies of water and firewood. <sup>347</sup>Women's labour was relegated to the domestic domain and was not compensated monetarily; women were dependent on their husbands and fathers<sup>348</sup>

The Somali culture vis a vis womens participation will assessed against certain variables in the process and structure of negotiations. Though women were represented culture influenced their participation in the process. It is indeed a fact that the entire negotiation process was influenced by cultural consideration. And based on the position of women in the Somali culture, it followed they would be challenged as negotiators.

#### **CULTURAL FEATURES IN THE STRUCTURE OF NEGOTIATIONS.**

In analyzing the structure of negotiations, a number of factors have been assessed among them the nature of conflict, issues of negotiation, the parties to the conflict.

##### **The nature of conflict in relation to culture.**

The nature of conflict determines the structure of negotiation and whether parties will be willing to come to an agreement. For example, when the issue of conflict involves deep rooted values and ideologies then they become zerosum. They leave little room for negotiation.<sup>349</sup> The Somali conflict has been one of distribution of resources. Christian Webersik wonders why, a nation of poets, rooted in egalitarian and religious institutions turned into one of civil strife. And he concludes that the problem is unjust distribution of new sources of wealth rather than internal division based on ideology or kinship'.<sup>350</sup>

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<sup>347</sup> UNICEF women's rights in Islam and Somali culture. P 21

<sup>348</sup> Bryden and Steiner, *Somali, between war and peace: Somali women on the Eve of the 21<sup>st</sup> century*. UNIFEM, 1998, p 36

<sup>349</sup> Marieke kleiboer, Understanding Failures of International Mediation in *Journal of Conflict Resolution*. University of London.

<sup>350</sup> Christian Webersik, Differences That Matter: The Struggle of the Marginalised in Somalia in *Africa: Journal of the International African Institute*, Vol. 74, No. 4 (2004), pp. 516- 533 Published

Though the issue of Somali conflict was the distribution of power and resources, research by various scholars and international organizations show overwhelming evidence that culture is at the heart of the Somali conflict. The Somali conflict cannot be discussed separately from culture. Scholars show that organization of Somali into clans is very much linked to the conflict. The organization of the Somali society is composed of clans which engage in sporadic conflicts as a result of competition for resources. Relationship between clans is characterized by competition and sporadic conflict.<sup>351</sup> In the pre colonial and colonial period, clans had always competed for resources eg pasture and water- and with the centralization of resources in the state, competition between clans became a permanent condition.<sup>352</sup> The conflict mapping done by the sixth committee of the conference identifies lack of a central government, competition for resources, power struggles and clan conflicts among others as the causes of conflict.<sup>353</sup>

Clannishness as a way of life has played a key role in creating the current Somali emergency.<sup>354</sup> 'The problem of Somali is the clan differences', notes Zahra Ashkir<sup>355</sup>. She goes further to note that the new democracy from the west is killing Africa. Though power struggles is the cause of the conflict, these power struggles are based along clan lines. After independence, the struggle for power was based on clans, where each clan saw assent to leadership as a means of access to resources by the clan. There was discontent due to what was seen as unfair distribution of national resources between the various clans. Only the clan of the president of the day benefited from state patronage. The disintegration followed the power struggles for power between clans after the ouster of Siyaad Barre regime. During Siyaad's rule, clannism was at its height.<sup>356</sup> Factional leaders were aligned to the clan. In this case the conflict is clan power struggles – the clans are not fighting for ideology, religious values or any other substantive bones of contention

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<sup>351</sup> Bryden and Steiner, *Somali, between war and peace: Somali women on the Eve of the 21<sup>st</sup> century*. UNIFEM, 1998.

<sup>352</sup> Andre Le Sage, 'Somalia: Sovereign Disguise for a Mogadishu Mafia' *Review of African Political Economy*, Vol. 29, No. 91, *Sovereignty, Democracy & Zimbabwe's Tragedy* (Mar., 2002), pp. 132-138, Taylor & Francis.

<sup>353</sup> Report of the sixth committee of Somali national reconciliation process dealing with conflict resolution and reconciliation. 2003 P 35

<sup>354</sup> Bryden and Steiner, *Somali, between war and peace: Somali women on the Eve of the 21<sup>st</sup> century*. UNIFEM, 1998. p 16

<sup>355</sup> Interview with Zahra ashkir, delegate at the Somali peace conference

<sup>356</sup> Marc Michaelson, *Somalia: The Painful Road to Reconciliation in Africa Today*, Vol. 40, No. 2, *The Horn of Africa: Reconstructing Political Order* (2nd Qtr., 1993), pp. 53-73 Published by: Indiana University Press

but power.<sup>357</sup> For Somalis emergent warlords' government meant little more than access to resources.<sup>358</sup>

There are those who argue that the eventual collapse of the state was as a result of non recognition of Somali clan system in the organization of post colonial governance structures. The superimposition of centralized system against a tradition decentralized system of decision making (the clan) is often propagated by scholars. Their cultural traditions are not compatible with the construct of a modern state.<sup>359</sup> Omar notes that issue of the clan is an issue that for Somalis is the most serious in the conflict that has devastated the whole country.<sup>360</sup>

The position of women within the Somali clan system is very clear. Matters related to clans and kinship is the responsibility of men. Clan matters have little significance for women in as far as decision making is concerned. This is despite the fact that the war caused by the clannish way of life has affected women in grave ways. And though women were interested in peace, it is clear that their influence on issues related to clans is limited. Based on the centrality of clan system in the conflict and the place of women in the same, it is safe to conclude that their participation in the negotiation process was on grounded on very shaky foundation.

#### **Culture and the issue of negotiation.**

The issue of negotiation is dictated by the nature of the conflict. The issue of negotiation is key in the outcome of any conflict. It affects the nature of negotiation and outcomes of negotiations. Zartman Berman point out that some interests are more vital and less negotiable than others.<sup>361</sup> Issues that relate to deep rooted values and ideologies are zero sum – they leave little room to

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<sup>357</sup> Marc Michaelson, *Somalia: The Painful Road to Reconciliation in Africa Today*, Vol. 40, No. 2, The Horn of Africa: Reconstructing Political Order (2nd Qtr., 1993), pp. 53-73 Published by: Indiana University Press

<sup>358</sup> Bryden and Steiner, *Somali, between war and peace: Somali women on the Eve of the 21<sup>st</sup> century*. UNIFEM, 1998 p 15

<sup>359</sup> Virginia Luling , 'Come Back Somalia? Questioning a Collapsed State' in *Third World Quarterly*, Vol. 18, No. 2 (Jun., 1997), pp. 287-302. , also see Marc Michaelson, *Somalia: The Painful Road to Reconciliation in Africa Today*, Vol. 40, No. 2, The Horn of Africa: Reconstructing Political Order (2nd Qtr., 1993), pp. 53-73 Published by: Indiana University Press

<sup>360</sup> Mohamed Osman Omar, *Somalia: Between Devils and Red sea*, Somali Publications Mogadishu 2004. p186

<sup>361</sup> William Zartman and Maureen Berman, *The Practical Negotiator*, Yale University Press 1982 pg 13

negotiation.<sup>362</sup> Oliver Ramsbotham et al assert that parties are likely to see their interests as diametrically opposed.<sup>363</sup> They also distinguish between positions held by parties and their underlying interests and needs. Interests are easier to reconcile than positions.<sup>364</sup> The issue of conflict can determine to a large extent the levels of participation of women. This is more so in the context of a culture in which patriarchy is entrenched.

In the Somali conflict, the issue of negotiation was the establishment of governance structures that ensures equitable distribution of resource and power between the various clans. The main issue of contention was distribution of power. It is instructive to note that the negotiation was to be a continuation of the Arta process which left out some factions. The TNG was under threat by factions that were not at Arta and who felt marginalized. The purpose of this meeting was to bring other factions to ensure that they have their share. There were a number of issues being negotiated among the federalism, economy, conflict resolution among others, but it is instructive to note that the key issue of negotiation was power and resources. This can be noted by the importance of committees such as federalism.

From the analysis of negotiation, the most important and difficult phase was to sharing power – seats in parliament. The definition and distribution of Power and resources is within the confines of the clan system. This is the reason why the negotiation process was structured in a way that ensured the representation of all clans. Distribution of resources was to be based on clans. In Eldoret where the talks began, a declaration of cessation of hostilities and the structures and principles of the Somali national reconciliation process was signed.

Under article number one, parties committed themselves to create a federal governance structure which was inclusive and representative and to endorse the principle of decentralization as an integral part of Somali governance structures.<sup>365</sup> Political power and political participation is within the realm of the public sphere where women are largely. The role of Somali women is

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<sup>362</sup> Marieke kleiboer, Understanding Failures of International Mediation in *Journal of Conflict Resolution*. University of London.

<sup>363</sup> Oliver Ramsbotham et al, *Contemporary Conflict Resolution: the Prevention, Management and Transformation of Deadly Conflict*, polity press UK, USA 2005 p 15

<sup>364</sup> Oliver Ramsbotham et al, *Contemporary Conflict Resolution: the Prevention, Management and Transformation of deadly conflict*, polity press UK, USA 2005 p 15

<sup>365</sup> Declaration on cessation of hostilities, IGAD 2002

largely limited to the domestic sphere and it is therefore likely that women found themselves in unfamiliar territory.

Though the issue of negotiations such as power sharing were more male related, women had there specific issues they wanted to integrate in the main agenda. With the help of IGAD women desk, women came up with a number of things among them, affirmative action and land and property rights, as a way of enhancing their position in the Somali society. Due to the fact that these were not the core issues of negotiation, they were indeed treated as secondary and unimportant. The negotiations would move on with or without the women's issues. But perhaps women's issues were rendered unimportant more by culture than anything else. In Somali culture, women on their own do not have rights and in fact, women's rights are viewed as alien and against the culture of Somalia.

Equality between men and women is often presented as an issue that western women promote and can indulge in. <sup>366</sup>Issues such as affirmative action and other women's rights are viewed as contravening culture and indeed religion. Cultural biases among others represent an obstacle to women's struggles. The Somali culture and religion continue to be significant even after independence and the subsequent spread of modernization and western education. The passing of laws on equal rights for women by Siyaad Barre for example generated severe criticism from traditional and religious leaders. 10 sheiks were executed in 19— for preaching against the new laws granting women equal inheritance rights. Women rights scholars and feminists have argued that religion has been misinterpreted on issues related to women's empowerment. This notwithstanding, the women's agenda was seen going against the customs and the ways of life of the Somali people. The customary law that is often practiced denies women their share of inheritance in camel, land and farms by families in order to protect the property of the patriarchal family. <sup>367</sup>

It is increasingly evident that unless parties free from clan politics are established, and the present strategy of fostering clan representation, common all over Somalia, is revisited, women's participation in politics

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<sup>366</sup> Amina Mohamoud Warsame, *Queens Without Crowns: Somaliland Women's Changing Roles and Peace Building*, Life and Peace Institute 2004. P8

<sup>367</sup> UNICEF 2002, *Women's Rights in Islamic and Somali Culture*. P 27

will continue to be severely hampered. In Somaliland, as in Somalia, groups in power are using religion as the basis for excluding women from politics.<sup>368</sup>

Majority of scholars are of the opinion that women do not have legal capacity to enter into marriage contracts without a male guardian. They are not considered as credible witnesses in cases and their testimonies are not taken.<sup>369</sup> In practice, customary law is pervasive and undermining the application of sharia law.<sup>370</sup>

Hasan (1991) lists the central Islamic principles which have been compromised by extremist groups in their quest for popularity and power, and suggests that the issue of women's roles and women's rights is the only one on which such groups will not compromise.<sup>371</sup>

It is important at this point to assess the interests of the parties. For women their interests were in peace and stability. While the interests of the other five clans – comprised of men was power, for women this was not about power but about peace. Studies show that culture dictates the preferences, choices and predisposition. Due to the socialization process in the Somali society, it is obvious that their interest as women per se was not power. One of the most important interests for women is peace and stability to able to undertake their reproductive roles

### **Culture and Parties to the negotiations.**

The structure of negotiation is also defined by the parties to the conflict. An assessment of parties looks at the nature of parties, the weight of parties and the relationship between parties. In the pre negotiation phase of the process of negotiations, parties in the negotiation process are identified and the issue of negotiation as well. There is negotiation within groups as to who will represent in negotiations and issues.

