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Making policies work

Women and mediation in Africa under the APSA and the AGA

GENDER

By Sophie Desmidt, Philomena Apiko and Karl Fannar Sævarsson

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SUMMARY

Women play crucial roles before, during and following conflicts, yet their participation and the acknowledgment of that role has been with mixed result and slow progress. This paper looks at the role of women in conflict resolution and conflict prevention and in particular their role in mediation processes and election observation in Africa. It gives an overview of the African Union's commitments and policies to enhance and support the role of women in mediation, looking in particular at the African Peace and Security Architecture (APSA) and the African Governance Architecture (AGA). This includes the recent establishment of FemWise-Africa, a platform to connect female mediators across the continent. We have selected two case studies of mediation processes, Kenya (2007-2008) and South Sudan (2013-2015) to show how these commitments and policies have been implemented on the ground. Findings suggest that while much effort has been spent in developing elaborate policy frameworks to support women in their peacebuilding role, the implementation on the ground has been fragmented. Commitment to include women in mediation processes has been limited, both in terms of time and scope. Potential synergies between various AU programmes and policies have been missed and while the AU and regional actors have signaled repeatedly the important role of women in peacemaking the focus has often been limited to addressing sexual violence. The AU's commitment towards gender parity is far from being achieved, in particular the number of women in leadership positions during peace processes or election observation missions. Furthermore, the interpretation of gender remains limited to women, peace and security, potentially missing a more inclusive approach towards peacebuilding. As the AU strengthens its efforts towards supporting women in peacebuilding and mediation, notably through FemWise-Africa, this paper aims to contribute to ongoing work towards an inclusive and participatory approach to gender, peace and security.

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Acronyms

ACDEG	African Charter on Democracy, Elections and Governance
ACHPR	African Commission on Human and Peoples Rights
ACHPR	African Charter on Human and People Rights
AGA	African Governance Architecture
AUGP	African Union Gender Policy
AMISOM	AU Mission in Somalia
APRM	African Peer Review Mechanism
APSA	African Peace and Security Agenda
ARCSS	Agreement for the Resolution for the Conflict in South Sudan
ASF	African Standby Force
AU	African Union
AUC	African Union Commission
AUCISS	AU Commission of Inquiry on South Sudan
AUEOM	African Union Election Observation Missions
BPC	BRICS Policy Centre
BRICS	Brazil, Russia, India, China and South Africa
CCP	Concerned Citizens for Peace
CEN-SAD	Community of Sahel–Saharan States
CEWS	Continental Early Warning System
CIPEV	Commission of Inquiry on Post-Election Violence
CoH	Cessation of Hostilities
COMESA	Common Market for Eastern and Southern Africa
CPA	Comprehensive Peace Agreement
DEAU	Democracy and Electoral Assistance Unit
DPA	Department of Political Affairs
DRC	Democratic Republic of Congo
EAC	East African Community
EASFCOM	Eastern Africa Standby Force Coordination Mechanism
ECCAS	Economic Community of Central African States
ECDPM	European Centre for Development Policy Management
ECOWAS	Economic Community of West African States
EOMs	Election Observation Missions
EPLF	Eritrean People's Liberation Front
EWS	Early Warning System
FemWise-Africa	Network of African Women in Conflict Prevention and Mediation
FOI	Swedish Defence Research Agency
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
GoSS	Government of South Sudan
GPSP	Gender, Peace and Security Programme

HD Centre	Centre for Humanitarian Dialogue
ICC	International Criminal Court
IDEA	Institute for Democracy and Electoral Assistance
IDTFCP	Interdepartmental Task Force on Conflict Prevention
IGAD	Intergovernmental Authority on Development
IPI	International Peace Institute
IPSS	Institute for Peace and Security Studies
ISS	Institute for Security Studies
JMEC	Joint Monitoring and Evaluation Commission
KAIPTC	Kofi Annan International Peacekeeping Centre
KNDR	Kenya National Dialogue and Reconciliation
KPTJ	Kenyans for Peace with Truth and Justice
KWCG	Kenyan Women's Consultative Group
MoU	Memorandum of Understanding
MRG	Media Reference Group
MVM	Monitoring and Verification Mechanism
NARC	North African Regional Capability
NEPAD	New Partnership for Africa's Development
NGO	Non-Governmental Organisation
OAU	Organisation of African Unity?
ODM	Orange Democratic Movement
PAC	Pan-African Centre
Pan-WISE	Pan-African Network of the Wise
PNU	Party of National Unity
PoW	Panel of the Wise
PSC	Peace and Security Council
PSOs	Peace Support Operations
RECs	Regional Economic Communities
RMs	Regional Mechanisms
SADC	Southern African Development Community
SDGEA	Solemn Declaration on Gender Equality in Africa
SGBV	Sexual and Gender Based Violence
SMS	Short Message Service
SOPs	Standard Operating Procedures
SPLA	Sudan People's Liberation Army
SPLM	Sudan People's Liberation Movement
SPLM/A-iO	Sudan People's Liberation Movement/Army in Opposition
SSWEN	South Sudan Women Empowerment Network
SSWPN	South Sudan Women Peace Network
TGoNU	Transitional Government of National Unity
ToR	Terms of Reference
UMA	Arab Maghreb Union
UN	United Nations
UN WOMEN	United Nations Women
UNAMID	United Nations African Union Mission in Darfur
UNDP	United Nations Development Programme
UNON	United Nations Office in Nairobi
UNSC	United Nations Security Council
UNSCR 1325	United Nations Security Council Resolution 1325
US	United States
WGDD	Women Gender Development Directorate
WPS	Women, peace and security

1. Introduction

United Nations Security Council Resolution 1325 (UNSCR 1325), adopted in 2000, was a key milestone for shifting the perspective on women as critical participants in peacemaking.[1] Until then, women have long been overlooked, not only as perpetrators of violence but also as agents of peace and as mediators, in conflict prevention and resolution.[2] Since the establishment of the African Union (AU) in 2000, an extensive set of policies and commitments has been put in place to enhance women's roles in conflict prevention and resolution. These commitments are channelled through two overlapping architectures, namely the African Peace and Security Architecture (APSA) and the African Governance Architecture (AGA).

Despite the establishment of these architectures, and 17 years after the adoption of UNSCR 1325, there was a growing gap between global and regional commitments to ensure increased participation of women during the peace process, and the reality on the ground. **In 2012, UN WOMEN noted, "women's participation in peace processes remains one of the most unfulfilled aspects of the Women, Peace and Security agenda."[3]** However, recent developments provide a momentum to tackle this aspect of the Women, Peace and Security agenda. In March 2017, the African Union Peace and Security Council (AU PSC) created the Network of African Women in Conflict Prevention and Mediation (FemWise-Africa). FemWise-Africa is aimed at strengthening the role of women in conflict prevention and mediation efforts and enhancing the implementation of the commitments for women's inclusion in peacemaking in Africa.[4]

About this paper

Given the rather mixed results in increasing women's participation in mediation and peace processes, this paper takes **a closer look at some of the successes and challenges for women's participation in mediation processes in Africa**, which is still home to the majority of the world's most violent conflicts. The AU and regional organisations have deployed extensive mediation efforts in many conflict situations during the past years, under the umbrellas of the APSA and AGA. These two are strongly interconnected, especially in the field of mediation as a tool for conflict prevention and resolution, which is the focus of this paper. In particular, we try to understand how the African Union's policies have enhanced women's roles in mediation processes under the AGA and the APSA.

This paper builds on publicly available sources such as expert analyses, as well as a limited number of interviews for the case studies, on the work done by ECDPM and the Institute for Peace and Security Studies (IPSS), based in Addis Ababa, Ethiopia, as part of the APSA Impact Monitoring project, funded by GIZ, between 2013 and 2017.[5]

In the following section, we will lay out a number of key concepts in order to better understand women's roles in conflict, as well as how conflict affects women. We also outline the various mechanisms and processes that support and enhance the participation and role of women in mediation processes under both the African Peace and Security Architecture (APSA) and the African Governance Architecture (AGA). Finally, we take a closer look at how women have been integrated into mediation processes in Kenya (2007-2008), and in South Sudan (2013-2015). By looking at these two cases, we try to understand to what extent, how, and why AU policies have either hampered or supported women's participation in mediation.

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[1]   IPI (2013)
[2]   IDEA (2015)
[3]   UN Women (2012)
[4]   African Union (2017b)
[5]   Institute for Security Studies (2017)

2. Women and mediation under the APSA and AGA

What policies and mechanisms has the African Union put in place to promote and increase the participation of women in mediation? We focus on two overarching frameworks, the African Peace and Security Architecture (APSA) and the African Governance Architecture (AGA), which have been established to implement the commitment of the African Union as regards women's participation and gender equality. These two frameworks draw their principles and objectives from a number of shared policy documents, protocols and charters.

The APSA and AGA overlap considerably both institutionally and in terms of their mandates. Some institutions are part of both, as is the case for the AU Commission, the AU Peace and Security Council and the Regional Economic Communities (RECs). This overlap is most visible in terms of mediation, which is also where the participation and representation of women has been lagging behind the most. Before delving deeper into this topic, it is important to get acquainted with a number of key concepts related to gender, women, and conflict.

2.1. Setting the scene: gender and conflict

Extensive research conducted during the last two decades shows that conflict affects women, girls, men and boys in a different way.[6] Both men and women suffer from conflict. Men make up the majority of combatants, are four times more likely than women to be victims of homicide, and are more likely to suffer violent deaths during conflict.[7] While men are not immune to wartime violence, women suffer from more types of violence than men do. Women are often victims of both physical and psychological violence, including sexual violence, forced abortions, forced impregnations, forced sexual slavery, displacement, etc. Women are often seen as the symbolic bearers of a people's culture and, thus, raping them equates to defiling that very culture.[8]

The UN has spearheaded efforts to take women and other vulnerable groups into account in terms of peace and security issues. UNSCR 1325 laid the groundwork for strengthening efforts towards preventing violence against women, girls and other vulnerable[9] groups and minorities. The resolution sets out four pillars of work, namely prevention, protection, participation, and relief and recovery. Since then, four more resolutions have been adopted to further strengthen the mandate.

Resolution 1820 adopted in 2008 (and its follow-up resolution 1888) was an attempt by the UNSC to intensify the battle against sexual and gender-based violence in conflicts.[10] Indeed, it recognises sexual violence in conflict as a war crime and states that clashing parties should take every measure in preventing sexual violence towards civilians, especially women and children.[11] Despite this, it was not until 2016 that the International Criminal Court (ICC) broke ground by defining rape as a war crime in the case against former Vice President Jean-Pierre Bemba Gombo of the Democratic Republic of Congo, found guilty of rapes committed by his troops and sentenced to 18 years of imprisonment.[12]

Less attention has been given to how gender – besides its influence in the consequences of conflict – can actually *cause conflict* and to how gender norms can either foster conflict or, alternatively, promote peace.

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[6]   Myrttinen, Naujoks. & El-Bushra (2014)
[7]   Wright (2014)
[8]   Multani, (2009)
[9]   Vulnerability, as described in an International Alert report (see Khattab 2017), is not an essence to certain groups, thus not inherent. Vulnerability is a consequence "of discriminatory social norms, exclusionary practices and, in some cases, the societal acceptance of violence against them" (Page 7).
[10] In total, four UN resolutions to strengthen Resolution 1325 were adopted which strengthened the normative architecture for protection of women's rights during and after conflict and for addressing their needs in the recovery and peacebuilding period. Security Council resolutions 1820 (2008), 1888 (2009), and 1960 (2010) address the issue of widespread and systematic sexual violence as a tactic of warfare. Security Council resolution 1889 (2009) seeks to strengthen the UN's commitment to engaging women in peace negotiations, in the governance and financing of post conflict recovery, and in peacebuilding initiatives.
[11] United Nations. Women, Peace and Security. (N.d.).
[12] Sieff (2016)

This, according to some experts, explains why conflict *prevention* has received relatively little attention within the Women, Peace and Security Agenda, compared to the protection, participation, and relief and recovery pillars.[13] Some argue that policy discourses on gender and conflict sometimes endorse gender stereotypes, especially when dealing with conflict. Men are portrayed as belligerents and as perpetrators of violence, while women are either pictured as passive victims or peacemakers.[14] This overlooks that in many conflicts, such as in Algeria, Sudan, Eritrea, Liberia, and Zimbabwe, women have taken up roles as combatants and fighters. Often, however, these women run the risk of being blamed for transgressing traditional gender roles.[15] Even when they were actively recruited into combat, such as in Eritrea between 1978 and 1991, as part of the Eritrean People's Liberation Front (EPLF), women experienced significant backlash in the post-war society, including high divorce rates. In addition, women who took an active role in the fight did not have the same possibility of being included in the decision-making process as men did.[16]

Some note that gender mainstreaming is often limited to highlighting the roles, needs and rights of women and girls – including addressing violence against women and girls – and to promoting women's participation in traditionally male-dominated peace and security processes.[17] While advancing the Women, Peace and Security Agenda is important, equating gender with women and girls obscures the role of masculinities, and the experiences of men and boys in peace and conflict. Hence, further research on men and masculinities in conflict is needed to gain a deeper understanding on gendered issues both during conflict and in post-conflict settings, especially as most participants in conflict are still men.[18] However, prior assumptions about the gendered nature of an issue can severely affect the research and the design of peacebuilding interventions. Past examples of this include the failure to include female ex-combatants in reintegration programmes – due to the false assumption that women did not participate in the fighting – or the lack of understanding of the existence of male survivors of sexual and gender-based violence.[19] This relates back to the gendered notion of women as 'peaceful agents' and obscures the role women play, for example, in relation to militarised notions of masculinity. The militarised construction of masculinity values domination and violence as a reason for men to participate in violence and women to support them or pressure them to do so.[20]

Research on the topic of masculinities further suggests that examining and bearing in mind the power relations among men and women and between groups of women, men, boys and girls, and others with alternative gender identities can improve peacebuilding by making it more inclusive and effective.[21] Also, when examining why women are often excluded from peace talks and mediation efforts, it is important to understand the gender dynamics, power relations between men and women, and the social roles and norms for men and women in a given context.

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[13] Wright (2014)
[14] *Ibid.*
[15] *Ibid.*
[16] Weber (2011)
[17] Wright (2014)
[18] Khattab and Myrttinen (2017)
[19] Myrttinen, Popovic and Khattab (2016)
[20] Wright (2014)
[21] *Ibid.*

2.2. Linkages between the APSA and the AGA

One of the instances where the overlap between AGA and APSA is particularly visible and their complementarity becomes more tangible is in situations of post-electoral crisis and electoral violence. Over the years, the relationship between post-electoral crises, governance, and peace and stability has become clear and election-related violence in Burundi, Burkina Faso and The Gambia are some of the cases in point. Experts found that observing elections, which showed early warning signs of potential electoral violence, allows swift action in order to mitigate and address potential violence. Experience from Burundi and South Sudan suggests that there is room for more dialogue between members of the AGA Governance Platform and the African Commission on Human and Peoples Rights (ACHPR) concerning the early signs of conflict, including increasing systematic human rights abuses.[22]

In theory, these architectures are institutionally linked, as the AU Peace and Security Council (AU PSC) is a member of the African Governance Platform (AGP), which serves as the institutional framework of the AGA. The AGP is composed of AU institutions and organs, including the AU PSC and the Regional Economic Communities (RECs) and has a mandate to promote democracy, governance and human rights in Africa.[23] As outlined in its protocol, the AU PSC is mandated to promote both peace and security and democratic governance in Africa. Hence, the PSC is a key decision-making body linking the AGA to the APSA.[24] On the other hand, the nature of the two frameworks is quite different. While the APSA is formally institutionalised, with the PSC as a central decision-making body, the AGA remains rather informal, governed by a platform - one of its main weaknesses according to experts.[25] Over the past two years, the Department of Political Affairs of the AU Commission has been invited to the AU PSC to report on governance issues. However, these exchanges have yet to be formalised and are, for the time being, limited to elections.

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[22] Mukundi (2017)
[23] The institutions and bodies member of the AGP include: AU Peace and Security Council, AU Commission, Regional Economic Communities, African Commission on Human and Peoples' Rights, African Court on Human and Peoples' Rights, Pan-African Parliament, African Peer Review Mechanism, Economic, Social and Cultural Council, AU Advisory Board on Corruption, African Committee of Experts on the Rights and Welfare of the Child, African Union Commission on International Law and NEPAD Planning and Coordination Agency. See: African Union (N.d).
[24] Mukundi (2017)
[25] *Ibid.*

Graph 1: Institutional overlap between APSA and AGA

INSTITUTIONAL OVERLAP BETWEEN APSA AND AGA

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The mandates of the African Governance Architecture (AGA) and the African Peace and Security Architecture (APSA) are informed by a number of policies at the level of the AU. Its mandates cover broad aspects of peace, security, governance and democracy and overlap to some extent, especially in the field of conflict prevention, for example the prevention of electoral violence, and mediation. Significant differences exist between both frameworks.

The documents that support and guide the two frameworks

1. African Charter (1981) and Maputo Protocol (2003)
2. AU Constitutional Act (2000)
3. Solemn Declaration (2004)
4. African Charter on Democracy, Elections and Good Governance (2007)
5. AU Gender Policy (2009)
6. Agenda 2063 (2015)

African Peace and Security Architecture
more institutional and formal

- African Peace Fund
- Panel of the Wise
  - FemWise-Africa
  - Pan-African Network of the Wise
- African Standby Force
- Continental Early Warning System

African Union Commission

Interdepartmental Task Force on Conflict Prevention

African Union Peace and Security Council

African Governance Platform

- African Commission on Human and People's Rights (ACHPR)
- African Court on Human and People's Rights
- Pan-African Parliament (PAP)
- African Peer Review Mechanisms (APRM)
- New Partnership for Africa's Development (NEPAD)
- Economic, Social and Cultural Council (ECOSOC)
- AU Advisory Board on Corruption
- African Committee of Experts on the Right and Welfare of the Child
- AU Commission on International Law

The **Regional Economic Communities (RECs)** play an important role in both, for example, through sharing lessons learned. Several RECs have developed their own mechanisms and policies for conflict prevention and mediation, some of which pre-date the AU and the APSA. RECs have also been involved in electoral observation missions.

One of the AGA's specific objectives is to "facilitate joint engagement in preventive diplomacy, conflict prevention and post-conflict reconstruction and development in Africa".[26] Already in 2011, the AU Declaration on Shared Values provided impetus for the AU Commission to achieve greater synergy between peace and security matters and governance and democracy to ensure that these shared values occupy a prominent place on the agenda of the AU Peace and Security Council. In June 2015, the AU Assembly appealed for "stronger action in the area of conflict prevention, management and resolution, as well as in the area of peacebuilding and post-conflict reconstruction".[27] It further mandated the AUC to "continue its efforts towards ensuring synergies and complementarity between the African Governance Architecture (AGA) and the African Peace and Security Architecture (APSA), and for establishing the Interdepartmental Task Force on Conflict Prevention (IDTFCP)".[28]

The IDTFCP was set up in 2014 and is co-chaired by the Department of Political Affairs and the Department of Peace and Security.[29] Among the challenges related to harnessing the synergies between the AGA and APS at the level of the AU Commission, experts have noticed the lack of an overarching joint strategy and of adequate resources and coordination.[30]

More fundamentally, the two frameworks are informed by a number of policies and commitments at the level of the African Union, which guide the AGA and APSA's work on women and their participation in mediation, political processes and peace processes. In the next section, we are going to introduce and discuss these documents and the frameworks' commitments towards women's participation, as well as the programmes and initiatives established at the level of the African Union to implement these commitments.

2.3. Women and gender equality under the African Union

The AU's commitments, goals and objectives as regards women, women's participation and gender equality are embedded in a number of key documents and decisions. Building on the key concepts around gender and conflict introduced at the beginning of the section (see above), it should be noted that 'gender' in the context of mediation and prevention under the AGA and APSA has often been equated to 'women' and, thus, often covered under the term 'Women, peace and security' (WPS). Recent developments indicate an effort to look beyond women and more towards the gendered impacts of conflict on both men and women, for example, in the Gender, Peace and Security Programme, launched in 2015 (see below). Nonetheless, the majority of efforts under the banner of the APSA and AGA towards gender and gender equality remain largely focused on women, women's empowerment and protection, as well as the participation of women in conflict and peacebuilding.

2.3.1. Foundation of the AU Women, Peace and Security Agenda

Some experts argue that while the AU has a strong normative framework on governance, peace and security, it lacked an implementation strategy to guide the AU's work in conflict and post-conflict situations[31] and a dedicated action plan for the implementation of UNSCR 1325. In fact, it has supported UNSCR 1325 by embedding its principles and pillars in a range of policies and commitments[32], the most important of which are outlined in this section. The Gender, Peace and Security programme (GPSP) was launched in 2015 as a targeted effort to support the implementation of the AU's gender policies across the Peace and Security Department (PSD) of the African Union and the APSA. The overview below mainly focuses on commitments made at the level of the African Union, while acknowledging commitments made at the regional (and national) level too. The below documents inform both the APSA and AGA and thus provide the joint foundational basis for both architectures.

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[26] *Ibid.*
[27] African Union (2015a)
[28] *Ibid.*
[29] African Union Peace and Security Council (2015)
[30] Mukundi (2017)
[31] Abdullah (2017)
[32] African Union Commission (2016)

1. The Organisation for African Unity (OAU) adopted the **African Charter on Human and Peoples' Rights** (African Charter) in 1981[33], which entered into force in October 1986. Although the AU replaced the OAU, and the African Charter continues to have legal effect, Article 18(3) of the African Charter obligates states to eliminate any form of discrimination against women and ensure the protection of their rights, as stipulated in international declarations and conventions. Subsequently, in July 2003, the AU Assembly adopted the **Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa** (the so-called Maputo Protocol).[34] The Maputo Protocol is a legally binding supplement to the African Charter and reinforces the protection of women's rights. The Maputo Protocol entered into force in 2005 and outlines a range of human rights to which women are entitled and the state's obligation to uphold, promote, and protect these. They include, notably **Articles 9, 10 and 11,** which focus on the right to political participation in political and decision-making processes, protection of women in armed conflict and women's rights to peace, respectively.

    The Maputo Protocol demands increased participation of women in conflict prevention, management and resolution, and in post-conflict reconstruction and rehabilitation processes.[35] The African Commission on Human and Peoples' Rights is mandated to monitor implementation of the Maputo Protocol through Member States' submission of periodic reports under the African Charter, with the African Court of Human and Peoples' Rights being responsible for matters of interpretation arising from the application or implementation of the Protocol.[36]

2. **Article 4(l) of the African Union Constitutive Act** (2000) specifically provides that the African Union "shall function in accordance with the promotion of gender equality", thereby making the promotion of gender equality one of the principles of the AU. Furthermore, the AU provides the mandate for both the APSA and the AGA, where the Act underlines that the objectives of the African Union will be to "promote peace, security, and stability on the continent" (Art. 3, (f)) and to "promote democratic principles and institutions, popular participation and good governance" (Art. 3 (g));

3. The AU Heads of State and Government adopted the **Solemn Declaration on Gender Equality in Africa (SDGEA)** at their July 2004 Summit. In the SDGEA, leaders reaffirmed their commitment to: the principle of gender equality as enshrined in Article 4 (l) of the Constitutive Act of the African Union, as well as other existing commitments, principles, goals, and actions set out in the various regional, continental and international instruments on human and women's rights. They also committed themselves to continue to expand and accelerate efforts to promote gender equality at all levels and to build on the progress that has been achieved in addressing issues of major concern to the women of Africa.[37]

4. In 2007, the AU Heads of State and Government adopted the **African Charter on Democracy, Elections and Governance** (ACDEG).[38] It came into force in 2012 and builds on previous commitments and efforts on democracy and good governance.[39] Key objectives include, amongst others, promoting regular, free, fair and transparent elections; respect for human rights; rejection of unconstitutional changes of government; and strong institutions. The ACDEG obligates states to eliminate all forms of discrimination based on gender, and to adopt legislative and other administrative measures to guarantee the rights of women.[40] It also obligates states to "recognise the crucial role of women in development and strengthening of democracy."[41]

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[33] African Commission on Human and People's rights (1981)
[34] African Union (2003)(herein Maputo Protocol)
[35] Abdullah (2017)
[36] African Union Commission (2016)
[37] *Ibid.*
[38] African Union, African Charter on Democracy, Election and Governance, 2007 [herein ACDEG].
[39] They include: the 1981 African Charter on Human and Peoples' Rights; the 1999 Algiers Decision on Unconstitutional Changes of Government in Africa; the 2000 Lomé Declaration on the Framework for an OAU Response to Unconstitutional Changes of Government; the 2002 OAU/AU Declaration on the Principles Governing Democratic Elections in Africa; and the 2002 Constitutive Act of the AU.
[40] ACDEG, Articles 8(1) and (2).
[41] *Ibid*, Article 29(1).

5. African Heads of State and Government adopted the **AU Gender Policy in 2009**. According to the Policy, its main purpose was "to establish a clear vision and make commitments to guide the process of gender mainstreaming and women empowerment to influence policies, procedures and practices which will accelerate the achievement of gender equality, gender justice, non discrimination and fundamental human rights in Africa".[42] The AU Assembly in February 2009 adopted a decision declaring 2010-2020 as the 'African Women's Decade'.[43] Subsequently, in October 2010, the Declaration on the African Women's Decade marked its launch.[44] The overall theme was: Grassroots Approach to Gender Equality and Women's Empowerment.

6. It should be added that **Agenda 2063** was launched in **2013** as an overarching vision and action plan intended to drive Africa's change, development, and transformation for the next 50 years. Agenda 2063 contains several commitments to enhancing gender equality (so-called Aspiration 3: An Africa of good governance, democracy, respect for human rights, justice, and the rule of law), peace (Aspiration 4: A peaceful and secure Africa), and the participation of women in the development of the continent (Aspiration 6: An Africa whose development is people-driven, relying on the potential of the African people, especially its women and youth, caring for children), which is discussed in more detail below.[45]

These commitments and policies are implemented through a number of institutions and programmes. They include the Women and Gender Development Directorate (WGDD) under the Office of the Chairperson of the Commission, the establishment of the Office of the Special Envoy for Women, Peace and Security, and the Women, Gender, Peace and Security Programme (2015-2020) in the Department of Peace and Security.

2.3.2. Implementing the Women, Peace and Security Agenda

In 2000, as per Article 12(3) of the Statutes of the AU Commission, the AU established the Women, Gender Development Directorate (WGDD) under the Office of the Chairperson of the Commission. Its main task is to promote gender equality and facilitate gender mainstreaming, within the Commission itself and the AU as a whole. This puts the WGDD in the highest political and administrative office of the AU Commission, namely under the Chairperson of the Commission, who has the ultimate responsibility for gender mainstreaming within the AU.[46] The AU has further developed two action plans on mainstreaming gender in peace and security, in 2010 and 2013 respectively, and a gender adviser was appointed in the Department of Peace and Security of the AU Commission in 2011 to ensure implementation of these decisions.

In January 2014, the Chairperson of the African Union Commission appointed Ms Bineta Diop as Special Envoy for Women, Peace and Security. Her mission is two-pronged: to promote the protection and advancement of the rights of women and children, in particular those affected by violent conflicts in Africa; and to ensure gender mainstreaming and equal participation of women in peace processes, including in conflict prevention, management and resolution, and peacebuilding.[47]

The Special Envoy recently launched efforts to increase the capacity for women in mediation, including through missions, cooperation with both the Kofi Annan International Peacekeeping Centre (KAIPTC) and the Pan-African Centre (PAC). This was, in part, in response to the systematic lack of female participants in formal peace processes and the difficulties for women in civil society organisations to access formal peace talks[48]. Amongst other things, this has led to the establishment of a roster of African women for mediation and election observation[49] and, more recently, the establishment of regional networks of female mediators

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[42] *Ibid.*
[43] African Union (2009a)
[44] African Union (2010)
[45] African Union (2014c)
[46] African Union (2009b)
[47] African Union Peace and Security Council (2017)
[48] African Union (2017a)
[49] *Ibid.*

across Africa.[50] According to the Special Envoy, her office has taken an approach of "fact-finding, which is done through solidarity missions and commissioned enquiries, but also by continually engaging with influential leaders and grassroots women and men in conflict-affected countries, and also by monitoring these area."[51]

In 2014, the AU launched the **Gender, Peace and Security Programme (2015-2020) (GPSP)** in the AU Commission's Department of Peace and Security. The programme will "serve as a framework for the development of effective strategies and mechanisms for women's increased participation in the promotion of peace and security [...] and to enhance protection of women in conflict and post-conflict situations in Africa."[52] While the role and protection of women will be an important area of focus, the GPSP programme also aims to "take into account men's and women's experiences and potentialities in building secure and stable societies."[53] However, while this gender-sensitive language signals a broadening perspective within the AU in addressing gender that goes beyond women and girls, the programme continues to focus more on women than on men.

2.4. Women and mediation under the African Peace and Security Architecture (APSA)

In 2002, the African Union went through normative and institutional transformations when the African Union (AU) succeeded the Organisation of African Unity (OAU). This revision of the AU was largely due to changes in Africa's needs, e.g. peace and security, among other factors, in a post-Cold War era. Amid these transformations, the African Peace and Security Architecture (APSA) was established.[54]

2.4.1. The African Peace and Security Architecture (APSA)

The foundational work of establishing the APSA was largely done with the creation of the Peace and Security Council (PSC), the central body of the APSA. In 2002, the Protocol Relating to the Peace and Security Council of the AU (PSC Protocol) was adopted at the AU summit, in Durban, South Africa, and came into force the following year. In 2004, the PSC became operational after having adopted its Rules of Procedure, as the main pillar of the APSA.

According to the PSC Protocol, the PSC is to be supported in its work by additional entities such as the commission, the Panel of the Wise (PoW), a Continental Early Warning System (CEWS), an African Standby Force (ASF), and a Peace Fund.[55] In practice, the PSC, together with the Chairperson of the African Union Commission, are the two main bodies within the AU mandated to initiate and conduct mediation efforts and are supported and advised by the Panel of the Wise and the CEWS. The CEWS functions mainly as an observation and monitoring tool to prevent conflicts from erupting; and to collect data and information to be used to advise the PSC and the AU Commission.[56] Jointly with the Regional Economic Communities (RECs)[57] and Regional Mechanisms (RMs), these bodies form the APSA.