In cases of peace negotiations, the nature of conflict determines the parties to negotiations. In most negotiation processes that relate to conflict, the natural parties to negotiations are factional

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<sup>368</sup> Sadia Ahmed, 'Islam and Development: Opportunities and Constraints for Somali Women' in *Gender and Development*, Vol. 7, No. 1, [Religion] (Mar., 1999), pp. 69-72. Taylor & Francis, Ltd. on behalf of Oxfam GB

<sup>369</sup> UNICEF 2002, *Women's Rights in Islamic and Somali Culture*. P 14

<sup>370</sup> UNICEF 2002, *Women's Rights in Islamic and Somali Culture*. P 15

<sup>371</sup> Sadia Ahmed, 'Islam and Development: Opportunities and Constraints for Somali Women' in *Gender and Development*, Vol. 7, No. 1, [Religion] (Mar., 1999), pp. 69-72. Taylor & Francis, Ltd. on behalf of Oxfam GB

leaders and combatants. The choice of the parties is mostly influenced by the roles that they played in the conflict. Militarism in the Somali culture encourages adult males to recall their exploits, emphasize the value of valor, group loyalty, self-discipline, and a hierarchy of older over young. During such times, women were left with children and had ample time to narrate to their children stories which would simultaneously give the children entertainment and food for thought.<sup>372</sup> In Somali peace process, the obvious parties to the negotiations were factional leaders that were aligned to the different clans and the clan leaders themselves. The factional leaders were indeed very important due to their active role in the conflict. The patrilineal clan system meant that women were excluded from representative politics, because it is ambiguous who the women represents – the clan of her husband or that of her father.

This prominence of the clan as the main unit of representation in the negotiation is also based on the fact that negotiation is a decision making process. In the Somali culture, women do not participate in negotiations.<sup>373</sup> In the ideology of kinship and political leadership, two principles of *xeer* were crucial- only men who were autonomous producers could exercise political authority, women were excluded from political authority.<sup>374</sup> It's important at this point to explore the decision making process of Somali in relation to conflict. Menkhaus notes that the Somali political culture had elaborate conflict management because pre-colonial Somali was stateless, decentralized and nomadic society in which conflicts between clans over pastures and wells was endemic.<sup>375</sup>

He explores four key social structures for conflict resolution which include the practice of compensation, role of clan elders in managing inter clan conflicts, the binding power of social contract negotiated between two lineage groups known as *xeer* and consultative mechanism

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<sup>372</sup> The Somali Oral Tradition and the Role of Storytelling in Somalia, at <http://mnhumanities.org/Resources/somalioraltradition>

<sup>373</sup> Interview with Zahra ashkir, former delegate at the Somali peace conference .

<sup>374</sup> Lidwien Kapteijns, 'Gender Relations and the Transformation of the Northern Somali Pastoral Tradition' in *The International Journal of African Historical Studies* Vol 28.No 2 (1995) pp 241 - 259

<sup>375</sup> Ken Menkhaus, 'Traditional Conflict Management in Contemporary Somali' in I William Zartman, *Traditional Cures for African Conflicts: African Conflict Medicine*, Lynne Rienner publishers, p 184

known as *shir*.<sup>376</sup> This is supported by Bryden and Steiner who note that traditionally, Somali leaders and religious specialists were called upon to resolve conflicts on the basis of mutually agreed principles involving existing *xeer* and legal precedent.<sup>377</sup> In the Somali society, women are excluded from formal clan conferences and deliberations. Lineage interests and matters are exclusively the domain of men.<sup>378</sup> Women were not part and parcel of peace negotiations in the traditional setting. Instead, they sat under a tree during the whole process. Women could however be influence the process indirectly through the influence they have on their sons, husbands and brothers. The role of clan elders in managing inter-clan conflicts and the position of women in the clan system effectively diminishes the importance of women as a parties in the negotiation process in the Somali conflict. This is the reason why clan leaders and religious leaders and factional leaders seem to be the main parties in the negotiation process.

It is important to compare reconciliation efforts and Somalia and Somaliland, which totally relied on the traditional system of conflict resolution i.e the Gurti. The Beel system was criticized for among other things discrimination against participation and representation of women in politics.<sup>379</sup> The defined decision making structure limits the participation of women as parties to the conflict. Indeed the numbers of women were very low and could not be able to push their issues. The fact that women have no place in decision making structures of the Somali means that their participation in the entire process was already limited. It is safe to conclude that their inclusion in the negotiating table was like a misnomer to many of the male delegates and even some women.

It is important to note that the Somali culture is strongly against the women's emancipation and Islam religion has been interpreted in the same manner. This is despite Koran studies that have shown that Islam is not against women empowerment in social economic and political fields. The main parties in the negotiation therefore comprised factional leaders and clan leaders who also represented clans. Others included civil society organizations and women who also

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<sup>376</sup> Ken Menkhaus, 'Traditional Conflict Management in Contemporary Somali' in I William zartman, *Traditional Cures for African Conflicts: African Conflict Medicine*, Lynne Reinner publishers pp 184 - 186

<sup>377</sup> Matt Bryden; *Somali, between war and peace: Somali women on the Eve of the 21<sup>st</sup> century*. UNIFEM, 1998 p

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<sup>378</sup> UNICEF 2002, *Women's Rights in Islamic and Somali Culture* p 7

<sup>379</sup> Mark Bradbury, Adan Yusuf Abokor, Haroon Ahmed Yusuf, 'Somaliland: Choosing Politics over Violence' in *Review of African Political Economy*, Vol. 30, No. 97, the Horn of Conflict (Sep., 2003) pp. 455-478.



represented clans. The representation of women was mainly as a result of intervention from the international community, mainly IGAD. Women represented the sixth clan to enable them advocate for women specific in the process. Their numbers were not adequate to push their agenda. The fact that the 4.5 clan formula recognizes as parties 4 major clans and one representing other clans shows that the sixth clan is not part of this formula.

Another factor affecting the choice of delegates was the role they played in the conflict. Important actors in the negotiations, perhaps more important than the clan leaders were factional leaders. Most peace processes in Somalia have given more prominence to the factional leaders due to their role in perpetuating conflict. It is assumed that they would also have the capacity to stop the war. In convening the meeting, the igad team sent letters to various factions to attend the conference. It is said that factional leaders were treated better than all the other delegates – they were offered accommodation in good hotels while other delegates were accommodated at the KCCT hostels.<sup>380</sup> Factional leaders chose combatants to join the delegation in the negotiations.

In the Somali culture, there is a clear gender division of labour even in conflict. While men went out to fight, women were left in charge of the home. The Somali culture socializes men to be warriors and sporadic clashes were part and parcel of the way of way of life. In the conflict, Somali women had their various roles which were in line with the traditional gender division of labour. In addition to single handedly taking care of families, they provided logistical and moral support to factions aligned to their clans. In the Somali culture just like in many patriarchal cultures, the roles of women are often under valued and not given recognition. The role of combatants is more active, visible and given more recognition. The exercise of physical force or war between kinship groups practically or potentially is very important in the political life of these groups. Women's role was minimal. This situation also minimized the political public participation of women.<sup>381</sup> Based on this analysis, it can be concluded that women were largely not key parties to the negotiations.

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<sup>380</sup> Mohamed Osman Omar, *Somalia: Between Devils and the Sea*, Somali Publications, Mogadishu 2004

<sup>381</sup> UNICEF 2002, *Women's Rights in Islam and Somali Culture*. P 19

This situation also affects the choice of third parties such as the mediator. In the process of Somalia, there high chances that the choice of a man as a mediator had a lot to do with culture. It is possible that a female mediator would not have been acceptable. In the preceding chapter, it was been noted that women diplomats are rarely sent to countries with strong patriarchal cultures where gender roles are clearly defined. In the situation of the Somali negotiations, the strong Somali culture would not have allowed a woman mediator. This is because of their subordinate positions in society, the fact that they do not take part in any leadership activities. In addition, women are viewed as lacking in intelligence. This would be tantamount to insubordination of the patriarchy. The mediator to the Somali peace process was, naturally, a man and did not therefore understand the women's needs. He could only give verbal support to women while paying more attention to the factional leaders demands.<sup>382</sup> While it has been noted that the mediator had leverage due to support from the international community, women noted that the mediator was very alive to the cultural and political dimensions of the Somali conflict. They noted that he gave more priority to issues of war lords than the women. It appeared difficult for him to convince the factional leaders on the women's case. Though he promised on several occasions to ensure that their issues are addressed, he failed to do so in the face of resistance from war lords and clan leaders. Zahra Ashkir had this to say in an interview, 'we kept telling Amb Kiplagat not to fear the war lords so much since they did not have guns at the conference'.

The power of parties is an important process in negotiation process. The determination of the agenda is influenced by power play. It is power of parties that ensures that they achieve their objectives. Power can be defined in terms of a number of negotiators that each party has, the authority of parties, resources among others. Zartman and Berman<sup>383</sup> note that negotiation is appropriate when all parties have veto power over its solution. The weight of the parties is very important in understanding the process of negotiation. In a negotiation process, parties are most of the time not on an equal footing. Parties may be very different in relation to each other and to the central issue.<sup>384</sup> There is usually a general appreciation of the of the power position of parties.<sup>385</sup> The balance of power is important in determining the bargaining position of the party.

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<sup>382</sup> Zahra Ashkir, delegate at the Somali Peace Conference, 2002 – 2004.

<sup>383</sup> Zartman and Berman, *The Practical Negotiator*, Yale 1982 p 203

<sup>384</sup> Zartman and Berman, *the practical negotiator*, Yale 1982 p 203

<sup>385</sup> Zartman and Berman, *the practical negotiator*, Yale 1982 p 204

Studies have shown that most negotiations are not symmetrical but asymmetrical in the sense that parties are not equal. Though some studies have shown that effective negotiation takes place when there is a balance of power, others have shown that there effective negotiations require that there be a stronger party. Indeed there is overwhelming evidence that power parity in a negotiation process is almost impossible.

The process of negotiation in the Somali process is not the usual process that involves two parties. It instead involved various parties representing clans. Negotiation was among five clans and women comprising the sixth clan. Various ways could be used to measure the power of parties. The main ones were the economic power, the power to make war and the power that is vested in authority recognized within the Somali social structures.

Looking at these variables, the sixth clan represented the party with the least power in the entire negotiation process. The power of the sixth clan in the negotiations is limited by the fact that it occupies a subordinate position in the society. The dimensions of power between men and women are structurally rooted and culturally reinforced.<sup>386</sup> Women are considered to possess generally inferior intellectual capabilities.<sup>387</sup> In the Somali culture, Education was seen as empowerment and potential danger to male dominance<sup>388</sup>.

Economically, the economic structures of Somali society that are based on pastoralism deny women economic power. Kapteijns assess the ideology of kinship and access to means of production. He states that the ideology of kinship structures the means of production in the sense that right of ownership or use was claimed by groups who defined themselves in terms of common descent (clans).<sup>389</sup> Within this structure, the men are the men own the means of production such as land camels and cattle, meaning that women are dependent on men.

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<sup>386</sup> Sally Engle Merry, Review: The Culture of Judging in *Columbia Law Review*, Vol 90, No 8 (Dec 1990) pp 2311-2328

<sup>387</sup> Bryden and Steiner, *Somali, between war and peace: Somali women on the Eve of the 21<sup>st</sup> century*. UNIFEM, 1998. p 35

<sup>388</sup> Ibid p 35

<sup>389</sup> Lidwien Kapteijns, Gender Relations and the Transformation of the Northern Somali Pastoral Tradition in *The International Journal of African Historical Studies* Vol 28.No 2 (1995) pp 241 - 259

Zahra Ashkir notes though Islam religion offers women inheritance rights, they can only inherit if there is a will. The boy inherits properties because he is the provider.<sup>390</sup>

Closely related to economic power and of critical importance in this process was the power related to arms and capacity to engage in war. The warlords have to be men though there are a few women who were combatants. Traditionally, men are socialized to be worriers. Other than this, there is the aspect of positional authority that is enjoyed by clan elders as well as religious leaders.

Power can also be seen in the context of numbers of negotiating teams. Under normal circumstances and for fairness of negotiations, the numbers should be almost equal. But in this case large clans got larger representation in the peace process. Zahra ashkir notes that major clans had most power and dominated the rest of them. According of Zahra the international community focused on warlords, which explains the fact that women were fewer in numbers compared to other clans.

Based on the foregoing, power was tilted at the disadvantage of the women. Zahra noted that women were weak as power was in the hands of men. Power informs all efforts at settlement<sup>391</sup>. It is equivalent to leverage that enables negotiators influence the process. In this case then women had very little leverage in the process. Indeed women were beggars in the process, according to Zahra Ashkir. Their inclusion was as a result of intervention of the international community.

In analyzing the parities to negotiations, it's important to analyze the relationship between these parties. The relationships between men and women in the process are defined in the confines of the Somali culture. The social relations- the culture of Somali is patriarchal. Women are expected to be obedient and submissive to their husbands. The value of the women is less than that of the man. The man is expected to provide and protect the family. There is an unequal

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<sup>390</sup> Interview with Zahra askir, one of the delegates at the Somali peace process.

<sup>391</sup> Makumi Mwangiru, *Conflict: Theories, Processes and Institutions of Management*, water mark publications Nairobi 2002 p 40

gender relations where the women is subordinate to the man. This unequal gender relations extends even in peace processes as will be illustrated in coming sections.

#### **Recognition of the traditional decision making structures in the negotiation process.**

Most Somali peace conferences have taken into account the Somali traditional structures and customs. Right from Arta, Somali clan system was the basic structure of negotiation. This was strengthened in the IGAD process in Eldoret and Nairobi, which recognized the Somali decision making structures and incorporated them in the structure of conference.

The pre negotiation phase was not devoid of cultural influence. The pre negotiations phase takes place when parties decide on the need to address the conflict and find a solution to the crisis. The pre negotiation involves both formal and informal activities to bring the two warring parties. It is during this stage that the agenda is drafted and parties selected. This process may be initiated by the parties to the conflict or the third parties. Kenya which was mandated by IGAD to coordinate the peace process undertook pre negotiation with key parties. The Kenyan special envoy Mwangale chose those he thought should participate in the process. He sent invitations to the president Dr Abdikassim Salad Hassan to attend as a leader of 65 member delegation of TNG. Invitations were also sent to other factional leaders and clan elders.<sup>392</sup> This fact was emphasized by Zahra Ashkir, a woman delegate.

Though women fought to be included, the decision to include women had to be made by men. The determination of the agenda and the structure of negotiations was largely therefore largely determined by men. Women specific issues were not part of the agenda and women therefore sought to mainstream them within the already developed agenda of the conference.

In selecting for representation of key parties a clan based formulae was used. The 4.5 formula for representation of parties was based on clans. The four major clans received – no of delegates and the other one clan represented. The representation of women as the sixth clan was not seen as part of the formula and indeed, women were to be part and parcel of their clan. The 4.5 formula recognized the clan system and used it as a basis of representation.

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<sup>392</sup> Mohamed Osman Omar , *Somalia: Between Devils and Red sea*, Somali Publications Mogadishu 2004. p144

Four dominant clans and others (mainly from minority clans) constituted the body politic of the negotiation conference. While this formula accords men priority as an agency within the conference, the formula subsumes women's engagement within the clan system of representation as Somali women (read married) are perceived either as belonging to no clan or to two clans (clan in which the woman is born and that in which she is married)-with no clarity on which clan she belongs to if divorced and whether she has legitimacy of claim to representing her clan in any of the said situations.<sup>393</sup>

Decision making process in the conference was done by men. A leaders committee was put in place as a decision making body of the conference. The warlord dominated leaders committee was the paramount decision making organ of the conference.<sup>394</sup> Women in the leaders committee were present as observers only and did not enjoy the same status as male delegates.<sup>395</sup>

The arbitration committee, which was a conflict resolution mechanism, did not have any women. When there were misunderstandings, traditional leaders were invited to convince the warlords.<sup>396</sup> In addition, elders were given the responsibility of selecting members of parliament after agreement was reached on representation. In the transitional federal charter states

Parliament shall be selected by the sub-clan Somali political leaders invited to the consultation meetings in Nairobi as from 9<sup>th</sup> January 2004 comprising; transition national government(TNG) national salvation council(NSCC); regional administrations; Somali restoration and reconciliation council(SRRC); group 8(g8) political alliance and civil society must be endorsed by genuine traditional leaders.(declaration on harmonization of various issues proposed by the Somali delegates at the Somali consultative meetings from 9<sup>th</sup> – 29<sup>th</sup> January 2004)

The seats were given to clan elders and warlords to divide among themselves. Women were not involved in the division of these seats. And the international community did not reject the lists without women<sup>397</sup>

Generally there was a preference for men in peace talks that cultural in nature that is seen in the dominance of men, whether they were delegates, observers or mediators, secretariat, external

<sup>393</sup> Interview with Ayoo Odico, former Programme Officer at the women resource centre at the Somali peace talks

<sup>394</sup> Mohamed Osman Omar, *Somalia: Between Devils and Red sea*, Somali Publications Mogadishu 2004. p149

<sup>395</sup> IGAD, *Heeding Women's Voices: The Story of Somali Women Historic Role in the Peace Process*, 2005 IGAD 2005 p 67

<sup>396</sup> Zahara ashkir, a delegate at the Somali peace process.

<sup>397</sup> Zahra Ashkir, a delegate at the Somali peace conference

consultants. A minimal presence of females in these categories was noted. Due to the above factors, women and women's concerns received very little attention in the process. The process would have continued with or without women.<sup>398</sup>

### **Organs of the Conference.**

The negotiation stage was divided into three parts, the committee's stage, plenary and the implementation phase. Negotiations was done through plenary and through the committee sessions. The plenary session consisted of all the delegates. At the committee stage, various members were grouped into committees to discuss the various agenda. There were six committees namely conflict resolution and reconciliation, Disarmament, demobilization and reintegration, economic recovery, institution building and resource mobilization, Federalism and the provisional charter, International relations and regional cooperation, Land and property rights.<sup>399</sup> In which women were represented. These committees were headed by the clan elders who were not effective for women's participation.

There were specialized committees and plenary discussions. Committees had limited and in some cases no representation of women-In such situations, the heavy presence of men and cultural/community gate keepers desiring a status quo of male dominance and continued power over women may have diluted or led to suppression of female voices within the restricted spaces that the committees provided. All committees were led by men

One of the most important organs of the conference was the leaders committee which was the important in decision making of conference. It is the leaders committee that passed the final charter. The participation of women in this committee was limited and men were given the opportunity to make decisions. Indeed some women assert that women were there to support the male delegates. And though women were represented (about five women) they did not take an active part in decision making as that role was left to the clan elders. The conflict resolution committee did not have any women. In the arbitration committee – no woman was there.<sup>400</sup>

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<sup>398</sup> Interview with Ayoo Odicoh, a Coordinator at the Women Resource Centre at the Somali peace Conference.

<sup>399</sup> <sup>399</sup> IGAD, *Heeding Women's Voices: The Story of Somali Women Historic Role in the Peace Process, 2005* IGAD 2005 p 52

<sup>400</sup> Interview with Zahra Ashkir, a former delegate at the Somali peace process.

This was almost like the traditional Somali conflict resolution and decision making structure which was composed of the clan elders. From the analysis above, it is clear that the structure of negotiation was largely influenced by culture. This has an effect of putting women in weaker position in the negotiation processes.

## WOMEN'S NEGOTIATING BEHAVIOR

Negotiation behavior relates to actions of individual negotiators that influence the outcomes of negotiation. This relates to the ways in which negotiators maximize their payoffs. Negotiating behavior has been studied in various negotiation processes. A number of issues can be assessed in terms of behaviour. They may include the toughness or softness of negotiators, learning behavior, empathy and trust among others. There are a number of factors that influence negotiating behavior among them the gender of negotiators, cultures and even the strength of the parties. The role of culture in influencing negotiating behaviour has been studied at length. Studies have looked at the how culture affects different parties in a negotiation in a cross cultural setting. However, few studies have been carried out on intercultural negotiations where negotiators share the same culture.

Culture is a key determinant of people's behavior and how they relate to each other and the outside world. Behaviour and interpretation of situation is based on socialization - the process of learning culture which leads to internalization of society's values and goals.<sup>401</sup>

Culture shapes our perceptions, our thoughts, our interpretations of situations and how we react to situations. Roles assigned are intimately tied to a set of expektorations<sup>402</sup>. Culture has a profound influence on behavior.<sup>403</sup> A study of culture can help us make accurate generalizations about the behaviour of people in different social roles.<sup>404</sup> Social norms (generally accepted rules of conduct that prescribe 'proper' behaviour in different situations) influence the behaviours of people in a group<sup>405</sup>. Members feel pressure to conform.

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<sup>401</sup> Alex Inkeles, *what is sociology: An Introduction to the Discipline and Profession*, Prentice hall 1964.

<sup>402</sup> Alex Inkeles, *what is sociology: An Introduction to the Discipline and Profession*, Prentice hall 1964. p 50

<sup>403</sup> Fathali M. Moghaddam et al, *Social Psychology in Cross Cultural Perspective*. New York 1993 p 4

<sup>404</sup> Fathali M. Moghaddam et al, *Social Psychology in Cross Cultural Perspective*. New York 1993 p6

<sup>405</sup> Fathali M. Moghaddam et al, *Social Psychology in Cross Cultural Perspective*. New York 1993 p 71-72



Negotiation behavior is therefore more likely to be influenced by culture than anything else. The methods, the tactics are influenced by culture. As such the role of men and women is likely to be different based on the culture. One conclusion emerging from various literature on women is that their social status is universally secondary to that of men and that their societal role constraints and expectations have had a negative impact on women's ability to achieve, to exert mastery, to be involved in instrumental activities.<sup>406</sup>

Due to the role of culture in shaping the gender identities, men and women are likely to negotiate differently. They are likely to have different perceptions and different goals and different strategies of achieving the goal. One conclusion emerging from various literature on women is that their social status is universally secondary to that of men and that their societal role constraints and expectations have had a negative impact on women's ability to achieve, to exert mastery, to be involved in instrumental activities.<sup>407</sup> Social norms define how a person in a given social role is expected to behave.<sup>408</sup> Each social role is defined by a set of norms that prescribe appropriate behaviour for the individual position. Though the roles of female are almost the same in all cultures, they may differ across cultures. In some cultures such as those influenced by fundamentalist Islam, the role of the female centres on being a wife. Males are females are encouraged to compliment rather than to competition.<sup>409</sup> Their behaviour is probably guided by attitude – feelings that guide our interactions with others.<sup>410</sup> In most nations of the world gender roles remain traditional and this very much at odds with current western thought.<sup>411</sup>

In a negotiation process, it is assumed that negotiators are rational beings trying to maximize their pay offs. Therefore how should one behave to get the best possible deal?<sup>412</sup> According to various scholars, the most important variable of bargaining phase is toughness – the degree to which the negotiator is reluctant to make concessions to the opponent. However it pays to be tough when the opponent is soft and not when he is also tough. One should be soft on an opponent likely to be tough.