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[50] Diop and Desmidt (2017)
[51] *Ibid.*
[52] African Union (2014a)
[53] African Union, Programme on Women, Gender, Peace and Security
[54] Bah et all. (2014)
[55] Peace and Security Council (2014). See also: African Peace and Security Architecture (N.d.)
[56] Abdullah (2017)
[57] There are eight officially recognised Regional Economic Communities, these include the Arab Maghreb Union (UMA), Common Market for Eastern and Southern Africa (COMESA); the Community of Sahel–Saharan States (CEN–SAD); the East African Community (EAC); the Economic Community of Central African States (ECCAS); the Economic Community of West African States (ECOWAS), the Intergovernmental Authority on Development (IGAD); the Southern African Development Community (SADC). In addition, there are two regional mechanisms, which were established to develop the standby brigade, which builds on the five regions of Africa, namely the Eastern Africa Standby Force Coordination Mechanism (EASFCOM) and North African Regional Capability (NARC). The other brigades are maintained by SADC (south), ECOWAS (east) and ECCAS (central) respectively.

Graph 2: Institutional pillars of the African Peace and Security Architecture (excl. RECs)
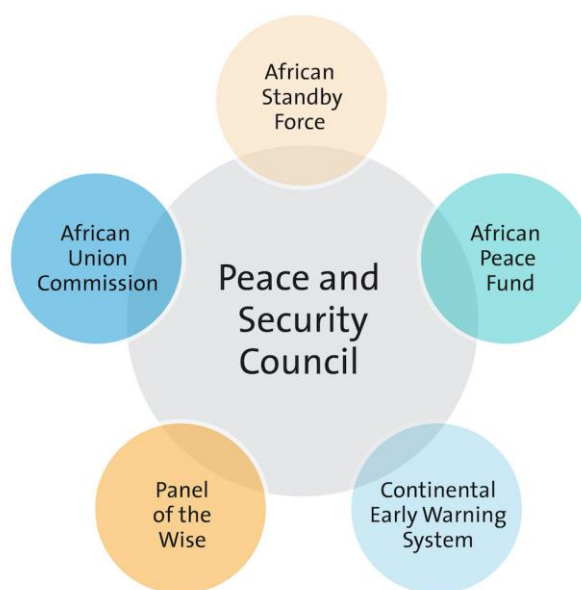
Broadly speaking, two key documents guide the work of the APSA: the 'Commitment to Silence the Guns by 2020' and the more operationally oriented APSA Roadmap 2016-2020. Both documents contain commitments to mainstreaming gender, including enhancing the role of women in peace and security activities by the African Union (and REC/RMs). The commitment to 'silence guns by 2020 stems from the AU's 2013 'Declaration on the 50th Anniversary of the Organisation of African Unity'. In this declaration, the AU Assembly pledged "not to bequeath the burden of conflicts to the next generation of Africans and undertake to end all wars in Africa by 2020".[58] To accomplish this, the PSC held a retreat on 'Practical Steps to Silence the Guns in Africa by Year 2020, in November 2016, in Lusaka, Zambia. This led the AU PSC to develop the 'African Union Roadmap of Practical Steps to Silence the Guns in Africa by Year 2020'. In this Roadmap, one of the concrete action points to be realised by 2020 is training mediators, women in particular, to participate in preventive diplomacy (conflict prevention).[59]

The APSA Roadmap 2016-2020 was launched in 2015 as a guide for the further operationalisation of the institutional pillars of the APSA. The Roadmap confirms that the UNSCR 1325 and its follow-up resolutions are the cornerstones as regards Women, Peace and Security, supplemented by the AU's and regional commitments and declarations (see above). Notwithstanding these existing declarations and commitments, the APSA Roadmap acknowledges that much work is still needed regarding gender (or women), peace and security. Gender mainstreaming in peace and security is a crosscutting issue in the Roadmap. According to the Roadmap, appropriate indicators will need to be developed in order to mainstream gender and tools reinforced to monitor these indicators. Further, the Roadmap noted more staff would need to be hired to implement gender programmes, most notably for capacity building.[60] A number of efforts stated in the pillars of the APSA are discussed below.

2.4.2. Gender within the APSA pillars

In line with the commitments on gender, women, peace and security, as outlined in the sections above, the AU has made concrete steps to embed these commitments institutionally within the pillars of the APSA. As noted earlier, in 2000, a Gender, Women and Development Directorate was established to lead efforts towards mainstreaming gender across the Commission. Within the Peace and Security Department (PSD), a gender advisor was appointed in 2011, gender focal points were designated in all divisions, and the AU

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[58] African Union (2013)
[59] African Union (2016b)
[60] African Union. (2015b)

Special Envoy for Women, Peace and Security was appointed in 2014. Gender experts are now appointed as part of the post-conflict needs assessment missions carried out by the Post-Conflict Reconstruction and Development Division and, according to the APSA Assessment (2015), efforts have been made to address gender differences and gender-related issues in peace support operations (PSOs).[61] In addition, the GPSP was jointly formulated using a "participatory and consultative approach within the AU, as well as between the AU and the RECs/RMs"[62] and with contributions from civil society.[63] The GPSP supports activities that address issues of gender, women, peace and security in AU Liaison Offices, as well as field missions (including the Central African Republic, Mali, the Democratic Republic of Congo, Somalia, and Cote d'Ivoire).[64]

As regards the Panel of the Wise, its support to establish of FemWise-Africa and its efforts to incorporate a gendered perspective to mediation and peacebuilding are explained in more detail in the following section. Despite it being a recommendation of the 2015 APSA assessment, there is little publicly available information about how gender analysis is included in the reporting and analysis of the AU's Continental Early Warning System (CEWS).[65] As evident in the APSA Roadmap, more efforts are needed to improve conflict prevention through early warning, including, amongst others, the quality, frequency and uptake of early warning reports, exchanges between continental and regional Early Warning Systems (EWS), and exchanges with decision-makers. However, the APSA Roadmap makes no mention of specific objectives to include gender analysis for early warning reporting.

As regards the African Standby Force (ASF), the Women, Gender and Development Directorate (WGDD) developed a gender training manual to mainstream gender in peacekeeping operations and organised training sessions on its use for those countries that contribute with troops to the ASF. Already in 2010, the WGDD initiated recruitment of gender experts for AU Liaison Offices and peace support operations. In 2012, the AU's first gender advisor to a peace support mission was deployed to the AU Mission in Somalia (AMISOM).[66] Both AMISOM and the United Nations African Union Mission in Darfur (UNAMID) have Gender Advisory Units that set out objectives for gender mainstreaming and training.

2.4.3. Mediation under the APSA

The **Panel of the Wise** (PoW) does not have a direct mediation role, but is a central body within APSA advising the AU Commission and the PSC on all issues pertaining to peace, security and stability in Africa.[67] Article 11 of the PSC Protocol stated that the PoW would be formed of five highly respected Africans who have contributed to the cause of peace, security and development on the continent. More specifically, the PoW would support the PSC and the AUC Chairperson in mapping out possible threats to peace and security in Africa by providing regular advice, requesting the AU Commission deploy mediation teams to countries in need of assistance[68] or by undertaking thematic analyses on challenges to peace and security.

In most conflicts in Africa, the AU appoints dedicated mediators to lead efforts as Special Envoys or Special Representatives or to advocate for specific issues (see Box 3 and Annex 1). Article 10 of the PSC Protocol gives the Chairperson of the AU Commission the power to appoint special Envoys and Representatives. On ad hoc occasions, Panel members have undertaken mediation-related activities and engaged in conflict-affected countries, including Tunisia and Egypt, through so-called solidarity or confidence-building missions.[69]

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[61] APSA Assessment Study (published April 2015)
[62] *Ibid.*
[63] African Union. (2015b)
[64] APSA Assessment Study (published April 2015)
[65] *Ibid.*
[66] Abdullah (2017)
[67] *Ibid.*
[68] African Union (2016a)
[69] Institute for Security Studies (2014)

Within some of the RECs, similar structures to the AU's Panel of the Wise have been established, some of which existed before the creation of the AU itself. The Memorandum of Understanding (MoU), signed in 2008 between the AU and the REC/RMs, calls for further deepening of collaboration and coordination between the AU and the REC in the field of conflict resolution and prevention. During a retreat in Ouagadougou in Burkina Faso in 2012, the PoW brought together representatives of similar mechanisms from some of the more active RECs.[70] Recommendations from this retreat led to the establishment of the Pan-African Network of the Wise (Pan-WISE) the following year, in 2013. Box 1 gives more background on some of the mediation structures within the RECs.

Box 1: Mediation structures in the RECs

The Economic Community of West African States (ECOWAS) was the first REC to establish a mediation pillar in 1999, named the Council of the Wise, as part of a larger reform within ECOWAS. In the same year, ECOWAS was the first regional organisation in Africa to establish architecture for peace and security, by forming the Mediation and Security Council (MSC),[71] of which the Council of the Wise was a supplementary body. ECOWAS predated the AU and served as a precedent for the establishment of the AU's Panel of the Wise.[72] ECOWAS is often considered more advanced than other RECs in the field of mediation and conflict resolution and prevention, notably due to its strong institutional foundation.[73]

The CEN-SAD Permanent High-Level Mediator for Peace and Security was established in 2000. In 2007, both the Economic Community of Central African States (ECCAS) and the Intergovernmental Authority on Development (IGAD) formed their mediation pillars, namely, the ECCAS' Committee of Ambassadors and IGAD's Mediation Contact Group. The Common Market for Eastern and Southern Africa (COMESA) established the Committee of Elders in 2009, following a proposal from a 2006 meeting of ministers of foreign affairs of COMESA member states. The Committee only became active following a 2011 retreat aimed at formalising and developing standards and rules and procedures of peace engagement. SADC initially opted to utilise pre-existing institutions to conduct mediation, most notably its Organ on Politics, Defence and Security Cooperation. In 2015, SADC established the Panel of Elders and the Mediation Reference Group (MRG) in order to enhance its mediation efforts.[74] The East African Community (EAC) established a Panel of Eminent Persons and developed a mediation support group.[75]

Significant differences exist between the mediation mechanisms in terms of their institutional context, their composition, and their capacity. RECs have cooperated through their various mechanisms, too. For example, in early 2015 in Burundi, COMESA and the EAC Panel and Committee of Elders jointly launched consultation rounds[76] and issued joint statements[77] between January and May 2015, before the EAC appointed Ugandan President Museveni as high-level mediator in July 2015.

Similarly to the AU, RECs appoint dedicated high-level mediators to undertake mediation, shuttle diplomacy, or lead peace talks. There are some differences in practice between the various RECs. For example, looking at mediation efforts over the course of 2013-2016, ECOWAS regularly relies on sitting Heads of State and Government of ECOWAS member states, while IGAD appointed dedicated Special Envoys for Sudan/Darfur, for Somalia, and for the mediation process in South Sudan.

More recently the Panel developed the modalities for the establishment of the African Network of Women in Conflict Prevention and Mediation (FemWise-Africa)[78]. The establishment of a formal and continental network of women in mediation was a recommendation to the AU from a study by the Panel in 2010.

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[70] This included representatives of ECOWAS' Council of the Wise, SADC's Mediation Reference Group and the Panel of Elders, IGAD's Mediation Contact Group, and COMESA's Committee of Elders. In addition, secretariat representatives from ECCAS, EAC and CEN-SAD attended.
[71] Vanheukelom (2017)
[72] Panel of the Wise. (2016a). *African Union.*
[73] Desmidt (2016)
[74] Desmidt (2017) and Lins de Albuquerque & Hull-Wiklund (2015).
[75] African Union. (2015b)
[76] AllAfrica (2015)
[77] United Nations (2015)
[78] Abdullah (2017)

Following a high-level African Women Mediation workshop on "Women's Inclusion in Pre-Conflict Mediation, at the Peace Table and in Social Cohesion", in Constantine, Algeria, in December 2016, the Panel drew up a Modalities Report for the establishment of FemWise-Africa.[79] The AU Peace and Security Council approved the modalities in March 2017 and, on 4 July 2017, a decision by the AU Assembly of Heads of State (AU Summit) officially established FemWise-Africa.[80]

As mentioned before, for most mediation efforts, dedicated representatives are appointed by the AUC Chairperson, meaning that the members of the PoW are not deployed on a full-time basis, but rather function as a resource for the PSC, the AU Commission and mediators in terms of (thematic) expertise. Looking at APSA interventions in the past years, a standard practice can be observed whereby the AUC Chairperson appoints former or sitting Heads of State or members of government as leading mediator to resolve ongoing conflict. Similarly, RECs have appointed leading mediators, or a team of mediators. In many conflict situations, African high-level mediators often work in close collaboration with international actors, such as the UN, as part of high-level mediation teams. This was the case, for example, in the mediation in 2012 in response to the conflict in the Central African Republic. On this occasion, the UN Special Representative of the Secretary General and the AU representative Hawa Ahmed Youssouf were part of the international response and insisted on a minimum level of participation by women in negotiating teams.[81]

Whether or not former Heads of State and Government are capable mediators is a different question. As outlined above, it is common practice for the AU to appoint former Heads of State or former high-profile politicians perceived to have political gravitas. In 2009, efforts to establish a mediation unit started with the 'Plan of Action to Build the AU's mediation capacity'. As part of this action plan, guidelines were developed for strengthening mediation processes, including studying the experiences of past mediations to improve on future ones. In 2012, standard operating procedures (SOPs) were developed, to support a more systematic approach to mediation. In 2016, a mediation support unit (MSU) was established in the Peace and Security Department of the AU Commission with a mandate to provide support to all AU mediators. Nonetheless, experts note that the AU has not yet consistently applied "more technical criteria for selecting its mediators aside from relying on their political clout."[82]

2.4.4. Women's roles in peace processes

Women have participated in mediation processes in various capacities, as observers, as leading mediators, on behalf of political parties, as leaders of advocacy groups, and as gender or women's advisors, among many more. Women have taken up these roles at various political, societal, and mediation track levels. As mentioned above, the AU has spearheaded the development of a network of female mediators, FemWise-Africa. This network is expected to gather female mediators from across Africa to participate in track 1 negotiations, while also acting as a bridge between track 1 and other mediation tracks.[83]

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[79] African Union, A Mapping Study Report for the Establishment of the Network of African Women in Conflict Prevention and Mediation, internal document

[80] African Union (2017b)

[81] IPI (2013)

[82] Motsamai (2017)

[83] According to the multi-track approach, mediation can be divided into three tracks, which can happen in parallel, in sequence, or at various stages of peace talks. Track 1 is used to denominate formal talks at the highest level of decision-making, most commonly by states/governments, international and regional bodies, or even private organisations with direct links to power. Track 2 includes unofficial talks and problem-solving activities (such as workshops) aimed at building relationships, trust, and dialogue. These talks are often expected to inform track 1 (and therefore dubbed 'track 1,5') with new ideas or thinking and typically involve influential academic, religious, and NGO leaders, and other civil society actors who can interact more freely than high-ranking officials. Track 3 focuses on the grass roots and community level, and typically includes organising meetings at the community level to gather voices from local levels.