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<sup>406</sup> Liessa Stamm and Carol D Ryff, *social power and influence of women*, west view press 1984

<sup>407</sup> Liessa Stamm and Carol D Ryff, *social power and influence of women*, west view press 1984

<sup>408</sup> Fathali M. Moghaddam et al, *Social Psychology in Cross Cultural Perspective*. New York 1993 p 72

<sup>409</sup> Fathali M. Moghaddam et al, *Social Psychology in Cross Cultural Perspective*. New York 1993 p 85

<sup>410</sup> Fathali M. Moghaddam et al, *Social Psychology in Cross Cultural Perspective*. New York 1993 p 50

<sup>411</sup> Fathali M. Moghaddam et al, *Social Psychology in Cross Cultural Perspective*. New York 1993 p64

<sup>412</sup> Otomar j bartos, how predictable are negotiations, conflict resolution vol xi not 4

Studies have shown that the weakness of parties affects the negotiation behaviour of the parties, they know what is expected and how to counter this. Studies show that weaker parties tend to seek more formal negotiations.<sup>413</sup> Weak parties' strength is in organization. Weaker parties tend to seek strength in unity.<sup>414</sup> Weaker parties cry for help lest they do something that everyone will regret. Weak parties often begin high and wild then concede rapidly.<sup>415</sup> It is usually in best parties interests not to make concessions until at all until they have been convinced of the good faith of a stronger party through initial negotiations. Differences in negotiating behaviour tend to associate with cultural difference – what is valued. Only when a negotiator inherits his beliefs from the culture of his society, can we expect these beliefs to manifest stability, which renders his behaviour predictable.<sup>416</sup>

In the Somali peace talks, women were bargaining from a weak position because of cultural reasons that have been expounded earlier in this chapter. Weak parties exhibit certain negotiating behavioural patterns. Studies show that weaker parties tend to seek more formal negotiations.<sup>417</sup> Weak parties' strength is in organization and tend to seek strength in unity.<sup>418</sup> Weaker parties cry for help lest they do something that everyone will regret. Weak parties often begin high and wild then concede rapidly.<sup>419</sup> It is usually in best interests of weak parties not to make concessions until at all until they have been convinced of the good faith of a stronger party through initial negotiations.

It is true that the participation of weaker parties is more guaranteed by formal process. There is common consensus that women's participation in the peace process was assured by IGAD as part and parcel of the implementation of the gender policy. In its gender policy IGAD sought to mainstream gender in its policies and programmes, through the IGAD's gender desk. The IGAD women's desk recognized the challenges facing women in public processes and took deliberate

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<sup>413</sup> Zartman and Berman, *The Practical Negotiator*, Yale 1982 p 204 – 205

<sup>414</sup> Zartman and Berman, *The Practical Negotiator*, Yale 1982 p 205

<sup>415</sup> Zartman and Berman, *The Practical Negotiator*, Yale 1982 p 205

<sup>416</sup> Otomar J Bartos, How Predictable are Negotiations in *The Journal of Conflict Resolution*, Vol. 11, No. 4 (Dec., 1967), pp. 481-496

<sup>417</sup> Zartman and Berman, *The Practical Negotiator*, Yale 1982 p 204 – 205

<sup>418</sup> Zartman and Berman, *The Practical Negotiator*, Yale 1982 p 205

<sup>419</sup> Zartman and Berman, *The Practical Negotiator*, Yale 1982 p 205

efforts to enhance women's capacity to engage in the process. IGAD women's desk in partnership with other organizations such as UNIFEM engaged in a number of initiatives to support women. One of them was the establishment of the Somali women resource centre which provided women with space to meet and harmonize their agenda. It also served as a place where women could access information that was adequate to push their issue forward. This was a unifying point for women. It also helped to strengthen the women's movement.

The importance of Unity for weak parties cannot be gainsaid. This notwithstanding, unity among women was elusive as they were divided across the clan lines. Women delegates and even observers were recruited from clans and therefore owed their loyalty to their clans. Clan loyalty is very important and it is said that the Somali is a slave to his/her culture. Studies have been done to assess different cultures and their levels of cohesion. Pastoral cultures mainly fall under cultures that tend towards collectivism. In collectivist cultures loyalty to the group is emphasized. As such it was still impossible to achieve unity among women per se.

Though a number of meetings were held to come up with common positions, these meetings proved very difficult because of clan loyalty. One of the major points of contention was the membership to the leaders committee. Some women were of the view that they should demand for more seats than the five they were given in the leaders committee. A women's meeting to discuss the issue of representation in the leaders committee resulted in physical confrontation among women. While there were some women who preferred a higher number, there was a majority of women who were of the view that they should accept what they have been offered.

There were views among women that the hand of the clans and clan leaders had a lot to play in the disagreements and the lack of cohesion among women. It is a widely held view that some women were convinced by clan leaders to accept fewer positions. When women were together, they supported women but when apart, they supported the clans.<sup>420</sup> All the women had links with factional leaders<sup>421</sup> and every woman delegate was forced to work with her clan. 'Every

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<sup>420</sup> Zahra Ashkir, former delegate at the Somali peace conference.

<sup>421</sup> IGAD, *Heeding Women's Voices: The Story of Somali Women Historic Role in the Peace Process*, 2005 IGAD 2005 p 79

woman was defending her own clan and not talking as a woman'.<sup>422</sup> This lack of cohesion among women was largely blamed on the principle of 4.5 representation, which focused on clan interests.

By and large, negotiating teams are increasingly becoming large due to complexity of the process.<sup>423</sup> However, there is need for a hierarchy to bring about cohesions that is necessary to drive forth a hard bargain. There is need for hierarchy in the group so that there is a person who can decide on the limits and flexibility of rigidity (Rubin and Brown 1975 p 51).<sup>424</sup> There is no indication that the sixth clan had any clear leadership. The cohesion of the sixth clan left a lot to be desired due to the fact that their first loyalty was to the clan. This strengthened the belief that women are their won enemies, a belief that is widely held across the world. However this research seeks to discount this belief by showing that culture and socialization are responsible for this state of affairs. Socialization is a lifelong process of instilling culture in boys and girls and men and women in the society.

It teaches them their place in the society and the expected behaviour. The process of socialization moulds boys and girls to become men and women that the society desires. In socialization, women observe and they are indeed taught that decisions and leadership is for men. The beliefs and values instilled in women in the process of socialization become difficult to undo and more so when culture is so important to them. There is a common saying that the Somalis are prisoners of their culture.<sup>425</sup> In the Somali culture women are bound to uphold the xeer (pan Somali code of conduct) and which would in turn protects them. Though women are not usually represented in decision making processes, it is held or implied that men represent them.<sup>426</sup> In socialization women are taught to be passive and dependent. This violates the values of

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<sup>422</sup> Zahra Ashkir, former delegate at the Somali peace conference

<sup>423</sup> Zartman and Berman, *The Practical Negotiator*, Yale 1982 p 206

<sup>424</sup> Zartman and Berman, *The Practical Negotiator*, Yale 1982 p 214

<sup>425</sup> Virginia Luling, 'Come Back Somalia? Questioning a Collapsed State' in *Third World Quarterly*, Vol. 18, No. 2 (Jun., 1997), pp. 287-302.

<sup>426</sup> Lidwien Kapteijns, Gender Relations and the Transformation of the Northern Somalia Pastoral Tradition in *The International Journal of African Historical Studies* Vol No 2 (1966) pp 241 - 259

individuality and self fulfillment.<sup>427</sup> The society controls the women's motivation to choose, which means that women's freedom to choose is illusionary.<sup>428</sup>

The attachment of Somali women to their culture can be explained by a study by, which looks at level of group conformity vis a vis the subsistence economies. Pastoral and agricultural economies depend on group cooperation and requires collective effort which encourages obedience and hence conformity. This is contrasted to hunter gather economy which requires individual effort and hence less conformity.<sup>429</sup> In cultures where collectivism is the dominant philosophy, the group is the primary unit of concern. The individual is often called to subordinate his/her goals or needs for the group.<sup>430</sup> In such cultures, even when the group makes highly costly demands, the individual stays with it.<sup>431</sup> In individualist's cultures, the definition of self is independent from the group membership and in collectivist's cultures it is interdependent with group membership. Goals are aligned to that of the group and social obligation is emphasized in collectivist cultures as opposed to personal needs in individualist cultures. Low status members are expected to concede to high status members who in turn protect their interests. The Somali culture being a collectivist culture meant that women were strongly bound to adhere cultural values and traditions. Due to their cultural orientation, women were bound to rely on the clan leadership to address their needs.

Personality and attitudes have a role to play in negotiations.<sup>432</sup> They influence the way negotiators act and react. Empathy and integrity are the important personality attributes in the process of negotiation. Empathy is the ability to understand the other parties' point of view, which is important in moving negotiation forward.<sup>433</sup> Patience is also required in because the process might take long to reach an agreement on issues.<sup>434</sup> Berman and Zartman talk about the need for Empathy and integrity in negotiations. There is also need for trust to enable the onward

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<sup>427</sup> Michelle Hofnong Garskof, *Roles Women Play: Readings Towards Women's Liberation*, California 1971 p 88

<sup>428</sup> Michelle Hofnong Garskof, *Roles women Play: Readings Towards women's liberation*, California 1971 p 89

<sup>429</sup> Fathali M. Moghaddam et al, *Social Psychology in Cross Cultural Perspective*. New York 1993 p cultures p 80

<sup>430</sup> Fathali M. Moghaddam et al, *Social Psychology in Cross Cultural Perspective*. New York 1993 p 100

<sup>431</sup> Fathali M. Moghaddam et al, *Social Psychology in Cross Cultural Perspective*. New York 1993 p 101

<sup>432</sup> Zartman and Berman, *The Practical Negotiator*, Yale 1982 p 16 - 17

<sup>433</sup> Zartman and Berman, *The Practical Negotiator*, Yale 1982 p 17

<sup>434</sup> Zartman and Berman, *The Practical Negotiator*, Yale 1982 p 17

movement of negotiating process. Personalities and attitudes are influenced by culture and upbringing. And because the sixth clan was curved out from the other clans, this means that they empathized with the other clans. They understood the points of view of all the other clan's, even more than the sixth clans. It may be true to say that they identified with their clans more than the sixth clan. Women showed a lot of patience. Even when their issues were not addressed, they still continued with the process in the hope that they would bring about peace, if not anything else. This was at the detriment of their agenda.

The patience can also be explained by altruism. Somali women could be termed as altruistic negotiators. These are negotiators who look out for the interests of others as opposed to their own. For women, their interests were peace and not leadership. Leadership for the women was not the most important thing, mainly due Somali socialization process. This means that their issues related to women's rights were secondary to women. There are various instances when women showed altruism. They did not at any one time disrupt or threaten to disrupt the process because they did not get what they wanted, yet men threatened to walk out of the process and derail it. During the leaders' forum to work out the details of implementation of the charter, women took a lot of time to bring the leaders together to talk and agree as opposed to pushing their own issues. Various poems by women express women's desire for peace. They highlight women's sufferings and call for an end to violence<sup>435</sup>. A number of women delegates to the conference explicitly stated this fact. Fadumo Elmi Musa had this to say, 'I do not want to be a politician, I do not want a position of power, I just want to live in peace under a tree'<sup>436</sup>

Self assurance or confidence is very important in the process of negotiations and affects the outcomes of negotiations. There is need for courage and tenacity to succeed as a negotiator.<sup>437</sup> Women displayed courage and confidence by demanding representation in the negotiating table with their male counterparts. According to many, they broke the cultural barriers that generally relegated women to the private sphere. This breaking of the barriers could be explained away as help or push by the international community. It is also the common perception that women who

<sup>435</sup> Bryden and Steiner, *Somali, between war and peace: Somali women on the Eve of the 21<sup>st</sup> century*. UNIFEM, 1998. p 42 , 65

<sup>436</sup> IGAD, *Heeding Women's Voices: The Story of Somali Women Historic Role in the Peace Process*, 2005 IGAD 2005 p 50

<sup>437</sup> Zartman and Berman, *the practical negotiator*, Yale 1982 p 20

made to the conference were elite women, most of who were living in Diaspora.<sup>438</sup> As such, they cannot be put in the same category as the traditional women living in Somalia. Though they had achieved representation, the case was different when it came to the actual negotiations. It is clear that the women's confidence to negotiate their agenda was compromised factors that are largely cultural in nature.

First and foremost, the most important actors – the warlords and clan leaders- were opposed to the women's rights. The attitude of women depends on the upbringing. Women are brought up to believe that they are not leaders. Among the factors cited for absence of women in decision making is the clan based system of governance which does not give room for women's participation in decisions above the family level are cultural perceptions held by people that women are incapable of leading and are created only to bear children and do household work.<sup>439</sup> Another factor is associated with low self esteem of women regarding their role in politics and other public decision making from years of socialization.<sup>440</sup> This may explain why women did not have the confidence to ask for what they considered too much. Indeed most women felt that they should not ask for anything that would be unacceptable to the leaders. The clan leadership was the ultimate authority. The women resource center at KCCT Mbagathi where the conference was held played a critical role in building the confidence of women, which women lacked.<sup>441</sup>

Women were not aggressive or forceful in pushing their agenda and lacked tenacity in advancing their agenda. Stereotyping During socialization women were socialized to be weak and docile but at the same time strong and smart. They were taught that they were inferior sex and they are there merely to serve men and not to hold positions.<sup>442</sup> According to the dominant ideology, a girl was supposed to be quiet and obedient and after marriage she should be obedient to her husband, put economic skills and person in his service. Women were encouraged to forge ties with their sons in case of divorce. And on the other hand a boy was to be indefatigable and

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<sup>438</sup> Sarah Ndegwa, Somali women resource centre at the Somali peace conference.

<sup>439</sup> Amina Mohamoud Warsame, *Queens Without Crowns: Somaliland Women's Changing Roles and Peace Building*, Life and Peace Institute 2004. P41

<sup>440</sup> Amina Mohamoud Warsame, *Queens Without Crowns: Somaliland Women's Changing Roles and Peace Building*, Life and Peace Institute 2004. P42

<sup>441</sup> Interview with Zahra Ashkir, delegate at the Somali peace conference.

<sup>442</sup> Amina Mohamoud Warsame, *Queens Without Crowns: Somaliland Women's Changing Roles and Peace Building*, Life and Peace Institute 2004. P29

fearless, a go getter and able to put up a good fight- he is expected to challenge commands of his female relatives and to disdain doing their work.<sup>443</sup> Women continued to support their male leaders, even when they were opposed to their agenda.

Though women had demanded 25% representation, this was changed by men to 12% without consultation from women. There is no evidence to suggest that women resisted this move. What's more, women did not get the 12% that was in the charter. According to the warlords, they fought for the seats and they therefore wanted the seats to go to men who were behind them as opposed to women, who did not fight<sup>444</sup>. Women were not willing to contest this undercutting. In one of their informal causes, they were in agreement that demanding back the women's seats taken by men was not an option.<sup>445</sup> According to them, factional leaders had to be accommodated.

But the toughness of the negotiator is considered the most important aspect of a negotiation. Tactics of toughness and softness vary with the strength of the parties. Where parties are of equal strength, toughness of one party leads to toughness of the other party. Where parties vary in strength, toughness leads to softness with weaker parties following the lead of the stronger parties.<sup>446</sup> Studies show that weaker parties have a tendency to start high and then concede rapidly. Asking more than what one expects to get is an essential strategy. The more outrageous the initial proposition, the better the chance of getting what one wants.<sup>447</sup> Though women were the weaker parties in the negotiations, they did not start high. In representation in decision making for example, women asked for 25% quota in parliament, which is below the 30% requirement by international instruments such as the Convention on Elimination of all forms of Discrimination against Women (CEDAW). While some women were aware that negotiators need to make higher bids than what they expect to get, the majority preferred to ask for a conservative figure of 25%. This is probably informed by the knowledge that a high figure would have been

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<sup>443</sup> Lidwien Kapteijns, Gender Relations and the Transformation of the Northern Somalia Pastoral Tradition in *The International Journal of African Historical Studies* Vol No 2 (1966) pp 241 - 259

<sup>444</sup> Interview with Zahra Ashkir, Delegate at the Somali peace conference

<sup>445</sup> IGAD, *Heeding Women's Voices: The Story of Somali Women Historic Role in the Peace Process*, 2005 IGAD 2005 p 94

<sup>446</sup> Zartman and Berman, *the Practical Negotiator*, Yale 1982 p 206

<sup>447</sup> Zartman and Berman, *the Practical Negotiator*, Yale 1982 p 167



unacceptable by the clan leaders and warlords. And true to this, they ended up getting 12% on paper.

Toughness has a lot to do with their level of concession or compromise on the position of a negotiator. Tough negotiators tend to make very small concessions while soft negotiators tend to make relatively big concessions. It is evident that women were not tough negotiators. After making their first offer of 25% representation, there is no evidence to suggest that women made another offer. What comes out is the fact that, the leaders committee decided, without reference to women, to offer them 12%. They got 12% representation, some women delegates sided with the male leaders from their clan and reduced to support the higher figure.<sup>448</sup>

While it had been agreed in plenary that at least one woman from the grassroots would represent each of the Somalis 96 districts and initially this was approved in plenary, but in the refined draft this had been removed. This was blamed on the technical team and international community who failed to persuade the male representatives to honor the agreement. Though women wanted equal citizenship, this was denied. Only fathers could pass citizenship to their children.<sup>449</sup> This was largely informed by the patrilineal system where lineage is passed through the male line. It is the view of the researcher that women dared not go against the clan leaders. As such they had no power to even make concessions that they wanted. Most women felt they should stand behind their men and resisted changes that they felt would not meet the approval of the male delegates.<sup>450</sup> In the Somali culture, though women have an important role in the economy, its important for the male to be perceived as the head.<sup>451</sup> Since all decision making was the male domain, women were never called to give their views publicly. Women consulted privately on the matters under discussions. But in order not to undermine the decision making powers of the man, women's invisible role was never publicly acknowledged.

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<sup>448</sup> IGAD, *Heeding Women's Voices: The Story of Somali Women Historic Role in the Peace Process*, 2005 IGAD 2005 p 59

<sup>449</sup> IGAD, *Heeding Women's Voices: The Story of Somali Women Historic Role in the Peace Process*, 2005 IGAD 2005 p 33

<sup>450</sup> IGAD, *Heeding Women's Voices: The Story of Somali Women Historic Role in the Peace Process*, 2005 IGAD 2005 pp49

<sup>451</sup> [www.cdc.gov/tb/publications/guidtoolkits/somalia](http://www.cdc.gov/tb/publications/guidtoolkits/somalia)

Persuasion is an important component in negotiation, which women used often. The use of persuasion was informed by their lack of power. Women had to be humble in asking.

'We had to beg men for our rights because we were powerless, we did not have guns and our status in society is low. This is unlike the women who occupy low social positions in the society. Some men were even disrespectful to women'.<sup>452</sup>

In pleading their case, they highlighted their role in the conflict as sole providers of families and also in the provision of logistical and moral support to the war. Another point was the disproportionate effects of war on women. These arguments were used to urge the men to tolerate women's presence in the peace talks and listen to their concerns. But this was largely not very fruitful as the war lords used their wisdom to make decisions.

The power of persuasion worked sometimes, particularly on issues unrelated to women's rights per se. When there were conflicts between men, it is women who came in to diffuse tension and helped to get a decision taken. When a 'vital' factional leader stood up to leave and abandon the peace talks Ahsa Elmi pleaded 'don't leave us please, she touched his beard and blocked his way. He pleaded to her plea and returned to the meeting'.<sup>453</sup>

Women also used various ingenious ways to persuade the clan leadership on their issues. Ingenuity, which is considered important in the art of persuasion, is the ability to come up with new arguments to support a position.<sup>454</sup> According to most women delegates, men used culture to deny women their demands. Women's property rights in Somali customary laws are less progressive than they are in Islam. Somali customary laws (xeer) often circumvent women's inheritance rights in order to keep property with the patriarchal family.<sup>455</sup> Through the women resource centre, they gathered resource materials and came up with arguments to show that Islam supports the rights of women. Khadija Mayow and Zahra Ashkir<sup>456</sup> affirm the view that Islam

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<sup>452</sup> Interview with Zahra Ashkir, delegate at the Somali peace talks.

<sup>453</sup> IGAD, *Heeding Women's Voices: The Story of Somali Women Historic Role in the Peace Process*, 2005 IGAD 2005 p 81

<sup>454</sup> William Zartman and Maureen Berman, *the Practical Negotiator*, Yale University Press 1982

<sup>455</sup> UNICEF 2002, *Women's Rights in Islam and Somali Culture*. P 16

<sup>456</sup> Interviews with Khadija Mayow and Zahra Ashkir, delegates at the Somali peace process.

protects the rights of women. However, the traditional culture which does not recognize women's rights prevailed.

They excelled in other areas that are in line with their roles in conflict resolution within the Somali culture. Generally, Women do not play any formal role in conflict resolution in Somali culture. They informally use their influence on their men (husbands, sons and fathers). Though they had a difficult time convincing male leaders on their rights, they played a big role in bringing the faction leaders to talk in committees, in the leaders retreat and also in the signing of the agreement. Women played a conciliatory role during the 18 days of retreat and helped men reach a consensus. They consulted with individual leaders and appealed to those who wanted to boycott the retreat.<sup>457</sup>

Women participated in electing the president in the final phase of the negotiation. One of the women delegates Asha Elmi offered her candidature for presidency but most women did not vote for her because of culture.<sup>458</sup>

Women faced various challenges in the negotiation for their agenda which was based on culture. Some of the challenges that women faced were low capacity to comprehend and vulnerability to clannish sentiments among others<sup>459</sup> When some of the issues relating to women were accepted – when they seemed to make headway with their agenda, some men walked out.<sup>460</sup> When they asked for gender equality, men argued that it was against Islamic beliefs. In various religions, including Islam and Christianity, women occupy a subordinate place. A verse in the Koran for example explicitly states that men are superior to women on account of qualities in which god has given them preeminence.<sup>461</sup>

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<sup>457</sup> IGAD, *Heeding Women's Voices: The Story of Somali Women Historic Role in the Peace Process*, 2005 IGAD 2005 pp 85-87

<sup>458</sup> Interview with Zahra Ashkir, former delegate at the Somali peace conference

<sup>459</sup> Asha Hagi Elmi, *Women Defending Peace Conference*, 2004. A paper presented at a conference in Geneva Switzerland.