Despite the commitments at the global and AU level, and in light of the multitude of mechanisms in place to promote the participation of women in peace processes (see above), the number of women at the table in mediation processes has declined. Data by UN Women indicates that the number of women participating in peace negotiations, in various roles was low to non-existent during the period between 1992 and 2011 (see box 2 below).

Box 2: Counting women's participation in peace process in Africa, 1992-2011

Data from a study by UN Women in 2012 of 31 peace agreements shows that, between 1999 and 2011, women only participated as part of negotiating teams in 5 out of a total of 16 peace processes recorded in Africa. In two peace processes, women were signatories to the peace deal (Democratic Republic of Congo (DR Congo) in 2003 and 2008), in three processes women were part of the leading mediators (DR Congo 2008, South Kivu and North Kivu) and Kenya) and in six instances women were witnesses to the peace deal (Sierra Leone (1999), Liberia (2003), Sudan (2005), Darfur 2006), Uganda (2008) and Somalia (2008). During the mediation effort in Kenya, in 2008, women made up 33% of the lead mediators, the highest percentage recorded in the period between 1999 and 2011.[84] In the two cases of women signatories, both of them were present during peace processes in the DRC (2003 and 2008), yet they represented only 5% of participants.[85]

A closer look at more recent mediation processes and special representatives shows that little progress has been made since 2011. The overwhelming majority of current Special Envoys and Representatives mandated to engage in conflicts at high-level (track 1) are men. In addition, evidence collected between January 2012 and December 2016 suggests that peace processes and peace agreements continue to take place in a strongly male-dominated context across Africa (see box 3 below, and Annex 1).

Box 3: Women at the top?

The Panel of the Wise (PoW) is gender-balanced in terms of its composition. Members of the Panel (at the time of writing) include Dr. Speciosa Kazibwe (Uganda), Mr. Amr Moussa (Egypt), HE. Ellen Sirleaf (Liberia), HE. Nzet Bitéghé (Gabon), HE. Hifikepunye Pohamba (Namibia), three women and two men. As mentioned earlier, the PoW plays an important function as a resource and advisory body for the APSA. However, it is appointed Special Envoys or Representatives who undertake most mediation efforts. A closer look at the gender of Special Envoys and Special Representatives appointed by the AU showed, at the time of writing, that there was only one female AU Special Envoy, namely Ms Bineta Diop, as Special Envoy for Women, Peace and Security.

Moreover, the analysis of peace agreements, which were signed following mediation by the AU and/or RECs, shows a clear underrepresentation of women in high-level positions and in track 1 mediation. As for peace agreements signed between January 2012 and December 2016, it was found that four peace agreements were signed following a female leading mediator or guarantor. This means that 86% of peace agreements were signed with male leading mediators or guarantors. While counting the number of women does not tell us much about how women have influenced peace processes, and the presence of women in top-level positions does not ensure more gender-sensitive mediation or peace processes, these high-level positions undoubtedly exert a level of influence that could be important for women and women's groups. See Annex 1 for more background.

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[84] This number is due to the fact that H.E. Graça Machel was the only female member of a team of three lead mediators. (See: African Union (2017a).

[85] UN Women (2012)

The number of women participating in mediation processes in itself tell us little about the level of influence women have had in peace processes, which modalities they have used, or which factors hampered or enhanced their influence.[86] A combination of factors and modalities of engagement, such as early engagement of women in pre-negotiation phases, explicit support by leading mediators (male of female), adequate support structures, effective coalition building, among other factors, has been found to affect the level of influence women have had on mediation processes.[87] Box 4 below includes two examples from Somalia and the Democratic Republic of Congo of how women ensured their participation and which modalities proved successful for them to do so.

Box 4: Modalities of engagement: examples from the Democratic Republic of Congo and Somalia

Examples from various conflicts show the large variety in the intensity and types of engagement, often within one conflict. For example, in 2002, in the Democratic Republic of Congo,, women, despite their low official representation, managed to be instrumental in the Inter-Congolese Dialogue which later led to the Sun City Agreement. During the Dialogue, female officials (track 1) and larger groups of advisers on gender issues provided the official delegations with data and information, despite not being allowed to participate in the negotiations themselves. By comparison, at the Conference on Peace, Development and Security held in January 2008 in Goma, women wishing to participate in negotiations faced considerable resistance. Only a handful were able to participate and those present spoke primarily on behalf of armed groups.[88]

One example of how women can use existing power structures to ensure their participation comes from the 1999 Arta peace talks in Somalia. In Somalia, women have traditionally been excluded from the political sphere. The 1999 peace talks reflected this: participation was limited to male elders from the five traditionally dominant Somali clans, who intended to model the peace process structure on that of traditional Somali clans, de facto excluding women. To avoid this, 92 of the 100 female delegates present formed the so-called 'sixth clan', a joint women's coalition allowing them to transcend clan hierarchies and vote as a single block. This clan was able to ensure that 25 seats were reserved for women in the 245-member Transitional Assembly for women, and also negotiated gender-sensitive provisions to protect the human rights of children, women and minorities.[89]

The above examples in Box 4 indicate that the mere inclusion of women is not sufficient. Peace processes are delicate and sensitive processes, which can reinforce existing power structures. There is a risk that women that take part in negotiations reflect the concerns of women from elite communities and not necessarily that of poor or marginalised communities.[90] The participation and inclusion of women or women's groups is crucial, not just in the run-up to peace agreements, but also in the implementation and monitoring of the agreement.[91] Here, potential risks arise from the gendered perceptions of women, which can have serious implications for peacebuilding. For example, following Sierra Leone's civil war and the Lomé Peace Accord, a gendered interpretation of demobilisation initiatives meant that female ex-combatants were largely excluded and thus neither demobilised nor disarmed.[92] In both the Democratic Republic of Congo and Rwanda, gendered interpretations of women as being 'pacifying', 'nurturing' or 'humanising' overlooked the violence committed by women. Gender-blindness has facilitated the impunity of women and has hidden the full extent of violence committed during (and after) conflict.[93]

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[86]   Paffenholz et all. (2016)
[87]   *Ibid.*
[88]   Kvinna till Kvinna (2012)
[89]   Paffenholz et all. (2016)
[90]   IDEA (2015)
[91]   African Union Commission (2016)
[92]   IDEA (2015)
[93]   *Ibid.*

2.5.   Women and conflict prevention under the African Governance Architecture (AGA)

According to Murithi (2008), good governance and democracy are at the forefront of peace and security in Africa.[94] Despite improvements in the African governance landscape and the paradigm shift in peace and security, Africa still continues to face serious and dynamic threats to peace and security. These are mainly induced by deficits in democratic governance, the rule of law, constitutionalism, public service, as well as the protection of human rights and humanitarian affairs. The concepts of good governance and peace are interlinked, as good governance is necessary for peace and security and peace helps to achieve good governance.

2.5.1.   The African Governance Architecture (AGA)

The AU Constitutive Act provides for the promotion of "democratic principles and institutions, popular participation and good governance", as well as the protection of "human and peoples'" rights, in accordance with the African Charter on Human and Peoples' Rights and other relevant human rights instruments".[95] In 2011, the AU Assembly adopted a 'Declaration on Shared Values', affirming the importance of the harmonisation of instruments and the coordination of initiatives in governance and democracy.[96] Through the Declaration on Shared Values, the AU member states committed to promote the role of women in socio-economic life, prioritise the participation of women in governance and democracy, and secure their direct involvement in decision-making, in line with the 2004 Solemn Declaration on Gender Equality in Africa (SDGEA) and the Declaration on the African Women's Decade (2010-2020).

The AU Commission (AUC) established the AGA as a platform for dialogue between the various stakeholders who are mandated to promote good governance and strengthen democracy in Africa. Besides the AU Constitutive Act and the 2011 Declaration on Shared Values, the African Charter on Democracy, Elections and Governance (ACDEG) also guides implementation of the AGA. Key principles of the ACDEG include effective participation of African peoples in strengthening and consolidating democratic governance; respect for democratic principles; holding of free and fair elections; promotion of gender equality and youth empowerment; and rejection of unconstitutional changes of government.

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[94] Murithi, Timothy (2008). The African Union: Pan- Africanism, Peacebuilding and Development, Ashgate, Michigan University.
[95] African Union (2000)
[96] African Union (2011)

Graph 3: The African Governance Architecture (AGA) and members of the African Governance Platform (AGP)

## THE AFRICAN GOVERNANCE ARCHITECTURE (AGA)   *ecdpm*

The Africa Governance Architecture is an institutional framework aimed at connecting, empowering and building capacities of African peoples in strengthening governance and consolidating democracy in Africa.

African Governance Architecture initiatives

1. Generate and disseminate knowledge and data on democratic governance

2. Enhance coordination and cooperation among AU and RECs' organs on democratic governance

3. Promote implementation of AU shared values on democratic governance

4. Deepen popular development participation and citizen engagement

5. Enhance coordinated engagement on conflict prevention and post-conflict reconstruction

The members of the African Governance Platform (AGP)
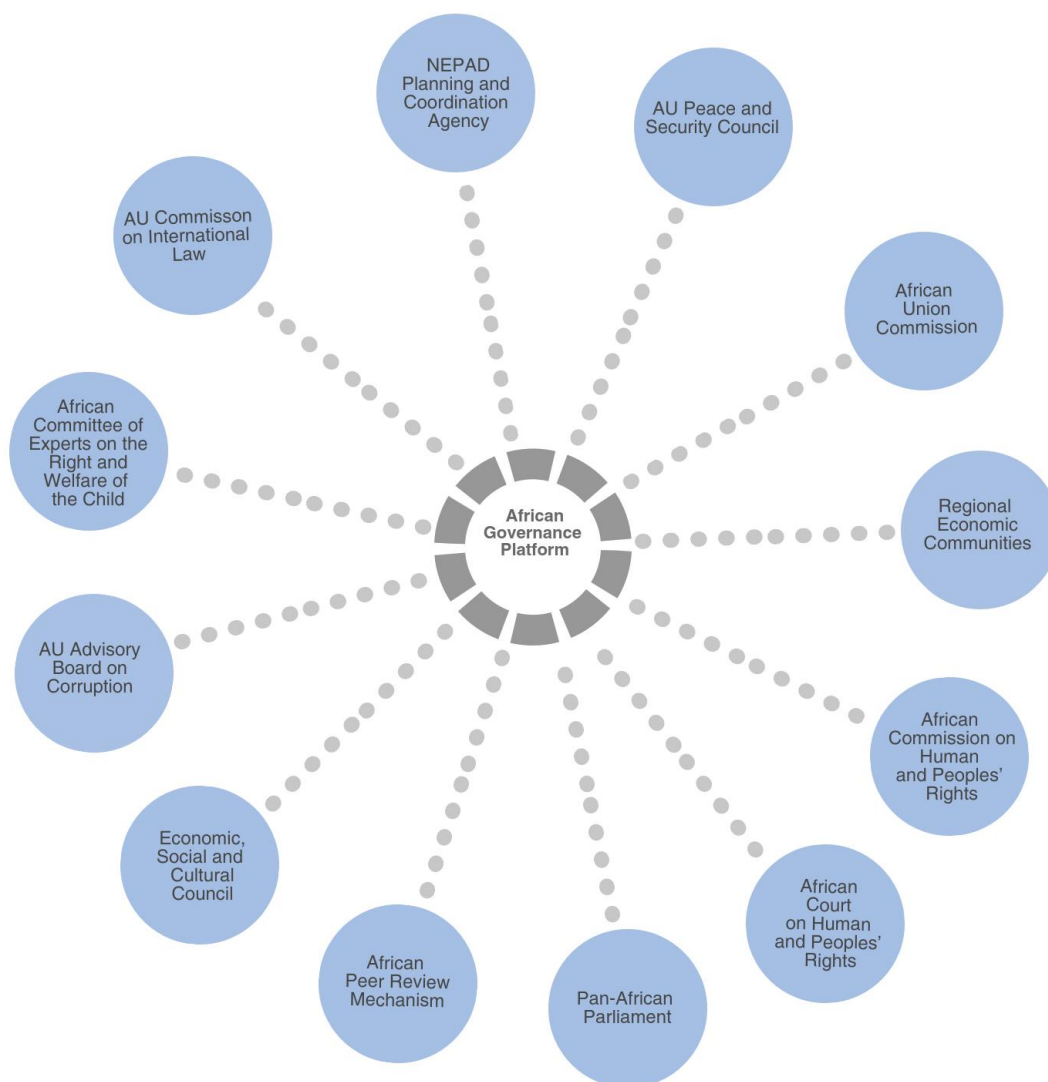
The AGA's objectives (as outlined in the AGA Framework Document) include inter alia; ratification, domestication and monitoring of African shared values instruments; deepening synergies, coordination, cooperation and harmonisation of shared instruments; supporting member states in governance and consolidating democracy; evaluating and reporting on implementation and compliance with AU norms on governance and democracy; and facilitating joint engagement and deepening synergies with APSA.[97]

2.5.2. Election observation as a mechanism for early conflict prevention

Electoral observation has been seen as a valuable tool for improving the quality of elections by building public confidence in the electoral process and may serve to promote electoral participation.[98] The 2002 OAU/AU Declaration on Principles Governing Elections in Africa[99] acknowledges, "the holding of free and fair elections is an important dimension in conflict prevention, management and resolution".[100] Between 1989 and 2013, the OAU, and later the AU, observed 423 elections in Africa.[101] The AU's election observation missions (AUEOM) are currently largely regarded as a technical activity, though they operate within a political atmosphere, at times marred with violence.[102] This is because, in addition to undertaking a technical assessment of how an election process is managed, these missions also provide an avenue for managing political tensions.[103]

Recent developments, including in Kenya and Burundi, reveal the linkages and correlation between contested elections and the outbreak of conflict. In order to avert the possible outbreak of conflict during an election cycle, the AU has always taken a 'preventive diplomacy' approach to election observation. It is in this approach that the AGA and APSA can complement each other. The AU has developed standard guidelines and principles for electoral monitoring[104]. According to the AU's Electoral guidelines, mediation falls within the scope of AU-mandated election missions.[105] Furthermore, during its 10th Retreat in May 2017, the AU PSC agreed that the "list of AU Election Observers and Election Monitors to be deployed in AU Member States should include members of the PSC who shall specifically focus on peace and security issues relating to the elections."[106] This highlights the importance given to election observation by the AU as a mechanism for early conflict prevention.

2.5.3. Women's roles in election observation missions

Participation of women in electoral processes ranges from participating as voters, candidates, election observers and administrators, to judges who resolve electoral complaints.[107] Election observation missions are most effective when their findings are both valid and accepted by the majority of citizens, meaning when they are more inclusive in terms of composition and observation.[108] It is important to consider the gender composition and balance of the observer team, as it can influence public perception of observer missions. In addition, integrating women into election observation missions might help ensure a more comprehensive understanding of the different barriers to political participation and the distinctive ways in which, for example, electoral violence affects men and women. Mere inclusion of women is no guarantee however for election observation missions to adopt a gender sensitive lens, as we will see below, but can be an important stepping stone.