<sup>460/460</sup> IGAD, *Heeding Women's Voices: The Story of Somali Women Historic Role in the Peace Process*, 2005 IGAD 2005 p 58

<sup>461</sup> Michelle Hofnong Garskof, *Roles women Play, Readings Towards women's liberation*, California 1971 p 85

**Conclusion.**

Notwithstanding these challenges, women can be commended for breaking barriers and participating to negotiate their agenda. Indeed, women through IGAD processes participated in processes of collecting and gathering information related to their issues of concerns. However, the Somali traditional culture is more predominant particularly when it comes to women's rights. Indeed culture and religion was used to by men to deny women what they were asking for. First and foremost, due to the clearly delineated traditional gender roles, women who participated in the peace process were almost viewed as deviants. Men sought to question the credibility of women participating in the process. Male participants asked us 'who is taking care of your families' insinuating that women who were participants had indeed neglected their duties as the home makers.

## **CHAPTER FIVE : CONCLUSION: FUTURE PROSPECTS FOR WOMEN IN PEACE NEGOTIATIONS.**

Previous chapters have looked at women's marginalization in international processes and more specifically in peace processes. The Somali peace process is a case in point. Despite the fact that women were represented in peace process as the sixth clan, they barely managed to push their agenda in an environment where culture played a dominant role.

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The right of representation is a right that is entitled to all human beings and is enshrined in the universal declaration of human rights and further enhanced in the International Convention on Civil and Political Rights. This right to representation is as important as any other right, based on the principles of universality and equality of human rights. It is through representation in decision making processes that individuals and groups of individuals are able to ensure that their interests are addressed. Exclusion of individuals and groups from decision making is a cause and a consequence of marginalization. Despite the importance of representation in decision making as a right and a means to achievement of other rights, it is true that there is inequity in access to this right.

Women constitute a population that has been marginalized in decision making and public processes. This is deeply rooted in historical marginalization of women indicated by inadequate access to education, lack of property ownership rights and a culture that looks down upon women. The adoption and ratification of the Convention on Elimination of all Forms of Discrimination against Women by majority of countries is in recognition of this reality. Signatories to the convention commit themselves to take measures to eliminate discrimination of women in the social economic and political spheres of life. The Beijing declaration and platform for action is another instrument that addresses women's concerns in 12 critical areas among them health, decision making, economy, girl child, armed conflict, education and human rights.

In decision making it calls for affirmative action and in conflict resolution, it calls for involvement of women in all peace processes. Education is important for women empowerment.

<sup>462</sup> Since the end of the cold war, there has been an increase in civil wars that have affected women in grave ways through widespread sexual violence and displacement. But despite the disproportionate effects of war on women, they are rarely involved in decision making. In recognition of challenges facing women in conflict situations, UN Security Council resolution 1325 of 2000 was passed to ensure that women and women's perspectives are integrated in peace processes including issues related to refugees, peace negotiations and reconstruction.<sup>463</sup> However, implementation of these international instruments has been hindered by a number of obstacles, key among them culture.

Though there are governments that have put measures in place for gender equity, they are mostly frustrated by patriarchal cultures which view such developments as an erosion of culture. The situation is more critical in societies where traditional culture is intact and informs the day to day lives of people. In the Somali case, the traditional culture was a hindrance to achievement of women's human rights. This is despite the fact that Islam makes some provision for women's rights. The legislation of women's rights to equal inheritance by the Siyaad Barre government in 1975 received resistance by clan and religious leaders.<sup>464</sup> The collapse of state in 1994 and the descent into anarchy had effects on women. Apart from the normal effects of conflict, there was a return to traditional modes of authority which marginalize women.

IGAD, in implementation of its gender policy and resolution 1325, made deliberate attempts to ensure that women are represented as part and parcel of the process. IGAD believes to peace, stability and development, gender equality must be promoted. IGAD women's desk was established in 1999 to promote women's participation in IGAD priority areas which include food security, environment, conflict prevention, management and resolution of humanitarian affairs and regional economic cooperation.<sup>465</sup>

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<sup>462</sup> See the Beijing declaration and platform for action

<sup>463</sup> Un Security Council Resolution 1325 of 2000

<sup>464</sup> I.M Lewis, *A Modern History of the Somali; Nation and State in the Horn of Africa*. Ohio University Press, 2002.

<sup>465</sup> IGAD 2002, *Placing gender in the mainstream: IGAD policy seminar on peace building and conflict resolution*

IGAD believes that equal access and full participation of women in power structures and their involvement in all efforts to prevent and resolve conflicts are essential to maintaining and promoting peace and security in Africa.<sup>466</sup>

Their participation was however seriously challenged, largely by cultural factors. Analysis in the previous chapters notes that culture was the guiding factor in structuring of the negotiation process and had the effect of marginalizing the women participants. And due to cultural influences in upbringing and the strict gender division of roles within the Somali culture, women were not able to effectively engage in the processes of negotiation. They largely lacked the confidence to push the rights of women in an environment where women's rights are considered an alien concept. In addition, it is clear that majority of women understood and accepted their place in the society. This is a trend that has been observed in many Muslim countries such as Middle East, where women are content with their position in the society.

The fact that culture is responsible for marginalization of women is noted in various literary works.<sup>467</sup> Therefore, implementation of women's rights conventions and more specifically resolution 1325 which specifically deals with women cannot escape from dealing with the question of culture. Cultural norms that for a long time barred women from participating actively in politics and decision making should be put aside to give women a chance to venture into leadership positions.<sup>468</sup> CEDAW states that signatories to the convention shall take deliberate measures to eliminate cultural practices that discriminate against women.

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<sup>466</sup> Dr Attalla Hammad Bashir in IGAD 2005, *Heeding Women's Voices: The Story of Somali Women Historic Role in the Peace Process*, 2005 p 51

<sup>467</sup> Bryden and Steiner, *Somali, between war and peace: Somali women on the Eve of the 21<sup>st</sup> century*. UNIFEM, 1998, also see UNICEF 2002, women's rights in Islam and Somali culture; also see <sup>467</sup> Amina Mohamoud Warsame, *Queens without Crowns: Somaliland Women's Changing Roles and Peace Building*, Life and Peace Institute 2004. P29, also see <sup>467</sup> I.M Lewis, *A Modern History of the Somali; Nation and State in the Horn of Africa*. Ohio University Press, 2002. P 8 Sadia Ahmed, 'Islam and Development: Opportunities and Constraints for Somali Women' in *Gender and Development*, Vol. 7, No. 1, [Religion] (Mar., 1999), pp. 69-72. , also see Abdi Ismail Samar, 'destruction of State and Society in Somalia: Beyond the Tribal Convention' in *The Journal of Modern African Studies*, Vol.30, No. 4(Dec 1992) pp 625-641 Cambridge University Press

<sup>468</sup> IGAD 2005 , *Heeding Women's Voices: The Story of Somali Women Historic Role in the Peace Process*

Though the IGAD women desk undertook to enhance women's participation it is not clear if there was an explicit gender mainstreaming strategy, with specified outcomes and indicators to monitor effectiveness of the strategy. What is clear is that there was a deliberate effort to ensure representation of women in the peace process and capacity building of women to enhance their participation in the process.<sup>469</sup> IGAD strategy of 2003 proposes to enhance the role of women capacity building<sup>470</sup> but has no clear indicators

Gender mainstreaming is an important component in the development process. It is the process of ensuring that the needs of both men and women are represented in decision making and development processes. This is done mainly to ensure that both men and women participate equally in the processes and accrue equal benefits from the same. Gender mainstreaming starts with an analysis the position of men and women in the society in order to inform the strategy of ensuring their integration. Mainstreaming is a strategy that aims to promote an equity perspective throughout the policy-making process, from conception to implementation to review, and all stages in between.<sup>471</sup> To enable the weaker gender participate effectively in the processes, affirmative action is a prerequisite. Affirmative action is temporary measure to address an imbalance, until such a time when such an imbalance is not existent. Gender analysis in most patriarchal society and particularly in Somali society has shown that the woman is marginalized as a result of unequal societal structures.

Her place in the society, low education levels and lack of ownership of property are a source of women's historical marginalization in the Somali culture. This is probably what informed IGAD's deliberate strategy of ensuring that the peace process has a women's quota. Representation is the first steps towards ensuring meaningful women's participation in decision making. It is an important strategy of dealing with cultural prejudices that hinder women's participation in decision making and public processes.

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<sup>469</sup> IGAD 2005, *Heeding Women's Voices: The Story of Somali Women Historic Role in the Peace Process*.

<sup>470</sup> IGAD strategy 2003

<sup>471</sup> Tahnya Barnett Donaghy, *Applications of Mainstreaming in Australia and Northern Ireland in International Political Science Review / Revue internationale de science politique*, Vol. 25, No. 4 (Oct., 2004), pp. 393-410  
Published by: Sage Publications, L



As seen in chapter 5, the method of implementing the women's quota in the peace process was faced by various challenges. The 4.5 formula of representation posed a major challenge to women's representation. It meant that the talks were based on clannism and women's role was not a priority.<sup>472</sup> Women were selected from the various clans and formed into the sixth clan to specifically push for women specific issues as such owed their loyalty to the clans. Owing to this fact, future efforts should ensure that women are recruited into the process as separate entities from the clans. Selection of women based on clans means that they will first and foremost address issues of the clan. One of the women delegates noted that there is need to work with genuine women groups that are for the interests of women as opposed to women and groups that are clan based.<sup>473</sup> To successfully identify genuine women representatives, more resources in form of time and finance are required to undertake groundwork and consultation with women organizations before any peace process begins.

Any affirmative action policy must be mainstreamed in the entire process of peace negotiations to make sure that women's concerns are heard and entrenched at every stage. As seen in chapter four the method of representation did not at all include affirmative action. The 4.5 formula of representation envisaged four major clans, and one clan composed of smaller marginalized clans. The sixth clan is not anywhere in this formula of representation, thereby belittling the participation of women. It appears that their representation in the structure of negotiation was not envisioned. Indeed, Ayoo Odico notes that the peace process would have gone on any way with or without women.<sup>474</sup> She further notes at the beginning of the processes, most women had been invited as observers after which women were recruited as official delegates. For effective mainstreaming, there is need for prior formula of implementing affirmative action, which should be integrated officially in the structure of negotiations.

The conference should be structured in away to ensure meaningful participation of women. This is in recognition of the challenges facing women and the unequal relations between men and women.

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<sup>472</sup> IGAD, *Heeding Women's Voices: The Story of Somali Women Historic Role in the Peace Process*, 2005 IGAD 2005 p 74

<sup>473</sup> Ibid

<sup>474</sup> Interview with Ayoo Odico, formerly of women resource centre at KCCT Mbagathi, Nairobi.

Though women were represented in the six specialized committees the dominance by clan elders made it difficult for women to push their agenda.<sup>475</sup> Women were at the mercy of men in the committees and the plenary. An affirmative action policy should give women equal rights even participation. However, this is not to say that women's issues were totally ignored. For example women were recognized as important in conflict resolution in the sixth committee on conflict resolution. The sixth committee proposed representation of interest group including women in the national conflict resolution mechanism. But the issue of contention was representation, property rights and right to citizenship which were of key importance to women. But this however depended on good will of clan leaders and factional leaders. Indeed women depended on good will of the clan leaders in the entire process of negotiations.<sup>476</sup>

Due to reason of their marginalization, women and women's issues should be allocated time for discussions within the main discussions. In addition, recommendations made from the committees should reflect women's issues. The same case would apply to the plenary sessions, where specific time is given for discussion of women's issues by the women's and all the delegates. This would ensure that all the delegates discuss issue of women as an issue that is critical to women.