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[97] African Union (N.d.)
[98] European Union, Handbook for European Union Electoral Observation, 3ed, 2016.
[99] African Union (2002)
[100] *Ibid.*
[101] Aniekwe & Atuobi (2016)
[102] *Ibid.*
[103] *Ibid.*
[104] African Union (N.d.2)
[105] Others include: Observation, Monitoring, Technical Assistance, Supervision and Audit. See Guidelines for African Union Electoral Observation and Monitoring Missions in African Union (2013).
[106] African Union (2017)
[107] *Ibid.*
[108] Cooper (2016)

The AU has adopted various instruments and declarations on the participation of women in political processes. In particular, Article 9 of the Maputo Protocol provides for the right of women to participation in decision-making processes. According to Article 9, states are obliged to "take specific positive action to promote participative governance and the equal participation of women in the political life of their countries through affirmative action, enabling national legislation and other measures".[109] These include ensuring the participation without any discrimination of women in all elections and that women are represented equally at all levels with men in all electoral processes.[110] The ACDEG specifically requires states to create necessary conditions for full and active participation of women in the decision-making processes and structures at all levels as well as in the electoral process to ensure gender parity in representation at all levels.[111]

Prior to the establishment of the Democracy and Electoral Assistance Unit (DEAU) in 2008, in the AU Commission Department of Political Affairs (DPA), most of the electoral observers were diplomats and conflict prevention was given relative priority over technical observation.[112] Under the DEAU, electoral observers are trained using the AU election observation methodology, international and AU instruments on election observation, the code of conduct for election observers, and they are trained on how to use an AU election observation checklist for gathering data. Each AU Election Observation Mission (AUEOM) comprises a technical team from the AUC, the Pan-African Parliament, and partner institutions. This structure underlines the AUEOM's focus on the technical aspects of elections, while retaining some level of diplomatic or political representation. The head of each AUEOM is appointed by the AUC and is tasked with reporting the mission's findings back to it.[113] The AU's Guidelines for Electoral Observation and Monitoring Missions state "[i]t is likely that election observation, monitoring and high profile supervisory or audit missions will be led by high-profile and respected Africans, backed by skilled and competent managers with relevant technical skills."[114]

Overall, the bulk of the Guidelines for Electoral Observation and Monitoring Missions are rather weak as regards gender.[115] Notwithstanding, each AUEOM is expected to include a gender and minority expert to focus on the issues of special concern including the participation of women, and provide an analysis of the legal framework from a gender and minority perspective.[116] The AUEOM's scrutinise the electoral system and legal framework to ensure there is no systematic exclusion of women from the electoral process and that special provisions are made for the representation and participation of women through, for example, quotas and special seats.[117] Although this is laudable, the focus on the legal framework may not address social and cultural barriers to women's participation and representation.

In practice, at the national level, the recruitment of women as election observers is hindered by factors such as lack of access to education and technology.[118] Furthermore, social and cultural norms may act as barriers to women's participation as electoral observers. For example, in historically violent contexts, women may be less willing to join election observer missions or they may face pressure from their families not to engage in them.[119] At the AU level, 50% of AUEOM teams should comprise of women. In order for half of the AU's observer list to consist of women, the selection for each mission is done according to the 'zebra' formula of one man, one woman.[120] However, AUEOM leadership remains a male-dominated field, as former or current (male) Heads of State have headed most previous election observation missions.

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[109] Maputo Protocol, Article 9.
[110] *Ibid.*, Articles 9(a) and (b).
[111] ACDEG, Articles 29(2) and (3).
[112] Aniekwe & Atuobi (2016)
[113] African Union (2013b)
[114] African Union (N.d.2)
[115] One guiding principle mentions gender (to "encourage the participation of African women in all aspects of the electoral process in accordance with the national laws"). Gender is only mentioned once as an issue of consideration to send an election observation mission or not ("Is the registration of voters undertaken without prejudice or discrimination on the basis of gender, race, religion, region or ethnicity?") See: African Union (N.d.2).
[116] African Union (2013) African Union Electoral Observation Manual
[117] Ibid.
[118] Cooper (2016)
[119] *Ibid.*
[120] Personal email correspondence with Guy Tapoko, Coordinator and Acting Head, Democracy and Electoral Assistance Unit, Political Affairs.

A survey of 83 elections between January 2012 and November 2017 shows that men headed 68 AU electoral observer missions, while women headed 15. This means that 82% of the AUEOM heads of mission were male. The figure on female heads of mission is low compared to the AU's target towards gender parity (see Annex 1 for more background). However, some examples, discussed in box 5 below, give some more positive evidence of increasing women's participation in election monitoring. These above figures say little about the potential impact of a mixed composition of men and women (as per the 'zebra principle') in election observation missions on the gender-sensitivity of observation and the recommendations of EOMs reports. It does highlight that in terms of leadership, the zebra rule has not been adhered to (see also Annex 1). Currently, the focus of the AU Guidelines for Election Observation Missions, and the AU Election Observation Manual, on the legal framework for participation of women suggests a more narrow focus, which omits the potential impact of gendered roles and power structures on the role of women in politics and elections. Finally, achieving gender parity within EOMs is no guarantee that gender issues will be addressed more structurally. This will depend on integrating gender more deeply in the AU's guidelines and manuals, and on training of election monitors.

Box 5: Gendering AUEOMs: example from The Seychelles

On 4 September 2016, the AU deployed the first all-female election observation mission to Seychelles for the parliamentary elections held from 8-10 September.[121] The AUEOM was led by Fatuma Ndangiza, former Chairperson of the African Peer Review Panel of Eminent Persons and comprised 26 short-term observers drawn from 21 African countries, representing institutions such as the Permanent Representatives' Committee, the Pan-African Parliament, Election Management Bodies and civil society organisations.[122] The short-term observers were deployed to complement the AUEOM's coverage of the election day procedures from the opening of polling stations to voting and counting procedures.[123]

This mission is noteworthy as it was deliberately designed to enhance the participation of women. According to the AUC, "[t]he mission was enabled to make critical observations of the whole electoral cycle, and specific analysis of issues in the Seychelles' electoral system through a gender lens" [...] and this also "influenced the deployment of more women security personnel at the polling stations on Election-Day."[124] In addition, it should be noted that Ms Bineta Diop supported the mission as Special Envoy for Women and Peace and Security, drawing attention to the potential of women for peacebuilding.[125]

In its assessment, the all female AUEOM paid considerably more attention to how gender issues are integrated into the entire electoral process including in electoral frameworks and structures, campaign financing, polling stations and in policing during the election day. For example, the AUEOM noted with concern the under-representation of women in electoral management as the five-member Electoral Commission of Seychelles comprised only one woman. Regarding campaign financing, in Seychelles, the Mission noted that there were no regulations obliging the allocation of funds to support female candidates, in contrast with countries such as Burkina Faso, Kenya, Mali, Cape Verde and Niger, which have provisions linking public funding to gender equality of political parties' candidates.[126]

Concerning voter registration, the AUEOM noted that there was a fairly high number of female registered voters and availability of sex disaggregated data. Women comprised 50.7% of the registered voters and were well represented at campaign rallies, at the polling stations as polling officials, polling agents, and citizen observers. However, the AUEOM noted that women were under-represented in the top leadership of parties, and as candidates. For instance, there was only one female president of a political party and only 20 of the 76 candidates (26.3%) were women.[127]

As part of the rights of special groups, pregnant women and nursing mothers were entitled to priority voting and special assistance. The mission also positively noted the presence of a fairly high number of women police officers deployed to support the election day process. Furthermore, the AUEOM acknowledged the participation of a large

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[121] African Union (2016c)
[122] *Ibid.*
[123] *Ibid.*
[124] *Ibid; also confirmed in personal correspondence.*
[125] *Ibid.*
[126] African Union (2016c)
[127] *Ibid.*

proportion of women election observers. Recommendations made by the AUEOM included: introducing mechanisms to improve women representation in the Electoral Commission of Seychelles and in the National Assembly; increasing opportunities for the participation of women in political leadership and as candidates for elections; and strengthening democratic governance in order to enhance women's participation in politics.[128]

The AUEOM to the Seychelles was in line with the African Union's declaration of 2016 as the "African Year of Human Rights with a Special Focus on the Rights of Women", and in recognition of the 2015 declaration of the Year of Women's Empowerment and Development towards Agenda 2063. The greater emphasis placed on women's issues, in comparison with other AUEOMs, was noticeable. Rather than a symbolic effort, some of these considerations could be incorporated in the AU's guidelines for EOMs, which remain rather narrowly focused on legal provisions concerning women.

The AU has changed its policy on the selection of heads of AUEOMs in order to increase the number of women heading missions, with selection criteria now focussing on selecting "a person that knows the intricacies of elections and is able to conduct mediation in a volatile political atmosphere."[129] This will allow the AU to build a list of female mediators from electoral management bodies as well as the diplomatic and legal fraternity.[130] However, this is not yet reflected in current appointments of heads of AUEOMs.

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[128] Ibid.
[129] Johais (2016)
[130] Personal correspondence with Sharon Ndlovu, Principal Political Analyst at the Department of Political Affairs of the African Union Commission.

3. Women and mediation in Africa: Observations from Kenya and South Sudan

The overview in Section 2 confirms that a multitude of strategies and instruments exist to mainstream gender in the AU's peace and security and governance agendas and to pay greater attention to women and gender in peacebuilding efforts and conflict prevention. How have these mechanisms been deployed and how have policies and commitments been adhered to, in particular as part of mediation efforts, to find durable solutions to conflict? This section looks more closely at two mediation processes, which took place under the umbrella of the APSA and/or AGA.

Through these case studies, we aim to respond to three sets of guiding questions (see box 6). The first set of questions aims to give a background to the conflict and/or crisis, including from a gender-sensitive perspective. The second set looks at how AGA and APSA actors deployed mediation efforts and how they took into account the role of women in the mediation process. The third group of questions serves to take a closer look at how women's groups participated in the mediation process, and what some of the challenges and successes were.

Box 6: Guiding questions case studies

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1. What were the origins of the conflict and/or crisis? What were the main factors influencing the conflict (with a particular focus on women from a gender-sensitive perspective)?
2. How have APSA and AGA actors been involved in mediation efforts to resolve the crisis? What was the result of these mediation efforts? How have mediation efforts taken into account the role of women during the mediation processes?
3. How did women and/or women's groups participate and engage with (both official and unofficial) mediation processes? What were the challenges and successes encountered? What were some of the strategies used by women and/or women's groups?

The two selected case studies are the mediation efforts following post-electoral violence in Kenya (2007-2008) and the mediation efforts following the outbreak of war in December 2013 in South Sudan (2013-2015). Both cases are quite different in many respects (including time-frame, actors involved, type of conflict, factors of violence, etc.). The main aim of these case studies is not to make an exact comparison, but to extract a number of observations, which could be informative for future mediation processes.

3.1. Kenya (2007-2008)

Box 7: Key observations Kenya

- The post-electoral violence in Kenya was the result of historical grievances, ethnicisation of politics, and the use of violence as a political tool. Within this setting, gender, violence as a political tool, and ethnicity collided, which resulted in widespread rape and sexual violence, as part of targeted attacks against women (and men).
- The mediation efforts in Kenya following the post-electoral crisis and violence were relatively inclusive as many women's groups were involved. They had explicit support by two of the leading mediators, Kofi Annan and Graça Machel. The women's groups implemented effective strategies to enhance their influence and involvement, such as coalition building and establishing joint positions.
- There is some evidence that APSA actors, including the AU Assembly Chairperson and the AU-mandated Panel played an important role in supporting the role of women's groups during the mediation in Kenya. There is little evidence, however, that this was a result of structural commitments to women, peace and security, but rather a result of the personal commitment of individual actors, such as Kofi Annan, Graça Machel and leading female figures in Kenya.

3.1.1. Post-electoral violence in Kenya

On 27 December 2007, presidential elections were held in Kenya for the fourth time since independence. Kenya is a multi-ethnic society of approximately 44 million inhabitants. The country's main ethnic groups include Kikuyu (22%), Luhya (14%), Luo (13%), and Kalenjin (12%). Kenya's (British) colonial governance model consisted of a strong centralised state, with a strong executive branch. After independence, in 1964, Kenya remained a single-party state until 1992, while a strong civil society developed during the 1990s.[131] In 2002, Kenyans had voted for a multi-party coalition led by Kibaki, but the governing coalition and its electoral promises collapsed by 2005, leading to "intensified polarisation and party politics, patronage and corruption often along ethnic lines."[132] Notably, President Kibaki failed to honour the agreement in the Memorandum of Understanding (MoU) with opposition leader Raila Odinga in which the latter was to be made Prime Minister under a reformed constitution.[133] Overall, observers noted three main factors for the outbreak of violence in 2007: (1) Historical grievances over land issues and discrimination, (2) Ethnicisation of politics, and (3) Tactical use of violence as a political instrument[134] (and, related to the latter, the relative impunity of security forces for crimes committed during earlier bouts of post-electoral violence in 1992 and 1997.[135]).

The 2007 election had seen many irregularities and observers note, "the 2007 election campaign had emphasised the ethnicity of the candidates and the parties."[136] Early warnings were raised in the months leading up to the election, and pre-election violence manifested itself through the disruption of rallies, theft and destruction of property, and gender-based attacks. Violence and harassment directed against women aimed to undermine the role of women in the electoral campaign and to influence electoral choices and outcomes in several ways. These included SMS messages with content demeaning to women, stripping and other forms of assault, sexual harassment, rape and restrictions to alienate women from the electoral campaign.[137]

When incumbent President Kibaki, head of the coalition Party of National Unity (PNU), was declared the official winner results were contested. This led the opposition leader Raila Odinga, from the Orange Democratic Movement (ODM), to believe he had won. While violence was initially directed at government property and institutions, it soon turned into targeted attacks against President Kibaki's ethnic group, the Kikuyu. The violence reportedly resulted in at least 1,133 deaths and displaced more than 600,000 people. Violence was accompanied with widespread destruction and looting of homes and properties, expulsion of people from their homes, and maiming of individuals.

Historical grievances over land and ethnical and regional discrimination, combined with the use of force as a political weapon and the perceived impunity of Kenyan security forces, informed the experiences of men and women during the electoral process and post-election violence. As the Centre for Humanitarian Dialogue notes, men's and women's experiences during the electoral process (including the campaign and post-electoral violence) were rooted in the social construction of their roles as women and men in Kenyan society. Furthermore, their *different* experiences are the result of flawed laws and institutions, such as political parties, which have contributed to an unequal representation of women and men in political processes. While women were raped, men were forcefully circumcised to "teach their ethnic groups a lesson", in addition to cases of sodomy.[138]

According to testimonies, reports from human rights groups, and hospital data, an official commission of inquiry into post-election violence estimated that at least 900 cases of sexual violence occurred.[139] Observers noted "this is likely an underestimate given the reluctance of survivors to report, the stigma

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[131] Inclusive Peace and Transition Initiative (2016)
[132] *Ibid.*
[133] McGhie and Wamai (2011)
[134] *Ibid.*
[135] *Ibid.*
[136] Human Rights Watch. (2008)
[137] Kenya Human Rights Commission (2008)
[138] Human Rights Watch (2008)
[139] Human Rights Watch (2016)

attached to sexual violence in Kenya, and fears of retaliation."[140] Sexual violence intersected with ethnic polarisation and targeted violence along ethnic lines. As Human Rights Watch notes, "Rape and other sexual violence were, to a large extent, directed at women and girls not only because of their gender, but also their ethnicity. Women and girls were raped as part of a broad pattern of violations against communities, and sexual violence was used to punish a particular ethnic group, instil terror, retaliate against them, or cause them to flee from a location."[141]

3.1.2. Mediation under the APSA

Multiple mediation efforts were launched immediately following the outbreak of conflict. These parallel efforts made forum shopping possible, which was compounded by the unwillingness of both Odinga and Kibaki to enter into talks in early January 2008. Early mediation efforts included those by Nobel Peace Laureate Archbishop Desmond Tutu, followed by the US Assistant Secretary of State for African Affairs, Frazier, a joint visit by the heads of state of Tanzania, Mozambique, Botswana and Zambia, and, in turn, followed, on 22 January, by the Chairperson of the EAC, Ugandan President Museveni, on an official two-day visit. On 8 January, in the wake of these regional attempts to gain agreement of the parties, the AU Chairperson, Ghanaian President John Kufuor, travelled to Kenya for external mediation.[142]

Following his visit, AU Chairperson Kufuor asked former UN Secretary-General Kofi Annan to take on the role of AU Special Adviser and AU Chief Mediator. Kufuor's selection was announced on 10 January and the AU mandated the Panel of Eminent African Personalities (the Panel), which was led by Kofi Annan and joined by Graça Machel and Benjamin Mkapa.[143] As observers note, this AU-mandated team "relied on worldwide diplomatic support, and had the technical support of the United Nations, including the Department of Political Affairs (DPA), the United Nations Development Programme (UNDP), and United Nations Office in Nairobi (UNON), as well as the Geneva-based Centre for Humanitarian Dialogue (HD Centre)."[144]

The Panel arrived in Kenya on 22 January, a little more than three weeks after the elections, and the official talks, entitled the Kenya National Dialogue and Reconciliation (KNDR), launched on 28 January 2008. Its objectives were twofold: (1) to bring about a political resolution in order to end violence; and (2) to address the longer-term structural problems in Kenya that had enabled this level of violence and lay the basis for the reforms needed to build sustainable peace in the country. The mediation process followed an agenda that consisted of four items. The first three focused on finding an immediate solution[145] to the crisis, while the fourth agenda item ('Agenda Four') focused on Long-Term Issues and Solutions.[146]

In the final stretch of the formal mediation efforts, Kofi Annan asked AU Chairperson and Tanzanian President Kikwete, who had succeeded President Kufuor, to join him, together with former Tanzanian President Benjamin Mkapa. This decision brought added pressure and leadership from the East African region, but also indicated the joint approach by the AU, as the Chairperson put his full weight behind the mediation. On February 28, a final power-sharing agreement was reached. The agreement established Kibaki as President and Odinga as Prime Minister, as well as the creation of three commissions: the Commission of Inquiry on Post-Election Violence (CIPEV), the Truth, Justice and Reconciliation Commission and the Independent Review Commission on the General Elections.[147]

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[140] *Ibid.*
[141] *Ibid.*
[142] McGhie and Wamai (2011)
[143] IPI (2009)
[144] *Ibid.*
[145] The parties agreed to a four-point agenda, which included Agenda Item 1: immediate action to stop violence and restore fundamental rights and liberties; Agenda Item 2: immediate measures to address the humanitarian crisis, and promote healing and reconciliation; Agenda Item 3: how to overcome the political crisis; and Agenda Item 4: addressing long-term issues, including undertaking constitutional, legal and institutional reforms; land reform; tackling poverty and inequality, as well as combating regional development imbalances; tackling unemployment, particularly among the youth; consolidating national cohesion and unity; and addressing transparency, accountability, and impunity.
[146] McGhie and Wamai (2011)
[147] IPI (2009)

3.1.3. Women and mediation in Kenya's post-electoral crisis

The mediation process initiated following the eruption of violence is generally praised as an approach, which was both gender-sensitive and inclusive of women.[148] The representation of women in the mediation process in Kenya was indeed high in comparison with previous standards of formal mediation processes: women were represented in the two official mediation teams, one of the three Panel members was a women (Machel), and women were also involved as senior advisers for the UN and the AU Panel.[149] While this is significant, the Centre for Humanitarian Dialogue (which was closely involved in supporting the mediation process) has pointed out that an understanding of the structural and political dynamics of participation focuses on the role, influence and approach women and women's organisations followed, rather than their numbers.

Immediately following the outbreak of violence, civil society organisations came together to discuss the situation and were deemed essential in pushing for external mediation, media involvement and lobbying the international community. Two groups were particularly active from the start: the Concerned Citizens for Peace (CCP) and the Kenyans for Peace with Truth and Justice (KPTJ).[150] As the peace processes progressed, some women, most notably from the CCP, wanted to address the conflict from a gendered perspective and formed the Kenya Women's Consultative Group (KWCG). Most of the women forming the KWCG had similar professional backgrounds in peacebuilding, development and humanitarian work. The majority of women from the CCP, KPTJ and KWCG did not have strong connections to conflict-affected areas outside Nairobi. However, they were known thanks to their professional reputation and active role in civil society organisations.[151] For example, Florence Mpaai, an experienced African peacemaker and the then Director of Nairobi Peace Initiative, was among the key initiators of the women's coalition.[152]

A variety of modalities were used by civil society, including women and women's groups, to influence the mediation process. These included: (public) consultations, coalition-building, advocacy and outreach, and lobbying. For example, the KWCG sent invitations to various women's organisations to seek women's perspectives during various consultation rounds. A number of factors helped women play a significant role, including the presence of strong women's groups in Kenya and a supportive attitude from the AU mediation team. In general, Kenyan women had been involved in peace processes for some time, both in Kenya and the region, and had undergone international training. Moreover, these three groups were already active when the formal mediation process began, which facilitated their engagement in the track 1 process. The groups directly contacted the mediators once the formal mediation started and went on to become semi-official consultative bodies.[153]

In particular, AU Panel-member Graça Machel strongly supported a group of twenty women from the KWCG in issuing a Joint Memorandum, which they later presented to the mediation team (the box below provides more information on the role of Machel).

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[148] Federer and Gasser (2016)
[149] McGhie and Wamai (2011)
[150] Inclusive Peace and Transition Initiative (2016)
[151] *Ibid.*
[152] Paffenholz et all. (2016)
[153] *Ibid.*

Box 8: The role of Graça Machel during the Kenya mediation (2008)

It is widely agreed that the presence and role of Graça Machel was a pivotal factor in enhancing and empowering women's participation during the formal mediation process in Kenya from January to February 2008. It should be noted that while the mediators held frequent ad hoc consultations with civil society and other groups, it was not formalised as part of the mediation. Machel's experience through her work in Kenya on the Africa Peer Review Mechanism (APRM)[154] meant she possessed the skills and seniority to push issues at a certain political level, which other women would not be able to reach. Through her work for the APRM, Machel obtained a good understanding of underlying societal dynamics (and the ethical and political polarisation), and built strong networks with civil society across the country.

Furthermore, Machel actively pushed women of the KWCG to overcome the differences and divisions between them to encourage greater focus on women in the processes. During a Women's Consultative Meeting (the so-called Women's Caucus) on the Kenyan Crisis on 24 January 2008, divisions based on party affiliation and ethnicity became obvious. Machel advised the women to find common ground, which resulted in an "airing" or "spitting" session where all differences were put on the table. This session led to the Joint Women's Memorandum, which was presented to the mediation team on 25 January by a committee of 12 women representing various organisations.[155]

Machel also requested that each delegation (consisting of four members each) of the formal mediation process have a female representative. This resulted in some tension, as women from the formal delegations represented their respective parties, on the basis of party loyalty and not necessarily from a gendered perspective. This indicates that political representation of women is important but not a guarantee to ensure a gendered perspective.[156]

The joint Women's Memorandum addressed the gendered dimensions of the conflict, land distribution, constitutional reform, women's rights, highlighted the gendered impacts of humanitarian relief, and made recommendations to address the root causes of violence through constitutional reform and transitional justice systems, among other items. It further called for mainstreaming gender-sensitive language in the negotiation agenda and agreements and for the implementation of UNSCR 1325.[157]

Observers closely involved with the mediation process underline its importance in shaping Agenda Four, as it called for an understanding of the violence and its resolution in a broader context of women peace and security; drawing from UNSCR 1325, the AU Constitutive Act, the Solemn Declaration and the African Charter on the Rights of Women.[158] This indicates that existing commitments at the AU level offered women an important source of leverage to call for national implementation of these frameworks to solve the crisis in Kenya. However, not all recommendations were taken on board, including, for example, the recommendation to appoint a gender adviser to the formal mediation team. Further, observers note the lack of gender-sensitive language in the final agreement, which was a missed opportunity to incorporate gender-sensitive mandates for the post-agreement Commissions. While women were part of the leadership of the Truth, Justice and Reconciliation Commission and the Independent Review Commission on the General Elections, there were no female leaders in the Commission of Inquiry on Post-Election Violence (CIPEV). Especially for the work of the CIPEV, the omission of gendered perspectives for its activities, composition and methodology had significant effects on its structure, including the lack of female leadership and the ad hoc and isolated approach taken to how women and gender were addressed in the CIPEV's report. [159]

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[154] The APRM is a Specialised Agency of the African Union (AU), initiated in 2002 and established in 2003 by the African Union in the framework of the implementation of the New Partnership for Africa's Development (NEPAD). Member countries use the APRM to self–monitor all aspects of their governance and socio-economic development. The voluntary self-assessment covers all branches of government – executive, legislative and judicial – as well as the private sector, civil society and the media. The APRM covers four thematic areas: democracy and political governance; economic governance and management; corporate governance; and socio-economic development. See: http://aprm-au.org/index

[155] McGhie and Wamai (2011)

[156] *Ibid.*

[157] Inclusive Peace and Transition Initiative (2016) and McGhie and Wamai (2011)

[158] McGhie and Wamai (2011)

[159] *Ibid.*

Women took part in mediation as part of the CCP and KPTJ, in addition to the women who were part of the two official (PNU/government and ODM) delegations, too. The CCP operated as an open forum for women to interact and exchange ideas through thematic working groups, while the KPTJ was a group of 30 organisations and individuals from the human rights sector, which exchanged information with the negotiation parties and the Panel. Both the CCP and KPTJ were relatively gender-balanced in terms of staff and participants.[160] Women from various organisations used an array of informal strategies to inform the mediation process: reaching out to male delegates at the table, known to them through their political networks, working with female leaders who could connect them to the leadership of the political parties, and lobbying the wives of President Kibaki and opposition leader Raila Odinga. As mentioned above, there was no structural or formal engagement with civil society and women's groups as part of the Panel's mandate, but the Panel met with women's leaders and civil society leaders on an ad hoc basis.[161]

3.2.   South Sudan (2013-2015)

Box 9: Key observations South Sudan

- The conflict in South Sudan has had significant impact on women and girls, with widespread sexual violence and abuse, fuelled by forced disarmament, the circulation of illegal arms, mass displacement, growing inter-communal violence and a proliferation of armed groups. The role of women as drivers of violence is largely missing from most conflict analysis and research on South Sudan.
- Attempts were made by the IGAD mediation and by the AU to ensure the participation of civil society and women groups in the formal mediation process, as well as in informal reconciliation and community level mediation. A women's bloc participated in the formal process but was seen as weak and co-opted.
- There has been an attempt by women's groups to offer recommendations and issue joint positions to APSA bodies, such as by the Task Force on Women's Engagement. However, structural support for women's inclusion has been haphasard and weak, indicating a lack of commitment for meaningful participation of women's groups. This has led to a lack of structural exchanges with women's groups by the IGAD mediation and is reflected in the weak sensitivity to women's issues in the 2015 August peace agreement.

3.2.1. Civil war erupts in South Sudan

South Sudan gained independence from Sudan in July 2011, following a long civil war. In December 2013, a simmering power struggle within the ruling party, the Sudanese People's Liberation Movement (SPLM), between South Sudanese President Salva Kiir and (former) Vice President Dr. Riek Machar, came to a head.[162] This conflict represented the accumulation of unresolved political disputes within the leadership of the SPLM, and fundamental disagreements on the party and country's leadership, governance, and direction.[163] In July 2013, President Kiir dismissed Machar from his position of Vice President[164] along with all the other members of the cabinet. Machar accused Kiir of abusing his executive authority and publicly announced his intention to challenge Kiir in the 2015 elections. By late December 2013, political tensions between South Sudan's leaders erupted into clashes in the streets of the capital, after which the political crisis escalated into a societal conflict in which longstanding ethnic divisions were fuelling the violence. Both leaders leveraged existing ethnic tensions, mobilising supporters throughout South Sudan. Kiir and Machar are each from the two largest ethnic groups in South Sudan – the Dinka and Nuer.[165]

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[160] Inclusive Peace and Transition Initiative (2016)

[161] McG McGhie and Wamai (2011)

[162] Enough Project (2014b)

[163] The origins of the dispute can be traced back to differences that arose in the leadership of the Sudan People's Liberation Army (SPLA) during the armed struggle against the government in Khartoum, Sudan. Following an attempted coup against then Commander-in-Chief, Dr. John Garang de Mabior and the SPLA split primarily along ethnic lines into two contending factions. The following Nuer-Dinka fighting and inter-communal massacres, most notoriously in and around Bor, left a significant mark on the SPLA and later the SPLM. See: Enough Project (2014b).

[164] Enough Project (2013)

[165] *Ibid.*

Since the start of the conflict, the violence between the Government of South Sudan (GoSS) and the Sudan People's Liberation Movement/Army in Opposition (SPLM/A-iO) has deepened, mainly pitting forces loyal to President Salva Kirr and former Vice-President Riek Machar respectively against each other. A knock-on effect, partly as a result of lack of unified leadership on the side of both main warring parties, has been the proliferation of armed groups in the country. In addition, the lack of a resolution to the conflict led to the spreading of violence across the country, including to provinces that were previously unaffected by the conflict.