The harmonization committee according to many women delegates did a bad job at entrenching women's rights in the final documents. Having ensured inclusion of women in the process, it was the prerogative of the harmonization committee to ensure that issues related to women were integrated in the final document. A raft of women's specific recommendations did not see their way into the final draft. Women delegates noted that they were influenced by the factional leaders and clan elders. Other pointed a finger at the reluctance of the international community in standing up for women's rights.<sup>477</sup> An effective strategy should in future come up with a minimum the final documents should meet in terms entrenching women rights. Without this minimum threshold, women's participation is bound to be another sideshow.

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<sup>475</sup> Interview with Ayoo Odico former program officer for the Women Resource at the Nairobi peace conference in KCCT mbagathi

<sup>476</sup> Interview with Zahra ashkir, former Delegate at the Somali peace process.

<sup>477</sup> Interview with Zahra Ashkir, former Delegate at the Somali peace process.

Another cultural barrier facing women came at the end of the process, when clan elders were given responsibilities of distribution seats in their respective clans. As a result of cultural prejudice against women, some clans gave to men, seats that belonged to women. In future, this method should be changed, at least where selection of women is concerned. Perhaps it would be more effective if the quota was given to women to distribute among themselves – no matter how much they would fight. Women decried reluctance of the international community to intervene in women's matters. Donna Pankhurst underlines the importance of the international support to prevent backlash of women. She goes further to suggest that Blue print peace agreements should follow guidelines relating to women's needs.<sup>478</sup> There should be some gender indicators in peace agreements.

The gender desk appeared to be separate and less powerful than the other organs of the IGAD driving the peace process. It would appear that the IWD was not taken seriously by clan elders. The most important organs of IGAD, including the heads of states should have been at the fore front in underlining the importance of women's participation. It is important also to have men within the organs of the IGAD who are gender experts and who can be able to train and convince their fellow men of the importance of ensuring women's rights. The IGAD gender desk – needed to be seen as part and parcel of the wider process – rather than a separate entity.

While the numbers are important, the representation has got to be meaningful. Various analysis of women in peace processes show that their participation is hindered by lack of education and capacity. Apart from anchoring the affirmative action in the process, there is need to assess capacity issues and other cultural limitations and come up with a proper plan of action for capacity building. The IGAD women's desk undertook a process of building capacity of women in various aspects including federalism, gender, Islam and gender among others. It also enabled women come up with a raft of a minimum agenda which women were to pursue. In addition it enabled women come up with arguments to support their agenda and their positions. However this was not enough in the face of men who are the custodians of culture.

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<sup>478</sup> Donna Pankhurst, *The 'Sex War' and Other Wars: Towards a Feminist Approach to Peace Building in Development in Practice*, Vol. 13, No. 2/3 (May, 2003), pp. 154-177 Published by: Taylor & Francis, Ltd. on behalf of Oxfam GB

There is no indication that any effort was made to specifically train and build capacity of men on issues related to gender. Women engaged men in lobbying session at plenary<sup>479</sup> which in the view of researcher was not enough to bring out the bigger picture about women's marginalization. The trend of excluding men in women empowerment initiatives are bound to get resistance from men who mostly are ignorant of women's rights as human rights. Inclusion of men in the process of capacity building in the view of the researcher would have yielded better fruits and cooperation. It is the view of the researcher that men – clan elders and factional leaders should be targeted for capacity building sessions if any movement is to be made towards gender equity. Men have to be part of the solution to the gender question, particularly in as far as culture is concerned. Such efforts should start with a deconstruction of the concept of masculinity and an assessment of its policy implications under changing conditions, so as to avoid deviating from the strategic objectives set forth in the Platform. Targeting men can go along way in enhancing male attitude and behaviour.<sup>480</sup>

Indeed, one of the lessons learnt from the women's participation in the Burundi process and a policy recommendation made by women to IGAD is the need to mobilize men through holding joint forums for men and women.<sup>481</sup> Closely related to this is the need to encourage more men to study and work in the field of gender. In the Somali culture, it seems that a man would stand a better chance to convince clan leaders on women rights than the women themselves.

Rights of women in culture are not implemented due to limited knowledge of Islam.<sup>482</sup> It would have been effective if IWD invited male religious scholars to explain to men and women about the interpretations of the Koran. However, such workshops on women rights in religion only targeted the female participants to the conference at the exclusion of the male delegates. Apart from extending gender training to female delegates, it would be important in future to train the entire secretariat and other key personnel of peace process.

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<sup>479</sup> Interview with Ayoo Odico, Former Program officer at the women's resource centre, Somali peace conference.

<sup>480</sup> Yakin Ertürk, Considering the Role of Men in Gender Agenda Setting: Conceptual and Policy Issues in *Feminist Review*, No. 78, Empirical interrogations: Gender, 'race' and class (2004), pp. 3-21

<sup>481</sup> <sup>481</sup> IGAD 2002, *Placing gender in the mainstream: IGAD policy seminar on peace building and conflict resolution*

<sup>482</sup> UNICEF 2002, *Women's Rights in Islam and Somali Culture*. P 15

This would ensure that they have capacity to deal with gender issues. The training should of necessity increase awareness on the key gender outcomes expected from the peace talks.

Lack of Cohesion among women was a major obstacle to achievement of their objectives. Women had sharp difference over their agenda and how to engage, which at some point degenerated into physical confrontation. It would appear that such conflicts were not foreseen by the women's gender desk and no deliberate efforts had been put to achieve cohesion. The larger process had integrated the arbitration committee which was to solve differences between the various clans. There is a misconception that women are homogenous and that they would agree on each an every issue. This is not the case. In the other clans, there were clan leaders who were seen to direct the entire clan. But women did not have any leadership. It would perhaps have been important if women had selected a few women leaders who would direct the women as a group. There was no deliberate effort to achieve cohesion through for example team building workshops for women as well as establishment of conflict resolution mechanisms. There were proposals from women delegates that workshops be held for women know each other since they came from different clans.<sup>483</sup> Others proposed a conflict resolution mechanism for women.<sup>484</sup>

Another challenge that women mentioned variously was there low numbers compared to that of the men. It would have been important to have the number of women that is almost equal to the other clans. Swanee Hunt and Cristina Posa point out that it is incumbent on the mediator to insist on gender balance. High level visitors can also overcome cultural barriers by demanding women representation. Moreover, to foster a larger pool of potential peace- makers, embassies in conflict areas should broaden their regular contact with local women leaders and sponsor women in training programs, both at home and abroad.<sup>485</sup> To enhance the strength of women delegates, it would be important for sponsors of such meetings to stretch their resource to ensure a large number of women as observers and supporters who would support women delegates and assist them in advocacy.

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<sup>483</sup> Interview with Khadija Mayow delegate at the Somali Peace Conference,

<sup>484</sup> Interview with Zahra ashkir, delegate at the Somali Peace Conference,

<sup>485</sup> Swanee Hunt and Cristina Posa, *Women Waging Peace in Foreign Policy*, No. 124 (May - Jun., 2001), pp. 38-

47 Published by: Washingtonpost.Newsweek Interactive, LLC

There is need to move women's advocacy of the agenda beyond the negotiating tables to widen support. All negotiators need support from the people back home, whom they are representing. It is common practice for negotiators to keep in touch with people at home, give feedback on the progress and ask for advice on next course of action. There is need to enhance connection between women participants to the conference and the other women population back home. One key issue of concern was the fact that most women delegates had actually living been leaving in Diaspora before the peace process.<sup>486</sup> Men always mentioned the fact that women delegates and observers abdicated their duties of caring for their families to come and idle around. This situation would not have been there had there been some level of connection with other women, whom they would have been representing.

The women should represent key issues of concern for the entire women population. This way, the points of pressure on women's rights would widen to an extent that would make the key actors listen. Rita Manchanda writes the following about women and the Burundi peace process ;

At the negotiating table sat the 'representatives' of political parties or rebel groups? Who did the women represent? The women had no mandate. So they organized meetings in the villages to discuss the agenda for Arusha. Eventually the Collective was able to negotiate five seats as observers. "The women who sit at the Arusha talks, now have a mandate because we have listened to the women from the country- side"<sup>487</sup>

Following affirmative action measures adopted by post apartheid establishment in South Africa, there was representation of women in parliament. Some of the Women parliamentarians expressed the need for structures outside parliament to support what is happening in parliament and which women members of parliament should be part of.<sup>488</sup> This underlines the importance of women networks outside the negotiating tables to support women's cause. This way, women outside the negotiating tables can use their traditional influence to drive the women's agenda. Indeed Social networks of women represent an important dimension of women's power<sup>489</sup>.

<sup>486</sup> Interview with sarah ndegwa, administrative secretary at the Somali peace talks

<sup>487</sup> Rita Manchanda, *Redefining and Feminising Security: Making a Difference in Security Policies in Economic and Political Weekly*, Vol. 36, No. 43 (Oct. 27 - Nov. 2, 2001), pp. 4100-4107 Published by: Economic and Political Weekly Stable URL: <http://www.jstor.org/stable/4411297> Accessed: 01/07/2009 05:28 Your).

<sup>488</sup> Shameen Meer, *Women Speak, Reflections on our Struggles 1982 - 1997*, Kwela Books 1998 p 154

<sup>489</sup> Liesa Stamm and Carol d Ryff *Social power and influence of women*, west view press 1984 p 30

Research has shown that women tend to rely on groups for emotional support. These groups can be utilized to be a source of political power for women. Historically, women (Somali) are known, accepted and expected to exert political influence indirectly through their husbands and their kinsmen.<sup>490</sup> Due to the continued sustenance of Somali cultural traditions, the women's movement can extend their lobbying to the wives, daughters and mothers of the warlords and clan leaders to influence their men in traditionally accepted ways. This is part of networking among women, which is seen important in exchanging of ideas. It is also important that women exchange information and ideas with other women in the globe.<sup>491</sup>

The importance of diversity in methods of advocacy for women's issues cannot be gainsaid. Senegalese women for example gained political access through mobilization within the women's association, connections to the president and other ranking male officials, and mobilization within the party proper.<sup>492</sup> Media is an important component in advocacy. It is an important component for highlighting key issues that parties want to address, for wider support. Women in the Somali peace process did not effectively use the media to highlight their issues and seek support from the international community and the outside Somali women community.<sup>493</sup> This is a component that future mainstreaming efforts should incorporate.

Literature available shows that women's role in conflicts and disproportionate effects are not chronicled.

History has little or no space to record women's experience of war, as if it was undifferentiated from that of men; it carries no chronicle of women's resistance and peace making efforts, as if it made no difference. ...they do not determine the agenda. In the end, they become invisible.

Women Despite women's activism during the struggle, women and women's perspectives find no place in the formal structures of political negotiations.<sup>494</sup>

<sup>490</sup> UNICEF2002, women's rights in Islam and Somali culture. P 19

<sup>491</sup> Swanee Hunt and Cristina Posa, Women Waging Peace in *Foreign Policy*, No. 124 (May - Jun., 2001), pp. 38-47 Published by: Washingtonpost.Newsweek Interactive, LLC

<sup>492</sup> Linda J. Beck, Democratization and the Hidden Public: The Impact of Patronage Networks on Senegalese Women in *Comparative Politics*, Vol. 35, No. 2 (Jan., 2003), pp. 147-169

<sup>493</sup> Interview with Khadija Mayow, former delegate at the Somali peace conference Nairobi.