Gender-based violence has been widespread in the South Sudan conflict. Following a visit in Bentiu, South Sudan, the UN special representative on sexual violence in conflict, Zainab Bangura, said the "nature of sexual violence in South Sudan is the worst she has seen in almost 30 years."[166] According to the UN, the scale and severity of sexual violence increased with the outbreak of the conflict in December 2013. The UN adds that forced disarmament, the circulation of illegal arms, mass displacement, cattle raiding, inter-communal violence and food insecurity increased the vulnerability of women and girls to sexual violence in South Sudan.[167] Observers add that women have also played a role in inciting violence in South Sudan, an aspect that has been frequently overlooked. While not many women have joined the ranks of the SPLA, women have played a role as drivers of war, inciting male members of society to participate in conflict.[168]

3.2.2.   Mediation under the APSA

Immediately following the outbreak of violence, IGAD began with shuttle diplomacy, led by Kenya and Ethiopia's Ministers of Foreign Affairs, Amina Mohammed and Tedros Adhanom.[169] IGAD held a summit in Nairobi, on 27 December 2013, and appointed three Special Envoys (Ambassador Seyoum Mesfin of Ethiopia and General Lazarus Sumbeiywo of Kenya). As Sabala notes (2017) all three mediators were male and had a military background, but were however concerned about the inclusion of a representative group of women.[170]

In this early phase of the IGAD-led mediation, the so-called pre-negotiation phase, talks were mainly between the Government of South Sudan and the opposition forces, the Sudan People's Liberation Movement-in-Opposition.[171] Women only participated at a later stage in plenary sessions or in lower-level consultation, where the inclusion of issues raised by women had less impact on the pre-defined agenda.[172] A Cessation of Hostilities (CoH) agreement[173] was signed on 23 January between the Government of South Sudan and the Sudan People's Liberation Movement/Army in Opposition.[174] The CoH agreement from January 2014 included the establishment of a Monitoring and Verification Mechanism (MVM). The MVM documented numerous violations, in spite of various additional agreements signed by the warring parties in the first half of 2014.[175]

The second phase of negotiations, the All-Inclusive Political Dialogue and National Reconciliation, was launched in February 2014. During this second phase women from civil society and faith-based organisations participated in greater numbers.[176] Peace talks were held in several intervals over the course of 2014 and 2015, in the Ethiopian capital Addis Ababa, but were largely inconclusive until the first months of 2015. Several parallel formal mediation processes took place. For example, during a reunification attempt between the various factions of the SPLM/A and SPLM/A-IO, the SPLM-Juba of Salva Kiir, the SPLM-In Opposition of Riek Machar, and the SPLM-G10 "Former Detainees" signed an agreement on the reunification of the SPLM, in Arusha in January 2015, brokered by Tanzania.[177] Also in January 2015,

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[166] Gbowee (2015)
[167] United Nations Security council (2015)
[168] Lefurgey (2017), see also: Walender (2016).
[169] Sabala, (2017)
[170] *Ibid.*
[171] One female member of parliament was part of the government's negotiating team, see Sabala (2017)
[172] *Ibid.*
[173] Enough Project (2014a)
[174] *Ibid.*
[175] IGAD (N.d.)
[176] Sabala (2017)
[177] Radio Tamazuj (2015)

China organised peace talks between the Government of South Sudan and the SPLM/A-IO in Khartoum, Sudan.[178]

Under mounting pressure from the international community (including the African Union, China, the United Nations and the Troika for South Sudan, comprising of Norway, the United Kingdom and the United States), and after breaking seven ceasefire agreements, negotiations restarted in early August 2015[179] with the two warring factions signing a peace deal in late August 2015.[180] The Agreement for the Resolution of the Conflict in South Sudan (ARCSS)[181] of 17 August 2015 set out the establishment of a Transitional Government of National Unity of the Republic of South Sudan (TGoNU), as well as a number of other institutions, including a Ceasefire and Transitional Security Arrangement Monitoring Mechanism, a Commission for Truth, Reconciliation and Healing, and a Hybrid Court for South Sudan. It also stipulated the establishment of a Joint Monitoring and Evaluation Commission (JMEC) responsible for overseeing the implementation of the agreement.

The African Union largely played a supportive role for the mediation efforts led by IGAD, by expressing and providing diplomatic support, and did not undertake any mediation efforts of its own. Nevertheless, the AU was present in the country through its AU Liaison office in Juba.[182] Despite not having played an active role in the mediation, in April 2015, the IGAD Special Envoys invited the AU, together with other international actors, to form the so-called IGAD Plus formula. This expanded mediation mechanism was developed to increase pressure on the government of South Sudan and the SPLM/A-IO to engage in the peace talks and sign a proposed agreement. In June 2015, the AU appointed Alpha Oumar Konaré as AU High Representative for South Sudan, to strengthen the AU's participation in the IGAD-Plus mediation. This went hand in hand with the establishment of an AU High-Level ad hoc Committee comprised of the Heads of State and Government of Algeria, Chad, Nigeria, Rwanda and South Africa.[183]

A number of other parallel undertakings by the AU are noteworthy. The AU Peace and Security Council decided on 30 December 2013 to establish the **AU Commission of Inquiry on South Sudan (AUCISS).**[184] The Chairperson of the AU Commission appointed three members for this Commission of Inquiry in March 2014: former President Obasanjo of Nigeria (Chair), Honourable Sophia Akuffo (Ghana), Ms Bineta Diop (Senegal, and AU Special Envoy for Women, Peace and Security), Professor Mahmood Mamdani (Uganda), and Professor Pacifique Manirakiza (Burundi). Initially mandated for three months, its mandate was extended by the AU Assembly in July 2014 for another three months.[185] While the final report was submitted to the African Union in October 2014, a decision on the report scheduled for the AU Summit held in January 2015 was cancelled out of fear it would derail ongoing mediation efforts by IGAD. The final report was released in January 2015.

The AUCISS was the first of its kind and mandated to document human rights abuses and offer recommendations on justice and reconciliation.[186] While the Terms of Reference (ToR) did not make explicit mention of women and/or gender, the methodology of the AUCISS had an explicit reference to gender and women. This has been attributed to the presence of the Special Envoy for Women, Peace and Security, which provided the necessary drive to incorporate aspects of women, girls and gender in the AUCISS' work. In addition to her participation in the AUCISS, the Special Envoy for Women, Peace and Security undertook a number of solidarity missions in South Sudan "to encourage women and influence decision-makers' commitments to their decision to protect and promote women."[187]

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[178] VOA News (2015)
[179] Lebhour (2015)
[180] Dumo (2015)
[181] IGAD (2015)
[182] The AU's liaison office was established in 2008, mainly to support South Sudan in the implementation of the Comprehensive Peace Agreement (CPA) between Sudan and South Sudan. After South Sudan's independence, the office monitored the overall political and security situation in South Sudan and continued to work on the implementation of the CPA, tasked with fostering good relations between Sudan and South Sudan.
[183] African Union (2015)
[184] African Union Peace and Security Council (2013)
[185] African Union (2014b)
[186] Human Rights Watch (2015)
[187] Sabiiti (2017)

3.2.3. Women and mediation in South Sudan

The inclusion of women's groups, and civil society at large, in the mediation process led by IGAD has not been straightforward. Observers closely involved in the process assert that, while the IGAD-led mediation process was inclusive on paper, in reality, the inclusion of women's groups, and civil society at large, was very limited.[188] Immediately following the outbreak of violence in December 2013, women and women's organisations in South Sudan mobilised around the mediation process. For example, supported by international advocacy groups, such as The Institute for Inclusive Security, women from the Taskforce for the Engagement of Women in Sudan and South Sudan participated in technical capacity-building workshops, mapping and lobbying stakeholders and formulating technical recommendations to increase the gender-sensitive implementation of the Cessation of Hostilities Agreement mediated by IGAD in January 2014.[189]

Other women's groups include South Sudan Women's Empowerment Network (SSWEN), South Sudan Women Peace Network (SSWPN), Women General Association, the Women Monthly Forum, faith-based organisations and women entrepreneurs.[190]

While observers noted willingness, in principle, in the IGAD's mediation efforts to include civil society, the warring parties (the Government of South Sudan and the SPLM/M-In-Opposition) were seen as hesitant to include civil society representatives. Moreover, the process of selection for civil society was reportedly ill-managed by the IGAD, leading to a flawed representation and much frustration, as well as growing divisions among civil society organisations.[191] According to observers, "Though they [civil society] were allocated some seats, the selection process was co-opted by the warring parties. It's unsurprising, then, that the proposed agreement is based on the interests of the belligerents, not on any substantive consultation with affected communities." [192] In addition, Sabala (2017) notes, the structural underrepresentation of women, or a women's negotiating party, in the pre-negotiations phase (in early 2014) limited the chances of women's issues being included in the final agenda for the peace talks and subsequently in the final agreement. The participation of women and civil society was contingent on the agenda: stakeholders, including the Women's Bloc, were not always invited to plenary, and sometimes only consulted or attended as observers. As a result, the references to women in both the Cessation of Hostilities Agreement (CoH) and the August 2015 agreement are shallow.[193]

Ultimately, women were given a seat at the table, as part of the so-called Women's Bloc, while civil society was given observer status in the mediation processes. The Women's Bloc co-signed the August 2015 peace agreement and has a seat in the Joint Monitoring and Implementation Commission responsible for the implementation of the August 2015 peace agreement. However, experts closely involved have noted the lack of representativeness of the Women's Bloc, which was increasingly seen as siding with the Government of South Sudan.[194]

Women mobilised outside the formal mediation process, too, continued their work with the support of individual women's leaders, such as Betty Bigombé and Stella Sabiiti.[195] Another important group of women, as mentioned above, was the Taskforce for the Engagement of Women in Sudan and South Sudan (The Taskforce). Initially, the Taskforce was established in January 2013 with the objective "to increase the inclusivity and effectiveness of the implementation process of the nine Cooperation Agreements between both Countries".[196] Since the outbreak of violence in South Sudan in December 2013, the Taskforce has also focused on developments in South Sudan and has received support from international organisations to access and influence the mediation process through logistical and financial

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[188] Personal interviews, October 2017
[189] Personal interview, October 2017; see also: Inclusive Security (2014).
[190] Sabiiti (2017)
[191] Citizens for Peace and Justice Letter to IGAD, 12 June 2014
[192] Case (2015)
[193] Sabala, K. "South Sudan's 2015 Peace Agreement and Women's Participation." *African Conflict & Peacebuilding Review*, vol. 7 no. 1, 2017, pp. 80-93.
[194] Personal interview, October 2017
[195] Personal interview, October 2017
[196] Inclusive Security (2014)

support, coordination meetings, and capacity-building workshops. Their work included the release of joint statements, the formulation of technical recommendations to the IGAD mediation team and, after August 2015, to the JMEC, outreach to individuals with a formal role in the mediation, and lobbying at the African Union and outside the continent. The JMEC welcomed the Taskforce's involvement and recommendations, but was seen as too weak to take these recommendations further.[197] Outside the formal mediation process, the Taskforce was also engaged in community-level mediation, in both Nuer and Dinka communities, and thus without the explicit support or backing of the IGAD-led mediation.

The interaction between other APSA actors and women's groups, including the Taskforce, has been more limited. The work of the AUCISS was seen as important in gathering evidence on human rights violations and the excessive use of force, as well as gender-based violence and abuses. Its work has led to the recommendation of establishing a Hybrid Court, which was included in the August 2015 peace agreement. However, the AU, despite its role in the AUCISS, the IGAD-Plus and its High Representative, has not actively called for the establishment of the court and has not been able to push the Government of South Sudan (nor the IGAD) to undertake the necessary steps. The AU High Representative for South Sudan has been relatively absent and has not been closely involved with the mediation process. Women's groups have received support from individuals within the African Union, both at the more technical level and at the higher levels of decision-making, but this has not been part of a structural or strong approach by the African Union.[198]

In July 2017, the IGAD announced its decision to launch a High Level Revitalisation Forum "of all parties to the Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS) including estranged groups".[199] While IGAD envoys have announced more civil society groups would be involved[200], including women's groups, observers note that this will be highly unlikely. Since the 2015 August peace agreement, and the lack of a unified opposition, a multitude of warring parties are vying for a seat at the table, which is expected to make the space for women's participation shrink.[201] Combined with IGAD mediators who have so far paid lip service to inclusivity, experts have little hope that a more inclusive and gender-sensitive process will be initialised under the Revitalisation Forum.

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[197] Personal interview, October 2017
[198] *Ibid.*
[199] IGAD (2017)
[200] Oyango (2017)
[201] Personal interview, October 2017.

4. Conclusion

Given that the participation of women in peacemaking has shown mixed results for the Women, Peace and Security agenda, this paper sought to address the issue of women's participation in conflict resolution and prevention in Africa, notably in peace processes and election observation missions. It gave an overview of the mechanisms and policies in place at the level of the African Union for promoting and increasing the participation of women in peace processes and election observation, and focused on the two continental frameworks used to implement these commitments and policies, namely the African Peace and Security Architecture (APSA) and the African Governance Architecture (AGA).

Women and peacemaking: a rich set of policies

The study provided an overview of the multitude of policies and initiatives underway to implement the AU's commitments towards gender equality and the Women, Peace and Security agenda, informed by UN Security Council Resolution 1325. It showed the considerable linkages between the APSA and AGA, notably, in the field of conflict prevention and mediation, which make both frameworks relevant for future efforts to strengthen the participation of women in peacemaking.

Increasingly, efforts are being made to develop more synergies between both frameworks, mostly at the institutional level, but opportunities for more synergies are also taking shape on the ground, for example, through renewed efforts to ensure gender parity and reinforce technical expertise in election observation missions. However, this finding also indicates a risk for duplication, untapped synergies and parallel efforts. So far, gender parity, a key principle enshrined in the AU's foundational documents, is far from being achieved. The overwhelming majority of AU election observation missions across Africa between January 2012 and November 2017, namely 82%, were headed by male heads of mission. Guiding documents for election observation adhere to a rather narrow focus on legal frameworks, omitting, to a large extent, the impact of gendered roles on political participation before and after election days. As regards mediation, it was found that no less than 86% of peace agreements signed between January 2012 and December 2016 were signed with male leading mediators or guarantors. Only one woman is currently appointed as Special Envoy by the African Union.

Implementing the AU's women, peace and security agenda: laudable yet ad hoc efforts

We researched two carefully-selected case studies – Kenya (2007-2008) and South Sudan (2013-2015) – for evidence on how these mechanisms have been deployed, how commitments have been implemented, and how they have intersected with factors on the ground; looking specifically at mediation efforts. On the basis of three sets of guiding questions, we looked at the sources of conflict and grievances within these two cases, how the AU and/or RECs intervened through mediation, under the umbrella of the APSA and AGA, and how women were involved in the mediation process. From these two case studies, we noted that:

- **The involvement and participation of women in AU and REC-led mediation efforts is neither systematic nor consistent.** The adherence to commitments vis-à-vis the participation of women in mediation is not implemented in a consistent manner. In both case studies, efforts were made to include women's groups, engage with women's groups, or offer them a seat at the table. Nonetheless, the approaches taken indicate that women's involvement mainly depends on their own efforts (with support from external partners, and at times the AU and RECs) and that mediators mostly pay lip service to the commitment to involve women and women's groups.

- **The commitments towards women and mediation are a potential hook for women to build their case for increased participation; but do not seem to provide a strong incentive for mediators to encourage this**. This means that, while mediators signal the importance of including women (for example, through official communication), the reality during the mediation process is often different. Women's groups have made reference to the AU and RECs commitments towards the participation of women in peacemaking, and have used that to justify their participation and devise their strategies of engagement, for example, through position documents, recommendations and mass campaigning.

- **The involvement of and exchanges with women's groups is often not sustained throughout the mediation process, which hampers the implementation of peace agreements**. In both case studies, women were involved either too late, infrequently, or only in the pre-agreement phase of the negotiations, while their influence became more limited during the implementation phase. Lack of structural engagement in the pre-negotiation phase, in turn, can mean that women or women's groups are not able to influence the agenda or structure of formal mediation. Early inclusion of women's groups increases the opportunity for women's groups and mediators to incorporate issues that will affect the implementation of the peace agreement, such as women's (or women's groups') participation in committees and monitoring bodies.

- In addition, there was **little evidence of continuous feedback loops with women or women's groups initiated by mediators**, a potentially powerful tool for increasing meaningful participation of women in developing and implementing peace agreements. Rather than one-off opportunities, women's groups demanded continued involvement, in a wide number of aspects, including post-conflict reconstruction and humanitarian aid.

- **In most cases, the incorporation of gender issues in mediation efforts remains limited to the Women, Peace and Security agenda and does not look at broader implications of the effects of conflict on women and men, the impact of conflict on men and boys, or how gendered notions are causal drivers of conflict.** Arguably, this is partly a reflection of the focus on gender, in most of the AU's guiding documents, as defining women and girls, often in reference to sexual violence, as victims of war coping with conflict. This is also the case for the overwhelming majority of official reports and communiqués by the AU and RECs (on various conflicts across Africa) and has significant consequences for the activities of the AU when responding to conflict and addressing gender and women's issues.

- **While AU statements and reports signal the role women and girls ought to play in peacemaking, as well as the importance of their participation, effectively, the focus has been on protecting women and girls by preventing sexual violence.** This is also true for the laudable work of the AU Special Envoy for Women, Peace and Security, including the Envoy's so-called 'solidarity missions' to conflict-affected areas. The AU Special Envoy for Women, Peace and Security could potentially play a more direct and prominent role in advocating for women's inclusion in ongoing peace processes and peacebuilding, by lobbying mediators, offering good offices, and providing technical support, amongst others.

- **The lack of strategic exchange between the various initiatives, at AU level, during mediation processes results in missed opportunities for creating synergies**. The AU and RECs support mediation efforts in different ways, using various tools at their disposal. In both cases, laudable efforts were made to underline aspects of the Women, Peace and Security agenda, but more often than not, these happened in parallel and were fragmented across the various initiatives.

Looking ahead

The recent establishment of FemWise-Africa, as a subsidiary of the AU Panel of the Wise, which aims to increase the implementation of the commitments to include women in peacemaking in Africa is timely. It provides an opportunity to address the slow progress made in including women in the field of conflict resolution and prevention. How FemWise-Africa will participate in mediation efforts launched by the AU and/or RECs in the future and advocate for the meaningful participation of women, at all levels of

mediation, remains to be tested. It is not clear how FemWise-Africa will coordinate its work with existing initiatives and efforts, such as the Gender, Peace and Security Programme in the AU Commission's Department of Peace and Security (PSD). Nor is it clear how it will ensure synergies with the recently established mediation support unit in the PSD, or the Inter-Departmental Task Force on Conflict Prevention, situated between the Departments of Political Affairs (DPA) and Peace and Security (PSD). It also remains to be seen how FemWise-Africa will address the role of women (and gender) in electoral cycles, before during and after elections)

Looking at the wider global framework in which these efforts towards the improved participation of women and girls take place, it is clear that UN Security Council Resolution 1325 has provided – and continues to provide – an important point of reference for both policymakers and donors. More recently, UN Security Council resolution 2255 on youth, peace and security has been hailed as a step towards widening the involvement of youth in peacebuilding. This is commendable given the prospect that more than half of Africa's youth bulge is expected to be female. Indeed, female youth leaders have already been accredited as members of FemWise-Africa.

Nevertheless, neither of the two resolutions says much about the gendered roles of (young) women and men, the various groups of women and men, or how that affects or undermines peacebuilding and conflict prevention efforts. Nor do they sufficiently address the importance of more inclusive and gendered approaches to peacebuilding before conflict erupts. The new UN Secretary-General, who took office in January 2017, has made conflict prevention his top-priority. Already in 2015, the 'Global Study on the Implementation of United Nations Security Council resolution 1325' noted: "Prevention strategies necessarily require stronger recognition and understanding of the depth of the influence of gender norms, gender relations and gender inequalities on the potential for the eruption of conflict."[202] The observations from this paper suggest that, in practice, this stronger recognition of gender and conflict prevention is yet to be heeded and transferred into implementation, with much potential remaining on the ground.

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[202] UN Women (2015)

Annex 1: Women in leadership positions in election observation and mediation processes

In this annex we provide additional background to some of the results we gathered over the course of the research conducted for this paper. There is widespread recognition that a purely quantitative approach towards gender, i.e. 'counting' the women at the table, does not provide the full picture. Measuring the extent to which they could exert influence and what some of the hampering or supporting factors were for women to leverage their influence offers a more valuable assessment. At the same time, looking at the number of women in leadership positions was found helpful, in shedding light on the *extent to which women are still underrepresented* in leadership positions. Furthermore, gender parity is a fundamental principle for the African Union. The research in this annex thus offers an assessment of the application of that gender parity rule at higher levels of decision-making.[203]

In line with the focus of this paper, namely looking at the role and participation of women in peace processes and political processes, we collected and studied publicly available information on AU-led election observation missions (EOMs), as well as on leading mediators for AU and/or REC-mediated peace agreements; both covering the period from January 2012 to November 2017. In addition, we looked at the gender balance amongst AU-appointed Special Envoys and Representatives. Below, we provide further analysis and context to the results. Readers who wish to consult the full overview of the AU-led EOMs can receive these upon request.

For the purpose of this paper, we also had a closer look at the AU's election observation missions, given the importance given to EOMs as tools for conflict prevention and means for the participation of women in political processes. While the case studies in the paper look at mediation efforts, this section provides some more information as regards the political leadership of election observation missions deployed by the African Union. We limited our research to assessing the number of female heads of AU EOMs. [204] As mentioned above, women in political leadership positions are no guarantee for attention to gender and women's issues, but they do partially help to indicate where progress has been made as regards gender parity and equality. The composition of EOMs is based on a principle, which requires women to make up 50% of the AU's observer list, whilst selection for each mission is done according to the 'zebra' formula of one man, one woman. However, this is certainly not the case for appointed heads of EOMs. Looking at the 83 election observation missions deployed by the African Union between January 2012 and November 2017, we found that men headed 68 AU electoral observer missions, while women headed 15. This means that female heads of mission headed only 18% of AUEOMs in that period (see also graph below).

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[203] For this research we consulted a wide range of publicly available sources, such as the website and official reports and communiqués from the African Union (notably the Peace and Security Council) and Regional Economic Communities (RECs), UN websites, United Nations reports, communiqués and resolutions, databases such as the Heidelberg Conflict Barometer, data from the Armed Conflict Location and Event Data Project (ACLED), data from the UCDP - Uppsala Conflict Data Program, UN Peacemaker website, and others.

[204] According to the AU's manuals and guidelines, the head of an AU EOM provides the overall political leadership to the election observation mission and is the designated spokesperson of the AU and its mission. The head of mission is also the only person authorised to make public statements on the Mission's findings and activities. (See: African Union (2013) African Union Electoral Observation Manual). Therefore, we solely counted female heads of mission, even if a female deputy head of mission was appointed.

Graph 4: Heads of AUEOMs January 2012 - November 2017

Head of AUEOMs January 2012 - November 2017
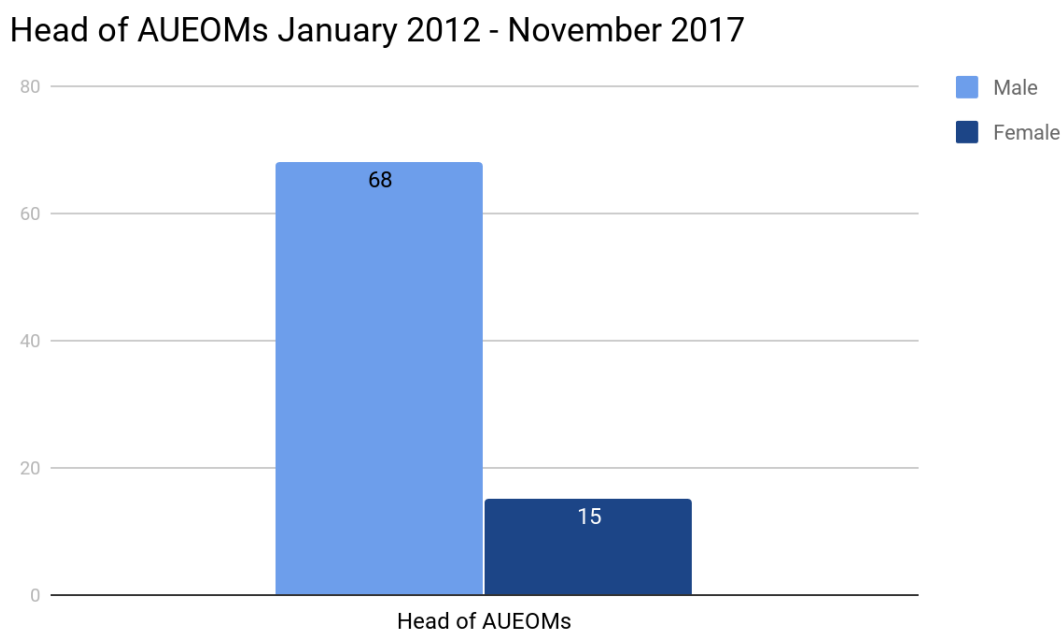
Looking at these results, two trends emerge. Firstly, we see a continued reliance on a select pool of former politicians, instead of appointing technically experienced heads of AUEOMs. This is in line with the observation by experts that the AU has not yet consistently applied their more technical criteria for selecting mediators combined with their reliance on political clout. This is an inherent challenge in the AU's guidelines on election monitoring. Secondly, the 'zebra' formula is not applied at the level of AU election observation missions, hampering the AU's commitments toward gender parity at higher levels of politics and decision-making.

Graph 5: Female led AUEOMs compared to all AUEOMs, January 2012 to November 2017

Female led AUEOMs compared to all AUEOMs, Jan. 2012 to Nov. 2017
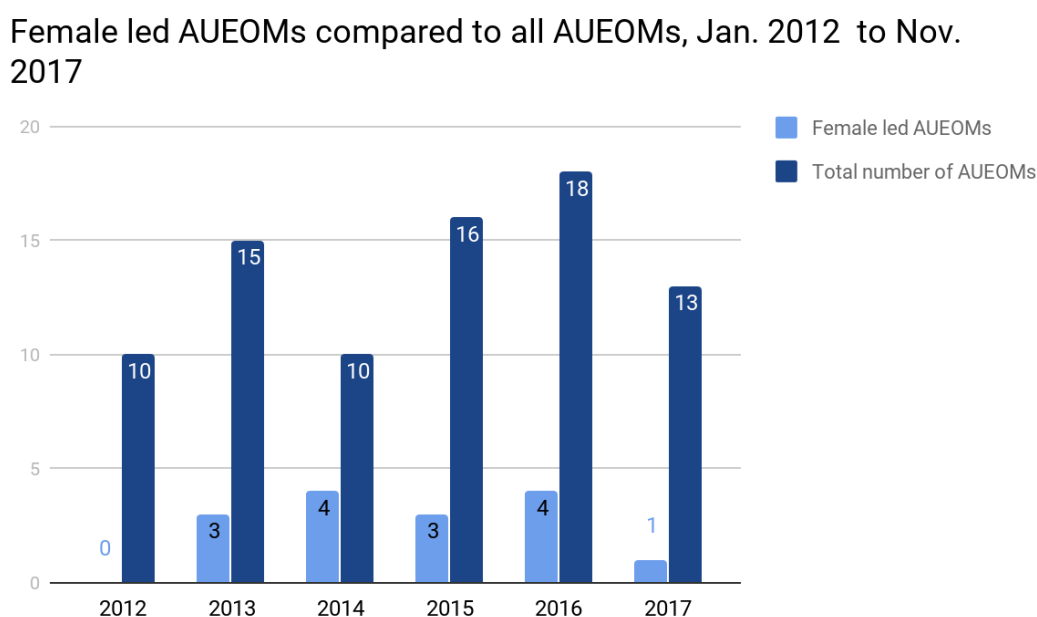
In addition to assessing the leadership of AU-led EOMs, we sought evidence as regards the representation of women as leading mediators or guarantors of peace agreements following AU and/or REC-led mediation efforts. For this purpose, we built on the research conducted by ECDPM as part of the APSA Impact Monitoring Report, over the course of 2013-2017, covering the years 2012 to 2016. Based on publicly available information, including official communiqués from the AU and RECs, UN sources and expert analysis and several conflict databases, an overview of peace agreements signed following AU and/or REC mediation was established. For two peace agreements, there was a team of guarantors of which one guarantor was female, namely in the Democratic Republic of Congo (the Peace, Security and Cooperation Framework, 2013) and in The Gambia (the pledge to hold conducive elections, 2016). These were included in the total of peace agreements signed by a female guarantor and/or mediators.

Similarly to the result on AU-led EOMs, women are numerically underrepresented as leading mediators or as guarantors of peace agreements. Between January 2012 and December 2016, 30 peace agreements were signed in Africa following AU and/or a REC mediation. Of those 30 agreements, four peace agreements were signed following mediation by a female leading mediator or signed by a female guarantor. This means that 86% of peace agreements were signed with male leading mediators or guarantors. This figure excludes the role that women's delegations, observers of women's civil society groups might have played, and thus inevitably provides only a partial picture. Nonetheless, this clearly indicates the lack of women in high-level mediation, as leading mediators or guarantors, and shows that, in practice, gender parity has not been achieved.

Graph 6: Female-led mediators or guarantors (compared to total number of peace agreements) January 2012 - December 2016
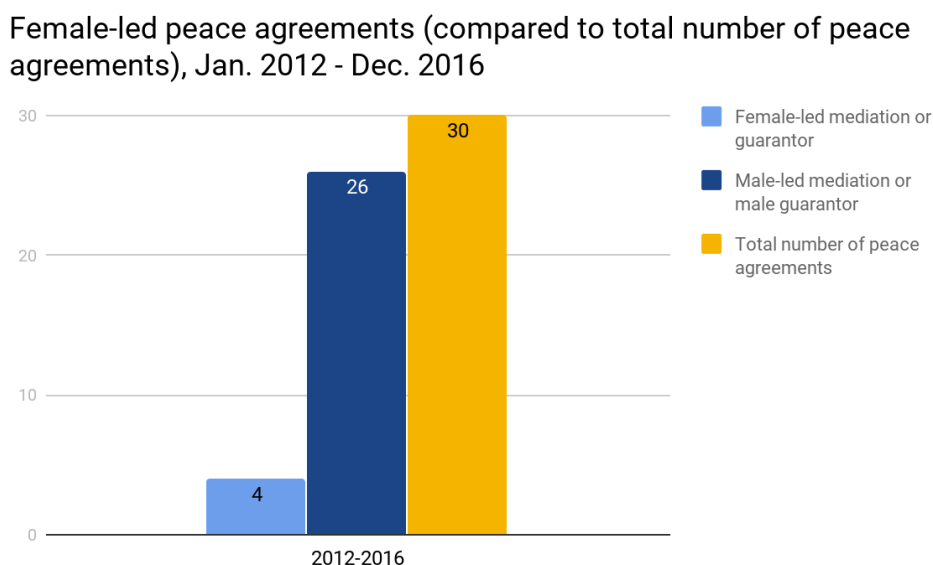
Finally, women are underrepresented as special representatives and special envoys. These positions bring considerable leverage and influence at the highest levels of politics, including for mediation processes. Currently, there is only one female special envoy, namely Bineta Diop as the Special Envoy for Women, Peace and Security. While the appointment of a Special Envoy for Women, Peace and Security is laudable, the lack of women appointed as AU special envoys across the board undermines the AU's commitment to gender parity.

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