<sup>494</sup> Rita Manchanda, Redefining and Feminising Security: Making a Difference in Security Policies in *Economic and Political Weekly*, Vol. 36, No. 43 (Oct. 27 - Nov. 2, 2001), pp. 4100-4107 Published by: Economic and Political Weekly Stable URL: <http://www.jstor.org/stable/4411297> Accessed: 01/07/2009 05:28 Your

In future, there is need for active documentation on the role of women in conflicts to put women in a position where they are considered as crucial parties in peace processes. Efforts should also be made to create awareness among the general public on gender inequalities and the source. In propagating women's rights of Palestinians women, a number of initiatives were carried out;

... Attempts were made to raise public awareness of social fields in which women are deprived ... gender was introduced as a part of an educational campaign that aims at demonstrating the way in which social and cultural norms subordinate women in society.<sup>45</sup> Workshops were organized for women and men in order to introduce the cultural roots of women and men's roles in society.<sup>46</sup> Issues such as average standard of living, education, women workers, their social rights and their income, early marriage, pregnancy, violence against women, maintenance, sexuality and the family became central in constituting a new public consciousness. For this purpose the exploration of women's status was considered a precondition for preparing a strategy for women's empowerment and their mobilization for feminist struggle.<sup>495</sup>

The gender mainstreaming strategies do not always work as planned due to a number of issues. Political will is essential to the successful implementation of a mainstreaming strategy. This is because it determines what level of applied support the rhetorical commitment to mainstreaming receives. Evidence suggests that without this key element, mainstreaming strategies fail to have any significant impact. Adequate allocation of resources has also been identified as an essential element to a mainstreaming model's success. It offers a useful indication of how a mainstreaming program is substantively supported in practice. Another problem is lack of Enforcement mechanism<sup>496</sup>

Apart from short term measures, there other long term measures that are needed to address issues of culture and increase women's participation peace processes. Indeed, there are proposals for what is called *transformative mediation* which seeks transforms societal structures as opposed to just coming up with settlement.<sup>497</sup> This would assist the cause of women, whose main concern is structural discrimination.

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<sup>495</sup> Amal Jamal; *Engendering State-Building: The Women's Movement and Gender-Regime in Palestine* Author(s): Source: *Middle East Journal*, Vol. 55, No. 2 (Spring, 2001), pp. 256-276 Published by: Middle East Institute Stable

<sup>496</sup> Tahnya Barnett Donaghy, *Applications of Mainstreaming in Australia and Northern Ireland* in *International Political Science Review / Revue internationale de science politique*, Vol. 25, No. 4 (Oct., 2004), pp. 393-410 Published by: Sage Publications, L

<sup>497</sup> Interview with Ayoo Odicoh, program officer at the Women Resource Centre of the Somali Peace Talks Nairobi.



A long term concern for women is education to enhance their standing in the society.<sup>498</sup> One of the challenges of women in peace processes is education. Very few women have the education, training or confidence to participate fully.<sup>499</sup> Education will help women gain self confidence and self awareness they now lack to play a part in establishing a nation at peace.<sup>500</sup> The Beijing declaration and platform for action notes that education is important for among other things, enhancing the participation of women in decision making.<sup>501</sup> It has been note that growing religious extremism in Somalia is an obstacle to women's education and general empowerment;

Lack of religious education among the public allows extremists to use Islamic texts against women. Hadiths' are among the strongest weapons used to justify the marginalization of Muslim women from religious and social power'.<sup>502</sup>

In light of this development, education should be transformative. In the Arab world the first women reformers were the ones with early education and European ideas.<sup>503</sup> These women started with moderate demands such as access to education and health<sup>504</sup>. CEDAW recognizes the culture as a source of discrimination against women and calls for eradication of discriminatory cultures and customs.<sup>505</sup> To address the cultural barriers facing women, there will be need for resocialization of the society in the homes, schools and in religious education. It is a recognized fact that cultures are not static but dynamic and changing with times and needs. Though women do not have the same power that men have, they unutilized powers which are potentially very important. The role of women in educating children the ways of the society can be used to

<sup>498</sup> Interview with Sarah Wambui, former administrative secretary at the Women Resource center of the Somali peace process. Nairobi

<sup>499</sup> Donna Pankhurst, *The 'Sex War' and Other Wars: Towards a Feminist Approach to Peace Building in Development in Practice*, Vol. 13, No. 2/3 (May, 2003), pp. 154-177 Published by: Taylor & Francis, Ltd. on behalf of Oxfam GB

<sup>500</sup> <sup>500</sup> IGAD, *Heeding Women's Voices: The Story of Somali Women Historic Role in the Peace Process*, 2005 IGAD 2005 p 79

<sup>501</sup> See Beijing Declaration and Platform for Action

<sup>502</sup> Sadia Ahmed, *Islam and Development: Opportunities and Constraints for Somali Women in Gender and Development*, Vol. 7, No. 1, [Religion] (Mar., 1999), pp. 69-72 Published by: Taylor & Francis, Ltd. on behalf of Oxfam GB

<sup>503</sup> Nadia Hijab, *Woman Power: the Arab Debate on Women at Work* Cambridge university Press 1988 p 143

<sup>504</sup> Nadia Hijab, *Woman Power: The Arab Debate on Women at Work* Cambridge University Press 1988 p 143

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<sup>505</sup> CEDAW at [www.un.org](http://www.un.org)

deconstruct cultural ideologies that discriminate against women and ultimately bring up men and women who respect women's rights.<sup>506</sup>

There those who are for opposition to cultures that are discriminatory. The need to refuse cultures that may be discriminatory to individuals is best described by Madhavi Sunder in the following paragraph.

...cultures now more than ever are characterized by cultural dissent: challenges by individuals within a community to modernize, or broaden, the traditional terms of cultural membership. Today, more and more individuals are claiming a right to dissent from traditional cultural norms and to make new cultural meanings-that is, to reinterpret cultural norms in ways more favorable to them. Not satisfied to choose between tradition and modernity, people in the modern world want both. Muslim feminists reinterpret the Koran and emphasize women's right to religion and equality.<sup>507</sup>

Closely related to culture is Islam, which has a significant influence on the Somali way of life. Religion was frequently used by men in the peace process to deny women their rights. This is despite the fact Islam outlines rights and privileges of women not guaranteed in many societies. However, this is pushed aside in favour of the traditional culture. This probably explains the apparent 'what they see as the favorable circumstance outlined by the Qur'an and the serious decline that set in relative to women.'<sup>508</sup>

Warsame<sup>509</sup> points out that there should be public awareness campaigns against non Islamic practices that deprive women of their rights. A cadre of women religious leaders who can who would like to take up religious studies should be encouraged.<sup>510</sup> She further says that research institutions should research on the Islamic rights of women, teach these rights to people and create awareness among men and women.

Another long-term goal of increasing women's capacity to participate in future processes is economic emancipation. In the Somali culture most women are taken care of by their husbands

<sup>506</sup> Liesa Stamm and Carol d Ryff *Social power and influence of women*, west view press 1984 p 25

<sup>507</sup> Madhavi Sunder , *Cultural Dissent in Stanford Law Review*, Vol. 54, No. 3 (Dec., 2001), pp. 495-567

<sup>508</sup> Women in Islam: Equity, Equality, and the Search for the Natural Order Author(s): Jane I. Smith Source: *Journal of the American Academy of Religion*, Vol. 47, No. 4 (Dec., 1979), pp. 517-537.

<sup>509</sup> Amina Mohamoud Warsame, *Queens without Crowns: Somaliland Women's Changing Roles and Peace Building*, Life and Peace Institute 2004. pp 90-92

and their activities are limited to the domestic sphere. This situation is more so in the rural areas. This makes women dependent on men. In the previous chapter it was highlighted that the source of power in negotiations is economic power. Women's decision making powers can be enhanced through economic empowerment i.e having an income of her own.<sup>511</sup>

A research on the changing roles of women in Somali land noted that women are not in leadership due to cultural factors, low levels of education. There is however a perception that women's decision making role is changing – through acquisition of income of their own. Increased women economic empowerment has been enhanced by the fact that they have become sole providers of their families as a result of the war. In addition they are now making public decision making through women's organizations<sup>512</sup>

Most of the peace processes in Somalia have been described as foreign driven and therefore high failure rates of these processes. There have been calls for traditional mechanisms of peace resolution such as the one that was used in Somali land. According to feminists, this method is not effective for women. Traditional peace building methods are driven by men and have little to offer women per se. The key challenge is to modernize traditional conflict resolution approaches.<sup>513</sup> Women and even the international community give a lot of focus on such issues as political and economic empowerment of women. This sometimes is a long short particularly in countries where patriarchal cultures are still intact. There is need to also give equal focus to other concerns that may help improve women's standing in the society in the long run. Women can prioritize ways to restore respect through mended social relations between men and women<sup>514</sup>

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<sup>511</sup> Liesa Stamm and Carol d Ryff *Social power and influence of women*, west view press 1984 p 24

<sup>512</sup> <sup>512</sup> Amina Mohamoud Warsame, *Queens Without Crowns: Somaliland Women's Changing Roles and Peace Building*, Life and Peace Institute 2004. 70 - 80

<sup>513</sup> Donna Pankhurst, *The 'Sex War' and Other Wars: Towards a Feminist Approach to Peace Building in Development in Practice*, Vol. 13, No. 2/3 (May, 2003), pp. 154-177 Published by: Taylor & Francis, Ltd. on behalf of Oxfam GB

<sup>514</sup> Donna Pankhurst, *The 'Sex War' and Other Wars: Towards a Feminist Approach to Peace Building in Development in Practice*, Vol. 13, No. 2/3 (May, 2003), pp. 154-177 Published by: Taylor & Francis, Ltd. on behalf of Oxfam GB

## Conclusion

The importance of gender mainstreaming and more specifically affirmative action in decision making is an important step in the long road to empowerment of women. Affirmative action can with time deal with cultural prejudices that militate against women's participation in decision making. In the case of Somali peace process, the cry from women for representation and the subsequent affirmative action by IGAD saw women represented in negotiating tables as official delegates, thereby breaking traditional barriers and myths to the effect that women cannot participate in leadership. IGAD and its partners are also commended on the work they did to ensure that women had capacity to participate in the process. However it was not without challenges. The gender mainstreaming strategies are world over faced with various challenges – institutional change on the ground- social cultural acceptance of gender equality, difficulties of attitudinal and behavioural change and measurement among others<sup>515</sup>. An effective gender mainstreaming should have essential indicators that address women's participation in the entire process of negotiations.

Political will is essential to the successful implementation of a mainstreaming strategy ... This is because it determines what level of applied support the rhetorical commitment to mainstreaming receives. Evidence suggests that without this key element, mainstreaming strategies fail to have any significant impact. Adequate allocation of resources has also been identified as an essential element to a mainstreaming model's success. It offers a useful indication of how a mainstreaming program is substantively supported in practice<sup>516</sup>. Longer term measures also need to be addressed to provide a future where women are at par with their male counterparts.

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<sup>515</sup> Aruna Rao and David Kelleher Is There Life after Gender Mainstreaming in *Gender and Development*, Vol. 13, No. 2, Mainstreaming a Critical Review (Jul., 2005), pp. 57-69 Published by: Taylor & Francis, Ltd. on behalf of Oxfam GB

<sup>516</sup> Tahnya Barnett Donaghy, Applications of Mainstreaming in Australia and Northern Ireland in *International Political Science Review / Revue internationale de science politique*, Vol. 25, No. 4 (Oct., 2004), pp. 393-410  
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**Interview with Ayoo Odico, former Programme officer at the women resource centre, Somali peace conference Nairobi 2003-2004**